



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 7

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

#### CHAPTER 1

##### FINES

##### *Availability*

#### **118 Availability of fine: magistrates' court**

- (1) A fine is available to a magistrates' court dealing with an offender for an offence if under the relevant offence provision a person who is convicted of that offence is liable to a fine.
- (2) If under the relevant offence provision the offender is liable to—
  - (a) a fine of a specified amount,
  - (b) a fine of not more than a specified amount,the amount of the fine—
  - (i) must not be more than that amount, but
  - (ii) may be less than that amount (unless an Act passed after 31 December 1879 expressly provides to the contrary).
- (3) This is subject to—
  - (a) section 121 (availability: fines not to be combined with certain other orders);
  - (b) section 123 (limit on fines imposed by magistrates' courts in respect of young offenders).
- (4) In this section “relevant offence provision”, in relation to an offence, means—

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- (a) the enactment creating the offence or specifying the penalty to which a person convicted of the offence is liable, or
- (b) that provision read in accordance with—
  - (i) section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court) and regulations under that section;
  - (ii) section 86 of that Act (power to increase certain other fines on conviction by magistrates' court) and regulations under that section;
  - (iii) section 32 of the Magistrates' Courts Act 1980 (penalties on summary conviction for offences triable either way);
  - (iv) section 119 (power of magistrates' court to fine where only imprisonment etc specified);
  - (v) section 122 (standard scale of fines),

and, for this purpose, “enactment” includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

**Commencement Information**

**II** S. 118 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**119 Power of magistrates' court to fine where only imprisonment etc specified**

- (1) This section applies where under an enactment a magistrates' court has power to sentence an offender to imprisonment or other detention but not to a fine.

It is immaterial whether the enactment was passed or made before or after the commencement of this Act.

- (2) The magistrates' court may impose a fine instead of sentencing the offender to imprisonment or other detention (unless an Act passed after 31 December 1879 expressly provides to the contrary).

- (3) In the case of an offence which—

- (a) is triable either way, and
- (b) was committed before 12 March 2015,

a fine imposed under subsection (2) may not exceed the prescribed sum (within the meaning of section 32 of the Magistrates' Courts Act 1980).

- (4) In the case of a fine imposed under subsection (2) for a summary offence—

- (a) the amount of the fine may not exceed level 3 on the standard scale, and
- (b) the default term must not be longer than the term of imprisonment or detention to which the offender is liable on conviction of the offence.

For this purpose, “default term” means the term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 to which the offender would be subject in default of payment of the fine.

- (5) In this section “enactment” includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

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#### Commencement Information

**I2** S. 119 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 120 General power of Crown Court to fine offender convicted on indictment

- (1) A fine is available to the Crown Court where it is dealing with an offender who is convicted on indictment for an offence—
- (a) instead of, or
  - (b) in addition to,
- dealing with the offender in any other way which is available to the court.
- (2) Subsection (1)—
- (a) does not apply where the offence is one in relation to which a mandatory sentence requirement applies by virtue of any of the following provisions of section 399—
    - (i) paragraph (a) (life sentence for murder etc),
    - (ii) paragraph (b) (other mandatory life sentences),
    - [<sup>F1</sup>(ia) paragraph (ba) (serious terrorism sentences),] or
    - (iii) paragraph (c)(iv) (minimum sentence for third domestic burglary offence),
  - (b) is subject to any other enactment requiring the offender to be dealt with in a particular way, and
  - (c) does not apply if the court is precluded from sentencing the offender by its exercise of some other power.
- (3) Nothing in subsection (1) affects the maximum amount of a fine to which a person is liable for an offence committed before [<sup>F2</sup>1 December 2020].

#### Textual Amendments

- F1** S. 120(2)(a)(ia) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(2\)\(v\), Sch. 13 para. 11\(5\)](#)
- F2** Words in s. 120(3) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\), regs. 1, 4\(2\)](#)

#### Commencement Information

**I3** S. 120 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 121 Availability of fine: effect of other orders

For circumstances in which a fine is not available, see—

- (a) section 37(8) of the Mental Health Act 1983 (hospital order or guardianship order in case where person convicted of offence punishable with imprisonment);
- (b) section 89 (making of referral order: effect on court's other sentencing powers).

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### Commencement Information

**I4** S. 121 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### *Magistrates' court*

## 122 The standard scale of fines for summary offences

(1) The standard scale of fines for summary offences, which is known as “the standard scale”, as it has effect for Code offences, is as follows—

<i>Level on the scale</i>	<i>Amount of fine</i>		
	<i>Offence committed on or after 11 April 1983 and before <sup>[F3]</sup> 1 May 1984]</i>	<i>[<sup>F4</sup>Offence committed on or after 1 May 1984 and before 1 October 1992</i>	<i>Offence committed on or after 1 October 1992</i>
1	£25	£50	£200
2	£50	£100	£500
3	£200	£400	£1,000
4	£500	£1,000	£2,500
5	£1,000	£2,000]	£5,000.

(2) In relation to a Code offence, a relevant reference to a particular level on the standard scale is to be read as referring to that level on the scale set out in the column of the table in subsection (1) that applies to offences committed on the date on which the offence was committed.

(3) In relation to—

- (a) a relevant reference in an enactment or instrument passed or made before 12 March 2015 to level 5 on the standard scale, and
- (b) an offence committed on or after that date,

subsection (2) is subject to section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court).

(4) A reference to a level on the standard scale in an enactment or instrument made under an enactment (whenever passed or made) is a “relevant reference” to that level if—

- (a) the enactment or instrument provides that a person convicted of a summary offence is liable on conviction to a fine or maximum fine by reference to that level, or
- (b) it is a reference in an enactment which confers power by subordinate instrument to make a person liable on conviction of a summary offence (whether or not created by the instrument) to a fine or maximum fine by reference to that level.

In this section, “Code offence” is an offence of which the offender is convicted after the Code comes into force.

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#### Textual Amendments

- F3** Words in s. 122(1) table substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 3\(a\)](#)
- F4** Words in s. 122(1) table inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 3\(b\)](#)

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

- C1** S. 122 extended (N.I.) by 1956 c. 74, s. 21(7C) (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 8](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

#### Commencement Information

- I5** S. 122 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

### 123 Limit on fines imposed by magistrates' courts in respect of young offenders

- (1) This section applies where an offender—
- (a) was convicted by a magistrates' court,
  - (b) was under 18 when convicted, and
  - (c) is before that court to be sentenced.
- (2) The court may not impose a fine of more than—
- (a) £250, if the offender was under 14 when convicted, or
  - (b) £1,000, if the offender was 14 or over when convicted.

#### Commencement Information

- I6** S. 123 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

#### *Exercise of powers*

### 124 Fixing of fine: duty of court to inquire into individual offender's circumstances

- (1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court must inquire into the offender's financial circumstances.
- (2) For the power to make a financial circumstances order, see section 35.
- (3) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 128.

#### Commencement Information

- I7** S. 124 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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## 125 Exercise of court's powers to impose fine and fix amount

- (1) The amount of any fine fixed by a court must be such as, in the opinion of the court, reflects the seriousness of the offence.
- (2) In fixing the amount of any fine to be imposed on an offender (whether an individual or other person), a court must take into account the circumstances of the case including, in particular, the financial circumstances of the offender so far as they are known, or appear, to the court.
- (3) Subsection (2) applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.
- (4) In applying subsection (2), a court must not reduce the amount of a fine on account of any surcharge it orders the offender to pay under section 42, except to the extent that the offender has insufficient means to pay both.
- (5) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 128.
- (6) For the effect of proceedings in relation to confiscation orders on the court's powers to impose or fix the amount of a fine, see the following provisions of the Proceeds of Crime Act 2002—
  - (a) section 13(4) (where confiscation order has been made);
  - (b) section 15 (where proceedings on a confiscation order have been postponed).

### Commencement Information

**18** S. 125 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## 126 Power to determine financial circumstances where offender is absent or fails to provide information

- (1) This section applies where an offender—
  - (a) has been convicted in the offender's absence—
    - (i) in pursuance of section 11 or 12 of the Magistrates' Courts Act 1980 (non-appearance of accused), or
    - (ii) in proceedings conducted in accordance with section 16A of that Act (trial by single justice on the papers), or
  - (b) has failed—
    - (i) to provide a statement of the offender's financial circumstances in response to a request which is an official request for the purposes of section 20A of the Criminal Justice Act 1991 (offence of making false statement as to financial circumstances),
    - (ii) to comply with an order under section 35(2) (statement as to offender's financial circumstances), or
    - (iii) otherwise to co-operate with the court in its inquiry into the offender's financial circumstances.
- (2) If the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender for the purposes of section 125, it may make such determination as it considers appropriate.

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**Commencement Information**

**I9** S. 126 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**127 Remission of fines following determination under section 126**

- (1) This section applies where a court has, in fixing the amount of a fine, determined the offender's financial circumstances under section 126 (offender absent or failing to provide information).
- (2) If on subsequently inquiring into the offender's financial circumstances the court is satisfied that, had it had the results of that inquiry when sentencing the offender, it—
  - (a) would have fixed a smaller amount, or
  - (b) would not have fined the offender,it may remit the whole or part of the fine.
- (3) Where under this section the court remits the whole or part of a fine after a term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, has been fixed under—
  - (a) section 129, or
  - (b) section 82(5) of the Magistrates' Courts Act 1980 (magistrates' powers in relation to default),it must reduce the term by the corresponding proportion.
- (4) In calculating any reduction required by subsection (3), any fraction of a day is to be ignored.
- (5) Subsection (6) applies where—
  - (a) under this section the court remits the whole or part of a fine,
  - (b) the offender was ordered under section 42 to pay a surcharge, and
  - (c) the amount of the surcharge was set by reference to the amount of the fine.
- (6) The court must—
  - (a) determine how much the surcharge would have been if the fine had not included the amount remitted, and
  - (b) remit the balance of the surcharge.

**Commencement Information**

**I10** S. 127 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Fines: payment*

**128 Fine imposed on offender aged under 18: payment by parent or guardian**

- (1) This section applies where a court—
  - (a) is dealing with an offender for an offence,
  - (b) the offender is aged under 18 when convicted, and

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- (c) but for this subsection, the court would impose a fine on the offender in respect of the offence.
  - (2) Section 380 (order for payment by parent or guardian) applies to the fine.
  - (3) Subsections (4) to (6) apply for the purposes of any order made under section 380 against the offender's parent or guardian.
  - (4) The following provisions are to be read as if any reference to the financial circumstances of the offender were a reference to the financial circumstances of the offender's parent or guardian—
    - (a) section 124 (duty of court to inquire into individual offender's financial circumstances);
    - (b) subsections (2) and (3) of section 125 (fixing of fine: exercise of court's powers).
- This is subject to subsection (7).
- (5) Section 126 (power to determine financial circumstances where offender is absent or fails to provide information) does not apply (but see section 382).
  - (6) The reference to the offender's means in section 125(4) (insufficient means to pay fine and surcharge) is to be read as a reference to the means of the offender's parent or guardian.
  - (7) For the purposes of any order under section 380 made against a local authority, section 124 does not apply.

**Commencement Information**

**III** S. 128 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**129 Fine imposed on offender by Crown Court: duty to make term in default order**

- (1) This section applies when the Crown Court imposes a fine on an offender who is aged 18 or over when convicted of the offence.
 

But it does not apply in relation to a fine imposed by the Crown Court on appeal against a decision of a magistrates' court.
- (2) Subsections (3) to (5) also apply in relation to a fine imposed on such an offender—
  - (a) by the criminal division of the Court of Appeal, or
  - (b) by the Supreme Court on appeal from that division.
- (3) The court must make an order (a “term in default order”) fixing a term—
  - (a) of imprisonment, or
  - (b) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,

which the offender is to undergo if any sum which the offender is liable to pay is not duly paid or recovered.
- (4) Column 3 of the following table sets out the maximum term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 which may be fixed by a term in default order in relation to a sum that is—



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- (a) more than the corresponding entry (if any) in column 1, but
- (b) not more than the corresponding entry (if any) in column 2.

<i>Amount of sum</i>		<i>Maximum term</i>
<i>More than</i>	<i>Not more than</i>	
	£200	7 days
£200	£500	14 days
£500	£1,000	28 days
£1,000	£2,500	45 days
£2,500	£5,000	3 months
£5,000	£10,000	6 months
£10,000	£20,000	12 months
£20,000	£50,000	18 months
£50,000	£100,000	2 years
£100,000	£250,000	3 years
£250,000	£1,000,000	5 years
£1,000,000		10 years.

- (5) The offender may not be committed to prison, or detained, by virtue of a term in default order on the same occasion as the fine is imposed unless—
- (a) the offence to which the fine relates is punishable with imprisonment and the offender appears to the court to have sufficient means to pay the sum forthwith,
  - (b) it appears to the court that the offender is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods,
  - (c) on that occasion the court sentences the offender to immediate imprisonment, custody for life or detention in a young offender institution for that or another offence, or
  - (d) the offender is already serving a sentence of custody for life or a term—
    - (i) of imprisonment,
    - (ii) of detention in a young offender institution, or
    - (iii) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default).
- (6) Where any person liable for the payment of a fine to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term (“the current term”)—
- (a) of imprisonment,
  - (b) of detention in a young offender institution, or
  - (c) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default),

the court may order that any term of imprisonment or detention fixed by a term in default order is not to begin to run until after the end of the current term.

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- (7) Nothing in any enactment which authorises the Crown Court to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender restricts the powers conferred by this section.

This is subject to subsection (8).

- (8) Where—

- (a) the Crown Court imposes a fine in exercise of powers to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender, and
- (b) section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines) specifies a period that would have applied to the fine had it been imposed by a magistrates' court,

the term imposed by the Crown Court under subsection (3) in relation to the fine must not exceed that period.

- (9) For the purposes of any reference in this section, however expressed, to the term of imprisonment or other detention—

- (a) to which a person has been sentenced, or
- (b) which, or part of which, the person has served,

consecutive terms and terms which are wholly or partly concurrent are treated as a single term, unless the context otherwise requires.

- (10) Any reference in this section, however expressed, to a previous sentence is to be read as a reference to a previous sentence passed by a court in Great Britain.

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

- C2** S. 129(4) applied by 2006 c. 52, s. 269B(4) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 65](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))
- C3** S. 129(4) applied by 2006 c. 52, s. 269A(2) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 64](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

**Commencement Information**

- I12** S. 129 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**130 Fine imposed by Crown Court: power to allow time for payment or payment by instalments**

When the Crown Court imposes a fine on an offender, it may make an order—

- (a) allowing time for the payment of the fine, or
- (b) directing payment of the fine by instalments of the amounts and on the dates specified in the order.

**Commencement Information**

- I13** S. 130 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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### **131 Fine imposed by Crown Court: power to search offender**

See section 142 of the Powers of Criminal Courts (Sentencing) Act 2000 for the power of the Crown Court to search an offender on whom it imposes a fine.

#### **Commencement Information**

**I14** S. 131 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### **132 Enforcement of fines imposed on offenders by Crown Court**

- (1) A fine imposed on an offender by the Crown Court is to be treated for the purposes of collection, enforcement and remission as having been imposed—
- by a magistrates' court specified in an order made by the Crown Court, or
  - if no such order is made, by the magistrates' court by which the offender was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998,

and as having been so imposed on conviction by the magistrates' court in question.

This is subject to subsection (5).

- (2) Subsection (3) applies where a magistrates' court issues a warrant of commitment on a default in the payment of a fine imposed by the Crown Court on an offender.
- (3) The term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, specified in the warrant of commitment as the term which the offender is liable to serve is to be—
- the term fixed by the Crown Court under section 129(3), or
  - if that term has been reduced under section 79(2) of the Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,

even if that term exceeds the period applicable to the case under section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines).

- (4) Subsections (1) to (3) apply in relation to a fine imposed on an offender—
- by the criminal division of the Court of Appeal, or
  - by the Supreme Court on appeal from that division,
- as they apply in relation to a fine imposed by the Crown Court.

References in those subsections to the Crown Court (except the reference in subsection (1)(b)) are to be read accordingly.

- (5) A magistrates' court must not, under section 85(1) of the Magistrates' Courts Act 1980 as applied by subsection (1), remit the whole or any part of a fine imposed by—
- the Crown Court,
  - the criminal division of the Court of Appeal, or
  - the Supreme Court on appeal from that division,
- without the consent of the Crown Court.
- (6) Where payment of a fine is enforceable by a magistrates' court by virtue of this section, the fine is to be treated for the purposes of section 38 of the Courts Act

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2003 (application of receipts of designated officers) as having been imposed by a magistrates' court.

**Commencement Information**

**I15** S. 132 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## CHAPTER 2

### COMPENSATION ORDERS

#### *Compensation orders*

### 133 Compensation order

In this Code “compensation order” means an order under this Chapter made in respect of an offender for an offence that requires the offender—

- (a) to pay compensation for any personal injury, loss or damage resulting from—
  - (i) the offence, or
  - (ii) any other offence which is taken into consideration by the court in determining the sentence for the offence, or
- (b) to make payments for—
  - (i) funeral expenses, or
  - (ii) bereavement,
 in respect of a death resulting from any such offence.

**Commencement Information**

**I16** S. 133 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### *Making a compensation order*

### 134 Compensation order: availability

- (1) A compensation order is available to a court by or before which an offender is convicted of an offence.

This is subject to section 136 (road accidents).

- (2) Where a compensation order is available, the court may make such an order whether or not it also deals with the offender for the offence in any other way.

**Commencement Information**

**I17** S. 134 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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### 135 Making a compensation order

- (1) A compensation order must specify the amount to be paid under it.
- (2) That amount must be the amount that the court considers appropriate, having regard to any evidence and any representations that are made by or on behalf of the offender or the prosecution.

But see also sections 136 to 139.

- (3) In determining—
  - (a) whether to make a compensation order against an offender, or
  - (b) the amount to be paid under such an order,the court must have regard to the offender's means, so far as they appear or are known to the court.
- (4) Where the court considers—
  - (a) that it would be appropriate both to impose a fine and to make a compensation order, but
  - (b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation,the court must give preference to compensation (though it may impose a fine as well).
- (5) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 140.
- (6) For the effect of proceedings in relation to confiscation orders on the court's powers in relation to compensation orders, see the following provisions of the Proceeds of Crime Act 2002—
  - (a) section 13(4) (where confiscation order has been made);
  - (b) section 15 (where proceedings on a confiscation order have been postponed).

#### Commencement Information

**I18** S. 135 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### *Particular cases*

### 136 Road accidents

- (1) A compensation order may not be made in respect of funeral expenses or bereavement in respect of a death due to a road accident.
- (2) A compensation order may be made in respect of injury, loss or damage due to a road accident only if it is in respect of—
  - (a) loss suffered by a person's dependants in consequence of the person's death,
  - (b) damage which is treated by section 137 as resulting from an offence under the Theft Act 1968 or Fraud Act 2006, or
  - (c) uninsured harm.
- (3) In subsection (2), “uninsured harm” means injury, loss or damage as respects which—

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- (a) the offender was uninsured in relation to the use of the vehicle in question, and
- (b) compensation is not payable under any arrangements to which the Secretary of State is a party.

An offender is not uninsured in relation to the use of a vehicle for this purpose if that use of it is exempted from insurance by section 144 of the Road Traffic Act 1988.

- (4) Where a compensation order is made in respect of injury, loss or damage due to a road accident, the amount to be paid may include an amount representing all or part of any loss of, or reduction in, preferential rates of insurance attributable to the accident.
- (5) In this Chapter, “road accident” means an accident arising out of the presence of a motor vehicle on a road.

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**Commencement Information**

**I19** S. 136 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**137 Damage to property and clean-up costs resulting from certain offences**

- (1) Subsection (2) applies in the case of an offence under the Theft Act 1968 or Fraud Act 2006, where the property in question is recovered.
- (2) Any damage to the property occurring while it was out of the owner's possession is to be treated for the purposes of section 133 as having resulted from the offence.  
  
This applies regardless of how the damage was caused and who caused it.
- (3) Section 29 of the Ancient Monuments and Archaeological Areas Act 1979 makes provision about the person in whose favour a compensation order relating to certain offences involving damage to monuments is to be made.
- (4) Section 33B of the Environmental Protection Act 1990 (clean-up costs) provides for certain costs connected with certain offences relating to waste to be loss or damage resulting from those offences for the purposes of section 133.

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**Commencement Information**

**I20** S. 137 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**138 Funeral expenses and bereavement: cases other than road accidents**

- (1) A compensation order in respect of funeral expenses may be made for the benefit of anyone who incurred the expenses.
- (2) A compensation order in respect of bereavement may be made only for the benefit of a person for whose benefit a claim for damages for bereavement could be made under section 1A of the Fatal Accidents Act 1976.
- (3) The amount to be paid in respect of bereavement under a compensation order must not exceed the amount for the time being specified in section 1A(3) of that Act.
- (4) This section is subject to section 136(1) (compensation order not available in respect of bereavement or funeral expenses in respect of a death due to a road accident).

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**Commencement Information**

**I21** S. 138 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Compensation orders made in respect of young offenders*

**139 Limit on compensation payable under compensation order of magistrates' court in case of young offender**

- (1) This section applies where—
  - (a) a magistrates' court is dealing with an offender for one or more offences (each, a “main offence”) of which the offender was convicted when aged under 18, and
  - (b) the court makes a compensation order in respect of—
    - (i) a main offence, or
    - (ii) any offence taken into consideration by the court in determining sentence for a main offence (a “TIC offence”).
- (2) The compensation in respect of a main offence must not exceed £5,000.
- (3) The total compensation in respect of main offences and TIC offences must not exceed £5,000 multiplied by the number of main offences.
- (4) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

**Commencement Information**

**I22** S. 139 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**140 Compensation order: order for payment by parent or guardian**

- (1) This section applies where—
  - (a) a court makes or is proposing to make a compensation order in respect of an offence, and
  - (b) the offender is aged under 18 when convicted.
- (2) Section 380 (order for payment by parent or guardian) applies to the amount to be paid under any such compensation order.
- (3) Subsection (4) applies for the purposes of any order made under section 380 against the offender's parent or guardian.
- (4) The references in subsections (3) and (4) of section 135 (taking account of offender's means in determining amount of compensation) to the offender's means are to be read as references to the means of the offender's parent or guardian.

This is subject to subsection (5).
- (5) For the purposes of any order made under section 380 against a local authority, section 135(3) does not apply.

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### Commencement Information

**I23** S. 140 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## *Compensation orders: supplementary*

### **141 Compensation orders: suspension of entitlement and appeals etc**

- (1) A person in whose favour a compensation order is made is not entitled to receive the amount due to the person until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).
- (2) Criminal Procedure Rules may make provision about the way in which the appropriate court is to deal with money paid in satisfaction of a compensation order where the entitlement of the person in whose favour it was made is suspended under subsection (1).
- (3) The Court of Appeal may by order annul or vary any compensation order made by the Crown Court, even if the conviction is not quashed.
- (4) Where a compensation order is annulled or varied under subsection (3)—
  - (a) the compensation order—
    - (i) if annulled, is not to take effect;
    - (ii) if varied, is to take effect as varied;
  - (b) the Court of Appeal must also vary any order previously made under section 42 (court's duty to order payment of surcharge) so as to secure that the offender's liability under that order is the same as it would have been if the offender were being dealt with by the Crown Court.
- (5) Where the Supreme Court restores a conviction, it may make any compensation order which the court of trial could have made.
- (6) Where the Supreme Court makes an order under subsection (5), it must also—
  - (a) make an order under section 42, or
  - (b) vary any order previously made under that section,
 so as to secure that the offender's liability under the order under that section is the same as it would have been if the offender were being dealt with by the Crown Court.
- (7) Where, in any proceedings in which an offender is convicted of one or more offences (each, a “main offence”), a compensation order is made against the offender in respect of an offence taken into consideration in determining sentence—
  - (a) the order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences;
  - (b) the offender may appeal against the order as if it were part of the sentence imposed in respect of the main offence or, if more than one, any of the main offences.

### Modifications etc. (not altering text)

**C4** S. 141 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 293\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))



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**C5** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 290](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

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**Commencement Information**

**I24** S. 141 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**142 Limit on compensation payable under compensation order of magistrates' court: offences committed before 11 December 2013**

- (1) This section applies where—
- (a) a magistrates' court is dealing with an offender for—
    - (i) an offence which was committed before 11 December 2013 (a “relevant offence”), or
    - (ii) one or more relevant offences, and
  - (b) the court makes a compensation order in respect of—
    - (i) any relevant offence,
    - (ii) any offence taken into consideration by the court in determining sentence for a relevant offence.
- (2) The compensation in respect of a relevant offence must not exceed the maximum amount.
- (3) The total compensation in respect of the offences taken into account in determining sentence for the relevant offence or relevant offences must not exceed the difference between—
- (a) the relevant limit, and
  - (b) the total compensation in respect of the relevant offences.
- (4) In this section—
- (a) the relevant limit is the aggregate of the maximum amounts for each relevant offence;
  - (b) “the maximum amount” in relation to a relevant offence means the amount specified in column 2 of the following table for an offence committed on the date of the relevant offence—

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<i>Date of commission of main offence</i>	<i>Maximum amount</i>
Before 1 December 1977	£400
On or after 1 December 1977 but before 1 May 1984	£1,000
On or after 1 May 1984 but before 1 October 1992	£2,000
On or after 1 October 1992 but before 11 December 2013	£5,000.

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- (5) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

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

**C5** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 290](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

**Commencement Information**

**I25** S. 142 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**143 Review of compensation orders**

- (1) This section applies where—
- (a) a compensation order has been made,
  - (b) there is no further possibility of the compensation order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time), and
  - (c) the person against whom it was made has not paid into court the whole of the amount required to be paid under the order.

- (2) The appropriate court may, on the application of the person against whom the order was made—
- (a) discharge the order, or
  - (b) reduce the amount which remains to be paid.

This is subject to subsection (3).

- (3) The appropriate court may exercise that power only—
- (a) if it appears to the court that the injury, loss or damage in respect of which the compensation order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order,
  - (b) if, in the case of a compensation order in respect of the loss of any property, it appears to the court that the property has been recovered by the person in whose favour the order was made, or
  - (c) if—
    - (i) it appears to the court that the means of the person against whom the order was made are insufficient or have been reduced (see subsections (5) and (6)), and
    - (ii) where the compensation order was made by the Crown Court, the appropriate court has obtained the consent of the Crown Court.

- (4) Subsections (5) to (7) apply for the purposes of subsection (3)(c).

- (5) The person's means are “insufficient” if they are not sufficient to satisfy in full—
- (a) the compensation order, and
  - (b) every order of any of the following kinds made against the person in the same proceedings—
    - (i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;
    - (ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;

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- (iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.
- (6) The person's means “have been reduced” if they—
- (a) have unexpectedly been substantially reduced since the compensation order was made, and
  - (b) seem unlikely to increase for a considerable period.
- (7) If the compensation order was made on appeal it is to be treated—
- (a) if made on an appeal from a magistrates' court, as if made by that magistrates' court;
  - (b) if made on an appeal—
    - (i) from the Crown Court, or
    - (ii) from the Court of Appeal,as if made by the Crown Court.

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

- C5** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 290](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C6** S. 143 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 293\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

**Commencement Information**

- I26** S. 143 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**144 Effect of compensation order on subsequent award of damages in civil proceedings**

- (1) This section has effect where—
- (a) a compensation order has been made in favour of any person in respect of any injury, loss or damage, and
  - (b) a claim by the person in civil proceedings for damages in respect of the injury, loss or damage subsequently falls to be determined.
- (2) The damages in the civil proceedings must be assessed without regard to the order.
- (3) But the claimant may recover only an amount equal to the aggregate of—
- (a) any amount by which the damages assessed exceed the compensation, and
  - (b) a sum equal to any portion of the compensation which the person fails to recover (“unrecovered compensation”).
- (4) The claimant may not enforce the judgment, so far as it relates to unrecovered compensation, without the leave of the court.

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

- C7** S. 144 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 293\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

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#### Commencement Information

**I27** S. 144 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 145 Compensation orders: interpretation

(1) In this Chapter—

“appropriate court”, in relation to a compensation order, means the magistrates' court which, by virtue of section 41(1) of the Administration of Justice Act 1970, for the time being has functions in relation to collection and enforcement of the order;

“road accident” has the meaning given by section 136.

(2) For the purposes of this Chapter a compensation order is made in respect of an offence if it relates to personal injury, loss, damage or death resulting from that offence.

For this purpose, “offence” includes an offence taken into consideration by a court when sentencing an offender for an offence of which the offender has been convicted.

#### Commencement Information

**I28** S. 145 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### *Compensation etc under other Acts*

### 146 Compensation etc under other Acts

For provision about other orders requiring payment of compensation etc that are available to courts dealing with offenders for particular offences, see—

<i>Power to make order</i>	<i>Description of order</i>
section 8 of the Modern Slavery Act 2015	slavery and trafficking reparation order where person convicted of offence under section 1, 2 or 4 of that Act
section 4 of the Prevention of Social Housing Fraud Act 2013	unlawful profit order on conviction of offence under section 1 or 2 of that Act or certain associated offences.

#### Commencement Information

**I29** S. 146 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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## CHAPTER 3

### RESTITUTION AND RESTORATION

#### 147 Restitution order where goods stolen or obtained by blackmail or fraud

- (1) In this Code, “restitution order” means an order made in an offender's case with respect to particular goods (referred to in this section as “the stolen goods”) that—
- (a) requires anyone who has possession or control of the stolen goods (“the holder”) to restore them to any other person entitled to recover them from the holder,
  - (b) requires any other goods representing the stolen goods to be transferred or delivered to any person entitled to recover those other goods from the offender,
  - (c) requires payment of a sum out of any removed money to any person who would be entitled to recover the stolen goods from the offender if they were in the offender's possession, or
  - (d) requires payment of a sum out of any removed money to—
    - (i) any person to whom the offender has sold the stolen goods, or
    - (ii) any person from whom the offender has borrowed money on the security of the stolen goods.
- (2) For the purposes of subsection (1)—
- (a) goods represent the stolen goods if they are the proceeds of disposal or realisation of all or part of the stolen goods, or of other goods which represent the stolen goods;
  - (b) “removed money” means money of the offender which was taken out of the offender's possession when the offender was apprehended.

#### Commencement Information

**I30** S. 147 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### 148 Restitution order: availability

- (1) A restitution order with respect to particular goods is available to a court in an offender's case where—
- (a) the goods have been stolen, and
  - (b) either—
    - (i) the offender is convicted by or before the court of an offence with reference to the theft of the goods, whether or not the stealing was the gist of it (an “offence related to the theft”), or
    - (ii) the court takes an offence related to the theft into consideration in determining sentence for any other offence of which the offender is convicted by or before the court.
- (2) A restitution order under section 147(1)(b) is available only on the application of the person in whose favour it is to be made.
- (3) A restitution order with respect to any goods under section 147(1)(d) is available only if the court has made a restitution order under section 147(1)(a) with respect to the goods.

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- (4) Making a deferment order, or otherwise deferring sentence, does not preclude a court from making a restitution order.

**Commencement Information**

**I31** S. 148 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**149 Making a restitution order**

- (1) This section applies where a restitution order is available to a court in an offender's case.
- (2) The court may make a restitution order only if in the opinion of the court the relevant facts sufficiently appear from any of the following—
- (a) evidence given at the trial;
  - (b) any written statements or admissions which were made for use, and would have been admissible, as evidence at the trial;
  - (c) any documents served on the offender in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons sent for trial);
  - (d) admissions made by or on behalf of any person in connection with any proposed exercise of the powers to make a restitution order.
- (3) If the court makes restitution orders under paragraphs (b) and (c) of section 147(1) in respect of the theft of the same goods, they must not result in the person in whose favour they are made recovering more than the value of those goods.
- (4) A restitution order under section 147(1)(c) may not require payment of more than the value of the stolen goods.
- (5) Subsections (6) and (7) apply in relation to making to a restitution order under section 147(1)(d) in relation to any goods.
- (6) The court may make the restitution order only if satisfied that—
- (a) the purchaser was acting in good faith when purchasing the goods, or
  - (b) the lender was acting in good faith when lending money on the security of the goods.
- (7) The restitution order may not require payment of more than—
- (a) the amount which the purchaser paid for the purchase, or
  - (b) the amount owed to the lender in respect of the loan.

**Commencement Information**

**I32** S. 149 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**150 Restitution orders: supplementary provision about appeals**

- (1) Subsections (2) and (3) apply where a restitution order has been made in an offender's case against any person.

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#### *Order in respect of offence taken into consideration*

- (2) Subsection (3) applies where the restitution order was made in respect of an offence taken into consideration by the court in determining sentence for one or more other offences of which the offender was convicted (each, a “main offence”).
- (3) The restitution order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences.

#### *Initial period of suspension*

- (4) Subsection (5) applies to a restitution order made by a magistrates' court, unless the court directs under subsection (6) that it is not to apply.
- (5) The restitution order does not take effect until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).
- (6) A magistrates' court may direct that subsection (5) is not to apply to a restitution order if—
  - (a) the restitution order is made under section 147(1)(a) or (b), and
  - (b) the court is of the opinion that the title to the goods to be restored or, as the case may be, delivered or transferred under the order is not in dispute.
- (7) A restitution order is to be treated as an order for the restitution of property for the purposes of section 30 of the Criminal Appeal Act 1968 (effect of appeals on such orders).
- (8) See, in particular, subsection (1) of that section for provision about—
  - (a) the initial period of suspension of a restitution order made by the Crown Court, and
  - (b) the Crown Court's power to direct that the initial period of suspension is not to apply.

#### **Commencement Information**

**I33** S. 150 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### **151 Restitution orders: interpretation and application**

- (1) In this Chapter, references to stealing are to be read in accordance with—
  - (a) section 1(1) of the Theft Act 1968 (read with the provisions of that Act relating to the construction of section 1(1)), and
  - (b) subsections (2) and (3).

(See also section 119(2) of the Consumer Credit Act 1974, which treats unreasonable refusal to deliver pawn as stealing for the purposes of this Chapter.)

- (2) In this Chapter, references to goods which have been stolen include references to goods which have been obtained—
  - (a) by blackmail, or
  - (b) by fraud (within the meaning of the Fraud Act 2006);

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and references to “stealing” and “theft” are to be read accordingly.

- (3) In determining for the purposes of this Chapter whether goods have been stolen, it is immaterial whether the stealing occurred—
- (a) before or after the Theft Act 1968, or the Fraud Act 2006, came into force, or
  - (b) in England and Wales or elsewhere,
- provided that the stealing (if not an offence under either of those Acts) amounted to an offence where and when the goods were stolen.
- (4) In this Chapter, “goods”, except so far as the context otherwise requires, includes money and every other description of property (within the meaning of the Theft Act 1968) except land, and includes things severed from the land by stealing.
- (5) A restitution order may be made in respect of money owed by the Crown.

**Commencement Information**

**I34** S. 151 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

## CHAPTER 4

### FORFEITURE, DEPRIVATION OF PROPERTY ETC

#### **152 Deprivation order**

In this Code “deprivation order” means an order under this Chapter which—

- (a) is made in respect of an offender for an offence, and
- (b) deprives the offender of any rights in the property to which it relates.

**Commencement Information**

**I35** S. 152 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

#### **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.



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- (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—
- (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).

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**Commencement Information**

**I36** S. 153 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## **154 Vehicle to be treated as used for purpose of certain offences**

- (1) This section applies where a person commits an offence listed in subsection (2) by—
- (a) driving, attempting to drive, or being in charge of, a vehicle,
  - (b) failing to comply with a requirement made under section 7 or 7A of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test or to give permission for such a test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive, or being in charge of, a vehicle, or
  - (c) failing, as the driver of a vehicle, to comply with subsection (2) or (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident).
- (2) Those offences are—
- (a) an offence under the Road Traffic Act 1988 which is punishable with imprisonment;
  - (b) an offence of manslaughter;
  - (c) an offence under section 35 of the Offences against the Person Act 1861 (wanton and furious driving).
- (3) The vehicle is to be regarded for the purposes of section 153 (and section 157(3)(b)) as used for the purpose of committing the offence (including where it is committed by aiding, abetting, counselling or procuring).

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**Commencement Information**

**I37** S. 154 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**155 Exercise of power to make deprivation order**

- (1) In considering whether to make a deprivation order in respect of any property, a court must have regard to—
  - (a) the value of the property, and
  - (b) the likely financial and other effects on the offender of making the order (taken together with any other order that the court contemplates making).
- (2) Where a deprivation order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.
- (3) For the effect of proceedings relating to confiscation orders on the court's powers under this section, see the following provisions of the Proceeds of Crime Act 2002—
  - (a) section 13(2) (where confiscation order is made);
  - (b) section 15 (where proceedings in relation to confiscation orders are postponed).

**Commencement Information**

**I38** S. 155 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**156 Deprivation order: property to be taken into possession of police or Secretary of State**

- (1) Where the court makes a deprivation order in respect of an offender for an offence, this section applies to the property to which the order relates.
- (2) If the court considers that the offence—
  - (a) related to immigration or asylum, or
  - (b) was committed for a purpose in connection with immigration or asylum,
 it may order that the property is to be taken into the possession of the Secretary of State.
- (3) Property that is taken into the possession of the Secretary of State by virtue of subsection (2) is to be treated for the purposes of section 26 of the UK Borders Act 2007 (disposal of property) as property that has come into the possession of the Secretary of State as mentioned in subsection (1)(b) of that section.
- (4) Unless the court makes an order under subsection (2), the property is to be taken into the possession of the police (if it is not already in their possession).

**Commencement Information**

**I39** S. 156 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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### **157 Property to which a deprivation order applies: orders by magistrates' court**

- (1) This section applies where property to which a deprivation order relates is in the possession of the police by virtue of section 156(4).
- (2) A magistrates' court may, on the application of a police officer or a claimant of the property—
  - (a) order the delivery of the property to the person appearing to the court to be its owner, or
  - (b) if its owner cannot be ascertained, make any other order about the property.

This is subject to subsection (3).

- (3) If the application is made by a claimant of the property, the court may make an order under subsection (2) only if—
  - (a) the application is made before the end of the period of 6 months beginning with the day on which the deprivation order is made, and
  - (b) the claimant satisfies the court—
    - (i) that the claimant did not consent to the offender's possession of the property, or
    - (ii) if the deprivation order was made by virtue of section 153(3) (property used for purposes of offence), that the claimant did not know, and had no reason to suspect, that the property was likely to be used for a purpose mentioned in section 153(3).
- (4) Any right of a person to take legal proceedings against a person in possession of property by virtue of an order under subsection (2)—
  - (a) ceases at the end of the 6 month period mentioned in subsection (3)(a), but
  - (b) is not otherwise affected by the order.

#### **Commencement Information**

**I40** S. 157 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### **158 Regulations about unclaimed property to which deprivation order applies**

- (1) The property about which regulations under section 2 of the Police (Property) Act 1897 (disposal of unclaimed property in possession of the police) may be made includes property which is in the possession of the police by virtue of section 156(4) and in respect of which—
  - (a) no application under section 157 was made by a claimant of the property during the 6 month period mentioned in subsection (3)(a) of that section, or
  - (b) no such application has succeeded.
- (2) Where section 2 of the Police (Property) Act 1897 applies by virtue of this section the restrictions in subsections (2A)(a) and (3) of that section (restrictions about dealing with property within a year) do not apply.
- (3) Regulations made by virtue of this section may not provide for the local policing body to become the owner of property which is the subject of an order under section 159 (court order as to application of property subject to deprivation order).

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**Commencement Information**

**I41** S. 158 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**159 Application of proceeds of property subject to deprivation order**

- (1) This section applies where a court makes a deprivation order in respect of any property and—
- (a) the offence was one which resulted in a person suffering personal injury, loss or damage, or
  - (b) any such offence is taken into consideration by the court in determining sentence.
- (2) The court may also make an order that any proceeds which—
- (a) arise out of the disposal of the property, and
  - (b) do not exceed a sum specified by the court,
- are to be paid to the person.
- (3) The court may make an order under this section only if it is satisfied that, but for the inadequacy of the offender's means, it would have made a compensation order under which the offender would have been required to pay compensation of an amount not less than the amount specified under subsection (2)(b).
- (4) An order under this section has no effect—
- (a) before the end of the 6 month period mentioned in section 157(3)(a), or
  - (b) if a successful application under—
    - (i) section 157, or
    - (ii) section 1(1) of the Police (Property) Act 1897,
 has been made.

**Commencement Information**

**I42** S. 159 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**160 Orders for forfeiture etc under other Acts**

- (1) For circumstances in which the court may be required to order forfeiture of certain material, see—

<i>Function of making order</i>	<i>Description of order</i>
section 4A(1) of the Dangerous Dogs Act 1991	certain offences under that Act: contingent order for destruction of dog
section 25 or 29I of the Public Order Act 1986	forfeiture of written material or recordings to which certain offences under Part 3 or 3A of that Act apply (racial or religious hatred or hatred on grounds of sexual orientation)

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section 1(4) of the Obscene Publications Act 1964 forfeiture of articles seized under section 3 of the Obscene Publications Act 1959 where person convicted under section 2 of that Act.

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- (2) For provision about other forfeiture orders and deprivation orders etc that are available to courts dealing with offenders for particular offences, see—

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<b>Power to make order</b>	<b>Description of order</b>
section 18 of the Cultural Property (Armed Conflicts) Act 2017	offence under section 17 of that Act: forfeiture of unlawfully exported property
section 11 of the Modern Slavery Act 2015	forfeiture of vehicle, ship or aircraft on conviction of offence under section 2 of that Act (human trafficking)
sections 7 and 11A of the Terrorism Act 2006	forfeiture of certain things in offender's possession for purposes of offence under— (a) section 6 of that Act (training for terrorism), or (b) section 9 or 10 of that Act (misuse of or threats connected with radioactive device or material)
sections 33, 35, 37, 38 and 40 of the Animal Welfare Act 2006	deprivation and destruction of animals and equipment on conviction of certain offences under that Act
section 23 of the Terrorism Act 2000	forfeiture of money and property on conviction of certain offences under that Act (terrorist property offences)
section 23A of the Terrorism Act 2000	forfeiture of money and property on conviction of— (a) certain offences under that Act or the Terrorism Act 2006, or (b) offences <sup>F5</sup> ... which have a terrorist connection
section 120A of the Terrorism Act 2000	supplementary power to forfeit items on conviction of certain offences under that Act (weapons training and possessing things and collecting information for the purposes of terrorism)
section 6 of the Knives Act 1997	offences under sections 1 and 2 of that Act: forfeiture of knives and publications
sections 4 and 4A(4) of the Dangerous Dogs Act 1991	order for destruction of dog, or contingent destruction order, on conviction of certain offences under that Act
section 33C of the Environmental Protection Act 1990	deprivation of rights in vehicle used for certain offences under— (a) section 33 of that Act, or (b) the Environmental Permitting Regulations consisting of the disposal or deposit of waste
section 6 of the Crossbows Act 1987	offence under that Act: forfeiture or disposal of crossbow or any part
section 7 of the Forgery and Counterfeiting Act 1981	order for forfeiture of objects relating to offences under Part 1 of that Act (forgery and kindred offences)

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section 24(3) of the Forgery and Counterfeiting Act 1981	forfeiture of anything related to an offence under section 19 of that Act (reproducing British currency notes or making imitation British coins)
section 42(3) of the Health and Safety at Work etc Act 1974	offence under relevant statutory provisions (within the meaning of that Act): forfeiture of explosive article or substance
section 25C of the Immigration Act 1971	forfeiture of ship, vehicle or aircraft connected with offence under section 25, 25A or 25B of that Act (assisting unlawful immigration to member State or entry to the UK in certain circumstances)
section 27 of the Misuse of Drugs Act 1971	forfeiture order in case of certain offences under— (a) that Act, or (b) certain provisions of the Proceeds of Crime Act 2002
section 52 of the Firearms Act 1968	forfeiture and disposal of firearm in certain cases including— (a) offences under that Act, (b) offence for which custodial sentence is imposed, (c) certain offences under the Violent Crime Reduction Act 2006, and (d) other circumstances where conditions are imposed on offender with respect to firearms
section 3 of the Children and Young Persons (Harmful Publications) Act 1955	forfeiture of copies of work to which the Act applies and other articles on conviction under section 2 of that Act
section 1(2) of the Prevention of Crime Act 1953	offence under section 1(1) of that Act (carrying offensive weapon without reasonable excuse or lawful authority)
section 3 of the Incitement to Disaffection Act 1934	power to order destruction etc of documents connected with offence under that Act.

- (3) Nothing in this section is to be taken to affect—
- (a) the power of a court to make an order under this Chapter,
  - (b) any function of a court of making an order mentioned in the table in subsection (1) or (2), or
  - (c) any other power or duty of a court to make an order for the forfeiture or destruction of any material.

#### Textual Amendments

**F5** Words in s. 160(2) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 6\(2\)](#)

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

**C8** S. 160: power to exclude conferred by 2006 c. 52, Sch. 6A para. 13 (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 12](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

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**Commencement Information**

**I43** S. 160 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**161 Confiscation orders under other Acts**

For provision about confiscation orders, see—

- (a) the Proceeds of Crime Act 2002, or
- (b) in relation to an offence committed before 24 March 2003—
  - (i) the Drug Trafficking Act 1994;
  - (ii) Part 6 of the Criminal Justice Act 1988.

**Commencement Information**

**I44** S. 161 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**Changes to legislation:**

Sentencing Act 2020, PART 7 is up to date with all changes known to be in force on or before 13 May 2024. 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.

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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. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)



- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)