



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 9

SUPPLEMENTARY

305 Interpretation of Part 12

(1) In this Part, except where the contrary intention appears—

“accredited programme” has the meaning given by section 202(2);

“activity requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 201;

“alcohol treatment requirement”, in relation to a community order or suspended sentence order, has the meaning given by section 212;

“the appropriate officer of the court” means, in relation to a magistrates' court, the clerk of the court;

“associated”, in relation to offences, is to be read in accordance with section 161(1) of the Sentencing Act;

“attendance centre” has the meaning given by section 221(2);

“attendance centre requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 214;

“community order” has the meaning given by section 177(1);

“community requirement”, in relation to a suspended sentence order, has the meaning given by section 189(7);

“community sentence” has the meaning given by section 147(1);

“court” (without more), except in Chapter 7, does not include a service court;

Status: Point in time view as at 26/01/2004. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 2003, Section 305 is up to date with all changes known to be in force on or before 31 May 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)

“curfew requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 204;

“custodial sentence” has the meaning given by section 76 of the Sentencing Act;

“custody plus order” has the meaning given by section 181(4);

“default order” has the meaning given by section 300(3);

“drug rehabilitation requirement”, in relation to a community order or suspended sentence order, has the meaning given by section 209;

“electronic monitoring requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 215;

“exclusion requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 205;

“guardian” has the same meaning as in the Children and Young Persons Act 1933 (c. 12);

“intermittent custody order” has the meaning given by section 183(2);

“licence” means a licence under Chapter 6;

“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);

“mental health treatment requirement”, in relation to a community order or suspended sentence order, has the meaning given by section 207;

“pre-sentence report” has the meaning given by section 158(1);

“programme requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 202;

“prohibited activity requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 203;

“residence requirement”, in relation to a community order or suspended sentence order, has the meaning given by section 206;

“responsible officer”, in relation to an offender to whom a community order, a custody plus order, an intermittent custody order or a suspended sentence order relates, has the meaning given by section 197;

“sentence of imprisonment” does not include a committal—

- (a) in default of payment of any sum of money,
- (b) for want of sufficient distress to satisfy any sum of money, or
- (c) for failure to do or abstain from doing anything required to be done or left undone,

and references to sentencing an offender to imprisonment are to be read accordingly;

“the Sentencing Act” means the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6);

“service court” means—

- (a) a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53);

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- (b) a summary appeal court constituted under section 83ZA of the Army Act 1955, section 83ZA of the Air Force Act 1955 or section 52FF of the Naval Discipline Act 1957;
 - (c) the Courts-Martial Appeal Court; or
 - (d) a Standing Civilian Court;
- “service disciplinary proceedings” means—
- (a) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), and
 - (b) any proceedings before a Standing Civilian Court;
- “supervision requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 213;
- “suspended sentence” and “suspended sentence order” have the meaning given by section 189(7);
- “unpaid work requirement”, in relation to a community order, custody plus order, intermittent custody order or suspended sentence order, has the meaning given by section 199;
- “youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998 (c. 37).
- (2) For the purposes of any provision of this Part which requires the determination of the age of a person by the court or the Secretary of State, his age is to be taken to be that which it appears to the court or (as the case may be) the Secretary of State to be after considering any available evidence.
 - (3) Any reference in this Part to an offence punishable with imprisonment is to be read without regard to any prohibition or restriction imposed by or under any Act on the imprisonment of young offenders.
 - (4) For the purposes of this Part—
 - (a) a sentence falls to be imposed under subsection (2) of section 51A of the Firearms Act 1968 (c. 27) if it is required by that subsection and the court is not of the opinion there mentioned,
 - (b) a sentence falls to be imposed under section 110(2) or 111(2) of the Sentencing Act if it is required by that provision and the court is not of the opinion there mentioned,
 - (c) a sentence falls to be imposed under section 225 or 227 if, because the court is of the opinion mentioned in subsection (1)(b) of that section, the court is obliged to pass a sentence complying with that section,
 - (d) a sentence falls to be imposed under section 226 if, because the court is of the opinion mentioned in subsection (1)(b) of that section and considers that the case falls within subsection (2) or (3) of that section, the court is obliged to pass a sentence complying with that section, and
 - (e) a sentence falls to be imposed under section 228 if, because the court is of the opinion mentioned in subsection (1)(b)(i) and (ii) of that section, the court is obliged to pass a sentence complying with that section.

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Commencement Information

- II** S. 305 wholly in force at 4.4.2005; s. 305 not in force at Royal Assent, see s. 336(3); s. 305(1)-(3) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, Sch.; s. 305 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 24 (subject to **art. 2(2)**, Sch. 2)

Status:

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Changes to legislation:

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