



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 1

SENTENCING

General

63 Duty to consider compensation order

- (1) In section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders against convicted persons), after subsection (2) insert—

“(2A) A court must consider making a compensation order in any case where this section empowers it to do so.”

- (2) In section 175 of the Armed Forces Act 2006 (service compensation orders), after subsection (7) insert—

“(7A) The court must consider making a service compensation order in any case where it has power to do so.”

64 Duty to give reasons for and to explain effect of sentence

^{F1}(1)

^{F1}(2)

^{F1}(3)

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, CHAPTER 1 is up to date with all changes known to be in force on or before 19 April 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. (See end of Document for details) View outstanding changes

- (4) In the Armed Forces Act 2006—
 - (a) in section 252 (duty to give reasons and explain sentence), omit subsection (2);
 - (b) in section 253 (duties in complying with section 252), omit subsections (1)(a), (c) and (d) and (2)(b) and (d) to (h).
- (5) In consequence of the amendments made by this section omit—
 - (a) paragraph 9(6) of Schedule 1 to the Violent Crime Reduction Act 2006;
 - (b) paragraph 80 of Schedule 4 to the Criminal Justice and Immigration Act 2008;
 - (c) paragraph 24 of Schedule 25 to that Act;
 - (d) paragraph 84 of Schedule 21 to the Coroners and Justice Act 2009.

Textual Amendments

F1 S. 64(1)-(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Modifications etc. (not altering text)

C1 S. 64 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), **ss. 1, 5(2)(3)**; [S.I. 2012/1236](#), reg. 2

65 Sentencing where there is aggravation related to transgender identity

- F2(1)
- F2(2)
- F2(3)
- F2(4)
- F2(5)
- F2(6)
- F2(7)
- F2(8)
- F2(9)

(10) Section 241 of the Armed Forces Act 2006 (increase in sentence for aggravation related to disability or sexual orientation) is amended as follows.

(11) In the heading, for “or sexual orientation” substitute “, sexual orientation or transgender identity”.

- (12) In subsection (2)(a)—
 - (a) after sub-paragraph (i) omit “or”;
 - (b) at the end insert—
 - “(iii) the victim being (or being presumed to be) transgender, or”.

(13) In subsection (2)(b)—

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- (a) after sub-paragraph (i) omit “or”;
- (b) at the end insert “, or
(iii) by hostility towards persons who are transgender.”

(14) After subsection (5) insert—

“(6) In this section references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment.”

Textual Amendments

F2 S. 65(1)-(9) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Modifications etc. (not altering text)

C2 S. 65 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), **ss. 1, 5(2)(3)** (with [Sch. 1](#) para. 31); [S.I. 2012/1236](#), reg. 2

Commencement Information

I1 S. 65 wholly in force at 3.12.2012, see s. 151(1) and [S.I. 2012/2906](#), **art. 2(a)** (with [art. 3](#))

Community orders

F3 66 Duration of community order

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Textual Amendments

F3 S. 66 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F4 67 Breach of community order

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Textual Amendments

F4 S. 67 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Suspended sentence orders

68 Changes to powers to make suspended sentence order

F5(1).....

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F⁵(2)

F⁵(3)

F⁵(4)

F⁵(5)

(6) Schedule 9 (changes to powers to make suspended sentence orders: consequential and transitory provision) has effect.

(7) The amendments and modifications made by this section and that Schedule apply in relation to offences committed before or after the coming into force of any provision of this section or that Schedule.

Textual Amendments

F5 S. 68(1)-(5) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

C3 S. 68 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), **ss. 1**, 5(2)(3); S.I. 2012/1236, reg. 2

F⁶69 **Fine for breach of suspended sentence order**

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Textual Amendments

F6 Ss. 69-74 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Requirements under community orders and suspended sentence orders

F⁶70 **Programme requirement**

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Textual Amendments

F6 Ss. 69-74 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F⁶71 **Curfew requirement**

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Textual Amendments

F6 Ss. 69-74 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F672 Foreign travel prohibition requirement

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Textual Amendments

F6 Ss. 69-74 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F673 Mental health treatment requirement

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Textual Amendments

F6 Ss. 69-74 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F674 Drug rehabilitation requirement

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Textual Amendments

F6 Ss. 69-74 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

75 Alcohol treatment requirement

- (1) In section 212 of the Criminal Justice Act 2003 (alcohol treatment requirement) omit subsection (4) (requirement for alcohol treatment requirement to have effect for at least six months).
- (2) In section 223(3) of that Act (power to amend specified periods of time), omit paragraph (d).

F776 Alcohol abstinence and monitoring requirement

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Textual Amendments

F7 S. 76 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F877 Piloting of alcohol abstinence and monitoring requirements

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Textual Amendments

F8 S. 77 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Overseas community orders and service community orders

78 Overseas community orders and service community orders

- (1) Section 182 of the Armed Forces Act 2006 (general provisions about overseas community orders) is amended as follows.
- (2) In subsection (1)(a) (requirements that may be imposed by overseas community orders), after “Act” insert “ (but see subsection (1A) below) ”.
- (3) After subsection (1) insert—
 - “(1A) The order may not include a requirement mentioned in section 177(1)(ga) (a foreign travel prohibition requirement) or (ja) (an alcohol abstinence and monitoring requirement).”
- (4) In subsection (4) (application of section 177(5) and (6) of the Criminal Justice Act 2003 to overseas community orders), after “(5)” insert “ , (5A), (5B) ”.
- (5) In section 322 of that Act (financial penalty enforcement orders), in the definition of “financial penalty” in subsection (4), after “including” insert “ a fine imposed by the Court Martial or the Service Civilian Court under paragraph 10(1)(aa) of Schedule 8 to the 2003 Act by virtue of section 184 and Part 2 of Schedule 5 (breach etc of overseas community order) or ”.
- (6) In Part 1 of Schedule 5 to that Act (breach, revocation and amendment of service community orders), in paragraph 1(2) (provisions of Schedule 8 to the Criminal Justice Act 2003 that do not apply to such orders), after “18(4),” insert “ 19A(5), ”.
- (7) Part 2 of Schedule 5 to that Act (breach, revocation and amendment of overseas community orders) is amended as follows.
- (8) In paragraph 10(2)(b) (provisions of Schedule 8 to the Criminal Justice Act 2003 that do not apply to such orders), after “19,” insert “ 19A(5), ”.
- (9) After paragraph 14 insert—

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- “14A
- (1) The following provisions apply where the Court Martial or the Service Civilian Court imposes a fine under paragraph 10(1)(aa) of that Schedule as applied by this Part of this Schedule.
 - (2) Section 251 of this Act (power to order payment of fine by instalments) applies in relation to the fine as it applies in relation to a fine imposed by a court for a service offence.
 - (3) Where the offender is aged under 18 when the fine is imposed and has a service parent or service guardian (within the meaning of section 268 of this Act), subsections (2) to (4) of that section (payment of fine by service parent or service guardian) apply in relation to the fine as they apply in relation to a fine imposed in the circumstances mentioned in subsection (1) of that section.
 - (4) In the application of subsection (2) of section 268 by virtue of sub-paragraph (3) of this paragraph, the reference in that subsection to the time of conviction is to be read as a reference to the time the fine is imposed.
 - (5) Section 269(2) of this Act (power of court to make financial statement order before making order under section 268) does not apply in relation to an order under section 268 which is made by virtue of sub-paragraph (3) of this paragraph.”
- (10) In Schedule 6 to that Act (overseas community orders imposed on young offenders), in paragraph 5 (modification of drug rehabilitation requirement in relation to such offenders), omit sub-paragraph (4) (which disapplies section 209(3) of the Criminal Justice Act 2003).

Commencement Information

I2 S. 78 partly in force; s. 78 not in force at Royal Assent, see s. 151(1); s. 78(1)(2)(4)-(10) in force and s. 78(3) in force for specified purposes at 3.12.2012 by [S.I. 2012/2906](#), [art. 2\(a\)](#)

Youth sentences

79 Referral orders for young offenders

F9(1)

F9(2)

- (3) In consequence of the amendment made by subsection (2)(c) omit paragraph 12(3), (4) and (5) of Schedule 17 to the Coroners and Justice Act 2009.
- (4) The amendments made by this section do not apply in relation to any sentence passed in relation to an offence committed before the coming into force of this section.

Textual Amendments

F9 S. 79(1)(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

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Modifications etc. (not altering text)

C4 S. 79 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\), ss. 1, 5\(2\)\(3\); S.I. 2012/1236, reg. 2](#)

80 Breach of detention and training order

- F10(1)
- F10(2)
- F10(3)
- F10(4)
- F10(5)
- F10(6)
- F10(7)
- F10(8)

(9) In section 213 of the Armed Forces Act 2006 (application of provisions relating to civilian detention and training orders to orders under section 211 of that Act)—

- (a) in subsection (2), after “(13)” insert “, 104B(1) ”, and
- (b) after subsection (3) insert—

“(4) Subsection (5) applies where an order under section 104(3) (further period of detention or supervision) of the Sentencing Act is made against an offender for breach of supervision requirements—

- (a) during a period of supervision under an order under section 211 of this Act,
- (b) during a further period of supervision imposed for breach of supervision requirements during a period within paragraph (a), or
- (c) during one of a series of further periods of supervision—
 - (i) each of which apart from the first was imposed for breach of supervision requirements during the previous further period of supervision, and
 - (ii) the first of which was imposed for breach of supervision requirements during a period within paragraph (a).

(5) In the application of sections 104A and 104B of the Sentencing Act in relation to the offender, references to section 105 of that Act include section 214 of this Act.

(6) In subsection (4)—

“further period of supervision” means a period of supervision imposed under section 104(3)(aa) of the Sentencing Act;

“supervision requirements” means requirements under section 103(6)(b) of that Act.

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- (7) In section 104B of the Sentencing Act, references to a custodial sentence within the meaning of that Act include a custodial sentence within the meaning of this Act.”
- (10) The amendments made by this section apply in relation to a failure to comply with requirements under section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 that occurs after this section comes into force.
- (11) Where a failure is found to have occurred over two or more days, it is to be taken for the purposes of subsection (10) to have occurred on the first of those days.

Textual Amendments

F10 S. 80(1)-(8) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

C5 S. 80 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#); S.I. 2012/1236, reg. 2

^{F11}81 Youth rehabilitation order: curfew requirement

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Textual Amendments

F11 Ss. 81-84 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

^{F11}82 Youth rehabilitation order: mental health treatment requirement

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Textual Amendments

F11 Ss. 81-84 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

^{F11}83 Youth rehabilitation order: duration

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Textual Amendments

F11 Ss. 81-84 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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F1184 Youth rehabilitation order: fine for breach

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Textual Amendments

F11 Ss. 81-84 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Fines

85 Removal of limit on certain fines on conviction by magistrates' court

- (1) Where, on the commencement day, a relevant offence would, apart from this subsection, be punishable on summary conviction by a fine or maximum fine of £5,000 or more (however expressed), the offence is punishable on summary conviction on or after that day by a fine of any amount.
- (2) Where, on the commencement day, a relevant power could, apart from this subsection, be exercised to create an offence punishable on summary conviction by a fine or maximum fine of £5,000 or more (however expressed), the power may be exercised on or after that day to create an offence punishable on summary conviction by a fine of any amount.
- (3) For the purposes of this section—
 - (a) an offence is relevant if, immediately before the commencement day, it is a common law offence or it is contained in an Act or an instrument made under an Act (whether or not the offence is in force at that time), and
 - (b) a power is relevant if, immediately before the commencement day, it is contained in an Act or an instrument made under an Act (whether or not the power is in force at that time).
- (4) Nothing in subsection (1) affects—
 - (a) fines for offences committed before the commencement day,
 - (b) the operation of restrictions on fines that may be imposed on a person aged under 18, or
 - (c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment,
 and provision made in exercise of a relevant power in reliance on subsection (2) does not affect such fines or the operation of such restrictions.
- (5) The Secretary of State may by regulations make provision disapplying subsection (1) or (2).
- (6) The Secretary of State may by regulations make provision—
 - (a) for an offence in relation to which subsection (1) is disappplied to be punishable on summary conviction by a fine or maximum fine of an amount specified or described in the regulations, and
 - (b) for a power in relation to which subsection (2) is disappplied to be exercisable to create an offence punishable on summary conviction by a fine or maximum fine of an amount specified or described in the regulations.

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- (7) Subsection (8) applies in relation to—
- (a) a relevant offence that, immediately before the commencement day, is punishable on summary conviction by a fine or maximum fine expressed as a proportion of an amount of £5,000 or more (however that amount is expressed), and
 - (b) a relevant power which, immediately before the commencement day, can be exercised to create an offence punishable on summary conviction by such a fine or maximum fine.
- (8) The Secretary of State may by regulations make provision—
- (a) for the offence to be punishable on summary conviction by a fine or maximum fine of that proportion of an amount specified or described in the regulations, and
 - (b) for the power to be exercisable to create an offence punishable on summary conviction by such a fine or maximum fine.
- (9) Regulations under this section may not include provision affecting—
- (a) fines for offences committed before the regulations come into force,
 - (b) the operation of restrictions on fines that may be imposed on a person aged under 18, or
 - (c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment,
- and provision made in exercise of a relevant power in reliance on regulations under this section may not include such provision.
- (10) Regulations under this section—
- (a) may make different provision for different cases or circumstances,
 - (b) may make provision generally or only for specified cases or circumstances, and
 - (c) may make consequential, incidental, supplementary, transitional, transitory or saving provision.
- (11) Regulations under this section, and regulations under section 149 making provision in relation to this section, may amend, repeal, revoke or otherwise modify any provision which, immediately before the commencement day, is contained in an Act or an instrument made under an Act (whether or not the provision is in force at that time).
- (12) Regulations under this section are to be made by statutory instrument.
- (13) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (14) If, immediately before the commencement day, the sum specified as level 5 on the standard scale in section 37(2) of the Criminal Justice Act 1982 (standard scale of fines for summary offences) is greater than £5,000, the references in this section to £5,000 have effect as if they were references to that sum.
- (15) Powers under this section—
- (a) may be exercised from time to time, and
 - (b) are without prejudice to other powers to modify fines for relevant offences or fines that may be specified or described when exercising a relevant power.

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(16) For the purposes of this section, an offence is relevant whether it is a summary offence or an offence triable either way.

(17) In this section—

“Act” includes an Act or Measure of the National Assembly for Wales;

“the commencement day” means the day on which subsection (1) of this section comes into force;

and references to an offence, power or provision contained in an Act or instrument include an offence, power or provision applied by, or extending to England and Wales by virtue of, an Act or instrument.

Modifications etc. (not altering text)

- C6** S. 85 applied (with modifications) (cond.) (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 30(10)**, 45(3)(b) (with s. 46(1)(2))
- C7** S. 85 applied (with modifications) (cond.) (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 35(10)(a)**, 45(3)(b) (with s. 46(1)(2))
- C8** S. 85 applied (with modifications) (cond.) (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 33(9)**, 45(3)(b) (with s. 46(1)(2))
- C9** S. 85 applied (with modifications) (cond.) (13.3.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 137(2)(4)**, 139(1)
- C10** S. 85 applied (with modifications) (cond.) (13.3.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 137(2)(3)**, 139(1)
- C11** S. 85 applied (with modifications) (cond.) (4.4.2014 for specified purposes) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), Sch. 11 para. 5(2)(a); S.I. 2014/900, art. 2(e)
- C12** S. 85 applied (with modifications) (cond.) (1.7.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 36(3)**, 45(1)(b)(iv); S.I. 2014/1236, art. 2(2)(a) (with art. 3)
- C13** S. 85 applied (with modifications) (cond.) (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), **Sch. 7 para. 12**; S.I. 2014/2370, art. 3
- C14** S. 85 applied (with modifications) (27.5.2015 for E. for specified purposes, 27.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 5 para. 37(3)(a)**; S.I. 2015/965, art. 2(b); S.I. 2015/1333, art. 2(a); S.I. 2015/1630, art. 3(h) (with art. 8)
- C15** S. 85 applied (with modifications) (cond.) (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 9 para. 4(9)**; S.I. 2015/841, **art. 3(u)**
- C16** S. 85(1) excluded (with effect in accordance with s. 198(5) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), **ss. 174(5)**, 198(1) (with Sch. 29)
- C17** S. 85(1) excluded (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), regs. 1(1), 2(1), **Schs. 1** (with reg. 5(1))
- C18** S. 85(11) modified (27.5.2015 for E. for specified purposes, 27.5.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 5 para. 37(3)(a)**; S.I. 2015/965, art. 2(b); S.I. 2015/1333, art. 2(a); S.I. 2015/1630, art. 3(h) (with art. 8)

Commencement Information

- I3** S. 85(1)(2)(4) in force at 12.3.2015 by S.I. 2015/504, **art. 2**
- I4** S. 85(3)(5)-(13)(15)-(17) in force at 28.5.2014 by S.I. 2014/1291, **art. 2(a)**

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86 Power to increase certain other fines on conviction by magistrates' court

- (1) Subsection (2) applies in relation to a relevant offence which, immediately before the commencement day, is punishable on summary conviction by a fine or maximum fine of a fixed amount of less than £5,000.
- (2) The Secretary of State may by regulations make provision for the offence to be punishable on summary conviction by a fine or maximum fine of an amount specified or described in the regulations.
- (3) Subsection (4) applies in relation to a relevant power which, immediately before the commencement day, can be exercised to create an offence punishable on summary conviction by a fine or maximum fine of a fixed amount of less than £5,000 but not to create an offence so punishable by a fine or maximum fine of a fixed amount of £5,000 or more.
- (4) The Secretary of State may by regulations make provision for the power to be exercisable to create an offence punishable on summary conviction by a fine or maximum fine of an amount specified or described in the regulations.
- (5) Regulations under this section may not specify or describe an amount exceeding whichever is the greater of—
 - (a) £5,000, or
 - (b) the sum specified for the time being as level 4 on the standard scale.
- (6) Regulations under this section may not include provision affecting—
 - (a) fines for offences committed before the regulations come into force,
 - (b) the operation of restrictions on fines that may be imposed on a person aged under 18, or
 - (c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment,and provision made in exercise of a relevant power in reliance on regulations under subsection (4) may not include such provision.
- (7) Regulations under this section—
 - (a) may make different provision for different cases or circumstances,
 - (b) may make provision generally or only for specified cases or circumstances, and
 - (c) may make consequential, incidental, supplementary, transitional, transitory or saving provision.
- (8) Regulations under this section may amend, repeal, revoke or otherwise modify any provision which, immediately before the commencement day, is contained in an Act or an instrument made under an Act (whether or not the provision is in force at that time).
- (9) Regulations under this section are to be made by statutory instrument.
- (10) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (11) If, immediately before the commencement day, the sum specified as level 5 on the standard scale in section 37(2) of the Criminal Justice Act 1982 (standard scale of fines for summary offences) is greater than £5,000, the references in this section to £5,000 have effect as if they were references to that sum.

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(12) Powers under this section—

- (a) may be exercised from time to time, and
- (b) are without prejudice to other powers to modify fines for relevant offences or fines that may be specified or described when exercising a relevant power.

(13) In this section “Act”, “the commencement day”, “relevant offence” and “relevant power”, and references to a provision contained in an Act or instrument, have the same meaning as in section 85.

Commencement Information

I5 S. 86 in force at 28.5.2014 by [S.I. 2014/1291](#), [art. 2\(b\)](#)

87 Power to amend standard scale of fines for summary offences

^{F12}(1)

^{F12}(2)

(3) In section 143 of the Magistrates' Courts Act 1980 (power to alter sums including standard scale of fines for summary offences), in subsection (3)(b), after “subsection (1) above” insert “ or section 87 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”.

(4) In section 37 of the Criminal Justice Act 1982 (standard scale of fines for summary offences), in subsection (3), at the end insert “ or section 87 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”.

^{F13}(5)

^{F13}(6)

^{F13}(7)

Textual Amendments

F12 S. 87(1)(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F13 S. 87(5)-(7) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Modifications etc. (not altering text)

C19 S. 87 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1](#), 5(2)(3); [S.I. 2012/1236](#), reg. 2

Commencement Information

I6 S. 87 in force at 28.5.2014 by [S.I. 2014/1291](#), [art. 2\(c\)](#)

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, CHAPTER 1 is up to date with all changes known to be in force on or before 19 April 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. (See end of Document for details) View outstanding changes

88 Withdrawal of warrants of control issued by fines officer

- (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as follows.
- (2) In paragraph 7(1) (Part 3 of Schedule does not apply on an appeal against a further steps notice) for “or 37(9)” substitute “, 37(9) or 37A(4) ”.
- (3) In paragraph 37(7) (further steps notice must specify steps that fines officer intends to take) for “intends” substitute “ wishes to be able ”.
- (4) After paragraph 37 insert—

37A “Issue by fines officer of replacement notice

- (1) This paragraph applies if—
 - (a) the fines officer has delivered to P a notice (“the current notice”) that is—
 - (i) a further steps notice that has not been replaced by a notice under this paragraph, or
 - (ii) a notice under this paragraph that has not been replaced by a further notice under this paragraph,
 - (b) P remains liable to pay any part of the sum due, and
 - (c) the fines officer wishes to be able to take one or more steps listed in paragraph 38 but not specified in the current notice.
- (2) The fines officer may deliver to P a notice replacing the current notice.
- (3) A notice under this paragraph (a “replacement notice”) must—
 - (a) state that the fines officer intends to take one or more of the steps listed in paragraph 38,
 - (b) specify the steps that the fines officer wishes to be able to take, and
 - (c) be in writing and dated.
- (4) P may, within 10 working days from the date of a replacement notice, appeal to the magistrates' court against it.
- (5) If a step is being taken in reliance on a notice at the time when the notice is replaced by a replacement notice, the taking of the step may continue despite the replacement.”
- (5) In paragraph 38(1) (list of steps referred to)—
 - (a) after “37(6)(b)” insert “, 37A(3)(a) ”, and
 - (b) in paragraph (a) (steps include issuing warrants that authorise taking control, and sale, of goods) for “levying” substitute “ recovering ”.
- (6) In paragraph 39 (powers of court on referrals and appeals)—
 - (a) in sub-paragraph (1)(c)—
 - (i) after “37(9)” insert “ or 37A(4) ”, and
 - (ii) after “further steps notice” insert “ or replacement notice ”, and
 - (b) in sub-paragraph (4) after “further steps notice” insert “ or replacement notice ”.
- (7) In paragraph 40 (implementation of notice)—

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- (a) after “further steps notice”, in both places, insert “ or replacement notice ”, and
- (b) after “may be taken” insert “ and retaken ”.

(8) After paragraph 40 insert—

40A “Withdrawal of warrant of control by fines officer

- (1) This paragraph applies if, in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due.
- (2) The fines officer may withdraw the warrant if—
 - (a) P remains liable to pay any part of the sum due, and
 - (b) the fines officer is satisfied that the warrant was issued by mistake, including in particular a mistake made in consequence of the non-disclosure or misrepresentation of a material fact.

40B Discharge of warrant of control by magistrates' court

- (1) This paragraph applies if—
 - (a) in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due, and
 - (b) the fines officer subsequently refers P's case to the magistrates' court under paragraph 42.
- (2) The magistrates' court may discharge the warrant if—
 - (a) P remains liable to pay any part of the sum due, and
 - (b) the power conferred by section 142(1) of the Magistrates' Courts Act 1980 (power of magistrates' court to re-open cases to rectify mistakes etc) would have been exercisable by the court if the court had issued the warrant.

40C Duty of fines officer if warrant of control withdrawn or discharged

- (1) This paragraph applies if condition A or B is met.
- (2) Condition A is that the fines officer has withdrawn a warrant of control under paragraph 40A.
- (3) Condition B is that—
 - (a) in taking a step specified in a further steps notice or replacement notice, the fines officer has issued a warrant of control for the purpose of recovering the sum due,
 - (b) the fines officer has referred P's case to the magistrates' court under paragraph 42,
 - (c) the magistrates' court has discharged the warrant of control under paragraph 40B(2), and
 - (d) the magistrates' court has not discharged the collection order or exercised any of its powers under paragraph 42(2).
- (4) If P remains liable to pay any part of the sum due, the fines officer must—

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012, CHAPTER 1 is up to date with all changes known to be in force on or before 19 April 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. (See end of Document for details) View outstanding changes*

- (a) take (or retake) one or more of the steps specified in the further steps notice or replacement notice that was the last notice to be delivered to P under paragraph 37 or 37A before the warrant of control was issued, or
- (b) deliver to P a replacement notice and take one or more of the steps specified in that notice, or
- (c) refer P's case to, or back to, the magistrates' court under paragraph 42.”

Repeal of uncommenced provisions

89 Custody plus orders and intermittent custody orders

- (1) In the Criminal Justice Act 2003, omit the following provisions (custody plus and intermittent custody)—
 - (a) sections 181 to 188;
 - (b) Schedules 10 and 11.
- (2) Schedule 10 (amendments consequential on subsection (1)) has effect.

Changes to legislation:

Legal Aid, Sentencing and Punishment of Offenders Act 2012, CHAPTER 1 is up to date with all changes known to be in force on or before 19 April 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 :

- specified provision(s) amendment to earlier commencing S.I. 2016/286, art. 4(1) by [S.I. 2017/225 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(3)(4) inserted by [2022 c. 36 s. 25\(2\)](#)
- s. 9A inserted by [2023 c. 32 s. 89\(3\)](#)
- s. 9B inserted by [2023 c. 32 s. 90](#)
- s. 10(3A)-(3E) inserted by [2022 c. 36 s. 67](#)
- Sch. 1 Pt. 1 para. 31ZA and cross-heading inserted by [2022 c. 36 s. 25\(1\)](#)
- Sch. 1 Pt. 1 para. 31B and cross-heading inserted by [2022 c. 36 s. 57\(2\)](#)
- Sch. 1 Pt. 1 para. 19(1A)(1B) and heading inserted by [2022 c. 36 s. 66\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 19(2A) inserted by [2022 c. 36 s. 66\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(8A) and heading inserted by [2022 c. 36 s. 66\(2\)\(c\)](#)
- Sch. 1 Pt. 1 para. 25(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 26(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27A(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 25(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 26(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27A(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(1A) and heading inserted by [2022 c. 36 s. 66\(4\)\(a\)](#)
- Sch. 1 Pt. 1 para. 30(2A) inserted by [2022 c. 36 s. 66\(4\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(3A) and heading inserted by [2022 c. 36 s. 66\(4\)\(c\)](#)
- Sch. 1 Pt. 1 para. 31A(2A) and heading inserted by [2022 c. 36 s. 66\(5\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31A(3A)(3B) and heading inserted by [2022 c. 36 s. 66\(5\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(6A) inserted by [2023 c. 37 s. 56\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31C inserted by [2023 c. 37 s. 56\(3\)](#)
- Sch. 1 Pt. 1 para. 27A(1) inserted by [S.I. 2017/617 reg. 3\(4\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 11(1A) inserted by [S.I. 2023/150 art. 4\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 11(3A) inserted by [S.I. 2023/150 art. 4\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 2(1)(b) omitted by [2018 anaw 2 Sch. 1 para. 21\(2\)\(a\)\(ii\)](#)
- Sch. 1 Pt. 1 para. 45(2) omitted by [2023 c. 32 s. 91\(2\)](#)
- Sch. 1 Pt. 1 para. 45(3) substituted by [2023 c. 32 s. 91\(3\)](#)
- Sch. 1 Pt. 1 para. 26(1) substituted by [S.I. 2017/617 reg. 3\(2\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))

- Sch. 1 Pt. 1 para. 27(1) substituted by [S.I. 2017/617 reg. 3\(3\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 19(10) words inserted by [2023 c. 37 s. 56\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words omitted by [2016 c. 19 Sch. 11 para. 2\(1\)](#)
- Sch. 1 Pt. 1 para. 45(4) words omitted by [2023 c. 32 s. 91\(4\)](#)
- Sch. 1 Pt. 1 para. 26 heading words substituted by [S.I. 2017/617 reg. 3\(2\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 27 heading words substituted by [S.I. 2017/617 reg. 3\(3\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 16A inserted by [2023 c. 37 s. 56\(4\)](#)
- Sch. 1 Pt. 3 para. 11(b) and word inserted by [S.I. 2017/617 reg. 3\(6\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 8(b) omitted by [S.I. 2017/617 reg. 3\(5\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 11(a) and word omitted by [S.I. 2017/617 reg. 3\(6\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 4 para. 8 inserted by [2022 c. 36 s. 66\(6\)](#)