Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY

Factors to be taken into account in sentencing

[F1]151 Effect of previous convictions and of offending while on bail.

. . . . . .

Textual Amendments

F1 Ss. 151-153 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained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(l))

[F1]152 Reduction in sentences for guilty pleas.

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Textual Amendments

F1 Ss. 151-153 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained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(l))

[F1]153 Increase in sentences for racial or religious aggravation.

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Textual Amendments

F1 Ss. 151-153 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained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(l))

Commencement and alteration of Crown Court sentence

154 Commencement of Crown Court sentence.

(1) A sentence imposed, or other order made, by the Crown Court when dealing with an offender shall take effect from the beginning of the day on which it is imposed, unless the court otherwise directs.

(2) The power to give a direction under subsection (1) above has effect subject to **[**[F2]section 265 of the Criminal Justice Act 2003**]** (restriction on consecutive sentences for released prisoners).

(3) In this section "sentence" and "order" shall be construed in accordance with section 155(8) below.

Textual Amendments

F2 Words in s. 154(2) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 121**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (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(l))

155 Alteration of Crown Court sentence.

(1) Subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of **[**[F3]56 days**]** beginning with the day on which the sentence or other order was imposed or made [F4]... within the time allowed by that subsection.

[[F5](1A) The power conferred by subsection (1) may not be exercised in relation to any sentence or order if an appeal, or an application for leave to appeal, against that sentence or order has been determined.**]**

[F6](2) . . . . . .

Status: *Point in time view as at 14/07/2008.*
Changes to legislation: *Powers of Criminal Courts (Sentencing) Act 2000, Part VIII is up to date with all changes known to be in force on or before 22 July 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)*

[F7](3) . . . . . .

(4) A sentence or other order shall not be varied or rescinded under this section except by the court constituted as it was when the sentence or other order was imposed or made, or, where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices.

(5) Subject to subsection (6) below, where a sentence or other order is varied under this section the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs.

(6) For the purposes of—

(a) section 18(2) of the [M1]Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal), and

(b) paragraph 1 of Schedule 3 to the [M2]Criminal Justice Act 1988 (time limit for notice of an application for leave to refer a case under section 36 of that Act),

the sentence or other order shall be regarded as imposed or made on the day on which it is varied under this section.

(7) **[**[F8]Criminal Procedure Rules**]** —

(a) may, as respects cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments, provide for extending the period fixed by subsection (1) above;

(b) may, subject to the preceding provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by that court.

(8) In this section—

"sentence" includes a recommendation for deportation made when dealing with an offender;

"order" does not include an order under section 17(2) of the [M3]Access to Justice Act 1999.

Textual Amendments

F3 Words in s. 155(1) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 8 para. 28(2)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 26 (with Sch. 2 para. 13)

F4 Words in s. 155(1) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 8 para. 28(2)(b), **Sch. 28 Pt. 3**; S.I. 2008/1586, art. 2(1), Sch. 1 paras. 2650(3)(f) (with Sch. 2 para. 13)

F5 S. 155(1A) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 8 para. 28(3)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 26 (with Sch. 2 para. 13)

F6 S. 155(2) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 8 para. 28(4), **Sch. 28 Pt. 3**; S.I. 2008/1586, art. 2(1), Sch. 1 paras. 2650(3)(f) (with Sch. 2 para. 13)

F7 S. 155(3) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 8 para. 28(4), **Sch. 28 Pt. 3**; S.I. 2008/1586, art. 2(1), Sch. 1 paras. 2650(3)(f) (with Sch. 2 para. 13)

F8 Words in s. 155(7) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 43** (with art. 2(2))

Marginal Citations

M1 1968 c. 19.

M2 1988 c. 33.

M3 1999 c. 22.

Disclosure of pre-sentence reports etc.

[F9]156 Disclosure of pre-sentence reports.

. . . . . .

Textual Amendments

F9 Ss. 156-158 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(l))

[F9]157 Other reports of officers of local probation boards and members of youth offending teams

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Textual Amendments

F9 Ss. 156-158 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(l))

Supplementary

[F9]158 Savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders.

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Textual Amendments

F9 Ss. 156-158 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(l))

159 Execution of process between England and Wales and Scotland.

Section 4 of the [M4]Summary Jurisdiction (Process) Act 1881 (execution of process of English and Welsh courts in Scotland) shall apply to any process issued under—

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[[F10]section 1(7), 1B(3), 1C(4),**]** 13(1), 104(1)[F11]... above,
paragraph 3(2) of Schedule 1 to this Act,
paragraph 3(1), 10(7) or 24(1) of Schedule 3 to this Act,
[F11] . . . . . .
paragraph 1(1) of Schedule 5 to this Act,
paragraph 7(2) of Schedule 7 to this Act, or
paragraph 6(2) of Schedule 8 to this Act,

as it applies to process issued under the [M5]Magistrates' Courts Act 1980 by a magistrates' court.

Textual Amendments

F10 Words in s. 159 substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 23 para. 2**; S.I. 2005/950, art. 2(1), Sch. 1 para. 20 (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(l))

F11 Words in s. 159 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(l))

Marginal Citations

M4 1881 c. 24.
M5 1980 c. 43.

160 Rules and orders.

(1) Any power of the Secretary of State to make rules or orders under this Act shall be exercisable by statutory instrument.

(2) A statutory instrument containing—

(a) rules made by the Secretary of State under section **[**[F12]36B(6), 40(1), 40C(1), [F13]...**]**, or

(b) any order made by the Secretary of State under section **[**[F14]40(2)(b), 40C(2), 68, **[**[F15]107(1)(e)**]**[F16]... or 156(4) or paragraph 7(9) or 8(8) of Schedule 2**]**

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The Secretary of State shall not make—

(a) any order under section 15(1), **[**[F17]40(2)(a)**]**[F18]..., 100(2)(b)(ii) **[**[F19]103(2) or paragraph 1(1A) of Schedule 3**]**, [F20]...

[F20](b) . . . . . .

unless a draft of the order or rules has been laid before, and approved by a resolution of, each House of Parliament.

[F21](4) . . . . . .

[[F22](5) The following may make different provision for different cases or classes of case—

(a) any order under section 36B(5), 37(6), 40(2), 40A(6) **[**[F23] , 40C(2) or 107(1)(e)**]**[F24]...;

(b) any rules under section 36B, 40(1), 40C(1), [F25]...**]**

(6) Any order made by the Secretary of State under this Act may make such transitional provision as appears to him necessary or expedient in connection with any provision made by the order.

Textual Amendments

F12 Words in s. 160(2)(a) substituted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(a)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2

F13 Words in s. 160(2)(a) 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(l))

F14 Words in s. 160(2)(b) substituted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(b)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2

F15 Word in s. 160(2)(b) inserted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 34(7)(a)**, 41(1); S.I. 2007/3001, art. 2(1)(k)

F16 Words in s. 160(2)(b) 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(l))

F17 Word in s. 160(3)(a) inserted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(c)(i)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2

F18 Word in s. 160(3)(a) 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(l))

F19 Words in s. 160(3)(a) substituted (20.6.2001 and 2.7.2001 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(c)(iii)**; S.I. 2001/2232, **art. 2(m)(vi)**

F20 S. 160(3)(b) and preceding word 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(l))

F21 S. 160(4) 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(l))

F22 S. 160(5) substituted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 74, 80, **Sch. 7 Pt. II para. 196(d)**; S.I. 2001/2232, **art. 2(m)(vi)**; S.I. 2004/2171, art. 2

F23 Words in s. 160(5)(a) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 34(7)(b)**, 41(1); S.I. 2007/3001, art. 2(1)(k)

F24 Words in s. 160(5)(a) 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(l))

F25 Words in s. 160(5)(b) 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(l))

Interpretation

161 Meaning of "associated offence", "sexual offence", "violent offence" and "protecting the public from serious harm".

(1) For the purposes of this Act, an offence is associated with another if—

(a) the offender is convicted of it in the proceedings in which he is convicted of the other offence, or (although convicted of it in earlier proceedings) is sentenced for it at the same time as he is sentenced for that offence; or

(b) the offender admits the commission of it in the proceedings in which he is sentenced for the other offence and requests the court to take it into consideration in sentencing him for that offence.

[F26](2) . . . . . .

[F26](3) . . . . . .

[F26](4) . . . . . .

Textual Amendments

F26 S. 161(2)-(4) 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(l))

[F27]162 Meaning of "pre-sentence report".

. . . . . .

Textual Amendments

F27 S. 162 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(l)); in so far as it is still in force, amended (1.4.2006 for W.) by Children Act 2004 (c. 31), Sch. 5 Pt. 4; S.I. 2005/394, art. 2(2)(g); S.I. 2006/885, art. 2(h)

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163 General definitions.

In this Act, except where the contrary intention appears—

"action plan order" means an order under section 69(1) above;

[[F28]"affected person" —

(a) in relation to an exclusion order, has the meaning given by section 40A(13) above;

(b) [F29] . . . . . .

(c) [F29] . . . . . **]**

[F29] . . . . . .

"associated", in relation to offences, shall be construed in accordance with section 161(1) above;

"attendance centre" has the meaning given by **[**[F30]section 221(2) of the Criminal Justice Act 2003**]**;

"attendance centre order" means an order under section 60(1) above (and, except where the contrary intention is shown by paragraph 8 of Schedule 3 or paragraph 4 of Schedule 7 or 8 to this Act, includes orders made under section 60(1) by virtue of paragraph 4(1)(c) or 5(1)(c) of Schedule 3 or paragraph 2(2)(a) of Schedule 7 or 8);

"child" means a person under the age of 14;

[F31] . . . . . .

"community order" has the meaning given by **[**[F32]section 177(1) of the Criminal Justice Act 2003**]**;

[F29] . . . . . .

[F29] . . . . . .

[F29] . . . . . .

[F29] . . . . . .

"community sentence" has the meaning given by section 33(2) above;

"compensation order" has the meaning given by section 130(1) above;

"court" does not include a court-martial;

"curfew order" means an order under section 37(1) above (and, except where the contrary intention is shown by section 59 above or paragraph 3 of Schedule 7 or 8 to this Act or section 35 of the [M6]Crime (Sentences) Act 1997, includes orders made under section 37(1) by virtue of section 59or paragraph 2(2)(a) of Schedule 7 or 8 or the said section 35);

"custodial sentence" has the meaning given by section 76 above;

"detention and training order" has the meaning given by section 100(3) above;

[F29] . . . . . .

[F29] . . . . . .

[[F28]" exclusion order " means an order under section 40A(1) above**]**

[F29] . . . . . .

"guardian" has the same meaning as in the [M7]Children and Young Persons Act 1933;

"local authority accommodation" means accommodation provided by or on behalf of a local authority, and "accommodation provided by or on behalf of a local authority" here has the same meaning as it has in the [M8]Children Act 1989 by virtue of section 105 of that Act;

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[[F28]"local probation board" means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000**]**

"offence punishable with imprisonment" shall be construed in accordance with section 164(2) below;

"operational period", in relation to a suspended sentence, has the meaning given by **[**[F33]section 189(1)(b)(ii) of the Criminal Justice Act 2003**]**;

"order for conditional discharge" has the meaning given by section 12(3) above;

"period of conditional discharge" has the meaning given by section 12(3) above;

[F29] . . . . . .

[F31] . . . . . .

[F31] . . . . . .

[F29] . . . . . .

"referral order" means an order under section 16(2) or (3) above;

"the register" means the register of proceedings before a magistrates' court required by **[**[F34]Criminal Procedure Rules**]** to be kept by the [F35]**[[**[F36]designated officer**]** for**]** the court;

"reparation order" means an order under section 73(1) above;

"responsible officer"—

(a) in relation to a curfew order, has the meaning given by section 37(12) above;

(aa) **[**[F37] in relation to an exclusion order, has the meaning given by section 40A(14) above**]**

(b) [F29] . . . . . .

(c) [F29] . . . . . .

(d) [F29] . . . . . .

(e) [F29] . . . . . .

(ee) [F29] . . . . . .

(f) in relation to an action plan order, has the meaning given by section 69(4) above; and

(g) in relation to a reparation order, has the meaning given by section 74(5) above;

[F29] . . . . . .

[F29] . . . . . .

"sentence of imprisonment" does not include a committal—

(a) in default of payment of any sum of money;

(b) for want of sufficient distress to satisfy any sum of money; or

(c) for failure to do or abstain from doing anything required to be done or left undone;

and references to sentencing an offender to imprisonment shall be construed accordingly;

[F29] . . . . . .

[F29] . . . . . .

"supervision order" means an order under section 63(1) above;

"supervisor", in relation to a supervision order, has the meaning given by section 63(3) above;

"suspended sentence" has the meaning given by **[**[F38]section 189(7) of the Criminal Justice Act 2003**]**;

[F29] . . . . . .

[F29] . . . . . .

[F29] . . . . . .

[F29] . . . . . .

[F29] . . . . . .

[F29] . . . . . .

[F29] . . . . . .

"young person" means a person aged at least 14 but under 18;

"youth offending team" means a team established under section 39 of the [M9]Crime and Disorder Act 1998.

[[F39]"youth community order" has the meaning given by section 33(1) above.**]**

Textual Amendments

F28 Words in s. 163 inserted (1.4.2001, 20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 197(f)**; S.I. 2001/919, **art. 2(f)(iii)**; S.I. 2001/2232, **art. 2(m)(vii)**; S.I. 2004/2171, art. 2

F29 Words in s. 163 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(l))

F30 Words in s. 163 substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 123(2)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (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(l))

F31 Definitions of "combination order", "probation order" and "probation period" in s. 163 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 197(b), **Sch. 8**; S.I. 2001/919, **art. 2(f)(iii)(g)**

F32 Words in s. 163 substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 123(4)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (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(l))

F33 Words in s. 163 substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 123(6)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (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(l))

F34 Words in s. 163 substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 44** (with art. 2(2))

F35 S. 163: words in the definition of "the register" substituted (1.4.2001) by S.I. 2001/618, **art. 5(5)**

F36 Words in s. 163 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 80**

F37 Words in s. 163 inserted (2.9.2004) by Criminal Justice and Courts Services Act 2000 (c. 43), s. 80(1), **Sch. 7 para. 197(g)(i)**; S.I. 2004/2171, art. 2

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F38 Words in s. 163 substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 123(7)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (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(l))

F39 Words in s. 163 inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 123(8)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (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(l))

Marginal Citations

M6 1997 c. 43.
M7 1933 c. 12.
M8 1989 c. 41.
M9 1998 c. 37.

164 Further interpretive provisions.

(1) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State, his age shall be deemed to be that which it appears to the court or (as the case may be) the Secretary of State to be after considering any available evidence.

(2) Any reference in this Act to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under this or any Act on the imprisonment of young offenders.

[[F40](3) References in this Act to a sentence falling to be imposed—

(a) under section 110(2) or 111(2) above,
(b) under section 51A(2) of the Firearms Act 1968, [F41]...
(c) under **[**[F42]section 225(2) or 226(2)**]** of the Criminal Justice Act 2003,**[**[F43]or
(d) under section 29(4) or (6) of the Violent Crime Reduction Act 2006,**]**

are to be read in accordance with section 305(4) of the Criminal Justice Act 2003.**]**

Textual Amendments

F40 S. 164(3) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 124**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (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(l))

F41 Word in s. 164(3)(b) repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), Sch. 1 para. 8, **Sch. 5**; S.I. 2007/858, art. 2(g)(n)(xi)

F42 Words in s. 164(3)(c) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 48**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(o)

F43 S. 164(3)(d) and word inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 1 para. 8**; S.I. 2007/858, art. 2(g)

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Final provisions

165 Consequential amendments, transitory modifications, transitional provisions and repeals.

(1) Schedule 9 to this Act (which contains amendments consequential on this Act) shall have effect.

(2) Schedule 10 to this Act (which contains transitory modifications of this Act) shall have effect.

(3) Schedule 11 to this Act (which contains transitional provisions) shall have effect.

(4) The enactments mentioned in Part I of Schedule 12 to this Act and the instruments mentioned in Part II of that Schedule are hereby repealed or revoked to the extent specified in the third column of those Parts.

166 Short title.

This Act may be cited as the Powers of Criminal Courts (Sentencing) Act 2000.

167 Extent.

(1) Subject to subsections (2) to (4) below, this Act extends to England and Wales only.

(2) The following provisions also extend to Scotland, namely—
section 14;
sections 44, 49 and 51(6);
section 121(3);
section 159;
this section; and
Schedule 4.

(3) The following provisions also extend to Northern Ireland, namely—
sections 44, 49 and 51(6);
this section; and
Schedule 4.

(4) The extent of any amendment, repeal or revocation made by this Act is the same as that of the enactment amended, repealed or revoked.

(5) For the purposes of the [M10]Scotland Act 1998, any provision of this Act which extends to Scotland is to be taken to be a pre-commencement enactment within the meaning of that Act.

Marginal Citations
M10 1998 c. 46.

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168 Commencement.

(1) Subject [F44]... to paragraph 11 of Schedule 11 (special provisions relating to referral orders), this Act shall come into force at the end of the period of three months beginning with the day on which it is passed (and references to the commencement of this Act are to its coming into force then).

[F45](2) . . . . . .

[F45](3) . . . . . .

Textual Amendments

F44 Words in s. 168(1) 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(l))

F45 S. 168(2)(3) 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(l))

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