



Criminal Justice Act 1982

1982 CHAPTER 48

PART II

PARTIAL SUSPENSION OF SENTENCES, EARLY RELEASE, RELEASE ON LICENCE OR BAIL ETC.

Suspended sentences

30 Prison sentence partly served and partly suspended

- (1) Section 47 of the Criminal Law Act 1977 (which gives a court sentencing an offender to imprisonment for not less than six months and not more than two years power to suspend part of the sentence) shall have effect subject to the following amendments.
- (2) In subsection (1), for the word " Where " there shall be substituted the words " Subject to subsection (1A) below, where ".
- (3) In the said subsection (1), for the word " six " there shall be substituted the word " three ".
- (4) The following subsections shall be inserted after that subsection—
 - “(1A) A court shall not make an order under this section unless the case appears to the court to be one in which an order under section 22 of the Powers of Criminal Courts Act 1973 (sentences wholly suspended) would be inappropriate.
 - (1B) Subsection (1A) above is without prejudice to section 20 of the Powers of Criminal Courts Act 1973 (restriction on imposing sentences of imprisonment on persons who have not previously served prison sentences).”
- (5) In subsection (2), for the words from the beginning to " that", there shall be substituted the words " The part of the sentence to be served in prison shall be not less than twenty-eight days and the part to be held in suspense shall be not less than one-quarter of the whole term, and the offender shall not be required to serve the latter ".

Status: This is the original version (as it was originally enacted).

- (6) In subsection (3), for the words " subsection (4)", there shall be substituted the words " subsections (4) and (4A) ".
- (7) The following subsection shall be inserted after subsection (4)—
- “(4A) If an order restoring part of a sentence has been made under subsection (3) above, no order restoring any further part of it may be made.”.
- (8) The following subsections shall be added after subsection (8)—
- “(9) The Secretary of State may by order made by statutory instrument vary—
- (a) the minimum term of imprisonment for the time being specified in subsection (1) above ;
- (b) the minimum part of the sentence to be served in prison for the time being specified in subsection (2) above.
- (10) An order made by virtue of subsection (9) (b) above may provide that the minimum part of the sentence to be served in prison shall be a specified length of time or a specified fraction of the whole sentence.
- (11) An order shall not be made under subsection (9) above unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.”.

31 Activation of suspended sentence

In section 23(1) of the Powers of Criminal Courts Act 1973, the words " which have arisen since the suspended sentence was passed " shall be omitted.