



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

An Act to consolidate certain enactments relating to the powers of courts to deal with offenders and defaulters and to the treatment of such persons, with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission. [25th May 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

- C1** Act modified (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\), s. 8\(8\)](#)
- C2** Act: power to amend conferred (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 7, 22\(1\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40, art. 2\(g\)](#)
- C3** Act modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\), ss. 1, 5\(2\)\(3\)](#) (with [Sch. 1 paras. 9-11, 13, 14, 17, 24, 25, 37-39](#)); [S.I. 2012/1236, reg. 2](#)
- C4** Act: power to amend conferred by 2003 c. 44, s. 256AB(4) (as extended (1.12.2020) by [Sentencing Act 2020 \(c. 17\), ss. 247\(5\), 416\(1\)](#) (with [ss. 2, 398\(1\), 406, Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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PART I

POWERS EXERCISABLE BEFORE SENTENCE

Deferment of sentence

F1 1 Deferment of sentence

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F1 1ZA Undertakings to participate in restorative justice activities

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F1 1A Further provision about undertakings

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F1 1B Breach of undertakings

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F1 1C Conviction of offence during period of deferment

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F1 1D Deferment of sentence: supplementary

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Committal to Crown Court for sentence

F1 3 Committal for sentence on summary trial of offence triable either way.

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F1 3A Committal for sentence of dangerous adult offenders

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F1 3B Committal for sentence of young offenders on summary trial of certain serious offences

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F1 3C Committal for sentence of dangerous young offenders

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F14 Committal for sentence on indication of guilty plea to offence triable either way.

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F14A Committal for sentence on indication of guilty plea by child or young person with related offences

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F15 Power of Crown Court on committal for sentence under sections 3 and 4. Power of Crown Court on committal for sentence under sections 3, 3A and 4

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F15A Power of Crown Court on committal for sentence under sections 3B, 3C and 4A

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Textual Amendments
F1 Ss. 1-10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F16 Committal for sentence in certain cases where offender committed in respect of another offence.

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F17 Power of Crown Court on committal for sentence under section 6.

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Remission for sentence: young offenders etc.

F18 Power and duty to remit young offenders to youth courts for sentence.

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F19 Power of youth court to remit offender who attains age of 18 to magistrates' court other than youth court for sentence.

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F110 Power of magistrates' court to remit case to another magistrates' court for sentence.

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Textual Amendments

F1 Ss. 1-10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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Remand by magistrates’ court for medical examination

11 Remand by magistrates’ court for medical examination.

- (1) If, on the trial by a magistrates’ court of an offence punishable on summary conviction with imprisonment, the court—
 - (a) is satisfied that the accused did the act or made the omission charged, but
 - (b) is of the opinion that an inquiry ought to be made into his physical or mental condition before the method of dealing with him is determined,
 the court shall adjourn the case to enable a medical examination and report to be made, and shall remand him.
- (2) An adjournment under subsection (1) above shall not be for more than three weeks at a time where the court remands the accused in custody, nor for more than four weeks at a time where it remands him on bail.
- (3) Where on an adjournment under subsection (1) above the accused is remanded on bail, the court shall impose conditions under paragraph (d) of section 3(6) of the ^{M1}Bail Act 1976 and the requirements imposed as conditions under that paragraph shall be or shall include requirements that the accused—
 - (a) undergo medical examination by a registered medical practitioner or, where the inquiry is into his mental condition and the court so directs, two such practitioners; and
 - (b) for that purpose attend such an institution or place, or on such practitioner, as the court directs and, where the inquiry is into his mental condition, comply with any other directions which may be given to him for that purpose by any person specified by the court or by a person of any class so specified.

Marginal Citations
 M1 1976 c. 63.

PART II

ABSOLUTE AND CONDITIONAL DISCHARGE

^{F2}12 Absolute and conditional discharge.

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Textual Amendments
 F2 Ss. 12-32 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F2}13 Commission of further offence by person conditionally discharged.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F214 Effect of discharge.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F215 Discharge: supplementary.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

PART III

MANDATORY AND DISCRETIONARY REFERRAL OF YOUNG OFFENDERS

Referral orders

F216 Duty and power to refer certain young offenders to youth offender panels.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F217 The referral conditions.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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F2¹⁸ Making of referral orders: general.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F2¹⁹ Making of referral orders: effect on court’s other sentencing powers.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F2²⁰ Making of referral orders: attendance of parents etc.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Youth offender panels

F2²¹ Establishment of panels.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F2²² Attendance at panel meetings.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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Youth offender contracts

F²23 First meeting: agreement of contract with offender.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F²24 First meeting: duration of contract.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F²25 First meeting: failure to agree contract.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F²26 Progress meetings.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F²27 Final meeting.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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Referrals back to court in the interests of justice

F²27A Revocation of referral order where offender making good progress etc.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F²27B Extension of period for which young offender contract has effect

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Further court proceedings

F²28 Offender or parent referred back to court: offender convicted while subject to referral order.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Supplementary

F²29 Functions of youth offending teams.

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Textual Amendments

F2 Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F²30 Regulations under Part III.

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Textual Amendments

- F2** Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F2}31 Rules of court.

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Textual Amendments

- F2** Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F2}32 Definitions for purposes of Part III.

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Textual Amendments

- F2** Ss. 12-32 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

PART IV

[^{F3}YOUTH COMMUNITY ORDERS] AND REPARATION ORDERS

Textual Amendments

- F3** Words in Pt. IV heading substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 94**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(34\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

Modifications etc. (not altering text)

- C5** Pt. IV applied (with modifications) (25.8.2000) by [1997 c. 43](#), s. 35(4)(b)(5) (as substituted (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), **Sch. 9 para. 184(3)**)

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F⁴CHAPTER I

[F⁵YOUTH COMMUNITY ORDERS]: GENERAL PROVISIONS

Textual Amendments

- F4** Pt. IV Ch. I repealed (30.11.2009 except for the repeal of ss. 33(1)(c), 36B) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6(1), 153(7), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(f)(u) (with art. 4)
- F5** Words in Pt. IV Ch. I heading substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 94**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

[F⁴33 Meaning of “youth community order” and “community sentence”

- (1) In this Act “youth community order” means any of the following orders—
- F⁴(a)
 - F⁴(b)
 - (c) an attendance centre order;
 - F⁴(d)
 - F⁴(e)
- F⁴(2)]

F⁶34 Community orders not available where sentence fixed by law etc.

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Textual Amendments

- F6** Ss. 34-36A repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

F⁶35 Restrictions on imposing community sentences.

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Textual Amendments

- F6** Ss. 34-36A repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

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F⁶36 Procedural requirements for community sentences: pre-sentence reports etc.

Textual Amendments

F6 Ss. 34-36A repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F⁶36A Pre-sentence drug testing.

Textual Amendments

F6 Ss. 34-36A repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

**[^{F4}]
^{F7}36B Electronic monitoring of requirements in [^{F8}youth community orders].**

- (1) Subject to subsections (2) [^{F9}and (3)] below, a [^{F10}youth community order] may include requirements for securing the electronic monitoring of the offender's compliance with any other requirements imposed by the order.
- (2) A court shall not include in a [^{F11}youth community order] a requirement under subsection (1) above unless the court—
 - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant areas specified in subsections (7) to (10) below; and
 - (b) is satisfied that the necessary provision can be made under those arrangements.
- (3) Where—
 - (a) it is proposed to include in an exclusion order a requirement for securing electronic monitoring in accordance with this section; but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,the requirement shall not be included in the order without that person's consent.

^{F12}(4)

- (5) An order which includes requirements under subsection (1) above shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.

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- (6) The Secretary of State may make rules for regulating—
- (a) the electronic monitoring of compliance with requirements included in a [^{F13}youth community order]; and
 - (b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with requirements included in the order.
- (7) In the case of a curfew order or an exclusion order, the relevant area is the area in which the place proposed to be specified in the order is situated.
- In this subsection, “place”, in relation to an exclusion order, has the same meaning as in section 40A below.
- ^{F12}(8)
- (9) In the case of ^{F14}..., a supervision order or an action plan order, the relevant area is the [^{F15}local justice area] proposed to be specified in the order.
- (10) In the case of an attendance centre order, the relevant area is the [^{F15}local justice area] in which the attendance centre proposed to be specified in the order is situated.]]

Textual Amendments

- F7** S. 36B inserted (20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by 2000 c. 43, ss. 52, 80(1); S.I. 2001/2232, art. 2(e); S.I. 2004/2171, art. 2
- F8** Words in s. 36B heading substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 96(2); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F9** Words in s. 36B(1) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 96(3)(a); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F10** Words in s. 36B(1) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 96(3)(b); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F11** Words in s. 36B(2) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 96(4); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F12** S. 36B(4)(8) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F13** Words in s. 36B(6)(a) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 96(4); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I.

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- 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F14** Words in s. 36B(9) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F15** Words in s. 36B(9)(10) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 66**

^{F16}**CHAPTER II**

COMMUNITY ORDERS AVAILABLE FOR OFFENDERS OF ANY AGE

- Textual Amendments**
- F16** Pt. IV Ch. II repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(1), 153(7), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(f)(u) (with art. 4)

^{F16}*Curfew orders*

^{F16}**37 Curfew orders.**

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^{F17}**38 Electronic monitoring of curfew orders.**

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- Textual Amendments**
- F17** S. 38 repealed (20.6.2001 for specified purposes, otherwise 2.7.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 163, **Sch. 8**; S.I. 2001/2232, **art. 2(k)(m)(iv)(n)**

^{F16}**39 Breach, revocation and amendment of curfew orders.**

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^{F16}**40 Curfew orders: supplementary.**

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^{F16}*Exclusion orders*

^{F16}**40A Exclusion orders.**

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F16 40B Breach, revocation and amendment of exclusion orders.

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F16 40C Exclusion orders: supplementary.

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CHAPTER III

COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED 16 OR OVER

Probation orders

F18 41 Community rehabilitation orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 303\(d\)\(i\), 336\(3\)\(4\)](#), [Sch. 37 Pt. 7](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (3.4.2007) by [S.I. 2007/391, art. 2](#); (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(1\)](#)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\), Sch. 5 Pt. 4](#); [S.I. 2005/394, art. 2\(2\)\(g\)](#); [S.I. 2006/885, art. 2\(h\)](#); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912, art. 1, Sch. 1 para. 14](#)

F18 42 Additional requirements which may be included in community rehabilitation orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 303\(d\)\(i\), 336\(3\)\(4\)](#), [Sch. 37 Pt. 7](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (3.4.2007) by [S.I. 2007/391, art. 2](#); (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(1\)](#)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\), Sch. 5 Pt. 4](#); [S.I. 2005/394, art. 2\(2\)\(g\)](#); [S.I. 2006/885, art. 2\(h\)](#); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912, art. 1, Sch. 1 para. 14](#)

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F18 43 Breach, revocation and amendment of community rehabilitation orders.

Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

F18 44 Offenders residing in Scotland or Northern Ireland.

Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

F18 45 Community rehabilitation orders: supplementary.

Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

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Community punishment orders

F18 46 Community punishment orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

F18 47 Obligations of person subject to community punishment order.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

F18 48 Breach, revocation and amendment of community punishment orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41,

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46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

F1849 Offenders residing in Scotland or Northern Ireland.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

F1850 Community punishment orders: supplementary.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

Community punishment and rehabilitation orders

F1851 Community punishment and rehabilitation orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008](#)

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c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by Children Act 2004 (c. 31), Sch. 5 Pt. 4; S.I. 2005/394, art. 2(2)(g); S.I. 2006/885, art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by S.I. 2008/912, art. 1, Sch. 1 para. 14

Drug treatment and testing orders

F1852 Drug treatment and testing orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(i), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (3.4.2007) by S.I. 2007/391, art. 2; (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by Children Act 2004 (c. 31), Sch. 5 Pt. 4; S.I. 2005/394, art. 2(2)(g); S.I. 2006/885, art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by S.I. 2008/912, art. 1, Sch. 1 para. 14

F1853 The treatment and testing requirements.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(i), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (3.4.2007) by S.I. 2007/391, art. 2; (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by Children Act 2004 (c. 31), Sch. 5 Pt. 4; S.I. 2005/394, art. 2(2)(g); S.I. 2006/885, art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by S.I. 2008/912, art. 1, Sch. 1 para. 14

F1854 Provisions of order as to supervision and periodic review.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 303\(d\)\(i\), 336\(3\)\(4\)](#), [Sch. 37 Pt. 7](#); [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 22](#) (with [Sch. 2 paras 7, 8, 12, 13](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (3.4.2007) by [S.I. 2007/391, art. 2](#); (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(1\)](#)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 4](#); [S.I. 2005/394, art. 2\(2\)\(g\)](#); [S.I. 2006/885, art. 2\(h\)](#); and [ss. 41, 46, 47, 54, 57](#), in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912, art. 1, Sch. 1 para. 14](#)

F18 55 Periodic reviews.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 303\(d\)\(i\), 336\(3\)\(4\)](#), [Sch. 37 Pt. 7](#); [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 22](#) (with [Sch. 2 paras 7, 8, 12, 13](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (3.4.2007) by [S.I. 2007/391, art. 2](#); (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(1\)](#)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 4](#); [S.I. 2005/394, art. 2\(2\)\(g\)](#); [S.I. 2006/885, art. 2\(h\)](#); and [ss. 41, 46, 47, 54, 57](#), in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912, art. 1, Sch. 1 para. 14](#)

F18 56 Breach, revocation and amendment of drug treatment and testing orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 303\(d\)\(i\), 336\(3\)\(4\)](#), [Sch. 37 Pt. 7](#); [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 22](#) (with [Sch. 2 paras 7, 8, 12, 13](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (3.4.2007) by [S.I. 2007/391, art. 2](#); (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(1\)](#)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 4](#); [S.I. 2005/394, art. 2\(2\)\(g\)](#); [S.I. 2006/885, art. 2\(h\)](#); and [ss. 41, 46, 47, 54, 57](#), in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912, art. 1, Sch. 1 para. 14](#)

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F18⁵⁷ Copies of orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

F18⁵⁸ Drug treatment and testing orders: supplementary.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

Drug abstinence orders

F18^{58A} Drug abstinence orders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with Sch. 2 paras 7, 8, 12, 13) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), Sch. 5 Pt. 4; [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41,

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46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, Sch. 1 para. 14

F18 58B Drug abstinence orders: supplementary.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with [Sch. 2 paras 7, 8, 12, 13](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 4](#); [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, [Sch. 1 para. 14](#)

Orders for persistent petty offenders

F18 59 Curfew orders and community punishment orders for persistent petty offenders.

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Textual Amendments

F18 Pt. IV Ch. III repealed (4.4.2005 except in relation to a person aged 16 or 17 convicted of an offence, 4.4.2009 otherwise) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(i), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with [Sch. 2 paras 7, 8, 12, 13](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (3.4.2007) by [S.I. 2007/391](#), art. 2; (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(1)); and s. 46, in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 4](#); [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h); and ss. 41, 46, 47, 54, 57, in so far as they are still in force, amended (1.4.2008) by [S.I. 2008/912](#), art. 1, [Sch. 1 para. 14](#)

F19 CHAPTER IV

ATTENDANCE CENTRE ORDERS: OFFENDERS UNDER 21 AND DEFAULTERS

Textual Amendments

F19 Pt. IV Ch. IV repealed (30.11.2009 for the repeal of s. 60(1)(a)) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6(1), 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); [S.I. 2009/3074](#), art. 2(f)(u) (with art. 4)

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[^{F19}60 Attendance centre orders.

- (1) Where—
 - ^{F19}(a)
 - (b) a court would have power, but for [^{F20}section 227 of the Sentencing Code (restriction on imposing imprisonment on persons under 21)], to commit a person aged under 21 to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone, or
 - (c) a court has power to commit a person aged at least 21 but under 25 to prison in default of payment of any sum of money,

the court may, if it has been notified by the Secretary of State that an attendance centre is available for the reception of persons of his description, order him to attend at such a centre, to be specified in the order, for such number of hours as may be so specified.
- (2) An order under subsection (1) above is in this Act referred to as an “attendance centre order”.
- (3) The aggregate number of hours for which an attendance centre order may require a person to attend at an attendance centre shall not be less than 12 except where—
 - (a) he is aged under 14; and
 - (b) the court is of the opinion that 12 hours would be excessive, having regard to his age or any other circumstances.
- (4) The aggregate number of hours shall not exceed 12 except where the court is of the opinion, having regard to all the circumstances, that 12 hours would be inadequate, and in that case—
 - (a) shall not exceed 24 where the person is aged under 16; and
 - (b) shall not exceed 36 where the person is aged 16 or over but under 21 or (where subsection (1)(c) above applies) under 25.
- (5) A court may make an attendance centre order in respect of a person before a previous attendance centre order made in respect of him has ceased to have effect, and may determine the number of hours to be specified in the order without regard—
 - (a) to the number specified in the previous order; or
 - (b) to the fact that that order is still in effect.
- (6) An attendance centre order shall not be made unless the court is satisfied that the attendance centre to be specified in it is reasonably accessible to the person concerned, having regard to his age, the means of access available to him and any other circumstances.
- (7) The times at which a person is required to attend at an attendance centre shall, as far as practicable, be such as to avoid—
 - (a) any conflict with his religious beliefs or with the requirements of any other [^{F21}youth community order] to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.
- (8) The first time at which the person is required to attend at an attendance centre shall be a time at which the centre is available for his attendance in accordance with the notification of the Secretary of State, and shall be specified in the order.

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- (9) The subsequent times shall be fixed by the officer in charge of the centre, having regard to the person’s circumstances.
- (10) A person shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.
- (11) Where a court makes an attendance centre order, the [^{F22}[^{F23}designated officer] for] the court shall—
- (a) deliver or send a copy of the order to the officer in charge of the attendance centre specified in it; and
 - (b) deliver a copy of the order to the person in respect of whom it is made or send a copy by registered post or the recorded delivery service addressed to his last or usual place of abode.
- (12) Where a person (“the defaulter”) has been ordered to attend at an attendance centre in default of the payment of any sum of money—
- (a) on payment of the whole sum to any person authorised to receive it, the attendance centre order shall cease to have effect;
 - (b) on payment of a part of the sum to any such person, the total number of hours for which the defaulter is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part bears to the whole sum.]

Textual Amendments

- F20** Words in s. 60(1)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 162](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F21** Words in s. 60(7) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 102\(4\)](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(34\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))
- F22** Words in s. 60(11) substituted (1.4.2001) by [S.I. 2001/618](#), [art. 5\(4\)](#)
- F23** Words in s. 60(11) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 72](#)

[^{F19}61 Breach, revocation and amendment of attendance centre orders.

Schedule 5 to this Act (which makes provision for dealing with failures to comply with attendance centre orders, for revoking such orders with or without the substitution of other sentences and for amending such orders) shall have effect.]

^{F24}62 Provision, regulation and management of attendance centres.

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Textual Amendments

- F24** S. 62 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#),

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art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

^{F25}CHAPTER V

COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED UNDER 18

Textual Amendments
F25 Pt. IV Ch. V repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(1), 153(7), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(f)(u) (with art. 4)

^{F25}Supervision orders

^{F25}**63** Supervision orders.

.....

^{F25}**64** Selection and duty of supervisor and certain expenditure of his.

.....

^{F25}**64A** Supervision orders and curfew orders

.....

^{F25}**65** Breach, revocation and amendment of supervision orders.

.....

^{F25}**66** Facilities for implementing supervision orders.

.....

^{F25}**67** Meaning of “local authority”, “reside” and “parent”.

.....

^{F25}**68** Isles of Scilly.

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^{F25}Action plan orders

^{F25}**69** Action plan orders.

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Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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F2570 Requirements which may be included in action plan orders and directions.

.....

F2571 Action plan orders: power to fix further hearings.

.....

F2572 Breach, revocation and amendment of action plan orders.

.....

CHAPTER VI

REPARATION ORDERS FOR YOUNG OFFENDERS

F2673 Reparation orders.

.....

Textual Amendments

F26 Ss. 73-77 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F2674 Requirements and provisions of reparation order, and obligations of person subject to it.

.....

Textual Amendments

F26 Ss. 73-77 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F2675 Breach, revocation and amendment of reparation orders.

.....

Textual Amendments

F26 Ss. 73-77 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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PART V

CUSTODIAL SENTENCES ETC.

CHAPTER I

GENERAL PROVISIONS

Meaning of “custodial sentence”

F2676 Meaning of “custodial sentence”.

.....

Textual Amendments

F26 Ss. 73-77 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Liability to imprisonment on conviction on indictment

F2677 Liability to imprisonment on conviction on indictment.

.....

Textual Amendments

F26 Ss. 73-77 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

General limit on magistrates’ courts’ powers

F2778 General limit on magistrates’ court’s power to impose imprisonment or detention in a young offender institution.

[^{F28}]

Textual Amendments

F27 S. 78 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F28 Ss. 78-82 repealed (4.4.2005 for the purpose of the repeals of ss. 79-82) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

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General restrictions on discretionary custodial sentences

F2879 General restrictions on imposing discretionary custodial sentences.

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Textual Amendments

F28 Ss. 78-82 repealed (4.4.2005 for the purpose of the repeals of ss. 79-82) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

F2880 Length of discretionary custodial sentences: general provision.

.....

Textual Amendments

F28 Ss. 78-82 repealed (4.4.2005 for the purpose of the repeals of ss. 79-82) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

Procedural requirements for imposing discretionary custodial sentences

F2881 Pre-sentence reports and other requirements.

.....

Textual Amendments

F28 Ss. 78-82 repealed (4.4.2005 for the purpose of the repeals of ss. 79-82) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

F2882 Additional requirements in case of mentally disordered offender.

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Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Textual Amendments

F28 Ss. 78-82 repealed (4.4.2005 for the purpose of the repeals of ss. 79-82) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); S.I. 2005/950, art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

[^{F29} Life sentences]

Textual Amendments

F29 S. 82A and cross-heading inserted (30.11.2000) by [2000 c. 43](#), [ss. 60\(1\), 80\(3\)](#)

^{F30} **82A Determination of tariffs.**

.....

Textual Amendments

F30 S. 82A repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\), 416\(7\), Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Other restrictions

^{F31} **83 Restriction on imposing custodial sentences on persons not legally represented.**

.....

Textual Amendments

F31 S. 83 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\), 416\(7\), Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F32} **84 Restriction on consecutive sentences for released prisoners.**

.....

Textual Amendments

F32 S. 84 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); S.I. 2005/950, art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

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Sexual and violent offences: licences etc.

F³³85 Sexual or violent offences: extension of certain custodial sentences for licence purposes.

Textual Amendments

F33 S. 85 repealed (4.4.2005 except in relation to a case in which the sentence of imprisonment is imposed in respect of an offence committed before 4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(ii), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

F³⁴86 Sexual offences committed before 30th September 1998.

Textual Amendments

F34 S. 86 repealed (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. 121(4), 151(1); [S.I. 2012/2906](#), art. 2(d)

PROSPECTIVE

Crediting of periods of remand in custody

F³⁵87 Crediting of periods of remand in custody: terms of imprisonment and detention.

Textual Amendments

F35 S. 87 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(iii), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

F³⁶88 Meaning of “remand in custody”.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Textual Amendments

- F36** S. 88 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(iii), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

CHAPTER II

DETENTION AND CUSTODY OF YOUNG OFFENDERS

Modifications etc. (not altering text)

- C6** Pt. 5 Ch. 2 power to modify, amend or repeal conferred (30.9.2003) by [Armed Forces Act 2001 \(c. 19\)](#), ss. [31\(1\)\(a\)\(3\)\(6\)\(7\)](#), [39\(2\)](#); [S.I. 2003/2268](#), art. 2

Restriction on imposing imprisonment on persons under 21

F3789 Restriction on imposing imprisonment on persons under 21.

.....

Textual Amendments

- F37** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Detention at Her Majesty's pleasure or for specified period

F3790 Offenders who commit murder etc. when under 18: duty to detain at Her Majesty's pleasure.

.....

Textual Amendments

- F37** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F3791 Offenders under 18 convicted of certain serious offences: power to detain for specified period.

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Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F37 92 Detention under sections 90 and 91: place of detention etc.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Custody for life

F37 93 Duty to impose custody for life in certain cases where offender under 21.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F37 94 Power to impose custody for life in certain other cases where offender at least 18 but under 21.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F37 95 Custody for life: place of detention.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Detention in a young offender institution

F3796 Detention in a young offender institution for other cases where offender at least 18 but under 21.

.....

Textual Amendments
F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F3797 Term of detention in a young offender institution, and consecutive sentences.

.....

Textual Amendments
F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F3798 Detention in a young offender institution: place of detention.

.....

Textual Amendments
F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Conversion of sentence of detention to sentence of imprisonment

F3799 Conversion of sentence of detention to sentence of imprisonment

.....

Textual Amendments
F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Detention and training orders

F37100 Offenders under 18: detention and training orders.

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Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 101 Term of order, consecutive terms and taking account of remands.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 102 The period of detention and training.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 103 The period of supervision.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 104 Breach of supervision requirements.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 104A Application of sections 103 to 105 in relation to orders under section 104(3)(aa)

.....

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Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 104B Interaction of orders under section 104(3)(a) with other sentences

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 105 Offences during currency of order.

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Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 106 Interaction with sentences of detention in a young offender institution.

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Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 106A Interaction with sentences of detention

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F37 106B Further supervision after end of term of detention and training order

.....

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F37}107 Meaning of “ youth detention accommodation” and references to terms.

.....

Textual Amendments

F37 Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Detention of persons aged at least 18 but under 21 for default or contempt

108 Detention of persons aged at least 18 but under 21 for default or contempt.

- (1) In any case where, but for [^{F38}section 227(2) of the Sentencing Code], a court would have power—
- (a) to commit a person aged at least 18 but under 21 to prison for default in payment of a fine or any other sum of money, or
 - (b) to make an order fixing a term of imprisonment in the event of such a default by such a person, or
 - (c) to commit such a person to prison for contempt of court or any kindred offence,
- the court shall have power, subject to subsection (3) below, to commit him to be detained under this section or, as the case may be, to make an order fixing a term of detention under this section in the event of default, for a term not exceeding the term of imprisonment.
- (2) For the purposes of subsection (1) above, the power of a court to order a person to be imprisoned under section 23 of the ^{M2}Attachment of Earnings Act 1971 shall be taken to be a power to commit him to prison.
- (3) No court shall commit a person to be detained under this section unless it is of the opinion that no other method of dealing with him is appropriate; and in forming any such opinion, the court—
- (a) shall take into account all such information about the circumstances of the default or contempt (including any aggravating or mitigating factors) as is available to it; and
 - (b) may take into account any information about that person which is before it.
- (4) Where a magistrates’ court commits a person to be detained under this section, it shall—
- (a) state in open court the reason for its opinion that no other method of dealing with him is appropriate; and
 - (b) cause that reason to be specified in the warrant of commitment and to be entered in the register.

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- (5) Subject to section 22(2)(b) of the ^{M3}Prison Act 1952 (removal to hospital etc.), a person in respect of whom an order has been made under this section is to be detained—
- (a) in a remand centre,
 - (b) in a young offender institution, or
 - (c) in any place in which a person aged 21 or over could be imprisoned or detained for default in payment of a fine or any other sum of money,
- as the Secretary of State may from time to time direct.

Textual Amendments

F38 Words in s. 108(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 163](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Marginal Citations

M2 1971 c. 32.
M3 1952 c. 52.

CHAPTER III

REQUIRED CUSTODIAL SENTENCES FOR CERTAIN OFFENCES

^{F39}**109 Life sentence for second serious offence.**

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Textual Amendments

F39 S. 109 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(d)(iv), 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 22](#) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))

Modifications etc. (not altering text)

C7 S. 109 saving for effects of [2003 c. 44](#), s. 303(d)(iv) by [S.I. 2005/950](#), Sch. 2 para. 5(2) (as modified (1.12.2020 immediately before the consolidation date (see [2020 c. 9](#), ss. 3, 5(2)(3) and [2020 c. 17](#), ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), s. 5(2)(3), [Sch. 2 para. 136](#); [S.I. 2012/1236](#), reg. 2)

^{F40}**110 Minimum of seven years for third class A drug trafficking offence.**

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Textual Amendments

F40 Ss. 110-115 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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F40 111 Minimum of three years for third domestic burglary.

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Textual Amendments

F40 Ss. 110-115 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F40 112 Appeals where previous convictions set aside.

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Textual Amendments

F40 Ss. 110-115 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F40 113 Certificates of convictions for purposes of Chapter III.

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Textual Amendments

F40 Ss. 110-115 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F40 114 Offences under service law.

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Textual Amendments

F40 Ss. 110-115 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F40 115 Determination of day when offence committed.

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Textual Amendments

F40 Ss. 110-115 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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CHAPTER IV

RETURN TO PRISON ETC. WHERE OFFENCE COMMITTED DURING ORIGINAL SENTENCE

Modifications etc. (not altering text)

- C8** Pt. 5 Ch. 4 modified (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [ss. 244\(1\)\(2\)\(5\)](#), [416\(1\)](#) (with [ss. 2](#), [244\(3\)](#), [398\(1\)](#), [406](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

^{F41}**116 Power to order return to prison etc. where offence committed during original sentence.**

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Textual Amendments

- F41** S. 116 repealed (4.4.2005 except in relation to a person in a case in which the sentence of imprisonment is imposed in respect of an offence committed before 4.4.2005, or is for a term of less than twelve months) by [Criminal Justice Act 2003 \(c. 44\)](#), [s. 336\(3\)\(4\)](#), [Sch. 32 para. 116](#), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 paras. 42\(34\)44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), [art. 2](#); and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), [art. 2](#); (3.12.2012) by [S.I. 2012/2905](#), [art. 4](#); (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), [art. 2\(1\)](#)); [s. 116\(1\)\(b\)](#), in so far as it is still in force, amended (9.6.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [s. 153\(7\)](#), [Sch. 26 para. 45\(a\)](#); [S.I. 2008/1466](#), [art. 2\(c\)\(iv\)](#); [s. 116\(7\)](#), in so far as it is still in force, amended (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [s. 153\(7\)](#), [Sch. 26 para. 45\(b\)](#); [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 48\(o\)](#)

^{F42}**117 Treatment for purposes of section 116(1) of person serving two or more sentences or extended sentence.**

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Textual Amendments

- F42** S. 117 repealed (4.4.2005 except in relation to a person in a case in which the sentence of imprisonment is imposed in respect of an offence committed before 4.4.2005, or is for a term of less than twelve months) by [Criminal Justice Act 2003 \(c. 44\)](#), [s. 336\(3\)\(4\)](#), [Sch. 32 para. 116](#), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 paras. 42\(34\)44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), [art. 2](#); and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), [art. 2](#); (3.12.2012) by [S.I. 2012/2905](#), [art. 4](#); (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), [art. 2\(1\)](#))

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CHAPTER V

SUSPENDED SENTENCES OF IMPRISONMENT

Suspended sentences of imprisonment

^{F43} 118 Suspended sentences of imprisonment.

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Textual Amendments

F43 Pt. V Ch. V repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(v), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

^{F43} 119 Power of court on conviction of further offence to deal with suspended sentence.

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Textual Amendments

F43 Pt. V Ch. V repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(v), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

^{F43} 120 Court by which suspended sentence may be dealt with.

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Textual Amendments

F43 Pt. V Ch. V repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(v), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

^{F43} 121 Procedure where court convicting of further offence does not deal with suspended sentence.

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Textual Amendments

F43 Pt. V Ch. V repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(v), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

Suspended sentence supervision orders

F43 122 Suspended sentence supervision orders.

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Textual Amendments

F43 Pt. V Ch. V repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(v), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

F43 123 Breach of requirement of suspended sentence supervision order.

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Textual Amendments

F43 Pt. V Ch. V repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(v), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

F43 124 Suspended sentence supervision orders: revocation, amendment and cessation.

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Textual Amendments

F43 Pt. V Ch. V repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(v), 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

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Suspended sentences: supplementary

^{F43}**125 Suspended sentences: supplementary.**

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Textual Amendments

F43 Pt. V Ch. V repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 303(d)(v), 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 22 (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

PART VI

FINANCIAL PENALTIES AND ORDERS

Financial circumstances orders

^{F44}**126 Powers to order statement as to offender’s financial circumstances.**

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Textual Amendments

F44 Ss. 126-129 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

Fines: general

^{F44}**127 General power of Crown Court to fine offender convicted on indictment.**

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Textual Amendments

F44 Ss. 126-129 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

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F44 128 Fixing of fines.

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Textual Amendments

F44 Ss. 126-129 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(r)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F44 129 Remission of fines.

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Textual Amendments

F44 Ss. 126-129 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(r)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

Compensation orders

F45 130 Compensation orders against convicted persons.

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Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); [S.I. 2020/1236](#), reg. 2

F45 131 Limit on amount payable under compensation order of magistrates' court in case of young offender.

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Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); [S.I. 2020/1236](#), reg. 2

F45 132 Compensation orders: appeals etc.

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Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

F45 **133 Review of compensation orders.**

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Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

F45 **134 Effect of compensation order on subsequent award of damages in civil proceedings.**

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Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

Young offenders

F45 **135 Limit on fines imposed by magistrates' courts in respect of young offenders.**

.....

Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

F45 **136 Power to order statement as to financial circumstances of parent or guardian.**

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Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

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^{F45}137 Power to order parent or guardian to pay fine, costs , compensation or surcharge.

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Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

^{F45}138 Fixing of fine , compensation or surcharge to be paid by parent or guardian.

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Textual Amendments

F45 Ss. 130-138 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Miscellaneous powers and duties of Crown Court in relation to [^{F46}recognizances] etc.

Textual Amendments

F46 Word in s. 139 cross-heading substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 164](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

139 Powers and duties of Crown Court in relation to ^{F47}... forfeited recognizances.

- (1) Subject to the provisions of this section, if the Crown Court [^{F48}forfeits a person's recognizance], the court may make an order—
 - (a) allowing time for the payment of ^{F49}... the amount due under the recognizance;
 - (b) directing payment of that amount by instalments of such amounts and on such dates as may be specified in the order;
 - (c) ^{F50}... discharging the recognizance or reducing the amount due under it.
- (2) Subject to the provisions of this section, if the Crown Court [^{F51}forfeits a person's recognizance], the court shall make an order fixing a term of imprisonment or of detention under section 108 above (detention of persons aged 18 to 20 for default) which he is to undergo if any sum which he is liable to pay is not duly paid or recovered.
- (3) No person shall on the occasion when ^{F52}... his recognizance is forfeited by the Crown Court be committed to prison or detained in pursuance of an order under subsection (2) above unless—
 - (a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith;
 - (b) it appears to the court that he is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods; or

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.

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- (c) on the occasion when the order is made the court sentences him to immediate imprisonment, custody for life or detention in a young offender institution for that or another offence, or so sentences him for an offence in addition to forfeiting his recognizance, or he is already serving a sentence of custody for life or a term—
- (i) of imprisonment;
 - (ii) of detention in a young offender institution; or
 - (iii) of detention under section 108 above.
- (4) The periods set out in the second column of the following Table shall be the maximum periods of imprisonment or detention under subsection (2) above applicable respectively to the amounts set out opposite them.

Table

| | |
|---|-----------|
| An amount not exceeding £200 | 7 days |
| An amount exceeding £200 but not exceeding £500 | 14 days |
| An amount exceeding £500 but not exceeding £1,000 | 28 days |
| An amount exceeding £1,000 but not exceeding £2,500 | 45 days |
| An amount exceeding £2,500 but not exceeding £5,000 | 3 months |
| An amount exceeding £5,000 but not exceeding £10,000 | 6 months |
| An amount exceeding £10,000 but not exceeding £20,000 | 12 months |
| An amount exceeding £20,000 but not exceeding £50,000 | 18 months |
| An amount exceeding £50,000 but not exceeding £100,000 | 2 years |
| An amount exceeding £100,000 but not exceeding £250,000 | 3 years |
| An amount exceeding £250,000 but not exceeding £1 million | 5 years |
| An amount exceeding £1 million | 10 years |

- (5) Where any person liable for the payment of ^{F53}... a sum due under a recognizance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment or detention in a young offender institution or a term of detention under section 108 above, the court may order that any term of imprisonment or detention fixed under subsection (2) above shall not begin to run until after the end of the first-mentioned term.
- (6) The power conferred by this section to discharge a recognizance or reduce the amount due under it shall be in addition to the powers conferred by any other Act relating to

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the discharge, cancellation, mitigation or reduction of recognizances or sums forfeited under recognizances.

- (7) Subject to subsection (8) below, the powers conferred by this section shall not be taken as restricted by any enactment which authorises the Crown Court to deal with an offender in any way in which a magistrates' court might have dealt with him or could deal with him.

^{F54}(8)

^{F55}(9)

- (10) For the purposes of any reference in this section, however expressed, to the term of imprisonment or other detention to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall, unless the context otherwise requires, be treated as a single term.

- (11) Any reference in this section, however expressed, to a previous sentence shall be construed as a reference to a previous sentence passed by a court in Great Britain.

Textual Amendments

- F47** Words in s. 139 heading omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F48** Words in s. 139(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(3\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F49** Words in s. 139(1)(a) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(3\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F50** Words in s. 139(1)(c) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(3\)\(c\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F51** Words in s. 139(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(4\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F52** Words in s. 139(3) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(5\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F53** Words in s. 139(5) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(6\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F54** S. 139(8) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(7\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F55** S. 139(9) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 165\(7\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C9** S. 139(2)-(4) applied (with modifications) (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), [ss. 35\(2\)](#), 458(1); S.I. 2003/333, [art. 2](#), [Sch.](#) (with [arts. 10-13](#))
- C10** S. 139(2)-(4) applied (with modifications) (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), [ss. 36\(2\)](#), 458(1); S.I. 2003/333, [art. 2](#), [Sch.](#) (with [arts. 10-13](#))
- C11** S. 139(3) applied (with modifications) by 2002 c. 29, s. 35(2) (as amended) (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 30](#); S.I. 2015/820, [reg. 3\(q\)\(iii\)](#)
- C12** S. 139(4) applied by 2006 c. 52, s. 269A(2) (as inserted (1.11.2013) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 16\(1\)](#), 32(3); S.I. 2013/2501, [art. 3\(c\)](#))
- C13** S. 139(4) applied by 2006 c. 52, s. 269B(4) (as inserted (1.11.2013) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 16\(1\)](#), 32(3); S.I. 2013/2501, [art. 3\(c\)](#))
- C14** S. 139(9) applied (with modifications) (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), [ss. 36\(2\)](#), 458(1); S.I. 2003/333, [art. 2](#), [Sch.](#) (with [arts. 10-13](#))

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- C15** S. 139(9) applied (with modifications) (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), ss. 35\(2\), 458\(1\); S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)
- C16** S. 139(9) applied (with modifications) by 2002 c. 29, s. 35(2) (as amended) (1.6.2015) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 4 para. 30; S.I. 2015/820, reg. 3\(q\)\(iii\)](#)

140 Enforcement of ^{F56}... recognizances forfeited by Crown Court.

- (1) Subject to subsection (5) below, ^{F57}... a recognizance forfeited by the Crown Court shall be treated for the purposes of collection, enforcement and remission of the ^{F58}... sum as having been ^{F59}... forfeited—
- (a) by a magistrates' court specified in an order made by the Crown Court, or
 - (b) if no such order is made, by the magistrates' court by which the offender [^{F60}was committed to the Crown Court to be tried or dealt with or by which he] was sent to the Crown Court for trial under section 51 [^{F61}or 51A] of the ^{M4}Crime and Disorder Act 1998,
- ^{F62}...
- (2) Subsection (3) below applies where a magistrates' court issues a warrant of commitment on a default in the payment of—
- ^{F63}(a)
 - (b) a sum due under a recognizance forfeited by the Crown Court.
- (3) In such a case, the term of imprisonment or detention under section 108 above specified in the warrant of commitment as the term which the offender is liable to serve shall be—
- (a) the term fixed by the Crown Court under section 139(2) above, or
 - (b) if that term has been reduced under section 79(2) of the ^{M5}Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,
- ^{F64}...
- (4) Subsections (1) to (3) above shall apply in relation to a ^{F65}... recognizance forfeited by the criminal division of the Court of Appeal, or by the [^{F66}Supreme Court] on appeal from that division, as they apply in relation to a ^{F65}... recognizance forfeited by the Crown Court; and references in those subsections to the Crown Court (except the references in subsection (1)(b)) shall be construed accordingly.
- (5) A magistrates' court shall not, under section ^{F67}... 120 of the ^{M6}Magistrates' Courts Act 1980 as applied by subsection (1) above, remit the whole or any part of a ^{F68}... sum due under a recognizance forfeited by—
- (a) the Crown Court,
 - (b) the criminal division of the Court of Appeal, or
 - (c) the [^{F66}Supreme Court] on appeal from that division,
- without the consent of the Crown Court.
- (6) Any ^{F69}... sum the payment of which is enforceable by a magistrates' court by virtue of this section shall be treated for the purposes of [^{F70}section 38 of the Courts Act 2003 (application of receipts of designated officers)]^{F71}... as being due under a recognizance forfeited by [^{F72}a magistrates' court].

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Textual Amendments

- F56** Words in s. 140 heading omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F57** Words in s. 140(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(3)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F58** Words in s. 140(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(3)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F59** Words in s. 140(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(3)(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F60** Words in s. 140(1)(b) repealed (18.6.2012 for specified purposes; 5.11.2012 for specified purposes; 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 74(4)(a), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(2)(c)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)
- F61** Words in s. 140(1)(b) inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes; 5.11.2012 for specified purposes; 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 74(4)(b)**; S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(2)(c)(d)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F62** Words in s. 140(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(3)(d)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F63** S. 140(2)(a) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(4)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F64** Words in s. 140(3) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(5)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F65** Words in s. 140(4) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(6)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F66** Words in s. 140(4)(5) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 69**; S.I. 2009/1604, art. 2(d)
- F67** Words in s. 140(5) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(7)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F68** Words in s. 140(5) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(7)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F69** Words in s. 140(6) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F70** Words in s. 140(6) substituted (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), s. 5(2)(3), **Sch. 2 para. 45**; S.I. 2012/1236, reg. 2
- F71** Words in s. 140(6) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F72** Words in s. 140(6) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C17** S. 140(1)-(4) applied (with modifications) (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), **ss. 35(2), 458(1)**; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

Marginal Citations

- M4** 1998 c. 37.

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M5 1980 c. 43.

M6 1980 c. 43.

^{F73}141 Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation.

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Textual Amendments

F73 S. 141 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

142 Power of Crown Court to order search of persons before it.

(1) Where—

- ^{F74}(za) the Crown Court orders a person to pay a surcharge under ^{F75}[section 42 of the Sentencing Code],
 - (a) the Crown Court imposes a fine on a person or forfeits his recognizance,
 - (b) the Crown Court makes against a person any such order as is mentioned in paragraph 3, 4 or 9 of Schedule 9 to the Administration of Justice Act 1970 (orders for the payment of costs),
- ^{F76}(ba) the Crown Court makes an order against a person under ^{F77}[section 46 of the Sentencing Code] (criminal courts charge),
 - (c) the Crown Court makes ^{F78}[an order under Chapter 2 of Part 7 of the Sentencing Code (compensation orders)] against a person,
- ^{F79}(ca) the Crown Court makes an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013 against a person,
 - (d) the Crown Court makes against a person an order under ^{F80}[section 380(1) of the Sentencing Code] (order for parent or guardian to pay fine, costs ^{F81}[compensation or surcharge]), or
 - (e) on the determination of an appeal brought by a person under section 108 of the ^{M7}Magistrates' Courts Act 1980 a sum is payable by him, whether by virtue of an order of the Crown Court or by virtue of a conviction or order of the magistrates' court against whose decision the appeal was brought,

then, if that person is before it, the Crown Court may order him to be searched.

(2) Any money found on a person in a search under this section may be applied, unless the court otherwise directs, towards payment of the fine or other sum payable by him; and the balance, if any, shall be returned to him.

Textual Amendments

F74 S. 142(1)(za) inserted (1.4.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 10 para. 53\(a\)](#); [S.I. 2007/602](#), art. 2(c)

F75 Words in s. 142(1)(za) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 167\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F76 S. 142(1)(ba) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 12 para. 10](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 78](#)

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- F77** Words in s. 142(1)(ba) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 167(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F78** Words in s. 142(1)(c) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 167(4)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F79** S. 142(1)(ca) inserted (15.10.2013 for E.; 5.11.2013 for W.) by Prevention of Social Housing Fraud Act 2013 (c. 3), s. 12, **Sch. para. 10**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F80** Words in s. 142(1)(d) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 167(5)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F81** Words in s. 142(1)(d) substituted (1.4.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), s. 60, **Sch. 10 para. 53(b)**; S.I. 2007/602, art. 2(c)

Marginal Citations

M7 1980 c. 43.

PART VII

FURTHER POWERS OF COURTS

Powers to deprive offender of property used etc. for purposes of crime

^{F82}143 Powers to deprive offender of property used etc. for purposes of crime.

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Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F82}144 Property which is in possession of police by virtue of section 143.

.....

Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F82}145 Application of proceeds of forfeited property.

.....

Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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Driving disqualifications

F82 146 Driving disqualification for any offence.

.....

Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F82 147 Driving disqualification where vehicle used for purposes of crime.

.....

Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F82 147A Extension of disqualification where custodial sentence also imposed

.....

Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F82 147B Effect of custodial sentence in other cases

.....

Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Restitution orders

F82 148 Restitution orders.

.....

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Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

^{F82} **149 Restitution orders: supplementary.**

.....

Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

Young offenders

^{F82} **150 Binding over of parent or guardian.**

.....

Textual Amendments

F82 Ss. 143-150 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY

Factors to be taken into account in sentencing

^{F83} **151 Effect of previous convictions and of offending while on bail.**

.....

Textual Amendments

F83 Ss. 151-153 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), **Sch. 1** para. 44(4)(r) (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), **Sch. 26** para. 78, **Sch. 28** Pt. 2; S.I. 2008/1586, **Sch. 1** paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), **Sch. 14** para. 17; S.I. 2012/2906, art. 2(1))

^{F83} **152 Reduction in sentences for guilty pleas.**

.....

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Textual Amendments

F83 Ss. 151-153 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(r)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F83 **153 Increase in sentences for racial or religious aggravation.**

.....

Textual Amendments

F83 Ss. 151-153 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(r)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

Commencement and alteration of Crown Court sentence

F84 **154 Commencement of Crown Court sentence.**

.....

Textual Amendments

F84 [S. 154](#) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); [S.I. 2020/1236](#), reg. 2

F85 **155 Alteration of Crown Court sentence.**

.....

Textual Amendments

F85 [S. 155](#) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), **Sch. 27**); [S.I. 2020/1236](#), reg. 2

Disclosure of pre-sentence reports etc.

F86 **156 Disclosure of pre-sentence reports.**

.....

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Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)*

Textual Amendments

F86 Ss. 156-158 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F86 157 Other reports of officers of local probation boards and members of youth offending teams

.....

Textual Amendments

F86 Ss. 156-158 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

Supplementary

F86 158 Savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders.

.....

Textual Amendments

F86 Ss. 156-158 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

159 Execution of process between England and Wales and Scotland.

[^{F87}Section 4 of the ^{M8}Summary Jurisdiction (Process) Act 1881 (execution of process of English and Welsh courts in Scotland) shall apply to any process issued under—

[^{F88}section 1(7), 1B(3), 1C(4),] 13(1), 104(1) ^{F89}... above,
paragraph 3(2) of Schedule 1 to this Act [^{F90}or],

^{F91}
...

^{F89}
.....

paragraph 1(1) of Schedule 5 to this Act,

^{F92}
...

paragraph 6(2) of Schedule 8 to this Act.]

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as it applies to process issued under the ^{M9}Magistrates' Courts Act 1980 by a magistrates' court.

Textual Amendments

- F87** S. 159 repealed (1.12.2020 for specified purposes) by Sentencing Act 2020 (c. 17), s. 416(1)(9), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F88** Words in s. 159 substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 23 para. 2**; S.I. 2005/950, art. 2(1), Sch. 1 para. 20 (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F89** Words in s. 159 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F90** Word in s. 159 inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 59(a)** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(p)(x)
- F91** Words in s. 159 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 4 para. 59(b), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(p)(u)(x)
- F92** Words in s. 159 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 4 para. 59(d), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(p)(u)(x)

Marginal Citations

- M8** 1881 c. 24.
M9 1980 c. 43.

^{F93}160 Rules and orders.

Textual Amendments

- F93** S. 160 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Interpretation

^{F94}161 Meaning of “associated offence”, “sexual offence”, “violent offence” and “protecting the public from serious harm”.

Textual Amendments

- F94** S. 161 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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F95 162 Meaning of “pre-sentence report”.

Textual Amendments
F95 S. 162 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(1)); in so far as it is still in force, amended (1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 4](#); [S.I. 2005/394](#), art. 2(2)(g); [S.I. 2006/885](#), art. 2(h)

163 General definitions.

[^{F96}(1)] In this Act, except where the contrary intention appears—
 [^{F97}“action plan order” means an order under section 69(1) above;]
 [^{F97}[^{F98}“affected person” —
 (a) in relation to an exclusion order, has the meaning given by section 40A(13) above;
 (b) ^{F99}
 (c) ^{F99}]]
 ^{F99}
 ^{F100}
 [^{F97}“attendance centre” has the meaning given by [^{F101}section 221(2) of the Criminal Justice Act 2003];]
 [^{F97}“attendance centre order” means an order under section 60(1) above (and, except where the contrary intention is shown by paragraph 8 of Schedule 3 or paragraph 4 of Schedule 7 or 8 to this Act, includes orders made under section 60(1) by virtue of paragraph 4(1)(c) or 5(1)(c) of Schedule 3 or paragraph 2(2)(a) of Schedule 7 or 8);]
 ^{F100}
 ^{F102}
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 ^{F99}
 [^{F97}“community sentence” has the meaning given by section 33(2) above;]
 ^{F100}
 “court” does not include [^{F103}the Court Martial];
 [^{F97}“curfew order” means an order under section 37(1) above (and, except where the contrary intention is shown by section 59 above or paragraph 3 of Schedule 7 or 8 to this Act or section 35 of the ^{M10}Crime (Sentences) Act 1997, includes orders made under section 37(1) by virtue of section 59 or paragraph 2(2)(a) of Schedule 7 or 8 or the said section 35);]
 “custodial sentence” has the meaning given by section 76 above;

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[^{F97}[^{F98cc} exclusion order ” means an order under section 40A(1) above]]

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“the register” means the register of proceedings before a magistrates’ court required by [^{F105}Criminal Procedure Rules] to be kept by the ^{F106}[^{F107}designated officer] for] the court;

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[^{F97}“supervision order” means an order under section 63(1) above;]

[^{F97}“supervisor”, in relation to a supervision order, has the meaning given by section 63(3) above;]

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[^{F97}[^{F108cc} youth community order” has the meaning given by section 33(1) above.]]

F100

^{F109}(2)

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Textual Amendments

- F96** S. 163(1): s. 216 renumbered s. 216(1) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007](#) (c. 15), s. 148, **Sch. 13 para. 133(2)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F97** Words in s. 163 repealed (30.11.2009 for specified purposes) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), **Sch. 4 para. 61(a)**, **Sch. 28 Pt. 1** (with **Sch. 27** paras. 15); S.I. 2009/3074, art. 2(p)(u)(xii)
- F98** Words in s. 163 inserted (1.4.2001, 20.6.2001, 2.7.2001 and 2.9.2004 for specified purposes) by [2000 c. 43](#), s. 74, **Sch. 7 Pt. II para. 197(f)**; S.I. 2001/919, **art. 2(f)(iii)**; S.I. 2001/2232, **art. 2(m)(vii)**; S.I. 2004/2171, art. 2
- F99** Words in s. 163 repealed (4.4.2005) by [Criminal Justice Act 2003](#) (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 44(4)(r)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), **Sch. 26 para. 78**, **Sch. 28 Pt. 2**; S.I. 2008/1586, **Sch. 1 paras. 48(s)**, 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), **Sch. 14 para. 17**; S.I. 2012/2906, art. 2(l))
- F100** Words in s. 163(1) omitted (1.12.2020) by virtue of [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 168(2)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F101** Words in s. 163 substituted (4.4.2005) by [Criminal Justice Act 2003](#) (c. 44), s. 336(3)(4), **Sch. 32 para. 123(2)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(34)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), **Sch. 26 para. 78**, **Sch. 28 Pt. 2**; S.I. 2008/1586, **Sch. 1 paras. 48(s)**, 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), **Sch. 14 para. 17**; S.I. 2012/2906, art. 2(l))
- F102** Definitions of “combination order”, “probation order” and “probation period” in s. 163 repealed (1.4.2001) by [2000 c. 43](#), ss. 74, 75, **Sch. 7 Pt. II para. 197(b)**, **Sch. 8**; S.I. 2001/919, **art. 2(f)(iii)(g)**
- F103** Words in s. 163 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006](#) (c. 52), s. 383(2), **Sch. 16 para. 168**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F104** Words in s. 163(1) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 9 para. 1** (with s. 68(7)); S.I. 2012/2906, art. 2(g)
- F105** Words in s. 163 substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004](#) (S.I. 2004/2035), art. 2(1), **Sch. para. 44** (with art. 2(2))
- F106** S. 163: words in the definition of “the register” substituted (1.4.2001) by S.I. 2001/618, **art. 5(5)**
- F107** Words in s. 163 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005](#) (S.I. 2005/886), art. 1, **Sch. para. 80**
- F108** Words in s. 163 inserted (4.4.2005) by [Criminal Justice Act 2003](#) (c. 44), s. 336(3)(4), **Sch. 32 para. 123(8)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(34)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), **Sch. 26 para. 78**, **Sch. 28 Pt. 2**; S.I. 2008/1586, **Sch. 1 paras. 48(s)**, 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), **Sch. 14 para. 17**; S.I. 2012/2906, art. 2(l))
- F109** S. 163(2) omitted (1.12.2020) by virtue of [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 168(3)** (with **Sch. 27**); S.I. 2020/1236, reg. 2

Marginal Citations

- M10** 1997 c. 43.

164 Further interpretive provisions.

- (1) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State, his age shall be deemed 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.

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(2) Any reference in this Act to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under this or any Act on the imprisonment of young offenders.

^{F110}(3)

Textual Amendments

F110 S. 164(3) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 169 (with Sch. 27); S.I. 2020/1236, reg. 2

Final provisions

165 Consequential amendments, transitory modifications, transitional provisions and repeals.

- (1) Schedule 9 to this Act (which contains amendments consequential on this Act) shall have effect.
- (2) Schedule 10 to this Act (which contains transitory modifications of this Act) shall have effect.
- (3) Schedule 11 to this Act (which contains transitional provisions) shall have effect.
- (4) The enactments mentioned in Part I of Schedule 12 to this Act and the instruments mentioned in Part II of that Schedule are hereby repealed or revoked to the extent specified in the third column of those Parts.

166 Short title.

This Act may be cited as the Powers of Criminal Courts (Sentencing) Act 2000.

167 Extent.

- (1) Subject to subsections (2) to (4) below, this Act extends to England and Wales only.
- (2) The following provisions also extend to Scotland, namely—
 - section 14;
 - sections 44, 49 and 51(6);
 - section 121(3);
 - section 159;
 - this section; and
 - Schedule 4.
- (3) The following provisions also extend to Northern Ireland, namely—
 - sections 44, 49 and 51(6);
 - this section; and
 - Schedule 4.
- (4) The extent of any amendment, repeal or revocation made by this Act is the same as that of the enactment amended, repealed or revoked.

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- (5) For the purposes of the ^{M11}Scotland Act 1998, any provision of this Act which extends to Scotland is to be taken to be a pre-commencement enactment within the meaning of that Act.

Marginal Citations

M11 1998 c. 46.

168 Commencement.

- (1) Subject ^{F111}... to paragraph 11 of Schedule 11 (special provisions relating to referral orders), this Act shall come into force at the end of the period of three months beginning with the day on which it is passed (and references to the commencement of this Act are to its coming into force then).

^{F112}(2)

^{F112}(3)

Textual Amendments

F111 Words in s. 168(1) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F112 [S. 168\(2\)\(3\)](#) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

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SCHEDULES

^{F113}SCHEDULE 1

Section 28.

Textual Amendments

F113 Sch. 1 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F114}SCHEDULE 2

Section 42.

Textual Amendments

F114 Sch. 2 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(r) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

^{F115}SCHEDULE 3

Sections 39, 43, 48, 51, 56.

Textual Amendments

F115 Sch. 3 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvi)

^{F116}SCHEDULE 4

Sections 44, 49, 51.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F116 Sch. 4 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 44(4)(r)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by **2008 c. 4**, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by **2012 c. 10**, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))

[^{F117}SCHEDULE 5

Section 61.

BREACH, REVOCATION AND AMENDMENT OF ATTENDANCE CENTRE ORDERS

Textual Amendments

F117 Schs. 5-7 repealed (30.11.2009 for specified purposes) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with **Sch. 27** paras. 15); S.I. 2009/3074, art. 2(u)(xxvi)

Breach of order or attendance centre rules

- 1 (1) Where an attendance centre order is in force and it appears on information to a justice ^{F118}... that the offender—
- (a) has failed to attend in accordance with the order, or
 - (b) while attending has committed a breach of rules made under [^{F119}section 394(1)(d) or (e) of the Sentencing Code] which cannot be adequately dealt with under those rules,
- the justice may issue a summons requiring the offender to appear at the place and time specified in the summons ^{F120}... or, if the information is in writing and on oath, may issue a warrant for the offender's arrest ^{F121}....
- [^{F122}(2) Any summons or warrant issued under this paragraph shall direct the offender to appear or be brought—
- (a) before a magistrates' court acting for the [^{F123}local justice area] in which the offender resides; or
 - (b) if it is not known where the offender resides, before a magistrates' court acting for the [^{F123}local justice area] in which is situated the attendance centre which the offender is required to attend by the order or by virtue of an order under paragraph 5(1)(b) below.]

Textual Amendments

- F118** Words in Sch. 5 para. 1(1) omitted (31.3.2005) by virtue of [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, **Sch. 5 para. 6(2)(a)**; S.I. 2005/579, art. 3(d)
- F119** Words in Sch. 5 para. 1(1)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 170(2)** (with **Sch. 24** para. 447, **Sch. 27**); S.I. 2020/1236, reg. 2
- F120** Words in Sch. 5 para. 1(1) omitted (31.3.2005) by virtue of [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, **Sch. 5 para. 6(2)(b)**; S.I. 2005/579, art. 3(d)

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

F121 Words in Sch. 5 para. 1(1) omitted (31.3.2005) by virtue of Domestic Violence, Crime and Victims Act 2004 (c. 28), s. 60, Sch. 5 para. 6(2)(c); S.I. 2005/579, art. 3(d)

F122 Sch. 5 para. 1(2) substituted (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), s. 60, Sch. 5 para. 6(3); S.I. 2005/579, art. 3(d)

F123 Words in Sch. 5 para. 1(2) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, Sch. para. 83(b)

- 2 (1) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought under paragraph 1 above that he has failed without reasonable excuse to attend as mentioned in sub-paragraph (1)(a) of that paragraph or has committed such a breach of rules as is mentioned in sub-paragraph (1)(b) of that paragraph, that court may deal with him in any one of the following ways—
- (a) it may impose on him a fine not exceeding £1,000;
 - (b) where the attendance centre order was made by a magistrates' court, it may deal with him, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made; or
 - (c) where the order was made by the Crown Court, it may commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (2) Any exercise by the court of its power under sub-paragraph (1)(a) above shall be without prejudice to the continuation of the order.
- (3) A fine imposed under sub-paragraph (1)(a) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.
- [^{F124}(3A) Where—
- (a) the offender is aged under 18, and
 - (b) but for this sub-paragraph, the court would impose a fine on the offender under sub-paragraph (1)(a) above,
- section 380 of the Sentencing Code (order for payment by parent or guardian) applies to the fine.]
- (4) Where a magistrates' court deals with an offender under sub-paragraph (1)(b) above, it shall revoke the attendance centre order if it is still in force.
- (5) In dealing with an offender under sub-paragraph (1)(b) above, a magistrates' court—
- (a) shall take into account the extent to which the offender has complied with the requirements of the attendance centre order; and
 - (b) in the case of an offender who has wilfully and persistently failed to comply with those requirements, may impose a custodial sentence notwithstanding anything in [^{F125}section 230(2) of the Sentencing Code].
- [^{F126}(5A) Where a magistrates' court dealing with an offender under sub-paragraph (1)(a) above would not otherwise have the power to amend the order under paragraph 5(1)(b) below (substitution of different attendance centre), that paragraph has effect as if references to an appropriate magistrates' court were references to the court dealing with the offender.]
- (6) A person sentenced under sub-paragraph (1)(b) above for an offence may appeal to the Crown Court against the sentence.

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- (7) A magistrates' court which deals with an offender's case under sub-paragraph (1)(c) above shall send to the Crown Court—
- (a) a certificate signed by a justice of the peace giving particulars of the offender's failure to attend or, as the case may be, the breach of the rules which he has committed; and
 - (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed shall be admissible as evidence of the failure or the breach before the Crown Court.

Textual Amendments

- F124** Sch. 5 para. 2(3A) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 170\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F125** Words in Sch. 5 para. 2(5)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 170\(4\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F126** Sch. 5 para. 2(5A) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 5 para. 6\(4\)](#); S.I. 2005/579, art. 3(d)

- 3 (1) Where by virtue of paragraph 2(1)(c) above the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court—
- (a) that he has failed without reasonable excuse to attend as mentioned in paragraph 1(1)(a) above, or
 - (b) that he has committed such a breach of rules as is mentioned in paragraph 1(1)(b) above,
- that court may deal with him, for the offence in respect of which the order was made, in any way in which it could have dealt with him for that offence if it had not made the order.
- (2) Where the Crown Court deals with an offender under sub-paragraph (1) above, it shall revoke the attendance centre order if it is still in force.
- (3) In dealing with an offender under sub-paragraph (1) above, the Crown Court—
- (a) shall take into account the extent to which the offender has complied with the requirements of the attendance centre order; and
 - (b) in the case of an offender who has wilfully and persistently failed to comply with those requirements, may impose a custodial sentence notwithstanding anything in [^{F127}section 230(2) of the Sentencing Code].
- (4) In proceedings before the Crown Court under this paragraph any question whether there has been a failure to attend or a breach of the rules shall be determined by the court and not by the verdict of a jury.

Textual Amendments

- F127** Words in Sch. 5 para. 3(3)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 170\(4\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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Revocation of order with or without re-sentencing

- 4 (1) Where an attendance centre order is in force in respect of an offender, an appropriate court may, on an application made by the offender or by the officer in charge of the relevant attendance centre, revoke the order.
- (2) In sub-paragraph (1) above “an appropriate court” means—
- (a) where the court which made the order was the Crown Court and there is included in the order a direction that the power to revoke the order is reserved to that court, the Crown Court;
 - (b) in any other case, either of the following—
 - (i) a magistrates’ court [^{F128}acting in the local justice area] in which the relevant attendance centre is situated;
 - (ii) the court which made the order.
- (3) Any power conferred by this paragraph—
- (a) on a magistrates’ court to revoke an attendance centre order made by such a court, or
 - (b) on the Crown Court to revoke an attendance centre order made by the Crown Court,
- includes power to deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (4) A person sentenced by a magistrates’ court under sub-paragraph (3) above for an offence may appeal to the Crown Court against the sentence.
- (5) The proper officer of a court which makes an order under this paragraph revoking an attendance centre order shall—
- (a) deliver a copy of the revoking order to the offender or send a copy by registered post or the recorded delivery service addressed to the offender’s last or usual place of abode; and
 - (b) deliver or send a copy to the officer in charge of the relevant attendance centre.
- (6) In this paragraph “the relevant attendance centre”, in relation to an attendance centre order, means the attendance centre specified in the order or substituted for the attendance centre so specified by an order made by virtue of paragraph 5(1)(b) below.
- (7) In this paragraph “proper officer” means—
- (a) in relation to a magistrates’ court, the [^{F129}designated officer] for the court; and
 - (b) in relation to the Crown Court, the appropriate officer.

Textual Amendments

F128 Words in Sch. 5 para. 4(2)(b)(i) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 83\(c\)](#)

F129 Words in Sch. 5 para. 4(7)(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 83\(d\)](#)

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Amendment of order

- 5 (1) Where an attendance centre order is in force in respect of an offender, an appropriate magistrates' court may, on an application made by the offender or by the officer in charge of the relevant attendance centre, by order—
- (a) vary the day or hour specified in the order for the offender's first attendance at the relevant attendance centre; or
 - (b) substitute for the relevant attendance centre an attendance centre which the court is satisfied is reasonably accessible to the offender, having regard to his age, the means of access available to him and any other circumstances.
- (2) In sub-paragraph (1) above “an appropriate magistrates' court” means—
- (a) a magistrates' court [^{F130}acting in the local justice area] in which the relevant attendance centre is situated; or
 - (b) (except where the attendance centre order was made by the Crown Court) the magistrates' court which made the order.
- (3) The [^{F131}designated officer] for a court which makes an order under this paragraph shall—
- (a) deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode; and
 - (b) deliver or send a copy—
 - (i) if the order is made by virtue of sub-paragraph (1)(a) above, to the officer in charge of the relevant attendance centre; and
 - (ii) if it is made by virtue of sub-paragraph (1)(b) above, to the officer in charge of the attendance centre which the order as amended will require the offender to attend.
- (4) In this paragraph “the relevant attendance centre” has the meaning given by paragraph 4(6) above.

Textual Amendments

F130 Words in Sch. 5 para. 5(2)(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 83\(e\)](#)

F131 Words in Sch. 5 para. 5(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 83\(f\)](#)

Orders made on appeal

- 6 (1) Where an attendance centre order has been made on appeal, for the purposes of this Schedule it shall be deemed—
- (a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;
 - (b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court.
- (2) In relation to an attendance centre order made on appeal, paragraphs 2(1)(b) and 4(3) above shall each have effect as if the words “if the order had not been made” were

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omitted and paragraph 3(1) above shall have effect as if the words “if it had not made the order” were omitted.

Orders for defaulters

- 7 (1) References in this Schedule to an “offender” include a person who has been ordered to attend at an attendance centre for such a default or failure as is mentioned in section 60(1)(b) or (c) of this Act.
- (2) Where a person has been ordered to attend at an attendance centre for such a default or failure—
- (a) paragraphs 2(1)(b), 3(1) and 4(3) above shall each have effect in relation to the order as if the words “, for the offence in respect of which the order was made,” and “for that offence” were omitted; and
 - (b) paragraphs 2(5)(b) and 3(3)(b) above (which relate to custodial sentences for offences) do not apply.]

F132 SCHEDULE 6

Section 63.

Textual Amendments

F132 Schs. 6-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F132 SCHEDULE 7

Section 65.

F132 SCHEDULE 8

Sections 72 and 75.

SCHEDULE 9

Section 165.

CONSEQUENTIAL AMENDMENTS

Children and Young Persons Act 1933 (c. 12)

F133 1

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.

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Textual Amendments

F133 Sch. 9 para. 1 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

- 2 (1) Section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children or young persons are concerned) shall be amended as follows.

^{F134}(2)

- (3) In subsection (4A)—

^{F135}(a)

- (b) for “section 76(6)(b) of the Crime and Disorder Act 1998” there shall be substituted “ section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

^{F136}(4)

- (5) In subsection (11), in each of the definitions of “sexual offence” and “violent offence”, for “section 31(1) of the Criminal Justice Act 1991” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Textual Amendments

F134 Sch. 9 para. 2(2) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

F135 Sch. 9 para. 2(3)(a) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

F136 Sch. 9 para. 2(4) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

- 3 (1) Section 58 of the Children and Young Persons Act 1933 (power of Secretary of State to send certain young offenders to approved schools) shall be amended as follows.

- (2) In the first paragraph (b), for the words “with respect to whom he is authorised to give directions under subsection (3) of section fifty-three of this Act” there shall be substituted “ sentenced to be detained under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 with respect to whom he is authorised to give directions under section 92 of that Act ”.

- (3) In the second paragraph (a), for “subsection (3)” there shall be substituted “ section 91 ”.

Prison Act 1952 (c. 52)

- 4 In section 13(2) of the Prison Act 1952 (legal custody of prisoner), for “or the Criminal Justice Act 1982” there shall be substituted “ or section 95, 98, 99 or 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

- 5 (1) Section 43 of the Prison Act 1952 (institutions for young offenders) shall be amended as follows.

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(2) In subsection (1)(d), for “section 73 of the Crime and Disorder Act 1998” there shall be substituted “ section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

(3) In subsection (7), for “section 12 of the Criminal Justice Act 1982” there shall be substituted “ section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F1376

Textual Amendments

F137 Sch. 9 para. 6 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with s. 413(4)(5), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F1387

Textual Amendments

F138 Sch. 9 para. 7 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Army Act 1955 (c. 18)

F1398

Textual Amendments

F139 Sch. 9 para. 8 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

9 In section 71A(1A) of the Army Act 1955 (juveniles), for “section 2 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

10 In section 71AA(6)(a) of the Army Act 1955 (young service offenders: custodial orders) for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F14011

Textual Amendments

F140 Sch. 9 para. 11 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

12 In Schedule 5A to the Army Act 1955 (powers of court on trial of civilian), in paragraph 10(6)(a), for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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Air Force Act 1955 (c. 19)

F141 13

Textual Amendments

F141 Sch. 9 para. 13 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

14 In section 71A(1A) of the Air Force Act 1955 (juveniles), for “section 2 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

15 In section 71AA(6)(a) of the Air Force Act 1955 (young service offenders: custodial orders) for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F142 16

Textual Amendments

F142 Sch. 9 para. 16 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

17 In Schedule 5A to the Air Force Act 1955 (powers of court on trial of civilian), in paragraph 10(6)(a), for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Naval Discipline Act 1957 (c. 53)

F143 18

Textual Amendments

F143 Sch. 9 para. 18 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

19 In section 43A(1A) of the Naval Discipline Act 1957 (juveniles), for “section 2 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

20 In section 43AA(6)(a) of the Naval Discipline Act 1957 (young service offenders: custodial orders) for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F144 21

Textual Amendments

F144 Sch. 9 para. 21 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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- 22 In Schedule 4A to the Naval Discipline Act 1957 (powers of court on trial of civilian), in paragraph 10(6)(a), for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Children and Young Persons Act 1963 (c. 37)

F145 23

Textual Amendments

F145 Sch. 9 para. 23 repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 5**; S.I. 2004/3033, art. 3(1)(2)(e)(i)

Criminal Justice Act 1967 (c. 80)

F146 24

Textual Amendments

F146 Sch. 9 para. 24 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F147 25

Textual Amendments

F147 Sch. 9 para. 25 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

- 26 (1) In section 104 of the Criminal Justice Act 1967 (interpretation), subsection (1) shall continue to have effect with the amendment made by paragraph 26(a) of Schedule 5 to the Powers of Criminal Courts Act 1973, that is to say, with the substitution for the definition of “extended sentence certificate” of the following definition—

““extended sentence certificate” means a certificate issued under section 28 of the Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section;”.

F148 (2)

Textual Amendments

F148 Sch. 9 para. 26(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

- 27 In section 106(2) of the Criminal Justice Act 1967 (extent to Scotland), in paragraph (b), for the words from the beginning to “102” there shall be substituted “ section 102 ”.

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Criminal Appeal Act 1968 (c. 19)

F149²⁸

Textual Amendments

F149 Sch. 9 paras. 28-30 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F149²⁹

Textual Amendments

F149 Sch. 9 paras. 28-30 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F149³⁰

Textual Amendments

F149 Sch. 9 paras. 28-30 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Firearms Act 1968 (c. 27)

31 In section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime), in subsection (2A)(c), for “section 77 of the Crime and Disorder Act 1998” there shall be substituted “ section 104 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Health Services and Public Health Act 1968 (c. 46)

32 In section 64 of the Health Services and Public Health Act 1968 (financial assistance by Secretary of State to certain voluntary organisations), at the end of subsection (3)(a) there shall be inserted the following sub-paragraph—

“(xxi) sections 63 to 66 and 92 of, and Schedules 6 and 7 to, the Powers of Criminal Courts (Sentencing) Act 2000;”.

F150³³

Textual Amendments

F150 Sch. 9 para. 33 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with [Sch. 27](#) paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

Social Work (Scotland) Act 1968 (c. 49)

F151³⁴

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F151 Sch. 9 para. 34 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Theft Act 1968 (c. 60)

35 In section 35(2) of the Theft Act 1968 (application of sections 27 and 28 to proceedings for offences committed before commencement of that Act), for “Sections 27 and 28 of this Act” there shall be substituted “ Section 27 of this Act and section 148 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Civil Evidence Act 1968 (c. 64)

F152³⁶

Textual Amendments

F152 Sch. 9 para. 36 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with s. 413(4)(5), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70)

F153³⁷

Textual Amendments

F153 Sch. 9 para. 37 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with s. 413(4)(5), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Children and Young Persons Act 1969 (c. 54)

F154³⁸

Textual Amendments

F154 Sch. 9 para. 38 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F155³⁹

Textual Amendments

F155 Sch. 9 para. 39 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with [Sch. 27](#) paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

40 In section 30(1) of the Children and Young Persons Act 1969 (detention of young offenders in community homes), for “section 53 of the Act of 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

F156 41

Textual Amendments
F156 Sch. 9 para. 41 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

F157 42

Textual Amendments
F157 Sch. 9 para. 42 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

Administration of Justice Act 1970 (c. 31)

- 43 (1) Part I of Schedule 9 to the Administration of Justice Act 1970 (orders for costs, compensation etc. enforceable as on a summary conviction) shall be amended as follows.
(2) For paragraph 10 there shall be substituted the following paragraph—
“10 Where under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 a court orders the payment of compensation.”

F158 (3)

Textual Amendments
F158 Sch. 9 para. 43(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Attachment of Earnings Act 1971 (c. 32)

F159 44

Textual Amendments
F159 Sch. 9 para. 44 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Consumer Credit Act 1974 (c. 39)

- 45 In section 119(2) of the Consumer Credit Act 1974 (unreasonable refusal to deliver pawn), for the words from “section 28” to “that section,” there shall be substituted “ section 148 of the Powers of Criminal Courts (Sentencing) Act 2000 (restitution orders) ”.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Solicitors Act 1974 (c. 47)

- 46 In section 43 of the Solicitors Act 1974 (control of employment of certain persons), in subsection (7), for the words from “under Part I” to “that Act,” there shall be substituted “discharging a person absolutely or conditionally in respect of an offence shall, notwithstanding anything in section 14 of the Powers of Criminal Courts (Sentencing) Act 2000,”.

Rehabilitation of Offenders Act 1974 (c. 53)

F160 47

Textual Amendments

F160 Sch. 9 para. 47 repealed (1.12.2020) by *Sentencing Act 2020 (c. 17)*, s. 416(1), **Sch. 28** (with s. 413(4)(5), **Sch. 27**); S.I. 2020/1236, reg. 2

- 48 (1) Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences) shall be amended as follows.
- (2) In subsection (1)(d)—
- (a) after “life” there shall be inserted “under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000”; and
 - (b) for “or for a term exceeding thirty months, passed under section 53 of the Children and Young Persons Act 1933” there shall be substituted “or a sentence of detention for a term exceeding thirty months passed under section 91 of the said Act of 2000”.
- [^{F161}(3) In subsection (2), in Table B, for “section 53 of the said Act of 1933” there shall be substituted “section 91 of the Powers of Criminal Courts (Sentencing) Act 2000”.]
- [^{F161}(4) In subsection (4B), as inserted by paragraph 6(3) of Schedule 4 to the ^{M12}Youth Justice and Criminal Evidence Act 1999—
- (a) for “Part I of the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “the Powers of Criminal Courts (Sentencing) Act 2000”;
 - (b) for “section 8” there shall be substituted “section 23”; and
 - (c) for “section 9” there shall be substituted “section 24”.]

[^{F161}(5) In subsection (4C) as so inserted—

 - (a) for “the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “the Powers of Criminal Courts (Sentencing) Act 2000”;
 - (b) for “section 8” there shall be substituted “section 23”; and
 - (c) for “section 9” there shall be substituted “section 24”.]

[^{F161}(6) In subsection (5)(e), for “any provision of the Children and Young Persons Act 1969” there shall be substituted “section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000”.]

[^{F161}(7) In subsection (6)(c), for “section 19 of the Criminal Justice Act 1948” there shall be substituted “section 60 of the Powers of Criminal Courts (Sentencing) Act 2000”.]

[^{F161}(8) In subsection (6A), for “section 73 of the Crime and Disorder Act 1998” there shall be substituted “section 100 of the Powers of Criminal Courts (Sentencing) Act 2000”.]

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

[^{F161}(9) In subsection (9)(b), for “section 53 of the said Act of 1933” there shall be substituted “section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.]

[^{F161}(10) In subsection (10)—

- (a) for “the Children and Young Persons Act 1969” there shall be substituted “the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
- (b) for “the said Act of 1969” there shall be substituted “ the Children and Young Persons Act 1969 ”.]

Textual Amendments

F161 Sch. 9 para. 48(3)-(10) repealed (E.W.) (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 25 Pt. 2** (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

Marginal Citations

M12 1999 c. 23.

^{F162}49

Textual Amendments

F162 Sch. 9 para. 49 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

Bail Act 1976 (c. 63)

- 50 (1) Section 2 of the Bail Act 1976 (definitions) shall be amended as follows.
- (2) In subsection (1)(c), for “section 30(1) of the Magistrates’ Courts Act 1980” there shall be substituted “ section 11(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In subsection (2)—
- (a) for the definition of “bail hostel” and “probation hostel” there shall be substituted the following definition—

““bail hostel” means premises for the accommodation of persons remanded on bail;”;

and
 - (b) after the definition of “offence” there shall be inserted the following definition—

““probation hostel” means premises for the accommodation of persons who may be required to reside there by a probation order.”.
- 51 In section 3 of the Bail Act 1976 (general provisions), in subsection (9), for “subsection (2) of section 30 of the Magistrates’ Courts Act 1980” there shall be substituted “ subsection (3) of section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

^{F163}52

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Textual Amendments

F163 Sch. 9 para. 52 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- 53 In section 5 of the Bail Act 1976 (supplementary provisions about decisions on bail), in subsection (6A)(a)—
- (a) after the words “in custody under” there shall be inserted “ section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (remand for medical examination) or ”;
 - (b) at the end of sub-paragraph (ii) there shall be inserted “ or ”; and
 - (c) for sub-paragraphs (iii) and (iv) there shall be substituted the following sub-paragraph—
“(iii) section 18 (initial procedure on information against adult for offence triable either way),”.
- 54 (1) Schedule 1 to the Bail Act 1976 (persons entitled to bail: supplementary provisions) shall be amended as follows.
- (2) In Part I, in paragraph 8(3)—
- (a) for “section 30(2) of the Magistrates’ Courts Act 1980” there shall be substituted “ section 11(3) of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
 - (b) for “the said section 30(2)” there shall be substituted “ the said section 11(3) ”.
- ^{F164}(3)

Textual Amendments

F164 Sch. 9 para. 54(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Criminal Law Act 1977 (c. 45)

^{F165}55

Textual Amendments

F165 Sch. 9 para. 55 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- 56 In section 38A of the Criminal Law Act 1977 (execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine), in subsection (5), in the definition of “prison”, for “section 12(10) of the Criminal Justice Act 1982” there shall be substituted “ section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 57 In section 38B of the Criminal Law Act 1977 (further provision for execution of certain warrants of commitment), in subsection (5), in the definition of “prison”,

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for “section 12(10) of the Criminal Justice Act 1982” there shall be substituted “section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

58 In section 5(2) of the Ancient Monuments and Archaeological Areas Act 1979 (execution of works for preservation of a scheduled monument by Secretary of State), for “section 35 of the Powers of Criminal Courts Act 1973” there shall be substituted “section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F166⁵⁹

Textual Amendments

F166 Sch. 9 paras. 59-65 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)

F166⁶⁰

Textual Amendments

F166 Sch. 9 paras. 59-65 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Magistrates’ Courts Act 1980 (c. 43)

F166⁶¹

Textual Amendments

F166 Sch. 9 paras. 59-65 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F166⁶²

Textual Amendments

F166 Sch. 9 paras. 59-65 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F166⁶³

Textual Amendments

F166 Sch. 9 paras. 59-65 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F166⁶⁴ (1)

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- (2)
- (3)

Textual Amendments

F166 Sch. 9 paras. 59-65 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F16665

Textual Amendments

F166 Sch. 9 paras. 59-65 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- 66 In section 77(2) of the Magistrates’ Courts Act 1980 (postponement of issue of warrant of commitment)—
- (a) for “section 9 of the Criminal Justice Act 1982” there shall be substituted “section 108 of the Powers of Criminal Courts (Sentencing) Act 2000”; and
 - (b) for “17” there shall be substituted “ 18 ”.

- 67 (1) Section 81 of the Magistrates’ Courts Act 1980 (enforcement of fines imposed on young offenders) shall be amended as follows.

F167(2)

- (3) In subsection (3), for “section 17(1) of the Criminal Justice Act 1982” there shall be substituted “ section 60(1) of the said Act of 2000 ”.

F167(4)

Textual Amendments

F167 Sch. 9 para. 67(2)(4) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- 68 In section 88(4) of the Magistrates’ Courts Act 1980 (supervision pending payment), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F16869

Textual Amendments

F168 Sch. 9 para. 69 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- 70 In section 96A of the Magistrates’ Courts Act 1980 (application of Part III to persons aged 18 to 20), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

F169 71

Textual Amendments

F169 Sch. 9 para. 71 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

72 In section 113 of the Magistrates’ Courts Act 1980 (bail on appeal or case stated), in subsection (3), for “or 38 above” there shall be substituted “ above or section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F170 73

Textual Amendments

F170 Sch. 9 para. 73 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F171 74

Textual Amendments

F171 Sch. 9 para. 74 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

75 In section 128(6) of the Magistrates’ Courts Act 1980 (remand in custody or on bail), for “or 30 above” there shall be substituted “ above or section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F172 76

Textual Amendments

F172 Sch. 9 para. 76 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

77 In section 135(3) of the Magistrates’ Courts Act 1980 (detention of offender for one day in court-house or police station), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

78 In section 136(4) of the Magistrates’ Courts Act 1980 (committal to custody overnight at police station), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

79 In section 143(2) of the Magistrates’ Courts Act 1980 (power to alter sums specified in certain provisions)—

^{F173}(a)

(b) in paragraph (j), for “section 31(3A) of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 139(4) of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and

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F173(c)

Textual Amendments

F173 Sch. 9 para. 79(a)(c) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F80[F175(1)

(2) At the end of that Schedule there shall be inserted the following entry—

“POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000

| | |
|---|----------|
| Section 123(3) (failure to comply with suspended sentence supervision order) | £1,000 |
| In Schedule 3, paragraphs 4(1) and 5(1) (failure to comply with certain community orders) | £1,000 |
| In Schedule 5, paragraph 2(1) (failure to comply with attendance centre order or attendance centre rules) | £1,000 |
| In Schedule 7, paragraph 2(2) (failure to comply with supervision order) | £1,000”] |

Textual Amendments

F174 Sch. 9 para. 80(1) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F175 Sch. 9 para. 80 repealed (30.11.2009 for specified purposes) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

Public Passenger Vehicles Act 1981 (c. 14)

F17681

Textual Amendments

F176 Sch. 9 para. 81 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Criminal Attempts Act 1981 (c. 47)

F17782

Textual Amendments

F177 Sch. 9 para. 82 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Contempt of Court Act 1981 (c. 49)

- 83 In section 12(5) of the Contempt of Court Act 1981 (application of certain provisions in case of contempt of magistrates’ court)—
- (a) at the beginning there shall be inserted “ Section 135 of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on fines in respect of young persons) and ”; and
 - (b) for the words “, namely: section 36 (restriction on fines in respect of young persons);” there shall be substituted “ ; and those provisions of the Magistrates’ Courts Act 1980 are ”.
- 84 In section 14 of the Contempt of Court Act 1981 (proceedings in England and Wales), in the subsection (2A) inserted by the ^{M13}Criminal Justice Act 1982, for “section 17 of the Criminal Justice Act 1982” there shall be substituted “ section 60 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Marginal Citations

M13 1982 c. 48.

F17885

Textual Amendments

F178 Sch. 9 para. 85 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with s. 413(4)(5), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F17986

Textual Amendments

F179 Sch. 9 para. 86 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with s. 413(4)(5), [Sch. 27](#)); S.I. 2020/1236, reg. 2

[^{F180}Senior Courts Act 1981] (c. 54)

Textual Amendments

F180 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

- 87 In section 81(1) of the [^{F180}Senior Courts Act 1981] (bail), in paragraph (g)—
- (a) after the word “under” there shall be inserted “ section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (remand for medical examination) or ”;
 - (b) at the end of sub-paragraph (ii) there shall be inserted “ or ”; and
 - (c) sub-paragraph (iv) and the word “or” immediately preceding it shall be omitted.

F18188

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Textual Amendments

F181 Sch. 9 para. 88 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Criminal Justice Act 1982 (c. 48)

89 (1) Part III of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements (Northern Ireland): persons residing in England and Wales or Scotland) shall be amended as follows.

F182(2)

(3) In paragraph 9(6)(b), for “relevant officer under the Powers of Criminal Courts Act 1973” there shall be substituted “responsible officer under the Powers of Criminal Courts (Sentencing) Act 2000”.

Textual Amendments

F182 Sch. 9 para. 89(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Mental Health Act 1983 (c. 20)

90 (1) Section 37 of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship) shall be amended as follows.

(2) In subsection (1), for “section 2(2) of the Crime (Sentences) Act 1997” there shall be substituted “section 109(2) of the Powers of Criminal Courts (Sentencing) Act 2000”.

F183(3)

(4) After subsection (1A) there shall be inserted the following subsection—

“(1B) For the purposes of subsections (1) and (1A) above, a sentence falls to be imposed under section 109(2), 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000 if it is required by that provision and the court is not of the opinion there mentioned.”

F183(5)

(6) In subsection (8) as amended by paragraph 11 of Schedule 4 to the ^{M14}Youth Justice and Criminal Evidence Act 1999—

- (a) for “Part I of the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “the Powers of Criminal Courts (Sentencing) Act 2000”; and
- (b) for “any such order as is mentioned in section 7(7)(b) of the Children and Young Persons Act 1969 or section 58 of the Criminal Justice Act 1991” there shall be substituted “a supervision order (within the meaning of that Act) or an order under section 150 of that Act (binding over of parent or guardian)”.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F183 Sch. 9 para. 90(3)(5) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Marginal Citations

M14 1999 c. 23.

F184⁹¹

Textual Amendments

F184 Sch. 9 para. 91 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Telecommunications Act 1984 (c. 12)

F185⁹²

Textual Amendments

F185 Sch. 9 para. 92 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

Child Abduction Act 1984 (c. 37)

F186⁹³

Textual Amendments

F186 Sch. 9 para. 93 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 44**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Repatriation of Prisoners Act 1984 (c. 47)

F187⁹⁴

Textual Amendments

F187 Sch. 9 para. 94 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Police and Criminal Evidence Act 1984 (c. 60)

95 In section 17(1) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc.), in paragraph (cb), for “section 53 of the Children and Young Persons Act 1933” there shall be substituted “section 92 of the Powers of Criminal Courts (Sentencing) Act 2000”.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

F188 96

Textual Amendments

F188 Sch. 9 para. 96 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

97 In section 63A(3B) of the Police and Criminal Evidence Act 1984 (supplementary provision as to samples), for “section 53 of the Children and Young Persons Act 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

98 In section 75(3) of the Police and Criminal Evidence Act 1984 (provisions supplementary to section 74), in paragraph (a), for “section 13 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 14 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Prosecution of Offences Act 1985 (c. 23)

99 In section 19(3)(c) of the Prosecution of Offences Act 1985 (provision for payment of certain costs of medical practitioner), for “section 30 of the Magistrates’ Courts Act 1980” there shall be substituted “ section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Protection of Military Remains Act 1986 (c. 35)

F189 100

Textual Amendments

F189 Sch. 9 para. 100 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Public Order Act 1986 (c. 64)

F190 101

Textual Amendments

F190 Sch. 9 para. 101 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Criminal Justice Act 1988 (c. 33)

102 In section 36(2) of the Criminal Justice Act 1988 (review of sentencing), for “section 2(2), 3(2) or 4(2) of the Crime (Sentences) Act 1997” there shall be substituted “ section 109(2), 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F191 103

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F191 Sch. 9 para. 103 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

104 In section 60(1) of the Criminal Justice Act 1988 (periods of imprisonment for default), for “Tables in section 31(3A) of the Powers of Criminal Courts Act 1973 and” there shall be substituted “ Table in ”.

F192105

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F192106

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F192107

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F192108

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F192109

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F192110

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F192 111

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F192 112

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F192 113

Textual Amendments

F192 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

114 In Schedule 15 to the Criminal Justice Act 1988 (minor and consequential amendments), in paragraph 80, for “that Act” there shall be substituted “ the [^{F180}Senior Courts Act 1981] ”.

Textual Amendments

F180 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(d)

Copyright, Designs and Patents Act 1988 (c. 48)

F193 115

Textual Amendments

F193 Sch. 9 para. 115 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F194 116

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F194 Sch. 9 para. 116 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Road Traffic Act 1988 (c. 52)

117 In section 164(5) of the Road Traffic Act 1988 (power of constables to require production of driving licence), for “or section 44 of the Powers of Criminal Courts Act 1973” there shall be substituted “, section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000”.

Road Traffic Offenders Act 1988 (c. 53)

^{F195}118

Textual Amendments

F195 Sch. 9 para. 118 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

119 (1) Section 26 of the Road Traffic Offenders Act 1988 (interim disqualification) shall be amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), for the words from “subsection (1)” to “applies” there shall be substituted “ section 6 of the Powers of Criminal Courts (Sentencing) Act 2000 or any enactment mentioned in subsection (4) of that section ”; and
- (b) in paragraph (b), for “section 39 of the Magistrates’ Courts Act 1980” there shall be substituted “ section 10 of that Act ”.

(3) In subsection (2), for “section 1 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 1 of that Act ”.

120 In section 27(3) of the Road Traffic Offenders Act 1988 (production of licence), for “section 44 of the Powers of Criminal Courts Act 1973,” there shall be substituted “ section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

121 In section 34(4A) of the Road Traffic Offenders Act 1988 (disqualification for certain offences), for “section 44 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 147 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

122 In section 35(5) of the Road Traffic Offenders Act 1988 (disqualification for repeated offences), for “section 44 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 147 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

^{F196}123

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F196 Sch. 9 para. 123(1)(2)(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

Extradition Act 1989 (c. 33)

F197 124

Textual Amendments

F197 Sch. 9 para. 124 repealed (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 221, **Sch. 4**; S.I. 2003/3103, art. 2 (with arts. 3-5) (as amended (11.12.2003) by S.I. 2003/3258, art. 2 and (18.12.2003) by S.I. 2003/3312, art. 2)

Football Spectators Act 1989 (c. 37)

F198 125

Textual Amendments

F198 Sch. 9 para. 125 repealed (28.8.2000) by [2000 c. 25](#), s. 1(3), **Sch. 3**; S.I. 2000/2125, art. 2

Children Act 1989 (c. 41)

F199 126

Textual Amendments

F199 Sch. 9 para. 126 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 44**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

F200 127

Textual Amendments

F200 Sch. 9 para. 127 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with **Sch. 27** paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

F201 128

Textual Amendments

F201 Sch. 9 para. 128 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), **Sch. 3** (with ss. 44, 50); S.I. 2005/1432, art. 2

F202 129

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F202 Sch. 9 para. 129 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

130 In Part III of Schedule 2 to the Children Act 1989 (contributions towards maintenance of children looked after by local authorities), in paragraph 21(7), for “section 53 of the Children and Young Persons Act 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

^{F203}131

Textual Amendments

F203 Sch. 9 para. 131 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

^{F204}132

Textual Amendments

F204 Sch. 9 para. 132 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25)

133 In section 5(4) of the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (modifications for cases where accused is not guilty by reason of insanity etc.), for “Section 1A(1) of the Powers of Criminal Courts Act 1973” there shall be substituted “ Section 12(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Criminal Justice Act 1991 (c. 53)

134 In section 16(b) of the Criminal Justice Act 1991 (reciprocal enforcement of certain orders), for “corresponding” there shall be substituted “ certain ”.

135 In section 23(1) of the Criminal Justice Act 1991 (default in certain cases), for “Tables in section 31(3A) of the 1973 Act and” there shall be substituted “ Table in ”.

^{F205}136

Textual Amendments

F205 Sch. 9 para. 136 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 28](#) (with [s. 413\(4\)\(5\), Sch. 27](#)); S.I. 2020/1236, reg. 2

^{F206}137

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- F206**138 (a)
(b)
(c)

Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- F206**139

Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- F206**140

Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- F206**141(1)
(2)
(3)

Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- F206**142

Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- F206**143 (a)
(b)

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Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- F206** 144(1)
- (2)
- (3)
- (4)

Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- F206** 145

Textual Amendments

F206 Sch. 9 paras. 137-145 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- 146 In section 82(4) of the Criminal Justice Act 1991 (duties of prisoner custody officers acting in pursuance of prisoner escort arrangements), for “section 34A of the 1973 Act” there shall be substituted “ section 142 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 147 (1) Part III of Schedule 3 to the Criminal Justice Act 1991 (transfer of probation orders from Northern Ireland) shall be amended as follows.
 - (2) In paragraph 10(3)—
 - (a) in paragraph (b), for “mental hospital within the meaning of paragraph 5 of Schedule 1A to the 1973 Act” there shall be substituted “ hospital or mental nursing home within the meaning of the Mental Health Act 1983, not being hospital premises at which high security psychiatric services within the meaning of that Act are provided ”; and
 - F207** (b)
 - F207** (3)

Textual Amendments

F207 Sch. 9 para. 147(2)(b)(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- 148 In Schedule 4 to the Criminal Justice Act 1991 (increase of certain maxima), in Part I, in the first column of the entry relating to section 63(3)(a) of the Magistrates’ Courts Act 1980, for “that Act” there shall be substituted “ the 1980 Act ”.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

149 In Schedule 12 to the Criminal Justice Act 1991 (transitional provisions and savings), after paragraph 6 (which is repealed by this Act) there shall be inserted the following paragraph—

“6A Section 17 of this Act shall not apply in relation to offences committed before the commencement of that section.”

Social Security Administration Act 1992 (c. 5)

F208 150

Textual Amendments

F208 Sch. 9 para. 150 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Aggravated Vehicle-Taking Act 1992 (c. 11)

F209 151

Textual Amendments

F209 Sch. 9 para. 151 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Local Government Finance Act 1992 (c. 14)

152 In Schedule 1 to the Local Government Finance Act 1992 (persons disregarded for purposes of discount), in paragraph 1(4), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Probation Service Act 1993 (c. 47)

F210 153

Textual Amendments

F210 Sch. 9 para. 153 repealed (1.4.2001) by [2000 c. 43](#), ss. 74, 75, [Sch. 7 pt. II para. 203\(2\)](#), **Sch. 8**; S.I. 2001/919, **art. 2(f)(vi)(g)**

F211 154

Textual Amendments

F211 Sch. 9 para. 154 repealed (1.4.2001) by [2000 c. 43](#), ss. 74, 75, [Sch. 7 Pt. II para. 203\(2\)](#), **Sch. 8**; S.I. 2001/919, **art. 2(f)(vi)(g)**

F212 155

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F212 Sch. 9 para. 155 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 203(2), **Sch. 8**; S.I. 2001/919, **art. 2(f)(vi)(g)**

F213 156

Textual Amendments

F213 Sch. 9 para. 156 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 203(2), **Sch. 8**; S.I. 2001/919, **art. 2(f)(vi)(g)**

Pension Schemes Act 1993 (c. 48)

F214 157

Textual Amendments

F214 Sch. 9 paras. 157-159 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Vehicle Excise and Registration Act 1994 (c. 22)

F214 158

Textual Amendments

F214 Sch. 9 paras. 157-159 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F214 159

Textual Amendments

F214 Sch. 9 paras. 157-159 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Criminal Justice and Public Order Act 1994 (c. 33)

160 In section 25 of the Criminal Justice and Public Order Act 1994 (restrictions on bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences), in subsection (5), in the definition of “the relevant enactments”, for “section 53(2) of the Children and Young Persons Act 1933” there shall be substituted “ section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F215 161

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F215 Sch. 9 para. 161 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F216 162

Textual Amendments

F216 Sch. 9 para. 162 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Drug Trafficking Act 1994 (c. 37)

F217 163

Textual Amendments

F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); S.I. 2003/333, art. 2, [Sch.](#) (with arts. 10-13)

F217 164

Textual Amendments

F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); S.I. 2003/333, art. 2, [Sch.](#) (with arts. 10-13)

F217 165

Textual Amendments

F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); S.I. 2003/333, art. 2, [Sch.](#) (with arts. 10-13)

F217 166

Textual Amendments

F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); S.I. 2003/333, art. 2, [Sch.](#) (with arts. 10-13)

F217 167

Textual Amendments

F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); S.I. 2003/333, art. 2, [Sch.](#) (with arts. 10-13)

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: *Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)*

F217 168

Textual Amendments
 F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F217 169

Textual Amendments
 F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F217 170

Textual Amendments
 F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F217 171

Textual Amendments
 F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F217 172

Textual Amendments
 F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F217 173

Textual Amendments
 F217 Sch. 9 paras. 163-173 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)

174 In Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995 (qualifications for standard licence), in paragraph 3(3), for “section 14 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Children (Scotland) Act 1995 (c. 36)

175 In section 33 of the Children (Scotland) Act 1995 (effect of orders etc. made in different parts of the United Kingdom), in subsection (5)(b), after “the Children and Young Persons Act 1969” there shall be inserted “ or sections 63 to 67 of and Schedules 6 and 7 to the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Criminal Procedure (Scotland) Act 1995 (c. 46)

F218 176

Textual Amendments

F218 Sch. 9 paras. 176-180 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F218 177(1)
(2)
(3)
(4)

Textual Amendments

F218 Sch. 9 paras. 176-180 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F218 178

Textual Amendments

F218 Sch. 9 paras. 176-180 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

London Local Authorities Act 1995 (c. x)

F218 179

Textual Amendments

F218 Sch. 9 paras. 176-180 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Criminal Evidence (Amendment) Act 1997 (c. 17)

F218 180

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments
F218 Sch. 9 paras. 176-180 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

Social Security (Recovery of Benefits) Act 1997 (c. 27)

181 In Part I of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997 (exempted payments), in paragraph 2, for “section 35 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Crime (Sentences) Act 1997 (c. 43)

^{F219}182

Textual Amendments
F219 Sch. 9 para. 182 repealed (30.11.2000 with effect as mentioned in [2000 c. 43](#), s. 75, **Sch. 8** Note (b) of the repealing Act) by [2000 c. 43](#), ss. 74, 75, 80(3), **Sch. 7 Pt. II para. 203(3)**, **Sch. 8**

183 (1) Section 34 of the Crime (Sentences) Act 1997 (interpretation of Chapter II of Part II) shall be amended as follows.

(2) In subsection (2)—

- (a) for “section 53 of the 1933 Act” there shall be substituted “ section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
- (b) for “section 8 of the 1982 Act” there shall be substituted “ section 93 or 94 of that Act ”.

^{F220}(3)

Textual Amendments
F220 Sch. 9 para. 183(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

184 (1) Section 35 of the Crime (Sentences) Act 1997 (community orders for fine defaulters) shall be amended as follows.

^{F221}(2)

(3) For subsections (4) and (5) there shall be substituted the following subsections—

“(4) Section 46(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (community service orders) shall apply for the purposes of subsection (2)(a) above as if for the words from the beginning to “make” there were substituted “Where section 35(2) of the Crime (Sentences) Act 1997 applies, the court may make in respect of the offender”; and—

- (a) section 46(3) and (4) of that Act, and

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- (b) so far as applicable, the following provisions of section 46 of that Act and the other provisions of Part IV of that Act relating to community service orders,

have effect in relation to a community service order made by virtue of this section as they have effect in relation to any community service order made under that Act, subject to the exceptions in subsection (5) below.

- (5) The following are the exceptions, namely—

- (a) the reference in section 46(3)(a) of that Act to 40 hours shall be construed as a reference to 20 hours;
- (b) section 46(8) of that Act shall not apply;
- (c) the power conferred by paragraph 4(1)(d) of Schedule 3 to that Act shall be construed as a power to revoke the order or deal with the person in respect of whom the order was made for his default in paying the sum in question or do both of those things;
- (d) paragraph 4(2)(a) and (3) of that Schedule shall not apply;
- (e) the reference in paragraph 10(1)(b) of that Schedule to the offence in respect of which the order was made shall be construed as a reference to the default in respect of which the order was made;
- (f) the power conferred by paragraph 10(3)(b) of that Schedule to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question; and
- (g) paragraph 11(2)(b) of that Schedule shall not apply.”

- (4) For subsections (7) and (8) there shall be substituted the following subsections—

“(7) Section 37(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (curfew orders) shall apply for the purposes of subsection (2)(b) above as if for the words from the beginning to “make” there were substituted “Where section 35(2) of the Crime (Sentences) Act 1997 applies, the court may make in respect of the offender”; and—

- (a) section 37(3), (5) to (8) and (10) to (12) of that Act, and
- (b) so far as applicable, the other provisions of Part IV of that Act relating to curfew orders,

have effect in relation to a curfew order made by virtue of this section as they have effect in relation to any curfew order made under that Act, subject to the exceptions in subsection (8) below.

- (8) The following are the exceptions, namely—

- (a) the power conferred by paragraph 4(1)(d) of Schedule 3 to that Act shall be construed as a power to revoke the order or deal with the person in respect of whom the order was made for his default in paying the sum in question or do both of those things;
- (b) paragraph 4(2)(a) and (3) of that Schedule shall not apply;
- (c) the reference in paragraph 10(1)(b) of that Schedule to the offence in respect of which the order was made shall be construed as a reference to the default in respect of which the order was made;
- (d) the power conferred by paragraph 10(3)(b) of that Schedule to deal with an offender for the offence in respect of which the order was

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made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question; and

(e) paragraph 11(2)(b) of that Schedule shall not apply.”

(5) After subsection (12) there shall be inserted the following subsection—

“(12A) Sections 35 and 36 of the Powers of Criminal Courts (Sentencing) Act 2000 (restrictions and procedural requirements for community sentences) do not apply in relation to an order under subsection (2)(a) or (b) above.”

Textual Amendments

F221 Sch. 9 para. 184(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

185 (1) Section 40 of the Crime (Sentences) Act 1997 (driving disqualifications for fine defaulters) shall be amended as follows.

^{F222}(2)

(3) For subsection (6) there shall be substituted the following subsections—

“(6) A court which makes an order under this section disqualifying a person for holding or obtaining a driving licence shall require him to produce any such licence held by him together with its counterpart.

(7) In this section—

“driving licence” means a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988;

“counterpart”, in relation to a driving licence, has the meaning given in relation to such a licence by section 108(1) of that Act.”

Textual Amendments

F222 Sch. 9 para. 185(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

186 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British islands) shall be amended as follows.

^{F223}(2)

^{F224}(3)

^{F224}(4)

(5) In paragraph 20(1), in the definition of “sentence of imprisonment”, for “section 8 of the 1982 Act” there shall be substituted “ section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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Textual Amendments

F223 Sch. 9 para. 186(2) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with s. 413(4)(5), Sch. 27); S.I. 2020/1236, reg. 2

F224 Sch. 9 para. 186(3)(4) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F225 187

Textual Amendments

F225 Sch. 9 para. 187 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F226 188

Textual Amendments

F226 Sch. 9 para. 188 repealed (30.11.2000 with effect as mentioned in 2000 c. 43, s. 75, **Sch. 8** Note (b) of the repealing Act) by 2000 c. 43, ss. 74, 75, 80(1), Sch. 7 Pt. II para. 203(3), **Sch. 8**

Sex Offenders Act 1997 (c. 51)

F227 189

Textual Amendments

F227 Sch. 9 para. 189 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 43(5), **Sch. 7**; S.I. 2004/874, art. 2

F228 190

Textual Amendments

F228 Sch. 9 para. 190 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 43(5), **Sch. 7**; S.I. 2004/874, art. 2

Data Protection Act 1998 (c. 29)

F229 191

Textual Amendments

F229 Sch. 9 para. 191 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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Crime and Disorder Act 1998 (c. 37)

F230 192

Textual Amendments
F230 Sch. 9 para. 192 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

F231 193

Textual Amendments
F231 Sch. 9 para. 193 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 6 para. 43\(5\)](#), [Sch. 7](#); S.I. 2004/874, art. 2

F232 194

Textual Amendments
F232 Sch. 9 para. 194 repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 12](#); S.I. 2004/3033, art. 3(1)(2)(e)(ii)(ee)

F233 195

Textual Amendments
F233 Sch. 9 para. 195 repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 12](#); S.I. 2004/3033, art. 3(1)(2)(e)(ii)(ee)

F234 196

Textual Amendments
F234 Sch. 9 para. 196 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

197 In section 38(4) of the Crime and Disorder Act 1998 (meaning of “youth justice services”)—

- (a) in paragraph (j), for “section 75 below” there shall be substituted “section 102 of the Powers of Criminal Courts (Sentencing) Act 2000 (period of detention and training under detention and training orders)”; and

F235 (b)

Textual Amendments
F235 Sch. 9 para. 197(b) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with s. 413(4)(5), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F236 198

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Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000 is up to date with all changes known to be in force on or before 09 July 2023. 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)

Textual Amendments

F237 Sch. 9 para. 198 omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 24 para. 20** (with s. 135(4)); S.I. 2013/453, art. 4(f)

F237 199

Textual Amendments

F237 Sch. 9 para. 199 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F238 200

Textual Amendments

F238 Sch. 9 para. 200 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with s. 413(4)(5), Sch. 27); S.I. 2020/1236, reg. 2

F239 201

Textual Amendments

F239 Sch. 9 paras. 201-204 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F239 202(1)
(2)
(3)

Textual Amendments

F239 Sch. 9 paras. 201-204 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F239 203

Textual Amendments

F239 Sch. 9 paras. 201-204 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Access to Justice Act 1999 (c. 22)

F239 204

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Textual Amendments

F239 Sch. 9 paras. 201-204 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Youth Justice and Criminal Evidence Act 1999 (c. 23)

F240 205

Textual Amendments

F240 Sch. 9 para. 205 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with s. 413(4)(5), Sch. 27); S.I. 2020/1236, reg. 2

F241 SCHEDULE 10

Section 165.

Textual Amendments

F241 Sch. 10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

SCHEDULE 11

Section 165.

TRANSITIONAL PROVISIONS

PART I

GENERAL

Continuity of the law: general

- 1 (1) The substitution of this Act for the provisions repealed by it shall not affect the continuity of the law.
- (2) Any thing done (including subordinate legislation made), or having effect as if done, under or for the purposes of any provision repealed by this Act shall, if it could have been done under or for the purposes of the corresponding provision of this Act and if in force or effective immediately before the commencement of that corresponding provision, have effect thereafter as if done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in this Act or any other enactment, instrument or document to a provision of this Act shall (so far as the context permits) be

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construed as including, as respects times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference to that corresponding provision.

- (4) Any reference (express or implied) in any enactment, instrument or document to a provision repealed by this Act shall (so far as the context permits) be construed, as respects times, circumstances and purposes in relation to which the corresponding provision of this Act has effect, as being or (according to the context) including a reference to the corresponding provision of this Act.
- (5) Sub-paragraphs (1) to (4) above have effect instead of section 17(2) of the ^{M15}Interpretation Act 1978 (but are without prejudice to any other provision of that Act).

Modifications etc. (not altering text)

- C18** Sch. 11 para. 1(3) excluded (1.4.2001) by 2000 c. 43, s. 43(3)(b); S.I. 2001/919, art. 2(b)
Sch. 11 para. 1(3) excluded (1.4.2001) by 2000 c. 43, s. 44(3)(b); S.I. 2001/919, art. 2(b)
Sch. 11 para. 1(3) excluded (1.4.2001) by 2000 c. 43, s. 45(3)(b); S.I. 2001/919, art. 2(b)

Marginal Citations

- M15** 1978 c. 30.

General saving for old transitional provisions and savings

- 2 (1) The repeal by this Act of a transitional provision or saving relating to the coming into force of a provision reproduced in this Act does not affect the operation of the transitional provision or saving, in so far as it is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act.
- (2) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (3) The repeal by this Act of a saving on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in this Act but remains capable of having effect.
- (4) Where the purpose of an enactment repealed by this Act was to secure that the substitution of the provisions of the Act containing that enactment for provisions repealed by that Act did not affect the continuity of the law, the enactment repealed by this Act continues to have effect in so far as it is capable of doing so.

Use of existing forms etc.

- 3 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued after the commencement of that repeal shall be construed, except so far as a contrary intention appears, as a reference or (as the context may require) as including a reference to the corresponding provision of this Act.

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F242 PART II

SPECIFIC PROVISIONS: REPLICATION OF OLD TRANSITIONAL PROVISIONS

Textual Amendments

F242 Sch. 11 Pts. 2-4 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Sections 37, 41, 46 and 79 and Schedules 2, 3 and 6: consent requirements

4

Section 37: minimum age for curfew order

5

Custodial sentences for young offenders: section 98 and re-sentencing powers

6

7

Sections 143, 147, 148 and 150: miscellaneous transitional provisions

8

9

10

F242 PART III

SPECIFIC PROVISIONS: MISCELLANEOUS TRANSITIONAL PROVISIONS

Referral orders

11

Modifications for Isles of Scilly

12

Consequential amendments

13

Status: Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.
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F242 PART IV

INTERPRETATION

14

F243 SCHEDULE 12

Section 165.

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Textual Amendments

F243 Sch. 12 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Status:

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Changes to legislation:

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