



Sentencing Act 2020

2020 CHAPTER 17

FIFTH GROUP OF PARTS Sentencing: miscellaneous provision and interpretation

PART 12

MISCELLANEOUS PROVISION ABOUT SENTENCING

CHAPTER 2

COMMENCEMENT AND ALTERATION OF SENTENCE

384 Commencement of sentence

- (1) A sentence imposed by a court when dealing with an offender takes effect from the beginning of the day on which it is imposed, unless the court otherwise directs.
- (2) The power to give a direction under subsection (1) is subject to section 225 (restriction on consecutive sentences for released prisoners).
- (3) This section is subject to—
 - (a) section 198 (when a youth rehabilitation order is in force);
 - (b) sections 237, 253, 257 and 270 (interaction of detention and training order with other sentences);
 - (c) section 334 (duration of criminal behaviour order);
 - (d) section 385(5) (alteration of Crown Court sentence);
 - (e) section 142(5) of the Magistrates' Courts Act 1980 (power of magistrates' court to re-open cases to rectify mistakes etc).
- (4) In this section—

“sentence” has the meaning given by section 401, but—

 - (a) also includes a recommendation for deportation made when dealing with an offender, and
 - (b) does not include an order relating to a requirement to make a payment under regulations under section 23 or 24 of the Legal Aid, Sentencing

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

and Punishment of Offenders Act 2012 (legal aid: payment for services and enforcement);

“imposed” includes made.

385 Alteration of Crown Court sentence

(1) Subsection (2) applies where the Crown Court has imposed a sentence when dealing with an offender.

(2) The Crown Court may vary or rescind the sentence at any time within the period of 56 days beginning with the day on which the sentence was imposed.

This subsection is subject to subsections (3) and (4).

(3) Subsection (2) does not apply where an appeal, or an application for leave to appeal, against that sentence has been determined.

(4) The power in subsection (2) may be exercised only by—

- (a) the court constituted as it was when the sentence was imposed, or
- (b) where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices.

(5) Where a sentence is varied under this section, the sentence, as so varied, is to take effect from the beginning of the day on which it was originally imposed, unless the court directs otherwise.

This is subject to subsection (6).

(6) For the purposes of—

- (a) section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal), and
- (b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of an application for leave to refer a case under section 36 of that Act),

the sentence is to be regarded as imposed on the day on which it is varied under this section.

(7) Criminal Procedure Rules may—

- (a) provide for extending the period fixed by subsection (2) for cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments;
- (b) subject to the other provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by that court.

(8) In this section—

“sentence” has the meaning given by section 401, but—

- (a) also includes a recommendation for deportation made when dealing with an offender, and
- (b) does not include an order relating to a requirement to make a payment under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid: payment for services and enforcement);

“imposed” includes made.