



# Criminal Justice Act 1993

## 1993 CHAPTER 36

### PART VI

#### MISCELLANEOUS

#### **66 Powers of courts to deal with offenders**

- (1) In section 1 of the Criminal Justice Act 1991 (restrictions on imposing custodial sentences), the following shall be substituted for subsection (2)(a)—
  - “(a) that the offence, or the combination of the offence and one or more offences associated with it, was so serious that only such a sentence can be justified for the offence; or”.
- (2) In section 2 of the Act of 1991 (length of custodial sentences), in subsections (2)(a) and (3), for the word “other” there shall be substituted “one or more”.
- (3) In section 3 of the Act of 1991 (procedural requirements for custodial sentences), in subsection (3)(a), the words “or (as the case may be) of the offence and the offence or offences associated with it,” shall be inserted after the word “offence”.
- (4) In section 6 of the Act of 1991 (restrictions on imposing community sentences)—
  - (a) in subsection (1), for the words “other offence” there shall be substituted “or more offences”; and
  - (b) in subsection (2)(b), for the word “other” there shall be substituted “one or more”.
- (5) In section 7 of the Act of 1991 (procedural requirements for community sentences), in subsection (1), the words “or (as the case may be) of the offence and the offence or offences associated with it,” shall be inserted after the word “offence”.
- (6) For section 29 of the Act of 1991 (effect of previous convictions) there shall be substituted—

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*Status: This is the original version (as it was originally enacted).*

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**“29 Effect of previous convictions and of offending while on bail**

- (1) In considering the seriousness of any offence, the court may take into account any previous convictions of the offender or any failure of his to respond to previous sentences.
- (2) In considering the seriousness of any offence committed while the offender was on bail, the court shall treat the fact that it was committed in those circumstances as an aggravating factor.
- (3) A probation order or conditional discharge order made before 1st October 1992 (which, by virtue of section 2 or 7 of the Powers of Criminal Courts Act 1973, would otherwise not be a sentence for the purposes of this section) is to be treated as a sentence for those purposes.
- (4) A conviction in respect of which a probation order or conditional discharge order was made before that date (which, by virtue of section 13 of that Act, would otherwise not be a conviction for those purposes) is to be treated as a conviction for those purposes.”.
- (7) In subsection (1) of section 12D of the Children and Young Persons Act 1969 (duty of court to state in certain cases that requirement is in place of custodial sentence), in paragraph (ii)(a) for the words “other offence” there shall be substituted “or more offences”.
- (8) In section 38 of the Magistrates' Courts Act 1980 (committal for sentence on summary trial of offence triable either way), in subsection (2)(a), for the word “other” there shall be substituted “one or more”.
- (9) The amendments made by this section shall apply in relation to offenders convicted (but not sentenced) before the date on which this section comes into force as they apply in relation to offenders convicted after that date.