



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 1

SENTENCING

Fines

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

- (1) Where, on the commencement day, a relevant offence would, apart from this subsection, be punishable on summary conviction by a fine or maximum fine of £5,000 or more (however expressed), the offence is punishable on summary conviction on or after that day by a fine of any amount.
- (2) Where, on the commencement day, a relevant power could, apart from this subsection, be exercised to create an offence punishable on summary conviction by a fine or maximum fine of £5,000 or more (however expressed), the power may be exercised on or after that day to create an offence punishable on summary conviction by a fine of any amount.
- (3) For the purposes of this section—
 - (a) an offence is relevant if, immediately before the commencement day, it is a common law offence or it is contained in an Act or an instrument made under an Act (whether or not the offence is in force at that time), and

Status: This is the original version (as it was originally enacted).

- (b) a power is relevant if, immediately before the commencement day, it is contained in an Act or an instrument made under an Act (whether or not the power is in force at that time).
- (4) Nothing in subsection (1) affects—
 - (a) fines for offences committed before the commencement day,
 - (b) the operation of restrictions on fines that may be imposed on a person aged under 18, or
 - (c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment,and provision made in exercise of a relevant power in reliance on subsection (2) does not affect such fines or the operation of such restrictions.
- (5) The Secretary of State may by regulations make provision disapplying subsection (1) or (2).
- (6) The Secretary of State may by regulations make provision—
 - (a) for an offence in relation to which subsection (1) is disappplied to be punishable on summary conviction by a fine or maximum fine of an amount specified or described in the regulations, and
 - (b) for a power in relation to which subsection (2) is disappplied to be exercisable to create an offence punishable on summary conviction by a fine or maximum fine of an amount specified or described in the regulations.
- (7) Subsection (8) applies in relation to—
 - (a) a relevant offence that, immediately before the commencement day, is punishable on summary conviction by a fine or maximum fine expressed as a proportion of an amount of £5,000 or more (however that amount is expressed), and
 - (b) a relevant power which, immediately before the commencement day, can be exercised to create an offence punishable on summary conviction by such a fine or maximum fine.
- (8) The Secretary of State may by regulations make provision—
 - (a) for the offence to be punishable on summary conviction by a fine or maximum fine of that proportion of an amount specified or described in the regulations, and
 - (b) for the power to be exercisable to create an offence punishable on summary conviction by such a fine or maximum fine.
- (9) Regulations under this section may not include provision affecting—
 - (a) fines for offences committed before the regulations come into force,
 - (b) the operation of restrictions on fines that may be imposed on a person aged under 18, or
 - (c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment,and provision made in exercise of a relevant power in reliance on regulations under this section may not include such provision.
- (10) Regulations under this section—
 - (a) may make different provision for different cases or circumstances,

- (b) may make provision generally or only for specified cases or circumstances, and
 - (c) may make consequential, incidental, supplementary, transitional, transitory or saving provision.
- (11) Regulations under this section, and regulations under section 149 making provision in relation to this section, may amend, repeal, revoke or otherwise modify any provision which, immediately before the commencement day, is contained in an Act or an instrument made under an Act (whether or not the provision is in force at that time).
- (12) Regulations under this section are to be made by statutory instrument.
- (13) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (14) If, immediately before the commencement day, the sum specified as level 5 on the standard scale in section 37(2) of the Criminal Justice Act 1982 (standard scale of fines for summary offences) is greater than £5,000, the references in this section to £5,000 have effect as if they were references to that sum.
- (15) Powers under this section—
 - (a) may be exercised from time to time, and
 - (b) are without prejudice to other powers to modify fines for relevant offences or fines that may be specified or described when exercising a relevant power.
- (16) For the purposes of this section, an offence is relevant whether it is a summary offence or an offence triable either way.
- (17) In this section—
 - “Act” includes an Act or Measure of the National Assembly for Wales;
 - “the commencement day” means the day on which subsection (1) of this section comes into force;and references to an offence, power or provision contained in an Act or instrument include an offence, power or provision applied by, or extending to England and Wales by virtue of, an Act or instrument.