



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

### CHAPTER I

#### GENERAL PROVISIONS

#### *Other restrictions*

#### **83 Restriction on imposing custodial sentences on persons not legally represented**

- (1) A magistrates' court on summary conviction, or the Crown Court on committal for sentence or on conviction on indictment, shall not pass a sentence of imprisonment on a person who—
- (a) is not legally represented in that court, and
  - (b) has not been previously sentenced to that punishment by a court in any part of the United Kingdom,

unless he is a person to whom subsection (3) below applies.

- (2) A magistrates' court on summary conviction, or the Crown Court on committal for sentence or on conviction on indictment, shall not—
- (a) pass a sentence of detention under section 90 or 91 below,
  - (b) pass a sentence of custody for life under section 93 or 94 below,
  - (c) pass a sentence of detention in a young offender institution, or
  - (d) make a detention and training order,

on or in respect of a person who is not legally represented in that court unless he is a person to whom subsection (3) below applies.

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*Status: This is the original version (as it was originally enacted).*

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- (3) This subsection applies to a person if either—
- (a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service but the right was withdrawn because of his conduct; or
  - (b) having been informed of his right to apply for such representation and having had the opportunity to do so, he refused or failed to apply.
- (4) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced.
- (5) For the purposes of subsection (1)(b) above a previous sentence of imprisonment which has been suspended and which has not taken effect under section 119 below or under section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 shall be disregarded.
- (6) In this section “sentence of imprisonment” does not include a committal for contempt of court or any kindred offence.