



Criminal Justice Act 1972

1972 CHAPTER 71

PART I

POWERS FOR DEALING WITH OFFENDERS

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

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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direct that subsection (1) above be amended by substituting, for the number of months specified in the subsection as originally enacted or as previously amended under this paragraph, such other number (not more than six) as the order may specify; or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.

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- (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,

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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—
- " 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.