



Powers of Criminal Courts Act 1973

CHAPTER 62

POWERS OF CRIMINAL COURTS ACT 1973

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Preliminary

- 1 Deferment of sentence.

Discharge

- 1A Absolute and conditional discharge.
- 1B Commission of further offence by person conditionally discharged.
- 1C Effect of discharge.

Probation

- 2 Probation orders.
- 3 Additional requirements which may be included in such orders.
- 4
- 4A Requirements in probation orders.
- 4B Probation orders requiring attendance at day centre.
- 5 Discharge and amendment of probation orders.
- 6 Breach of requirement of probation order.
- 7 Absolute and conditional discharge.
- 8 Commission of further offence by probationer or person conditionally discharged.
- 9 Breach of conditional discharge by young offenders.
- 10 Probation orders relating to persons residing in Scotland.

Status: Point in time view as at 05/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed). (See end of Document for details)

Probation and discharge

- 11 Substitution of conditional discharge for probation.
- 12 Supplementary provision as to probation and discharge.
- 13 Effects of probation and discharge.

Community service orders

- 14 Community service orders in respect of convicted persons
- 15 Obligations of person subject to community service order.
- 16 Breach of requirements of community service order.
- 17 Amendment and revocation of community service orders, and substitution of other sentences.

Community service orders relating to persons residing in Scotland or Northern Ireland

- 17A Making and amendment of community service orders relating to persons residing in Scotland.
- 17B Making and amendment of community service orders relating to persons residing in Northern Ireland.
- 17C Community service orders relating to persons residing in Scotland or Northern Ireland—general.

Imprisonment, Borstal training and detention: general provisions

- 18 General power of Crown Court to impose sentence of imprisonment on conviction on indictment.
- 19
- 20 Restriction on imposing sentences of imprisonment on persons who have not previously served prison sentences.
- 20A Social inquiry report for purposes of s. 20.
- 21 Restriction on imposing sentences of imprisonment, Borstal training or detention on persons not legally represented.

Suspended sentences of imprisonment

- 22 Suspended sentences of imprisonment.
- 23 Power of court on conviction of further offence to deal with suspended sentence.
- 24 Court by which suspended sentence may be dealt with.
- 25 Procedure where court convicting of further offence does not deal with suspended sentence.
- 26 Suspended sentence supervision orders.
- 27 Breach of requirement of suspended sentence supervision order.

Powers relating to persistent offenders

- 28 Punishment of persistent offenders.
- 29 Supplementary provisions as to persistent offenders.

Crown Court fines, etc.

- 30 General power of Crown Court to fine offender convicted on indictment.
- 31 Powers, etc., of Crown Court in relation to fines and forfeited recognizances.

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- 32 Enforcement, etc., of fines imposed and recognizances forfeited by Crown Court.
- 33
- 34 Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation.
- 34A Power of Crown Court to order search of persons before it.

Compensation orders

- 35 Compensation orders against convicted persons.
- 36 Enforcement and appeals.
- 37 Review of compensation orders.
- 38 Effect of compensation order on subsequent award of damages in civil proceedings.

Criminal bankruptcy orders

- 39 Criminal bankruptcy orders against convicted persons.
- 40 Appeals in the case of criminal bankruptcy orders.
- 41

Miscellaneous Powers

- 42 Power of Crown Court on committal for sentence.
- 43 Power to deprive offender of property used, or intended for use, for purposes of crime.
- 43A Application of proceeds of forfeited property.
- 44 Driving disqualification where vehicle used for purposes of crime.

Supplemental

- 45 Social inquiry report before sentence.
- 46 Reports of probation officers.

PART II

ADMINISTRATIVE AND SUPPLEMENTAL PROVISIONS

Rehabilitation of offenders and arrangements for persons on bail

- 47 The probation and after-care service and its functions.
- 48 Power of Secretary of State to regulate community service work and training at day training centres.
- 49 Power of Secretary of State to approve bail hostels and probation hostels and homes.
- 50

Expenses and grants

- 51 Expenses and grants payable out of moneys provided by Parliament.

Miscellaneous and supplemental

- 52 Evidence with respect to offences punishable in Scotland.
- 53 Execution of process between England and Wales and Scotland.
- 54 Rules and orders.
- 55 Transitional provisions.

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- 56 Consequential amendments and repeals.
- 57 Interpretation.
- 58 Application to Scotland.
- 59 Northern Ireland.
- 60 Short title and commencement.

SCHEDULES

SCHEDULE 1 —

Discharge

1

Amendment

2

3

4

4A

General

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Schedule 1A — Additional Requirements in Probation Orders

Requirements as to residence

1 (1) Subject to sub-paragraphs (2) and (3) below, a probation...

Requirements as to activities etc.

2 (1) Subject to the provisions of this paragraph, a probation...

Requirements as to attendance at probation centre

3 (1) Subject to the provisions of this paragraph, a probation...

Extension of requirements for sexual offenders

4 (1) If the court so directs in the case of...

Requirements as to treatment for mental condition etc.

5 (1) This paragraph applies where a court proposing to make...

Requirements as to treatment for drug or alcohol dependency

6 (1) Subject to sub-paragraph (1A) below, This paragraph applies where a...

Interpretation

7 In the case of an offender under the age of...

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SCHEDULE 2 —

SCHEDULE 3 — The Probation and After-Care Service and its Functions
Part I — THE PROBATION AND AFTER-CARE SERVICE

Probation and after-care areas

- 1 (1) Subject to the following provisions of this paragraph, if...

Probation and after-care committees

- 2 (1) For every probation and after-care area there shall be...
3 (1) It shall be the duty of every probation and...

Probation liaison committees

- 4 (1) Subject to sub-paragraph (1A) below, for every petty sessions...
5 (1) The probation committee for the inner London probation area...

Co-option of members of probation and after-care committees and probation liaison committee

- 6 (1) Subject to the provisions of this paragraph, any probation...
6A Any probation committee may also co-opt one or more justices...
6B (1) The Secretary of State may by order provide that...
7

Probation Officers

- 8 (1) It shall be the duty of probation officers to...
9 The probation officer who is to be responsible for the...

Part II — FUNCTIONS IN RELATION TO THE REHABILITATION OF
OFFENDERS

Functions of probation and after-care committees in relation to community service orders

- 10 (1) A probation and after-care committee shall secure that
arrangements...

Provision of establishments for use in connection with the rehabilitation of offenders, etc.

- 11 A probation and after-care committee may, with the approval of...
12 (1) A probation and after-care committee shall make such payments...

Payment of grants in prescribed cases

- 12A A probation committee may, in prescribed cases, make such payments...
Part III — GENERAL PROVISIONS

Travelling and subsistence allowances

- 13 (1) Subject to the provisions of this paragraph, a member...

Adjustment of expenses of probation and after-care committees inter se

- 14 (1) Where a probation officer is appointed for more than...

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Expenses of probation and after-care committees to be borne by local authorities

15 (1) Subject to sub-paragraph (2) below and to paragraph 16...

Special provision for expenses of the probation and after-care committee for the inner London area

16 Paragraph 15 above shall not apply in relation to expenses...

Limits on sums payable under paragraphs 15 and 16

16A (1) Nothing in paragraph 15 or 16 above shall require...

Provision of accommodation by local authorities for the probation and after-care service

17 (1) In any case in which a local authority would...

Rules

18 (1) The Secretary of State may make rules—

Conditions of service of probation officers

18A The conditions of service of probation officers

Interpretation

19 (1) In this Schedule, “the inner London area” has the...

SCHEDULE 4 — Transitional Provisions

General

1 Without prejudice to the provisions of section 38 of the...

Transitional provisions with respect to repeals made by the Children and Young Persons Act 1969

2

SCHEDULE 5 — Consequential Amendments

1

The Criminal Justice Act 1948

2 In section 19 of the Criminal Justice Act 1948 (orders...

3

The Magistrates’ Courts Act 1952

4, 5

6 In section 72B of that Act (transfer of fine orders...

7

The Summary Jurisdiction (Scotland) Act 1954

8 In section 44 of the Summary Jurisdiction (Scotland) Act 1954...

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The Metropolitan Magistrates' Courts Act 1959

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11

The Criminal Justice Act 1961

12 In section 5(5) of the Criminal Justice Act 1961 (construction...
13

The Administration of Justice Act 1964

14
15

The Criminal Justice Act 1967

16
17 In section 32 of that Act (amendments of Costs in...
18, 19
20 In section 56 of that Act (committal for sentence for...
21 In section 62 of that Act (revocation of licences and...
22 In section 67 of that Act (computation of sentences of...
23—25
26 In section 104 of that Act (general provisions as to...
27 In section 106(2)(b) of that Act (provisions extending to Scotland),...

Criminal Appeal Act 1968

28 In section 10 of the Criminal Appeal Act 1968 (appeal...
29

The Social Work (Scotland) Act 1968

30 In section 94 of the Social Work (Scotland) Act 1968...

The Civil Evidence Act 1968

31 In section 11 of the Civil Evidence Act 1968 (convictions...

The Law Reform (Miscellaneous Provisions) (Scotland) Act 1968

32 In section 10 of the Law Reform (Miscellaneous Provisions)
(Scotland)...

The Children and Young Persons Act 1969

33
34
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36
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39 In Schedule 4 to that Act (transitional provisions and savings)...

The Administration of Justice Act 1970

40 In Part I of Schedule 9 to the Administration of...

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The Courts Act 1971

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The Industrial Relations Act 1971

42 In paragraph 28 of Schedule 3 to the Industrial Relations...

The Road Traffic Act 1972

43

44 In section 105 of that Act (supplementary provisions as to...

The Criminal Justice Act 1972

45 In section 23 of the Criminal Justice Act 1972 (power...

46 In section 24 of that Act (driving disqualification where vehicle...

47 In section 49 of that Act (community service order in...

48

The Costs in Criminal Cases Act 1973

49 In section 18 of the Costs in Criminal Cases Act...

The Social Security Act 1973

50 In Schedule 23 to the Social Security Act 1973 (proceedings...

Schedule 6 — Enactments Repealed

Status:

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