



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

- 158 Savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders.**
- (1) Nothing in—
- (a) sections 35 and 36 above (imposing community sentences),
 - (b) sections 79 to 82 above (imposing custodial sentences), or
 - (c) section 128 above (fixing of fines),
- shall prevent a court from mitigating an offender's sentence by taking into account any such matters as, in the opinion of the court, are relevant in mitigation of sentence.
- (2) Without prejudice to the generality of subsection (1) above, nothing in those sections shall prevent a court—
- (a) from mitigating any penalty included in an offender's sentence by taking into account any other penalty included in that sentence; or
 - (b) in a case of an offender who is convicted of one or more other offences, from mitigating his sentence by applying any rule of law as to the totality of sentences.
- (3) Nothing in those sections shall be taken—
- (a) as requiring a court to pass a custodial sentence, or any particular custodial sentence, on a mentally disordered offender; or

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- (b) as restricting any power (whether under the ^{M1}Mental Health Act 1983 or otherwise) which enables a court to deal with such an offender in the manner it considers to be most appropriate in all the circumstances.
- (4) In subsection (3) above, “mentally disordered”, in relation to any person, means suffering from a mental disorder within the meaning of the ^{M2}Mental Health Act 1983.

Marginal Citations

- M1** 1983 c. 20.
M2 1983 c. 20.

159 Execution of process between England and Wales and Scotland.

Section 4 of the ^{M3}Summary Jurisdiction (Process) Act 1881 (execution of process of English and Welsh courts in Scotland) shall apply to any process issued under—
section 2(4), 13(1), 104(1), 121(1) or 123(1) above,
paragraph 3(2) of Schedule 1 to this Act,
paragraph 3(1), 10(7) or 24(1) of Schedule 3 to this Act,
paragraph 6(6) of Schedule 4 to this Act,
paragraph 1(1) of Schedule 5 to this Act,
paragraph 7(2) of Schedule 7 to this Act, or
paragraph 6(2) of Schedule 8 to this Act,

as it applies to process issued under the ^{M4}Magistrates’ Courts Act 1980 by a magistrates’ court.

Marginal Citations

- M3** 1881 c. 24.
M4 1980 c. 43.

160 Rules and orders.

- (1) Any power of the Secretary of State to make rules or orders under this Act shall be exercisable by statutory instrument.
- (2) A statutory instrument containing—
(a) rules made by the Secretary of State under section [^{F1}36B(6), 40(1), 40C(1), 42(2E), 58A(8) or 162 or paragraph 3, 7, or 8 of Schedule 2], or
(b) any order made by the Secretary of State under section [^{F2}40(2)(b), 40C(2), 68, 122(7) or 156(4) or paragraph 7(9) or 8(8) of Schedule 2]
shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The Secretary of State shall not make—
(a) any order under section 15(1), [^{F3}40(2)(a)] 45, 50, 58, [^{F4}58A(4)] 85(7), 100(2)
(b)(ii) [^{F5}103(2) or paragraph 1(1A) of Schedule 3], or
(b) rules under section 87(4),

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unless a draft of the order or rules has been laid before, and approved by a resolution of, each House of Parliament.

(4) A draft of any statutory instrument containing rules under section 62 shall be laid before Parliament.

- [^{F6}(5) The following may make different provision for different cases or classes of case—
- (a) any order under section 36B(5), 37(6), 40(2), 40A(6) or 40C(2) or paragraph 7 or 8 of Schedule 2;
 - (b) any rules under section 36B, 40(1), 40C(1), 42(2E), 47(3C), 58A(8) or 162 or paragraph 7 or 8 of Schedule 2.]
- (6) Any order made by the Secretary of State under this Act may make such transitional provision as appears to him necessary or expedient in connection with any provision made by the order.

Textual Amendments

- F1** Words in s. 160(2)(a) substituted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(a)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2
- F2** Words in s. 160(2)(b) substituted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(b)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2
- F3** Word in s. 160(3)(a) inserted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(c)(i)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2
- F4** Word in s. 160(3)(a) inserted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(c)(ii)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2
- F5** Words in s. 160(3)(a) substituted (20.6.2001 and 2.7.2001 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(c)(iii)**; S.I. 2001/2232, **art. 2(m)(vi)**
- F6** S. 160(5) substituted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(d)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2

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