



# 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) a person is convicted of a class A drug trafficking offence committed after 30th September 1997;
  - (b) at the time when that offence was committed, he was 18 or over and had been convicted in any part of the United Kingdom of two other class A drug trafficking offences; and
  - (c) 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—
  - (a) relate to any of the offences or to the offender; and
  - (b) would make it unjust to do so in all the circumstances.
- (3) Where the court does not impose such a sentence, it shall state in open court that it is of that opinion and what the particular circumstances are.
- (4) Where—

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*Status: This is the original version (as it was originally enacted).*

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- (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 Misuse of Drugs Act 1971;
  - “drug trafficking offence” means a drug trafficking offence within the meaning of the Drug Trafficking Act 1994, the Proceeds of Crime (Scotland) Act 1995 or the Proceeds of Crime (Northern Ireland) Order 1996.
- (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.