



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

#### CHAPTER I

##### GENERAL PROVISIONS

##### *Other restrictions*

### **83 Restriction on imposing custodial sentences on persons not legally represented.**

- (1) A magistrates' court on summary conviction, or the Crown Court on committal for sentence or on conviction on indictment, shall not pass a sentence of imprisonment on a person who—
- (a) is not legally represented in that court, and
  - (b) has not been previously sentenced to that punishment by a court in any part of the United Kingdom,

unless he is a person to whom subsection (3) below applies.

- (2) A magistrates' court on summary conviction, or the Crown Court on committal for sentence or on conviction on indictment, shall not—
- (a) pass a sentence of detention under section 90 or 91 below,
  - (b) pass a sentence of custody for life under section 93 or 94 below,
  - (c) pass a sentence of detention in a young offender institution, or
  - (d) make a detention and training order,

on or in respect of a person who is not legally represented in that court unless he is a person to whom subsection (3) below applies.

*Status: Point in time view as at 01/01/2004.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Other restrictions is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) This subsection applies to a person if either—
- (a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service but the right was withdrawn because of his conduct; or
  - (b) having been informed of his right to apply for such representation and having had the opportunity to do so, he refused or failed to apply.
- (4) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced.
- (5) For the purposes of subsection (1)(b) above a previous sentence of imprisonment which has been suspended and which has not taken effect under section 119 below or under section 19 of the <sup>M1</sup>Treatment of Offenders Act (Northern Ireland) 1968 shall be disregarded.
- (6) In this section “sentence of imprisonment” does not include a committal for contempt of court or any kindred offence.

**Marginal Citations**

**M1** 1968 c. 29 (N.I.)

**84 Restriction on consecutive sentences for released prisoners.**

- (1) A court sentencing a person to a term of imprisonment shall not order or direct that the term shall commence on the expiry of any other sentence of imprisonment from which he has been released under Part II of the <sup>M2</sup>Criminal Justice Act 1991 (early release of prisoners).
- (2) Expressions used in this section shall be construed as if they were contained in that Part.
- (3) Without prejudice to the generality of subsection (2) above, any reference in this section to imprisonment shall be construed in accordance with section 43 (young offenders) and section 45 (fine defaulters and contemnors) of that Act.

**Marginal Citations**

**M2** 1991 c. 53.

**Status:**

Point in time view as at 01/01/2004.

**Changes to legislation:**

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