



# 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

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*Status: This is the original version (as it was originally enacted).*

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- (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.