



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART I

MANDATORY AND MINIMUM CUSTODIAL SENTENCES

3 Minimum of seven years for third class A drug trafficking offence

- (1) This section applies where—
 - (a) a person is convicted of a class A drug trafficking offence committed after the commencement of this section;
 - (b) at the time when that offence was committed, he was 18 or over and had been convicted in any part of the United Kingdom of two other class A drug trafficking offences; and
 - (c) one of those other offences was committed after he had been convicted of the other.
- (2) The court shall impose a custodial sentence for a term of at least seven years except where the court is of the opinion that there are specific circumstances which—
 - (a) relate to any of the offences or to the offender; and
 - (b) would make the prescribed custodial sentence unjust in all the circumstances.
- (3) Where the court does not impose such a sentence, it shall state in open court that it is of that opinion and what the specific circumstances are.
- (4) Where—
 - (a) a person is charged with a class A drug trafficking offence (which, apart from this subsection, would be triable either way); and
 - (b) the circumstances are such that, if he were convicted of the offence, he could be sentenced for it under subsection (2) above,the offence shall be triable only on indictment.
- (5) In this section “class A drug trafficking offence” means a drug trafficking offence committed in respect of a class A drug; and for this purpose—

“class A drug” has the same meaning as in the Misuse of Drugs Act 1971;

Status: This is the original version (as it was originally enacted).

“drug trafficking offence” means a drug trafficking offence within the meaning of the Drug Trafficking Act 1994, the Proceeds of Crime (Scotland) Act 1995 or the Proceeds of Crime (Northern Ireland) Order 1996.

- (6) In this section and section 4 below “custodial sentence” means—
- (a) in relation to a person who is 21 or over, a sentence of imprisonment;
 - (b) in relation to a person who is under 21, a sentence of detention in a young offender institution.