



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

#### CHAPTER 1

##### GENERAL PROVISIONS ABOUT SENTENCING

##### *Matters to be taken into account in sentencing*

#### **143 Determining the seriousness of an offence**

- (1) In considering the seriousness of any offence, the court must consider the offender's culpability in committing the offence and any harm which the offence caused, was intended to cause or might foreseeably have caused.
- (2) In considering the seriousness of an offence ("the current offence") committed by an offender who has one or more previous convictions, the court must treat each previous conviction as an aggravating factor if (in the case of that conviction) the court considers that it can reasonably be so treated having regard, in particular, to—
  - (a) the nature of the offence to which the conviction relates and its relevance to the current offence, and
  - (b) the time that has elapsed since the conviction.
- (3) In considering the seriousness of any offence committed while the offender was on bail, the court must treat the fact that it was committed in those circumstances as an aggravating factor.
- (4) Any reference in subsection (2) to a previous conviction is to be read as a reference to—
  - (a) a previous conviction by a court in the United Kingdom,<sup>F1</sup> . . .

*Status: Point in time view as at 15/08/2010. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 2003, Section 143 is up to date with all changes known to be in force on or before 13 August 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)*

- [<sup>F2</sup>(aa) a previous conviction by a court in another member State of a relevant offence under the law of that State,]
- [<sup>F3</sup>(b) a previous conviction of a service offence within the meaning of the Armed Forces Act 2006 (“conviction” here including anything that under section 376(1) and (2) of that Act is to be treated as a conviction).]
- [<sup>F4</sup>or
- (c) a finding of guilt in respect of a member State service offence.]
- [<sup>F5</sup>(5) Subsections (2) and (4) do not prevent the court from treating—
- (a) a previous conviction by a court outside both the United Kingdom and any other member State, or
- (b) a previous conviction by a court in any member State (other than the United Kingdom) of an offence which is not a relevant offence,
- as an aggravating factor in any case where the court considers it appropriate to do so.
- (6) For the purposes of this section—
- (a) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time of the conviction of the defendant for the current offence,
- (b) “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) would constitute an offence under the law of any part of the United Kingdom, or a service offence (within the meaning of the Armed Forces Act 2006), if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the defendant for the current offence,
- (c) “Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006, and
- (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.]

#### Textual Amendments

- F1** Word in s. 143(4)(a) repealed (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 144, 178, 182, [Sch. 17 para. 6\(2\)\(a\)](#), [Sch. 23 Pt. 5](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, [art. 3\(c\)\(d\)\(iii\)\(f\)\(iii\)](#)
- F2** S. 143(4)(aa) inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 144, 182, [Sch. 17 para. 6\(2\)\(a\)](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, [art. 3\(a\)\(d\)\(iii\)](#)
- F3** S. 143(4)(b) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 216](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F4** S. 143(4)(c) and word inserted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 144, 182, [Sch. 17 para. 6\(2\)\(b\)](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, [art. 3\(a\)\(d\)\(iii\)](#)
- F5** S. 143(5)(6) substituted (15.8.2010) for s. 143(5) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 144, 182, [Sch. 17 para. 6\(3\)](#) (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, [art. 3\(a\)\(d\)\(iii\)](#)

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

- C1** S. 143(3) modified (31.10.2009) by [The Armed Forces \(Civilian Courts Dealing with Service Offences\) \(Modification of the Criminal Justice Act 2003\) Regulations 2009 \(S.I. 2009/2042\)](#), **regs. 4, 10**
- C2** S. 143(4) modified (24.4.2009 for certain purposes, otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(2)(3)(a), 205, **Sch. 1 para. 53(5)**

**Commencement Information**

- I1** S. 143 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, Sch. 1 para. 7 (subject to [art. 2\(2\)](#), Sch. 2)

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