



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 7

##### FINANCIAL ORDERS AND ORDERS RELATING TO PROPERTY

#### CHAPTER 4

##### FORFEITURE, DEPRIVATION OF PROPERTY ETC

#### 153 Deprivation order: availability

- (1) A deprivation order relating to any property to which subsection (2) applies is available to the court by or before which an offender is convicted of an offence.
- (2) This subsection applies to property which—
  - (a) has been lawfully seized from the offender, or
  - (b) was in the offender's possession or under the offender's control when—
    - (i) the offender was apprehended for the offence, or
    - (ii) a summons in respect of it was issued,if subsection (3) or (5) applies.
- (3) This subsection applies if the court is satisfied that the property—
  - (a) has been used for the purpose of committing, or facilitating the commission of, any offence, or
  - (b) was intended by the offender to be used for that purpose.
- (4) For the purposes of subsection (3), facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of—
  - (a) disposing of any property to which the offence relates, or
  - (b) avoiding apprehension or detection.
- (5) This subsection applies if—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) the offence mentioned in subsection (1), or
- (b) an offence which is taken into consideration by the court in determining the offender's sentence,

consists of unlawful possession of the property.

(6) Subsection (1) is subject to—

- (a) any restriction on forfeiture in any enactment contained in an Act passed on or after 29 July 1988,
- (b) section 33C(8) of the Environmental Protection Act 1990 (subsection (1) not to apply where section 33C of that Act provides for forfeiture of vehicles in connection with offence under that section), and
- (c) paragraph 7 of Schedule 5 to the Wireless Telegraphy Act 2006 (subsection (1) not to apply where person convicted of offence under Part 2, 3 or 5 of that Act).