

These notes refer to the Serious Organised Crime and Police Act 2005 (c.15) which received Royal Assent on 7th April 2005

SERIOUS ORGANISED CRIME AND POLICE ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 2: Investigations, prosecutions, proceedings and proceeds of crime

Chapter 2: Offenders assisting investigations and prosecutions

Section 73: Assistance by defendant: reduction in sentence

174. This section provides that the Crown Court, when sentencing defendants who plead guilty in proceedings before that court and who have entered into a written agreement to provide assistance in any investigation or prosecution, can take account of the nature and extent of that assistance. *Subsection (3)* requires the court in passing a lower sentence to set out what the sentence would otherwise have been, unless (*subsection (4)*) it is in the public interest not to do so (in which case the court must provide a written notice of what the sentence would have been to the prosecutor and the defendant). *Subsection (5)* provides that this section applies to offences for which there is a minimum sentence and also to sentences fixed by law in determining the minimum period of imprisonment that a person must serve. The intention is that court can in exceptional circumstances exercise its power under *subsection (2)* to reduce a person's sentence or minimum period of imprisonment, as the case maybe, to reflect the assistance provided or offered. *Subsection (6)* provides that the court's decision (or not) to take into account the assistance provided or offered by a person does not affect any other power it may have when determining that person's sentence or minimum term for imprisonment. *Subsection (7)* disapplies the specified provisions, which would otherwise require the court to explain the reasons for passing its sentence on a person, where the court has decided (under *subsection (4)*) that it is not in the public interest to make such an explanation.