



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 2

INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

CHAPTER 2

OFFENDERS ASSISTING INVESTIGATIONS AND PROSECUTIONS

[^{F1}73 Assistance by defendant: reduction in sentence

- (1) This section applies [^{F2}in Northern Ireland] if a defendant—
 - (a) following a plea of guilty is either convicted of an offence in proceedings in the Crown Court or is committed to the Crown Court for sentence, and
 - (b) has, pursuant to a written agreement made with a specified prosecutor, assisted or offered to assist the investigator or prosecutor in relation to that or any other offence.
- (2) In determining what sentence to pass on the defendant the court may take into account the extent and nature of the assistance given or offered.
- (3) If the court passes a sentence which is less than it would have passed but for the assistance given or offered, it must state in open court—
 - (a) that it has passed a lesser sentence than it would otherwise have passed, and
 - (b) what the greater sentence would have been.
- (4) Subsection (3) does not apply if the court thinks that it would not be in the public interest to disclose that the sentence has been discounted; but in such a case the court must give written notice of the matters specified in paragraphs (a) and (b) of subsection (3) to both the prosecutor and the defendant.

Changes to legislation: *Serious Organised Crime and Police Act 2005, Section 73 is up to date with all changes known to be in force on or before 20 February 2024. 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) View outstanding changes*

- (5) Nothing in any enactment which—
- (a) requires that a minimum sentence is passed in respect of any offence or an offence of any description or by reference to the circumstances of any offender (whether or not the enactment also permits the court to pass a lesser sentence in particular circumstances), or
 - (b) in the case of a sentence which is fixed by law, requires the court to take into account certain matters for the purposes of making an order which determines or has the effect of determining the minimum period of imprisonment which the offender must serve (whether or not the enactment also permits the court to fix a lesser period in particular circumstances),
- affects the power of a court to act under subsection (2).
- (6) If, in determining what sentence to pass on the defendant, the court takes into account the extent and nature of the assistance given or offered as mentioned in subsection (2), that does not prevent the court from also taking account of any other matter which it is entitled by virtue of any other enactment to take account of for the purposes of determining—
- (a) the sentence, or
 - (b) in the case of a sentence which is fixed by law, any minimum period of imprisonment which an offender must serve.
- ^{F3}(7)
- (8) In this section—
- (a) a reference to a sentence includes, in the case of a sentence which is fixed by law, a reference to the minimum period an offender is required to serve, and a reference to a lesser sentence must be construed accordingly;
 - (b) a reference to imprisonment includes a reference to any other custodial sentence within the meaning of ^{F4}... Article 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/ 3160).
- (9) An agreement with a specified prosecutor may provide for assistance to be given to that prosecutor or to any other prosecutor.
- (10) References to a specified prosecutor must be construed in accordance with section 71.]

Textual Amendments

- F1** Ss. 73-75 repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Schs. 28, 29** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F2** Words in s. 73(1) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 254** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F3** S. 73(7) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F4** Words in s. 73(8)(b) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information

- I1** S. 73 in force at 1.4.2006 by [S.I. 2006/378](#), **art. 5(1)**

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[View outstanding changes](#)

Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871