



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 1

CUSTODY: GENERAL PROVISIONS

General limits on powers to impose custodial sentences

224 General limit on magistrates' court's power to impose imprisonment or detention in a young offender institution

- (1) A magistrates' court does not have power to impose—
 - (a) imprisonment, or
 - (b) detention in a young offender institution,for more than 6 months in respect of any one offence.
- (2) Unless expressly excluded, subsection (1) applies even if the offence in question is one for which a person would otherwise be liable on summary conviction to imprisonment or detention in a young offender institution for more than 6 months.
- (3) Nothing in subsection (1) affects section 133 of the Magistrates' Courts Act 1980 (consecutive terms of imprisonment).
- (4) Subsection (1) does not limit any power of a magistrates' court to impose a term of imprisonment for—
 - (a) non-payment of a fine, or
 - (b) want of sufficient goods to satisfy a fine.
- (5) In subsection (4)—

Status: This is the original version (as it was originally enacted).

- (a) “fine”—
 - (i) includes a pecuniary penalty, but
 - (ii) does not include a pecuniary forfeiture or pecuniary compensation;
 - (b) the reference to want of sufficient goods to satisfy a fine is a reference to circumstances where—
 - (i) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the fine from a person, but
 - (ii) it appears, after an attempt has been made to exercise the power, that the person’s goods are insufficient to pay the amount outstanding (as defined by paragraph 50(3) of that Schedule).
- (6) In this section “impose imprisonment” means—
- (a) pass a sentence of imprisonment, or
 - (b) fix a term of imprisonment for—
 - (i) failure to pay any sum of money,
 - (ii) want of sufficient distress to satisfy any sum of money (see section 397(3)), or
 - (iii) failure to do or abstain from doing anything required to be done or left undone.
- (7) Section 132 of the Magistrates’ Courts Act 1980 (5 day minimum term) provides for the minimum term of imprisonment that a magistrates’ court may impose.