



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY

Interpretation

161 Meaning of “associated offence”, “sexual offence”, “violent offence” and “protecting the public from serious harm”.

- (1) For the purposes of this Act, an offence is associated with another if—
- (a) the offender is convicted of it in the proceedings in which he is convicted of the other offence, or (although convicted of it in earlier proceedings) is sentenced for it at the same time as he is sentenced for that offence; or
 - (b) the offender admits the commission of it in the proceedings in which he is sentenced for the other offence and requests the court to take it into consideration in sentencing him for that offence.

^{F1}(2)

^{F1}(3)

^{F1}(4)

Textual Amendments

- F1** S. 161(2)-(4) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))

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F²162 Meaning of “pre-sentence report”.

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Textual Amendments

F2 S. 162 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7; S.I. 2005/950, art. 2\(1\), Sch. 1 para. 44\(4\)\(r\) \(with Sch. 2\) \(as explained \(29.7.2005\) by S.I. 2005/2122, art. 2; and as amended: \(14.7.2008\) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\); \(30.11.2009\) by S.I. 2009/3111, art. 2; \(3.12.2012\) by S.I. 2012/2905, art. 4; \(3.12.2012\) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2\(1\)\); in so far as it is still in force, amended \(1.4.2006 for W.\) by \[Children Act 2004 \\(c. 31\\), Sch. 5 Pt. 4; S.I. 2005/394, art. 2\\(2\\)\\(g\\); S.I. 2006/885, art. 2\\(h\\)\]\(#\)](#)

163 General definitions.

In this Act, except where the contrary intention appears—

“action plan order” means an order under section 69(1) above;

[^{F3}“affected person” —

(a) in relation to an exclusion order, has the meaning given by section 40A(13) above;

(b) ^{F4}

(c) ^{F4}]

^{F4}

“associated”, in relation to offences, shall be construed in accordance with section 161(1) above;

“attendance centre” has the meaning given by [^{F5}section 221(2) of the Criminal Justice Act 2003];

“attendance centre order” means an order under section 60(1) above (and, except where the contrary intention is shown by paragraph 8 of Schedule 3 or paragraph 4 of Schedule 7 or 8 to this Act, includes orders made under section 60(1) by virtue of paragraph 4(1)(c) or 5(1)(c) of Schedule 3 or paragraph 2(2)(a) of Schedule 7 or 8);

“child” means a person under the age of 14;

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“community order” has the meaning given by [^{F7}section 177(1) of the Criminal Justice Act 2003];

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“community sentence” has the meaning given by section 33(2) above;

“compensation order” has the meaning given by section 130(1) above;

“court” does not include [^{F8}the Court Martial];

“curfew order” means an order under section 37(1) above (and, except where the contrary intention is shown by section 59 above or paragraph 3 of Schedule 7 or 8 to this Act or section 35 of the ^{M1}Crime (Sentences) Act 1997, includes orders made under section 37(1) by virtue of section 59 or paragraph 2(2)(a) of Schedule 7 or 8 or the said section 35);

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“custodial sentence” has the meaning given by section 76 above;
“detention and training order” has the meaning given by section 100(3) above;

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[^{F3}“ exclusion order ” means an order under section 40A(1) above]
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“guardian” has the same meaning as in the ^{M2}Children and Young Persons Act 1933;

“local authority accommodation” means accommodation provided by or on behalf of a local authority, and “accommodation provided by or on behalf of a local authority” here has the same meaning as it has in the ^{M3}Children Act 1989 by virtue of section 105 of that Act;

[^{F3}“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000]

“offence punishable with imprisonment” shall be construed in accordance with section 164(2) below;

“operational period”, in relation to a suspended sentence, has the meaning given by [^{F9}section 189(1)(b)(ii) of the Criminal Justice Act 2003];

“order for conditional discharge” has the meaning given by section 12(3) above;

“period of conditional discharge” has the meaning given by section 12(3) above;

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“referral order” means an order under section 16(2) or (3) above;

“the register” means the register of proceedings before a magistrates’ court required by [^{F10}Criminal Procedure Rules] to be kept by the ^{F11}[^{F12}designated officer] for] the court;

“reparation order” means an order under section 73(1) above;

“responsible officer”—

(a) in relation to a curfew order, has the meaning given by section 37(12) above;

(aa) [^{F13} in relation to an exclusion order, has the meaning given by section 40A(14) above]

(b) F4
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(c) F4
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(d) F4
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(f) in relation to an action plan order, has the meaning given by section 69(4) above; and

(g) in relation to a reparation order, has the meaning given by section 74(5) above;

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“sentence of imprisonment” does not include a committal—

- (a) in default of payment of any sum of money;
- (b) for want of sufficient distress to satisfy any sum of money; or
- (c) for failure to do or abstain from doing anything required to be done or left undone;

and references to sentencing an offender to imprisonment shall be construed accordingly;

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“supervision order” means an order under section 63(1) above;

“supervisor”, in relation to a supervision order, has the meaning given by section 63(3) above;

“suspended sentence” has the meaning given by [F14section 189(7) of the Criminal Justice Act 2003];

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“young person” means a person aged at least 14 but under 18;

“youth offending team” means a team established under section 39 of the M4Crime and Disorder Act 1998.

[F15:“youth community order” has the meaning given by section 33(1) above.]

Textual Amendments

- F3** Words in s. 163 inserted (1.4.2001, 20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 197(f)**; S.I. 2001/919, **art. 2(f)(iii)**; S.I. 2001/2232, **art. 2(m)(vii)**; S.I. 2004/2171, **art. 2**
- F4** Words in s. 163 repealed (4.4.2005) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7**; S.I. 2005/950, **art. 2(1), Sch. 1 para. 44(4)(r)** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, **art. 2**; and as amended: (14.7.2008) by 2008 c. 4, **Sch. 26 para. 78, Sch. 28 Pt. 2**; S.I. 2008/1586, **Sch. 1 paras. 48(s), 50(2)(d)**; (30.11.2009) by S.I. 2009/3111, **art. 2**; (3.12.2012) by S.I. 2012/2905, **art. 4**; (3.12.2012) by 2012 c. 10, **Sch. 14 para. 17**; S.I. 2012/2906, **art. 2(l)**)
- F5** Words in s. 163 substituted (4.4.2005) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 123(2)**; S.I. 2005/950, **art. 2(1), Sch. 1 para. 42(34)** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, **art. 2**; and as amended: (14.7.2008) by 2008 c. 4, **Sch. 26 para. 78, Sch. 28 Pt. 2**; S.I. 2008/1586, **Sch. 1 paras. 48(s), 50(2)(d)**; (30.11.2009) by S.I. 2009/3111, **art. 2**; (3.12.2012) by S.I. 2012/2905, **art. 4**; (3.12.2012) by 2012 c. 10, **Sch. 14 para. 17**; S.I. 2012/2906, **art. 2(l)**)
- F6** Definitions of “combination order”, “probation order” and “probation period” in s. 163 repealed (1.4.2001) by 2000 c. 43, **ss. 74, 75, Sch. 7 Pt. II para. 197(b), Sch. 8**; S.I. 2001/919, **art. 2(f)(iii)(g)**
- F7** Words in s. 163 substituted (4.4.2005) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 123(4)**; S.I. 2005/950, **art. 2(1), Sch. 1 para. 42(34)** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, **art. 2**; and as amended: (14.7.2008) by 2008 c. 4, **Sch. 26 para. 78, Sch. 28 Pt. 2**; S.I. 2008/1586, **Sch. 1 paras. 48(s), 50(2)(d)**; (30.11.2009) by S.I. 2009/3111, **art. 2**; (3.12.2012) by S.I. 2012/2905, **art. 4**; (3.12.2012) by 2012 c. 10, **Sch. 14 para. 17**; S.I. 2012/2906, **art. 2(l)**)

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- F8** Words in s. 163 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 16 para. 168**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F9** Words in s. 163 substituted (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 32 para. 123(6)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F10** Words in s. 163 substituted (1.9.2004) by **The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035)**, art. 2(1), **Sch. para. 44** (with art. 2(2))
- F11** S. 163: words in the definition of “the register” substituted (1.4.2001) by S.I. 2001/618, **art. 5(5)**
- F12** Words in s. 163 substituted (1.4.2005) by **The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886)**, art. 1, **Sch. para. 80**
- F13** Words in s. 163 inserted (2.9.2004) by **Criminal Justice and Courts Services Act 2000 (c. 43)**, s. 80(1), **Sch. 7 para. 197(g)(i)**; S.I. 2004/2171, art. 2
- F14** Words in s. 163 substituted (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 32 para. 123(7)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F15** Words in s. 163 inserted (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 32 para. 123(8)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

Marginal Citations

- M1** 1997 c. 43.
M2 1933 c. 12.
M3 1989 c. 41.
M4 1998 c. 37.

164 Further interpretive provisions.

- (1) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State, his age shall be deemed to be that which it appears to the court or (as the case may be) the Secretary of State to be after considering any available evidence.
- (2) Any reference in this Act to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under this or any Act on the imprisonment of young offenders.
- [^{F16}(3) References in this Act to a sentence falling to be imposed—
 - (a) under section 110(2) or 111(2) above,
 - (b) under section 51A(2) of the Firearms Act 1968, ^{F17}...
 - (c) under [^{F18}section 225(2) or 226(2)] of the Criminal Justice Act 2003, [^{F19}or
 - (d) under section 29(4) or (6) of the Violent Crime Reduction Act 2006,]are to be read in accordance with section 305(4) of the Criminal Justice Act 2003.]

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Textual Amendments

- F16** S. 164(3) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 124](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(34\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F17** Word in s. 164(3)(b) repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 66(2), [Sch. 1 para. 8](#), [Sch. 5](#); [S.I. 2007/858](#), art. 2(g)(n)(xi)
- F18** Words in s. 164(3)(c) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 48](#); [S.I. 2008/1586](#), art. 2(1), [Sch. 1 para. 48\(o\)](#)
- F19** S. 164(3)(d) and word inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 66(2), [Sch. 1 para. 8](#); [S.I. 2007/858](#), art. 2(g)

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