



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART VIII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *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 [F1 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**

- F1** 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(1))

*Status: Point in time view as at 14/07/2008.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Commencement and alteration of Crown Court sentence is up to date with all changes known to be in force on or before 27 May 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)*

**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section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of [<sup>F2</sup>56 days] beginning with the day on which the sentence or other order was imposed or made <sup>F3</sup>... within the time allowed by that subsection.

[<sup>F4</sup>(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.]

<sup>F5</sup>(2) .....

<sup>F6</sup>(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 <sup>M1</sup>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 <sup>M2</sup>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) [<sup>F7</sup>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 <sup>M3</sup>Access to Justice Act 1999.

**Textual Amendments**

**F2** 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)

**F3** 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)

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- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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))

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**Marginal Citations**

- M1** 1968 c. 19.  
**M2** 1988 c. 33.  
**M3** 1999 c. 22.

**Status:**

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**Changes to legislation:**

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