



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 1

#### GENERAL PROVISIONS ABOUT SENTENCING

##### Modifications etc. (not altering text)

- C1** Pt. 12 Ch. 1: power to amend conferred (30.11.2009) by [Criminal Justice and Immigration Act 2008](#) (c. 4), ss. [4\(3\)](#), [153](#); S.I. 2009/3074, [art. 2\(d\)](#)

#### *Matters to be taken into account in sentencing*

#### <sup>F1</sup>142 Purposes of sentencing

.....

##### Textual Amendments

- F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. [416\(1\)](#), [Sch. 28](#) (with ss. [413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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PROSPECTIVE

**F1 142A Purposes etc. of sentencing: offenders under 18**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F1 143 Determining the seriousness of an offence**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F1 144 Reduction in sentences for guilty pleas**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F1 145 Increase in sentences for racial or religious aggravation**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F1 146 Increase in sentences for aggravation related to disability, sexual orientation or transgender identity**

.....

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**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

*General restrictions on community sentences*

**F1 147** **Meaning of “community sentence” etc.**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

**F1 148** **Restrictions on imposing community sentences**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

**F1 149** **Passing of community sentence on offender remanded in custody**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

**F1 150** **Community sentence not available where sentence fixed by law etc.**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

**F1 150A** **Community order available only for offences punishable with imprisonment or for persistent offenders previously fined**

.....

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**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

PROSPECTIVE

**F1 151 Community order or youth rehabilitation order for persistent offender previously fined**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

*General restrictions on discretionary custodial sentences*

**F1 152 General restrictions on imposing discretionary custodial sentences**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

**F1 153 Length of discretionary custodial sentences: general provision**

.....

**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

PROSPECTIVE

*General limit on magistrates' court's power to impose imprisonment*

**F1 154 General limit on magistrates' court's power to impose imprisonment**

.....

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**Textual Amendments**

**F1** Ss. 142-154 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**155 Consecutive terms of imprisonment**

- (1) Section 133 of the Magistrates' Courts Act 1980 (consecutive terms of imprisonment) is amended as follows.
- (2) In subsection (1), for [<sup>F2</sup>“the words from “the longest” to “being imposed”] there is substituted “ 65 weeks ”.
- (3) Subsection (2) is omitted.
- (4) In subsection (3) for “the preceding subsections” there is substituted “ subsection (1) above ”.

**Textual Amendments**

**F2** Words in s. 155(2) substituted (14.7.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 19\(2\)](#); S.I. 2022/816, regs. 1(2), 3(d)

*Procedural requirements for imposing community sentences and discretionary custodial sentences*

**<sup>F3</sup>156 Pre-sentence reports and other requirements**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**<sup>F3</sup>157 Additional requirements in case of mentally disordered offender**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**<sup>F3</sup>158 Meaning of “pre-sentence report”**

.....

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**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

*Disclosure of pre-sentence reports etc*

**F3 159 Disclosure of pre-sentence reports**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F3 160 Other reports of local probation boards , providers of probation services and members of youth offending teams**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

*Pre-sentence drug testing*

**F3 161 Pre-sentence drug testing**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

*Surcharges*

**F3 161A Court’s duty to order payment of surcharge**

.....

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**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F3 161B Amount of surcharge**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

*Fines*

**F3 162 Powers to order statement as to offender’s financial circumstances**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F3 163 General power of Crown Court to fine offender convicted on indictment**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F3 164 Fixing of fines**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F3 165 Remission of fines**

.....

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**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

*Savings for power to mitigate etc*

**F3 166 Savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders**

.....

**Textual Amendments**

**F3** Ss. 156-166 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

*Sentencing and allocation guidelines*

**167 The Sentencing Guidelines Council**

**F4** .....

**Textual Amendments**

**F4** Ss. 167-173 repealed (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)

**168 Sentencing Guidelines Council: supplementary provisions**

**F5** .....

**Textual Amendments**

**F5** Ss. 167-173 repealed (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)

**169 The Sentencing Advisory Panel**

**F6** .....

**Textual Amendments**

**F6** Ss. 167-173 repealed (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)



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## 170 Guidelines relating to sentencing and allocation

F7 .....

### Textual Amendments

**F7** Ss. 167-173 repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)

## 171 Functions of Sentencing Advisory Panel in relation to guidelines

F8 .....

### Textual Amendments

**F8** Ss. 167-173 repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)

## 172 Duty of court to have regard to sentencing guidelines

F9 .....

### Textual Amendments

**F9** Ss. 167-173 repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b) (with art. 7(2))

## 173 Annual report by Council

F10 .....

### Textual Amendments

**F10** Ss. 167-173 repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)

### *Duty of court to explain sentence*

## <sup>F11</sup>174 Duty to give reasons for and to explain effect of sentence

.....

### Textual Amendments

**F11** S. 174 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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### *Publication of information by Secretary of State*

#### **175 Duty to publish information about sentencing**

In section 95 of the Criminal Justice Act 1991 (c. 53) (information for financial and other purposes) in subsection (1) before the “or” at the end of paragraph (a) there is inserted—

- “(aa) enabling such persons to become aware of the relative effectiveness of different sentences—
- (i) in preventing re-offending, and
  - (ii) in promoting public confidence in the criminal justice system;”.

#### **Commencement Information**

- I1** S. 175 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1](#) para. 7 (subject to [art. 2\(2\)](#), [Sch. 2](#))

### *Interpretation of Chapter*

#### **<sup>F12</sup>176 Interpretation of Chapter 1**

#### **Textual Amendments**

- F12** Ss. 176-180 repealed (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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**Changes and effects yet to be applied to :**

- s. 142 heading words inserted by [2008 c. 4 s. 9\(2\)\(a\)](#)
- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of [2013 c. 22, Sch. 16 para. 23\(2\)](#); [S.I. 2013/2981, art. 2\(d\)](#))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of [2013 c. 22, Sch. 16 para. 23\(2\)](#); [S.I. 2013/2981, art. 2\(d\)](#))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by [2008 c. 4, s. 11\(5\)](#))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by [2008 c. 4, s. 11\(5\)](#))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)

- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))
- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)