



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

#### CHAPTER I

##### GENERAL PROVISIONS

##### *Other restrictions*

### **83 Restriction on imposing custodial sentences on persons not legally represented.**

- (1) A magistrates' court on summary conviction, or the Crown Court on committal for sentence or on conviction on indictment, shall not pass a sentence of imprisonment on a person who—
- (a) is not legally represented in that court, and
  - (b) has not been previously sentenced to that punishment by a court in any part of the United Kingdom,

unless he is a person to whom subsection (3) below applies.

- (2) A magistrates' court on summary conviction, or the Crown Court on committal for sentence or on conviction on indictment, shall not—
- (a) pass a sentence of detention under section 90 or 91 below,
  - (b) pass a sentence of custody for life under section 93 or 94 below,
  - (c) pass a sentence of detention in a young offender institution, or
  - (d) make a detention and training order,

on or in respect of a person who is not legally represented in that court unless he is a person to whom subsection (3) below applies.

*Status: Point in time view as at 28/03/2009.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Other restrictions is up to date with all changes known to be in force on or before 02 June 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)*

- (3) This subsection applies to a person if either—
- (a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service but the right was withdrawn because of his conduct [<sup>F1</sup>or because it appeared that his financial resources were such that he was not eligible to be granted such a right];
  - [<sup>F2</sup>(aa) he applied for such representation and the application was refused because it appeared that his financial resources were such that he was not eligible to be granted a right to it; or]
  - (b) having been informed of his right to apply for such representation and having had the opportunity to do so, he refused or failed to apply.
- (4) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced.
- (5) For the purposes of subsection (1)(b) above a previous sentence of imprisonment which has been suspended and which has not taken effect under section 119 below or under section 19 of the <sup>M1</sup>Treatment of Offenders Act (Northern Ireland) 1968 shall be disregarded.
- (6) In this section “sentence of imprisonment” does not include a committal for contempt of court or any kindred offence.

#### Textual Amendments

- F1** Words in s. 83(3) inserted (2.10.2006) by [Criminal Defence Service Act 2006 \(c. 9\), s. 4\(2\)\(c\), \(3\)\(a\), 5\(2\); S.I. 2006/2491, art. 2](#)
- F2** S. 83(3)(aa) substituted for preceding word (2.10.2006) by [Criminal Defence Service Act 2006 \(c. 9\), s. 4\(2\)\(c\), \(3\)\(b\), 5\(2\); S.I. 2006/2491, art. 2](#)

#### Marginal Citations

- M1** 1968 c. 29 (N.I.)

### <sup>F3</sup>84 **Restriction on consecutive sentences for released prisoners.**

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#### Textual Amendments

- F3** S. 84 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7; S.I. 2005/950, art. 2\(1\), Sch. 1 para. 44\(4\)\(r\) \(with Sch. 2\) \(as explained \(29.7.2005\) by S.I. 2005/2122, art. 2; and as amended: \(14.7.2008\) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\); \(30.11.2009\) by S.I. 2009/3111, art. 2; \(3.12.2012\) by S.I. 2012/2905, art. 4; \(3.12.2012\) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2\(1\)\)](#)

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