



# Powers of Criminal Courts Act 1973

## 1973 CHAPTER 62

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### *Criminal bankruptcy orders*

### **39 Criminal bankruptcy orders against convicted persons**

- (1) Where a person is convicted of an offence before the Crown Court and it appears to the court that—
  - (a) as a result of the offence, or of that offence taken together with any other relevant offence or offences, loss or damage (not attributable to personal injury) has been suffered by one or more persons whose identity is known to the court; and
  - (b) the amount, or aggregate amount, of the loss or damage exceeds £15,000;the court may, in addition to dealing with the offender in any other way (but not if it makes a compensation order against him), make a criminal bankruptcy order against him in respect of the offence or, as the case may be, that offence and the other relevant offence or offences.
- (2) In subsection (1) above " other relevant offence or offences " means an offence or offences of which the person in question is convicted in the same proceedings or which the court takes into consideration in determining his sentence.
- (3) A criminal bankruptcy order shall specify—
  - (a) the amount of the loss or damage appearing to the court to have resulted from the offence or, if more than one, each of the offences;
  - (b) the person or persons appearing to the court to have suffered that loss or damage ;
  - (c) the amount of that loss or damage which it appears to the court that that person, or each of those persons, has suffered; and

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*Status: This is the original version (as it was originally enacted).*

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- (d) the date which is to be the relevant date for the purpose of the exercise by the High Court of its powers under paragraph 10 of Schedule 2 to this Act in relation to dispositions made by the offender, being the date which appears to the court to be the earliest date on which the offence or, if more than one, the earliest of the offences, was committed.
- (4) A criminal bankruptcy order may be made against two or more offenders in respect of the same loss or damage.
- (5) Schedule 2 to this Act shall have effect in relation to criminal bankruptcy orders and the operation of the enactments relating to bankruptcy in a case where such an order has been made, and also for supplementing those enactments in relation to dispositions made by an offender against whom such an order has been made.
- (6) The Secretary of State may by order direct that subsection (1) above shall be amended by substituting, for the amount specified in that subsection as originally enacted or as previously amended under this subsection, such amount as may be specified in the order.