



# Criminal Justice Act 1972

## 1972 CHAPTER 71

### PART I

#### POWERS FOR DEALING WITH OFFENDERS

##### *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 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 ;

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*Status: This is the original version (as it was originally enacted).*

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- (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.