



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

General sentencing provisions

9 Purposes etc. of sentencing: offenders under 18

(1) After section 142 of the Criminal Justice Act 2003 (c. 44) insert—

“142A Purposes etc. of sentencing: offenders under 18

- (1) This section applies where a court is dealing with an offender aged under 18 in respect of an offence.
- (2) The court must have regard to—
 - (a) the principal aim of the youth justice system (which is to prevent offending (or re-offending) by persons aged under 18: see section 37(1) of the Crime and Disorder Act 1998),
 - (b) in accordance with section 44 of the Children and Young Persons Act 1933, the welfare of the offender, and
 - (c) the purposes of sentencing mentioned in subsection (3) (so far as it is not required to do so by paragraph (a)).
- (3) Those purposes of sentencing are—
 - (a) the punishment of offenders,
 - (b) the reform and rehabilitation of offenders,
 - (c) the protection of the public, and

Status: This is the original version (as it was originally enacted).

- (d) the making of reparation by offenders to persons affected by their offences.
- (4) This section does not apply—
- (a) to an offence the sentence for which is fixed by law,
 - (b) to an offence the sentence for which falls to be imposed under—
 - (i) section 51A(2) of the Firearms Act 1968 (minimum sentence for certain firearms offences),
 - (ii) section 29(6) of the Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon), or
 - (iii) section 226(2) of this Act (detention for life for certain dangerous offenders), or
 - (c) in relation to the making under Part 3 of the Mental Health Act 1983 of a hospital order (with or without a restriction order), an interim hospital order, a hospital direction or a limitation direction.”
- (2) In section 142 of the Criminal Justice Act 2003 (purposes of sentencing in relation to offenders aged 18 or over at the time of conviction)—
- (a) in the heading, at the end insert “: offenders aged 18 or over”, and
 - (b) in subsection (2)(a) omit “at the time of conviction”.
- (3) In section 44 of the Children and Young Persons Act 1933 (c. 12) (general considerations) after subsection (1) insert—
- “(1A) Subsection (1) is to be read with paragraphs (a) and (c) of section 142A(2) of the Criminal Justice Act 2003 (which require a court dealing with an offender aged under 18 also to have regard to the principal aim of the youth justice system and the specified purposes of sentencing).
- (1B) Accordingly, in determining in the case of an offender whether it should take steps as mentioned in subsection (1), the court shall also have regard to the matters mentioned in those paragraphs.”
- (4) In section 42(1) of the Crime and Disorder Act 1998 (c. 37) (interpretation of Part 3 of Act), after the definition of “local authority” insert—
- ““offending” includes re-offending;”.