



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART I

#### POWERS EXERCISABLE BEFORE SENTENCE

##### *Deferment of sentence*

#### **[<sup>F1</sup>1 Deferment of sentence**

- (1) The Crown Court or a magistrates' court may defer passing sentence on an offender for the purpose of enabling the court, or any other court to which it falls to deal with him, to have regard in dealing with him to—
  - (a) his conduct after conviction (including, where appropriate, the making by him of reparation for his offence); or
  - (b) any change in his circumstances;but this is subject to subsections (3) and (4) below.
- (2) Without prejudice to the generality of subsection (1) above, the matters to which the court to which it falls to deal with the offender may have regard by virtue of paragraph (a) of that subsection include the extent to which the offender has complied with any requirements imposed under subsection (3)(b) below.
- (3) The power conferred by subsection (1) above shall be exercisable only if—
  - (a) the offender consents;
  - (b) the offender undertakes to comply with any requirements as to his conduct during the period of the deferment that the court considers it appropriate to impose; and
  - (c) 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.

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- (4) 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 on which the deferment is announced by the court; and, subject to section 1D(3) below, where the passing of sentence has been deferred under this section it shall not be further so deferred.
- (5) Where a court has under this section deferred passing sentence on an offender, it shall forthwith give a copy of the order deferring the passing of sentence and setting out any requirements imposed under subsection (3)(b) above—
- (a) to the offender,
  - (b) where an officer of a local probation board has been appointed to act as a supervisor in relation to him, to that board,
  - [<sup>F2</sup>(ba) where an officer of a provider of probation services has been appointed to act as a supervisor in relation to him, to that provider,]and
  - (c) where a person has been appointed under section 1A(2)(b) below to act as a supervisor in relation to him, to that person.
- (6) Notwithstanding any enactment, a court which under this section defers passing sentence on an offender shall not on the same occasion remand him.
- (7) Where—
- (a) a court which under this section has deferred passing sentence on an offender proposes to deal with him on the date originally specified by the court, or
  - (b) the offender does not appear on the day so specified,
- the court may issue a summons requiring him to appear before the court at a time and place specified in the summons, or may issue a warrant to arrest him and bring him before the court at a time and place specified in the warrant.
- (8) Nothing in this section or sections 1A to 1D below shall affect—
- (a) the power of the Crown Court to bind over an offender to come up for judgment when called upon; or
  - (b) the power of any court to defer passing sentence for any purpose for which it may lawfully do so apart from this section.

#### Textual Amendments

- F1** Ss. 1-1D substituted for s. 1-2 (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 23 para. 1](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 20](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(1\)](#))
- F2** S. 1(5)(ba) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\), art. 1, Sch. 1 para. 14\(2\)](#)

### 1A Further provision about undertakings

- (1) Without prejudice to the generality of paragraph (b) of section 1(3) above, the requirements that may be imposed by virtue of that paragraph include requirements as to the residence of the offender during the whole or any part of the period of deferment.
- (2) Where an offender has undertaken to comply with any requirements imposed under section 1(3)(b) above the court may appoint—

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- (a) an officer of a local probation board, [<sup>F3</sup>or an officer of a provider of probation services] or
  - (b) any other person whom the court thinks appropriate,  
to act as a supervisor in relation to him.
- (3) A person shall not be appointed under subsection (2)(b) above without his consent.
- (4) It shall be the duty of a supervisor appointed under subsection (2) above—
- (a) to monitor the offender's compliance with the requirements; and
  - (b) to provide the court to which it falls to deal with the offender in respect of the offence in question with such information as the court may require relating to the offender's compliance with the requirements.

#### Textual Amendments

- F1** Ss. 1-1D substituted for s. 1-2 (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 23 para. 1](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 20](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(l\)](#))
- F3** Words in s. 1A(2)(a) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\), art. 1, Sch. 1 para. 14\(3\)](#)

## 1B Breach of undertakings

- (1) A court which under section 1 above has deferred passing sentence on an offender may deal with him before the end of the period of deferment if—
- (a) he appears or is brought before the court under subsection (3) below; and
  - (b) the court is satisfied that he has failed to comply with one or more requirements imposed under section 1(3)(b) above in connection with the deferment.
- (2) Subsection (3) below applies where—
- (a) a court has under section 1 above deferred passing sentence on an offender;
  - (b) the offender undertook to comply with one or more requirements imposed under section 1(3)(b) above in connection with the deferment; and
  - (c) a person appointed under section 1A(2) above to act as a supervisor in relation to the offender has reported to the court that the offender has failed to comply with one or more of those requirements.
- (3) Where this subsection applies, the court may issue—
- (a) a summons requiring the offender to appear before the court at a time and place specified in the summons; or
  - (b) a warrant to arrest him and bring him before the court at a time and place specified in the warrant.

#### Textual Amendments

- F1** Ss. 1-1D substituted for s. 1-2 (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 23 para. 1](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 20](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I.](#)

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2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

## 1C Conviction of offence during period of deferment

- (1) A court which under section 1 above has deferred passing sentence on an offender may deal with him before the end of the period of deferment if during that period he is convicted in Great Britain of any offence.
- (2) Subsection (3) below applies where a court has under section 1 above deferred passing sentence on an offender in respect of one or more offences and during the period of deferment the offender is convicted in England and Wales of any offence (“the later offence”).
- (3) Where this subsection applies, then (without prejudice to subsection (1) above and whether or not the offender is sentenced for the later offence during the period of deferment), the court which passes sentence on him for the later offence may also, if this has not already been done, deal with him for the offence or offences for which passing of sentence has been deferred, except that—
  - (a) the power conferred by this subsection shall not be exercised by a magistrates' court if the court which deferred passing sentence was the Crown Court; and
  - (b) the Crown Court, in exercising that power in a case in which the court which deferred passing sentence was a magistrates' court, shall not pass any sentence which could not have been passed by a magistrates' court in exercising that power.
- (4) Where a court which under section 1 above has deferred passing sentence on an offender proposes to deal with him by virtue of subsection (1) above before the end of the period of deferment, the court may issue—
  - (a) a summons requiring him to appear before the court at a time and place specified in the summons; or
  - (b) a warrant to arrest him and bring him before the court at a time and place specified in the warrant.

### Textual Amendments

- F1** Ss. 1-1D substituted for s. 1-2 (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 23 para. 1](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 20](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

## 1D Deferment of sentence: supplementary

- (1) In deferring the passing of sentence under section 1 above a magistrates' court shall be regarded as exercising the power of adjourning the trial conferred by section 10(1) of the Magistrates' Courts Act 1980, and accordingly sections 11(1) and 13(1) to (3A) and (5) of that Act (non-appearance of the accused) apply (without prejudice to section 1(7) above) if the offender does not appear on the date specified under section 1(4) above.
- (2) Where the passing of sentence on an offender has been deferred by a court (“the original court”) under section 1 above, the power of that court under that section to

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deal with the offender at the end of the period of deferment and any power of that court under section 1B(1) or 1C(1) above, or of any court under section 1C(3) above, to deal with the offender—

- (a) is power to deal with him, in respect of the offence for which passing of sentence has been deferred, in any way in which the original court could have dealt with him if it had not deferred passing sentence; and
- (b) without prejudice to the generality of paragraph (a) above, in the case of a magistrates' court, includes the power conferred by section 3 below to commit him to the Crown Court for sentence.

(3) Where—

- (a) the passing of sentence on an offender in respect of one or more offences has been deferred under section 1 above, and
- (b) a magistrates' court deals with him in respect of the offence or any of the offences by committing him to the Crown Court under section 3 below,

the power of the Crown Court to deal with him includes the same power to defer passing sentence on him as if he had just been convicted of the offence or offences on indictment before the court.

(4) Subsection (5) below applies where—

- (a) the passing of sentence on an offender in respect of one or more offences has been deferred under section 1 above;
- (b) it falls to a magistrates' court to determine a relevant matter; and
- (c) a justice of the peace is satisfied—
  - (i) that a person appointed under section 1A(2)(b) above to act as a supervisor in relation to the offender is likely to be able to give evidence that may assist the court in determining that matter; and
  - (ii) that that person will not voluntarily attend as a witness.

(5) The justice may issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence.

(6) For the purposes of subsection (4) above a court determines a relevant matter if it—

- (a) deals with the offender in respect of the offence, or any of the offences, for which the passing of sentence has been deferred; or
- (b) determines, for the purposes of section 1B(1)(b) above, whether the offender has failed to comply with any requirements imposed under section 1(3)(b) above.]

#### Textual Amendments

- F1** Ss. 1-1D substituted for s. 1-2 (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 23 para. 1](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 20](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(l\)](#))

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