



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY

Factors to be taken into account in sentencing

^{F1}151 Effect of previous convictions and of offending while on bail.

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Textual Amendments

F1 Ss. 151-153 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

^{F1}152 Reduction in sentences for guilty pleas.

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Textual Amendments

F1 Ss. 151-153 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch.

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1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F1 153 Increase in sentences for racial or religious aggravation.

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Textual Amendments

F1 Ss. 151-153 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(r)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, **Sch. 28 Pt. 2**; [S.I. 2008/1586](#), **Sch. 1 paras. 48(s), 50(2)(d)**; (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

Commencement and alteration of Crown Court sentence

F2 154 Commencement of Crown Court sentence.

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Textual Amendments

F2 [S. 154](#) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); [S.I. 2020/1236](#), reg. 2

F3 155 Alteration of Crown Court sentence.

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Textual Amendments

F3 [S. 155](#) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), **Sch. 27**); [S.I. 2020/1236](#), reg. 2

Disclosure of pre-sentence reports etc.

F4 156 Disclosure of pre-sentence reports.

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Textual Amendments

F4 Ss. 156-158 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(r)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, **Sch. 28 Pt. 2**; [S.I. 2008/1586](#), **Sch.**

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1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

F⁴157 Other reports of officers of local probation boards and members of youth offending teams

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Textual Amendments

F4 Ss. 156-158 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

Supplementary

F⁴158 Savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders.

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Textual Amendments

F4 Ss. 156-158 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

159 Execution of process between England and Wales and Scotland.

[^{F5}Section 4 of the ^{M1}Summary Jurisdiction (Process) Act 1881 (execution of process of English and Welsh courts in Scotland) shall apply to any process issued under—
[^{F6}section 1(7), 1B(3), 1C(4),] 13(1), 104(1) ^{F7}... above,
paragraph 3(2) of Schedule 1 to this Act [^{F8}or],
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...
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.....
paragraph 1(1) of Schedule 5 to this Act,
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paragraph 6(2) of Schedule 8 to this Act,]

as it applies to process issued under the ^{M2}Magistrates' Courts Act 1980 by a magistrates' court.

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Textual Amendments

- F5** S. 159 repealed (1.12.2020 for specified purposes) by Sentencing Act 2020 (c. 17), s. 416(1)(9), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F6** Words in s. 159 substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 23 para. 2**; S.I. 2005/950, art. 2(1), Sch. 1 para. 20 (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F7** Words in s. 159 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F8** Word in s. 159 inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 59(a)** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(p)(x)
- F9** Words in s. 159 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 4 para. 59(b), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(p)(u)(x)
- F10** Words in s. 159 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 4 para. 59(d), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(p)(u)(x)

Marginal Citations

- M1** 1881 c. 24.
- M2** 1980 c. 43.

^{F11} 160 Rules and orders.

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Textual Amendments

- F11** S. 160 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

Interpretation

^{F12} 161 Meaning of “associated offence”, “sexual offence”, “violent offence” and “protecting the public from serious harm”.

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Textual Amendments

- F12** S. 161 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F13} 162 Meaning of “pre-sentence report”.

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Textual Amendments

F13 S. 162 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l)); in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h)

163 General definitions.

[^{F14}(1)] In this Act, except where the contrary intention appears—

[^{F15}“action plan order” means an order under section 69(1) above;]

[^{F15}[^{F16}“affected person” —

(a) in relation to an exclusion order, has the meaning given by section 40A(13) above;

(b) ^{F17}.....

(c) ^{F17}.....]]

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^{F18}.....

[^{F15}“attendance centre” has the meaning given by [^{F19}section 221(2) of the Criminal Justice Act 2003];]

[^{F15}“attendance centre order” means an order under section 60(1) above (and, except where the contrary intention is shown by paragraph 8 of Schedule 3 or paragraph 4 of Schedule 7 or 8 to this Act, includes orders made under section 60(1) by virtue of paragraph 4(1)(c) or 5(1)(c) of Schedule 3 or paragraph 2(2)(a) of Schedule 7 or 8);]

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[^{F15}[^{F16}“exclusion order” means an order under section 40A(1) above]]

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“the register” means the register of proceedings before a magistrates’ court required by [^{F23}Criminal Procedure Rules] to be kept by the ^{F24}[^{F25}designated officer] for] the court;

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[^{F15}“supervision order” means an order under section 63(1) above;]

[^{F15}“supervisor”, in relation to a supervision order, has the meaning given by section 63(3) above;]

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[^{F15}[^{F26}“youth community order” has the meaning given by section 33(1) above.]]

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^{F27}(2)

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Textual Amendments

- F14** S. 163(1): s. 216 renumbered s. 216(1) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007](#) (c. 15), s. 148, [Sch. 13 para. 133\(2\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F15** Words in s. 163 repealed (30.11.2009 for specified purposes) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), [Sch. 4 para. 61\(a\)](#), [Sch. 28 Pt. 1](#) (with [Sch. 27](#) paras. 15); S.I. 2009/3074, art. 2(p)(u)(xii)
- F16** Words in s. 163 inserted (1.4.2001, 20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by [2000 c. 43](#), s. 74, [Sch. 7 Pt. II para. 197\(f\)](#); S.I. 2001/919, [art. 2\(f\)\(iii\)](#); S.I. 2001/2232, [art. 2\(m\)\(vii\)](#); S.I. 2004/2171, art. 2
- F17** Words in s. 163 repealed (4.4.2005) by [Criminal Justice Act 2003](#) (c. 44), s. 336(3)(4), [Sch. 37 Pt. 7](#); S.I. 2005/950, art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); S.I. 2008/1586, [Sch. 1 paras. 48\(s\)](#), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); S.I. 2012/2906, art. 2(l))
- F18** Words in s. 163(1) omitted (1.12.2020) by virtue of [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 24 para. 168\(2\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F19** Words in s. 163 substituted (4.4.2005) by [Criminal Justice Act 2003](#) (c. 44), s. 336(3)(4), [Sch. 32 para. 123\(2\)](#); S.I. 2005/950, art. 2(1), [Sch. 1 para. 42\(34\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); S.I. 2008/1586, [Sch. 1 paras. 48\(s\)](#), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); S.I. 2012/2906, art. 2(l))
- F20** Definitions of “combination order”, “probation order” and “probation period” in s. 163 repealed (1.4.2001) by [2000 c. 43](#), ss. 74, 75, [Sch. 7 Pt. II para. 197\(b\)](#), [Sch. 8](#); S.I. 2001/919, [art. 2\(f\)\(iii\)\(g\)](#)
- F21** Words in s. 163 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006](#) (c. 52), s. 383(2), [Sch. 16 para. 168](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F22** Words in s. 163(1) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 9 para. 1](#) (with s. 68(7)); S.I. 2012/2906, art. 2(g)
- F23** Words in s. 163 substituted (1.9.2004) by [The Courts Act 2003](#) (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), [Sch. para. 44](#) (with art. 2(2))
- F24** S. 163: words in the definition of “the register” substituted (1.4.2001) by S.I. 2001/618, [art. 5\(5\)](#)
- F25** Words in s. 163 substituted (1.4.2005) by [The Courts Act 2003](#) (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, [Sch. para. 80](#)
- F26** Words in s. 163 inserted (4.4.2005) by [Criminal Justice Act 2003](#) (c. 44), s. 336(3)(4), [Sch. 32 para. 123\(8\)](#); S.I. 2005/950, art. 2(1), [Sch. 1 para. 42\(34\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); S.I. 2008/1586, [Sch. 1 paras. 48\(s\)](#), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); S.I. 2012/2906, art. 2(l))
- F27** S. 163(2) omitted (1.12.2020) by virtue of [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 24 para. 168\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

Marginal Citations

- M3** 1997 c. 43.

164 Further interpretive provisions.

- (1) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State, his age shall be deemed to be that which it appears to the court or (as the case may be) the Secretary of State to be after considering any available evidence.

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- (2) Any reference in this Act to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under this or any Act on the imprisonment of young offenders.

^{F28}(3)

Textual Amendments

F28 S. 164(3) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 169](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

Final provisions

165 Consequential amendments, transitory modifications, transitional provisions and repeals.

- (1) Schedule 9 to this Act (which contains amendments consequential on this Act) shall have effect.
- (2) Schedule 10 to this Act (which contains transitory modifications of this Act) shall have effect.
- (3) Schedule 11 to this Act (which contains transitional provisions) shall have effect.
- (4) The enactments mentioned in Part I of Schedule 12 to this Act and the instruments mentioned in Part II of that Schedule are hereby repealed or revoked to the extent specified in the third column of those Parts.

166 Short title.

This Act may be cited as the Powers of Criminal Courts (Sentencing) Act 2000.

167 Extent.

- (1) Subject to subsections (2) to (4) below, this Act extends to England and Wales only.
- (2) The following provisions also extend to Scotland, namely—
 section 14;
 sections 44, 49 and 51(6);
 section 121(3);
 section 159;
 this section; and
 Schedule 4.
- (3) The following provisions also extend to Northern Ireland, namely—
 sections 44, 49 and 51(6);
 this section; and
 Schedule 4.
- (4) The extent of any amendment, repeal or revocation made by this Act is the same as that of the enactment amended, repealed or revoked.

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- (5) For the purposes of the ^{M4}Scotland Act 1998, any provision of this Act which extends to Scotland is to be taken to be a pre-commencement enactment within the meaning of that Act.

Marginal Citations

M4 1998 c. 46.

168 Commencement.

- (1) Subject ^{F29}... to paragraph 11 of Schedule 11 (special provisions relating to referral orders), this Act shall come into force at the end of the period of three months beginning with the day on which it is passed (and references to the commencement of this Act are to its coming into force then).

^{F30}(2)

^{F30}(3)

Textual Amendments

F29 Words in s. 168(1) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F30 [S. 168\(2\)\(3\)](#) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

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