



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

- 158 Savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders.**
- (1) Nothing in—
- (a) sections 35 and 36 above (imposing community sentences),
 - (b) sections 79 to 82 above (imposing custodial sentences), or
 - (c) section 128 above (fixing of fines),
- shall prevent a court from mitigating an offender's sentence by taking into account any such matters as, in the opinion of the court, are relevant in mitigation of sentence.
- (2) Without prejudice to the generality of subsection (1) above, nothing in those sections shall prevent a court—
- (a) from mitigating any penalty included in an offender's sentence by taking into account any other penalty included in that sentence; or
 - (b) in a case of an offender who is convicted of one or more other offences, from mitigating his sentence by applying any rule of law as to the totality of sentences.
- (3) Nothing in those sections shall be taken—
- (a) as requiring a court to pass a custodial sentence, or any particular custodial sentence, on a mentally disordered offender; or

Status: Point in time view as at 01/06/2001. This version of this provision has been superseded.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 158 is up to date with all changes known to be in force on or before 26 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)

- (b) as restricting any power (whether under the ^{M1}Mental Health Act 1983 or otherwise) which enables a court to deal with such an offender in the manner it considers to be most appropriate in all the circumstances.
- (4) In subsection (3) above, “mentally disordered”, in relation to any person, means suffering from a mental disorder within the meaning of the ^{M2}Mental Health Act 1983.

Marginal Citations

M1 1983 c. 20.

M2 1983 c. 20.

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