



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART I **E+W**

#### POWERS EXERCISABLE BEFORE SENTENCE

##### *Deferment of sentence*

#### **[F11] Deferment of sentence **E+W****

- (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.

*Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 1 is up to date with all changes known to be in force on or before 16 July 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)*

- (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\(2\)](#)

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