



Criminal Justice Act 1972

1972 CHAPTER 71

PART I

POWERS FOR DEALING WITH OFFENDERS

Compensation orders

1 Compensation orders against convicted persons

- (1) Subject to the provisions of this Part of this Act, a court by or before which a person is convicted of an offence, in addition to dealing with him in any other way, may, on application or otherwise, make an order (in this Act referred to as " a compensation order ") requiring him to pay compensation for any personal injury, loss or damage resulting from that offence or any other offence which is taken into consideration by the court in determining sentence.
- (2) In the case of an offence under the Theft Act 1968, where the property in question is recovered, any damage to the property occurring while it was out of the owner's possession shall be treated for the purposes of subsection (1) above as having resulted from the offence, however and by whomsoever the damage was caused.
- (3) No compensation order shall be made in respect of loss suffered by the dependants of a person in consequence of his death, and no such order shall be made in respect of injury, loss or damage due to an accident arising out of the presence of a motor vehicle on a road, except such damage as is treated by subsection (2) above as resulting from an offence under the Theft Act 1968.
- (4) In determining whether to make a compensation order against any person, and in determining the amount to be paid by any person under such an order, the court shall have regard to his means so far as they appear or are known to the court.
- (5) The compensation to be paid under a compensation order made by a magistrates' court in respect of any offence of which the court has convicted the offender shall not exceed £400; and the compensation or total compensation to be paid under a compensation order or compensation orders made by a magistrates' court in respect of any offence

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or offences taken into consideration in determining sentence shall not exceed the difference (if any) between the amount or total amount which under the foregoing provisions of this subsection is the maximum for the offence or offences of which the offender has been convicted and the amount or total amounts (if any) which are in fact ordered to be paid in respect of that offence or those offences.

- (6) Section 4 of the Forfeiture Act 1870, section 4 of the Protection of Animals Act 1911, section 11(2) of the Criminal Justice Act 1948, section 34 of the Magistrates' Courts Act 1952 and section 8 of the Criminal Damage Act 1971 shall cease to have effect.

2 Appeals in the case of compensation orders

- (1) A compensation order made on conviction on indictment shall be treated for the purposes of sections 30 and 42(1) and (2) of the Criminal Appeal Act 1968 (effect of appeals on orders for the restitution of property) as an order for the restitution of property ; and where by reason of the quashing by the Court of Appeal of a person's conviction any such order does not take effect, and on an appeal to the House of Lords the conviction is restored by that House, the House may make any compensation order which could be made on his conviction by the court which convicted him.
- (2) A compensation order made by a magistrates' court shall be suspended—
- (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a magistrates' court;
 - (b) where notice of appeal is given within the period so prescribed, until the determination of the appeal.
- (3) Where a compensation order has been made against any person in respect of an offence taken into consideration in determining his sentence—
- (a) the order shall cease to have effect if he successfully appeals against his conviction of the offence or, if more than one, all the offences, of which he was convicted in the proceedings in which the order was made;
 - (b) he may appeal against the order as if it were part of the sentence imposed in respect of the offence or, if more than one, any of the offences, of which he was so convicted.

3 Review of compensation orders

At any time before a compensation order has been complied with or fully complied with, the magistrates' court for the time being having functions in relation to the enforcement of the order may, on the application of the person against whom it was made, discharge the order, or reduce the amount which remains to be paid, if it appears to the court—

- (a) that the injury, loss or damage in respect of which the order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order; or
- (b) in the case of an order in respect of the loss of any property, that the property has been recovered by the person in whose favour the order was made.

4 Effect of compensation order on subsequent award of damages in civil proceedings

- (1) This section shall have effect where a compensation order has been made in favour of any person in respect of any injury, loss or damage and a claim by him in civil proceedings for damages in respect thereof subsequently falls to be determined.
- (2) The damages in the civil proceedings shall be assessed without regard to the order ; but where the whole or part of the amount awarded by the order has been paid, the damages awarded in the civil proceedings shall not exceed the amount (if any) by which, as so assessed, they exceed the amount paid under the order.
- (3) Where there is an amount unpaid under the compensation order (whether the whole or part of the amount awarded) and the court awards damages in the civil proceedings, then, unless the person against whom the order was made has ceased to be liable to pay the amount unpaid (whether in consequence of an appeal, of his imprisonment for default or otherwise), the court shall direct that the judgment—
 - (a) if it is for an amount not exceeding the amount unpaid under the order, shall not be enforced ; or
 - (b) if it is for an amount exceeding the amount unpaid under the order, shall not be enforced as to a corresponding amount,without the leave of the court.

5 Priority for sums awarded by compensation orders

For the purposes of section 114 of the Magistrates' Courts Act 1952 (which sets out the manner in which the clerk to a magistrates' court is to apply moneys received by him on account of a sum adjudged to be paid by a summary conviction) the payment of compensation so adjudged to be paid to any person shall, instead of taking second place to the payment of any costs so adjudged to be paid to the prosecutor, take precedence over the payment of such costs.

Restitution orders

6 Restitution orders

- (1) The following provisions of this section shall have effect with respect to section 28 of the Theft Act 1968 (which enables orders for restitution and certain other orders to be made in relation to stolen property).
- (2) The powers conferred by—
 - (a) subsection (1)(c) of the said section 28 (payment to owner of stolen goods out of money taken from the offender on his apprehension); and
 - (b) subsection (3) of that section (payment to purchaser of, and lender on the security of, stolen goods out of money so taken),shall be exercisable without any application being made in that behalf or on the application of any person appearing to the court to be interested in the property concerned.
- (3) The powers conferred by the said section 28 shall be exercisable not only where a person is convicted of an offence with reference to the theft of the goods in question but also where, on the conviction of a person of any other offence, the court takes an

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offence with reference to the theft of those goods into consideration in determining sentence.

- (4) Where an order is made under the said section 28 against any person in respect of an offence taken into consideration in determining his sentence—
- (a) the order shall cease to have effect if he successfully appeals against his conviction of the offence or, if more than one, all the offences, of which he was convicted in the proceedings in which the order was made ;
 - (b) he may appeal against the order as if it were part of the sentence imposed in respect of the offence or, if more than one, any of the offences, of which he was so convicted.
- (5) Any order under the said section 28 made by a magistrates' court shall be suspended—
- (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a magistrates' court;
 - (b) where notice of appeal is given within the period so prescribed, until the determination of the appeal;

but this subsection shall not apply where the order is made under section 28(1)(a) or (b) and the court so directs, being of the opinion that the title to the goods to be restored or, as the case may be, delivered or transferred under the order is not in dispute.

Criminal bankruptcy

7 **Criminal bankruptcy orders against convicted persons**

- (1) Where a person is convicted of an offence before the Crown Court and it appears to the court that—
- (a) as a result of the offence, or of that offence taken together with any other relevant offence or offences, loss or damage (not attributable to personal injury) has been suffered by one or more persons whose identity is known to the court; and
 - (b) the amount, or aggregate amount, of the loss or damage exceeds £15,000,
- the court may, in addition to dealing with the offender in any other way (but not if it makes a compensation order against him), make a criminal bankruptcy order against him in respect of the offence or, as the case may be, that offence and the other relevant offence or offences.
- (2) In subsection (1) of this section "other relevant offence or offences " means an offence or offences of which the person in question is convicted in the same proceedings or which the court takes into consideration in determining his sentence.
- (3) A criminal bankruptcy order shall specify—
- (a) the amount of the loss or damage appearing to the court to have resulted from the offence or, if more than one, each of the offences;
 - (b) the person or persons appearing to the court to have suffered that loss or damage ;
 - (c) the amount of that loss or damage which it appears to the court that that person, or each of those persons, has suffered; and
 - (d) the date which is to be the operative date for the purposes of section 10 below, being the date appearing to the court making the order to be the earliest date

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on which the offence or, if more than one, the earliest of the offences, was committed.

- (4) A criminal bankruptcy order may be made against two or more offenders in respect of the same loss or damage.
- (5) Schedule 1 to this Act shall have effect in relation to criminal bankruptcy orders and the operation of the enactments relating to bankruptcy in a case where such an order has been made.
- (6) The Secretary of State may by order made by statutory instrument direct that subsection (1) of this section shall be amended by substituting, for the amount specified in that subsection as originally enacted or as previously amended under this subsection, such amount as may be specified in the order; and any order under this subsection may be revoked by a subsequent order and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this Act " criminal bankruptcy proceedings" means proceedings pursuant to a criminal bankruptcy petition or a petition under section 130 of the Bankruptcy Act 1914 presented by virtue of Schedule 1 to this Act.

8 Appeals in the case of criminal bankruptcy orders

- (1) No appeal shall lie against the making of a criminal bankruptcy order.
- (2) Where a person successfully appeals to the Court of Appeal against his conviction of an offence by virtue of which such an order was made, the Court of Appeal—
 - (a) shall rescind the order unless—
 - (i) he was convicted in the same proceedings of another offence of which he remains convicted; and
 - (ii) a criminal bankruptcy order could have been made without reference to loss or damage caused by the offence in respect of which the conviction is quashed;
 - (b) where by virtue of paragraph (a) above the court does not rescind the order, shall amend it by striking out so much of it as relates to loss or damage caused by the offence in respect of which the conviction is quashed.
- (3) Where on an appeal by a person against his conviction of an offence by virtue of which a criminal bankruptcy order was made the Court of Appeal substitutes a verdict of guilty of another offence, the court shall—
 - (a) rescind the order if a criminal bankruptcy order could not have been made against that person if he had originally been convicted of that other offence ;
 - (b) in any other case, amend the order so far as may be required in consequence of the substitution of a verdict of guilty of the other offence.
- (4) Where the Court of Appeal rescinds or amends a criminal bankruptcy order, the rescission or amendment shall not take effect—
 - (a) in any case until the expiration of the time for applying for leave to appeal to the House of Lords against the Court of Appeal's decision on the appeal against conviction (disregarding any extension of time which may be granted under section 34 of the Criminal Appeal Act 1968);
 - (b) if an application for leave to appeal is made within that time, so long as an appeal to the House of Lords is pending; and

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(c) if on such an appeal the conviction is restored by that House.

(5) For the purposes of this section an appeal to the House of Lords shall be treated as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of; and for the purposes of this subsection an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made if it is not made within that time.

9 The Official Petitioner

(1) For the purpose of discharging the functions mentioned in subsection (2) of this section, in relation to cases in which a criminal bankruptcy order is made, there shall be an officer known as the Official Petitioner; and the Director of Public Prosecutions shall, by virtue of his office, be the Official Petitioner.

(2) The functions of the Official Petitioner shall be—

- (a) to consider whether, in any such case as aforesaid, it is in the public interest that he should himself present a bankruptcy petition;
- (b) to present a bankruptcy petition in any such case in which he determines that it is in the public interest that he should do so;
- (c) to make payments, in such cases as he may determine, towards expenses incurred by other persons in connection with bankruptcy proceedings instituted by virtue of the making of a criminal bankruptcy order ;
- (d) to exercise, so far as he considers it to be in the public interest to do so, any of the powers conferred on him by Schedule 1 to this Act.

(3) Neither the Official Petitioner nor any person acting under his authority shall be liable to any action or proceeding in respect of anything done or omitted in the discharge, or purported discharge, of the functions of the Official Petitioner under or by virtue of this Act.

(4) Any expenses of the Official Petitioner shall be defrayed out of moneys provided by Parliament.

10 Recovery of assets for benefit of criminal bankrupt's creditors

(1) Where a person is adjudged bankrupt in criminal bankruptcy proceedings, the official receiver (and not a person appointed under section 19 of the Bankruptcy Act 1914) shall in the bankruptcy be trustee of the property of the bankrupt; and the following provisions of this section shall apply with respect to dispositions of property or any interest in property, made by the bankrupt, on or after the operative date, either by way of gift or for an wider-value.

(2) On the application of the official receiver (in his capacity as trustee) the High Court may make orders requiring—

- (a) the donee under any such disposition; or
- (b) subject to the following subsection, any other person who by virtue of any subsequent disposition acquired (whether or not from the original donee) the whole or any part of the property or any interest therein,

to transfer the whole or any part of the property, or such interest as the order may specify, to the trustee, or to make such payments to the trustee as the court thinks just with a view to making available to the creditors the full value of the property or interest

disposed of by the bankrupt (including any increase in its value since the disposition was made).

- (3) No order shall be made by virtue of subsection (2)(b) above against a person appearing to the court to have given full value for anything taken by him under a relevant disposition or to claim (directly or indirectly) through a person who gave full value.
- (4) An order of the High Court under this section requiring a person to transfer any property or interest may include such consequential directions for giving effect to the order, and be made on such terms (including in particular terms allowing the person to retain or recover consideration given by him for any relevant disposition) as the court thinks just in all the circumstances.
- (5) In this section " disposition " includes any conveyance or assurance of property of any description and " disponee " shall be construed accordingly.
- (6) Nothing in this section is to be taken to prejudice any provision of the Bankruptcy Act 1914.

Sentences of imprisonment

11 Suspended sentences

- (1) Subsection (3) of section 39 of the Criminal Justice Act 1967 (which in general requires a court which passes a sentence of imprisonment for a term of not more than six months to suspend the sentence) shall cease to have effect.
- (2) In the following provisions of the said Act of 1967, that is to say—
 - (a) section 39(1) (which provides that a court which passes a sentence of imprisonment for a term of not more than two years may suspend it for a period of not less than one year or more than three years);
 - (b) section 40(1)(c) (which enables a court in certain cases to vary the original period of suspension by substituting a period expiring not later than three years from the date of the variation),for the words " three years " there shall be substituted the words " two years ".
- (3) An offender shall not be dealt with by means of a sentence of imprisonment suspended under section 39 of the said Act of 1967 unless the case appears to the court to be one in which a sentence of imprisonment would have been appropriate in the absence of any power to suspend such a sentence.

12 Suspended sentence supervision orders

- (1) Where a court sentences an offender for a single offence to imprisonment for a term of more than six months and makes an order suspending the sentence under section 39(1) of the Criminal Justice Act 1967, the court may make a suspended sentence supervision order (in this Act referred to as " a supervision order ") placing the offender under the supervision of a supervising officer for a period specified in the order not exceeding the period which under the said section 39(1) is the operational period in relation to the suspended sentence.
- (2) The Secretary of State may by order—
 - (a) direct that subsection (1) above be amended by substituting, for the number of months specified in the subsection as originally enacted or as previously

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amended under this paragraph, such other number (not more than six) as the order may specify; or

- (b) make in that subsection the repeals necessary to enable a court to exercise the powers of the subsection in the case of any suspended sentence, whatever the length of the term.

Orders under this subsection shall be made by statutory instrument subject to annulment by resolution of either House of Parliament; and an order under paragraph (a) may be revoked by a subsequent order under paragraph (a) or (b).

- (3) A supervision order shall specify the petty sessions area in which the offender resides or will reside; and the supervising officer shall be a probation officer appointed for or assigned to that area.
- (4) An offender in respect of whom a supervision order is in force shall keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.
- (5) The court by which a supervision order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender and the supervising officer; and the court shall, except where it is itself a magistrates' court acting for the petty sessions area specified in the order, send to the clerk to the justices for the petty sessions area specified in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to that court in exercising its functions in relation to the order.
- (6) If a magistrates' court acting for the petty sessions area specified in a supervision order is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area, the court may, and if application in that behalf is made by the supervising officer shall, amend the order by substituting the other petty sessions area for the area specified therein, and references in this Act to the area specified in a supervision order shall be construed accordingly.
- (7) Where a supervision order is amended by a court under subsection (6) of this section the court shall send to the clerk to the justices for the area which is specified in the order in consequence of the amendment a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in exercising its functions in relation to the order.
- (8) A supervision order shall cease to have effect if before the end of the period specified in it—
 - (a) a court orders under section 40 of the said Act of 1967 that a suspended sentence passed in the proceedings in which the order was made shall have effect; or
 - (b) the order is discharged or replaced under the subsequent provisions of this section.
- (9) A supervision order may be discharged, on the application of the supervising officer or the offender, by the magistrates' court acting for the petty sessions area specified in the order except that, where the order was made by the Crown Court and includes a direction to that effect, the power conferred by this subsection shall be exercisable by the Crown Court and not by a magistrates' court.
- (10) Where under paragraph (c) of subsection (1) of section 40 of the said Act of 1967 a court varies the operational period of a suspended sentence, or under paragraph (d) of

that subsection makes no order with respect to such a sentence, the court may make a supervision order in respect of the offender—

- (a) in place of any such order made when the suspended sentence was passed; or
 - (b) if the court which passed the sentence could have made such an order but did not do so ; or
 - (c) if that court had not the power to make such an order but would have had the power with subsection (1) of this section in force as it is at the time when the offender is dealt with under section 40(1).
- (11) On making a supervision order the court shall in ordinary language explain its effect to the offender.
- (12) In this section "suspended sentence" and "operational period" have the same meaning as in Part II of the said Act of 1967.

13 Breach of requirements of suspended sentence supervision order

- (1) If at any time while a supervision order is in force in respect of an offender it appears on information to a justice of the peace acting for the petty sessions area specified in the order that the offender has failed to comply with any of the requirements of section 12(4) of this Act, the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.
- (2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before a magistrates' court acting for the petty sessions area specified in the supervision order.
- (3) If it is proved to the satisfaction of the court before which an offender appears or is brought under this section that he has failed without reasonable excuse to comply with any of the requirements aforesaid the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £50.
- (4) A fine imposed under this section shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.

14 Restriction on imprisonment of persons who have not previously served prison sentences

- (1) A court shall not pass sentence of imprisonment on a person who has attained the age of twenty-one and has not previously been sentenced to imprisonment unless the court is of opinion that no other method of dealing with him is appropriate ; and for the purpose of determining whether any other method of dealing with any such person is appropriate the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.
- (2) Where a magistrates' court sentences to imprisonment any such person as is mentioned in subsection (1) of this section, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and cause that reason to be specified in the warrant of commitment and to be entered in the register.
- (3) In this section—

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" previously sentenced to imprisonment " means previously sentenced to imprisonment by a court in any part of the United Kingdom, but for the purposes of this definition a sentence of imprisonment which has been suspended and which has not taken effect under section 40 of the Criminal Justice Act 1967 or under section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 shall be disregarded ;

" the register " has the same meaning as in the Magistrates' Courts Act 1952; and for the purposes of this section, the age of a person shall be deemed to be that which it appears to file court to be after considering any available evidence.

- (4) Subsection (1) of this section does not affect the power of a court to pass sentence on any person for an offence the sentence for which is fixed by law.
- (5) The First Offenders Act 1958 shall cease to have effect.

Community service orders

15 Community service orders in respect of convicted persons

- (1) Where a person who has attained the age of seventeen is convicted of an offence punishable with imprisonment, the court by or before which he is convicted may, instead of dealing with him in any other way (but subject to subsection (2) of this section), make an order (in this Act referred to as " a community service order") requiring him to perform unpaid work in accordance with the subsequent provisions of this Act for such number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order.
- (2) A court shall not make a community service order in respect of any offender unless the offender consents and the court—
 - (a) has been notified by the Secretary of State that arrangements exist for persons who reside in the petty sessions area in which the offender resides or will reside to perform work under such orders ; and
 - (b) is satisfied—
 - (i) after considering a report by a probation officer about the offender and his circumstances and, if the court thinks it necessary, hearing a probation officer, that the offender is a suitable person to perform work under such an order ; and
 - (ii) that provision can be made under the arrangements for him to do so.
- (3) Where a court makes community service orders in respect of two or more offences of which the offender has been convicted by or before the court, the court may direct that the hours of work specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders, but so that the total number of hours which are not concurrent shall not exceed the maximum in subsection (1) of this section.
- (4) A community service order shall specify the petty sessions area in which the offender resides or will reside; and the functions conferred by the subsequent provisions of this Act on the relevant officer shall be discharged by a probation officer appointed for or assigned to that area, or by a person appointed for the purposes of those provisions by the probation and after-care committee for that area.

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- (5) The court by which a community service order is made shall forthwith give copies of the order to a probation officer assigned to the court and he shall give a copy to the offender and to the relevant officer; and the court shall, except where it is itself a magistrates' court acting for the petty sessions area specified in the order, send to the clerk to the justices for the petty sessions area specified in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to that court in exercising its functions in relation to the order.
- (6) The Secretary of State may by order direct that subsection (1) of this section shall be amended by substituting, for the maximum number of hours specified in that subsection as originally enacted or as previously amended under this subsection, such number of hours as may be specified in the order; but no such order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (7) The power to make orders under subsection (6) of this section shall be exercisable by statutory instrument and includes power to revoke a previous order under that subsection.
- (8) Nothing in subsection (1) of this section shall be construed as preventing a court which makes a community service order in respect of any offence from making an order for costs against, or imposing any disqualification on, the offender or from making in respect of the offence an order under the foregoing provisions of this Act, under section 23 or 24 thereof, or under section 28 of the Theft Act 1968.
- (9) Before making a community service order the court shall in ordinary language explain to the offender—
 - (a) the purpose and effect of the order (and in particular the requirements of the order as specified in section 16 of this Act);
 - (b) the consequences which may follow under section 17 if he fails to comply with any of those requirements ; and
 - (c) that the court has under section 18 the power to review the order on the application either of the offender or of a probation officer.

16 Obligations of person subject to community service order

- (1) An offender in respect of whom a community service order is in force shall—
 - (a) report to the relevant officer and subsequently from time to time notify him of any change of address; and
 - (b) perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.
- (2) Subject to section 18 of this Act, the work required to be performed under a community service order shall be performed during the period of twelve months beginning with the date of the order.
- (3) The instructions given by a relevant officer under this section shall, so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.

17 Breach of requirements of community service order

- (1) If at any time while a community service order is in force in respect of an offender it appears on information to a justice of the peace acting for the petty sessions area specified in the order that the offender has failed to comply with any of the requirements of section 16 of this Act (including any failure satisfactorily to perform the work which he has been instructed to do), the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.
- (2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before a magistrates' court acting for the petty sessions area specified in the community service order.
- (3) If it is proved to the satisfaction of the court before which an offender appears or is brought under this section that he has failed without reasonable excuse to comply with any of the requirements aforesaid, the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £50 or may—
 - (a) if the community service order was made by a magistrates' court, revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
 - (b) if the order was made by the Crown Court, commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (4) Where a magistrates' court deals with the case as provided in subsection (3)(b) of this section—
 - (a) the court shall send to the Crown Court a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements aforesaid in the respect specified in the certificate, together with such other particulars of the case as may be desirable, and a certificate purporting to be so signed shall be admissible before the Crown Court as evidence of the failure ; and
 - (b) where the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to comply with any of the requirements aforesaid, that court may either—
 - (i) without prejudice to the continuance of the order, impose on him a fine not exceeding £50; or
 - (ii) revoke the order and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (5) A person sentenced under subsection (3)(a) of this section for an offence may appeal to the Crown Court against the sentence.
- (6) In proceedings before the Crown Court under this section any question whether the offender has failed to comply with the requirements aforesaid shall be determined by the court and not by the verdict of a jury.
- (7) A fine imposed under this section shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.

18 Amendment and revocation of community service orders

- (1) Where a community service order is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to a magistrates' court acting for the petty sessions area specified in the order that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, the court may—
 - (a) extend, in relation to the order, the period of twelve months specified in section 16(2) of this Act; or
 - (b) if the order was made by a magistrates' court, revoke the order or revoke it and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (2) Where a community service order made by the Crown Court is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to a magistrates' court acting for the petty sessions area specified in the order that, having regard to circumstances which have arisen since the order was made, it is in the interests of justice that the order should be revoked or that the offender should be dealt with in some other manner for the offence in respect of which the order was made, the court may commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (3) Where a magistrates' court deals with the case as provided in subsection (2) of this section—
 - (a) the court shall send to the Crown Court such particulars of the case as may be desirable ; and
 - (b) where the offender is brought or appears before the Crown Court and it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may revoke the order or revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (4) A person sentenced under subsection (1)(b) of this section for an offence may appeal to the Crown Court against the sentence.
- (5) If a magistrates' court acting for the petty sessions area specified in a community service order is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area and—
 - (a) the court has been notified that arrangements exist for persons who reside in that other area to perform work under community service orders ; and
 - (b) it appears to the court that provision can be made under the arrangements for him to perform work under the order,the court may, and if application in that behalf is made by the relevant officer shall, amend the order by substituting the other petty sessions area for the area specified therein, and references in this Act to the area specified in a community service order shall be construed accordingly.
- (6) Where a community service order is amended by a court under subsection (5) of this section the court shall send to the clerk to the justices for the area which is specified in the order in consequence of the amendment a copy of the order, together with such

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documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in exercising its functions in relation to the order.

- (7) Where a magistrates' court proposes to exercise its powers under subsection (1) or (2) of this section otherwise than on the application of the offender it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

19 Community service rules

- (1) The Secretary of State may make rules for regulating the performance of work under community service orders and the arrangements made under the subsequent provisions of this Act for persons to perform such work.
- (2) Without prejudice to the generality of subsection (1) of this section, rules under this section may in particular—
- (a) limit the number of hours' work to be done by a person under such an order on any one day ;
 - (b) make provision as to the reckoning of time worked under such orders;
 - (c) make provision for the payment of travelling and other expenses in connection with the performance of work under such orders;
 - (d) provide for records to be kept of the work done by any person under such an order.
- (3) The power to make rules under this section shall be exercisable by statutory instrument, and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Probation orders

20 Probation orders requiring attendance at day training centre

- (1) Where a court makes a probation order in the case of an offender it may, subject to the provisions of this section, include in the order a requirement that he shall during the probation period attend at a day training centre specified in the order.
- (2) A court shall not include such a requirement as aforesaid in a probation order unless—
- (a) it has been notified by the Secretary of State that a day training centre exists for persons of the offender's class or description who reside in the petty sessions area in which he resides or will reside ; and
 - (b) it is satisfied that arrangements can be made for his attendance at that centre ;
- and no such requirement shall be included in a probation order which includes a requirement under section 4 of the Criminal Justice Act 1948 (treatment of offender for mental condition).
- (3) Section 3(5) of the said Act of 1948 (which provides that a court which proposes to make a probation order shall explain its requirements to the offender and shall not make the order unless the offender expresses his willingness to comply with the requirements) shall apply also in relation to any requirement proposed to be included in a probation order by virtue of this section.
- (4) A requirement included in a probation order by virtue of this section shall operate to require the probationer—

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- (a) in accordance with instructions given by the probation officer responsible for his supervision, to attend on not more than sixty days at the centre specified in the order;
 - (b) while attending there to comply with instructions given by, or under the authority of, the person in charge of the centre.
- (5) The Secretary of State may make rules for regulating the training given at day training centres and the provision and carrying on of such centres under the subsequent provisions of this Act; and, without prejudice to the generality of the foregoing provision, such rules may in particular—
- (a) regulate the hours of attendance, and the reckoning of days of attendance, at such centres ;
 - (b) provide for the keeping of records of such attendance ;
 - (c) provide that no person shall be appointed to be in charge of such a centre unless the Secretary of State has consented to his appointment.
- (6) The power to make rules under this section shall be exercisable by statutory instrument, and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) References in this section to attendance at a day training centre include references to attendance elsewhere than at the centre for the purpose of receiving training in accordance with instructions given by, or under the authority of, the person in charge of the centre.

21 Penalties for breach of requirements of probation order

- (1) The maximum fine which may be imposed by a magistrates' court under section 6(3) of the Criminal Justice Act 1948, or by the Crown Court under section 54(5) of the Criminal Justice Act 1967, on a probationer who has failed to comply with any requirement of a probation order shall be £50 instead of £20.
- (2) A court before which a probationer appears or is brought and which is satisfied that he has failed to comply with any of the requirements of a probation order may, subject to subsection (3) of this section and without prejudice to the continuance of the probation order, make a community service order in respect of the probationer instead of dealing with him as provided in the said section 6(3) or 54(5).
- (3) Section 15(2) of this Act and, so far as applicable, the other provisions of this Act relating to community service orders shall have effect in relation to an order under subsection (2) of this section as they have effect in relation to an order in respect of an offender, but as if the power conferred by sections 17 and 18 of this Act to deal with an offender for the offence in respect of which the order was made were a power to deal with the probationer for his failure to comply with the requirements in question.

Other powers

22 Deferment of sentence

- (1) Subject to the provisions of this section, the Crown Court or a magistrates' court may defer passing sentence on an offender for the purpose of enabling the court to have regard, in determining his sentence, to his conduct after conviction (including, where

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appropriate, the making by him of reparation for his offence) or to any change in his circumstances.

- (2) 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 of the conviction; and where the passing of sentence has been deferred under this section it shall not be further deferred thereunder.
- (3) The power conferred by this section shall be exercisable only if the offender consents and 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.
- (4) A court which under this section has deferred passing sentence on an offender may pass sentence on him before the expiration of the period of deferment if during that period he is convicted in Great Britain of any offence.
- (5) Where a court which under this section has deferred passing sentence on an offender proposes to sentence him, whether on the date originally specified by the court or by virtue of subsection (4) of this section before that date, it may issue a summons requiring him to appear before the court, or may issue a warrant for his arrest.
- (6) Notwithstanding section 14(4) of the Magistrates' Courts Act 1952 (adjournment of trial), a magistrates' court shall not be obliged to remand an offender in whose case it defers the passing of sentence under this section.
- (7) Nothing in this section shall affect the power of the Crown Court to bind over an offender to come up for judgment when called upon or the power of any court to defer passing sentence for any purpose for which it may lawfully do so apart from this section.

23 Power to deprive offender of property used, or intended for use, for purposes of crime

- (1) Where a person is convicted of an offence punishable on indictment with not less than two years' imprisonment and the court by or before which he is convicted is satisfied that any property which was in his possession or under his control at the time of his apprehension—
 - (a) has been used for the purpose of committing, or facilitating the commission of, any offence ; or
 - (b) was intended by him to be used for that purpose,
 the court may make an order under this section in respect of that property.
- (2) An order under this section shall operate to deprive the offender of his rights, if any, in the property to which it relates, and the property shall (if not already in their possession) be taken into the possession of the police.
- (3) The Police (Property) Act 1897 shall apply, with the following modifications, to property which is in the possession of the police by virtue of this section—
 - (a) no application shall be made under section 1(1) of that Act by any claimant of the property after the expiration of six months from the date on which the order in respect of the property was made under this section ; and
 - (b) no such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the property

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or that he did not know, and had no reason to suspect, that the property was likely to be used for the purpose mentioned in subsection (1) of this section.

- (4) In relation to such property as aforesaid, the power to make regulations under section 2(1) of the said Act of 1897 (disposal of property in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect there to) shall include power to make regulations for disposal in cases where no application by a claimant of the property has been made within the period specified in subsection (3)(a) of this section or no such application has succeeded.
- (5) In Scotland, where a person is convicted on indictment of an offence, and the court which passes sentence is satisfied, in regard to any property which was in his possession or under his control at the time of his apprehension, that the property has been used or was intended by him to be used for the purpose mentioned in subsection (1)(a) and (b) of this section, that property shall be liable to forfeiture, and any property forfeited under this section shall be disposed of as the court may direct.
- (6) References in this section to facilitating the commission of an offence include references to the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.

24 Driving disqualification where vehicle used for purposes of crime

- (1) Where a person is convicted before the Crown Court of an offence punishable on indictment with not less than two years' imprisonment or, having been convicted by a magistrates' court of such an offence, is committed to the Crown Court for sentence under section 29 of the Magistrates' Courts Act 1952, the Crown Court, if satisfied that a motor vehicle was used (by that person or by anyone else) for the purpose of committing, or facilitating the commission of, the offence, may order that person to be disqualified, for such period as the court thinks fit, for holding or obtaining a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1972.
- (2) In Scotland, where a person is convicted on indictment of an offence, and the court which passes sentence is satisfied that a motor vehicle was used (by that person or anyone else) for the purpose mentioned in the foregoing subsection, the court may make a like order as that under that subsection.
- (3) A court which makes an order under this section disqualifying a person for holding or obtaining any such licence as is mentioned in subsection (1) of this section shall require him to produce any such licence held by him; and—
 - (a) if he does not produce the licence as required he shall be guilty of an offence under section 101(4) of the Road Traffic Act 1972 (failure to produce licence for endorsement) ; and
 - (b) if he applies under section 95 of that Act for the disqualification to be removed and the court so orders, subsection (4) of that section shall not have effect so as to require particulars of the order to be endorsed on the licence, but the court shall send notice of the order to the Secretary of State and section 105(5) of that Act (procedure) shall apply to the notice.
- (4) Subsection (6) of section 23 of this Act shall apply for the purposes of this section as it applies for the purposes of that section.