



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 1

SENTENCING

Community orders

67 Breach of community order

- (1) Schedule 8 to the Criminal Justice Act 2003 (breach, revocation or amendment of community order) is amended as follows.
- (2) In paragraph 9 (powers of magistrates' court in case of breach), in sub-paragraph (1)—
 - (a) in the opening words, for “must” substitute “may”, and
 - (b) after paragraph (a) insert—
 - “(aa) by ordering the offender to pay a fine of an amount not exceeding £2,500;”.
- (3) In that paragraph, after sub-paragraph (3A) insert—
 - “(3B) A fine imposed under sub-paragraph (1)(aa) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.”
- (4) In sub-paragraph (6) of that paragraph, for the words from “be required to” to “or (c),” substitute “have the power to deal with the offender under sub-paragraph (1)(a), (aa), (b) or (c),”.

Status: This is the original version (as it was originally enacted).

- (5) In paragraph 10 (powers of Crown Court in case of breach), in sub-paragraph (1)—
- (a) in the opening words, for “must” substitute “may”, and
 - (b) after paragraph (a) insert—
 - “(aa) by ordering the offender to pay a fine of an amount not exceeding £2,500;”.
- (6) In that paragraph, after sub-paragraph (3A) insert—
- “(3B) A fine imposed under sub-paragraph (1)(aa) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.”
- (7) After paragraph 11 insert—

“Power to amend amounts of fines

- 11A (1) The Secretary of State may by order amend any sum for the time being specified in paragraph 9(1)(aa) or 10(1)(aa).
- (2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.
- (3) In sub-paragraph (2), “the relevant date” means—
- (a) if the sum specified in paragraph 9(1)(aa) or 10(1)(aa) (as the case may be) has been substituted by an order under sub-paragraph (1), the date on which the sum was last so substituted;
 - (b) otherwise, the date on which section 67 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (which inserted this paragraph) came into force.
- (4) An order under sub-paragraph (1) (a “fine amendment order”) must not have effect in relation to any community order made in respect of an offence committed before the fine amendment order comes into force.”