



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 5

ABSOLUTE AND CONDITIONAL DISCHARGE

82 Effect of discharge

- (1) This section applies where—
 - (a) an order for absolute discharge, or
 - (b) an order for conditional discharge,is made in respect of an offence.
- (2) The conviction of that offence is to be deemed not to be a conviction for any purpose other than the purposes of—
 - (a) the proceedings in which the order is made, and
 - (b) in the case of an order for conditional discharge, any subsequent proceedings which may be taken against the offender under Schedule 2.

This is subject to subsection (3).

- (3) In the case of an order for conditional discharge, if the offender is sentenced (under Schedule 2) for the offence—
 - (a) the order ceases to have effect, and
 - (b) if the offender was aged 18 or over when convicted of the offence, subsection (2) ceases to apply to the conviction.
- (4) Without prejudice to subsections (2) and (3), the offender's conviction is in any event to be disregarded for the purposes of any enactment or instrument which—
 - (a) imposes any disqualification or disability upon convicted persons, or
 - (b) authorises or requires the imposition of any such disqualification or disability.
- (5) Subsections (2) to (4) do not affect—

Status: Point in time view as at 29/02/2024. This version of this provision has been superseded.

Changes to legislation: Sentencing Act 2020, Section 82 is up to date with all changes known to be in force on or before 13 October 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)

- (a) any right of the offender to rely on the conviction in bar of any subsequent proceedings for the same offence, or
 - (b) the restoration of any property in consequence of the conviction.
- (6) In subsection (4)—
- “enactment” includes an enactment contained in a local Act;
 - “instrument” means an instrument having effect by virtue of an Act.
- (7) Subsection (2) has effect subject to the following (which concern rights of appeal)—
- (a) section 50(1A) of the Criminal Appeal Act 1968, and
 - (b) section 108(1A) of the Magistrates' Courts Act 1980.

Nothing in this subsection affects any other enactment that excludes the effect of subsection (2) or (4) for particular purposes.

Modifications etc. (not altering text)

- C1** S. 82 excluded (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), **ss. 6(2)(d)**, 40(7); S.I. 2020/1662, reg. 2(f)
- C2** S. 82 excluded by 1984 c. 42, **s. 31R(6)(b)** (as inserted (21.7.2022) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 65**, 90(6); S.I. 2022/840, regs. 1(2), **2(a)** (with reg. 3))
- C3** S. 82 excluded by 2003 c. 39, **s. 85F(6)(b)** (as inserted (21.7.2022) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 66**, 90(6); S.I. 2022/840, regs. 1(2), **2(b)** (with reg. 3))
- C4** S. 82(2) excluded by 2015 c. 30, **s. 34(3)(a)** (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 para. 294 (with Sch. 24 para. 447, **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

- I1** S. 82 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Status:

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