



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

#### CHAPTER 1

##### GENERAL PROVISIONS ABOUT SENTENCING

##### *Duty of court to explain sentence*

#### **[<sup>F1</sup>174 Duty to give reasons for and to explain effect of sentence**

- (1) A court passing sentence on an offender has the duties in subsections (2) and (3).
- (2) The court must state in open court, in ordinary language and in general terms, the court's reasons for deciding on the sentence.
- (3) The court must explain to the offender in ordinary language—
  - (a) the effect of the sentence,
  - (b) the effects of non-compliance with any order that the offender is required to comply with and that forms part of the sentence,
  - (c) any power of the court to vary or review any order that forms part of the sentence, and
  - (d) the effects of failure to pay a fine, if the sentence consists of or includes a fine.
- (4) Criminal Procedure Rules may—
  - (a) prescribe cases in which either duty does not apply, and
  - (b) make provision about how an explanation under subsection (3) is to be given.
- (5) Subsections (6) to (8) are particular duties of the court in complying with the duty in subsection (2).

---

*Status: Point in time view as at 01/04/2019. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 2003, Section 174 is up to date with all changes known to be in force on or before 05 June 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)*

---

- (6) The court must identify any definitive sentencing guidelines relevant to the offender's case and—
- (a) explain how the court discharged any duty imposed on it by section 125 of the Coroners and Justice Act 2009 (duty to follow guidelines unless satisfied it would be contrary to the interests of justice to do so);
  - (b) where the court was satisfied it would be contrary to the interests of justice to follow the guidelines, state why.
- (7) Where, as a result of taking into account any matter referred to in section 144(1) (guilty pleas), the court imposes a punishment on the offender which is less severe than the punishment it would otherwise have imposed, the court must state that fact.
- (8) Where the offender is under 18 and the court imposes a sentence that may only be imposed in the offender's case if the court is of the opinion mentioned in—
- (a) section 1(4)(a) to (c) of the Criminal Justice and Immigration Act 2008 and section 148(1) of this Act (youth rehabilitation order with intensive supervision and surveillance or with fostering), or
  - (b) section 152(2) of this Act (discretionary custodial sentence),
- the court must state why it is of that opinion.
- (9) In this section “definitive sentencing guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued.]

---

**Textual Amendments**

- F1** S. 174 substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), [ss. 64\(2\)](#), 151(1); S.I. 2012/2906, art. 2(a)

**Status:**

Point in time view as at 01/04/2019. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Justice Act 2003, Section 174 is up to date with all changes known to be in force on or before 05 June 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.