



# Crime (Sentences) Act 1997

## 1997 CHAPTER 43

### PART I

#### MANDATORY AND MINIMUM CUSTODIAL SENTENCES

#### **4 Minimum of three years for third domestic burglary.**

- (1) This section applies where—
  - (a) a person is convicted of a domestic burglary committed after the commencement of this section;
  - (b) at the time when that burglary was committed, he was 18 or over and had been convicted in England and Wales of two other domestic burglaries; and
  - (c) one of those other burglaries was committed after he had been convicted of the other, and both of them were committed after the commencement of this section.
- (2) The court shall impose a custodial sentence for a term of at least three years except where the court is of the opinion that there are specific circumstances which—
  - (a) relate to any of the offences or to the offender; and
  - (b) would make the prescribed custodial sentence unjust in all the circumstances.
- (3) Where the court does not impose such a sentence, it shall state in open court that it is of that opinion and what the specific circumstances are.
- (4) Where—
  - (a) a person is charged with a domestic burglary which, apart from this subsection, would be triable either way; and
  - (b) the circumstances are such that, if he were convicted of the burglary, he could be sentenced for it under subsection (2) above,the burglary shall be triable only on indictment.
- (5) In this section “domestic burglary” means a burglary committed in respect of a building or part of a building which is a dwelling.

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*Status: Point in time view as at 01/10/1997. This version of this provision never came into effect.*

*Changes to legislation: Crime (Sentences) Act 1997, Section 4 is up to date with all changes known to be in force on or before 12 July 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)*

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**Modifications etc. (not altering text)**

- C1** S. 4(2) excluded (1.10.1997 for specified purposes and *prosp.* otherwise) by 1983 c. 20, s. 37(1A) (as inserted by 1997 c. 43, s. 55, **Sch. 4 para. 12(2)**); S.I. 1997/2200, **art. 2(2)(f)**

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