



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER III

REQUIRED CUSTODIAL SENTENCES FOR CERTAIN OFFENCES

110 Minimum of seven years for third class A drug trafficking offence.

- (1) This section applies where—
- a person is convicted of a class A drug trafficking offence committed after 30th September 1997;
 - at the time when that offence was committed, he was 18 or over and had [^{F1}2 relevant drug convictions; and]
 - one of those other offences was committed after he had been convicted of the other.
- (2) The court shall impose an appropriate custodial sentence for a term of at least seven years except where the court is of the opinion that there are particular circumstances which—
- relate to any of the offences or to the offender; and
 - would make it unjust to do so in all the circumstances.

[^{F2}(2A) For the purposes of subsection (1)—

- a “relevant drug conviction” means—
 - a conviction in any part of the United Kingdom of a class A drug trafficking offence, or

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- (ii) a conviction in another member State of an offence which was committed after the relevant date and would, if done in the United Kingdom at the time of the conviction, have constituted a class A drug trafficking offence; and
- (b) “the relevant date” means the date on which this subsection comes into force.]
- ^{F3}(3)
- (4) Where—
- (a) a person is charged with a class A drug trafficking offence (which, apart from this subsection, would be triable either way), and
- (b) the circumstances are such that, if he were convicted of the offence, he could be sentenced for it under subsection (2) above,
- the offence shall be triable only on indictment.
- (5) In this section “class A drug trafficking offence” means a drug trafficking offence committed in respect of a class A drug; and for this purpose—
- “class A drug” has the same meaning as in the^{M1} Misuse of Drugs Act 1971;
- [^{F4}“ drug trafficking offence ” means an offence which is specified in—
- (a) paragraph 1 of Schedule 2 to the Proceeds of Crime Act 2002 (drug trafficking offences), or
- (b) so far as it relates to that paragraph, paragraph 10 of that Schedule.]
- (6) In this section “an appropriate custodial sentence” means—
- (a) in relation to a person who is 21 or over when convicted of the offence mentioned in subsection (1)(a) above, a sentence of imprisonment;
- (b) in relation to a person who is under 21 at that time, a sentence of detention in a young offender institution.

Textual Amendments

- F1** Words in s. 110(1)(b) substituted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\), s. 182\(5\), Sch. 17 para. 10\(2\)\(a\)](#) (with s. 180, Sch. 22 para. 41); S.I. 2010/1858, art. 3(d)(iv)
- F2** [S. 110\(2A\)](#) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\), s. 182\(5\), Sch. 17 para. 10\(2\)\(b\)](#) (with s. 180, Sch. 22 para. 41); S.I. 2010/1858, art. 3(d)(iv)
- F3** [S. 110\(3\)](#) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 114, Sch. 37 Pt. 7; S.I. 2005/950, art. 2\(1\), Sch. 1 paras. 42\(34\)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\(l\)](#))
- F4** Words in s. 110(5) substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 37\(2\)](#); S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

Modifications etc. (not altering text)

- C1** [S. 110\(2\)](#) excluded (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), ss. 239\(5\), 383\(2\)](#) (with s. 271(1)); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4

Marginal Citations

- M1** [1971 c. 38.](#)

Changes to legislation:

Powers of Criminal Courts (Sentencing) Act 2000, Section 110 is up to date with all changes known to be in force on or before 01 August 2019. 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.

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Changes and effects yet to be applied to :

- s. 110(1)(b) words substituted by [S.I. 2019/780 reg. 25\(3\)\(a\)](#)
- s. 110(2) words substituted by [2000 c. 43 Sch. 7 para. 190](#)
- s. 110(2A) omitted by [S.I. 2019/780 reg. 25\(3\)\(b\)](#)
- s. 110(6) repealed by [2000 c. 43 Sch. 7 para. 190](#)[Sch. 8](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1A)(g) inserted by [2019 c. 17 s. 13\(6\)](#)
- s. 41(9A) inserted by [2000 c. 43 Sch. 7 para. 165\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 44(4)(t))
- s. 41(12) inserted by [2000 c. 43 Sch. 7 para. 165\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 44(4)(t))
- s. 58(2) inserted by [2000 c. 43 Sch. 7 para. 172](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 172 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 44(4)(t))
- s. 82A(3A)-(3C) inserted by [2008 c. 4 s. 19\(3\)](#)
- s. 83(2)(aa) substituted for s. 83(2)(b)(c) by [2000 c. 43 Sch. 7 para. 178](#)
- s. 101(2A) inserted by [2003 c. 44 s. 298\(3\)](#)
- s. 147A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 12\(b\)](#)
- s. 147A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 12\(c\)](#)
- Sch. 2 para. 8 and cross-heading inserted by [2000 c. 43 s. 51](#) (This amendment not applied to [legislation.gov.uk](#). S. 51 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 6A and cross-heading inserted by [2000 c. 43 Sch. 7 para. 199\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(9) repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 26 inserted by [2000 c. 43 Sch. 7 para. 199\(26\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(26) repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 4(4A) inserted by [2004 c. 28 Sch. 5 para. 5\(4\)](#) (Effect not applied as it relates to a version of Sch. 3 para. 4 prospectively substituted but not brought into force)
- Sch. 3 para. 7(4)-(7) substituted for Sch. 3 para. 7(4)-(6) by [2000 c. 43 Sch. 7 para. 199\(10\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(10)(c) repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 10 para. 12(2)(e)(f) inserted by [2000 c. 43 Sch. 7 para. 204](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 204 repealed (30.11.2009) without ever being in force by [2008 c. 4](#), Sch. 28 Pt. 1; [S.I. 2009/3074](#), art. 2(u)(xxix))