

Draft Order laid before Parliament under section 77(10) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. (C.X)

CRIMINAL LAW, ENGLAND AND WALES

**The Legal Aid, Sentencing and Punishment of Offenders
Act 2012 (Commencement No. 14) Order 2019**

Made - - - -

The Secretary of State, in exercise of the powers conferred by section 77(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁽¹⁾, makes the following Order. In accordance with section 77(10) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 77(2) of that Act, the Secretary of State has previously made a piloting order⁽²⁾.

Citation

1. This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 14) Order 2019.

Commencement

2. Section 76 (Alcohol abstinence and monitoring requirement) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on the 21st day after the day on which this Order is made.

Date

Name
Secretary of State for Justice
Ministry of Justice

(1) 2012 c.10.
(2) S.I. 2014/1777, S.I. 2015/1480, S.I. 2016/1, S.I. 2016/286, S.I. 2017/225, S.I. 2017/525.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourteenth commencement order made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the 2012 Act”).

Article 2 brings into force section 76 of the Act, which inserts section 212A into the Criminal Justice Act 2003 (c. 44)(3). This provides that an alcohol abstinence and monitoring requirement can be imposed as part of a requirement of a community order or a suspended sentence order.

Section 77(2) of the 2012 Act provides that an order for the purposes of bringing section 76 into effect for the whole of England and Wales cannot be made until a piloting order has been made. That pre-condition has been met by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Alcohol Abstinence and Monitoring Requirements) Piloting Order (S.I. 2014/1777) and subsequent piloting orders.

A full impact assessment of the effect section 212A of the Criminal Justice Act 2003 will have on the private, voluntary or public sectors is available from www.legislation.gov.uk.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|---------------------------|
| Sections 1 to 18 | 1st April 2013 | 2013/453 |
| Section 19 (except as to subsection (4)) | 1st April 2013 | 2013/453 |
| Sections 20 to 37 | 1st April 2013 | 2013/453 |
| Section 38 (except subsection (2)) | 1st April 2013 | 2013/453 |
| Section 38(2) | 4th March 2013 | 2013/453 |
| Sections 39 to 43 | 1st April 2013 | 2013/453 |
| Section 44 (for the purposes of making orders, regulations or rules of court) | 19th January 2013 | 2013/77 |
| Section 44 (insofar as not already in force subject to savings) | 1st April 2013 | 2013/77 |
| Section 44 (in relation to insolvency proceedings) | 6th April 2016 | 2016/345 |
| Section 44 (in relation to publication and privacy proceedings) | 6th April 2019 | 2018/1287 |
| Section 45(1) and (8) | 1st October 2012 | 2012/2412 |
| Section 45 (insofar as not already in force for the purposes of making other regulations or rules of court) | 19th January 2013 | 2013/77 |

(3) [2003 c.44](#)

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|---------------------------|
| Section 45 (insofar as not already in force) | 1st April 2013 | 2013/77 |
| Section 46 (for the purposes of making regulations or rules of court) | 19th January 2013 | 2013/77 |
| Section 46 (insofar as not already in force, subject to savings) | 1st April 2013 | 2013/77 |
| Section 46 (in relation to insolvency proceedings) | 6th April 2016 | 2013/77 |
| Section 47 | 1st April 2013 | 2013/77 |
| Section 48 | 19th January 2013 | 2013/77 |
| Sections 49 to 54 | 1st April 2013 | 2013/453 |
| Section 55 | 1st October 2012 | 2012/2412 |
| Sections 56 and 57 | 1st April 2013 | 2013/453 |
| Section 58 | 4th March 2013 | 2013/453 |
| Section 59 | 1st April 2013 | 2013/453 |
| Section 60 | 4th March 2013 | 2013/453 |
| Sections 61 and 62 | 1st October 2012 | 2012/2412 |
| Sections 63 to 66 | 3rd December 2012 | 2012/2906 |
| Section 67 (except subsections (2)(a) and (5)(a)) | 3rd December 2012 | 2012/2906 |
| Sections 68 to 75 | 3rd December 2012 | 2012/2906 |
| Section 78 (except subsection (3)) | 3rd December 2012 | 2012/2906 |
| Sections 79 to 84 | 3rd December 2012 | 2012/2906 |
| Section 85 (except subsections (1), (2), (4) and (14)) | 28th May 2014 | 2014/1291 |
| Section 85 (insofar as not already in force, except subsection (14)) | 12th March 2015 | 2015/504 |
| Sections 86 and 87 | 28th May 2014 | 2014/1291 |
| Section 88 | 8th April 2013 | 2013/453 |
| Sections 89 to 118 | 3rd December 2012 | 2012/2906 |
| Sections 120 to 128 | 3rd December 2012 | 2012/2906 |
| Sections 130 and 131 | 3rd December 2012 | 2012/2906 |
| Sections 132 to 138 | 8th April 2013 | 2013/453 |
| Section 139 | 10th March 2014 | 2014/423 |
| Section 140 | 1st October 2012 | 2012/2412 |
| Section 141(7) to (9) and (12) | 1st October 2012 | 2012/2412 |
| Section 141 (so far as not previously in force) | 10th March 2014 | 2014/423 |
| Sections 142 and 143 | 3rd December 2012 | 2012/2770 |

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 14) Order 2020 No. 478

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|----------------------------------|-----------------------------|---------------------------|
| Section 144 | 1st September 2012 | 2012/1956 |
| Sections 145 to 147 | 3rd December 2012 | 2012/2770 |
| Section 148 | 14th May 2013 | 2013/1127 |
| Schedules 1 to 3 | 1st April 2013 | 2013/453 |
| Schedule 4 | 4th March 2013 | 2013/453 |
| Schedule 5 and 6 | 1st April 2013 | 2013/453 |
| Schedule 7 and 8 | 1st October 2012 | 2012/2412 |
| Schedules 9 to 22 | 3rd December 2012 | 2012/2906 |
| Schedules 23 and 24 | 8th April 2013 | 2013/453 |
| Schedule 25 (except paragraph 4) | 10th March 2014 | 2014/423 |
| Schedule 26 and 27 | 3rd December 2012 | 2012/2770 |