

2013 No. 862

CRIMINAL LAW, ENGLAND & WALES

DEFENCE

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Protection of Freedoms Act 2012 (Consequential
Amendments) Order 2013**

<i>Made</i> - - - -	<i>13th April 2013</i>
<i>Laid before Parliament</i>	<i>16th April 2013</i>
<i>Coming into force</i> - -	<i>13th May 2013</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 115(3) and (4) of the Protection of Freedoms Act 2012(a).

Citation and commencement

1.—(1) This Order may be cited as the Protection of Freedoms Act 2012 (Consequential Amendments) Order 2013.

(2) This Order comes into force on 13th May 2013.

Consequential amendments and extent

2. The Schedule (which makes consequential amendments) has effect.

3. Subject to article 4, the amendments made by the Schedule have the same extent as the Orders and Regulations amended.

4. The amendment made by paragraph 1 of the Schedule extends to England and Wales.

Home Office
13th April 2013

Mark Harper
Minister of State

SCHEDULE

Article 2

Consequential Amendments

The Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006

1. In Schedule 1 to the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006(a) after paragraph 3(s) insert—

“(sa) section 59A (trafficking people for sexual exploitation)(b);”.

The Armed Forces (Review of Court Martial Sentence) Order 2009

2. In paragraph 1(f) of the Schedule to the Armed Forces (Review of Court Martial Sentence) Order 2009(c), for Paragraph (xx) substitute—

“(xx) section 59A (trafficking people for sexual exploitation); and
(xxi) section 61 (administering a substance with intent).”.

The Criminal Legal Aid (Remuneration) Regulations 2013

3. In the table in Part 7 of Schedule 1 to the Criminal Legal Aid (Remuneration) Regulations 2013(d), after the entry relating to the offence of trafficking out of the UK for sexual exploitation insert—

“Trafficking people for sexual exploitation	Sexual Offences Act 2003, s.59A	As above”.
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(a) S.I. 2006/1116 as amended by S.I. 2012/1833.

(b) Section 59A was inserted into the Sexual Offences Act 2003 (c. 42) by section 109 of the Protection of Freedoms Act 2012.

(c) S.I. 2009/1168.

(d) S.I. 2013/435.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to specified Orders and Regulations consequential upon the amendment of offences relating to the trafficking of people for sexual exploitation set out in the Sexual Offences Act 2003 (c. 42). Section 109 of the Protection of Freedoms Act 2012 (c. 9) amends the offences set out in the 2003 Act, repealing the offences at sections 57, 58 and 59 and inserting a new offence at section 59A (the “new offence”).

Paragraph 1 of the Schedule amends paragraph 3 of Schedule 1 to the Criminal Justice Act 1988 (Reviews of Sentencing Order) 2006 to specify the new offence for the purposes of Part IV of the Criminal Justice Act 1988 (c. 33). Part IV empowers the Attorney General to refer certain criminal cases to the Court of Appeal, with leave of that Court, where the Attorney General considers that the sentences imposed were unduly lenient.

Paragraph 2 of the Schedule amends paragraph 1 of the Schedule to the Armed Forces (Review of Court Martial Sentence) Order 2009 to specify the new offence for the purposes of section 273(3) of the Armed Forces Act 2006 (c. 52). Section 273 empowers the Attorney General to refer certain offences to the Court Martial Appeal Court, with leave of that Court, where the Attorney General considers that the sentences imposed were unduly lenient.

Paragraph 3 of the Schedule amends the table in Part 7 of Schedule 1 to the Criminal Legal Aid (Remuneration) Regulations 2013 to insert an entry relating to the new offence. Schedule 1 sets out the graduated fees and fixed fees payable to advocates for proceedings in the Crown Court.

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

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STATUTORY INSTRUMENTS

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