

DEFERRED SENTENCES

SENTENCING EXPLAINED

This note explains the circumstances in which a court might decide to defer sentencing and describes the effect of that decision. Deferred sentences were first introduced in England and Wales by the Criminal Justice Act 1972 and are currently governed by Sections 3 to 13 of the Sentencing Act 2020.¹ Deferred sentences are designed to give individuals a short, clearly defined opportunity to demonstrate positive change before a final sentence is imposed. It may also be an opportunity to compensate a victim or take restorative steps. A deferred sentence is not a sentence per se, but postpones sentencing for up to six months. (The 2025 Sentencing Bill that is currently being considered by the House of Lords would extend this period to up to 12 months.)² During this time, the court can observe the person's conduct and assess whether they don't reoffend and comply with specific conditions. At the later hearing, the sentence will usually be immediate imprisonment if the defendant did not abide by the conditions, whereas it will be a Suspended Sentence Order or a Community Order if the defendant did abide by the conditions.³

When can a sentence be deferred?

Deferred sentences (also called 'deferment orders') are available to any judge or bench of magistrates sentencing a defendant in the magistrates' court or Crown Court. A court can defer sentencing when 1) it considers that deferral would be in the interests of justice – taking into account the nature of the offence, the character and circumstances of the defendant, 2) the person consents to the deferral; and 3) agrees to comply with the attached conditions. Sentencing should only be deferred if the court would otherwise impose an immediate custodial sentence at that hearing. The Sentencing Council specifies that a deferment order should only be made if the court considers that the deferment will allow for a different sentence than the one which would otherwise be imposed on that day.⁴

Deferred sentencing is most appropriate in limited circumstances, such as:

- where the defendant has experienced a significant change in circumstances since the offence, and where these may realistically mean that their risk of re-offending has already been reduced;

¹ Legislation.gov.uk (2020) *Sentencing Act 2020, Part 2, Chapter 1*. Available at: <https://www.legislation.gov.uk/ukpga/2020/17/part/2/chapter/1>

² UK Parliament (2025) *Sentencing Bill*. Available at: <https://bills.parliament.uk/bills/4012>

³ Freer, E. (2022) *Deferred Sentencing: A Review of Practice*. Sentencing Academy. Available at: <https://www.sentencingacademy.org.uk/deferred-sentencing-a-review-of-practice-september-2022/>

⁴ Sentencing Council (2025) *Imposition of Community and Custodial Sentences: Definitive Guideline*. Available at: <https://sentencingcouncil.org.uk/guidelines/imposition-of-community-and-custodial-sentences/>

- where the case is close to the custody threshold, and successful compliance with the conditions might justify a non-custodial outcome; or
- where the person is a young adult, or someone in a transitional life stage, or a vulnerable woman,⁵ who may benefit from a short period to prove their successful rehabilitation.⁶

Before deferring a sentence, the court must make clear:

- what sentence will be imposed if the person complies the requirements; and
- what sentence will be imposed if they do not.

The purpose of deferred sentencing is to encourage rehabilitation and reform by providing a clear incentive to comply with the law and demonstrate change.

What conditions can be attached to a deferred sentence?

The Sentencing Council stipulates that a court may impose any conditions during the period of deferment that it considers appropriate, specific, and measurable.⁷

Under section 3(2) of the Sentencing Act 2020, these conditions may include:

- residence requirements;
- restorative justice activities; or
- prohibitions or behavioural requirements set out in the provisions for Community Orders, such as rehabilitation activity requirements, mental health treatment requirements, or drug rehabilitation requirements. (For a complete list of all requirements, please visit our explainer on [Community Orders](#).)

The court may appoint a deferment supervisor (usually a probation officer) to monitor compliance and report to the court at the end of the period.

What happens if someone does not comply with the conditions of their deferred sentence?

If a person does not comply with the requirements and/or conditions of the deferment, they can be brought back to court. The court can then impose any sentence that could have been imposed on the date of deferment.⁸ If the person does not re-appear at court, they can be arrested.

⁵ Ministry of Justice (2020) *Policy Paper: A Smarter Approach to Sentencing*. Available at: <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

⁶ Sentencing Council (2025) *Imposition of Community and Custodial Sentences: Definitive Guideline*. Available at: <https://sentencingcouncil.org.uk/guidelines/imposition-of-community-and-custodial-sentences/>

⁷ Sentencing Council (2025) *Imposition of Community and Custodial Sentences: Definitive Guideline*. Available at: <https://sentencingcouncil.org.uk/guidelines/imposition-of-community-and-custodial-sentences/>

⁸ Sentencing Council (2025) *Imposition of Community and Custodial Sentences: Definitive Guideline*. Available at: <https://sentencingcouncil.org.uk/guidelines/imposition-of-community-and-custodial-sentences/>

What do we know about the current use of deferred sentencing?

There is little research on the use or effectiveness of deferred sentences. Our own research suggests that their use has declined substantially from a high of almost 10,000 cases a year since the 1970s, though it is unclear why courts have moved away from exercising the power to defer sentence.⁹

Most deferrals (approximately half of all cases) over the more recent period covered by the statistics we have been provided with by the Ministry of Justice (2005-2020) involved theft or minor fraud. Crimes involving violence or sexual offences accounted for 3% or less of all cases.¹⁰

From what we know, deferred sentences are rarely used today, and there is no data on the conditions attached, compliance with the conditions, or the sentences ultimately imposed. While our own research revealed that almost all cases in the early period of deferred sentencing ultimately attracted a non-custodial sentence,¹¹ there is no published empirical research evaluating the effectiveness of deferred sentences.¹² Further research is needed to assess their long-term impact and cost-effectiveness.

What is the difference between a deferred sentence and a Suspended Sentence Order?

Deferred sentences are sometimes confused with Suspended Sentence Orders, but they are distinct:

- A **Suspended Sentence Order** is a custodial sentence that has already been imposed, and for which there will be no further sentencing hearing. If a person breaches the conditions attached to their Suspended Sentence Order, their original prison sentence can be invoked.
- A **deferred sentence** means that no final sentence has yet been imposed, and there will be another hearing where the final sentence will be decided. Until the final sentence is determined, the person has the chance to prove that they can successfully rehabilitate. Depending on whether the person complies with the conditions attached to the deferral, the final sentence can be more or less severe.

For a more detailed explanation of how the two differ, please [visit our FAQs](#).

⁹ Roberts, J., Freer, E. & Bild, J. (2022) *The Use of Deferred Sentencing in England and Wales: A Review of Law, Guidance and Research*. Sentencing Academy. Available at: <https://www.sentencingacademy.org.uk/the-use-of-deferred-sentencing-in-england-and-wales-a-review-of-law-guidance-and-research/>

¹⁰ Roberts, J., Freer, E. & Bild, J. (2022) *The Use of Deferred Sentencing in England and Wales: A Review of Law, Guidance and Research*. Sentencing Academy. Available at: <https://www.sentencingacademy.org.uk/the-use-of-deferred-sentencing-in-england-and-wales-a-review-of-law-guidance-and-research/>

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¹² Freer, E. (2022) *Deferred Sentencing: A Review of Practice*. Sentencing Academy. Available at: <https://www.sentencingacademy.org.uk/deferred-sentencing-a-review-of-practice-september-2022/>