

Status: Point in time view as at 13/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 12. (See end of Document for details)

SCHEDULES

SCHEDULE 12

Section 54

FURTHER PROVISION ABOUT CRIMINAL COURTS CHARGE

Rehabilitation of Offenders Act 1974 (c. 53)

- 1 In section 1(3) of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions: definition of sentence), at the end insert—
- “(c) an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge).”

Commencement Information

II Sch. 12 para. 1 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

Magistrates' Courts Act 1980 (c. 43)

- 2 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

I2 Sch. 12 para. 2 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

- 3 In section 82 (restriction on power to impose imprisonment for default), for subsection (1A) substitute—

“(1A) A magistrates' court may not issue a warrant of commitment in reliance on subsection (1)(c) for a default in paying—

- (a) a charge ordered to be paid under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge), or
- (b) a surcharge ordered to be paid under section 161A of the Criminal Justice Act 2003.”

Commencement Information

I3 Sch. 12 para. 3 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

- 4 In section 108 (right of appeal to the Crown Court), after subsection (4) insert—

“(5) Subsection (3) does not prevent an appeal against an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge).”

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Commencement Information

I4 Sch. 12 para. 4 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

Prosecution of Offences Act 1985 (c. 23)

- 5 In the Prosecution of Offences Act 1985, at the beginning of the heading of Part 2 insert “ Defence, prosecution and third party ”.

Commencement Information

I5 Sch. 12 para. 5 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

Insolvency Act 1986 (c. 45)

- 6 In section 281(4A) of the Insolvency Act 1986 (effect of discharge from bankruptcy debts)—
- (a) after “fine” insert “ imposed for an offence ”, and
 - (b) after “a reference to” insert “—
 - (a) a charge ordered to be paid under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge), whether on conviction or otherwise;
 - (b)”.

Commencement Information

I6 Sch. 12 para. 6 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

Criminal Justice Act 1991 (c. 53)

- 7 In section 24(4) of the Criminal Justice Act 1991 (recovery of fines etc from certain benefits), in the definition of “fine”, after paragraph (b) insert—
- “(ba) a charge ordered to be paid under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge);”.

Commencement Information

I7 Sch. 12 para. 7 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 8 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

Commencement Information

I8 Sch. 12 para. 8 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

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- 9 (1) Section 12 (absolute and conditional discharge) is amended as follows.
- (2) In subsection (7)—
- (a) omit “from making an order for costs against the offender or”, and
 - (b) for “him” substitute “ the offender ”.
- (3) At the end insert—
- “(8) Nothing in this section shall be construed as preventing a court, on discharging an offender absolutely or conditionally in respect of an offence, from—
- (a) making an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge), or
 - (b) making an order for costs against the offender.”

Commencement Information

I9 Sch. 12 para. 9 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

- 10 In section 142(1) (power of Crown Court to order search of persons before it), after paragraph (b) insert—
- “(ba) the Crown Court makes an order against a person under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge),”.

Commencement Information

I10 Sch. 12 para. 10 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

Proceeds of Crime Act 2002 (c. 29)

- 11 In section 13(3)(a) of the Proceeds of Crime Act 2002 (effect of order on court's other powers), after “other than” insert “ an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge) or ”.

Commencement Information

I11 Sch. 12 para. 11 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

Criminal Justice Act 2003 (c. 44)

- 12 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

I12 Sch. 12 para. 12 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

- 13 In section 151(5) (community order or youth rehabilitation order for persistent offender previously fined), before “a compensation order” insert “ an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge), or ”.

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Commencement Information

I13 Sch. 12 para. 13 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

- 14 In section 256AC(11) (breach of supervision requirements imposed under section 256AA: appeal)—
- (a) after “against” insert “—
 (a)”,
 and
 - (b) at the end insert “under this section, and
 (b) an order made by the court under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge) when dealing with the person under this section.”

Commencement Information

I14 Sch. 12 para. 14 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

- 15 In Schedule 8 (breach or amendment of community order), in paragraph 9(8) (appeals)—
- (a) after “against” insert “—
 (a)”,
 and
 - (b) at the end insert “, and
 (b) an order made by the court under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge) when imposing that sentence.”

Commencement Information

I15 Sch. 12 para. 15 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

- 16 In Schedule 12 (breach or amendment of suspended sentence order), in paragraph 9(3) (appeals)—
- (a) for “any order made by the court under paragraph 8(2)(a) or (b)” substitute “ each of the following orders ”, and
 - (b) at the end insert “—
 (a) an order made by the court under paragraph 8(2)(a) or (b);
 (b) an order made by the court under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge) when making an order described in paragraph (a).”

Commencement Information

I16 Sch. 12 para. 16 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 78

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