Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART I

POWERS EXERCISABLE BEFORE SENTENCE

Deferment of sentence

2   Further powers of courts where sentence deferred under section 1.

(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 or 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—

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   (a)   a court which under section 1 above has deferred passing sentence on an offender proposes to deal with him, whether on the date originally specified by the court or by virtue of subsection (1) above before that date, or

   (b)   the offender does not appear on the date so specified,

the court may issue a summons requiring him to appear before the court, or may issue a warrant for his arrest.

(5) 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 [M1]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 subsection (4) above) if the offender does not appear on the date specified under section 1(3) above.

(6) Any power of a court under this section to deal with an offender in a case where the passing of sentence has been deferred under section 1 above—

   (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 court which deferred passing sentence could have dealt with him; 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.

(7) 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.

Marginal Citations
  M1   1980 c. 43.

Status:
Point in time view as at 01/04/2005.

Changes to legislation:
Powers of Criminal Courts (Sentencing) Act 2000, Section 2 is up to date with all changes known to be in force on or before 22 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.