
STATUTORY INSTRUMENTS

2012 No. 1833

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 1988 (Reviews of Sentencing) (Amendment) Order 2012

<i>Made</i>	- - - -	<i>9th July 2012</i>
<i>Laid before Parliament</i>		<i>16th July 2012</i>
<i>Coming into force</i>	- -	<i>6th August 2012</i>

The Secretary of State makes the following Order in exercise of the power conferred by section 35(4) of the Criminal Justice Act 1988(1):

Citation, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice Act 1988 (Reviews of Sentencing) (Amendment) Order 2012 and comes into force on 6th August 2012.

(2) This Order extends to England and Wales.

Amendment of the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006

2.—(1) The Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006(2) is amended as follows.

(2) In Schedule 1 (descriptions of cases to which Part 4 of the Criminal Justice Act 1988 is to apply)—

(a) after paragraph 1, insert—

“**1A.** Any case tried on indictment—

(a) following a notice given under section 51B of the Crime and Disorder Act 1998(3) (notices in serious or complex fraud cases); or

(b) following such a notice, in which one or more of the counts in respect of which sentence is passed relates to a charge—

(i) which was dismissed under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal); and

(1) 1988 c. 33; section 35(4) was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 168(1) and Schedule 9, paragraph 34(b).

(2) S.I. 2006/1116.

(3) 1998 c. 37.

- (ii) on which further proceedings were brought by means of the preferment of a voluntary bill of indictment.”;
- (b) in paragraph 2, at the end of sub-paragraph (i) before the full stop, insert—
 - “;
 - (j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004⁽⁴⁾ (trafficking people for exploitation)”;
- (c) for paragraph 4, substitute—
 - “4.—(1) Any case in which sentence is passed on a person for—
 - (a) attempting to commit a relevant offence;
 - (b) inciting the commission of a relevant offence; or
 - (c) an offence under section 44 or 45 of the Serious Crime Act 2007⁽⁵⁾ (encouraging or assisting an offence) in relation to a relevant offence.
 - (2) In this paragraph, “a relevant offence” means an offence set out in paragraph 2(a) to (h) or (j) or paragraph 3.”.

Signed by authority of the Secretary of State

9th July 2012

Crispin Blunt
Parliamentary Under Secretary of State
Ministry of Justice

⁽⁴⁾ 2004 c. 19; section 4 was amended by the Human Tissue Act 2004 (c. 30), Schedule 6, paragraph 7, the UK Borders Act 2007 (c. 30), section 31(1) and the Borders, Citizenship and Immigration Act 2009 (c. 11), section 54.

⁽⁵⁾ 2007 c. 27.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 (S.I. 2006/1116) (“the 2006 Order”). The 2006 Order describes cases to which Part 4 of the Criminal Justice Act 1988 (c. 33) is to apply. That Part empowers the Attorney General to refer certain cases to the Court of Appeal, where the Attorney considers that the sentencing in that case has been unduly lenient.

This Order adds to the 2006 Order cases tried on indictment following the giving of a notice by a designated authority under section 51B of the Crime and Disorder Act 1998 (c. 37) (notices in serious or complex fraud cases). It also adds to the 2006 Order offences involving trafficking people for exploitation under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (“the 2004 Act”).

This Order substitutes paragraph 4 of Schedule 1 to the 2006 Order. Paragraph 4 currently specifies any case in which sentence is passed on a person for attempting to commit or inciting the commission of particular offences listed in the 2006 Order. The new paragraph 4 extends that provision to include the offences of encouraging or assisting under section 44 or 45 of the Serious Crime Act 2007 (c. 27). It also adds to the list of particular offences to include an offence under section 4 of the 2004 Act.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.