



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Community sentences

7 Procedural requirements for community sentences.

- (1) In forming any such opinion as is mentioned in subsection (1) or (2)(b) of section 6 above, a court shall take into account all such information about the circumstances of the offence [^{F1}or (as the case may be) of the offence and the offence or offences associated with it,] (including any aggravating or mitigating factors) as is available to it.
- (2) In forming any such opinion as is mentioned in subsection (2)(a) of that section, a court may take into account any information about the offender which is before it.
- (3) [^{F2}Subject to subsection (3A) below,]A court shall obtain and consider a pre-sentence report before forming an opinion as to the suitability for the offender of one or more of the following orders, namely—
 - (a) a probation order which includes additional requirements authorised by Schedule 1A to the 1973 Act;
 - (b) a community service order;
 - (c) a combination order; and
 - (d) a supervision order which includes requirements imposed under section 12, 12A, 12AA, 12B or 12C of the ^{M1}Children and Young Persons Act 1969 (“the 1969 Act”).

[^{F3}(3A) Subsection (3) 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.

(3B) In the case of an offender under the age of eighteen years, save where the offence or any other offence associated with it is triable only on indictment, the court shall not

Status: Point in time view as at 03/02/1995. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1991, Section 7 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

form such an opinion as is mentioned in subsection (3A) above or subsection (5) below unless there exists a previous pre-sentence report obtained in respect of the offender and the court has had regard to the information contained in that report, or, if there is more than one such report, the most recent report.]

(4) No community sentence which consists of or includes such an order as is mentioned in subsection (3) above shall be invalidated by the failure of a court to [^{F4}obtain and consider a pre-sentence report before forming an opinion referred to in] that subsection, but any court on an appeal against such a sentence—

- (a) shall [^{F5}, subject to subsection (5) below,] 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.

[^{F6}(5) Subsection (4)(a) above does not apply if the court is of the opinion—

- (a) that the court below was justified in forming an opinion that it was unnecessary to obtain a pre-sentence report, or
- (b) that, although the court below was not justified in forming that opinion, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.]

Textual Amendments

- F1** Words in s. 7(1) inserted (16.8.1993) by 1993 c. 36, s. 66(5); S.I. 1993/1968, art. 2(1), **Sch. 1**
- F2** Words in s. 7(3) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 40(3)(a)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F3** S. 7(3A)(3B) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 40(3)(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F4** Words in s. 7(4) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 40(3)(c)(i)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F5** Words in s. 7(4)(a) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 40(3)(c)(ii)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F6** S. 7(5) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 40(3)(d)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

Commencement Information

- I1** S. 7 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

- M1** 1969 c. 54.

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