



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Custodial sentences

3 Procedural requirements for custodial sentences

- (1) Subject to subsection (2) below, a court shall obtain and consider a pre-sentence report before forming any such opinion as is mentioned in subsection (2) of section 1 or 2 above.
- (2) Where the offence or any other offence associated with it is triable only on indictment, subsection (1) above does not apply if, in the circumstances of the case, the court is of the opinion that it is unnecessary to obtain a pre-sentence report.
- (3) In forming any such opinion as is mentioned in subsection (2) of section 1 or 2 above a court—
 - (a) shall take into account all such information about the circumstances of the offence (including any aggravating or mitigating factors) as is available to it; and
 - (b) in the case of any such opinion as is mentioned in paragraph (b) of that subsection, may take into account any information about the offender which is before it.
- (4) No custodial sentence which is passed in a case to which subsection (1) above applies shall be invalidated by the failure of a court to comply with that subsection but any court on an appeal against such a sentence—
 - (a) shall obtain a pre-sentence report if none was obtained by the court below; and
 - (b) shall consider any such report obtained by it or by that court.
- (5) In this Part “pre-sentence report” means a report in writing which—

Status: This is the original version (as it was originally enacted).

- (a) with a view to assisting the court in determining the most suitable method of dealing with an offender, is made or submitted by a probation officer or by a social worker of a local authority social services department; and
- (b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State.