



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART I

MANDATORY AND MINIMUM CUSTODIAL SENTENCES

4 Minimum of three years for third domestic burglary.

- (1) This section applies where—
- a person is convicted of a domestic burglary committed after the commencement of this section;
 - at the time when that burglary was committed, he was 18 or over and had been convicted in England and Wales of two other domestic burglaries; and
 - one of those other burglaries was committed after he had been convicted of the other, and both of them were committed after the commencement of this section.
- (2) The court shall impose a custodial sentence for a term of at least three years except where the court is of the opinion that there are [^{F1}particular circumstances] which—
- relate to any of the offences or to the offender; and
 - would make [^{F2}it unjust to do so] in all the circumstances.
- (3) Where the court does not impose such a sentence, it shall state in open court that it is of that opinion and what the [^{F3}particular circumstances] are.
- (4) Where—
- a person is charged with a domestic burglary which, apart from this subsection, would be triable either way; and
 - the circumstances are such that, if he were convicted of the burglary, he could be sentenced for it under subsection (2) above,
- the burglary shall be triable only on indictment.
- (5) In this section “domestic burglary” means a burglary committed in respect of a building or part of a building which is a dwelling.

Status: Point in time view as at 01/12/1999. This version of this provision has been superseded.

Changes to legislation: Crime (Sentences) Act 1997, Section 4 is up to date with all changes known to be in force on or before 30 May 2023. 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)

Textual Amendments

- F1** Words in s. 4(2) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 49(1)(a)**; S.I. 1998/2327, **art. 2(1)(w)**.
- F2** Words in s. 4(2)(b) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 49(1)(b)**; S.I. 1998/2327, **art. 2(1)(w)**.
- F3** Words in s. 4(3) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 49(2)**; S.I. 1998/2327, **art. 2(1)(w)**.

Modifications etc. (not altering text)

- C1** S. 4(2) excluded (1.10.1997 for specified purposes and 1.12.1999 otherwise) by 1983 c. 20, **s. 37(1A)** (as inserted by 1997 c. 43, s. 55, **Sch. 4 para. 12(2)**); S.I. 1997/2200, **art. 2(2)(f)**; S.I. 1999/3096, **art. 2(e)**

Status:

Point in time view as at 01/12/1999. This version of this provision has been superseded.

Changes to legislation:

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