



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART VI

#### FINANCIAL PENALTIES AND ORDERS

*Miscellaneous powers and duties of Crown Court in relation to <sup>F1</sup>recognizances]etc.*

#### Textual Amendments

- F1** 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 <sup>F2</sup>... forfeited recognizances.**

- (1) Subject to the provisions of this section, if the Crown Court [<sup>F3</sup>forfeits a person's recognizance], the court may make an order—
  - (a) allowing time for the payment of <sup>F4</sup>... 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) <sup>F5</sup>... discharging the recognizance or reducing the amount due under it.
- (2) Subject to the provisions of this section, if the Crown Court [<sup>F6</sup>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 <sup>F7</sup>... his recognizance is forfeited by the Crown Court be committed to prison or detained in pursuance of an order under subsection (2) above unless—

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- (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
  - (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 <sup>F8</sup>... 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

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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 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.

<sup>F9</sup>(8) .....

<sup>F10</sup>(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

- F2** 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
- F3** 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
- F4** 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
- F5** 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
- F6** 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
- F7** 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
- F8** 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
- F9** 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
- F10** 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)

- C1** 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](#))
- C2** 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](#))
- C3** S. 139(2)(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)

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|----|---|
| C4 | 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))                               |
| C5 | 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))                               |
| C6 | 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)                       |
| C7 | 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)                       |
| C8 | 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 <sup>F11</sup>... recognizances forfeited by Crown Court.

- (1) Subject to subsection (5) below, <sup>F12</sup>... a recognizance forfeited by the Crown Court shall be treated for the purposes of collection, enforcement and remission of the <sup>F13</sup>... sum as having been <sup>F14</sup>... forfeited—
- by a magistrates' court specified in an order made by the Crown Court, or
  - if no such order is made, by the magistrates' court by which the offender [<sup>F15</sup>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 [<sup>F16</sup>or 51A] of the <sup>M1</sup>Crime and Disorder Act 1998,
- <sup>F17</sup>...
- (2) Subsection (3) below applies where a magistrates' court issues a warrant of commitment on a default in the payment of—
- <sup>F18</sup>(a) .....
  - 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—
- the term fixed by the Crown Court under section 139(2) above, or
  - if that term has been reduced under section 79(2) of the <sup>M2</sup>Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,
- <sup>F19</sup>...
- (4) Subsections (1) to (3) above shall apply in relation to a <sup>F20</sup>... recognizance forfeited by the criminal division of the Court of Appeal, or by the [<sup>F21</sup>Supreme Court] on appeal from that division, as they apply in relation to a <sup>F20</sup>... 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 <sup>F22</sup>... 120 of the <sup>M3</sup>Magistrates' Courts Act 1980 as applied by subsection (1) above, remit the whole or any part of a <sup>F23</sup>... sum due under a recognizance forfeited by—
- the Crown Court,
  - the criminal division of the Court of Appeal, or
  - the [<sup>F21</sup>Supreme Court] on appeal from that division,
- without the consent of the Crown Court.

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- (6) Any <sup>F24</sup>... sum the payment of which is enforceable by a magistrates' court by virtue of this section shall be treated for the purposes of <sup>F25</sup>section 38 of the Courts Act 2003 (application of receipts of designated officers) <sup>F26</sup>... as being due under a recognizance forfeited by <sup>F27</sup>a magistrates' court].

### Textual Amendments

- F11** 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
- F12** 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
- F13** 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
- F14** 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
- F15** 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)
- F16** 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)
- F17** 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
- F18** 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
- F19** 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
- F20** 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
- F21** 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)
- F22** 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
- F23** 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
- F24** 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
- F25** 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
- F26** 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
- F27** 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

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#### Modifications etc. (not altering text)

- C9** 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

- M1** 1998 c. 37.  
**M2** 1980 c. 43.  
**M3** 1980 c. 43.

### <sup>F28</sup> 141 Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation.

.....

#### Textual Amendments

- F28** 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—

- <sup>F29</sup>(za) the Crown Court orders a person to pay a surcharge under [<sup>F30</sup>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),
- <sup>F31</sup>(ba) the Crown Court makes an order against a person under [<sup>F32</sup>section 46 of the Sentencing Code] (criminal courts charge),]
  - (c) the Crown Court makes [<sup>F33</sup>an order under Chapter 2 of Part 7 of the Sentencing Code (compensation orders)] against a person,
- <sup>F34</sup>(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 [<sup>F35</sup>section 380(1) of the Sentencing Code] (order for parent or guardian to pay fine, costs [<sup>F36</sup>compensation or surcharge]), or
  - (e) on the determination of an appeal brought by a person under section 108 of the <sup>M4</sup>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.

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### Textual Amendments

- F29** 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)
- F30** 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
- F31** 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
- F32** 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
- F33** 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
- F34** 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
- F35** 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
- F36** 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

- M4** 1980 c. 43.

**Status:**

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