



Sentencing Act 2020

CHAPTER 17

SENTENCING ACT 2020

FIRST GROUP OF PARTS

Introductory provisions and overview

PART 1 — INTRODUCTORY PROVISIONS AND OVERVIEW

- 1 Overview
- 2 Application of Code

SECOND GROUP OF PARTS

Provisions applying to sentencing courts generally

PART 2 — POWERS EXERCISABLE BEFORE PASSING SENTENCE

CHAPTER 1

DEFERMENT OF SENTENCE

- 3 Deferment order
- 4 Availability of deferment order
- 5 Making a deferment order
- 6 Effect of deferment order
- 7 Restorative justice requirements
- 8 Deferment order: supervisor
- 9 Failure to comply with deferment requirement
- 10 Conviction of offence during period of deferment
- 11 Powers of court dealing with offender following deferment order
- 12 Saving for power to bind over and other powers to defer sentence
- 13 Deferment orders: interpretation

CHAPTER 2

COMMITTAL TO THE CROWN COURT FOR SENTENCE

Committal following summary trial: adults and corporations

- 14 Committal for sentence on summary trial of offence triable either way: adults and corporations
- 15 Committal for sentence of dangerous adult offenders

Committal following summary trial: persons under 18

- 16 Committal for sentence of young offenders on summary trial of certain serious offences
- 17 Committal for sentence of dangerous young offenders

Committal for sentence following indication of guilty plea

- 18 Committal for sentence on indication of guilty plea to offence triable either way: adult offenders
- 19 Committal for sentence on indication of guilty plea by child with related offences

Committal for sentence where offender committed in respect of another offence

- 20 Committal in certain cases where offender committed in respect of another offence

Power of Crown Court on committal for sentence

- 21 Power of Crown Court on committal for sentence of offender under section 14, 15 or 18
- 22 Power of Crown Court on committal for sentence of person under 18 under section 16, 17 or 19
- 23 Power of Crown Court on committal for sentence under section 20

Further powers to commit to Crown Court for sentence

- 24 Further powers to commit offender to the Crown Court to be dealt with

CHAPTER 3

REMISSION TO YOUTH COURT OR OTHER MAGISTRATES' COURT FOR SENTENCE

- 25 Power and duty to remit offenders aged under 18 to youth courts for sentence
- 26 Remission by Crown Court to youth court: custody or bail, and appeals
- 27 Power of youth court to remit offender who attains age of 18 to magistrates' court other than youth court for sentence
- 28 Power of magistrates' court to remit case to another magistrates' court for sentence
- 29 Remission by magistrates' court: adjournment, remand and appeal

CHAPTER 1

INFORMATION AND REPORTS

Pre-sentence reports

- 30 Pre-sentence report requirements
- 31 Meaning of “pre-sentence report” etc
- 32 Disclosure of pre-sentence reports
- 33 Appeals: requirements relating to pre-sentence reports

Other reports of providers of probation services etc

- 34 Disclosure of other reports

Financial circumstances orders

- 35 Powers to order statement as to offender’s financial circumstances
- 36 Financial circumstances order: offences

Other powers to obtain reports etc

- 37 Reports and information: other powers of court

CHAPTER 2

DEROGATORY ASSERTION ORDERS

- 38 Derogatory assertion order and restriction on reporting of assertions
- 39 Order in respect of certain assertions
- 40 Reporting of assertions: offences
- 41 Reporting of assertions: supplementary

CHAPTER 3

SURCHARGE

- 42 Court’s duty to order payment of surcharge
- 43 Amount of surcharge

CHAPTER 4

CRIMINAL COURTS CHARGE

- 44 Criminal courts charge duty where court dealing with offender for offence
- 45 Other occasions where criminal courts charge duty arises
- 46 Criminal courts charge duty
- 47 Court to disregard criminal courts charge duty in dealing with offender
- 48 Amount of criminal courts charge
- 49 Interest on criminal courts charge
- 50 Power of magistrates’ court to remit criminal courts charge
- 51 Regulations under Chapter

CHAPTER 5

DUTIES TO EXPLAIN OR GIVE REASONS

- 52 Duty to give reasons for and to explain effect of sentence
 - 53 Offender aged under 16: duties to give reasons where order not made in respect of parent or guardian
 - 54 Duty to give reasons where reparation order not made
 - 55 Duty to give reasons where compensation order not made
 - 56 Other duties of court to give reasons where certain orders not made
- PART 4 — EXERCISE OF COURT'S DISCRETION

CHAPTER 1

PURPOSES OF SENTENCING

- 57 Purposes of sentencing: adults
- 58 Offenders aged under 18: considerations of court not affected by Code

CHAPTER 2

SENTENCING GUIDELINES

- 59 Sentencing guidelines: general duty of court
- 60 Sentencing guidelines: determination of sentence
- 61 Sentencing guidelines: extended sentences and life sentences
- 62 Sentencing guidelines duties: interpretation

CHAPTER 3

SERIOUSNESS AND DETERMINING SENTENCE

Generally

- 63 Assessing seriousness

Aggravating factors

- 64 Offence committed on bail
- 65 Previous convictions
- 66 Hostility
- 67 Assaults on emergency workers
- 68 Emergency workers for the purposes of section 67
- 69 Terrorist connection
- 70 Using minor to mind weapon
- 71 Supply of controlled drug near school premises or involving child
- 72 Supply of psychoactive substance in certain circumstances

Mitigating factors

- 73 Reduction in sentence for guilty plea
- 74 Reduction in sentence for assistance to prosecution
- 75 Specified prosecutors

Effect of Code on other powers of court in assessing seriousness

- 76 Effect of Chapter on other powers of court to consider seriousness
- 77 Basis of opinion provisions not to affect power to mitigate sentences
- 78 Basis of opinion provisions: offenders suffering from a mental disorder

THIRD GROUP OF PARTS

Disposals

PART 5 — ABSOLUTE AND CONDITIONAL DISCHARGE

- 79 Order for absolute discharge
- 80 Order for conditional discharge
- 81 Commission of further offence by person conditionally discharged
- 82 Effect of discharge

PART 6 — ORDERS RELATING TO CONDUCT

CHAPTER 1

REFERRAL ORDERS FOR OFFENDERS AGED UNDER 18

Making referral orders

- 83 Referral order
- 84 Referral order: availability
- 85 Duty and power to make referral order
- 86 Making of referral order: general
- 87 Referral order consecutive to earlier referral order
- 88 Making of referral order: connected offences
- 89 Making of referral order: effect on court's other sentencing powers
- 90 Order requiring parents etc to attend meetings

Youth offender panels

- 91 Establishment of youth offender panels
- 92 Attendance at panel meetings: offender and parent or guardian
- 93 Failure of parent or guardian to comply with order under section 90
- 94 Attendance at panel meetings: other persons

Youth offender contracts

- 95 Duty of youth offending team to arrange initial meetings of panel
- 96 Agreement of youth offender contract with offender
- 97 Duration of compliance period
- 98 Failure to agree youth offender contract
- 99 Arranging progress meetings
- 100 Progress meetings: conduct
- 101 Final meeting

Other powers to refer offender back to court

- 102 Revocation of referral order where offender making good progress etc
- 103 Extension of compliance period

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

Further court proceedings

- 104 Offender referred back to court or convicted while subject to referral order

Supplementary

- 105 Youth offender panel: change of residence
106 Functions of the specified youth offending team
107 Rules of court
108 Referral orders: interpretation

CHAPTER 2

REPARATION ORDERS FOR OFFENDERS AGED UNDER 18

- 109 Reparation order
110 Reparation order: availability
111 Requirement to consider report before making a reparation order
112 Requirements to make reparation to be specified in order
113 Other provision to be specified in a reparation order
114 Making reparation
115 Breach, revocation or amendment of reparation order
116 Reparation orders: interpretation

CHAPTER 3

OTHER ORDERS

- 117 Orders under Street Offences Act 1959
PART 7 — FINANCIAL ORDERS AND ORDERS RELATING TO PROPERTY

CHAPTER 1

FINES

Availability

- 118 Availability of fine: magistrates' court
119 Power of magistrates' court to fine where only imprisonment etc specified
120 General power of Crown Court to fine offender convicted on indictment
121 Availability of fine: effect of other orders

Magistrates' court

- 122 The standard scale of fines for summary offences
123 Limit on fines imposed by magistrates' courts in respect of young offenders

Exercise of powers

- 124 Fixing of fine: duty of court to inquire into individual offender's circumstances
125 Exercise of court's powers to impose fine and fix amount

- 126 Power to determine financial circumstances where offender is absent or fails to provide information
- 127 Remission of fines following determination under section 126

Fines: payment

- 128 Fine imposed on offender aged under 18: payment by parent or guardian
- 129 Fine imposed on offender by Crown Court: duty to make term in default order
- 130 Fine imposed by Crown Court: power to allow time for payment or payment by instalments
- 131 Fine imposed by Crown Court: power to search offender
- 132 Enforcement of fines imposed on offenders by Crown Court

CHAPTER 2

COMPENSATION ORDERS

Compensation orders

- 133 Compensation order

Making a compensation order

- 134 Compensation order: availability
- 135 Making a compensation order

Particular cases

- 136 Road accidents
- 137 Damage to property and clean-up costs resulting from certain offences
- 138 Funeral expenses and bereavement: cases other than road accidents

Compensation orders made in respect of young offenders

- 139 Limit on compensation payable under compensation order of magistrates' court in case of young offender
- 140 Compensation order: order for payment by parent or guardian

Compensation orders: supplementary

- 141 Compensation orders: suspension of entitlement and appeals etc
- 142 Limit on compensation payable under compensation order of magistrates' court: offences committed before 11 December 2013
- 143 Review of compensation orders
- 144 Effect of compensation order on subsequent award of damages in civil proceedings
- 145 Compensation orders: interpretation

Compensation etc under other Acts

- 146 Compensation etc under other Acts

CHAPTER 3

RESTITUTION AND RESTORATION

- 147 Restitution order where goods stolen or obtained by blackmail or fraud
- 148 Restitution order: availability
- 149 Making a restitution order
- 150 Restitution orders: supplementary provision about appeals
- 151 Restitution orders: interpretation and application

CHAPTER 4

FORFEITURE, DEPRIVATION OF PROPERTY ETC

- 152 Deprivation order
- 153 Deprivation order: availability
- 154 Vehicle to be treated as used for purpose of certain offences
- 155 Exercise of power to make deprivation order
- 156 Deprivation order: property to be taken into possession of police or Secretary of State
- 157 Property to which a deprivation order applies: orders by magistrates' court
- 158 Regulations about unclaimed property to which deprivation order applies
- 159 Application of proceeds of property subject to deprivation order
- 160 Orders for forfeiture etc under other Acts
- 161 Confiscation orders under other Acts

PART 8 — DISQUALIFICATION

CHAPTER 1

DRIVING DISQUALIFICATION

- 162 Driving disqualification order
- 163 Driving disqualification: availability for any offence
- 164 Driving disqualification order: availability where vehicle used for purposes of crime
- 165 Disqualification period
- 166 Extension of disqualification where custodial sentence also imposed
- 167 Effect of custodial sentence in other cases
- 168 Requirement to produce licences where driving disqualification order made
- 169 Driving disqualification orders: interpretation
- 170 Road Traffic Offenders Act 1988: further provision about driving disqualification etc

CHAPTER 2

DISQUALIFICATION ETC UNDER OTHER ACTS

- 171 Offences relating to animals
 - 172 Company directors
- PART 9 — COMMUNITY SENTENCES

CHAPTER 1

YOUTH REHABILITATION ORDERS

What a youth rehabilitation order is

- 173 Youth rehabilitation order
- 174 Youth rehabilitation requirements table
- 175 Youth rehabilitation order with intensive supervision and surveillance
- 176 Youth rehabilitation order with fostering

Availability

- 177 Youth rehabilitation order: availability
- 178 Youth rehabilitation order with intensive supervision and surveillance or fostering: availability

Exercise of power to make youth rehabilitation order

- 179 Exercise of power to make youth rehabilitation order: general considerations
- 180 Making youth rehabilitation order with intensive supervision and surveillance or fostering
- 181 Making youth rehabilitation order where offender subject to other order
- 182 Youth rehabilitation order: effect of remand in custody
- 183 Concurrent and consecutive orders

Available requirements

- 184 Youth rehabilitation order: available requirements
- 185 Youth rehabilitation order: availability of particular requirements

Exercise of power to impose particular requirements

- 186 Youth rehabilitation order: exercise of power to impose particular requirements

Making a youth rehabilitation order: contents

- 187 Youth rehabilitation order to specify end date
- 188 Youth rehabilitation order to specify offender's home local justice area
- 189 Power for Crown Court to direct magistrates' court supervision
- 190 Provision of copies of youth rehabilitation order and related documents

Obligations of responsible officer and offender

- 191 The responsible officer
- 192 Obligations of responsible officer
- 193 Duty of offender to keep in touch with responsible officer etc

Review

- 194 Power to provide for court review of youth rehabilitation orders

Breach, revocation or amendment of order

- 195 Breach, revocation or amendment of youth rehabilitation order

Transferring order to Northern Ireland

- 196 Transfer of youth rehabilitation orders to Northern Ireland

Youth rehabilitation orders: supplementary

- 197 Youth rehabilitation orders: interpretation
198 When a youth rehabilitation order is in force
199 Youth rehabilitation orders: Isles of Scilly

CHAPTER 2

COMMUNITY ORDERS

What a community order is

- 200 Community order
201 Community order requirements table

Availability

- 202 Community order: availability
203 Restriction on making both community order and suspended sentence order

Exercise of power to make community order

- 204 Exercise of power to impose community order: general considerations
205 Community order: effect of remand in custody

Available requirements

- 206 Community order: available requirements
207 Community order: availability of particular requirements

Exercise of power to impose requirements

- 208 Community order: exercise of power to impose particular requirements

Making a community order

- 209 Community order to specify end date etc
210 Community order to specify offender's home local justice area
211 Power for Crown Court to direct magistrates' court supervision
212 Provision of copies of community order and related documents

Obligations of responsible officer and offender

- 213 The responsible officer
214 Obligations of responsible officer
215 Duty of offender to keep in touch with responsible officer
216 Duty of offender to obtain permission before changing residence

Review

- 217 Power to provide for court review of community orders

Breach, revocation or amendment of community order

- 218 Breach, revocation or amendment of community order

Transferring order to Scotland or Northern Ireland

- 219 Transfer of community orders to Scotland or Northern Ireland

Community orders: supplementary

- 220 When a community order ceases to be in force

PART 10 — CUSTODIAL SENTENCES

CHAPTER 1

CUSTODY: GENERAL PROVISIONS

Introductory

- 221 Overview of Part
222 Meaning of “custodial sentence”

General limits on powers to impose custodial sentences

- 223 Two year limit on imprisonment for statutory offence if no maximum specified
224 General limit on magistrates’ court’s power to impose imprisonment or detention in a young offender institution
225 Restriction on consecutive sentences for released prisoners
226 Custodial sentence: restrictions in certain cases where offender not legally represented
227 Restriction on imposing imprisonment on persons under 21
228 Other restrictions on custodial sentence

Power of magistrates’ court to imprison for less than specified term

- 229 Power of magistrates’ court to imprison for less than specified term

Exercise of powers to impose discretionary custodial sentences

- 230 Threshold for imposing discretionary custodial sentence
231 Length of discretionary custodial sentences: general provision
232 Additional requirements in case of offender suffering from mental disorder

CHAPTER 2

OFFENDERS AGED UNDER 18

Detention and training orders

- 233 Detention and training order
234 Detention and training order: availability
235 Exercise of power to make a detention and training order
236 Term of detention and training order
237 Making of order where offender subject to other order or sentence of detention

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

- 238 Offender subject to more than one order: maximum overall term
- 239 Period on remand etc: effect on term of detention and training order
- 240 Period of custody awaiting extradition: effect on term of detention and training order
- 241 The period of detention and training
- 242 The period of supervision
- 243 Breach of supervision requirement and further offences during order
- 244 Offender subject concurrently to detention and training order and sentence of detention in a young offender institution
- 245 Offender subject concurrently to detention and training order and other sentence of detention
- 246 Effect of detention and training order made where offender has reached 18
- 247 Further supervision after end of term of detention and training order
- 248 Detention and training orders: interpretation

Detention for specified period

- 249 Sentence of detention under section 250: availability
- 250 Sentence of detention: offender convicted of certain serious offences
- 251 Exercise of power to impose sentence of detention under section 250
- 252 Maximum sentence
- 253 Sentence of detention passed on offender subject to detention and training order

Extended sentences

- 254 Extended sentence for certain violent, sexual or terrorism offences
- 255 Extended sentence of detention: availability
- 256 Term of extended sentence of detention under section 254
- 257 Extended sentence under section 254 where offender subject to detention and training order

Detention for life etc

- 258 Required sentence of detention for life for offence carrying life sentence
- 259 Offenders who commit murder etc when under 18: duty to detain at Her Majesty's pleasure

Detention under this Chapter

- 260 Detention under section 250 or 259
- 261 Detention in pursuance of extended sentence

CHAPTER 3

ADULTS AGED UNDER 21

Detention in a young offender institution

- 262 Detention in a young offender institution for offender at least 18 but under 21
- 263 Term of detention in a young offender institution

Suspended sentence of detention in a young offender institution

264 Suspended sentence order for offender under 21: availability

Special custodial sentence for certain offenders of particular concern

265 Required special sentence for certain offenders of particular concern

Extended sentence of detention in a young offender institution

266 Extended sentence of detention in a young offender institution for certain violent, sexual or terrorism offences

267 Extended sentence of detention in a young offender institution: availability

268 Term of extended sentence of detention in a young offender institution

Detention in a young offender institution: consecutive sentences etc

269 Detention in a young offender institution: consecutive sentences

270 Sentence of detention in a young offender institution where offender subject to detention and training order

Detention in a young offender institution: further provision

271 Detention in a young offender institution: place of detention

Custody for life

272 Offences other than murder

273 Custody for life for second listed offence

274 Required sentence of custody for life for offence carrying life sentence

275 Duty to impose custody for life for offence of murder

276 Custody for life: place of detention

CHAPTER 4

ADULTS AGED 21 AND OVER

Suspended sentence of imprisonment

277 Suspended sentence order for person aged 21 or over: availability

Special custodial sentence for certain offenders of particular concern

278 Required special custodial sentence for certain offenders of particular concern

Extended sentences

279 Extended sentence of imprisonment for certain violent, sexual or terrorism offences: persons 21 or over

280 Extended sentence of imprisonment: availability

281 Term of extended sentence of imprisonment

282 Extended sentences for offences committed before 4 April 2005

Life sentences

283 Life sentence for second listed offence

- 284 Required life sentence where second offence committed before 4 April 2005
- 285 Required life sentence for offence carrying life sentence

CHAPTER 5

SUSPENDED SENTENCES

What a suspended sentence order is

- 286 Suspended sentence order
- 287 Suspended sentence order: community requirements table
- 288 Operational period and supervision period
- 289 Suspended sentence to be treated generally as sentence of imprisonment etc

Available community requirements

- 290 Suspended sentence order: available community requirements
- 291 Suspended sentence order: availability of particular requirements

Exercise of power to impose community requirements

- 292 Suspended sentence order: exercise of power to impose requirements

Provision for review of suspended sentence order with community requirements

- 293 Power to provide for review of suspended sentence order
- 294 Review hearings: power to amend community requirements etc
- 295 Suspended sentence order: alteration of periodic review arrangements

Making a suspended sentence order with community requirements

- 296 Order to specify offender's home local justice area
- 297 Power to direct magistrates' court supervision of order
- 298 Provision of copies of order and related documents

Suspended sentence order with community requirement: obligations of responsible officer and offender

- 299 Responsible officer
- 300 Obligations of responsible officer
- 301 Duty of offender to keep in touch with responsible officer
- 302 Duty to obtain permission before changing residence

Activation of sentence and amendment of order etc

- 303 Breach or amendment of suspended sentence order, and effect of further conviction

Transferring order with community requirements to Scotland or Northern Ireland

- 304 Transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements

Interpretation

305 Suspended sentences: interpretation

CHAPTER 6

DANGEROUS OFFENDERS

Interpretation

306 Extended sentences: meaning of “specified offence” etc

307 Life sentences: meaning of “Schedule 19 offence”

The assessment of dangerousness

308 The assessment of dangerousness

Supplementary

309 Appeals where previous convictions set aside or previous sentences modified

310 Certificates of conviction

CHAPTER 7

MINIMUM SENTENCES FOR PARTICULAR OFFENCES

Minimum sentence for single offence

311 Minimum sentence for certain offences involving firearms that are prohibited weapons

312 Minimum sentence for offences of threatening with weapon or bladed article

Minimum sentence for repeat offences

313 Minimum sentence of 7 years for third class A drug trafficking offence

314 Minimum sentence of 3 years for third domestic burglary

315 Minimum sentence for repeat offence involving weapon or bladed article

316 Appeals where previous convictions set aside

317 Certificates of conviction for purposes of sections 313 and 314

318 Offences under service law

Minimum sentences: supplementary

319 Mandatory sentence requirement not to affect power to impose fine

320 Determination of day when offence committed

CHAPTER 8

EFFECT OF LIFE SENTENCES

321 Life sentence: minimum term order or whole life order

322 Mandatory life sentences: further provision

323 Minimum term order: other life sentences

324 Life sentences: interpretation

CHAPTER 9

SENTENCE ADMINISTRATION

Declaration about time to count as served

325 Time on bail under certain conditions: declaration by court
326 Section 325: interpretation
327 Period in custody awaiting extradition: declaration by court

Recommendations

328 Power of court to recommend licence conditions for adults sentenced to term of 12 months or more

Conversion of sentence of detention or custody to sentence of imprisonment

329 Conversion of sentence of detention to sentence of imprisonment

FOURTH GROUP OF PARTS

Further powers relating to sentencing

PART 11 — BEHAVIOUR ORDERS

CHAPTER 1

CRIMINAL BEHAVIOUR ORDERS

330 Criminal behaviour order
331 Power to make criminal behaviour order
332 Proceedings on an application for an order
333 Requirements included in orders
334 Duration of order etc
335 Interim order
336 Variation or discharge of order
337 Review of orders: offenders aged under 18
338 Carrying out and participating in reviews
339 Breach of order
340 Special measures for witnesses
341 Guidance
342 Offender aged under 18: parenting order where criminal behaviour order made

CHAPTER 2

SEXUAL HARM PREVENTION ORDERS

343 Sexual harm prevention order
344 Meaning of “sexual harm”
345 Sexual harm prevention order: availability on conviction
346 Exercise of power to make sexual harm prevention order
347 Sexual harm prevention orders: matters to be specified

- 348 Sexual harm prevention orders: prohibitions on foreign travel
- 349 Making of sexual harm prevention order: effect on other orders
- 350 Sexual harm prevention orders: variations, renewals and discharges
- 351 Variation of sexual harm prevention order by court in Northern Ireland
- 352 Sexual harm prevention orders: notification requirements
- 353 Sexual harm prevention orders: appeals
- 354 Offence: breach of sexual harm prevention order
- 355 Parenting order where sexual harm prevention order made in case of offender aged under 18
- 356 Sexual harm prevention orders: supplementary
- 357 Disapplication of time limit for complaints
- 358 Sexual harm prevention orders: interpretation

CHAPTER 3

PROTECTION FROM HARASSMENT

- 359 Restraining order
- 360 Restraining order: availability
- 361 Procedure for varying or discharging restraining order
- 362 Evidence in proceedings relating to restraining orders
- 363 Offence of breaching restraining order
- 364 Restraining orders: meaning of “conduct” and “harassment”

CHAPTER 4

PARENTING ORDERS

What a parenting order is

- 365 Parenting order
 - Parenting order for parent or guardian of offender aged under 18*
- 366 Parenting order where offender is under 18
- 367 Report where court proposes both parenting order and referral order
- 368 Parenting order where parent or guardian of offender fails to attend meetings of youth offender panel
 - Parenting order in case of certain offences related to school attendance*
- 369 Parenting order in respect of certain offences under Education Act 1996
 - Provisions applying generally to parenting orders under Code*
- 370 Parenting order: availability
- 371 Parenting order: references where local authority has parental responsibility
- 372 Making a parenting order
- 373 Directions by the responsible officer
- 374 Discharge and variation of parenting order
- 375 Offence of failure to comply with a requirement of a parenting order

CHAPTER 5

BINDING OVER

- 376 Binding over of parent or guardian
- 377 Binding over of parent or guardian: appeals, variations and revocations
- 378 Other powers of the court to bind over to keep the peace

CHAPTER 6

OTHER ORDERS

- 379 Other behaviour orders etc

FIFTH GROUP OF PARTS*Sentencing: miscellaneous provision and interpretation*

PART 12 — MISCELLANEOUS PROVISION ABOUT SENTENCING

CHAPTER 1

COSTS, FINES AND OTHER FINANCIAL ORDERS WHERE OFFENDER AGED UNDER 18

Offender aged under 18: order for payment by parent or guardian

- 380 Order for parent or guardian to pay fine, costs, compensation or surcharge
- 381 Costs awarded against offender under 18: payment by parent or guardian
- 382 Power to determine financial circumstances of offender's parent or guardian

Orders other than fines: powers of Crown Court to order time for payment etc

- 383 Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation

CHAPTER 2

COMMENCEMENT AND ALTERATION OF SENTENCE

- 384 Commencement of sentence
- 385 Alteration of Crown Court sentence

CHAPTER 3

DEPORTATION

- 386 Deportation recommendations

CHAPTER 4

ASSISTANCE FOR PROSECUTION ETC: REVIEW OF SENTENCE

Reference back to court for review of sentence

- 387 Failure by offender to provide agreed assistance: review of sentence
- 388 Review of sentence following subsequent agreement for assistance by offender

References under this Chapter: further provision

- 389 References under sections 387 and 388: appeals
- 390 Proceedings under section 387 or 388: exclusion of public
- 391 Proceedings under section 387 or 388: use of live link
- 392 Interpretation of Chapter

CHAPTER 5

RECOGNIZANCES

- 393 Power of magistrates' court to dispense with recognizance

CHAPTER 6

ORDERS IMPOSING COMMUNITY REQUIREMENTS

- 394 Rules relating to community orders and suspended sentence orders etc
- 395 Data from electronic monitoring: code of practice

CHAPTER 7

WARRANTS

- 396 Execution of process between England and Wales and Scotland
 - PART 13 — INTERPRETATION
- 397 Interpretation: general
- 398 Ancillary and inchoate offences
- 399 Mandatory sentences
- 400 Meaning of “associated offence”
- 401 Meaning of “sentence”
- 402 Powers to re-sentence
- 403 References to “local authority”
- 404 References to parent or guardian of offender where local authority has parental responsibility
- 405 Age of the offender
- 406 Offender reaching 18 during proceedings

SIXTH GROUP OF PARTS

Supplementary

PART 14 — SUPPLEMENTARY PROVISION

- 407 Regulations and rules
- 408 Amendments of the Sentencing Code etc
- 409 Powers to amend the Sentencing Code
- 410 Consequential amendments
- 411 Armed forces

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

- 412 Transitional provisions and savings
- 413 Repeals and revocations
- 414 Extent
- 415 Channel Islands, Isle of Man and British overseas territories
- 416 Commencement
- 417 Commencement of Schedule 22
- 418 Commencement of Schedule 26
- 419 Power to state effect of commencement provisions
- 420 Short title

SCHEDULES

SCHEDULE 1 — Offences where terrorist connection to be considered

- 1 Common law offences
- 2 Manslaughter.
- 3 Kidnapping.
- 4 Statutory offences
- 5 An offence under any of the following provisions of the...
- 6 An offence under section 1 of the Biological Weapons Act...
- 7 An offence under section 1 of the Taking of Hostages...
- 8 An offence under any of the following provisions of the...
- 9 An offence under any of the following provisions of the...
- 10 An offence under any of the following provisions of the...
- 11 An offence under Part 2 of the Channel Tunnel (Security)...
- 12 An offence under either of the following provisions of the...
- 13 An offence under either of the following provisions of the...
- 14 Ancillary offences

SCHEDULE 2 — Order for conditional discharge: commission of further offence

- 1 Application of Schedule
- 2 Orders made on appeal
- 3 Issue of summons or warrant by justice of the peace
- 4 Issue of summons or warrant by Crown Court
- 5 Power of magistrates' court convicting offender of further offence
- 6 Conviction of further offence by another court: power of magistrates' court which made order
- 7 Powers of Crown Court with respect to original offence following subsequent conviction

SCHEDULE 3 — Youth offender contract: programme of behaviour

- 1 This Schedule applies to a programme of behaviour agreed between...
- 2 The programme may, in particular, include requiring the offender to—...
- 3 The programme may include provision for the offender's compliance with...
- 4 Activities that may be specified by virtue of paragraph 2(f)...
- 5 The programme may not provide for— (a) electronic monitoring of...
- 6 No term which provides for anything to be done to...
- 7 In this Schedule "victim" means any person who appears to...

SCHEDULE 4 — Referral order: further court proceedings

PART 1 — REFERRAL BACK TO COURT FOR FURTHER PROCEEDINGS

- 1 Introductory

- 2 Mode of referral back to court
- 3 Bringing the offender before the court
- 4 Detention and remand of arrested offender
- 5 (1) This paragraph applies where the court before which the...
- 6 Powers of court on referral back
- 7 Power of court where it upholds panel's decision
- 8 Appeal
- 9 Power of court to impose fine or extend period for which contract has effect
- 10 Consequences of court not revoking referral order or orders
- 11 Exception where court satisfied as to completion of contract
- 12 Referral back for extension of compliance period
- 13 Power to adjourn hearing and remand offender
- PART 2 — FURTHER CONVICTIONS DURING REFERRAL
- 14 Introductory
- 15 Power of magistrates' court to deal with further offence by extending compliance period
- 16 Supplementary
- 17 Further convictions: power of any court to revoke referral orders

SCHEDULE 5 — Breach, revocation and amendment of reparation order

PART 1 — BREACH OF REPARATION ORDER

- 1 Application to court
- 2 Powers of appropriate court
- 3 Powers of Crown Court
- 4 Orders made on appeal
- PART 2 — REVOCATION AND AMENDMENT OF REPARATION ORDER
- 5 (1) This paragraph applies where— (a) a reparation order is...
- PART 3 — SUPPLEMENTARY
- 6 Issue of summons or warrant
- 7 Warrants
- 8 (1) Where the court before which the offender is brought...
- 9 Power to adjourn hearing and remand offender
- 10 Appeals

SCHEDULE 6 — Youth rehabilitation orders: requirements

PART 1 — ACTIVITY REQUIREMENT

- 1 Activity requirement: types of requirement
- 2 Extended activity requirement
- 3 Activity requirement: specified place obligation
- 4 Activity requirement: specified activities obligation
- 5 Activity requirement: specified residential exercise obligation
- 6 Activity requirement: obligation to engage in activities as instructed by responsible officer
- 7 Activity requirement: general provisions
- 8 Restrictions on imposing an activity requirement
- PART 2 — SUPERVISION REQUIREMENT
- 9 Supervision requirement
- PART 3 — UNPAID WORK REQUIREMENT
- 10 Requirement
- 11 Restriction on imposing an unpaid work requirement
- PART 4 — PROGRAMME REQUIREMENT
- 12 Programme requirement

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

- 13 Restrictions on imposing a programme requirement
 - PART 5 — ATTENDANCE CENTRE REQUIREMENT
 - 14 Attendance centre requirement
 - 15 Restriction on imposing attendance centre requirement
 - PART 6 — PROHIBITED ACTIVITY REQUIREMENT
 - 16 Requirement
 - 17 Restriction on imposing prohibited activity requirement
 - PART 7 — CURFEW REQUIREMENT
 - 18 Curfew requirement
 - 19 Requirements where court imposes curfew requirement
 - PART 8 — EXCLUSION REQUIREMENT
 - 20 Requirement
 - 21 Requirement for electronic monitoring where court imposes exclusion requirement
 - PART 9 — RESIDENCE REQUIREMENT
 - 22 Requirement
 - 23 Imposing a residence requirement: restrictions and requirements
 - PART 10 — LOCAL AUTHORITY RESIDENCE REQUIREMENT
 - 24 Requirement
 - 25 Restrictions on imposing local authority residence requirement
 - PART 11 — FOSTERING REQUIREMENT
 - 26 Requirement
 - 27 Restrictions on imposing fostering requirement
 - PART 12 — MENTAL HEALTH TREATMENT REQUIREMENT
 - 28 Mental health treatment requirement
 - 29 Restrictions on imposing mental health treatment requirement
 - 30 Alternative arrangements for mental health treatment
 - PART 13 — DRUG TREATMENT REQUIREMENT
 - 31 Requirement
 - 32 Restrictions on imposing drug treatment requirement
 - 33 Meaning of “drug”
 - PART 14 — DRUG TESTING REQUIREMENT
 - 34 Requirement
 - 35 Restrictions on imposing drug testing requirement
 - PART 15 — INTOXICATING SUBSTANCE TREATMENT REQUIREMENT
 - 36 Requirement
 - 37 Restrictions on imposing intoxicating substance treatment requirement
 - 38 Meaning of “intoxicating substance”
 - PART 16 — EDUCATION REQUIREMENT
 - 39 Requirement
 - 40 Restriction on imposing education requirement
 - PART 17 — ELECTRONIC MONITORING REQUIREMENT
 - 41 Requirement
 - 42 Person responsible for electronic monitoring
 - 43 Monitoring period
 - 44 Restrictions on imposing electronic monitoring
- SCHEDULE 7 — Breach, revocation or amendment of youth rehabilitation order
- PART 1 — PRELIMINARY
 - 1 Interpretation
 - 2 Youth rehabilitation order subject to magistrates’ court supervision
 - 3 Orders made on appeal
 - PART 2 — BREACH OF REQUIREMENT OF ORDER

- 4 Duty to give warning or lay information relating to breach of order
- 5 Issue of summons or warrant by justice of the peace
- 6 Powers of magistrates' court
- 7 Powers of Crown Court
- 8 Restriction of powers in paragraphs 6 and 7 where treatment required
- 9 Fines imposed under paragraphs 6 and 7
- 10 Powers in paragraphs 6 and 7 to impose other requirements: further provisions
- 11 Powers in paragraphs 6 and 7 to re-sentence: further provisions relating to intensive supervision and surveillance
- PART 3 — REVOCATION OF ORDER WITH OR WITHOUT RE-SENTENCING
- 12 Youth rehabilitation order subject to magistrates' court supervision
- 13 Crown Court youth rehabilitation order
- PART 4 — AMENDMENT OF ORDER
- 14 Appropriate court
- 15 Amendment by appropriate court
- 16 Exercise of powers under paragraph 15(2): further provision
- 17 Exercise of powers under paragraph 15(3)(b): further provision
- 18 Extension of order
- 19 Extension of unpaid work requirement
- PART 5 — CONVICTION OF FURTHER OFFENCE
- 20 Powers of magistrates' court following subsequent conviction
- 21 (1) This paragraph applies if— (a) the existing youth rehabilitation...
- 22 (1) Sub-paragraph (2) applies if— (a) the existing youth rehabilitation...
- 23 Powers of Crown Court following subsequent conviction
- PART 6 — SUPPLEMENTARY
- 24 Warrants
- 25 (1) This paragraph applies where the court before which the...
- 26 Adjournment of proceedings
- 27 Provision of copies of orders etc

- SCHEDULE 8 — Transfer of youth rehabilitation orders to Northern Ireland
- PART 1 — POWERS OF COURT IN ENGLAND AND WALES TO MAKE OR AMEND A YOUTH REHABILITATION ORDER WHERE OFFENDER RESIDES OR PROPOSES TO RESIDE IN NORTHERN IRELAND
- 1 Making of youth rehabilitation order where offender will reside in Northern Ireland
- 2 Amendment of youth rehabilitation order where offender will reside in Northern Ireland
- PART 2 — REQUIREMENTS ETC: AVAILABILITY AND MODIFICATIONS OF SCHEDULE 6
- 3 Requirements: availability and restrictions
- 4 The order must not impose either of the following requirements—...
- 5 (1) The order must not impose a locally based requirement...
- 6 The number of hours, days or months in respect of...
- 7 Further provisions where offender resides or will reside in Northern Ireland
- PART 3 — MAKING OR AMENDMENT OF ORDER IN ACCORDANCE WITH PART 1 OF THIS SCHEDULE
- 8 Application
- 9 Explanation to be given by court before order is made or amended
- 10 Matters to be specified in the order
- 11 Provision of copies

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

PART 4 — EFFECT OF ORDER MADE OR AMENDED IN ACCORDANCE WITH
PART 1 OF THIS SCHEDULE

- 12 Application
 - 13 Duty of offender to keep in touch with relevant officer
 - 14 Direction by Crown Court in Northern Ireland that proceedings in Northern Ireland be before a court of summary jurisdiction
 - 15 Effect of the youth rehabilitation order in Northern Ireland
 - 16 Powers of the home court in respect of the youth rehabilitation order
 - 17 (1) The home court may require the offender to appear...
 - 18 Breach of requirement: certificate of home court
 - 19 Powers of court in England or Wales where offender required to appear under paragraph 17
 - 20 (1) This paragraph applies where— (a) the relevant court in...
- PART 5 — INTERPRETATION
- 21 (1) For the purposes of this Schedule, in relation to...

SCHEDULE 9 — Community orders and suspended sentence orders: requirements

PART 1 — UNPAID WORK REQUIREMENT

- 1 Requirement and obligation of offender
 - 2 Number of hours of unpaid work to be specified in order
 - 3 Restriction on imposing unpaid work requirement
- PART 2 — REHABILITATION ACTIVITY REQUIREMENT

- 4 Requirement
 - 5 Instructions given by responsible officer
- PART 3 — PROGRAMME REQUIREMENT
- 6 (1) In this Code “programme requirement”, in relation to a...
- PART 4 — PROHIBITED ACTIVITY REQUIREMENT

- 7 Requirement
 - 8 Restriction on imposing prohibited activity requirement
- PART 5 — CURFEW REQUIREMENT

- 9 Requirement
 - 10 Requirements where court imposes curfew requirement
- PART 6 — EXCLUSION REQUIREMENT

- 11 Requirement
 - 12 Requirement where court imposes exclusion requirement
- PART 7 — RESIDENCE REQUIREMENT

- 13 Requirement
 - 14 Requirement where court imposes residence requirement
- PART 8 — FOREIGN TRAVEL PROHIBITION REQUIREMENT

- 15 (1) In this Code “foreign travel prohibition requirement”, in relation...
- PART 9 — MENTAL HEALTH TREATMENT REQUIREMENT

- 16 Requirement
 - 17 Restrictions on imposing mental health treatment requirement
 - 18 Alternative arrangements for mental health treatment made by practitioner
- PART 10 — DRUG REHABILITATION REQUIREMENT

- 19 Requirement
 - 20 Restriction on imposing drug rehabilitation requirement
 - 21 Drug rehabilitation requirement: provision for review by court
 - 22 Periodic review of drug rehabilitation requirement
- PART 11 — ALCOHOL TREATMENT REQUIREMENT

- 23 Requirement
- 24 Restrictions on imposing alcohol treatment requirement

- PART 12 — ALCOHOL ABSTINENCE AND MONITORING REQUIREMENT
- 25 Requirement
- 26 Restriction on imposing alcohol abstinence and monitoring requirement
- PART 13 — ATTENDANCE CENTRE REQUIREMENT
- 27 Requirement
- 28 Restriction on imposing attendance centre requirement
- PART 14 — ELECTRONIC MONITORING
- 29 Electronic compliance monitoring requirement
- 30 Electronic whereabouts monitoring requirement
- 31 Electronic monitoring: person responsible for monitoring
- 32 Electronic monitoring: general
- 33 Restriction on imposing electronic monitoring: general
- 34 Restriction on imposing an electronic compliance monitoring requirement
- 35 Restriction on imposing electronic whereabouts monitoring requirement

- SCHEDULE 10 — Breach, revocation or amendment of community order
- PART 1 — PRELIMINARY
- 1 Meaning of particular expressions relating to an order
- 2 Enforcement officers
- 3 Community order subject to magistrates' court supervision and Crown Court order
- 4 Requirements subject to review
- 5 Orders made on appeal
- PART 2 — BREACH OF REQUIREMENT OF ORDER
- 6 Duty to give warning or refer matter to enforcement officer
- 7 Role of enforcement officer
- 8 Issue of summons or warrant by justice of the peace
- 9 Issue of summons or warrant by Crown Court
- 10 Powers of magistrates' court
- 11 Powers of Crown Court
- 12 Treatment requirement: reasonable refusal to undergo treatment
- 13 Powers in paragraphs 10 and 11 to impose more onerous requirements: further provision
- PART 3 — REVOCATION OF ORDER WITH OR WITHOUT RE-SENTENCING
- 14 Community order subject to magistrates' court supervision
- 15 Crown Court community order
- PART 4 — AMENDMENT OF ORDER
- 16 Amendment because of change of residence
- 17 (1) This paragraph applies where at any time while a...
- 18 Amendment of requirements of community order
- 19 Amendment of treatment requirement on report of practitioner
- 20 Extension of order
- 21 Extension of unpaid work requirement
- PART 5 — CONVICTION OF FURTHER OFFENCE
- 22 Powers of magistrates' court following subsequent conviction
- 23 (1) This paragraph applies if the existing community order was...
- 24 (1) This paragraph applies if the existing community order was...
- 25 Powers of Crown Court following subsequent conviction
- PART 6 — SUPPLEMENTARY
- 26 Adjournment of hearing
- 27 Provision of copies of orders etc

SCHEDULE 11 — Transfer of community orders to Scotland or Northern Ireland

PART 1 — SCOTLAND

- 1 Making of community order where offender will reside in Scotland
- 2 Amendment of community order where offender will reside in Scotland
- 3 Requirements: availability and restrictions
- 4 The order must not impose— (a) an alcohol abstinence and...
- 5 (1) The order must not impose a locally based requirement...
- 6 Modifications of requirements etc where court exercises powers by virtue of this Part of this Schedule

PART 2 — NORTHERN IRELAND

- 7 Making of community order where offender will reside in Northern Ireland
- 8 Amendment of community order where offender will reside in Northern Ireland
- 9 Requirements: availability and restrictions
- 10 The order must not impose an alcohol abstinence and monitoring...
- 11 The order must not impose an electronic whereabouts monitoring requirement...
- 12 (1) The order must not impose a locally based requirement...
- 13 Further provision where offender resides or will reside in Northern Ireland

PART 3 — MAKING OR AMENDMENT OF ORDER IN ACCORDANCE WITH PART 1 OR 2 OF THIS SCHEDULE

- 14 Application
- 15 Explanation to be given by court before order is made or amended
- 16 Matters to be specified in the order
- 17 Provision of copies

PART 4 — EFFECT OF ORDER MADE OR AMENDED IN ACCORDANCE WITH PART 1 OR 2 OF THIS SCHEDULE

- 18 Application
- 19 Duty to keep in touch with responsible officer
- 20 Order to be treated as corresponding order in certain circumstances
- 21 Exercise by home court of powers relating to corresponding orders
- 22 Power of home court to require offender to appear before court in England and Wales
- 23 Home court to certify breach of requirement
- 24 Powers of court in England and Wales where offender required to appear under paragraph 22
- 25 (1) This paragraph applies where— (a) a court in England...
- 26 (1) This paragraph applies where— (a) a court in England...

PART 5 — INTERPRETATION

- 27 In this Schedule— “breach”, in relation to a requirement, means...

SCHEDULE 12 — Detention and training order: breach of supervision requirements and further offences

- 1 Interpretation
- 2 Breach of supervision requirement: issue of summons or warrant by justice of the peace
- 3 Power of youth court to deal with offender for breach of supervision requirement
- 4 Supervision where order made under paragraph 3(2)(b)
- 5 Interaction of further detention order with other detention and training orders

- 6 Interaction of further detention order with other custodial sentences
- 7 Offence after release for supervision or during further supervision period

SCHEDULE 13 — Special sentence for offenders of particular concern: offences

- 1 Terrorism offences
- 2 An offence under any of the following provisions of the...
- 3 An offence under any of the following provisions of the...
- 4 An offence under any of the following provisions of the...
- 5 An offence under any of the following provisions of the...
- 6 Sexual offences
- 7 Inchoate offences
- 8 An inchoate offence in relation to murder where the offence...
- 9 Abolished offences
- 10 Meaning of “terrorist connection”

SCHEDULE 14 — Extended sentences: the earlier offence condition: offences

PART 1 — OFFENCES UNDER THE LAW OF ENGLAND AND WALES

- 1 Manslaughter
- 2 Offences against the Person Act 1861
- 3 Explosive Substances Act 1883
- 4 Firearms Act 1968
- 5 Theft Act 1968
- 6 Protection of Children Act 1978
- 7 Terrorism Act 2000
- 8 Anti-terrorism Crime and Security Act 2001
- 9 Sexual Offences Act 2003
- 10 Domestic Violence, Crime and Victims Act 2004
- 11 Terrorism Act 2006
- 12 Modern Slavery Act 2015
- 13 Murder
- 14 Inchoate offences
- 15 Abolished offences

PART 2 — OFFENCES UNDER SERVICE LAW

- 16 An offence under section 70 of the Army Act 1955,...
- 17 (1) An offence under section 42 of the Armed Forces...

PART 3 — OFFENCES UNDER THE LAW OF SCOTLAND, NORTHERN IRELAND
OR A MEMBER STATE OTHER THAN THE UNITED KINGDOM

- 18 A civilian offence for which the person was convicted in...
- 19 A member State service offence which, if committed in England...
- 20 In this Part of this Schedule— “civilian offence” means an...

PART 4 — INTERPRETATION

- 21 In this Schedule “imprisonment for life” includes custody for life...

SCHEDULE 15 — Life sentence for second offence: listed offences

PART 1 — OFFENCES UNDER THE LAW OF ENGLAND AND WALES

PART 2 — FURTHER OFFENCES UNDER THE LAW OF ENGLAND AND WALES

PART 3 — OFFENCES UNDER SERVICE LAW

- 18 An offence under section 70 of the Army Act 1955,...
- 19 (1) An offence under section 42 of the Armed Forces...

PART 4 — OFFENCES UNDER THE LAW OF SCOTLAND, NORTHERN IRELAND
OR A MEMBER STATE OTHER THAN THE UNITED KINGDOM

- 20 A civilian offence for which the person was convicted in...

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

- 21 A member State service offence which, if committed in England...
- 22 In this Part of this Schedule— “civilian offence” means an...
- 23 (1) Where the index offence was committed before 13 April...
- PART 5 — INTERPRETATION
- 24 (1) In this Schedule— “imprisonment for life” includes custody for...

SCHEDULE 16 — Breach or amendment of suspended sentence order, and effect of further conviction

PART 1 — PRELIMINARY

- 1 Interpretation: general
- 2 Enforcement officers
- 3 “Order subject to magistrates’ court supervision” and “Crown Court order”
- 4 Orders and community requirements which are subject to review
- 5 Orders made on appeal

PART 2 — BREACH OF COMMUNITY REQUIREMENT OR CONVICTION OF FURTHER OFFENCE

- 6 Breach of community requirement: duty to give warning or refer to enforcement officer
- 7 Role of enforcement officer
- 8 Order subject to magistrates’ court supervision: issue of summons or warrant by justice
- 9 Crown Court order: issue of summons or warrant by Crown Court
- 10 Offender before magistrates’ court: breach of community requirement
- 11 Offender before magistrates’ court: further conviction
- 12 Offender before Crown Court: breach of community requirement or further conviction
- 13 Powers of court to deal with offender on breach of requirement or subsequent conviction
- 14 Exercise of power in paragraph 13: duty to make activation order where not unjust
- 15 Activation orders: further provision
- 16 Power under paragraph 13 to fine or amend community requirements: further provision
- 17 Treatment requirement: reasonable refusal to undergo certain treatment
- 18 Duty of court in Scotland or Northern Ireland when informed of suspended sentence
- 19 Issue of summons or warrant where court convicting of further offence does not deal with suspended sentence
- 20 (1) This paragraph applies where it appears to a justice...

PART 3 — AMENDMENT OF ORDER

- 21 Application of Part
- 22 Cancellation of community requirements of suspended sentence order
- 23 Amendment because of change of residence
- 24 (1) This paragraph applies where— (a) a court amends the...
- 25 Amendment of community requirements of suspended sentence order
- 26 Amendment of treatment requirement on report of practitioner
- 27 Extension of unpaid work requirement

PART 4 — SUPPLEMENTARY

- 28 Provision of copies of orders etc

SCHEDULE 17 — Transfer of suspended sentence orders to Scotland or Northern Ireland

PART 1 — SCOTLAND

1 Restriction on making relevant suspended sentence order where offender resides in Scotland

2 Amendment of relevant suspended sentence order to become SSSO

3 (1) A relevant suspended sentence order which is subject to...

PART 2 — NORTHERN IRELAND

4 Restriction on making suspended sentence order where offender resides in Northern Ireland

5 Amendment of relevant suspended sentence order to become an NISSO

6 (1) A relevant suspended sentence order which is subject to...

PART 3 — MAKING OF ORDERS

7 Making or amending a suspended sentence order under

8 Community requirements: availability and restrictions on imposition

9 (1) The order, as made or amended, may not impose...

10 Schedule 9 (requirements) applies as if— (a) any reference to...

11 Matters to be specified in the order

12 Order to require home authority to appoint relevant officer

13 Provision of copies

PART 4 — PROVISIONS WHERE SSSO OR NISSO IS IN FORCE

14 Application

15 Role of responsible officer to be carried out by relevant officer

16 Community requirements

PART 5 — BREACH OF COMMUNITY REQUIREMENT

17 Application

18 Breach of community requirement: duty to give warning or refer to home court

19 Issue of citation or warrant by home court

20 Powers of home court to determine breach or refer to original court

21 Determination by home court of breach of community requirement: further provision

22 Paragraphs 18 to 21 have effect in place of paragraphs...

23 Modifications of Part 2 of Schedule 16 etc

PART 6 — AMENDMENT OF SSSO OR NISSO: OFFENDER REMAINING IN SCOTLAND OR NORTHERN IRELAND

24 Application

25 Modifications of Part 3 of Schedule 16

26 Powers to amend suspended sentence order exercisable by home court

27 Cases in which offender is to be required to appear before home court

28 Modification of sections 300 to 302 and Schedule 9

29 Power for home court to refer application to original court

30 Powers exercisable by court in England and Wales only after home court consideration

PART 7 — EXERCISE OF POWERS TO AMEND SSSO OR NISSO BY VIRTUE OF PART 5 OR 6 OF THIS SCHEDULE

31 Application

32 Restrictions on exercise of powers to amend order

33 Provision of copies

34 Application of provisions of Part 3 of this Schedule

PART 8 — AMENDMENT OF ORDER: RETURN TO ENGLAND AND WALES

35 Amendment of order: return to England and Wales

36 Restrictions on exercise of power under this Part of this Schedule

37 (1) This paragraph applies where the SSSO or NISSO imposes...

38 Making of order under this Part of this Schedule

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

PART 9 — SUPPLEMENTARY

39 Electronic monitoring and SSSO

40 Service of citation or warrant

PART 10 — INTERPRETATION

41 (1) In this Schedule— “the appropriate court” has the same...

SCHEDULE 18 — Specified offences for purposes of section 306

PART 1 — SPECIFIED VIOLENT OFFENCES

1 Common law offences

2 Kidnapping.

3 False imprisonment.

4 Offences against the Person Act 1861

5 Explosive Substances Act 1883

6 Infant Life (Preservation) Act 1929

7 Children and Young Persons Act 1933

8 Infanticide Act 1938

9 Firearms Act 1968

10 Theft Act 1968

11 Criminal Damage Act 1971

12 Taking of Hostages Act 1982

13 Aviation Security Act 1982

14 Mental Health Act 1983

15 Prohibition of Female Circumcision Act 1985

16 Public Order Act 1986

17 Criminal Justice Act 1988

18 Road Traffic Act 1988

19 Aviation and Maritime Security Act 1990

20 Channel Tunnel (Security) Order 1994

21 Protection from Harassment Act 1997

22 Crime and Disorder Act 1998

23 International Criminal Court Act 2001

24 Female Genital Mutilation Act 2003

25 Domestic Violence, Crime and Victims Act 2004

26 Modern Slavery Act 2015

27 Inchoate offences

28 An inchoate offence in relation to murder.

PART 2 — SPECIFIED SEXUAL OFFENCES

29 Sexual Offences Act 1956

30 Mental Health Act 1959

31 Indecency with Children Act 1960

32 Sexual Offences Act 1967

33 Theft Act 1968

34 Criminal Law Act 1977

35 Protection of Children Act 1978

36 Customs and Excise Management Act 1979

37 Criminal Justice Act 1988

38 Sexual Offences Act 2003

39 Modern Slavery Act 2015

40 Inchoate offences

PART 3 — SPECIFIED TERRORISM OFFENCES

41 Terrorism Act 2000

42 Anti-terrorism, Crime and Security Act 2001

43 Terrorism Act 2006

44 Inchoate offences

SCHEDULE 19 — Schedule 19 offences

- 1 Common law offences
- 2 Kidnapping.
- 3 False imprisonment.
- 4 Offences against the Person Act 1861
- 5 Explosive Substances Act 1883
- 6 An offence under section 4 of that Act (making or...
- 7 Infant Life (Preservation) Act 1929
- 8 Infanticide Act 1938
- 9 Firearms Act 1968
- 10 Theft Act 1968
- 11 Criminal Damage Act 1971
- 12 An offence under section 1(2) of that Act (destroying or...
- 13 Taking of Hostages Act 1982
- 14 Aviation Security Act 1982
- 15 Criminal Justice Act 1988
- 16 Aviation and Maritime Security Act 1990
- 17 Channel Tunnel (Security) Order 1994
- 18 Terrorism Act 2000
- 19 Anti-terrorism, Crime and Security Act 2001
- 20 Sexual Offences Act 2003
- 21 Terrorism Act 2006
- 22 Modern Slavery Act 2015
- 23 Inchoate offences
- 24 (1) An attempt to commit murder. (2) Conspiracy to commit...

SCHEDULE 20 — Detention under section 250 and minimum sentences: firearms offences

PART 1 — OFFENCES

- 1 An offence under section 5(1)(a), (ab), (aba), (ac), (ad), (ae),...
- 2 An offence under section 5(1A)(a) of the Firearms Act 1968...
- 3 An offence under section 5(2A) of the Firearms Act 1968...
- 4 (1) An offence under any of the provisions of the...
- 5 An offence under section 28 of the Violent Crime Reduction...

PART 2 — INTERPRETATION OF SCHEDULE

- 6 In this Schedule— “relevant firearm” means a firearm specified in...

SCHEDULE 21 — Determination of minimum term in relation to mandatory life sentence for murder etc

- 1 Interpretation
- 2 Starting points
- 3 (1) If— (a) the case does not fall within paragraph...
- 4 (1) If— (a) the case does not fall within paragraph...
- 5 If the offender was aged 18 or over when the...
- 6 If the offender was aged under 18 when the offence...
- 7 Aggravating and mitigating factors
- 8 Detailed consideration of aggravating or mitigating factors may result in...
- 9 Aggravating factors (additional to those mentioned in paragraphs 2(2), 3(2)...
- 10 Mitigating factors that may be relevant to the offence of...

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

- 11 Nothing in this Schedule restricts the application of—
- 12 Offences committed before 18 December 2003

SCHEDULE 22 — Amendments of the Sentencing Code and related amendments of other legislation

PART 1 — GENERAL PROVISIONS

- 1 Pre-sentence drug testing
- 2 In section 230 (threshold for imposing discretionary custodial sentence), after...
- 3 Purposes of sentencing
- 4 Seriousness

PART 2 — REFERRAL ORDERS

- 5 Referral orders consecutive to earlier referral orders

PART 3 — FINES ETC: ABOLITION OF DETENTION IN DEFAULT OF PAYMENT

- 6 In section 119 (power of magistrates' court to fine where...
- 7 In section 127 (remission of fines following determination under section...
- 8 In section 129 (fine imposed on offender by Crown Court:...
- 9 In section 132 (enforcement of fines imposed on offenders by...
- 10 In section 382 (power to determine financial circumstances of offender's...

PART 4 — COMMUNITY SENTENCES

- 11 Youth rehabilitation orders with intensive supervision and surveillance
- 12 Youth rehabilitation order for offender previously fined
- 13 Availability etc of community order
- 14 (1) In section 204 (exercise of power to impose community...
- 15 Youth rehabilitation orders and community sentences: references to previous convictions
- 16 Community orders and youth rehabilitation orders for persistent offenders: amendments relating to offences in other member States
- 17 (1) Section 202 (availability of community order), as amended by...
- 18 (1) Section 204A (exercise of power to impose community order)...
- 19 (1) Section 397A (offenders fined at least three times: interpretation),...
- 20 Consequential amendment of section 77 (basis of opinion provisions)
- 21 Community orders: powers to imprison offender for wilful or persistent breach
- 22 Exceptions to threshold for custodial sentence where offender fails to express willingness to comply with amended requirement
- 23 Change of residence: duty of responsible officer to apply to court for amendment of order

PART 5 — CUSTODIAL SENTENCES

- 24 Increase in magistrates' court's power to impose imprisonment
- 25 In— (a) paragraph 10(5)(d) of Schedule 10 (magistrates' court's powers...
- 26 In— (a) paragraph 11(2)(d) of Schedule 10 (Crown Court's powers...
- 27 Detention and training orders: offenders aged under 12
- 28 Repeal of temporary provision resulting from paragraph 27
- 29 Detention and training orders: summary offences
- 30 Custodial sentences where offender already subject to sentence following conviction before commencement
- 31 In section 245 (offender subject concurrently to detention and training...
- 32 In section 248 (detention and training orders: interpretation)—
- 33 In section 253 (sentence of detention passed on offender subject...

- 34 In section 257 (extended sentence under section 254 where offender...
- 35 In section 270 (sentence of detention in a young offender...
- 36 Age limit for imposing imprisonment
- 37 In section 59(2)(h) (sentencing guidelines: general duty of court), for...
- 38 In section 61 (sentencing guidelines: extended sentences and life sentences)—...
- 39 In section 129(5)(c) (fine imposed on offender by Crown Court:...
- 40 In section 166(5) (extension of disqualification where custodial sentence also...
- 41 In section 221 (overview of Part 10)—
- 42 In section 224 (general limit on magistrates' court's power to...
- 43 In section 226 (custodial sentence: restriction in certain cases where...
- 44 In section 227 (restriction on imposing imprisonment on person under...
- 45 In section 230(3) (threshold for imposing discretionary custodial sentence), for...
- 46 In section 231 (length of discretionary custodial sentences: general provision)—...
- 47 In section 236 (term of order, consecutive terms and taking...
- 48 In section 244 (interaction with sentences of detention in a...
- 49 In section 246 (effect of detention and training order made...
- 50 In section 249 (sentence of detention under section 250: availability),...
- 51 In section 252 (maximum sentence), in subsection (2), in paragraphs...
- 52 In section 256 (term of extended sentence of detention under...
- 53 (1) Omit Chapter 3 of Part 10 (custodial sentences for...
- 54 In section 277 (suspended sentence order for person aged 21...
- 55 In section 278 (required special custodial sentence for certain offenders...
- 56 In section 279 (extended sentence of imprisonment for certain violent...
- 57 In section 280 (extended sentence of imprisonment: availability), in subsection...
- 58 In section 283 (life sentence for second listed offence), in...
- 59 In section 285 (required life sentence for offence carrying life...
- 60 In section 286 (suspended sentence order), in subsection (1), omit...
- 61 In section 289 (suspended sentence to be treated generally as...
- 62 In section 308(1) (the assessment of dangerousness)—
- 63 In section 310 (certificates of conviction), in the words following...
- 64 In section 311 (minimum sentence for certain offences involving firearms...
- 65 In section 312 (mandatory minimum sentence for offences of threatening...
- 66 In section 313 (minimum sentence for third drug trafficking offence)
—...
- 67 In section 314 (minimum sentence for third domestic burglary offence)
—...
- 68 In section 315 (minimum sentence for repeat offence involving weapon...
- 69 In section 324 (interpretation of sections 321 and 322), in...
- 70 In section 329 (conversion of sentence of detention to sentence...
- 71 (1) In section 384(3)(b) (commencement of sentence), for “, 257...
- 72 In section 397(1) (interpretation: general), in the definition of “extended...
- 73 In section 399(b) (mandatory sentences)— (a) in the opening words,...
- 74 (1) In paragraph 10 of Schedule 10 (magistrates' court's powers...

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

- 75 (1) In paragraph 11 of Schedule 10 (Crown Court’s powers...
 76 In Schedule 12, in paragraph 3 (breach of requirement of...
 77 In Schedule 14 (extended sentences: the earlier offence condition:
 offences),...
 78 In Schedule 15 (life sentence for second offence: listed offences),...
 79 Change of residence: duty of responsible officer to apply for amendment
 of suspended sentence order
 80 Dangerous offenders
 81 Minimum sentences: firearms and corrosive substances
 82 (1) Section 315 (minimum sentence for repeat offence involving
 weapon)...
 83 In each of the following provisions, after “weapon” insert “or...
 84 Life imprisonment
 85 (1) Section 323 (minimum term order: other life sentences) is...
 PART 6 — EU EXIT
 86 (1) Section 65 (previous convictions) is amended as follows.
 87 In section 85 (duty and power to make referral order),...
 88 In section 273 (custody for life for second listed offence)...
 89 In section 283 (life sentence for second listed offence) in...
 90 In section 313 (minimum sentence of 7 years for third...
 91 In section 314 (minimum sentence of 3 years for third...
 92 In section 315 (minimum sentence for repeat offence involving
 weapon),...
 93 (1) Section 317 (certificates of conviction for purposes of sections...
 94 (1) Section 318 (offences under service law) is amended as...
 95 (1) In Schedule 14 (extended sentences: the earlier offence condition:...
 96 (1) Schedule 15 (life sentence for second offence: listed offences),...
 97 Omit paragraphs 16 to 19 of this Schedule (which make...
 PART 7 — MISCELLANEOUS
 98 In section 354 (offence: breach of sexual harm prevention order),...
 99 In section 379 (other behaviour orders), in subsection (1), at...
 100 In section 396 (execution of process between England and Wales...
 PART 8 — AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON
 PROSPECTIVE CHANGE TO AGE LIMIT FOR IMPOSING
 IMPRISONMENT
 101 Mental Health Act 1983 (c. 20)
 102 Road Traffic Offenders Act 1988 (c. 53)

SCHEDULE 23 — Powers to amend the Sentencing Code

PART 1 — GENERAL PROVISIONS

- 1 Seriousness: list of offences in which terrorist connection to be
 considered

PART 2 — ORDERS FOR CONDITIONAL DISCHARGE

- 2 (1) The Secretary of State may by regulations amend subsection...

PART 3 — REFERRAL ORDERS

- 3 Power to amend descriptions of offender for certain purposes connected
 with referral orders
 4 Power to alter amount of fine in respect of referral order on referral back
 to court

PART 4 — FINES AND COMPENSATION ORDERS

- 5 Standard scale
 6 (1) The Secretary of State may by regulations amend section...

- 7 Power to alter limits on fines and compensation orders etc in magistrates' court
- PART 5 — YOUTH REHABILITATION ORDERS
- 8 Responsible officer
- 9 Power to amend limits
- 10 Power to amend fines for breach of youth rehabilitation order
- 11 Maximum period of fostering requirement where imposed by virtue of Schedule 7
- 12 Power to amend provisions of Schedule 8 in consequence of changes to the law in Northern Ireland
- PART 6 — COMMUNITY REQUIREMENTS
- 13 Power to amend limits
- PART 7 — COMMUNITY ORDERS
- 14 Breach of community order: power to amend amounts of fines
- PART 8 — CUSTODIAL SENTENCES
- 15 Detention and training orders: end of period of supervision
- 16 Offenders of particular concern: listed offences
- 17 Suspended sentence order: power to amend amounts of fines
- 18 Power to exclude application of minimum sentences to those under 18
- 19 Determining minimum term of mandatory life sentence

SCHEDULE 24 — Consequential amendments

PART 1 — ACTS OF PARLIAMENT

- 1 Children and Young Persons Act 1933 (c. 12)
- 2 (1) Section 49 of that Act is amended as follows....
- 3 (1) Section 58 of that Act is amended as follows....
- 4 Prison Act 1952 (c. 52)
- 5 In section 49(5)(c) of that Act, for “section 107(1) of...
- 6 Prevention of Crime Act 1953 (c. 14)
- 7 In section 1A of that Act, after subsection (4) insert—...
- 8 Copyright Act 1956 (c. 74)
- 9 Criminal Appeal Act 1968 (c. 19)
- 10 In section 10(2)(b) of that Act— (a) in sub-paragraph (ii),...
- 11 After section 30A of that Act insert— Criminal courts charge...
- 12 In section 50(1A) of that Act, for “Section 14 of...
- 13 In Schedule 2 to that Act, in paragraph 2(4), after...
- 14 Court Martial Appeals Act 1968 (c. 20)
- 15 Firearms Act 1968 (c. 27)
- 16 (1) Section 51A of that Act is amended as follows....
- 17 In section 52(1A)(a) of that Act— (a) for “the meaning...
- 18 Health Services and Public Health Act 1968 (c. 46)
- 19 In section 65(3)(b)(xxii) of that Act, before “Part 1 of...
- 20 Civil Evidence Act 1968 (c. 64)
- 21 Social Work (Scotland) Act 1968 (c. 49)
- 22 Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70)
- 23 Children and Young Persons Act 1969 (c. 54)
- 24 (1) Section 32 of that Act is amended as follows....
- 25 In section 70(1) of that Act— (a) in the definition...
- 26 Administration of Justice Act 1970 (c. 31)
- 27 Misuse of Drugs Act 1971 (c. 38)
- 28 Juries Act 1974 (c. 23)
- 29 Consumer Credit Act 1974 (c. 39)
- 30 Solicitors Act 1974 (c. 47)

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

- 31 Rehabilitation of Offenders Act 1974 (c. 53)
- 32 (1) Section 5 of that Act, as it extends to...
- 33 (1) Section 5 of that Act, as it extends to...
- 34 In section 7(2)(d) of that Act, for “Part 1 of...
- 35 Bail Act 1976 (c. 63)
- 36 In section 4(3) of that Act— (a) in paragraph (za),...
- 37 (1) Schedule 1 to that Act is amended as follows....
- 38 Criminal Law Act 1977 (c. 45)
- 39 Interpretation Act 1978 (c. 30)
- 40 Ancient Monuments and Archaeological Areas Act 1979 (c. 46)
- 41 In section 29 of that Act, for “section 130 of...
- 42 Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)
- 43 Magistrates’ Courts Act 1980 (c. 43)
- 44 In section 17A(4)(b) of the MCA 1980—
- 45 In section 17D(2)(b) of the MCA 1980, for “sections 3...
- 46 In section 20(2)(c) of the MCA 1980—
- 47 (1) Section 20A of the MCA 1980 is amended as...
- 48 In section 24(3) of the MCA 1980, for “section 89(1)...
- 49 In section 24A(5)(b) of the MCA 1980—
- 50 (1) Section 81 of the MCA 1980 is amended as...
- 51 In section 82(1A) of the MCA 1980—
- 52 In section 85(3A)(b) of the MCA 1980, for “section 161A...
- 53 In section 91(3) of the MCA 1980, for “section 140(1)...
- 54 (1) Section 108 of the MCA 1980 is amended as...
- 55 In section 113(3) of the MCA 1980 as amended by...
- 56 In section 121(5A) of the MCA 1980—
- 57 In section 125D(3)(f) of the MCA 1980, for “Schedule 1...
- 58 In section 126(f) of the MCA 1980, for “Schedule 1...
- 59 In section 133(1) of the MCA 1980, for “section 265...
- 60 In section 139(aa) of the MCA 1980, for “section 161A...
- 61 Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)
- 62 Imprisonment (Temporary Provisions) Act 1980 (c. 57)
- 63 Public Passenger Vehicles Act 1981 (c. 14)
- 64 Criminal Attempts Act 1981 (c. 47)
- 65 Contempt of Court Act 1981 (c. 49)
- 66 In section 16(3) of that Act, for “sections 139 and...
- 67 In Schedule 1 to that Act, in paragraph 6, for...
- 68 Senior Courts Act 1981 (c. 54)
- 69 (1) Section 140 of that Act is amended as follows....
- 70 Criminal Justice Act 1982 (c. 48)
- 71 In section 46(3) of that Act— (a) for “an order...
- 72 (1) Schedule 13 to that Act is amended as follows....
- 73 Mental Health Act 1983 (c. 20)
- 74 In section 43(4) of that Act, for “section 3 or...
- 75 Child Abduction Act 1984 (c. 37)
- 76 Police and Criminal Evidence Act 1984 (c. 60)
- 77 In section 38(6A) of that Act, in the definition of...
- 78 In section 63A(3B) of that Act, after “section 92 of...
- 79 In section 63K(6)(a) of that Act, after “section 76 of...
- 80 In section 75(3)(a) of that Act— (a) after “section 14...
- 81 Prosecution of Offences Act 1985 (c. 23)
- 82 In section 7A(5) of that Act, in the definition of...
- 83 (1) Section 19(3C) of that Act is amended as follows....

- 84 Housing Act 1985 (c. 68)
- 85 In Schedule 3 to that Act, under Ground 2A, in...
- 86 Surrey Act 1985 (c. iii)
- 87 Clwyd County Council Act 1985 (c. xliv)
- 88 Insolvency Act 1986 (c. 45)
- 89 Criminal Justice Act 1988 (c. 33)
- 90 In section 139 of that Act, after subsection (6) insert—...
- 91 In section 139A of that Act, before subsection (6) insert—...
- 92 In section 139AA of that Act, after subsection (6) insert—...
- 93 In section 159(1)(aa) of that Act, after “by the Crown...
- 94 Firearms (Amendment) Act 1988 (c. 45)
- 95 Copyright, Designs and Patents Act 1988 (c. 48)
- 96 In section 199(6) of that Act, for “section 143 of...
- 97 Housing Act 1988 (c. 50)
- 98 Road Traffic Act 1988 (c. 52)
- 99 Road Traffic Offenders Act 1988 (c. 53)
- 100 (1) Section 34 of that Act is amended as follows....
- 101 (1) Section 35 of that Act is amended as follows....
- 102 (1) Section 35A of that Act is amended as follows....
- 103 In section 37(1B) of that Act, in paragraph (c) insert...
- 104 In section 42(3B) of that Act, in paragraph (c) insert...
- 105 (1) Section 46 of that Act is amended as follows....
- 106 In section 47(2ZA) of that Act, for paragraph (c) substitute—...
- 107 Football Spectators Act 1989 (c. 37)
- 108 Children Act 1989 (c. 41)
- 109 In section 31(7)(b)(ii) of that Act, for “the meaning of...
- 110 In section 104 of that Act— (a) in subsection (3A),...
- 111 In section 105(6)(ba) of that Act, for “Part 1 of...
- 112 (1) Schedule A1 to that Act is amended as follows....
- 113 In Schedule 2 to that Act, in paragraph 21(7), at...
- 114 (1) Schedule 3 to that Act is amended as follows....
- 115 In Schedule 8 to that Act, in paragraph 3(a), for...
- 116 Environmental Protection Act 1990 (c. 43)
- 117 In section 33C(8) of that Act, for “section 143 of...
- 118 In section 59(8A), for “a compensation order has been made...
- 119 In section 59ZB(10), for “a compensation order has been made...
- 120 Criminal Justice Act 1991 (c. 53)
- 121 (1) In Schedule 3 to that Act, paragraph 11 is...
- 122 Social Security Administration Act 1992 (c. 5)
- 123 Aggravated Vehicle-Taking Act 1992 (c. 11)
- 124 Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)
- 125 (1) Section 10 of that Act is amended as follows....
- 126 Vehicle Excise and Registration Act 1994 (c. 22)
- 127 In section 41(1)(a) of that Act, for “section 12 of...
- 128 Criminal Justice and Public Order Act 1994 (c. 33)
- 129 In section 25(5) of that Act, in paragraph (a) of...
- 130 In section 136(7A) of that Act— (a) for “Schedule 1...
- 131 Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)
- 132 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 133 (1) Schedule 13 to that Act is amended as follows....
- 134 London Local Authorities Act 1995 (c. x)
- 135 Criminal Procedure and Investigations Act 1996 (c. 25)
- 136 (1) Section 58 of that Act is amended as follows....

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

- 137 In section 59(1) of that Act, in paragraphs (a) and...
- 138 In section 79 of that Act, after subsection (3) insert—...
- 139 Omit sections 58 to 60 and section 61(1) to (3)...
- 140 In Schedule 4 to that Act omit paragraphs 23 and...
- 141 Housing Act 1996 (c. 52)
- 142 Education Act 1996 (c. 56)
- 143 Social Security (Recovery of Benefits) Act 1997 (c. 27)
- 144 Protection from Harassment Act 1997 (c. 40)
- 145 Crime (Sentences) Act 1997 (c. 43)
- 146 In section 34(2) of that Act— (a) in paragraph (b),...
- 147 In section 35(1)(b) of that Act, for “section 89 of...
- 148 In section 40(1)(b) of that Act, for “section 89 of...
- 149 (1) Schedule 1 to that Act is amended as follows....
- 150 Police Act 1997 (c. 50)
- 151 In section 113CB(2)(fa) of that Act— (a) after “under section...
- 152 Crime and Disorder Act 1998 (c. 37)
- 153 (1) Section 9 of the CDA 1998 is amended as...
- 154 In section 38(4) of the CDA 1998—
- 155 (1) Section 41(5) of the CDA 1998 is amended as...
- 156 (1) Section 51A of the CDA 1998 is amended as...
- 157 In section 66ZB(6)(a) of the CDA 1998, for “section 12(1)(b)...
- 158 In section 66F(a) of the CDA 1998, for “section 12(1)(b)...
- 159 In section 117(1) of the CDA 1998, in the definition...
- 160 (1) Schedule 3 to the CDA 1998 is amended as...
- 161 Youth Justice and Criminal Evidence Act 1999 (c. 23)
- 162 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 163 In section 108(1) of that Act, for “section 89(1) above”...
- 164 In the italic heading before section 139 of that Act,...
- 165 (1) Section 139 of that Act is amended as follows....
- 166 (1) Section 140 of that Act is amended as follows....
- 167 (1) Section 142(1) of that Act is amended as follows....
- 168 (1) Section 163 of that Act is amended as follows....
- 169 In section 164 omit subsection (3).
- 170 (1) Schedule 5 to that Act is amended as follows....
- 171 Terrorism Act 2000 (c. 11)
- 172 In Schedule 4 to that Act— (a) in paragraph 1,...
- 173 Criminal Justice and Court Services Act 2000 (c. 43)
- 174 In section 62A(4)(b) of that Act, after “section 91 of...
- 175 In section 64(5) of that Act— (a) in paragraph (c),...
- 176 In section 64A(8) of that Act, in the definition of...
- 177 Social Security Fraud Act 2001 (c. 11)
- 178 Criminal Justice and Police Act 2001 (c. 16)
- 179 International Criminal Court Act 2001 (c. 17)
- 180 Anti-terrorism, Crime and Security Act 2001 (c. 24)
- 181 Proceeds of Crime Act 2002 (c. 29)
- 182 (1) Section 13 of the POCA 2002 is amended as...
- 183 In section 14(12) of the POCA 2002—
- 184 In section 15(2) and (3) of the POCA 2002—
- 185 (1) Section 19 of the POCA 2002 is amended as...
- 186 (1) Section 20 of the POCA 2002 is amended as...
- 187 In section 21(9) of the POCA 2002—
- 188 In section 22(5) of the POCA 2002—
- 189 In section 27(2)(b) of the POCA 2002, for “section 3,...

- 190 In section 32(7) of the POCA 2002—
- 191 In section 33(9) of the POCA 2002—
- 192 (1) Section 35 of the POCA 2002 is amended as...
- 193 (1) Section 38 of the POCA 2002 is amended as...
- 194 (1) Section 39 of the POCA 2002 is amended as...
- 195 In section 70(5) of the POCA 2002—
- 196 In section 82(2)(d) of the POCA 2002, for “the Sentencing...
- 197 In section 118(2C) and (2D)(b) of the POCA 2002, for...
- 198 In section 148(2)(d) of the POCA 2002, after “section 143...
- 199 In section 230(2)(d) of the POCA 2002, after “section 143...
- 200 (1) Section 308 of the POCA 2002 is amended as...
- 201 Railways and Transport Safety Act 2003 (c. 20)
- 202 Crime (International Co-operation) Act 2003 (c. 32)
- 203 Courts Act 2003 (c. 39)
- 204 Extradition Act 2003 (c. 41)
- 205 Sexual Offences Act 2003 (c. 42)
- 206 In section 89(1) of the SOA 2003, in the entry...
- 207 In section 91A(2)(b) of the SOA 2003, at the end...
- 208 In section 103C(6) of the SOA 2003, after “another),” insert...
- 209 In section 113(1ZA) of the SOA 2003, at the end...
- 210 In section 131 of the SOA 2003—
- 211 In section 133(1) of the SOA 2003—
- 212 In section 134(1)(a) of the SOA 2003, for “section 14(1)...
- 213 In section 136ZA(1)(a) of the SOA 2003, after “order” insert...
- 214 In section 136ZB of the SOA 2003, after subsection (2)...
- 215 (1) Section 137 of the SOA 2003 is amended as...
- 216 In Schedule 3 to the SOA 2003, in paragraph 96(a),...
- 217 Criminal Justice Act 2003 (c. 44)
- 218 (1) Section 237 of the CJA 2003 is amended as...
- 219 (1) Section 240ZA of the CJA 2003 is amended as...
- 220 (1) Section 240A of the CJA 2003 is amended as...
- 221 (1) Section 241 of the CJA 2003 is amended as...
- 222 (1) Section 243 of the CJA 2003 is amended as...
- 223 (1) Section 244A of the CJA 2003 is amended as...
- 224 (1) Section 246 of the CJA 2003 is amended as...
- 225 (1) Section 246A of the CJA 2003 is amended as...
- 226 (1) Section 247A of the CJA 2003 (inserted by section...
- 227 (1) Section 250 of the CJA 2003 is amended as...
- 228 In section 255A(7) of the CJA 2003—
- 229 (1) Section 256AA of the CJA 2003 is amended as...
- 230 In section 256AB(2) of the CJA 2003, for “section 200A(5)...
- 231 (1) Section 256AC of the CJA 2003 is amended as...
- 232 (1) Section 256B of the CJA 2003 is amended as...
- 233 In section 258(3A) of the CJA 2003, for “the Sentencing...
- 234 In section 260(2A) of the CJA 2003—
- 235 In section 263(4) of the CJA 2003, for “the Sentencing...
- 236 (1) Section 264 of the CJA 2003 is amended as...
- 237 Before section 264B of the CJA 2003 insert— Consecutive terms:...
- 238 In section 268(1A) of the CJA 2003—
- 239 In section 273(3) of the CJA 2003, for paragraphs (a)...
- 240 In section 274(2) of the CJA 2003, for the words...
- 241 (1) Section 300 of the CJA 2003 is amended as...
- 242 In section 301(1)(b) of the CJA 2003, for “section 89...

- 243 (1) Section 305(1) of the CJA 2003 is amended as...
244 In section 327(3)(b) of the CJA 2003—
245 (1) Schedule 15 to the CJA 2003 is amended as...
246 (1) Schedule 15B to the CJA 2003 is amended as...
247 In Schedule 19ZA to the CJA 2003, in the heading...
248 (1) Schedule 19A to the CJA 2003 is amended as...
249 (1) Schedule 31 to the CJA 2003 is amended as...
250 Health and Social Care (Community Health and Standards) Act 2003
(c. 43)
251 Domestic Violence, Crime and Victims Act 2004 (c. 28)
252 (1) Section 45 of that Act is amended as follows....
253 Constitutional Reform Act 2005 (c. 4)
254 Serious Organised Crime and Police Act 2005 (c. 15)
255 In section 74(1) of that Act, after “This section applies...
256 Government of Wales Act 2006 (c. 32)
257 Wireless Telegraphy Act 2006 (c. 36)
258 Violent Crime Reduction Act 2006 (c. 38)
259 In section 47(11) of that Act, in the definition of...
260 Safeguarding Vulnerable Groups Act 2006 (c. 47)
261 Offender Management Act 2007 (c. 21)
262 In section 4(3) of that Act— (a) in paragraph (a),...
263 In section 28(3) of that Act— (a) in paragraph (a),...
264 Serious Crime Act 2007 (c. 27)
265 London Local Authorities Act 2007 (c. ii)
266 Criminal Justice and Immigration Act 2008 (c. 4)
267 In section 46 of that Act, for subsection (2) substitute—...
268 In section 80(5) of that Act— (a) in paragraph (b),...
269 In section 117(1) of that Act, in paragraph (a) of...
270 (1) Schedule 7 to that Act is amended as follows....
271 Education and Skills Act 2008 (c. 25)
272 In section 56(7)(b)(ii) of that Act, for “section 137(1) or...
273 Counter-Terrorism Act 2008 (c. 28)
274 (1) Section 42 of that Act is amended as follows....
275 In section 45(1)(a) of that Act— (a) in sub-paragraph (iv),...
276 In Schedule 6 to that Act— (a) in paragraph 2(1),...
277 Coroners and Justice Act 2009 (c. 25)
278 In section 121(7) of that Act— (a) in paragraph (a),...
279 In section 131(5) of that Act— (a) in paragraph (a),...
280 In section 136 of that Act, in the definition of...
281 In section 158(3)(a) of that Act, for “section 14(1) of...
282 In section 164(3)(d) of that Act, after “section 143 of...
283 Localism Act 2011 (c. 20)
284 Terrorism Prevention and Investigation Measures Act 2011 (c. 23)
285 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)
286 In section 99(10) of that Act, for “section 76(1) of...
287 In section 102(2)(d) of that Act, for “order under section...
288 (1) Section 128(6) of that Act is amended as follows....
289 (1) Schedule 1 to that Act is amended as follows....
290 Prevention of Social Housing Fraud Act 2013 (c. 3)
291 Counter-Terrorism and Security Act 2015 (c. 6)
292 In section 44(2) of that Act, at the end insert—...
293 Modern Slavery Act 2015 (c. 30)
294 In section 34(3)(a) of that Act, for “section 14(1) of...

- 295 Psychoactive Substances Act 2016 (c. 2)
- 296 In section 32(6)(a) of that Act, for paragraph (a) substitute—...
- 297 Data Protection Act 2018 (c. 12)
- 298 Stalking Protection Act 2019 (c. 9)
- 299 Offensive Weapons Act 2019 (c. 17)
- 300 In section 23(10) of that Act, for “2003” substitute “2000...
- 301 Coronavirus Act 2020 (c. 7)
- 302 In Schedule 24 to that Act, after paragraph 13 insert—...
PART 2 — ACTS OF SENEDD CYMRU
- 303 Social Services and Well-being (Wales) Act 2014 (anaw 4)
- 304 (1) In section 188(1) of the English language text of...
- 305 (1) In section 194(6)(c) of the English language text of...
- 306 (1) In Schedule 1 to the English language text of...
- 307 Housing (Wales) Act 2014 (anaw 7)
- 308 (1) In section 99 of the English language text of...
- 309 Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)
PART 3 — ACTS OF THE SCOTTISH PARLIAMENT
- 310 Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)
- 311 Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22)
- 312 Management of Offenders (Scotland) Act 2019 (asp 14)
PART 4 — NORTHERN IRELAND LEGISLATION
- 313 Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I.
1978/1908 (N.I. 27))
- 314 Recovery of Health Services Charges (Northern Ireland) Order 2006
(S.I. 2006/1944 (N.I. 13))
- 315 Human Trafficking and Exploitation (Criminal Justice and Support for
Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.))
PART 5 — SECONDARY LEGISLATION
- 316 Costs in Criminal Cases (General) Regulations 1986 (S.I. 1986/1335)
- 317 Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)
- 318 Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207)
- 319 Police (Property) Regulations 1997 (S.I. 1997/1908)
- 320 In regulation 7(3) of those Regulations, for “section 145 of...
- 321 Merchant Shipping (Oil Pollution) (South Georgia and the South
Sandwich Islands) Order 1997 (S.I. 1997/2588)
- 322 Prison Rules 1999 (S.I. 1999/728)
- 323 Youth Justice Board for England and Wales Order 2000 (S.I. 2000/1160)
- 324 (1) Article 4(2) of that Order is amended as follows....
- 325 Magistrates’ Courts Warrants (Specification of Provisions) Order 2000
(S.I. 2000/3278)
- 326 Young Offender Institution Rules 2000 (S.I. 2000/3371)
- 327 In rule 5A(2)(b)(iii) of those rules, after “section 100 of...
- 328 In rule 60(1)(f) of those Rules, after “section 100 of...
- 329 Representation of the People (England and Wales) Regulations 2001
(S.I. 2001/341)
- 330 Representation of the People (Scotland) Regulations 2001 (S.I.
2001/497)
- 331 Child Tax Credit Regulations 2002 (S.I. 2002/2007)
- 332 Homelessness (Priority Need for Accommodation) (England) Order
2002 (S.I. 2002/2051)
- 333 Proceeds of Crime Act 2002 (Exemptions from Civil Recovery) Order
2003 (S.I. 2003/336)
- 334 Guardian’s Allowance (General) Regulations 2003 (S.I. 2003/495)

- 335 Magistrates' Courts (Parenting Orders) Rules 2004 (S.I. 2004/247)
- 336 In rule 8 of those Rules, for "paragraph 9D of...
- 337 In rule 9 of those Rules, for "paragraph 9D of...
- 338 Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950)
- 339 Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 (S.I. 2005/3181)
- 340 (1) Article 141ZE of that Order is amended as follows....
- 341 (1) Article 205 of that Order is amended as follows....
- 342 In Schedule 5 to that Order, after the entry referring...
- 343 National Health Service (General Dental Services Contracts) Regulations 2005 (S.I. 2005/3361)
- 344 National Health Service (Personal Dental Services Agreements) Regulations 2005 (S.I. 2005/3373)
- 345 National Health Service (Dental Charges) Regulations 2005 (S.I. 2005/3477)
- 346 Child Benefit (General) Regulations 2006 (S.I. 2006/223)
- 347 National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 (S.I. 2006/489 (W.58))
- 348 National Health Service (General Dental Services Contracts) (Wales) Regulations 2006 (S.I. 2006/490 (W.59))
- 349 National Health Service (Dental Charges) (Wales) Regulations 2006 (S.I. 2006/491 (W.60))
- 350 Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 (S.I. 2006/1116)
- 351 Serious Organised Crime and Police Act 2005 (Appeals under Section 74) Order 2006 (S.I. 2006/2135)
- 352 In article 3(4) of that Order, for "section 74(8) of...
- 353 (1) Article 4 of that Order is amended as follows....
- 354 In article 5(2) of that Order, for "section 74 of...
- 355 In article 9 of that Order— (a) in paragraph (1)(b),...
- 356 In article 11(1)(b) of that Order, for "section 74(8) of...
- 357 In article 15(1) of that Order, for "section 74(8) of...
- 358 National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 (S.I. 2007/121 (W.11))
- 359 Criminal Defence Service (Funding) Order 2007 (S.I. 2007/1174)
- 360 (1) Schedule 2 to that Order is amended as follows....
- 361 In Schedule 5 to that Order, in paragraph 1(4)(e), for...
- 362 Community Order (Review by Specified Courts) Order 2007 (S.I. 2007/2162)
- 363 In article 3(2) of that Order— (a) for "under section...
- 364 (1) Article 4 of that Order is amended as follows....
- 365 Immigration (Disposal of Property) Regulations 2008 (S.I. 2008/786)
- 366 Employment and Support Allowance Regulations 2008 (S.I. 2008/794)
- 367 Primary Ophthalmic Services Regulations 2008 (S.I. 2008/1186)
- 368 Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741)
- 369 Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)
- 370 In Schedule 1 to that Order, in paragraph 45—
- 371 In Schedule 2 to that Order, in paragraph 8(2), for...
- 372 Armed Forces (Service Civilian Court) Rules 2009 (S.I. 2009/1209)
- 373 In rule 96(3)(b) of those Rules, for "paragraph 21 of...

- 374 (1) Rule 101 of those Rules is amended as follows....
- 375 (1) Rule 102 of those Rules is amended as follows....
- 376 (1) Rule 104 of those Rules is amended as follows....
- 377 (1) Rule 105 of those Rules is amended as follows....
- 378 (1) Rule 106 of those Rules is amended as follows....
- 379 In Schedule 2 to those Rules, in paragraph 15(2), for...
- 380 Armed Forces (Financial Penalty Enforcement Orders) Regulations
2009 (S.I. 2009/1212)
- 381 Community Care, Services for Carers and Children’s Services (Direct
Payments) (England) Regulations 2009 (S.I. 2009/1887)
- 382 In Schedule 2 to those Regulations, in paragraph (e)—
- 383 Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009
(S.I. 2009/1922)
- 384 Armed Forces (Court Martial) Rules 2009 (S.I. 2009/2041)
- 385 (1) Rule 3 of those Rules is amended as follows....
- 386 In rule 44(3) of those Rules, for “paragraph 23 of...
- 387 In rule 114(5)(b) of those Rules, for “paragraph 23 of...
- 388 (1) Rule 131 of those Rules is amended as follows....
- 389 In rule 134(2)(c)(ii) of those Rules, for “section 105(2) of...
- 390 (1) Rule 140 of those Rules is amended as follows....
- 391 (1) Rule 141 of those Rules is amended as follows....
- 392 (1) Rule 142 of those Rules is amended as follows....
- 393 (1) Rule 143 of those Rules is amended as follows....
- 394 (1) Rule 144 of those Rules is amended as follows....
- 395 In Schedule 2 to those Rules, in paragraph 17(2), for...
- 396 Armed Forces (Civilian Courts Dealing with Service Offences)
(Modification of the Criminal Justice Act 2003) Regulations 2009 (S.I.
2009/2042)
- 397 Omit regulation 4 of those Regulations.
- 398 After regulation 9 insert— Modification of section 64 of the...
- 399 (1) Regulation 10 is amended as follows.
- 400 Criminal Justice and Immigration Act 2008 (Commencement No.13 and
Transitory Provision) Order 2009 (S.I. 2009/3074)
- 401 Child Minding and Day Care (Disqualification) (Wales) Regulations
2010 (S.I. 2010/1703 (W.163))
- 402 Visits to Former Looked After Children in Detention (England)
Regulations 2010 (S.I. 2010/2797)
- 403 Disabled People’s Right to Control (Pilot Scheme) (England)
Regulations 2010 (S.I. 2010/2862)
- 404 Criminal Justice Act 2003 (Surcharge) Order 2012 (S.I. 2012/1696)
- 405 In article 2 of that Order, for “Section 161A(1) of...
- 406 In the following provisions of that Order, for “section 161A...
- 407 (1) The Schedule to that Order is amended as follows....
- 408 Child Support Maintenance Calculation Regulations 2012 (S.I.
2012/2677)
- 409 National Health Service Commissioning Board and Clinical
Commissioning Groups (Responsibilities and Standing Rules)
Regulations 2012 (S.I. 2012/2996)
- 410 Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9)
- 411 In regulation 12(2)(d)(ii) of those Regulations, after “Chapter 2 of...
- 412 National Health Service (Clinical Commissioning Groups—
Disapplication of Responsibility) Regulations 2013 (S.I. 2013/350)
- 413 Employment and Support Allowance Regulations 2013 (S.I. 2013/379)

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

- 414 Criminal Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/435)
 415 (1) Schedule 2 to those Regulations is amended as follows....
 416 In Schedule 4 to those Regulations, in paragraph 5(3)(b)(v), for...
 417 National Health Service (Optical Charges and Payments) Regulations
 2013 (S.I. 2013/461)
 418 National Health Service (Direct Payments) Regulations 2013 (S.I.
 2013/1617)
 419 Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2)
 Order 2014 (S.I. 2014/669)
 420 In article 5 of that Order, for “paragraph 26(5) of...
 421 Offender Management Act 2007 (Approved Premises) Regulations 2014
 (S.I. 2014/1198)
 422 Special Educational Needs (Personal Budgets) Regulations 2014 (S.I.
 2014/1652)
 423 Independent Educational Provision in England (Prohibition on
 Participation in Management) Regulations 2014 (S.I. 2014/1977)
 424 Care and Support (Direct Payments) Regulations 2014 (S.I. 2014/2871)
 425 Criminal Justice (European Protection Order) (England and Wales)
 Regulations 2014 (S.I. 2014/3300)
 426 (1) Regulation 17 of those regulations is amended as follows....
 427 State Pension Regulations 2015 (S.I. 2015/173)
 428 National Health Service (Charges for Drugs and Appliances)
 Regulations 2015 (S.I. 2015/570)
 429 Prosecution of Offences Act 1985 (Criminal Courts Charge)
 Regulations 2015 (S.I. 2015/796)
 430 (1) Regulation 2 of those regulations is amended as follows....
 431 In regulation 4 of those Regulations, for “section 21E(4) of...
 432 Homelessness (Intentionality) (Specified Categories) (Wales)
 Regulations 2015 (S.I. 2015/1265 (W.85))
 433 Care and Support (Direct Payments) (Wales) Regulations 2015 (S.I.
 2015/1815 (W.260))
 434 Children (Secure Accommodation) (Wales) Regulations 2015 (S.I.
 2015/1988 (W.298))
 435 Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2)
 Order 2016 (S.I. 2016/961)
 436 Criminal Justice (Electronic Monitoring) (Responsible Person) Order
 2017 (S.I. 2017/235)
 437 Bereavement Support Payment Regulations 2017 (S.I. 2017/410)
 438 Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring
 Requirement) (Prescription of Arrangement for Monitoring) Order 2018
 (S.I. 2018/210)
 439 Childcare (Disqualification) and Childcare (Early Years Provision Free
 of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (S.I.
 2018/794)
 440 Social Workers Regulations 2018 (S.I. 2018/893)
 441 Release of Prisoners (Alteration of Relevant Proportion of Sentence)
 Order 2020 (S.I. 2020/158)
 PART 6 — AMENDMENT OF PROVISIONS REFERRING TO SECTION 154 OF
 CRIMINAL JUSTICE ACT 2003
 442 Primary legislation
 443 (1) In the following provisions, for “section 154(1) of the...
 444 In the following provisions, for “section 154(1) of that Act”...
 445 In the following provisions, for “section 154 of the Criminal...

446 Secondary legislation

PART 7 — COMMENCEMENT

447 The following provisions of this Schedule, which relate to dealing...

SCHEDULE 25 — Amendments to the Armed Forces Act 2006

PART 1 — AMENDMENTS TO CHAPTER 1 OF PART 8: SERVICE

COMPENSATION ORDERS, SERVICE COMMUNITY ORDERS ETC.

1 Chapter 1 of Part 8 of the Armed Forces Act...

2 After section 177 insert— Effect of service compensation order on...

3 (1) Section 178 (service community orders) is amended as follows....

4 For section 179 (periodic review etc of service community orders)...

5 For section 180 (transfer of service community order to Scotland...

6 For section 181 (breach, revocation or amendment of service
community...

7 (1) Section 182 (overseas community orders) is amended as follows....

8 For section 183 (overseas community orders: modifications of 2003
Act)...

9 In section 184 (breach, revocation or amendment of overseas
community...

10 Omit Schedule 5 (breach, revocation and amendment of community
punishments)...

11 (1) Schedule 6 (overseas community orders) is amended as follows....

12 After Schedule 6, insert— SCHEDULE 6A Breach, revocation and
amendment...

13 In section 185 (conditional or absolute discharge), in subsection (2)
(b),...

PART 2 — AMENDMENTS TO CHAPTER 2 OF PART 8: CONSECUTIVE
SENTENCES

14 Chapter 2 of Part 8 of the Armed Forces Act...

15 (1) Section 188 (consecutive sentences) is amended as follows.

PART 3 — AMENDMENTS TO CHAPTER 4 OF PART 8: SUSPENDED SENTENCE
ORDERS

16 Chapter 4 of Part 8 of the Armed Forces Act...

17 In the Chapter heading, for “under 12 Months” substitute “two...

18 Omit section 196 (and the italic heading before it).

19 For section 200 substitute— Suspended sentence orders (1) In the
following provisions of the Sentencing Code, “court”...

20 In section 202 (order with community requirements: disapplication of
certain...

21 For section 203 (review of order with community requirements),
substitute—...

22 For section 204 (transfer to Scotland or Northern Ireland of...

23 Omit section 205.

24 Omit section 206.

25 For section 207 (definitions for purposes of Chapter) substitute—
Definitions...

26 For Schedule 7 (suspended prison sentence: further conviction or
breach...

PART 4 — AMENDMENTS TO CHAPTER 5 OF PART 8: CUSTODIAL
SENTENCES FOR YOUNG OFFENDERS

27 Chapter 5 of Part 8 of the Armed Forces Act...

28 In section 208 (prohibition on imposing imprisonment on people
under...

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

- 29 (1) Section 209 (offenders under 18 convicted of certain serious...
 30 After section 210 insert— Offenders under 21: offences other than...
 31 In section 211 (offenders under 18: detention and training orders)—...
 32 (1) Section 212 (term of detention and training order: general)...
 33 (1) Section 213 (application of provisions relating to civilian detention...
 34 (1) Section 214 (offences during currency of detention and training...
 35 In section 215 (section 214: definitions etc)—
 PART 5 — AMENDMENTS TO CHAPTER 6 OF PART 8: SENTENCES FOR
 CERTAIN OFFENCES
 36 Chapter 6 of Part 8 of the Armed Forces Act...
 37 In section 217 (mandatory life imprisonment), for subsection (2)
 substitute—...
 38 (1) Section 218A (life sentence for second listed offence) is...
 39 (1) Section 219 (life sentence for certain dangerous offenders aged...
 40 (1) Section 219A (extended sentences for certain violent, sexual or...
 41 (1) Section 221 (life sentence for certain dangerous offenders aged...
 42 (1) Section 221A (extended sentence for certain violent, sexual or...
 43 (1) Section 223 (the “required opinion” for the purposes of...
 44 For section 224 (place of detention under certain sentences), substitute
 —...
 45 (1) Section 224A (special custodial sentence for certain offenders of...
 46 In section 225 (third drug trafficking offence)—
 47 In section 226 (third domestic burglary)— (a) in subsection (1)(b),...
 48 (1) Section 227 (firearms offences) is amended as follows.
 49 (1) Section 227A (offences of threatening with a weapon on...
 50 (1) Section 228 (appeals where previous convictions set aside) is...
 PART 6 — AMENDMENTS TO PART 9: SENTENCING: PRINCIPLES AND
 PROCEDURES
 51 Part 9 of the Armed Forces Act 2006 is amended...
 52 In section 237 (duty to have regard to purposes of...
 53 In section 238 (deciding the seriousness of an offence), at...
 54 In section 239 (reduction in sentences for guilty pleas)—
 55 In section 246 (crediting of time in service custody: terms...
 56 In section 247 (crediting of time in service custody: supplementary),...
 57 In section 257 (pre-sentence reports: supplementary)— (a) in
 subsection (1),...
 58 In section 260 (discretionary custodial sentences: general restrictions)—
 59 In section 261 (length of discretionary custodial sentences: general
 provision),...
 60 After section 261, insert— Life sentences: further provision (1) In
 Chapter 8 of Part 10 of the Sentencing...
 61 In section 262 (power to recommend licence conditions), for “section...
 62 After section 262, insert— Conversion of sentence of detention to...
 63 In section 263 (restriction on imposing custodial sentence or service...
 64 In section 269A (fines: fixing of term of imprisonment for...
 65 In section 269B (service compensation orders: power to set maximum...
 66 In section 270 (community punishments: general restrictions), in
 subsection (2A)—...
 67 In section 270A (exception to restrictions on community punishments),
 in...
 68 In section 271 (civilian courts dealing with service offences), in...
 PART 7 — MISCELLANEOUS FURTHER AMENDMENTS
 69 Amendment to Part 7 (trial by Court Martial)

- 70 Amendments to Part 10 (Court Martial decisions: appeal and review)
- 71 Amendments to Part 11 (The Service Civilian Court)
- 72 In section 284 (fines and compensation: maximum amounts), in subsection...
- 73 Amendments to Part 12 (service and effect of certain sentences)
- 74 In section 302 (remission of certain sentences on passing of...
- 75 In section 304 (sentences passed by civilian courts), in subsection...
- 76 Amendments to Part 13 (discipline: miscellaneous and supplementary)
- 77 In section 322 (financial penalty enforcement orders), in subsection (4),...
- 78 Amendments to Part 19 (supplementary)

SCHEDULE 26 — Further amendments of the Armed Forces Act 2006

- 1 The Armed Forces Act 2006 is amended as follows.
- 2 In section 179(3) (review of service community order imposing drug...
- 3 In section 181(3) (breach, revocation or amendment of service community...
- 4 In section 203(4) (review of suspended sentence order with community...
- 5 In paragraph 13 of Schedule 7 (suspended sentence orders: breach...
- 6 In section 208 (prohibition on imposing imprisonment on people under...
- 7 In section 209 (offenders under 18 convicted of certain serious...
- 8 Omit sections 210A and 210B.
- 9 In section 211 (offenders under 18: detention and training orders),...
- 10 In section 212 (term of detention and training order: general),...
- 11 In section 217 (mandatory life imprisonment), for subsections (2) to...
- 12 In section 218A (life sentence for second listed offence)—
- 13 In section 219 (life sentence for certain dangerous offenders aged...
- 14 In section 219A (extended sentence for certain violent or sexual...
- 15 In section 224A (special custodial sentence for certain offenders of...
- 16 In section 227A (offences of threatening with a weapon in...
- 17 In section 237 (duty to have regard to purposes of...
- 18 In section 239 (reduction in sentences for guilty pleas), in...
- 19 In section 260 (discretionary custodial sentences: general restrictions)—
- 20 In section 261 (length of discretionary custodial sentences: general provision),...
- 21 In section 262A (conversion of sentence of detention to sentence...
- 22 In section 263 (restriction on imposing custodial sentence or service...
- 23 In section 273 (review of unduly lenient sentence by Court...
- 24 In section 283 (imprisonment: maximum term)— (a) in subsection (1),...
- 25 In section 305 (random drug testing), in subsection (5), for...

SCHEDULE 27 — Transitional provisions and savings

PART 1 — CONTINUITY OF THE LAW

- 1 Continuity of the law: general
- 2 Subordinate legislation etc
- 3 References to provisions of the Sentencing Code
- 4 References to provisions repealed by this Act
- 5 Relationship with Interpretation Act 1978
- 6 Interpretation

PART 2 — REFERRAL ORDERS

- 7 (1) This paragraph applies where— (a) a court makes a...

PART 3 — YOUTH REHABILITATION ORDERS

- 8 Requirements
- 9 Restriction on imposing local authority residence or fostering requirement without legal representation
- 10 Associated offences: offender convicted before and on or after commencement date

PART 4 — CUSTODIAL SENTENCES

- 11 Detention for breaching DTO supervision requirement
- 12 Restriction on making community order etc and suspended sentence order
- 13 Making detention and training order where offender subject to other order
- 14 Period on remand etc: effect on term of detention and training order
- 15 Special custodial sentences for offenders of particular concern
- 16 Special custodial sentences for offenders of particular concern: armed forces
- 17 Certificates
- 18 A certificate by a court under section 232A of the...
- 19 Restriction on imposing custodial sentence without legal representation

PART 5 — MISCELLANEOUS

- 20 Validity of provision deriving from secondary legislation
- 21 Powers to make consequential etc provision
- 22 Exercise of powers in relation to pre-commencement offences
- 23 Exercise of powers to amend amounts
- 24 Saving for list of offences applied for other purposes
- 25 Enforcement of High Court and Court of Appeal fines
- 26 Breach of restraining order made on acquittal
- 27 Commencement and alteration of Crown Court sentence: legal aid

SCHEDULE 28 — Repeals and revocations

SCHEDULE 29 — Repeals and revocations for England and Wales