



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.
- (2) In this Act, “sexual offence” means any of the following—
 - (a) an offence under the Sexual Offences Act 1956, other than an offence under section 30, 31 or 33 to 36 of that Act;
 - (b) an offence under section 128 of the Mental Health Act 1959;
 - (c) an offence under the Indecency with Children Act 1960;
 - (d) an offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape;
 - (e) an offence under section 54 of the Criminal Law Act 1977;
 - (f) an offence under the Protection of Children Act 1978;
 - (g) an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit any of the offences in paragraphs (a) to (f) above;

- (h) an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit any of those offences;
 - (i) an offence of inciting another to commit any of those offences.
- (3) In this Act, “violent offence” means an offence which leads, or is intended or likely to lead, to a person’s death or to physical injury to a person, and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).
- (4) In this Act any reference, in relation to an offender convicted of a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.

162 Meaning of “pre-sentence report”

- (1) In this Act “pre-sentence report” means a report in writing which—
- (a) with a view to assisting the court in determining the most suitable method of dealing with an offender, is made or submitted by an appropriate officer; and
 - (b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State.
- (2) In subsection (1) above “an appropriate officer” means—
- (a) where the offender is aged 18 or over, a probation officer or a social worker of a local authority social services department;
 - (b) where the offender is aged under 18, a probation officer, a social worker of a local authority social services department or a member of a youth offending team.

163 General definitions

In this Act, except where the contrary intention appears—

- “action plan order” means an order under section 69(1) above;
- “the appropriate officer of the court” means, in relation to a magistrates’ court, the clerk of the court;
- “associated”, in relation to offences, shall be construed in accordance with section 161(1) above;
- “attendance centre” has the meaning given by section 62(2) above;
- “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;
- “combination order” means an order under section 51(1) above;
- “community order” has the meaning given by section 33(1) above;
- “community sentence” has the meaning given by section 33(2) above;
- “community service order” means an order under section 46(1) above (and, except where the contrary intention is shown by section 59 above or paragraph 7 of Schedule 3 to this Act or section 35 of the Crime (Sentences) Act 1997,

includes orders made under section 46(1) by virtue of section 59 or paragraph 4(1)(b) or 5(1)(b) of Schedule 3 or the said section 35);

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

“court” does not include a 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 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);

“custodial sentence” has the meaning given by section 76 above;

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

“drug treatment and testing order” means an order under section 52(1) above;

“falling to be imposed under section 109(2), 110(2) or 111(2)” shall be construed in accordance with section 164(3) below;

“guardian” has the same meaning as in the 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 Children Act 1989 by virtue of section 105 of that Act;

“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 section 118(3) above;

“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;

“pre-sentence report” has the meaning given by section 162 above;

“probation order” means an order under section 41(1) above;

“probation period” means the period for which a person subject to a probation or combination order is placed under supervision by the order;

“protecting the public from serious harm” shall be construed in accordance with section 161(4) above;

“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 rules under section 144 of the Magistrates' Courts Act 1980 to be kept by the clerk of 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;
- (b) in relation to a probation order, has the meaning given by section 41(6) above;
- (c) in relation to a community service order, has the meaning given by section 46(13) above;
- (d) in relation to a combination order, has (by virtue of section 51(4) above) the meaning given by section 41(6) or 46(13) above;

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

- (e) in relation to a drug treatment and testing order, has the meaning given by section 54(3) above;
- (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;

except that in section 47 above references to “the responsible officer” shall be construed in accordance with that section;

“review hearing”, in relation to a drug treatment and testing order, has the meaning given by section 54(6) above;

“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;

“sexual offence” has the meaning given by section 161(2) above;

“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 section 118(3) above;

“suspended sentence supervision order” has the meaning given by section 122(1) above;

“the testing requirement”, in relation to a drug treatment and testing order, has the meaning given by section 53(4) above;

“the treatment provider”, in relation to such an order, has the meaning given by section 53(1) above;

“the treatment requirement”, in relation to such an order, has the meaning given by section 53(1) above;

“the treatment and testing period”, in relation to such an order, has the meaning given by section 52(1) above;

“violent offence” has the meaning given by section 161(3) above;

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

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

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.

- (3) For the purposes of this Act, a sentence falls to be imposed under section 109(2), 110(2) or 111(2) above if it is required by that provision and the court is not of the opinion there mentioned.