



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

COMMUNITY ORDERS AND REPARATION ORDERS

CHAPTER I

COMMUNITY ORDERS: GENERAL PROVISIONS

35 Restrictions on imposing community sentences.

- (1) A court shall not pass a community sentence on an offender unless it is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was serious enough to warrant such a sentence.
- (2) In consequence of the provision made by section 51 below with respect to [^{F1}community punishment and rehabilitation orders], a community sentence shall not consist of or include both a [^{F2}community rehabilitation order] and a [^{F3}community punishment order].
- (3) Subject to subsection (2) above and to section 69(5) below (which limits the community orders that may be combined with an action plan order), where a court passes a community sentence—
 - (a) the particular order or orders comprising or forming part of the sentence shall be such as in the opinion of the court is, or taken together are, the most suitable for the offender; and
 - (b) the restrictions on liberty imposed by the order or orders shall be such as in the opinion of the court are commensurate with the seriousness of the offence, or the combination of the offence and one or more offences associated with it.

Status: Point in time view as at 02/09/2004. This version of this provision has been superseded.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 35 is up to date with all changes known to be in force on or before 16 May 2023. 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. (See end of Document for details)

- (4) Subsections (1) and (3)(b) above have effect subject to section 59 below (curfew orders and [F³community punishment orders] for persistent petty offenders).

Textual Amendments

- F1** Words in s. 35(2) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 3(1)(b)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F2** Words in s. 35(2) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 1(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F3** Words in s. 35(2)(4) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 2(1)(a)(b)(2)**; S.I. 2001/919, **art. 2(f)(i)**

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