



# Sentencing Act 2020

## 2020 CHAPTER 17

### SECOND GROUP OF PARTS Provisions applying to sentencing courts generally

#### PART 3

#### PROCEDURE

#### CHAPTER 1

#### INFORMATION AND REPORTS

#### *Financial circumstances orders*

### **35 Powers to order statement as to offender's financial circumstances**

- (1) In this Code, “financial circumstances order”, in relation to an individual, means an order requiring the individual to give the court, before the end of the period specified in the order, such a statement of the individual's assets and other financial circumstances as the court may require.
- (2) Where an individual has been convicted of an offence, the court may, before sentencing the individual, make a financial circumstances order with respect to the individual.
- (3) Where a magistrates' court has been notified in accordance with section 12(4) of the Magistrates' Courts Act 1980 that an individual desires to plead guilty without appearing before the court, the court may make a financial circumstances order with respect to the individual.
- (4) Where—
  - (a) an individual aged under 18 has been convicted of an offence, and
  - (b) the court is considering whether to make an order under section 380 in respect of the individual's parent or guardian (power to order parent or guardian to pay fine, costs, compensation or surcharge),

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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the court may make a financial circumstances order with respect to the parent or (as the case may be) guardian.

### **36 Financial circumstances order: offences**

- (1) It is an offence for an individual to fail without reasonable excuse to comply with a financial circumstances order.
- (2) An individual who is guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) It is an offence for an individual, in furnishing any statement in pursuance of a financial circumstances order—
  - (a) to make a statement which the individual knows to be false in a material particular,
  - (b) recklessly to furnish a statement which is false in a material particular, or
  - (c) knowingly to fail to disclose any material fact.
- (4) An individual who is guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) Proceedings for an offence under subsection (3) may be commenced at any time which is both—
  - (a) within 2 years from the date of the offence, and
  - (b) within 6 months from its first discovery by the prosecutor.

This subsection has effect despite anything in section 127(1) of the Magistrates' Courts Act 1980 (limitation of time).