



# 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*

### **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

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**Status:** Point in time view as at 01/12/2020.

**Changes to legislation:** Sentencing Act 2020, Section 33 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)

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(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.

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**Commencement Information**

**I1** S. 33 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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