



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART VI

#### FINANCIAL PENALTIES AND ORDERS

*Miscellaneous powers and duties of Crown Court in relation to [F1recognizances]etc.*

#### **140 Enforcement of F1... recognizances forfeited by Crown Court.**

(1) Subject to subsection (5) below, F2... a recognizance forfeited by the Crown Court shall be treated for the purposes of collection, enforcement and remission of the F3... sum as having been F4... forfeited—

- (a) by a magistrates' court specified in an order made by the Crown Court, or
- (b) if no such order is made, by the magistrates' court by which the offender [F5was committed to the Crown Court to be tried or dealt with or by which he] was sent to the Crown Court for trial under section 51 [F6or 51A] of the M1Crime and Disorder Act 1998,

F7  
...

(2) Subsection (3) below applies where a magistrates' court issues a warrant of commitment on a default in the payment of—

- F8(a) .....
- (b) a sum due under a recognizance forfeited by the Crown Court.

(3) In such a case, the term of imprisonment or detention under section 108 above specified in the warrant of commitment as the term which the offender is liable to serve shall be—

- (a) the term fixed by the Crown Court under section 139(2) above, or

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- (b) if that term has been reduced under section 79(2) of the <sup>M2</sup>Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,
- <sup>F9</sup> ...
- (4) Subsections (1) to (3) above shall apply in relation to a <sup>F10</sup>... recognizance forfeited by the criminal division of the Court of Appeal, or by the [<sup>F11</sup>Supreme Court] on appeal from that division, as they apply in relation to a <sup>F10</sup>... recognizance forfeited by the Crown Court; and references in those subsections to the Crown Court (except the references in subsection (1)(b)) shall be construed accordingly.
- (5) A magistrates' court shall not, under section <sup>F12</sup>... 120 of the <sup>M3</sup>Magistrates' Courts Act 1980 as applied by subsection (1) above, remit the whole or any part of a <sup>F13</sup>... sum due under a recognizance forfeited by—
- the Crown Court,
  - the criminal division of the Court of Appeal, or
  - the [<sup>F11</sup>Supreme Court] on appeal from that division,
- without the consent of the Crown Court.
- (6) Any <sup>F14</sup>... sum the payment of which is enforceable by a magistrates' court by virtue of this section shall be treated for the purposes of [<sup>F15</sup>section 38 of the Courts Act 2003 (application of receipts of designated officers)]<sup>F16</sup>... as being due under a recognizance forfeited by [<sup>F17</sup>a magistrates' court].

#### Textual Amendments

- F1** Words in s. 140 heading omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 166(2) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F2** Words in s. 140(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 166(3)(a) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F3** Words in s. 140(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 166(3)(b) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F4** Words in s. 140(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 166(3)(c) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F5** Words in s. 140(1)(b) repealed (18.6.2012 for specified purposes; 5.11.2012 for specified purposes; 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 74(4)(a), Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(2)(c)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)
- F6** Words in s. 140(1)(b) inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes; 5.11.2012 for specified purposes; 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 74(4)(b); S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(2)(c)(d)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F7** Words in s. 140(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 166(3)(d) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F8** S. 140(2)(a) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 166(4) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F9** Words in s. 140(3) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 166(5) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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- F10** Words in s. 140(4) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(6)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F11** Words in s. 140(4)(5) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 69**; S.I. 2009/1604, art. 2(d)
- F12** Words in s. 140(5) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(7)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F13** Words in s. 140(5) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(7)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** Words in s. 140(6) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F15** Words in s. 140(6) substituted (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), s. 5(2)(3), **Sch. 2 para. 45**; S.I. 2012/1236, reg. 2
- F16** Words in s. 140(6) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F17** Words in s. 140(6) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 166(8)(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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

- C1** S. 140(1)-(4) applied (with modifications) (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), **ss. 35(2), 458(1)**; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

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**Marginal Citations**

- M1** 1998 c. 37.  
**M2** 1980 c. 43.  
**M3** 1980 c. 43.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 140(3) words repealed by [2000 c. 43 Sch. 7 para. 194](#)[Sch. 8](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1A)(g) inserted by [2019 c. 17 s. 13\(6\)](#)
- s. 41(9A) inserted by [2000 c. 43 Sch. 7 para. 165\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 41(12) inserted by [2000 c. 43 Sch. 7 para. 165\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 58(2) inserted by [2000 c. 43 Sch. 7 para. 172](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 172 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 82A(3A)-(3C) inserted by [2008 c. 4 s. 19\(3\)](#)
- s. 83(2)(aa) substituted for s. 83(2)(b)(c) by [2000 c. 43 Sch. 7 para. 178](#)
- s. 101(2A) inserted by [2003 c. 44 s. 298\(3\)](#)
- s. 147A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 12\(b\)](#)
- s. 147A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 12\(c\)](#)
- Sch. 2 para. 8 and cross-heading inserted by [2000 c. 43 s. 51](#) (This amendment not applied to [legislation.gov.uk](#). S. 51 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 6A and cross-heading inserted by [2000 c. 43 Sch. 7 para. 199\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(9) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 26 inserted by [2000 c. 43 Sch. 7 para. 199\(26\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(26) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 4(4A) inserted by [2004 c. 28 Sch. 5 para. 5\(4\)](#) (Effect not applied as it relates to a version of Sch. 3 para. 4 prospectively substituted but not brought into force)
- Sch. 3 para. 7(4)-(7) substituted for Sch. 3 para. 7(4)-(6) by [2000 c. 43 Sch. 7 para. 199\(10\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(10)(c) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 10 para. 12(2)(e)(f) inserted by [2000 c. 43 Sch. 7 para. 204](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 204 repealed (30.11.2009) without ever being in force by 2008 c. 4, Sch. 28 Pt. 1; S.I. 2009/3074, art. 2(u)(xxix))