



# Criminal Justice Act 1972

## 1972 CHAPTER 71

### PART I

#### POWERS FOR DEALING WITH OFFENDERS

1—5. ....<sup>F1</sup>

#### Textual Amendments

**F1** Ss. 1–5, 7–22 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

#### *Restitution orders*

#### **6 Restitution orders.**

- (1) The following provisions of this section shall have effect with respect to section 28 of the <sup>M1</sup>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.

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**Marginal Citations**  
M1 1968 c. 60.

7—21. .... F2

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**Textual Amendments**  
F2 Ss. 1–5, 7–22 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

*Other powers*

22 ..... F3

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**Textual Amendments**  
F3 Ss. 1–5, 7–22 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

23

- (1) ..... F4
- (5) ..... F5

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#### Textual Amendments

- F4** S. 23(1)–(4) repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6** and Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**
- F5** S. 23(5)(6) repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

## 24 Driving disqualification where vehicle used for purposes of crime.

- (1) ..... <sup>F6</sup>
- (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 [<sup>F7</sup>of committing, or facilitating the commission of, the offence, the court 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 <sup>M2</sup>Road Traffic Act 1972].
- (3) A court which makes an order under this section disqualifying a person for holding or obtaining any such licence as is mentioned in [<sup>F7</sup>subsection (2)] of this section shall require him to produce any such licence held by him [<sup>F8</sup>together with its counterpart]; and—
- (a) if he does not produce the licence [<sup>F9</sup>and its counterpart] as required he shall be guilty of an offence under [<sup>F10</sup>section 27(3) of the Road Traffic Offenders Act 1988] (failure to produce licence for endorsement); and
- (b) if he applies under [<sup>F11</sup>section 42] of that Act for the disqualification to be removed and the court so orders, [<sup>F11</sup>subsection (5)] of that section shall not have effect so as to require particulars of the order to be endorsed on [<sup>F12</sup>the counterpart of] the licence, but the court shall send notice of the order to the Secretary of State and [<sup>F11</sup>section 47(4) of that Act](procedure) shall apply to the notice.

[<sup>F13</sup>(4) 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.]

#### Textual Amendments

- F6** S. 24(1) repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F7** Words substituted by Power of Criminal Courts Act 1973 (c. 62), **Sch. 5 para. 46**
- F8** Words inserted by S.I. 1990/144, reg. 2(4), **Sch. 4** (by art. 3 of the S.I. it is provided that the amendment shall have effect only in relation to driving licences which come into force on or after 1st June 1990 (or in their application to licences to drive a motor vehicle granted under the law of Northern Ireland, to such licences which come into force on or after 1st January 1991))
- F9** Words inserted by S.I. 1990/144, reg. 2(4), **Sch. 4** (by art. 3 of the S.I. it is provided that the amendment shall have effect only in relation to driving licences which come into force on or after 1st June 1990 (or in their application to licences to drive a motor vehicle granted under the law of Northern Ireland, to such licences which come into force on or after 1st January 1991))
- F10** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 10(a)**
- F11** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 10(b)**

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- F12** Words inserted by [S.I. 1990/144, reg. 2\(4\)](#), [Sch. 4](#) (by art. 3 of the S.I. it is provided that the amendment shall have effect only in relation to driving licences which come into force on or after 1st June 1990 (or in their application to licences to drive a motor vehicle granted under the law of Northern Ireland, to such licences which come into force on or after 1st January 1991))
- F13** [S. 24\(4\)](#) substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 9 para. 48](#)

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**Marginal Citations**

- M2** [1972 c. 20](#).

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