



Criminal Justice Act 1972

1972 CHAPTER 71

PART I

POWERS FOR DEALING WITH OFFENDERS

Other powers

22 Deferment of sentence

- (1) Subject to the provisions of this section, the Crown Court or a magistrates' court may defer passing sentence on an offender for the purpose of enabling the court to have regard, in determining his sentence, to his conduct after conviction (including, where appropriate, the making by him of reparation for his offence) or to any change in his circumstances.
- (2) Any deferment under this section shall be until such date as may be specified by the court, not being more than six months after the date of the conviction; and where the passing of sentence has been deferred under this section it shall not be further deferred thereunder.
- (3) The power conferred by this section shall be exercisable only if the offender consents and the court is satisfied, having regard to the nature of the offence and the character and circumstances of the offender, that it would be in the interests of justice to exercise the power.
- (4) A court which under this section has deferred passing sentence on an offender may pass sentence on him before the expiration of the period of deferment if during that period he is convicted in Great Britain of any offence.
- (5) Where a court which under this section has deferred passing sentence on an offender proposes to sentence him, whether on the date originally specified by the court or by virtue of subsection (4) of this section before that date, it may issue a summons requiring him to appear before the court, or may issue a warrant for his arrest.

Status: This is the original version (as it was originally enacted).

- (6) Notwithstanding section 14(4) of the Magistrates' Courts Act 1952 (adjournment of trial), a magistrates' court shall not be obliged to remand an offender in whose case it defers the passing of sentence under this section.
- (7) Nothing in this section shall affect the power of the Crown Court to bind over an offender to come up for judgment when called upon or the power of any court to defer passing sentence for any purpose for which it may lawfully do so apart from this section.

23 Power to deprive offender of property used, or intended for use, for purposes of crime

- (1) Where a person is convicted of an offence punishable on indictment with not less than two years' imprisonment and the court by or before which he is convicted is satisfied that any property which was in his possession or under his control at the time of his apprehension—
 - (a) has been used for the purpose of committing, or facilitating the commission of, any offence ; or
 - (b) was intended by him to be used for that purpose,
 the court may make an order under this section in respect of that property.
- (2) An order under this section shall operate to deprive the offender of his rights, if any, in the property to which it relates, and the property shall (if not already in their possession) be taken into the possession of the police.
- (3) The Police (Property) Act 1897 shall apply, with the following modifications, to property which is in the possession of the police by virtue of this section—
 - (a) no application shall be made under section 1(1) of that Act by any claimant of the property after the expiration of six months from the date on which the order in respect of the property was made under this section ; and
 - (b) no such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the property or that he did not know, and had no reason to suspect, that the property was likely to be used for the purpose mentioned in subsection (1) of this section.
- (4) In relation to such property as aforesaid, the power to make regulations under section 2(1) of the said Act of 1897 (disposal of property in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect there to) shall include power to make regulations for disposal in cases where no application by a claimant of the property has been made within the period specified in subsection (3)(a) of this section or no such application has succeeded.
- (5) In Scotland, where a person is convicted on indictment of an offence, and the court which passes sentence is satisfied, in regard to any property which was in his possession or under his control at the time of his apprehension, that the property has been used or was intended by him to be used for the purpose mentioned in subsection (1)(a) and (b) of this section, that property shall be liable to forfeiture, and any property forfeited under this section shall be disposed of as the court may direct.
- (6) References in this section to facilitating the commission of an offence include references to the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.

24 Driving disqualification where vehicle used for purposes of crime

- (1) Where a person is convicted before the Crown Court of an offence punishable on indictment with not less than two years' imprisonment or, having been convicted by a magistrates' court of such an offence, is committed to the Crown Court for sentence under section 29 of the Magistrates' Courts Act 1952, the Crown Court, if satisfied that a motor vehicle was used (by that person or by anyone else) for the purpose of committing, or facilitating the commission of, the offence, may order that person to be disqualified, for such period as the court thinks fit, for holding or obtaining a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1972.
- (2) In Scotland, where a person is convicted on indictment of an offence, and the court which passes sentence is satisfied that a motor vehicle was used (by that person or anyone else) for the purpose mentioned in the foregoing subsection, the court may make a like order as that under that subsection.
- (3) A court which makes an order under this section disqualifying a person for holding or obtaining any such licence as is mentioned in subsection (1) of this section shall require him to produce any such licence held by him; and—
 - (a) if he does not produce the licence as required he shall be guilty of an offence under section 101(4) of the Road Traffic Act 1972 (failure to produce licence for endorsement) ; and
 - (b) if he applies under section 95 of that Act for the disqualification to be removed and the court so orders, subsection (4) of that section shall not have effect so as to require particulars of the order to be endorsed on the licence, but the court shall send notice of the order to the Secretary of State and section 105(5) of that Act (procedure) shall apply to the notice.
- (4) Subsection (6) of section 23 of this Act shall apply for the purposes of this section as it applies for the purposes of that section.