



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 4

SENTENCING

CHAPTER 2

OTHER PROVISIONS RELATING TO SENTENCING

Driving disqualification

137 Extension of driving disqualification

Schedule 16 makes provision about the extension of disqualification for holding or obtaining a driving licence in certain circumstances.

Commencement Information

II S. 137 in force at 13.4.2015 by S.I. 2015/819, art. 2(a)

Dangerous offenders

^{F1}138 Dangerous offenders: terrorism offences (England and Wales)

Textual Amendments

F1 S. 138 omitted (12.4.2019) by virtue of Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), Sch. 4 para. 12(3) (with s. 25(3)(4))

Changes to legislation: Coroners and Justice Act 2009, Chapter 2 is up to date with all changes known to be in force on or before 28 April 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) View outstanding changes

139 Dangerous offenders: terrorism offences (Northern Ireland)

(1) Schedule 1 to the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (serious offences for purposes of Chapter 3 of Part 2 of that Order) is amended in accordance with subsections (2) to (4).

(2) After paragraph 25 insert—

25A “The Terrorism Act 2000 (c. 11)

An offence under—

- section 54 (weapons training),
- section 56 (directing terrorist organisation),
- section 57 (possession of article for terrorist purposes), or
- section 59 (inciting terrorism overseas).”

(3) After paragraph 26 insert—

26A “The Anti-terrorism, Crime and Security Act 2001 (c. 24)

An offence under—

- section 47 (use etc of nuclear weapons),
- section 50 (assisting or inducing certain weapons-related acts overseas),
- or
- section 113 (use of noxious substance or thing to cause harm or intimidate).”

(4) After paragraph 31 insert—

31ZA “The Terrorism Act 2006 (c. 11)

An offence under—

- section 5 (preparation of terrorist acts),
- section 6 (training for terrorism),
- section 9 (making or possession of radioactive device or material),
- section 10 (use of radioactive device or material for terrorist purposes etc), or
- section 11 (terrorist threats relating to radioactive devices etc).”

F²(5)

F²(6)

F²(7)

F²(8)

Textual Amendments

F2 S. 139(5)-(8) omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 15](#) (with s. 25(5))

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Commencement Information

I2 S. 139 in force at 12.1.2010 by [S.I. 2010/28](#), [art. 2](#)

Confiscation orders

140 Appeals against certain confiscation orders (England and Wales)

(1) The Criminal Appeal Act 1968 (c. 19) is amended in accordance with subsections (2) and (3).

(2) In section 11 (supplementary provisions as to appeal against sentence), after subsection (3) insert—

“(3A) Where the Court of Appeal exercise their power under paragraph (a) of subsection (3) to quash a confiscation order, the Court may, instead of proceeding under paragraph (b) of that subsection, direct the Crown Court to proceed afresh under the relevant enactment.

(3B) When proceeding afresh pursuant to subsection (3A), the Crown Court shall comply with any directions the Court of Appeal may make.

(3C) The Court of Appeal shall exercise the power to give such directions so as to ensure that any confiscation order made in respect of the appellant by the Crown Court does not deal more severely with the appellant than the order quashed under subsection (3)(a).

(3D) For the purposes of this section—

“confiscation order” means a confiscation order made under—

- (a) section 1 of the Drug Trafficking Offences Act 1986,
- (b) section 71 of the Criminal Justice Act 1988,
- (c) section 2 of the Drug Trafficking Act 1994, or
- (d) section 6 of the Proceeds of Crime Act 2002;

“relevant enactment”, in relation to a confiscation order quashed under subsection (3)(a), means the enactment under which the order was made.”

(3) After that section insert—

“11A Quashing of certain confiscation orders: supplementary

(1) This section applies where the Court of Appeal—

- (a) quash a confiscation order under section 11(3)(a) (“the quashed order”), and
- (b) under section 11(3A), direct the Crown Court to proceed afresh under the relevant enactment.

(2) Nothing in this section prevents any sum paid by the appellant pursuant to the quashed order being a sum which is recoverable from the Secretary of State as a debt owing to the appellant, but the Court of Appeal may direct that any such sum is not to be repaid until such time as the Crown Court makes a confiscation order, or decides not to make such an order, when proceeding afresh pursuant to section 11(3A).

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- (3) Nothing in this section prevents an amount which would otherwise fall to be repaid as a result of the order being quashed being set against an amount which the appellant is required to pay by virtue of a confiscation order made by the Crown Court in those proceedings.
- (4) In this section “confiscation order” and “relevant enactment” have the same meaning as in section 11(3D).”

Commencement Information

I3 S. 140 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 10

141 Appeals against certain confiscation orders (Northern Ireland)

- (1) The Criminal Appeal (Northern Ireland) Act 1980 (c. 47) is amended in accordance with subsections (2) and (3).
- (2) In section 10 (supplementary provisions as to appeals against sentence), after subsection (3) insert—
- “(3A) Where the Court of Appeal exercises its power under subsection (3) to quash a confiscation order, the Court may, instead of passing a sentence in substitution for that order, direct the Crown Court to proceed afresh under the relevant enactment.
- (3B) When proceeding afresh pursuant to subsection (3A), the Crown Court shall comply with any directions the Court of Appeal may make.
- (3C) For the purposes of this section—
- “confiscation order” means a confiscation order made under—
- (a) Article 4 or 5 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990,
 - (b) Article 8 of the Proceeds of Crime (Northern Ireland) Order 1996,
 - or
 - (c) section 156 of the Proceeds of Crime Act 2002;
- “relevant enactment”, in relation to a confiscation order quashed under subsection (3), means the enactment under which the order was made.”
- (3) After that section insert—

“10A Quashing of certain confiscation orders: supplementary

- (1) This section applies where the Court of Appeal—
- (a) quashes a confiscation order under section 10(3) (“the quashed order”), and
 - (b) under section 10(3A), directs the Crown Court to proceed afresh under the relevant enactment.
- (2) Nothing in this section prevents any sum paid by the appellant pursuant to the quashed order being a sum which is recoverable from the Secretary of State as a debt owing to the appellant, but the Court of Appeal may direct that any sum

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is not to be repaid until such time as the Crown Court makes a confiscation order, or decides not to make such an order, when proceeding afresh pursuant to section 10(3A).

- (3) Nothing in this section prevents an amount which would otherwise fall to be repaid as a result of the order being quashed being set against an amount which the appellant is required to pay by virtue of a confiscation order made by the Crown Court in those proceedings.
- (4) In this section “confiscation order” and “relevant enactment” have the same meaning as in section 10(3C).”

Commencement Information

I4 S. 141 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 11

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)