



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 [F¹section 110(2) or 111(2) below, [F²section 1A(5) of the Prevention of Crime Act 1953, section 51A(2) of the Firearms Act 1968, section 139AA(7) of the Criminal Justice Act 1988]] [F³, [F⁴section [F⁵224A,] 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 [F⁶66ZB(6)] of the ^{M1}Crime and Disorder Act 1998 (effect of [F⁷youth cautions]).
- (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”.

^{F8}(4)

Status: Point in time view as at 15/10/2013. This version of this provision has been superseded.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 20 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)

- (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.
- (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) ^{F9} or from making in respect of the offence an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.]

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 (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 26 para. 10](#); S.I. 2012/2770, art. 2(f)
- F3** 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)
- F4** 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)
- F5** Words in s. 12(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 19 para. 4](#); S.I. 2012/2906, art. 2(q)
- F6** Word in s. 12(2) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 24 para. 19\(a\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F7** Words in s. 12(2) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 24 para. 19\(b\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F8** 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))
- F9** Words in s. 12(7) inserted (15.10.2013 for E.; 5.11.2013 for W) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\), s. 12, Sch. para. 8](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2

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))

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Marginal Citations

M1 1998 c. 37.

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