



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

Derogatory assertions [^{F1}(Northern Ireland)]

58 Orders in respect of certain assertions.

[^{F1}(1) This section applies where a person has been convicted of an offence and a speech in mitigation is made by him or on his behalf before—

(a) a court [^{F2}in Northern Ireland] determining what sentence should be passed on him in respect of the offence, ^{F3}...

^{F3}(b)

(2) This section also applies where a sentence has been passed on a person in respect of an offence and a submission relating to the sentence is made by him or on his behalf before—

(a) a court [^{F4}in Northern Ireland] hearing an appeal against or reviewing the sentence, or

(b) a court [^{F5}in Northern Ireland] determining whether to grant leave to appeal against the sentence.

(3) Where it appears to the court that there is a real possibility that an order under subsection (8) will be made in relation to the assertion, the court may make an order under subsection (7) in relation to the assertion.

(4) Where there are substantial grounds for believing—

(a) that an assertion forming part of the speech or submission is derogatory to a person's character (for instance, because it suggests that his conduct is or has been criminal, immoral or improper), and

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- (b) that the assertion is false or that the facts asserted are irrelevant to the sentence, the court may make an order under subsection (8) in relation to the assertion.
- (5) An order under subsection (7) or (8) must not be made in relation to an assertion if it appears to the court that the assertion was previously made—
- (a) at the trial at which the person was convicted of the offence, or
 - (b) during any other proceedings relating to the offence.
- (6) Section 59 has effect where a court makes an order under subsection (7) or (8).
- (7) An order under this subsection—
- (a) may be made at any time before the court has made a determination with regard to sentencing;
 - (b) may be revoked at any time by the court;
 - (c) subject to paragraph (b), shall cease to have effect when the court makes a determination with regard to sentencing.
- (8) An order under this subsection—
- (a) may be made after the court has made a determination with regard to sentencing, but only if it is made as soon as is reasonably practicable after the making of the determination;
 - (b) may be revoked at any time by the court;
 - (c) subject to paragraph (b), shall cease to have effect at the end of the period of 12 months beginning with the day on which it is made;
 - (d) may be made whether or not an order has been made under subsection (7) with regard to the case concerned.
- (9) For the purposes of subsections (7) and (8) the court makes a determination with regard to sentencing—
- (a) when it determines what sentence should be passed (where this section applies by virtue of subsection (1)(a));
 - ^{F6}(b)
 - (c) when it determines what the sentence should be (where this section applies by virtue of subsection (2)(a));
 - (d) when it determines whether to grant leave to appeal (where this section applies by virtue of subsection (2)(b)).]

Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

Textual Amendments

- F1** Ss. 58-60 omitted (E.W.S.) (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 139](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F2** Words in s. 58(1)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 136\(2\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** S. 58(1)(b) and word omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 136\(2\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Words in s. 58(2)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 136\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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- F5** Words in s. 58(2)(b) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 136(3)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F6** S. 58(9)(b) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 136(4)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** Ss. 58-60 modified (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 \(c. 9\)](#), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

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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. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)