



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Committal

70 Committal by magistrates' court

- (1) This section applies if—
 - (a) a defendant is convicted of an offence by a magistrates' court, and
 - (b) the prosecutor asks the court to commit the defendant to the Crown Court with a view to a confiscation order being considered under section 6.
- (2) In such a case the magistrates' court—
 - (a) must commit the defendant to the Crown Court in respect of the offence, and
 - (b) may commit him to the Crown Court in respect of any other offence falling within subsection (3).
- (3) An offence falls within this subsection if—
 - (a) the defendant has been convicted of it by the magistrates' court or any other court, and
 - (b) the magistrates' court has power to deal with him in respect of it.
- (4) If a committal is made under this section in respect of an offence or offences—
 - (a) section 6 applies accordingly, and
 - (b) the committal operates as a committal of the defendant to be dealt with by the Crown Court in accordance with section 71.
- (5) If a committal is made under this section in respect of an offence for which (apart from this section) the magistrates' court could have committed the defendant for sentence under [^{F1}section 14(2) of the Sentencing Code] (offences triable either way) [^{F2}or under [^{F3}section 16(2) [^{F4}or 16A(2)] of that Code] (committal of child or young person)] the court must state whether it would have done so.

Changes to legislation: *Proceeds of Crime Act 2002, Cross Heading: Committal is up to date with all changes known to be in force on or before 25 April 2024. 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) View outstanding changes*

(6) A committal under this section may be in custody or on bail.

Textual Amendments	
F1	Words in s. 70(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17) , s. 416(1), Sch. 24 para. 195(a) (with Sch. 24 para. 447 , Sch. 27); S.I. 2020/1236 , reg. 2
F2	Words in s. 70(5) inserted (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. 75(4) ; 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)(3)(c), 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)
F3	Words in s. 70(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17) , s. 416(1), Sch. 24 para. 195(b) (with Sch. 24 para. 447 , Sch. 27); S.I. 2020/1236 , reg. 2
F4	Words in s. 70(5) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11) , s. 50(1)(i), Sch. 13 para. 19
Modifications etc. (not altering text)	
C1	Pt. 2 applied by Terrorism Act 2000 (c. 11) , Sch. 8 paras. 8(5A), 34(3A) (as substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29) , s. 458(1), Sch. 11 para. 39(2)(5) ; S.S.I. 2003/210 , art. 2(1)(b)(2), sch. (with art. 7); S.I. 2003/333 , art. 2, Sch.)
C2	Pt. 2 applied by Police and Criminal Evidence Act 1984 (c. 60) , ss. 56(5B), 58(8B) (as substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29) , s. 458(1), Sch. 11 para. 14(2)(3) ; S.I. 2003/333 , art. 2, Sch.)
Commencement Information	
I1	S. 70 in force at 24.3.2003 by S.I. 2003/333 , art. 2, Sch.

71 Sentencing by Crown Court

- (1) If a defendant is committed to the Crown Court under section 70 in respect of an offence or offences, this section applies (whether or not the court proceeds under section 6).
- (2) In the case of an offence in respect of which the magistrates' court has stated under section 70(5) that it would have committed the defendant for sentence, the Crown Court—
 - (a) must inquire into the circumstances of the case, and
 - (b) may deal with the defendant in any way in which it could deal with him if he had just been convicted of the offence on indictment before it.
- (3) In the case of any other offence the Crown Court—
 - (a) must inquire into the circumstances of the case, and
 - (b) may deal with the defendant in any way in which the magistrates' court could deal with him if it had just convicted him of the offence.

Commencement Information	
I2	S. 71 in force at 24.3.2003 by S.I. 2003/333 , art. 2, Sch.

Changes to legislation:

Proceeds of Crime Act 2002, Cross Heading: Committal is up to date with all changes known to be in force on or before 25 April 2024. 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.

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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. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)