

2014 No. 2120

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 2003 (Surcharge) (Amendment) Order
2014**

<i>Made</i>	- - - -	<i>6th August 2014</i>
<i>Laid before Parliament</i>		<i>8th August 2014</i>
<i>Coming into force</i>	- -	<i>1st September 2014</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 161A(2), 161B and 330(4) of the Criminal Justice Act 2003(a).

Citation and commencement

1. This Order may be cited as the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2014 and comes into force on 1st September 2014.

Amendments to the Criminal Justice Act 2003 (Surcharge) Order 2012

2.—(1) The Schedule to the Criminal Justice Act 2003 (Surcharge) Order 2012(b) is amended as follows.

(2) In Column 1 of Table 1, in the entry relating to section 76 of the Powers of Criminal Courts (Sentencing) Act 2000, omit “where imposed by the Crown Court”.

(3) In Column 1 of Table 2, in the entry relating to a sentence of imprisonment or detention in a young offender institution for a determinate period of up to and including 6 months, omit “imposed by the Crown Court”.

(4) In Column 1 of Table 2, in the entry relating to a sentence of imprisonment or detention in a young offender institution for a determinate period of more than 6 months and up to and including 24 months, omit “imposed by the Crown Court”.

Transitional provision

3. The amendments made by article 2 do not apply where, after the coming into force of this Order, a magistrates’ court deals with a person for—

- (a) a single offence committed before the coming into force of this Order; or
- (b) more than one offence, at least one of which was committed before the coming into force of this Order.

(a) 2003 c. 44. Section 161A was inserted by section 14(1) of the Domestic Violence, Crime and Victims Act 2004 (c. 28), and amended by section 10 of, and paragraphs 30(1), (2)(a), (b) and (3) of the Schedule to, the Prevention of Social Housing Fraud Act 2013 (c. 3). Section 161B was inserted by section 14(1) of the Domestic Violence, Crime and Victims Act 2004.

(b) S.I. 2012/1696. The Schedule was amended by regulation 6(1)(a) and 6(1)(b) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential and Saving Provisions) Regulations 2012 (S.I. 2012/2824).

Signed by the authority of the Secretary of State

6th August 2014

Edward Faulks
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Justice Act 2003 (Surcharge) Order 2012 (S.I. 2012/1696) (“the 2012 Order”).

Section 161A(1) of the Criminal Justice Act 2003 (c. 44) requires a court when dealing with a person for one or more offences to order the person to pay a surcharge. The 2012 Order prescribes those cases where a court is not required to order a surcharge. It also prescribes the amount of the surcharge in those cases where a surcharge is payable. The Schedule to the 2012 Order provides that, in certain cases involving custody, a surcharge is only payable in relation to sentences imposed “by the Crown Court”. Article 2 of this Order omits these references to the Crown Court so that a surcharge is now also payable on imposition of an immediate custodial sentence by a magistrates’ court.

Article 3 provides that the amendments this Order makes to the 2012 Order will not apply where a magistrates’ court deals with a person for a single offence committed before 1st September 2014 or, where a magistrates’ court deals with a person for more than one offence, if at least one of those offences was committed before 1st September 2014.

A full impact assessment of the effect of the victim surcharge on the costs to business and the voluntary sector was published in 2012, and is available at http://www.legislation.gov.uk/ukia/2012/339/pdfs/ukia_20120339_en.pdf. An addendum to that impact assessment is published with the Explanatory Memorandum alongside this instrument at www.legislation.gov.uk.

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