

*These notes refer to the Criminal Justice Act 2003 (c.44)
which received Royal Assent on 20th November 2003*

CRIMINAL JUSTICE ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12 - Sentencing

Chapter 1: General provisions about sentencing

Section 151: Community order for persistent offender previously fined

454. This section replaces existing provisions in section 59 of the Powers of Criminal Courts (Sentencing) Act. In addition to the general principle set out in section 143 for dealing with persistent offenders, this section provides the court with an additional discretionary power for dealing with persistent petty offenders. Where an offender aged 16 or over has been sentenced to a fine on at least three previous occasions, the court may impose a community sentence even if the current offence is one which would on its own warrant a fine. *Subsection (3)* directs the court to consider the nature of the previous offences, and how recent and relevant they are to the current offence. *Subsection (6)* provides that, for the purposes of determining whether the criteria are met, it does not matter whether the offender has on previous sentencing occasions received community or custodial sentences. *Subsection (7)* makes it clear that this Section does not interfere with the court's wider power to treat previous convictions as increasing the seriousness of the offence (see section 143).