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STATUTORY INSTRUMENTS

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**2005 No. 643**

**The Criminal Justice Act 2003 (Sentencing)  
(Transitory Provisions) Order 2005**

**Modifications for suspended sentence and community sentence**

2.—(1) In relation to any time before the commencement of the repeal of section 78 of the Powers Criminal Courts (Sentencing) Act 2000<sup>(1)</sup> (general limit on magistrates' courts' powers) by the 2003 Act, the provisions of Part 12 of that Act shall have effect subject to the modifications set out in paragraphs (2) to (4).

(2) In section 189 (suspended sentences of imprisonment)—

- (a) in subsection (1) for the words from “at least 28 weeks” to the words “section 181” substitute the words “at least 14 days but not more than twelve months, or in the case of a magistrates' court, at least 14 days but not more than six months”;
- (b) in subsection (2) for the words “65 weeks” substitute the words “twelve months, or in the case of a magistrates' court, six months”.

(3) In Schedule 8 (breach, revocation or amendment of community order), in paragraphs 9(1)(c), 10(1)(c) and 12(b) for the words “51 weeks” substitute the words “6 months”.

(4) In Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction)—

(a) in paragraph 8(2)—

- (i) in sub-paragraph (a) omit the words “and custodial period”; and
- (ii) in sub-paragraph (b) for the words for the words from “with either or both of” onwards substitute the words “subject to the substitution for the original term of a lesser term”;

(b) in paragraph 9(1)—

- (i) omit the words “and custodial period”; and
- (ii) omit sub-paragraph (a).

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<sup>(1)</sup> 2000 c. 6. Section 78 is prospectively repealed by Part 7 of Schedule 37 to the Criminal Justice Act 2003.