



Sentencing Act 2020

2020 CHAPTER 17

SECOND GROUP OF PARTS Provisions applying to sentencing courts generally

PART 3

PROCEDURE

CHAPTER 1

INFORMATION AND REPORTS

Pre-sentence reports

30 Pre-sentence report requirements

- (1) This section applies where, by virtue of any provision of this Code, the pre-sentence report requirements apply to a court in relation to forming an opinion.
- (2) If the offender is aged 18 or over, the court must obtain and consider a pre-sentence report before forming the opinion unless, in the circumstances of the case, it considers that it is unnecessary to obtain a pre-sentence report.
- (3) If the offender is aged under 18, the court must obtain and consider a pre-sentence report before forming the opinion—
 - (a) there exists a previous pre-sentence report obtained in respect of the offender, and
 - (b) the court considers—
 - (i) in the circumstances of the case, and
 - (ii) having had regard to the information contained in that report or, if there is more than one, the most recent report,that it is unnecessary to obtain a pre-sentence report.

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, Cross Heading: Pre-sentence reports is up to date with all changes known to be in force on or before 21 April 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)

- (4) Where a court does not obtain and consider a pre-sentence report before forming an opinion in relation to which the pre-sentence report requirements apply, no custodial sentence or community sentence is invalidated by the fact that it did not do so.

Commencement Information

II S. 30 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

31 Meaning of “pre-sentence report” etc

“Pre-sentence report”

- (1) In this Code “pre-sentence report” means a report which—
- (a) is made or submitted by an appropriate officer with a view to assisting the court in determining the most suitable method of dealing with an offender, and
 - (b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State.
- (2) In subsection (1), “an appropriate officer” means—
- (a) where the offender is aged 18 or over, an officer of a provider of probation services;
 - (b) where the offender is aged under 18—
 - (i) an officer of a provider of probation services,
 - (ii) a social worker of a local authority, or
 - (iii) a member of a youth offending team.
- (3) Rules under subsection (1)(b) are subject to the negative resolution procedure.

“Obtaining” a pre-sentence report

- (4) Where by any provision of this Code, the court is required to obtain a pre-sentence report, it may accept a pre-sentence report given orally in open court.

But this is subject to—

- (a) any rules made under subsection (1)(b), and
 - (b) subsection (5).
- (5) A pre-sentence report must be in writing if it—
- (a) relates to an offender aged under 18, and
 - (b) is required to be obtained and considered before the court forms an opinion mentioned in—
 - (i) section 230(2) (seriousness threshold for discretionary custodial sentence),
 - (ii) section 231(2) (determining term of custodial sentence),
 - (iii) section 255(1)(c) (determining risk of harm to public for purpose of extended sentence), or
 - (iv) section 258(1)(c) (determining risk of harm to public for purpose of required life sentence).

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, Cross Heading: Pre-sentence reports is up to date with all changes known to be in force on or before 21 April 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)

Modifications etc. (not altering text)

- C1** S. 31(1) applied (with modifications) by 2006 c. 52, s. 257(2) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 57\(a\)\(b\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

- I2** S. 31 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

32 Disclosure of pre-sentence reports

- (1) This section applies where the court obtains a pre-sentence report, other than a report given orally in open court.

Copy for offender and parent or guardian

- (2) The court must give a copy of the report—
- (a) to the offender or the offender's legal representative, and
 - (b) if the offender is aged under 18, to any parent or guardian of the offender who is present in court.

- (3) But if—

- (a) the offender is aged under 18, and
- (b) it appears to the court that the disclosure of any information contained in the report—
 - (i) to the offender, or
 - (ii) to a parent or guardian of the offender,would be likely to create a risk of significant harm to the offender,

a complete copy of the report need not be given to the offender or, as the case may be, to that parent or guardian.

For this purpose, “harm” has the same meaning as in section 31 of the Children Act 1989.

Copy for prosecutor

- (4) The court must give a copy of the report to the prosecutor, that is to say, the person having the conduct of the proceedings in respect of the offence.
- (5) But a copy of the report need not be given to the prosecutor if the court considers that it would be inappropriate for the prosecutor to be given it.

But this subsection does not apply if the prosecutor is of a description specified in regulations made by the Secretary of State.

- (6) No information obtained by virtue of subsection (4) may be used or disclosed otherwise than for the purpose of—
- (a) determining whether representations as to matters contained in the report need to be made to the court, or
 - (b) making such representations to the court.

- (7) Regulations under subsection (5) are subject to the negative resolution procedure.

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, Cross Heading: Pre-sentence reports is up to date with all changes known to be in force on or before 21 April 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)

Modifications etc. (not altering text)

- C2** S. 32(1)-(4) (6) applied by 2006 c. 52, s. 257(4) (as amended (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 25 para. 57(c)(i)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I3** S. 32 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

33 Appeals: requirements relating to pre-sentence reports

- (1) Any court, on an appeal against a custodial sentence or a community sentence, must—
- (a) subject to subsection (2) or (3), obtain a pre-sentence report if none was obtained by the court below, and
 - (b) consider any such report obtained by it or by the court below.
- (2) If the offender is aged 18 or over, the court need not obtain a pre-sentence report if it considers—
- (a) that the court below was justified in not obtaining a pre-sentence report, or
 - (b) that, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.
- (3) If the offender is aged under 18, the court need not obtain a pre-sentence report if—
- (a) there exists a previous pre-sentence report obtained in respect of the offender, and
 - (b) the court considers, having had regard to the information contained in that report or, if there is more than one, the most recent report—
 - (i) that the court below was justified in not obtaining a pre-sentence report, or
 - (ii) that, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.

Commencement Information

- I4** S. 33 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

Sentencing Act 2020, Cross Heading: Pre-sentence reports is up to date with all changes known to be in force on or before 21 April 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.