



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART II

#### ABSOLUTE AND CONDITIONAL DISCHARGE

#### 12 Absolute and conditional discharge.

- (1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law or falls to be imposed under section [<sup>F1</sup>section 110(2) or 111(2) below, section 51A(2) of the Firearms Act 1968][<sup>F2</sup>, [<sup>F3</sup>section 225(2) or 226(2)] of the Criminal Justice Act 2003 or section 29(4) or (6) of the Violent Crime Reduction Act 2006]) is of the opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment, the court may make an order either—
  - (a) discharging him absolutely; or
  - (b) if the court thinks fit, discharging him subject to the condition that he commits no offence during such period, not exceeding three years from the date of the order, as may be specified in the order.
- (2) Subsection (1)(b) above has effect subject to section 66(4) of the <sup>M1</sup>Crime and Disorder Act 1998 (effect of reprimands and warnings).
- (3) An order discharging a person subject to such a condition as is mentioned in subsection (1)(b) above is in this Act referred to as an “order for conditional discharge”; and the period specified in any such order is in this Act referred to as “the period of conditional discharge”.
- <sup>F4</sup>(4) .....
- (5) If (by virtue of section 13 below) a person conditionally discharged under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

*Status: Point in time view as at 14/07/2008. This version of this provision has been superseded.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 12 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) On making an order for conditional discharge, the court may, if it thinks it expedient for the purpose of the offender's reformation, allow any person who consents to do so to give security for the good behaviour of the offender.
- (7) Nothing in this section shall be construed as preventing a court, on discharging an offender absolutely or conditionally in respect of any offence, from making an order for costs against the offender or imposing any disqualification on him or from making in respect of the offence an order under section 130, 143 or 148 below (compensation orders, deprivation orders and restitution orders).

#### Textual Amendments

- F1** Words in s. 12(1) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 93\(a\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(34\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(l\)](#))
- F2** Words in s. 12(1) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), s. 66\(2\), Sch. 1 para. 6\(a\)](#); [S.I. 2007/858, art. 2\(g\)](#)
- F3** Words in s. 12 substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 41](#); [S.I. 2008/1586, art. 2\(1\), Sch. 1 para. 48\(o\)](#)
- F4** S. 12(4) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 93\(b\), Sch. 37 Pt. 7](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 paras. 42\(34\)44\(4\)\(r\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(l\)](#))

#### Modifications etc. (not altering text)

- C1** S. 12 restricted (28.8.2000) by [1989 c. 37, s. 14A\(5\)](#) (as substituted (28.8.2000) by [2000 c. 25, s. 1, Sch. 1 para. 2](#); [S.I. 2000/2125, art. 2](#))
- C2** S. 12 excluded (6.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 36\(5\)\(6\), 94\(1\)](#); [S.I. 2008/755, art. 15\(1\)\(f\)](#)
- C3** S. 12(1) modified by [1964 c. 84, s. 5A\(6\)](#) (as substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 24\(1\), 60](#) (with [Sch. 12 para. 8](#)); [S.I. 2005/579, art. 3\(b\)](#))

#### Marginal Citations

- M1** [1998 c. 37.](#)

**Status:**

Point in time view as at 14/07/2008. This version of this provision has been superseded.

**Changes to legislation:**

Powers of Criminal Courts (Sentencing) Act 2000, Section 12 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.