Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER III

REQUIRED CUSTODIAL SENTENCES FOR CERTAIN OFFENCES

111 Minimum of three years for third domestic burglary

(1) This section applies where—

(a) a person is convicted of a domestic burglary committed after 30th November 1999;

(b) 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

(c) one of those other burglaries was committed after he had been convicted of the other, and both of them were committed after 30th November 1999.

(2) The court shall impose an appropriate custodial sentence for a term of at least three years except where the court is of the opinion that there are particular circumstances which—

(a) relate to any of the offences or to the offender; and

(b) would make 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 particular circumstances are.

(4) Where—

(a) a person is charged with a domestic burglary which, apart from this subsection, would be triable either way, and

(b) 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.

(6) In this section "an appropriate custodial sentence" means—

(a) in relation to a person who is 21 or over when convicted of the offence mentioned in subsection (1)(a) above, a sentence of imprisonment;

(b) in relation to a person who is under 21 at that time, a sentence of detention in a young offender institution.