



# 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.*

#### **139 Powers and duties of Crown Court in relation to <sup>F1</sup>... forfeited recognizances.**

- (1) Subject to the provisions of this section, if the Crown Court [<sup>F2</sup>forfeits a person's recognizance], the court may make an order—
  - (a) allowing time for the payment of <sup>F3</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>F4</sup>... discharging the recognizance or reducing the amount due under it.
- (2) Subject to the provisions of this section, if the Crown Court [<sup>F5</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>F6</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—
  - (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

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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>F7</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 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.

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(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>F8</sup>(8) .....

<sup>F9</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

- F1** 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
- F2** 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
- F3** 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
- F4** 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
- F5** 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
- F6** 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
- F7** 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
- F8** 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
- F9** 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)
- 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)**

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**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)

### Changes to legislation:

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### Changes and effects yet to be applied to :

- s. 139(2) words inserted by [2020 c. 9 Sch. 2 para. 44](#) (This pre-consolidation amendment comes into force immediately before the consolidation date on 1.12.2020 (see [2020 c. 9](#), ss. 3, 5(2)(3) and [2020 c. 17](#), ss. 2, 416) to facilitate the sentencing consolidation and then is repealed immediately afterwards on 1.12.2020 by the Sentencing Act 2020 (c. 17), Sch. 28; S.I. 2020/1236, reg. 2)
- s. 139(2) words omitted by [2020 c. 17 Sch. 24 para. 165\(4\)\(b\)](#)
- s. 139(2) words repealed by [2000 c. 43 Sch. 7 para. 193\(a\)](#)Sch. 8
- s. 139(3) words repealed by [2000 c. 43 Sch. 7 para. 193\(b\)](#)Sch. 8
- s. 139(3)(c) words repealed by [2000 c. 43 Sch. 7 para. 193\(c\)](#)Sch. 8
- s. 139(4) words repealed by [2000 c. 43 Sch. 7 para. 193\(d\)](#)Sch. 8
- s. 139(5) words repealed by [2000 c. 43 Sch. 7 para. 193\(e\)](#)Sch. 8

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

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

- s. 12(1A)(g) inserted by [2019 c. 17 s. 13\(6\)](#)
- s. 41(9A) inserted by [2000 c. 43 Sch. 7 para. 165\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 41(12) inserted by [2000 c. 43 Sch. 7 para. 165\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 58(2) inserted by [2000 c. 43 Sch. 7 para. 172](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 172 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 82A(3A)-(3C) inserted by [2008 c. 4 s. 19\(3\)](#)
- s. 83(2)(aa) substituted for s. 83(2)(b)(c) by [2000 c. 43 Sch. 7 para. 178](#)
- s. 101(2A) inserted by [2003 c. 44 s. 298\(3\)](#)
- s. 147A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 12\(b\)](#)
- s. 147A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 12\(c\)](#)
- Sch. 2 para. 8 and cross-heading inserted by [2000 c. 43 s. 51](#) (This amendment not applied to legislation.gov.uk. S. 51 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 6A and cross-heading inserted by [2000 c. 43 Sch. 7 para. 199\(9\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(9) repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 26 inserted by [2000 c. 43 Sch. 7 para. 199\(26\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(26) repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 4(4A) inserted by [2004 c. 28 Sch. 5 para. 5\(4\)](#) (Effect not applied as it relates to a version of Sch. 3 para. 4 prospectively substituted but not brought into force)
- Sch. 3 para. 7(4)-(7) substituted for Sch. 3 para. 7(4)-(6) by [2000 c. 43 Sch. 7 para. 199\(10\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(10)

(c) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))

- Sch. 10 para. 12(2)(e)(f) inserted by [2000 c. 43 Sch. 7 para. 204](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 204 repealed (30.11.2009) without ever being in force by 2008 c. 4, Sch. 28 Pt. 1; S.I. 2009/3074, art. 2(u)(xxix))