



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART VIII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Factors to be taken into account in sentencing*

#### **151 Effect of previous convictions and of offending while on bail**

- (1) In considering the seriousness of any offence, the court may take into account any previous convictions of the offender or any failure of his to respond to previous sentences.
- (2) In considering the seriousness of any offence committed while the offender was on bail, the court shall treat the fact that it was committed in those circumstances as an aggravating factor.
- (3) A probation order or conditional discharge order made before 1st October 1992 (which by virtue of section 2 or 7 of the Powers of Criminal Courts Act 1973 would otherwise not be a sentence for the purposes of this section) is to be treated as a sentence for those purposes.
- (4) A conditional discharge order made after 30th September 1992 (which by virtue of section 1A of the Powers of Criminal Courts Act 1973 or section 12 above would otherwise not be a sentence for the purposes of this section) is to be treated as a sentence for those purposes.
- (5) A conviction in respect of which a probation order was made before 1st October 1992 (which by virtue of section 13 of the Powers of Criminal Courts Act 1973 would otherwise not be a conviction for the purposes of this section) is to be treated as a conviction for those purposes.

- (6) A conviction in respect of which an order discharging the offender absolutely or conditionally was made at any date (which by virtue of section 14 above would otherwise not be a conviction for the purposes of this section) is to be treated as a conviction for those purposes.

### **152 Reduction in sentences for guilty pleas**

- (1) In determining what sentence to pass on an offender who has pleaded guilty to an offence in proceedings before that or another court, a court shall take into account—
- (a) the stage in the proceedings for the offence at which the offender indicated his intention to plead guilty; and
  - (b) the circumstances in which this indication was given.
- (2) If, as a result of taking into account any matter referred to in subsection (1) above, the court imposes a punishment on the offender which is less severe than the punishment it would otherwise have imposed, it shall state in open court that it has done so.
- (3) In the case of an offence the sentence for which falls to be imposed under subsection (2) of section 110 or 111 above, nothing in that subsection shall prevent the court, after taking into account any matter referred to in subsection (1) above, from imposing any sentence which is not less than 80 per cent of that specified in that subsection.

### **153 Increase in sentences for racial aggravation**

- (1) This section applies where a court is considering the seriousness of an offence other than one under sections 29 to 32 of the Crime and Disorder Act 1998 (racially-aggravated assaults, racially-aggravated criminal damage, racially-aggravated public order offences and racially-aggravated harassment etc.).
- (2) If the offence was racially aggravated, the court—
- (a) shall treat that fact as an aggravating factor (that is to say, a factor that increases the seriousness of the offence); and
  - (b) shall state in open court that the offence was so aggravated.
- (3) Section 28 of the Crime and Disorder Act 1998 (meaning of “racially aggravated”) applies for the purposes of this section as it applies for the purposes of sections 29 to 32 of that Act.