



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Supplemental

28 Savings for mitigation and mentally disordered offenders

- (1) Nothing in this Part shall prevent a court from mitigating an offender's sentence by taking into account any such matters as, in the opinion of the court, are relevant in mitigation of sentence.
- (2) Without prejudice to the generality of subsection (1) above, nothing in this Part shall prevent a court—
 - (a) from mitigating any penalty included in an offender's sentence by taking into account any other penalty included in that sentence; or
 - (b) in a case of an offender who is convicted of one or more other offences, from mitigating his sentence by applying any rule of law as to the totality of sentences.
- (3) Any mitigation of a fine the amount of which falls to be fixed under section 18 above shall be effected by determining under subsection (2)(a) of that section a smaller number of units than would otherwise have been determined.
- (4) Nothing in this Part shall be taken—
 - (a) as requiring a court to pass a custodial sentence, or any particular custodial sentence, on a mentally disordered offender; or
 - (b) as restricting any power (whether under the 1983 Act or otherwise) which enables a court to deal with such an offender in the manner it considers to be most appropriate in all the circumstances.