

This Statutory Instrument has been made in consequence of defects in S.I. 2023/149 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2023 No. 1108

CRIMINAL LAW

**The Judicial Review and Courts Act 2022
(Magistrates' Court Sentencing Powers)
(Revocation and Amendment) Regulations 2023**

Made - - - - 17th October 2023

Coming into force - - 18th October 2023

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 13(10) of the Judicial Review and Courts Act 2022⁽¹⁾

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) (Revocation and Amendment) Regulations 2023.

(2) These Regulations come into force on the day after the day they are made.

(3) These Regulations extend to England and Wales.

Amendment to the Bail Act 1976

2.—(1) In section 6(7) of the Bail Act 1976⁽²⁾, for “the general limit in a magistrates' court” substitute “12 months”.

(2) In Part 1 of the Schedule to the Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023⁽³⁾ the entry relating to section 6(7) of the Bail Act 1976 is revoked.

⁽¹⁾ 2022 c. 35.

⁽²⁾ 1976 c. 63.

⁽³⁾ S.I. 2023/149.

Amendments to the Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023

3.—(1) In regulation 13(2) insert the words “In section 3,” before the words “after subsection (7) insert”.

(2) In regulation 20(2), (3) and (4), the subsection inserted by paragraph (a) is renumbered “(3A)”.

Amendments to the Schedule to regulation 2 of the Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023

4.—(1) Part 1 of the Schedule is amended as follows.

(2) The entry relating to the Protection of Badgers Act 1992 is revoked.

(3) In the entry for the Environment Act 1995, for “110(4)(a)(i), (5E)(a)” substitute “110(5E)(a)”.

(4) In the entry for the Proceeds of Crime Act 2002, “Sections 362E(2)(b) and (3) and 396E(2)(a)” substitute “Section 362E(2)(b) and (3)”.

(5) In the second entry for the National Health Service Act 2006, for “Paragraphs 8(3) and (4)” substitute “Paragraph 8(3)(a)”.

(6) The third entry relating to the National Health Service Act 2006 is omitted.

(7) In the entry for the Criminal Justice and Immigration Act 2008, 75, for “paragraphs 23 and 31” substitute “paragraph 23”.

17th October 2023

Mike Freer
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument is made under section 13(10) of the Judicial Review and Courts Act 2022 (c. 35).

These regulations amend both primary and secondary legislation to correct drafting errors in the Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149). Those regulations reflected changes made by section 13 of the Judicial Review and Courts Act 2022 which amended section 224 of the Sentencing Act 2020 (c. 17) which specifies the maximum penalty that the magistrates' court may impose for a summary offence and for a triable either way offence. In particular, an amendment made in error to the maximum sentence that the Crown Court may impose for the offence of failing to surrender under section 6(7) of the Bail Act 1976 (c. 63), is now corrected so that the original wording "12 months" is reinstated.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen.