



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VI

FINANCIAL PENALTIES AND ORDERS

Miscellaneous powers and duties of Crown Court in relation to [F1recognizances]etc.

140 Enforcement of F1... recognizances forfeited by Crown Court.

- (1) Subject to subsection (5) below, F2... a recognizance forfeited by the Crown Court shall be treated for the purposes of collection, enforcement and remission of the F3... sum as having been F4... forfeited—
- (a) by a magistrates' court specified in an order made by the Crown Court, or
 - (b) if no such order is made, by the magistrates' court by which the offender [F5was committed to the Crown Court to be tried or dealt with or by which he] was sent to the Crown Court for trial under section 51 [F6or 51A] of the M1Crime and Disorder Act 1998,
- F7
...
- (2) Subsection (3) below applies where a magistrates' court issues a warrant of commitment on a default in the payment of—
- F8(a)
 - (b) a sum due under a recognizance forfeited by the Crown Court.
- (3) In such a case, the term of imprisonment or detention under section 108 above specified in the warrant of commitment as the term which the offender is liable to serve shall be—
- (a) the term fixed by the Crown Court under section 139(2) above, or

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- (b) if that term has been reduced under section 79(2) of the ^{M2}Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,
- ^{F9} ...
- (4) Subsections (1) to (3) above shall apply in relation to a ^{F10}... recognizance forfeited by the criminal division of the Court of Appeal, or by the [^{F11}Supreme Court] on appeal from that division, as they apply in relation to a ^{F10}... recognizance forfeited by the Crown Court; and references in those subsections to the Crown Court (except the references in subsection (1)(b)) shall be construed accordingly.
- (5) A magistrates' court shall not, under section ^{F12}... 120 of the ^{M3}Magistrates' Courts Act 1980 as applied by subsection (1) above, remit the whole or any part of a ^{F13}... sum due under a recognizance forfeited by—
- (a) the Crown Court,
 - (b) the criminal division of the Court of Appeal, or
 - (c) the [^{F11}Supreme Court] on appeal from that division,
- without the consent of the Crown Court.
- (6) Any ^{F14}... sum the payment of which is enforceable by a magistrates' court by virtue of this section shall be treated for the purposes of [^{F15}section 38 of the Courts Act 2003 (application of receipts of designated officers)]^{F16}... as being due under a recognizance forfeited by [^{F17}a magistrates' court].

Textual Amendments

- F1** Words in s. 140 heading omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 166\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F2** Words in s. 140(1) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 166\(3\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** Words in s. 140(1) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 166\(3\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Words in s. 140(1) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 166\(3\)\(c\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** Words in s. 140(1)(b) repealed (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. 74\(4\)\(a\)](#), [Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(c)(d)(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)(2)(c)(3), [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)(d)(2)(3) (with arts. 3, 4)
- F6** Words in s. 140(1)(b) inserted (9.5.2005 for specified purposes, 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. 74\(4\)\(b\)](#); S.I. 2005/1267, art. 2(1)(2)(b), [Sch. Pt. 2](#); 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)(2)(c)(d)(3), [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)
- F7** Words in s. 140(1) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 166\(3\)\(d\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F8** S. 140(2)(a) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 166\(4\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F9** Words in s. 140(3) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 166\(5\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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- F10** Words in s. 140(4) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(6)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F11** Words in s. 140(4)(5) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 69**; S.I. 2009/1604, art. 2(d)
- F12** Words in s. 140(5) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(7)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F13** Words in s. 140(5) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(7)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** Words in s. 140(6) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F15** Words in s. 140(6) substituted (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), s. 5(2)(3), **Sch. 2 para. 45**; S.I. 2012/1236, reg. 2
- F16** Words in s. 140(6) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F17** Words in s. 140(6) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 140(1)-(4) applied (with modifications) (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), **ss. 35(2), 458(1)**; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

Marginal Citations

- M1** 1998 c. 37.
M2 1980 c. 43.
M3 1980 c. 43.

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