



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER III

REQUIRED CUSTODIAL SENTENCES FOR CERTAIN OFFENCES

109 Life sentence for second serious offence.

- (1) This section applies where—
 - (a) a person is convicted of a serious offence committed after 30th September 1997; and
 - (b) at the time when that offence was committed, he was 18 or over and had been convicted in any part of the United Kingdom of another serious offence.
- (2) The court shall impose a life sentence, that is to say—
 - (a) where the offender is 21 or over when convicted of the offence mentioned in subsection (1)(a) above, a sentence of imprisonment for life,
 - (b) where he is under 21 at that time, a sentence of custody for life under section 94 above,unless the court is of the opinion that there are exceptional circumstances relating to either of the offences or to the offender which justify its not doing so.
- (3) Where the court does not impose a life sentence, it shall state in open court that it is of that opinion and what the exceptional circumstances are.
- (4) An offence the sentence for which is imposed under subsection (2) above shall not be regarded as an offence the sentence for which is fixed by law.

Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 109 is up to date with all changes known to be in force on or before 18 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)

- (5) An offence committed in England and Wales is a serious offence for the purposes of this section if it is any of the following, namely—
- (a) an attempt to commit murder, a conspiracy to commit murder or an incitement to murder;
 - (b) an offence under section 4 of the Offences Against the ^{M1}Person Act 1861 (soliciting murder);
 - (c) manslaughter;
 - (d) an offence under section 18 of the Offences Against the ^{M2}Person Act 1861 (wounding, or causing grievous bodily harm, with intent);
 - (e) rape or an attempt to commit rape;
 - (f) an offence under section 5 of the ^{M3}Sexual Offences Act 1956 (intercourse with a girl under 13);
 - (g) an offence under section 16 (possession of a firearm with intent to injure), section 17 (use of a firearm to resist arrest) or section 18 (carrying a firearm with criminal intent) of the ^{M4}Firearms Act 1968; and
 - (h) robbery where, at some time during the commission of the offence, the offender had in his possession a firearm or imitation firearm within the meaning of that Act.
- (6) An offence committed in Scotland is a serious offence for the purposes of this section if the conviction for it was obtained on indictment in the High Court of Justiciary and it is any of the following, namely—
- (a) culpable homicide;
 - (b) attempted murder, incitement to commit murder or conspiracy to commit murder;
 - (c) rape or attempted rape;
 - (d) clandestine injury to women or an attempt to cause such injury;
 - (e) sodomy, or an attempt to commit sodomy, where the complainer, that is to say, the person against whom the offence was committed, did not consent;
 - (f) assault where the assault—
 - (i) is aggravated because it was carried out to the victim's severe injury or the danger of the victim's life; or
 - (ii) was carried out with an intention to rape or to ravish the victim;
 - (g) robbery where, at some time during the commission of the offence, the offender had in his possession a firearm or imitation firearm within the meaning of the ^{M5}Firearms Act 1968;
 - (h) an offence under section 16 (possession of a firearm with intent to injure), section 17 (use of a firearm to resist arrest) or section 18 (carrying a firearm with criminal intent) of that Act;
 - (i) lewd, libidinous or indecent behaviour or practices; and
 - (j) an offence under section 5(1) of the ^{M6}Criminal Law (Consolidation) (Scotland) Act 1995 (unlawful intercourse with a girl under 13).
- (7) An offence committed in Northern Ireland is a serious offence for the purposes of this section if it is any of the following, namely—
- (a) an offence falling within any of paragraphs (a) to (e) of subsection (5) above;
 - (b) an offence under section 4 of the ^{M7}Criminal Law Amendment Act 1885 (intercourse with a girl under 14);

Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 109 is up to date with all changes known to be in force on or before 18 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)

- (c) an offence under Article 17 (possession of a firearm with intent to injure), Article 18(1) (use of a firearm to resist arrest) or Article 19 (carrying a firearm with criminal intent) of the ^{M8}Firearms (Northern Ireland) Order 1981; and
- (d) robbery where, at some time during the commission of the offence, the offender had in his possession a firearm or imitation firearm within the meaning of that Order.

Marginal Citations

- M1** 1861 c. 100.
- M2** 1861 c. 100.
- M3** 1956 c. 69.
- M4** 1968 c. 27.
- M5** 1968 c. 27.
- M6** 1995 c. 39.
- M7** 1885 c. 69.
- M8** S.I. 1981/155 (N.I. 2).

Status:

Point in time view as at 25/08/2000. This version of this provision has been superseded.

Changes to legislation:

Powers of Criminal Courts (Sentencing) Act 2000, Section 109 is up to date with all changes known to be in force on or before 18 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.