



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY

Commencement and alteration of Crown Court sentence

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section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of 28 days beginning with the day on which the sentence or other order was imposed or made or, where subsection (2) below applies, within the time allowed by that subsection.
- (2) Where two or more persons are jointly tried on an indictment, then, subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court on conviction of any of those persons on the indictment may be varied or rescinded by the Crown Court not later than the expiry of whichever is the shorter of the following periods, that is—
 - (a) the period of 28 days beginning with the date of conclusion of the joint trial;
 - (b) the period of 56 days beginning with the day on which the sentence or other order was imposed or made.
- (3) For the purposes of subsection (2) above, the joint trial is concluded on the latest of the following dates, that is any date on which any of the persons jointly tried is sentenced or is acquitted or on which a special verdict is brought in.
- (4) A sentence or other order shall not be varied or rescinded under this section except by the court constituted as it was when the sentence or other order was imposed or made, or, where that court comprised one or more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.

Status: This is the original version (as it was originally enacted).

- (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 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 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) Crown Court 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 Access to Justice Act 1999.