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Criminal Justice Act 2003

2003 CHAPTER 44

PART 12 U.K.

SENTENCING

CHAPTER 1 E+W

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

F1142 Purposes of sentencing E+W

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F1 Ss. 142-154 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2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
F1142	A Purposes etc. of sentencing: offenders under 18 E+W
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Textu F1	ss. 142-154 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2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 E+W
Textu	nal 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F1	Ss. 142-154 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2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 E+W
Textu	ial 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F1	Ss. 142-154 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2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 E+W
Textu	nal 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F1	Ss. 142-154 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2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 E+W

Part 12 – Sentencing

Chapter 1 – General provisions about sentencing

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Textual Amendments Ss. 142-154 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2 General restrictions on community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 F1147 Meaning of "community sentence" etc. E+W **Textual Amendments** Ss. 142-154 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2 F1148 Restrictions on imposing community sentences E+W **Textual Amendments** Ss. 142-154 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2 F1149 Passing of community sentence on offender remanded in custody E+W **Textual Amendments** 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. E+W **Textual Amendments** 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

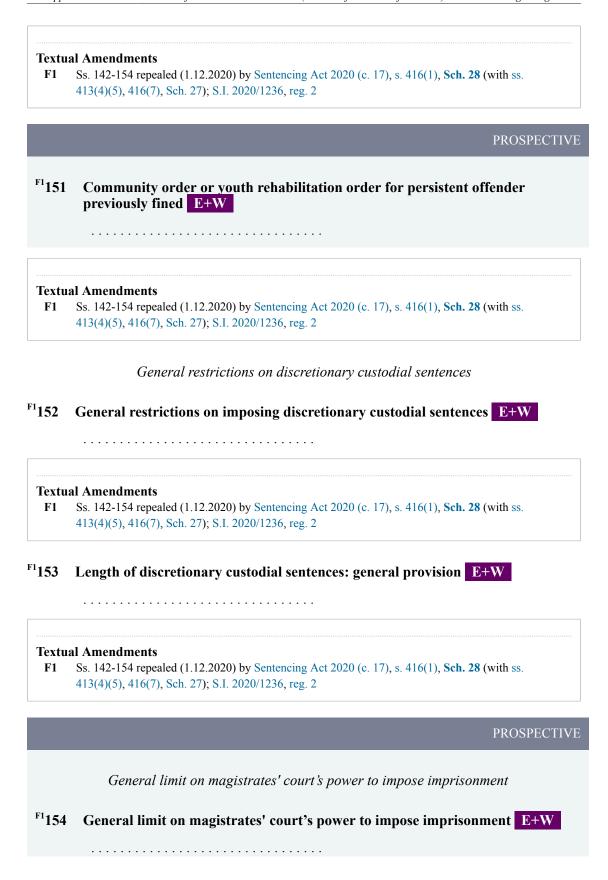
F1150A Community order available only for offences punishable with imprisonment or

for persistent offenders previously fined E+W

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Part 12 – Sentencing

Chapter 1 – General provisions about sentencing

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Textual Amendments

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155 Consecutive terms of imprisonment E+W

- (1) Section 133 of the Magistrates' Courts Act 1980 (consecutive terms of imprisonment) is amended as follows.
- (2) In subsection (1), for [F2"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

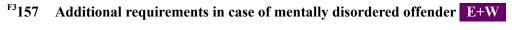
F2 Words in s. 155(2) substituted (14.7.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), **Sch. 2 para. 19(2)**; S.I. 2022/816, regs. 1(2), 3(d)

Procedural requirements for imposing community sentences and discretionary custodial sentences

F3156	Pre-sentence reports and other requirements	E+W

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



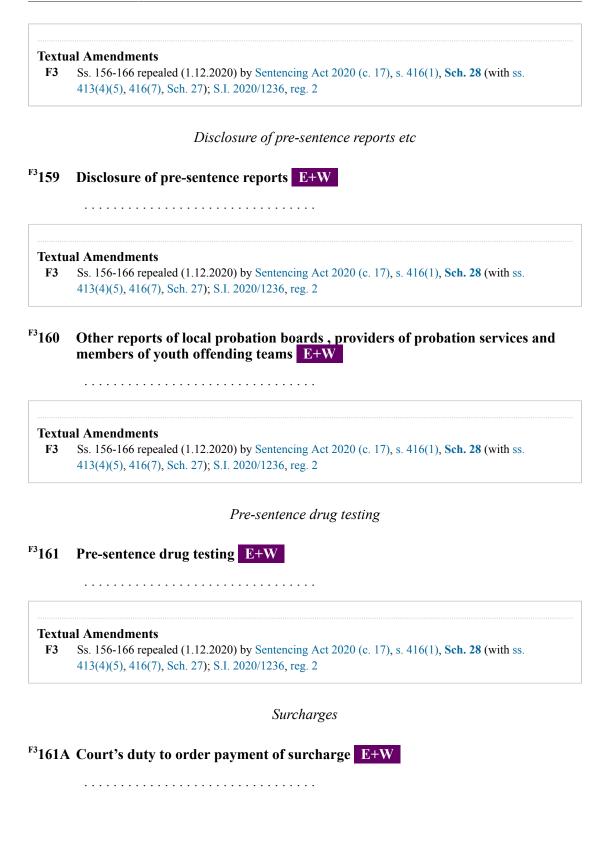
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Textual Amendments

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

F ³ 158	Meaning of "pre-sentence report"	E+W

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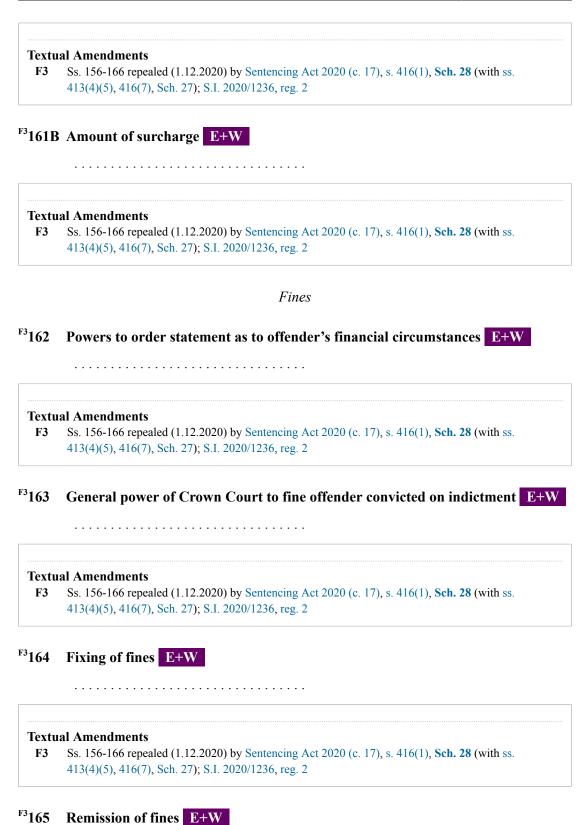
Part 12 - Sentencing

Chapter 1 – General provisions about sentencing

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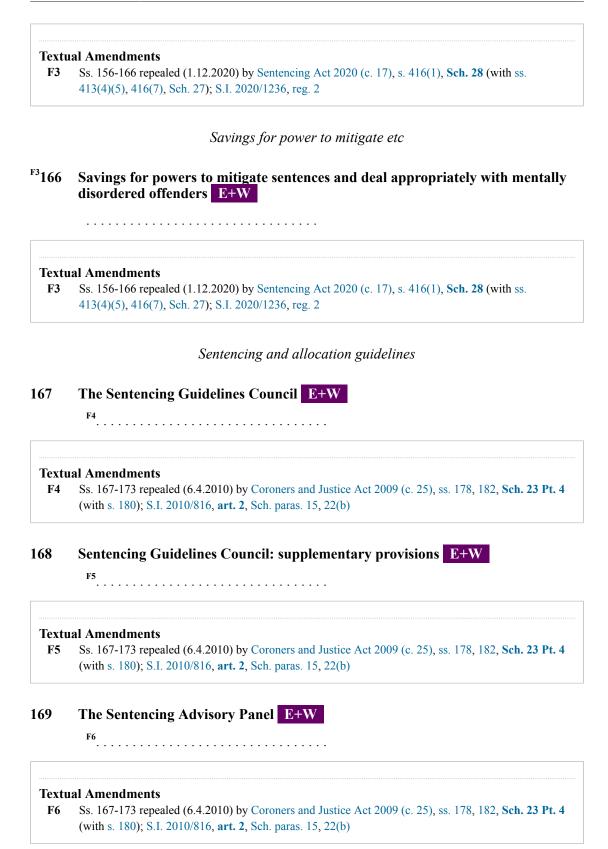
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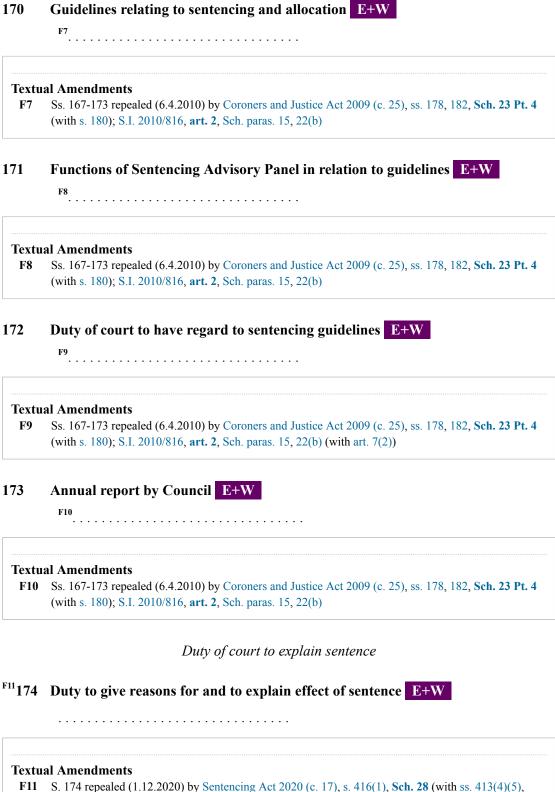
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S. 174 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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Publication of information by Secretary of State

Duty to publish information about sentencing E+W

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

F12 176 Interpretation of Chapter 1 E+W

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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View outstanding changes

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