



Criminal Justice Act 1982

1982 CHAPTER 48

PART V

MISCELLANEOUS

Deferment of sentence

63 Deferment of sentence

Section 1 of the Powers of Criminal Courts Act 1973 (which gives a court sentencing an offender the power to defer passing sentence on him) shall have effect subject to the following amendments—

- (a) in subsection (1), for the words from " to have" to " sentence " there shall be substituted the words " or any other court to which it falls to deal with him to have regard, in dealing with him ";
- (b) the words ", subject to subsection (8A) below," shall be inserted after the word " and " in subsection (2);
- (c) the words " deal with " shall be substituted—
 - (i) for the words " pass sentence on " in subsection (4);
 - (ii) for the words " pass sentence on " in subsection (4A); and
 - (iii) for the word " sentence " in the second place where it occurs! in subsection (5); and
- (d) the following subsections shall be substituted for subsection (8)—

“(8) The power of a court under this section to deal with an offender in a case where the passing of sentence has been deferred thereunder—

 - (a) includes power to deal with him in any way in which the court which deferred passing sentence could have dealt with him; and
 - (b) without prejudice to the generality of the foregoing, in the case of a magistrates' court, includes the power conferred

Status: This is the original version (as it was originally enacted).

by section 37 or 38 of the Magistrates' Courts Act 1980 to commit him to the Crown Court for sentence.

(8A) Where, in a case where the passing of sentence on an offender in respect of one or more offences has been deferred under this section, a magistrates' court deals with him by committing him to the Crown Court under section 37 or 38 of the Act of 1980, the power of the Crown Court to deal with him includes the same power to defer passing sentence on him as if he had just been convicted of the offence or offences on indictment before the court.”.