

## Ancillary orders - Annex A

1. Examples of guidelines with minimal reference to ancillary orders:

### Bladed articles and offensive weapons - having in a public place

#### **Step 7 – Ancillary orders**

In all cases the court should consider whether to make ancillary orders.

- [Ancillary orders – Magistrates' Court](#)
- [Ancillary orders – Crown Court Compendium](#)

### Domestic burglary

#### **Step 8 – Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders. Where the offence has resulted in personal injury, loss or damage the court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).

- [Ancillary orders – Magistrates' Court](#)
- [Ancillary orders – Crown Court Compendium](#)

2. Examples of guidelines with brief reference to specific ancillary orders:

### Affray

#### **Step 7 – Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders. Where the offence has resulted in personal injury, loss or damage the court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).

In particular, where the offender is convicted of a relevant offence within Schedule 1 of the Football Spectators Act 1989, the court must consider whether a Football Banning Order should be made pursuant to s14A Football Spectators Act 1989, and if not give reasons why.

- [Ancillary orders – Magistrates' Court](#)
- [Ancillary orders – Crown Court Compendium](#)

### Football related offences

#### **Step 6 – Compensation and ancillary orders**

In all cases, the court should consider whether to make [compensation](#) and/or other [ancillary orders](#), including a [football banning order](#).

Where the offence has resulted in personal injury, loss or damage the court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).

- [Ancillary orders – Magistrates’ Court](#)

3. Examples of guidelines with more detailed information

### Individuals: Breach of food safety and food hygiene regulations

#### **Step 6 – Compensation and ancillary orders**

**Ancillary orders** In all cases the court must consider whether to make ancillary orders. These may include:

**Hygiene Prohibition Order** These orders are available under both the Food Safety and Hygiene (England) Regulations 2013 and the Food Hygiene (Wales) Regulations 2006. If the court is satisfied that the health risk condition in Regulation 7(2) is fulfilled it **shall** impose the appropriate prohibition order in Regulation 7(3). Where a food business operator is convicted of an offence under the Regulations and the court thinks it proper to do so in all the circumstances of the case, the court **may** impose a prohibition on the operator pursuant to Regulation 7(4). An order under Regulation 7(4) is not limited to cases where there is an immediate risk to public health; the court might conclude that there is such a risk of some future breach of the regulations or the facts of any particular offence or combination of offences may alone justify the imposition of a Hygiene Prohibition Order. In deciding whether to impose an order the court will want to consider the history of convictions or a failure to heed warnings or advice in deciding whether an order is proportionate to the facts of the case. Deterrence may also be an important consideration.

**Disqualification of director** An offender may be disqualified from being a director of a company in accordance with section 2 of the Company Directors Disqualification Act 1986. The maximum period of disqualification is 15 years (Crown Court) or 5 years (magistrates’ court).

#### **Compensation**

Where the offence results in personal injury, loss or damage the court must consider whether to make a compensation order and must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).

If compensation is awarded, priority should be given to the payment of compensation over payment of any other financial penalty where the means of the offender are limited. Where the offender does not have sufficient means to pay the total financial penalty considered appropriate by the court, compensation and fine take priority over prosecution costs.

- [Ancillary orders – Magistrates’ Court](#)
- [Ancillary orders – Crown Court Compendium](#)

### Encouragement of terrorism

#### **Step 8 – Ancillary orders**

In all cases the court should consider whether to make ancillary orders.

- [Ancillary orders – Magistrates’ Court](#)
- [Ancillary orders – Crown Court Compendium](#)

**Additional guidance [drop down]**

<b>Ancillary order</b>	<b>Statutory reference</b>
<b>Confiscation</b> A confiscation order may be made by the Crown Court in circumstances in which the offender has obtained a financial benefit as a result of, or in connection with, his criminal conduct.	Section 6 and Schedule 2 of the Proceeds of Crime Act 2002
<b>Forfeiture</b> When sentencing for a funding offence (sections 15 – 18 Terrorism Act 2000), the court may order the forfeiture of money or property which the offender had possession or control of at the time of the offence	Section 23 to 23B Terrorism Act 2000
<b>Automatic orders on conviction</b> The following requirements or provisions are not part of the sentence imposed by the court but apply automatically by operation of law. The role of the court is to inform the offender of the applicable requirements and/or prohibition.	
<b>Ancillary order</b>	<b>Statutory reference</b>
<b>Notification requirements</b> A relevant offender automatically becomes subject to notification requirements, obliging him to notify the police of specified information for a specified period. The court should inform the offender accordingly. The operation of the notification requirement is not a relevant consideration in determining the sentence for the offence.	Sections 41 – 53 Counter-Terrorism Act 2008

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