



Legal Aid, Sentencing and Punishment of Offenders Act 2012

CHAPTER 10

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

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 - 7 Civil legal services provided in relation to defamation or malicious...
 - 8 Civil legal services provided in relation to a claim in...
 - 9 Civil legal services provided in relation to conveyancing.
 - 10 Civil legal services provided in relation to the making of...
 - 11 Civil legal services provided in relation to matters of trust...
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 - 16 Civil legal services provided in relation to compensation under the...
 - 17 Civil legal services provided in relation to changing an individual's...
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 - 3 Advocacy in proceedings in the High Court.
 - 4 Advocacy in proceedings in the Court of Protection to the...
 - 5 Advocacy in proceedings in a county court.
 - 6 Advocacy in the following proceedings in the Crown Court—
 - 7 Advocacy in a magistrates' court that falls within the description...
 - 8 Advocacy in the following proceedings in a magistrates' court—
 - 9 Exceptions: tribunals
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 - 11 Advocacy in proceedings in the First-tier Tribunal under—
 - 12 Advocacy in proceedings in the First-tier Tribunal under—
 - 13 Advocacy in the First-tier Tribunal that falls within the description...
 - 14 Advocacy in proceedings in the First-tier Tribunal under—
 - 15 Advocacy in proceedings in the Upper Tribunal arising out of...
 - 16 Advocacy in proceedings in the Upper Tribunal under section 4...
 - 17 Advocacy in proceedings in the Upper Tribunal under section 11...

- 18 Advocacy in proceedings which are brought before the Upper Tribunal...
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- 20 Advocacy in proceedings in the Employment Appeal Tribunal, but only...
- 21 Other exceptions
- 22 Advocacy in proceedings in the Proscribed Organisations Appeal Commission.
- 23 Advocacy in legal proceedings before any person to whom a...
- 24 Advocacy in bail proceedings before any court which are related...
- 25 Advocacy in proceedings before any person for the enforcement of...

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- 1 For the purposes of this Part of this Act, civil...
- 2 References in this Schedule to an Act or instrument, or...
- 3 References in this Schedule to services provided in relation to...
- 4 References in this Schedule to services provided in relation to...
- 5 (1) Where a paragraph of Part 1 or 2 of...
- 6 For the purposes of this Schedule, regulations may make provision...
- 7 In this Schedule “enactment” includes— (a) an enactment contained in...

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- 1 Public Records Act 1958 (c. 51)
- 2 Parliamentary Commissioner Act 1967 (c. 13)
- 3 Criminal Appeal Act 1968 (c. 19)
- 4 Children and Young Persons Act 1969 (c. 54)
- 5 (1) In section 23 of that Act as it has...
- 6 Attachment of Earnings Act 1971 (c. 32)
- 7 Solicitors Act 1974 (c. 47)
- 8 (1) Section 47 (jurisdiction and powers of Tribunal) is amended...
- 9 In section 49(3) (appeals from Tribunal) for “providing representation funded...”
- 10 House of Commons Disqualification Act 1975 (c. 24)
- 11 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 12 Magistrates’ Courts Act 1980 (c. 43)
- 13 In section 8(4) (matters which may be contained in report...
- 14 In section 8A(5) (power to make ruling at pre-trial hearing)—...
- 15 In section 8C(7) (matters to which reporting restrictions do not...
- 16 In section 92(1)(b) (exception to restriction on power to impose...
- 17 In section 130(3) (powers of alternate court on transfer of...
- 18 In section 145A(4) (rules about costs orders against legal representatives)...
- 19 Senior Courts Act 1981 (c. 54)
- 20 In section 28(4) (appeals from Crown Court and inferior courts)...
- 21 In section 29(6) (mandatory, prohibiting and quashing orders) for “orders...”
- 22 Prosecution of Offences Act 1985 (c. 23)
- 23 In section 19(2)(b) (matters of which account to be taken...
- 24 In section 20(2) (regulations) for “by the Legal Services Commission...
- 25 (1) Section 21 (interpretation) is amended as follows.
- 26 Child Abduction and Custody Act 1985 (c. 60)
- 27 Administration of Justice Act 1985 (c. 61)
- 28 In section 40(1) (legal aid complaints) for the words from...
- 29 In section 41(2) (reduction of fees payable where legal aid...
- 30 (1) Section 42 (exclusion of barristers from legal aid work)...
- 31 In section 43(3) (reduction of costs payable where legal aid...
- 32 In paragraph 20(1) of Schedule 2 (powers of Tribunal in...
- 33 Housing Act 1985 (c. 68)
- 34 Criminal Justice Act 1987 (c. 38)
- 35 In section 4(1) (notices of transfer to Crown Court) for...
- 36 In section 11(12) (matters to which reporting restrictions do not...
- 37 Housing Act 1988 (c. 50)
- 38 Children Act 1989 (c. 41)
- 39 Courts and Legal Services Act 1990 (c. 41)

- 40 Criminal Justice Act 1991 (c. 53)
- 41 Social Security Administration Act 1992 (c. 5)
- 42 Criminal Procedure and Investigations Act 1996 (c. 25)
- 43 Family Law Act 1996 (c. 27)
- 44 (1) Section 8 (attendance at information meetings) is amended as...
- 45 (1) Section 23 (provision of marriage counselling) is amended as...
- 46 Crime and Disorder Act 1998 (c. 37)
- 47 (1) Section 50 (early administrative hearings) is amended as follows....
- 48 In section 51B(6)(b) (effect of notice given under section 51B...
- 49 In section 52A(7) (matters to which reporting restrictions do not...
- 50 In paragraph 3(8) of Schedule 3 (matters to which reporting...
- 51 Access to Justice Act 1999 (c. 22)
- 52 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 53 (1) Section 83(3) (exception to restriction on imposition of custodial...
- 54 In section 155(8) (alteration of Crown Court sentence) for “under...
- 55 Freedom of Information Act 2000 (c. 36)
- 56 International Criminal Court Act 2001 (c. 17)
- 57 Anti-terrorism, Crime and Security Act 2001 (c. 24)
- 58 Proceeds of Crime Act 2002 (c. 29)
- 59 In section 245C(6)(b) (exclusion from property freezing order or prohibition...
- 60 In section 252(4A)(b) (exclusion from restriction on dealing with property)...
- 61 Communications Act 2003 (c. 21)
- 62 Extradition Act 2003 (c. 41)
- 63 In section 45(7) (consent to extradition) for paragraph (a) substitute—...
- 64 In section 127(8) (consent to extradition: general) for paragraph (a)...
- 65 Criminal Justice Act 2003 (c. 44)
- 66 Domestic Violence, Crime and Victims Act 2004 (c. 28)
- 67 Equality Act 2006 (c. 3)
- 68 Legal Services Act 2007 (c. 29)
- 69 Criminal Justice and Immigration Act 2008 (c. 4)
- 70 Equality Act 2010 (c. 15)
- 71 Terrorist Asset-Freezing etc Act 2010 (c. 38)

Part 2 — REPEALS CONSEQUENTIAL ON PART 1 OF THIS SCHEDULE

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- 1 Obtaining information
- 2 Restrictions on disclosing information
- 3 Power to make consequential and supplementary provision etc
- 4 Regulations

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- 2 Defence costs
- 3 Legal costs
- 4 Prosecution costs
- 5 Costs of witnesses and appellants not in custody
- 6 Regulations
- 7 Interpretation
- 8 Supplementary

Part 2 — ATTORNEY GENERAL’S REFERENCES

- 9 Reference of point of law following acquittal on indictment
- 10 In consequence of the amendments made by paragraph 9, omit...
- 11 Reference of sentence of Crown Court appearing to be unduly lenient
 - Part 3 — EXTRADITION ACT 2003
- 12 Introduction
- 13 Extradition to Category 1 Territories
- 14 In section 62 (supplementary provision about costs where discharge ordered)...
- 15 After section 62 insert— Appropriate amount: England and Wales (1)
 - For the purposes of an order under section 61(5),...
- 16 Extradition to Category 2 Territories
- 17 In section 135 (supplementary provision about costs where discharge ordered)...
- 18 After section 135 insert— Appropriate amount: England and Wales (1)
 - For the purposes of an order under section 134(5),...
- 19 Regulations
 - Part 4 — SAVINGS
- 20 The amendments made by paragraphs 2 to 5 do not...
- 21 The amendments made by paragraphs 9 to 11 do not...
- 22 The amendments made by paragraphs 12 to 19 do not...
- 23 In paragraphs 20 to 22 “the relevant day”, in relation...
- 24 For the purposes of paragraphs 20 and 22—

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- 4 Witnesses’ expenses
- 5 Expenses of appellant not in custody
- 6 Further provision about costs
- 7 Regulations
- 8 Consequential repeal
 - Part 2 — APPEALS FROM COURT MARTIAL APPEAL COURT
- 9 Introduction
- 10 Application to Appeal Court
- 11 Application to Supreme Court
- 12 Accordingly, in the heading of section 47, at the end...
- 13 Further provision about costs
- 14 Regulations
 - Part 3 — SAVINGS
- 15 The amendments made by this Schedule do not have effect...
- 16 For the purposes of paragraph 15— (a) “the relevant day”,...

SCHEDULE 9 — Changes to powers to make suspended sentence orders: consequential and transitory provision

Part 1 — CONSEQUENTIAL AMENDMENTS

- 1 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 2 Criminal Justice Act 2003 (c. 44)
- 3 For the heading of Chapter 3 of Part 12 substitute...
- 4 In section 190(2) (limits on power to impose requirements by...
- 5 In section 191(1) (power to provide for review of suspended...
- 6 (1) Section 195 (interpretation of Chapter 3) is amended as...

- 7 (1) Section 196 (meaning of “relevant order”) is amended as...
- 8 In section 200(4) (supervision period and operational period where unpaid...
- 9 In section 213(3)(d) (supervision requirement: meaning of “relevant period”) for...
- 10 (1) Paragraph 8 of Schedule 12 (powers of court in...
- 11 In Part 3 of Schedule 12 (amendment of suspended sentence...
- 12 (1) Schedule 13 (transfer of suspended sentence orders to Scotland...
- 13 Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 (S.I. 2005/643)
- 14 Armed Forces Act 2006 (c. 52)
- 15 (1) Section 200 (suspended sentence orders with or without community...
- 16 Omit section 201 (provisions of the Criminal Justice Act 2003...
- 17 In section 207 (definitions for purposes of Chapter 4 of...
- 18 (1) Schedule 7 (suspended prison sentence: further conviction or breach...
- 19 Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (SI 2009/1059)
- 20 Part 2 — TRANSITORY PROVISION
In relation to any time before the coming into force...

SCHEDULE 10 — Repeal of sections 181 to 188 of Criminal Justice Act 2003:
consequential amendments

- 1 Prison Act 1952 (c. 52)
- 2 Criminal Justice Act 1961 (c. 39)
- 3 Firearms Act 1968 (c. 27)
- 4 Magistrates’ Courts Act 1980 (c. 43)
- 5 Road Traffic Offenders Act 1988 (c. 53)
- 6 Football Spectators Act 1989 (c. 37)
- 7 Prisoners (Return to Custody) Act 1995 (c. 3)
- 8 Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)
- 9 Crime (Sentences) Act 1997 (c. 43)
- 10 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 11 Extradition Act 2003 (c. 41)
- 12 Criminal Justice Act 2003 (c. 44)
- 13 In section 195 (interpretation of Chapter 3), omit the definitions...
- 14 (1) Section 196 (meaning of “relevant order” in Chapter 4)...
- 15 In section 197(1)(a)(i) (meaning of “responsible officer), omit “182(1) or”....
- 16 In section 202(4)(b) (circumstances in which court must not include...
- 17 Omit section 204(4) and (5) (restrictions on imposing curfew requirement)....
- 18 In section 213(3) (definition of “relevant period” for supervision requirement),...
- 19 Omit section 216(2) (requirement to specify area in which offender...
- 20 In section 241 (effect of direction under section 240 or...
- 21 (1) Section 244 (duty to release prisoners) is amended as...
- 22 Omit section 245 (restrictions on duty to release intermittent custody...
- 23 (1) Section 246 (power to release prisoners on licence early)...
- 24 In section 249 (duration of licence)— (a) in subsection (1),...
- 25 In section 250 (licence conditions)— (a) omit subsections (2), (2A),...
- 26 Omit section 251 (licence conditions on re-release of those serving...

- 27 In section 252(2) (duty to comply with licence conditions: overseas)—...
- 28 Omit section 253(4) (curfew conditions for those subject to intermittent...
- 29 In section 260(7) (early removal of persons liable to removal...
- 30 In section 261(6) (re-entry to UK of offender removed early:...
- 31 Omit section 263(3) (concurrent terms: requirements of licence).
- 32 (1) Section 264 (consecutive terms) is amended as follows.
- 33 Omit section 264A (consecutive terms: intermittent custody).
- 34 Omit section 265(1B) (restriction on consecutive sentences: intermittent custody).
- 35 In section 268 (interpretation of Chapter 6), omit the definitions...
- 36 In section 302 (execution of process between England and Wales...
- 37 In section 305(1) (interpretation of Part 12)—
- 38 (1) Schedule 12 (breach or amendment of suspended sentence order...
- 39 In Schedule 32 (amendments relating to sentencing), omit paragraphs 12(2),...
- 40 Domestic Violence, Crime and Victims Act 2004 (c. 28)
- 41 Armed Forces Act 2006 (c. 52)
- 42 Criminal Justice and Immigration Act 2008 (c. 4)
- 43 Policing and Crime Act 2009 (c. 26)
- 44 Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 (S.I. 2005/643)

SCHEDULE 11 — Amendment of enactments relating to bail

- 1 Bail Act 1976 (c. 63)
- 2 In section 2(2) (definitions)— (a) insert the following definitions at...
- 3 (1) Section 3 (general provisions) is amended as follows.
- 4 (1) Section 3AA (conditions for the imposition of electronic monitoring...
- 5 After section 3AA insert— Conditions for the imposition of electronic...
- 6 (1) Section 3AB (conditions for the imposition of electronic monitoring...
- 7 In section 3AC (electronic monitoring: general provisions) in each of...
- 8 (1) Section 7 (liability to arrest for absconding or breaking...
- 9 (1) Section 9A (bail decisions relating to persons aged under...
- 10 Part 1 of Schedule 1 (bail for defendants accused or...
- 11 For the heading immediately before paragraph 1 (defendants to whom...
- 12 In paragraph 1 (defendants to whom Part 1 applies) in...
- 13 After paragraph 1 insert— (1) The paragraphs of this Part of this Schedule mentioned...
- 14 In paragraph 2 (exceptions to bail where defendant may fail...
- 15 After paragraph 2 insert— (1) The defendant need not be granted bail if the...
- 16 For paragraph 2A (refusal of bail where defendant appears to...
- 17 For paragraph 6 (refusal of bail where defendant fails to...
- 18 In paragraph 6A (certain drug users to be refused bail...
- 19 In paragraph 9 (considerations to which the court must have...
- 20 In paragraph 9AA (court to give particular weight to the...
- 21 In paragraph 9AB (factors to be given particular weight by...
- 22 Part 1A of Schedule 1 (bail for defendants accused or...
- 23 For the heading immediately before paragraph 1 (defendants to whom...
- 24 In paragraph 1 (defendants to whom Part 1A applies) for...

- 25 After paragraph 1 insert— (1) The paragraphs of this Part of this Schedule mentioned...
- 26 (1) Paragraph 4 (refusal of bail to defendants who are...
- 27 Part 2 of Schedule 1 (bail for defendants accused or...
- 28 In paragraph 2 (refusal of bail for failure to surrender...
- 29 In paragraph 5 (refusal of bail in certain circumstances when...
- 30 After paragraph 5 insert— (1) The defendant need not be granted bail if —
- 31 (1) Paragraph 2 of Part 3 of Schedule 1 (references...
- 32 Bail (Amendment) Act 1993 (c. 26)
- 33 Criminal Justice and Public Order Act 1994 (c. 33)
- 34 Consequential amendments
- 35 In section 200 of the Extradition Act 2003 (amendments to...

SCHEDULE 12 — Remands of children otherwise than on bail: minor and consequential amendments

- 1 Criminal Justice Act 1948 (c. 58)
- 2 In the heading, for “17” substitute “18”.
- 3 In subsection (1) for “seventeen” substitute “eighteen”.
- 4 Prison Act 1952 (c. 52)
- 5 Children and Young Persons Act 1969 (c. 54)
- 6 Omit section 23 (remands and committals to local authority accommodation)....
- 7 Omit section 23AA (electronic monitoring of conditions of remand).
- 8 Omit section 23A (liability to arrest for breaking conditions of...
- 9 (1) Section 23B (report by local authority in certain cases...
- 10 (1) Section 32 (detention of absentees) is amended as follows...
- 11 In section 34(1) (transitional modifications of Part 1 for persons...
- 12 In section 69 (orders and regulations etc) omit subsection (4A)....
- 13 Local Authority Social Services Act 1970 (c. 42)
- 14 Bail Act 1976 (c. 63)
- 15 (1) Section 3AA (conditions for the imposition of electronic monitoring...
- 16 In section 7(6) (arrest for absconding or breaking conditions of...
- 17 In Part 3 of Schedule 1 (supplementary provisions about persons...
- 18 Child Abduction Act 1984 (c. 37)
- 19 In section 1(8) (offence of child abduction: modifications in relation...
- 20 In paragraph 2 of the Schedule (modifications of section 1...
- 21 Police and Criminal Evidence Act 1984 (c. 60)
- 22 Prosecution of Offences Act 1985 (c. 23)
- 23 Children Act 1989 (c. 41)
- 24 In section 21(2)(c) (duty to receive and provide accommodation for...
- 25 In Schedule 12 (minor amendments), omit paragraph 28(b).
- 26 Criminal Justice Act 1991 (c. 53)
- 27 Omit section 60(1).
- 28 In section 60(3) (applications under section 25 of the Children...
- 29 Omit section 61 (provision by local authorities of secure accommodation)....
- 30 Omit section 61A (cost of secure accommodation).
- 31 In section 92(3) (application of prisoner escort provisions to persons...
- 32 Bail (Amendment) Act 1993 (c. 26)
- 33 Criminal Justice and Public Order Act 1994 (c. 33)
- 34 Omit sections 19(1) and (3), 21 and 23.

- 35 In Schedule 9 (minor amendments) omit paragraph 38.
- 36 Crime and Disorder Act 1998 (c. 37)
- 37 In section 38(4)(d) (definition of “youth justice services”: placements pursuant...
- 38 In section 41(5) (functions of the Youth Justice Board for...
- 39 In section 57A(3) (use of live link for accused’s attendance...
- 40 Omit sections 97 and 98.
- 41 Access to Justice Act 1999 (c. 22)
- 42 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 43 In section 101 (taking account of remands in relation to...
- 44 In Schedule 9 (consequential amendments), omit paragraphs 93 and 126....
- 45 Care Standards Act 2000 (c. 14)
- 46 Criminal Justice and Court Services Act 2000 (c. 43)
- 47 Criminal Justice and Police Act 2001 (c. 16)
- 48 Courts Act 2003 (c. 39)
- 49 Extradition Act 2003 (c. 41)
- 50 Criminal Justice Act 2003 (c. 44)
- 51 In section 242 (interpretation of provisions about crediting periods of...
- 52 In Schedule 32 (amendments relating to sentencing), omit paragraph 15....
- 53 Criminal Defence Service Act 2006 (c. 9)
- 54 Violent Crime Reduction Act 2006 (c. 38)
- 55 Criminal Justice and Immigration Act 2008 (c. 4)
- 56 Children and Young Persons Act 2008 (c. 23)
- 57 Offender Management Act 2007 (Consequential Amendments) Order 2008 (SI 2008/912)
- 58 Policing and Crime Act 2009 (c. 26)

SCHEDULE 13 — Crediting of time in custody

Part 1 — ARMED FORCES AMENDMENTS

- 1 The Armed Forces Act 2006 is amended as follows.
- 2 (1) Section 246 (crediting of time in service custody: terms...
- 3 (1) Section 247 (crediting of time in service custody: supplementary)...
- 4 In section 373(3) (orders, regulations and rules) in paragraph (g)...
- 5 In Schedule 16 (minor and consequential amendments), omit paragraph 228....

Part 2 — OTHER AMENDMENTS

- 6 Criminal Appeal Act 1968 (c. 19)
- 7 Immigration Act 1971 (c. 77)
- 8 Road Traffic Offenders Act 1988 (c. 53)
- 9 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 10 In section 82A (determination of tariffs), in subsection (3)(b), for...
- 11 In section 101 (term of detention and training order), in...
- 12 In section 147A (extension of disqualification where custodial sentence also...
- 13 International Criminal Court Act 2001 (c. 17)

SCHEDULE 14 — Prisoners serving less than 12 months: consequential amendments

- 1 Road Traffic Offenders Act 1988 (c. 53)
- 2 Crime (Sentences) Act 1997 (c. 43)
- 3 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 4 International Criminal Court Act 2001 (c. 17)

- 5 Criminal Justice Act 2003 (c. 44)
- 6 (1) Section 244 (duty to release prisoners on licence) is...
- 7 In section 246(6) (power to release prisoners early: definitions), in...
- 8 (1) Section 249 (duration of licence) is amended as follows....
- 9 In section 250(4) (licence conditions) omit “for a term of...
- 10 In section 253(3) (period for which curfew condition to remain...
- 11 In section 260 (early removal of prisoners liable to removal...
- 12 (1) Section 261 (re-entry to UK of offender removed early)...
- 13 In section 263(2) (concurrent terms)— (a) after paragraph (a) insert—...
- 14 In section 264 (consecutive terms)— (a) in subsection (2), omit...
- 15 In section 267 (alteration by order of proportion of sentence),...
- 16 The heading of Chapter 6 of Part 12 becomes “Release,...
- 17 Commencement of repeal

SCHEDULE 15 — Application of sections 108 to 119 and transitional and transitory provision

- 1 In this Schedule— (a) “the commencement date”, in relation to...
- 2 (1) The following provisions apply in relation to any person...
- 3 The following provisions apply in relation to any person sentenced...
- 4 The amendments made by section 112 do not affect the...
- 5 Section 113 applies in relation to any person recalled under...
- 6 Section 114 applies in relation to any person recalled under...
- 7 Section 119 applies in relation to any person who, on...

SCHEDULE 16 — Amendments of Criminal Justice Act 2003: transitional and consequential provision

Part 1 — TRANSITIONAL PROVISION

- 1 The Criminal Justice Act 2003 is amended as follows.
- 2 After section 267 insert— Application of Chapter 6 to pre-4...
- 3 After Schedule 20 insert— SCHEDULE 20A Application of Chapter 6...

Part 2 — CONSEQUENTIAL AMENDMENTS

- 4 Repatriation of Prisoners Act 1984 (c. 47)
- 5 Criminal Justice Act 1991 (c. 53)
- 6 Crime (Sentences) Act 1997 (c. 43)
- 7 In paragraph 8 (transfers to Scotland)— (a) in sub-paragraph (2)(a),...
- 8 In paragraph 9(2)(a) and (4)(a) (transfers to Northern Ireland), for...
- 9 Extradition Act 2003 (c. 41)
- 10 In section 59 (return of person to serve remainder of...
- 11 In section 132 (return of person to serve remainder of...
- 12 In section 153B (return of person in pursuance of undertaking),...
- 13 Criminal Justice Act 2003 (c. 44)
- 14 In section 240A(1)(a) (crediting of periods of remand on bail),...
- 15 (1) The repeal by section 25 of the Criminal Justice...
- 16 Omit section 262 and Schedule 20 (prisoners liable to removal...
- 17 Omit section 265(1A) (restriction on consecutive sentences for released prisoners)...
- 18 Domestic Violence, Crime and Victims Act 2004 (c. 28)
- 19 Police and Justice Act 2006 (c. 48)
- 20 Criminal Justice and Immigration Act 2008 (c. 4)
- 21 Coroners and Justice Act 2009 (c. 25)
- 22 Criminal Justice and Immigration Act 2008 (Commencement No.1 and Transitional Provisions) Order 2008 (S.I. 2008/1466)

SCHEDULE 17 — Criminal Justice Act 2003: restatement of transitional provision

- 1 The Criminal Justice Act 2003 is amended as follows.
- 2 In section 244 (duty to release prisoners on licence), after...
- 3 In section 247 (release on licence of prisoner serving extended...
- 4 In section 249 (duration of licence), at the end insert—...
- 5 (1) Section 258 (early release of fine defaulters and contemnors)...
- 6 In section 260 (early removal of prisoners liable to removal...
- 7 In section 263 (concurrent terms), after subsection (4) insert—
- 8 In section 264 (consecutive terms), after subsection (7) insert—
- 9 After section 267A (inserted by Schedule 16) insert— Modification of...
- 10 After Schedule 20A (inserted by Schedule 16) insert— SCHEDULE 20B...

SCHEDULE 18 — Life sentence for second listed offence etc: new Schedule 15B to Criminal Justice Act 2003

SCHEDULE 19 — Life sentence for second listed offence: consequential and transitory provision

Part 1 — CONSEQUENTIAL PROVISION

- 1 Mental Health Act 1983 (c. 20)
- 2 Criminal Justice Act 1988 (c. 33)
- 3 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 4 In section 12 (absolute and conditional discharge), in subsection (1),...
- 5 In section 130 (compensation orders against convicted persons), in subsection...
- 6 In section 146 (driving disqualification for any offence), in subsection...
- 7 In section 164 (interpretation), in subsection (3)(c), after “section” insert...
- 8 Criminal Justice Act 2003 (c. 44)
- 9 In section 142 (purposes of sentencing: offenders aged 18 and...
- 10 In section 150 (community sentence not available where sentence fixed...
- 11 In section 152 (general restrictions on imposing discretionary custodial sentence),...
- 12 In section 153 (length of discretionary custodial sentences: general provision),...
- 13 In section 156 (pre-sentence reports and other requirements), after subsection...
- 14 In section 163 (general power of Crown Court to fine...
- 15 Before section 224 insert— Interpretation .
- 16 In section 224 (meaning of “specified offence” etc), in subsection...
- 17 After section 224 (and before section 224A) insert— Life sentences...
- 18 After section 226 insert— Extended sentences .
- 19 Before section 231 insert— Supplementary .
- 20 (1) Section 231 (appeals where convictions set aside) is amended...
- 21 After section 232 insert— Certificates of conviction Where— (a) on any date after the commencement of Schedule...
- 22 In section 305(4) (interpretation of Part 12), after paragraph (ba)...
- 23 Coroners and Justice Act 2009 (c. 25)

Part 2 — TRANSITORY PROVISION

- 24 (1) In relation to any time before the coming into...

SCHEDULE 20 — Release of new extended sentence prisoners: consequential amendments of Chapter 6 of Part 12 of the Criminal Justice Act 2003

- 1 Chapter 6 of Part 12 of the Criminal Justice Act...
- 2 (1) Section 237 (meaning of “fixed-term prisoner” etc) is amended...
- 3 In section 238 (power of court to recommend licence conditions),...
- 4 In section 240ZA (time remanded in custody to count as...
- 5 (1) Section 246 (power to release prisoners on licence) is...
- 6 (1) Section 250 (licence conditions) is amended as follows.
- 7 In section 255A (further release after recall), in subsection (7)(a)...
- 8 In section 258 (early release of fine defaulters and contemnors),...
- 9 (1) Section 260 (early removal of prisoners liable to removal...
- 10 (1) Section 261 (re-entry to UK of offender removed early)...
- 11 In section 263 (concurrent terms), in subsection (4), before “227”...
- 12 (1) Section 264 (consecutive terms) is amended as follows.
- 13 In section 265 (restriction on consecutive sentences for released prisoners),...

SCHEDULE 21 — Abolition of certain sentences for dangerous offenders and new extended sentences: consequential and transitory provision

Part 1 — CONSEQUENTIAL PROVISION

- 1 Juries Act 1974 (c. 23)
- 2 Rehabilitation of Offenders Act 1974 (c. 53)
- 3 Criminal Justice Act 1982 (c. 48)
- 4 Road Traffic Offenders Act 1988 (c. 53)
- 5 Crime (Sentences) Act 1997 (c. 43)
- 6 Crime and Disorder Act 1998 (c. 37)
- 7 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 8 In section 3A (committal for sentence of dangerous adult offenders),...
- 9 In section 3C (committal for sentence of dangerous young offenders),...
- 10 In section 76 (meaning of “custodial sentence”), in subsection (1)(bc),...
- 11 (1) Section 82A (determination of tariffs of life prisoners) is...
- 12 (1) Section 99 (conversion of sentence of detention to sentence...
- 13 In section 100 (offenders under 18: detention and training orders),...
- 14 (1) Section 106A (interaction of detention and training orders with...
- 15 (1) Section 147A (extension of driving disqualification where custodial sentence...
- 16 Criminal Justice and Court Services Act 2000 (c. 43)
- 17 In section 62 (release on licence etc: conditions as to...
- 18 In section 64 (release on licence: drug testing requirements), in...
- 19 Sexual Offences Act 2003 (c. 42)
- 20 Criminal Justice Act 2003 (c. 44)
- 21 In section 153 (length of discretionary custodial sentences: general provision),...
- 22 (1) Section 156 (pre-sentence reports and other requirements) is amended...
- 23 In the heading of section 225 (life sentence or imprisonment...
- 24 In the heading of section 226 (detention for life or...
- 25 In section 231 (appeals where convictions set aside), in subsection...
- 26 Omit section 232 (certificates of convictions for the purposes of...
- 27 In section 235 (detention under sections 226 and 228) after...
- 28 In the heading of that section after “226” insert “,...
- 29 In section 327 (arrangements for assessing etc risks posed by...

- 30 In section 330 (orders and rules), in subsection (5)(a), omit—...
- 31 Omit Schedule 15A (offences specified for the purposes of sections...
- 32 Offender Management Act 2007 (c. 21)
- 33 Counter-Terrorism Act 2008 (c. 28)
- 34 Coroners and Justice Act 2009 (c. 25)
- 35 Consequential repeals
- Part 2 — TRANSITORY PROVISION
- 36 (1) In relation to any time before the coming into...
- 37 (1) In relation to any time before the repeal of...

SCHEDULE 22 — Dangerous offenders subject to service law etc

Part 1 — SENTENCES FOR DANGEROUS OFFENDERS SUBJECT TO SERVICE LAW ETC

- 1 Armed Forces Act 2006 (c. 52)
- 2 After section 218 and the italic heading “Required or discretionary...”
- 3 (1) Section 219 (dangerous offenders aged 18 or over) is...
- 4 In the heading of that section for “Dangerous” substitute “Life...”
- 5 After that section insert— Extended sentence for certain violent or...
- 6 Omit section 220 (certain violent or sexual offenders aged 18...
- 7 In section 221 (dangerous offenders aged under 18) for subsection...
- 8 In the heading of that section for “Dangerous” substitute “Life...”
- 9 After that section insert— Extended sentence for certain violent or...
- 10 Omit section 222 (offenders aged under 18: certain violent or...
- Part 2 — CONSEQUENTIAL PROVISION
- 11 Juries Act 1974 (c. 23)
- 12 Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I.
1978/1908 (N.I. 27))
- 13 Criminal Justice Act 1982 (c. 48)
- 14 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 15 In section 99 (conversion of sentence of detention to sentence...
- 16 In section 106A(1) (interaction with sentence of detention), in the...
- 17 Criminal Justice and Court Services Act 2000 (c. 43)
- 18 In section 62 (release on licence etc: conditions as to...
- 19 In section 64 (release on licence etc: drug testing requirements),...
- 20 Sexual Offences Act 2003 (c. 42)
- 21 Criminal Justice Act 2003 (c. 44)
- 22 Armed Forces Act 2006 (c. 52)
- 23 (1) Section 188 (consecutive custodial sentences) is amended as
follows....
- 24 In section 209 (offenders aged under 18 convicted of certain...
- 25 In section 211 (offenders aged under 18: detention and training...
- 26 In section 221(3) (dangerous offenders aged under 18), after “as...
- 27 In section 223 (the “required opinion” for the purposes of...
- 28 In the heading of that section for “222” substitute “221A”....
- 29 For section 224 (place of detention under certain sentences) substitute
—...
- 30 (1) Section 228 (appeals where previous convictions set aside) is...
- 31 In section 237 (duty to have regard to the purposes...
- 32 In section 246 (crediting of time in service custody: terms...
- 33 (1) Section 256 (pre-sentence reports) is amended as follows.
- 34 (1) Section 260 (discretionary custodial sentences: general restrictions)
is amended...

- 35 (1) Section 261 (length of discretionary custodial sentences: general provision)...
- 36 In section 273 (review of unduly lenient sentence by Court...
- 37 In section 374 (definitions applying for purposes of the whole...
- 38 Counter-Terrorism Act 2008 (c. 28)
 - Part 3 — TRANSITORY PROVISION
- 39 (1) In relation to any time before the repeal of...

SCHEDULE 23 — Penalty notices for disorderly behaviour

- 1 Criminal Justice and Police Act 2001 (c. 16)
- 2 In section 1 (offences leading to penalties on the spot)...
- 3 (1) Section 2 (penalty notices) is amended as follows
- 4 After section 2 (penalty notices) insert— Educational course schemes
 - (1) A chief officer of police may establish an educational...
- 5 (1) Section 3 (amount of penalty and form of penalty...
- 6 (1) Section 4 (effect of penalty notice) is amended as...
- 7 (1) Section 5 (general restriction on proceedings) is amended as...
- 8 In section 6 (Secretary of State’s guidance) after paragraph (b)...
- 9 In section 8(4) (registration certificates) after “section 4(5)” insert “or...
- 10 (1) Section 10 (enforcement of fines) is amended as follows....
- 11 After section 10 insert— Orders and regulations Orders and regulations...
- 12 (1) Section 11 (interpretation of Chapter 1) is amended as...
- 13 Consequential amendments
- 14 (1) The Police Reform Act 2002 is amended as follows....
- 15 In consequence of the amendments made by paragraphs 3 and...

SCHEDULE 24 — Youth cautions: consequential amendments

- 1 Rehabilitation of Offenders Act 1974 (c. 53)
- 2 In section 8A(2) (meaning of “caution”)— (a) omit paragraph (c),...
- 3 In Schedule 2 (protection for spent cautions) in paragraph 2(1)(e)...
- 4 Police and Criminal Evidence Act 1984 (c. 60)
- 5 In section 34(5)(b) (requirement to release without bail unless proceedings...
- 6 In section 37B(9)(b) (consultation with Director of Public Prosecutions: meaning...
- 7 (1) Section 61 (fingerprinting) is amended as follows.
- 8 (1) Section 63 (non-intimate samples) is amended as follows.
- 9 In section 64ZC(6)(a) (destruction of data relating to a person...
- 10 In section 64ZI(3) (persons to be treated as having been...
- 11 (1) Schedule 2A (fingerprinting and samples: power to require attendance...
- 12 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
- 13 Jobseekers Act 1995 (c. 18)
- 14 Crime and Disorder Act 1998 (c. 37)
- 15 In section 38(4) (meaning of “youth justice services”)—
- 16 In section 66H (interpretation)— (a) in paragraph (a) (definition of...
- 17 In section 121(6) (provisions extending to Scotland) omit paragraph (c)....
- 18 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 19 In section 12(2) (which makes the provision for conditional discharge...
- 20 In Schedule 9 (consequential amendments) omit paragraph 198.

- 21 Terrorism Act 2000 (c. 11)
- 22 In paragraph 14F(3) (persons to be treated as having been...)
- 23 In paragraph 20F(3) (persons to be treated as having been...)
- 24 Criminal Justice and Court Services Act 2000 (c. 43)
- 25 Sexual Offences Act 2003 (c. 42)
- 26 Criminal Justice Act 2003 (c. 44)
- 27 Childcare Act 2006 (c. 21)
- 28 Criminal Justice and Immigration Act 2008 (c. 4)
- 29 In section 48(1) (which introduces Schedule 9 to that Act)...
- 30 In Schedule 9 (alternatives to prosecution for persons under 18)...
- 31 Counter-Terrorism Act 2008 (c. 28)
- 32 Terrorism Prevention and Investigation Measures Act 2011 (c. 23)

SCHEDULE 25 — Rehabilitation of offenders: consequential provision

Part 1 — REHABILITATION OF OFFENDERS: GENERAL

- 1 Rehabilitation of Offenders Act 1974: England and Wales
- 2 In section 1(4)(a) (references in Act to a conviction) for...
- 3 In section 2(5) (rehabilitation of persons dealt with in service...)
- 4 Omit section 3 (special provision with respect to certain disposals...)
- 5 In section 4(1)(a) (effect of rehabilitation) for “Great Britain” substitute...
- 6 (1) Section 7 (limitations on rehabilitation under the Act) is...
- 7 Omit section 8(8) (defamation actions: application of section to Scotland)...
- 8 In section 8A(2)(d) (definition of “caution”) after “Wales” insert “and...)
- 9 (1) Section 9 (unauthorised disclosure of spent convictions) is amended...
- 10 After section 10(1) (orders) insert— (1A) Any power of the...
- 11 Omit Schedule 1 (service disciplinary convictions referred to in section...)
- 12 Rehabilitation of Offenders Act 1974: Scotland
- 13 In section 1(4)(a) (references in Act to a conviction) for...
- 14 In section 2(5) (rehabilitation of persons dealt with in service...)
- 15 In section 4(1)(a) (effect of rehabilitation) for “Great Britain” substitute...
- 16 (1) Section 7 (limitations on rehabilitation under the Act) is...
- 17 (1) Section 9 (unauthorised disclosure of spent convictions) is amended...

Part 2 — REHABILITATION OF OFFENDERS: CONSEQUENTIAL REPEALS

SCHEDULE 26 — Knives and offensive weapons: minor and consequential amendments

- 1 Prevention of Crime Act 1953 (c. 14)
- 2 Mental Health Act 1983 (c. 20)
- 3 Police and Criminal Evidence Act 1984 (c. 60)
- 4 Criminal Justice Act 1988 (c. 33)
- 5 (1) Section 36(2)(b) (reviews of sentencing) is amended as follows....
- 6 (1) Section 139B (power of entry to search for articles...)
- 7 In section 172(3) (provisions extending to Northern Ireland) for “sections...”
- 8 Youth Justice and Criminal Evidence Act 1999 (c. 23)
- 9 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 10 In section 12(1) (absolute and conditional discharge) for “section 51A(2)...
- 11 In section 100 (offenders under 18: detention and training orders)...
- 12 In section 130(2) (compensation orders against convicted persons) for “section...
- 13 In section 146(2) (driving disqualification for any offence) for “section...
- 14 (1) Section 164(3) (further interpretative provisions) is amended as follows....
- 15 Criminal Justice Act 2003 (c 44)
- 16 (1) Section 142(2)(c) (purposes of sentencing: offenders aged 18 or...
- 17 (1) Section 142A(4)(b) (purposes of sentencing: offenders under 18) is...
- 18 (1) Section 144 (reduction in sentences for early guilty pleas)...
- 19 (1) Section 150 (community sentence not available where sentence fixed...
- 20 In section 152(1)(b) (general restrictions on imposing discretionary custodial sentences)...
- 21 In section 153(2) (length of discretionary custodial sentences: general provision)...
- 22 (1) Section 305(4) (interpretation of Part 12) is amended as...
- 23 Armed Forces Act 2006 (c. 52)
- 24 After section 227 (firearms offences) insert— Offences of threatening with...
- 25 In section 237(3) (duty to have regard to purposes of...
- 26 In section 239 (reduction in sentences for guilty pleas) at...
- 27 In section 260(1)(b) (discretionary custodial sentences: general restrictions) for “227”...
- 28 In section 261(3) (length of discretionary custodial sentences: general provision)...
- 29 In section 273(6)(b) (review of unduly lenient sentence by Court...
- 30 (1) Paragraph 12 of Schedule 2 (“Schedule 2 offences”) is...
- 31 Coroners and Justice Act 2009 (c. 25)

SCHEDULE 27 — Causing serious injury by dangerous driving: minor and consequential amendments

- 1 Road Traffic Act 1988 (c. 52)
- 2 Road Traffic Offenders Act 1988 (c. 53)
- 3 In section 23(1A) (alternative verdicts in Scotland) after paragraph (a)...
- 4 (1) Section 24 (alternative verdicts: general) is amended as follows....
- 5 In section 34(4) (disqualification for certain offences) after paragraph (a)(ii)...
- 6 In section 36(2)(b) (disqualification until test is passed) after “(causing...
- 7 In section 45(6) (effect of endorsement of counterparts) (until its...
- 8 In section 45A(4) (effect of endorsement of driving records) as...
- 9 In the table in Schedule 1 (application of provisions including...
- 10 Crime (International Co-operation) Act 2003 (c. 32)
- 11 Armed Forces Act 2006 (c. 52)