



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER III

REQUIRED CUSTODIAL SENTENCES FOR CERTAIN OFFENCES

^{F1}109 Life sentence for second serious offence.

.....

Textual Amendments

F1 S. 109 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(iv), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (as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))

110 Minimum of seven years for third class A drug trafficking offence.

(1) This section applies where—

- (a) a person is convicted of a class A drug trafficking offence committed after 30th September 1997;
- (b) at the time when that offence was committed, he was 18 or over and had [^{F2}relevant drug convictions; and]

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- (c) one of those other offences was committed after he had been convicted of the other.
- (2) The court shall impose an appropriate custodial sentence for a term of at least seven years except where the court is of the opinion that there are particular circumstances which—
- (a) relate to any of the offences or to the offender; and
 - (b) would make it unjust to do so in all the circumstances.
- [^{F3}(2A) For the purposes of subsection (1)—
- (a) a “relevant drug conviction” means—
 - (i) a conviction in any part of the United Kingdom of a class A drug trafficking offence, or
 - (ii) a conviction in another member State of an offence which was committed after the relevant date and would, if done in the United Kingdom at the time of the conviction, have constituted a class A drug trafficking offence; and
 - (b) “the relevant date” means the date on which this subsection comes into force.]
- [^{F4}(3)
- (4) Where—
- (a) a person is charged with a class A drug trafficking offence (which, apart from this subsection, would be triable either way), and
 - (b) the circumstances are such that, if he were convicted of the offence, he could be sentenced for it under subsection (2) above,
- the offence shall be triable only on indictment.
- (5) In this section “class A drug trafficking offence” means a drug trafficking offence committed in respect of a class A drug; and for this purpose—
- “class A drug” has the same meaning as in the ^{M1}Misuse of Drugs Act 1971;
- [^{F5}“ drug trafficking offence ” means an offence which is specified in—
- (a) paragraph 1 of Schedule 2 to the Proceeds of Crime Act 2002 (drug trafficking offences), or
 - (b) so far as it relates to that paragraph, paragraph 10 of that Schedule.]
- (6) In this section “an appropriate custodial sentence” means—
- (a) in relation to a person who is 21 or over when convicted of the offence mentioned in subsection (1)(a) above, a sentence of imprisonment;
 - (b) in relation to a person who is under 21 at that time, a sentence of detention in a young offender institution.

Textual Amendments

- F2** Words in s. 110(1)(b) substituted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\), s. 182\(5\), Sch. 17 para. 10\(2\)\(a\)](#) (with s. 180, Sch. 22 para. 41); S.I. 2010/1858, art. 3(d)(iv)
- F3** S. 110(2A) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\), s. 182\(5\), Sch. 17 para. 10\(2\)\(b\)](#) (with s. 180, Sch. 22 para. 41); S.I. 2010/1858, art. 3(d)(iv)
- F4** S. 110(3) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 114, Sch. 37 Pt. 7; S.I. 2005/950, art. 2\(1\), Sch. 1 paras. 42\(34\)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;](#)

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(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(1))

F5 Words in s. 110(5) substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 37(2)**; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

Modifications etc. (not altering text)

C1 S. 110(2) excluded (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), **ss. 239(5), 383(2)** (with s. 271(1)); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Marginal Citations

M1 1971 c. 38.

111 Minimum of three years for third domestic burglary.

(1) This section applies where—

- (a) a person is convicted of a domestic burglary committed after 30th November 1999;
- (b) at the time when that burglary was committed, he was 18 or over and had [^{F6}2 relevant domestic burglary convictions; and]
- (c) one of those other burglaries was committed after he had been convicted of the other, and both of them were committed after [^{F7}the relevant date].

(2) The court shall impose an appropriate custodial sentence for a term of at least three years except where the court is of the opinion that there are particular circumstances which—

- (a) relate to any of the offences or to the offender; and
- (b) would make it unjust to do so in all the circumstances.

[^{F8}(2A) For the purposes of subsection (1)—

- (a) a “relevant domestic burglary conviction” means—
 - (i) a conviction in England and Wales of a domestic burglary, or
 - (ii) a conviction in any other part of the United Kingdom or any other member State of an offence which would, if done in England and Wales at the time of the conviction, have constituted domestic burglary;
- (b) “the relevant date”, in relation to a relevant domestic burglary conviction, means—
 - (i) in respect of a conviction in England and Wales, 30 November 1999, and
 - (ii) in any other case, the day on which this subsection comes into force.]

[^{F9}(3)

(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.

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- (5) In this section “domestic burglary” means a burglary committed in respect of a building or part of a building which is a dwelling.
- (6) In this section “an appropriate custodial sentence” means—
- (a) in relation to a person who is 21 or over when convicted of the offence mentioned in subsection (1)(a) above, a sentence of imprisonment;
 - (b) in relation to a person who is under 21 at that time, a sentence of detention in a young offender institution.

Textual Amendments

- F6** Words in s. 111(1)(b) substituted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(3\)\(a\)\(i\)](#) (with s. 180, [Sch. 22 para. 41](#)); [S.I. 2010/1858](#), art. 3(d)(iv)
- F7** Words in s. 111(1)(c) substituted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(3\)\(a\)\(ii\)](#) (with s. 180, [Sch. 22 para. 41](#)); [S.I. 2010/1858](#), art. 3(d)(iv)
- F8** S. 111(2A) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(3\)\(b\)](#) (with s. 180, [Sch. 22 para. 41](#)); [S.I. 2010/1858](#), art. 3(d)(iv)
- F9** S. 111(3) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 115](#), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 paras. 42\(34\)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))

Modifications etc. (not altering text)

- C2** S. 111(2) excluded (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 239\(5\)](#), [383\(2\)](#) (with s. 271(1)); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

112 Appeals where previous convictions set aside.

- (1) This section applies where—
- (a) a sentence has been imposed on any person under subsection (2) of section ^{F10}... 110 or 111 above; and
 - (b) any previous conviction of his without which that section would not have applied has been subsequently set aside on appeal.
- (2) Notwithstanding anything in section 18 of the ^{M2}Criminal Appeal Act 1968, notice of appeal against the sentence may be given at any time within 28 days from the date on which the previous conviction was set aside.

Textual Amendments

- F10** Word in s. 112(1)(a) 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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Marginal Citations

M2 1968 c. 19.

113 Certificates of convictions for purposes of Chapter III.

(1) Where—

- (a) on any date after 30th September 1997 a person is convicted in England and Wales of ^{F11}... a class A drug trafficking offence, or on any date after 30th November 1999 a person is convicted in England and Wales of a domestic burglary, and
- (b) the court by or before which he is so convicted states in open court that he has been convicted of such an offence on that date, and
- (c) that court subsequently certifies that fact,

the certificate shall be evidence, for the purposes of the relevant section of this Chapter, that he was convicted of such an offence on that date.

[^{F12}(1A) Where—

- (a) a person is convicted—
 - (i) in any part of the United Kingdom other than England and Wales of a class A drug trafficking offence,
 - (ii) in any member State other than the United Kingdom of a corresponding drug trafficking offence, or
 - (iii) in any part of the United Kingdom other than England and Wales, or in any other member State, of a corresponding domestic burglary offence,
- (b) in the case of a conviction by or before a court in the United Kingdom, it is stated in open court that the person has been convicted of such an offence on that date, and
- (c) the court by or before which the person is convicted certifies, by way of a certificate signed by the proper officer of the court, the fact that the person has been convicted of such an offence on that date,

the certificate is evidence, for the purposes of the relevant section of this Chapter, that the person was convicted of such an offence on that date.]

(2) Where—

- (a) after 30th September 1997 a person is convicted in England and Wales of a class A drug trafficking offence or after 30th November 1999 a person is convicted in England and Wales of a domestic burglary, and
- (b) the court by or before which he is so convicted states in open court that the offence was committed on a particular day or over, or at some time during, a particular period, and
- (c) that court subsequently certifies that fact,

the certificate shall be evidence, for the purposes of the relevant section of this Chapter, that the offence was committed on that day or over, or at some time during, that period.

[^{F13}(2A) Where—

- (a) a person is convicted—
 - (i) in any part of the United Kingdom other than England and Wales of a class A drug trafficking offence,

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- (ii) in any member State other than the United Kingdom of a corresponding drug trafficking offence, or
 - (iii) in any part of the United Kingdom other than England and Wales, or in any other member State, of a corresponding domestic burglary offence,
- (b) in the case of a conviction by or before a court in the United Kingdom, it is stated in open court that the offence was committed on a particular day or over, or at some time during, a particular period, and
- (c) the court by or before which the person is convicted certifies, by way of a certificate signed by the proper officer of the court, that the offence was committed on a particular day or over, or at some time during, a particular period,

the certificate is evidence, for the purposes of the relevant section of this Chapter, that the offence was committed on that day or over, or at some time during, that period.]

(3) In this section—

[^{F14}“proper officer” means the clerk of the court, that clerk's deputy or any other person having custody of the court record;]

^{F15}... “class A drug trafficking offence” and “domestic burglary” have the same meanings as in sections ^{F15}... 110 and 111 respectively; ^{F16}...

[^{F17}“corresponding drug trafficking offence” means an offence within section 110(2A)(a)(ii);]

“the relevant section of this Chapter”, in relation to any such offence, shall be construed accordingly.

Textual Amendments

- F11** Words in s. 113(1)(a) 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(1))
- F12** S. 113(1A) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(4\)\(a\)](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, art. 3(d)(iv)
- F13** S. 113(2A) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(4\)\(b\)](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, art. 3(d)(iv)
- F14** Words in s. 113(3) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(4\)\(c\)\(i\)](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, art. 3(d)(iv)
- F15** Words in s. 113(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(1))
- F16** Word in s. 113(3) repealed (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(4\)\(c\)\(ii\)](#), [Sch. 23 Pt. 5](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, art. 3(d)(f)(iv)
- F17** Words in s. 113(3) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(4\)\(c\)\(ii\)](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, art. 3(d)(iv)

[^{F18}114 Offences under service law.

(1) Where—

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- (a) a person has at any time been convicted of an offence under section 42 of the Armed Forces Act 2006, and
- (b) the corresponding offence under the law of England and Wales (within the meaning given by that section) was a class A drug trafficking offence or a domestic burglary,

the relevant section of this Chapter shall have effect as if he had at that time been convicted in England and Wales of that corresponding offence.

[^{F19}(1A) Where—

- (a) a person has at any time been found guilty of a member State service offence committed after the relevant date, and
- (b) the corresponding UK offence was a class A drug trafficking offence or a domestic burglary,

the relevant section of this Chapter and subsection (1) above shall have effect as if the person had at that time been convicted in England and Wales of that corresponding UK offence.

(1B) For the purposes of subsection (1A)—

- (a) “member State service offence” means an offence which—
 - (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and
 - (ii) at the time it was done would have constituted an offence under the law of any part of the United Kingdom, or an offence under section 42 of the Armed Forces Act 2006, if it had been done in any part of the United Kingdom by a member of Her Majesty's forces (“the corresponding UK offence”);
- (b) “relevant date” means—
 - (i) where the corresponding UK offence was a class A drug trafficking offence, the relevant date referred to in section 110(2A)(b), and
 - (ii) where the corresponding UK offence was a domestic burglary, the relevant date referred to in section 111(2A)(b)(ii);
- (c) “Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006;
- (d) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.]

(2) Subsection (3) of section 113 applies for the purposes of this section as it applies for the purposes of that section.

(3) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, [^{F20}encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of this section as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this section.]

[^{F21}(4) Where—

- (a) the corresponding UK offence is an offence under section 42 of the Armed Forces Act 2006 by reason of section 43, 45, 46 or 47 of that Act (attempting, conspiring to commit, inciting, aiding, abetting, counselling or procuring criminal conduct); and
- (b) the act to which it relates (“the contemplated act”) is not an act that is (or that if done would have been) punishable by the law of England and Wales;

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for the purposes of subsections (1A) and (1B) it must be assumed that the contemplated act amounted to the offence under the law of England and Wales that it would have amounted to if it had been the equivalent act in England or Wales.]

Textual Amendments

- F18** S. 114 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. 166](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F19** S. 114(1A)(1B) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(5\)\(a\)](#) (with s. 180, Sch. 22 para. 41); S.I. 2010/1858, [art. 3\(d\)\(iv\)](#)
- F20** Words in s. 114(3) substituted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 5 para. 3](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)](#)
- F21** S. 114(4) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 17 para. 10\(5\)\(b\)](#) (with s. 180, Sch. 22 para. 41); S.I. 2010/1858, [art. 3\(d\)\(iv\)](#)

Modifications etc. (not altering text)

- C3** S. 114(1) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), [Sch. 1 para. 45\(3\)](#)

115 Determination of day when offence committed.

Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of sections ^{F22} ... 110 and 111 above to have been committed on the last of those days.

Textual Amendments

- F22** Word in s. 115 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(1))

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