Sentencing Act 2020

2020 CHAPTER 17

An Act to consolidate certain enactments relating to sentencing. [22nd October 2020]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

FIRST GROUP OF PARTSIntroductory provisions and overview

PART 1

INTRODUCTORY PROVISIONS AND OVERVIEW

1 Overview

(1) Parts 2 to 13 of this Act together make up a code called the "Sentencing Code".

(2) They deal with the following matters.

Before sentencing

Part 2 is about powers exercisable by a court before passing sentence.

Sentencing

Part 3 is about court procedure when sentencing.

Part 4 is about the discretion a court has when sentencing.

Sentences

Part 5 is about absolute and conditional discharges.

Part 6 is about orders relating to conduct.

Part 7 is about fines and other orders relating to property.

Part 8 is about disqualification.

Part 9 is about community sentences.

Part 10 is about custodial sentences.

Part 11 is about behaviour orders.

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General

Part 12 contains miscellaneous and general provision about sentencing.

Part 13 deals with interpretation.

(3) Part 14 of this Act contains supplementary provision.

(4) For other provision that may be relevant in relation to sentencing, see—

(a) Criminal Procedure Rules, and

(b) sentencing guidelines.

Commencement Information

I1 S. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 Application of Code

(1) The Sentencing Code does not apply where a person is convicted of an offence before **[**[F1]1 December 2020**]**.

(2) Accordingly, any provision that corresponds to a provision of the Sentencing Code continues on and after that date to have effect as regards dealing with a person—

(a) for an offence of which the person was convicted before that date, and

(b) in relation to a sentence passed for an offence of which the person was convicted before that date.

(3) Where on or after that date a court is dealing with a person in relation to an offence of which the person was convicted before that date and is required to treat the person as just convicted of the offence, the requirement does not mean that subsection (2) no longer applies.

Textual Amendments

F1 Words in s. 2(1) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(1)**

Commencement Information

I2 S. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SECOND GROUP OF PARTSProvisions applying to sentencing courts generally

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PART 2

POWERS EXERCISABLE BEFORE PASSING SENTENCE

CHAPTER 1

DEFERMENT OF SENTENCE

3 Deferment order

(1) In this Code "deferment order" means an order deferring passing sentence on an offender in respect of one or more offences until the date specified in the order, to enable a court, in dealing with the offender, to have regard to—

(a) the offender's conduct after conviction (including, where appropriate, the offender's making reparation for the offence), or

(b) any change in the offender's circumstances.

(2) A deferment order may impose requirements ("deferment requirements") as to the offender's conduct during the period of deferment.

(3) Deferment requirements may include—

(a) requirements as to the residence of the offender during all or part of the period of deferment;

(b) restorative justice requirements.

Commencement Information
I3 S. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

4 Availability of deferment order

(1) A deferment order is available to the Crown Court or a magistrates' court in respect of an offence where—

(a) the offender is before the court to be dealt with for the offence, and

(b) no previous deferment order has been made in respect of the offence.

See also section 11(4) (power of Crown Court to make further deferment order where magistrates' court commits offender for sentence).

(2) But a deferment order is not available to a magistrates' court dealing with an offender in respect of an offence for which section 85(1)(a) (compulsory referral conditions) requires the court to make a referral order.

Commencement Information
I4 S. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 Making a deferment order

(1) A court may make a deferment order in respect of an offence only if—

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(a) the offender consents,

(b) the offender undertakes to comply with any deferment requirements the court proposes to impose,

(c) if those requirements include a restorative justice requirement, section 7(2) (consent of participants in restorative justice activity) is satisfied, and

(d) the court is satisfied, having regard to the nature of the offence and the character and circumstances of the offender, that it would be in the interests of justice to make the order.

(2) The date specified under section 3(1) in the order may not be more than 6 months after the date on which the order is made.

(3) A court which makes a deferment order must forthwith give a copy of the order—

(a) to the offender,

(b) if it imposes deferment requirements that include a restorative justice requirement, to every person who would be a participant in the activity concerned (see section 7(1)),

(c) where an officer of a provider of probation services has been appointed to act as a supervisor, to that provider, and

(d) where a person has been appointed under section 8(1)(b) to act as a supervisor, to that person.

(4) A court which makes a deferment order may not on the same occasion remand the offender, notwithstanding any enactment.

Commencement Information

I5 S. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 Effect of deferment order

(1) Where a deferment order has been made in respect of an offence, the court which deals with the offender for the offence may have regard to—

(a) the offender's conduct after conviction, or

(b) any change in the offender's circumstances.

(2) The matters to which the court may have regard in dealing with the offender include, in particular—

(a) where appropriate, the making by the offender of reparation for the offence, and

(b) the extent to which the offender has complied with any deferment requirements.

(3) Subsection (4) applies where—

(a) the court which made a deferment order proposes to deal with the offender on the date specified in the order, or

(b) the offender does not appear on that date.

(4) The court may—

(a) issue a summons requiring the offender to appear before the court at the time and place specified in the summons, or

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(b) issue a warrant for the offender's arrest which requires the offender to be brought before the court at the time and place specified in the warrant.

(5) Subsection (6) applies where a magistrates' court makes a deferment order.

(6) In making the order the court is to be regarded as having adjourned the trial under section 10(1) of the Magistrates' Courts Act 1980.

Accordingly, sections 11(1) and 13(1) to (3A) and (5) of that Act (non-appearance of the accused) apply if the offender does not appear on the date specified in the deferment order (but this is without prejudice to subsection (4)).

Commencement Information
I6 S. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

7 Restorative justice requirements

(1) Any reference in this Chapter to a restorative justice requirement is to a requirement to participate in an activity—

(a) where the participants consist of, or include, the offender and one or more of the victims,

(b) which aims to maximise the offender's awareness of the impact of the offending concerned on the victims, and

(c) which gives an opportunity to a victim or victims to talk about, or by other means express experience of, the offending and its impact.

(2) A restorative justice requirement may not be imposed as a deferment requirement without the consent of every person who would be a participant in the activity.

(3) For the purposes of subsection (2), a supervisor and the offender do not count as proposed participants.

(4) A person running an activity for the purposes of a restorative justice requirement must have regard to any guidance issued from time to time by the Secretary of State with a view to encouraging good practice in connection with such an activity.

(5) In this section “victim” means a victim of, or other person affected by, the offending concerned.

Commencement Information
I7 S. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

8 Deferment order: supervisor

Appointment of supervisor

(1) Where a court makes a deferment order that imposes deferment requirements, it may appoint—

(a) an officer of a provider of probation services, or

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(b) any other person the court thinks appropriate who consents to the appointment,

to act as a supervisor in relation to the offender.

Function of supervisor

(2) A supervisor must—

(a) monitor the offender's compliance with the deferment requirements, and

(b) provide the court which deals with the offender for any offence in respect of which the order was made with such information as the court may require relating to the offender's compliance with the deferment requirements.

Supervisor appointed under subsection (1)(b): power of magistrates' court to issue summons

(3) Where—

(a) a deferment order imposes deferment requirements,

(b) it falls to a magistrates' court to—

(i) deal with the offender for any offence in respect of which the order was made, or

(ii) determine under section 9(3)(b) whether the offender has failed to comply with a deferment requirement, and

(c) a justice of the peace is satisfied that a supervisor appointed under subsection (1)(b)—

(i) is likely to be able to give evidence that may assist the court in doing so, and

(ii) will not voluntarily attend as a witness,

the justice may issue a summons directed to that supervisor requiring the supervisor to attend before the court at the time and place appointed in the summons to give evidence.

Commencement Information

I8 S. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

9 Failure to comply with deferment requirement

(1) This section applies where—

(a) a court has made a deferment order that imposes deferment requirements, and

(b) a supervisor has reported to the court that the offender has failed to comply with one or more of the deferment requirements.

(2) The court may issue—

(a) a summons requiring the offender to appear before it at the time and place specified in the summons, or

(b) a warrant for the offender's arrest which requires the offender to be brought before it at the time and place specified in the warrant.

(3) The court may deal with the offender for the offence in respect of which the order was made before the end of the period of deferment if—

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(a) the offender appears or is brought before the court under subsection (2), and

(b) the court is satisfied that the offender has failed to comply with one or more of the deferment requirements.

For the powers of the court in dealing with the offender under this subsection, see section 11.

Commencement Information

I9 S. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

10 Conviction of offence during period of deferment

(1) This section applies where a court has made a deferment order in respect of an offence.

Power of court which made deferment order

(2) The court which made the order ("the original court") may deal with the offender for the offence in respect of which the deferment order was made before the end of the period of deferment if during that period the offender is convicted in Great Britain of any offence.

For the powers of the original court in dealing with the offender under this subsection, see section 11.

(3) Where the original court proposes to deal with the offender by virtue of subsection (2) before the end of the period of deferment, it may issue—

(a) a summons requiring the offender to appear before the court at the time and place specified in the summons, or

(b) a warrant for the arrest of the offender, requiring the offender to be brought before the court at the time and place specified in the warrant.

Power of court which sentences offender for later offence

(4) Subsection (5) applies where during the period of deferment the offender is convicted in England and Wales of any offence ("the later offence").

This is subject to subsection (6).

(5) The court which passes sentence on the offender for the later offence may also deal with the offender for the offence or offences in respect of which the deferment order was made (if this has not already been done).

For the powers of the court in dealing with the offender under this subsection, see section 11.

(6) Subsection (5) does not apply where—

(a) the deferment order was made by the Crown Court, and

(b) the court which passes sentence on the offender for the later offence is a magistrates' court.

(7) Subsection (5)—

(a) is without prejudice to subsection (2), and

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(b) applies whether or not the offender is sentenced for the later offence during the period of deferment.

Commencement Information
I10 S. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

11 Powers of court dealing with offender following deferment order

(1) Subsection (2) applies where an offender who is subject to a deferment order is being dealt with for any offence in respect of which the order was made—

(a) by the court which made the order ("the original court")—

(i) at the end of the period of deferment, in accordance with the deferment order,

(ii) under section 9(3) (failure to comply with deferment requirement), or

(iii) under section 10(2) (original court dealing with offender following conviction during period of deferment), or

(b) by any court under section 10(5) (conviction during period of deferment: convicting court dealing with offender).

(2) The court may deal with the offender for the offence in any way in which the original court could have dealt with the offender for the offence if it had not made a deferment order.

(3) Where a magistrates' court is dealing with the offender, its power under that subsection includes, in particular, the power in section 14 to commit the offender to the Crown Court for sentence.

(4) Where a magistrates' court deals with the offender by committing the offender to the Crown Court under section 14, the power of the Crown Court to deal with the offender includes the same power to make a deferment order as if the offender had just been convicted of the offence on indictment before it.

Commencement Information
I11 S. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

12 Saving for power to bind over and other powers to defer sentence

Nothing in this Chapter affects—

(a) the power of the Crown Court to bind over an offender to come up for judgment when called upon, or

(b) any other power of a court to defer passing sentence.

Commencement Information
I12 S. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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13 Deferment orders: interpretation

(1) In this Chapter—

"deferment requirement" has the meaning given by section 3(2);

"period of deferment", in relation to a deferment order, means the period from the date on which the deferment order is made until the date specified in the order under section 3(1);

"restorative justice requirement" has the meaning given by section 7;

"supervisor", in relation to a deferment order, means a person appointed under section 8(1).

(2) In relation to a deferment order made by a magistrates' court, any reference in this Chapter to the court which made the order includes a reference to any magistrates' court acting in the same local justice area as that court.

Commencement Information
I13 S. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 2

COMMITTAL TO THE CROWN COURT FOR SENTENCE

Committal following summary trial: adults and corporations

14 Committal for sentence on summary trial of offence triable either way: adults and corporations

(1) This section applies where—

(a) on the summary trial of an offence triable either way a person aged 18 or over is convicted of the offence, and

(b) the court is of the opinion that—

(i) the offence, or

(ii) the combination of the offence and one or more offences associated with it,

was so serious that the Crown Court should have the power to deal with the offender in any way it could deal with the offender if the offender had been convicted on indictment.

This is subject to the provisions mentioned in subsection (4).

(2) The court may commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 21(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.

(4) For offences in relation to which this section does not apply see sections 17D and 33 of the Magistrates' Courts Act 1980 (exclusion in respect of certain offences where value involved is small).

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(5) This section applies to a corporation as if—

(a) the corporation were an individual aged 18 or over, and

(b) in subsection (2) the words "in custody or on bail" were omitted.

Commencement Information

I14 S. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

15 Committal for sentence of dangerous adult offenders

(1) This section applies where—

(a) on the summary trial of a specified offence (see section 306) triable either way a person aged 18 or over is convicted of the offence, and

(b) the court is of the opinion that an extended sentence of detention in a young offender institution or of imprisonment (see section 266 or 279) would be available in relation to the offence.

(2) The court must commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 21(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.

(4) In doing anything under or contemplated by this section, the court is not bound by any indication of sentence given in respect of the offence under section 20 of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable).

(5) Nothing the court does under this section may be challenged or be the subject of any appeal in any court on the ground that it is inconsistent with an indication of sentence.

(6) Nothing in this section prevents the court from committing an offender convicted of a specified offence to the Crown Court for sentence under section 14 or 18 if the provisions of that section are satisfied.

Commencement Information

I15 S. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Committal following summary trial: persons under 18

16 Committal for sentence of young offenders on summary trial of certain serious offences

(1) This section applies where—

(a) on the summary trial of an offence within paragraph (a) or (b) of the table in section 249(1) (offences punishable with imprisonment for 14 years or more and certain sexual offences), a person is convicted of the offence,

(b) the person is aged under 18 at the time of conviction, and

(c) the court is of the opinion that—

(i) the offence, or

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(ii) the combination of the offence and one or more offences associated with it,

was such that the Crown Court should have power to deal with the offender by imposing a sentence of detention under section 250.

(2) The court may commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 22(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.

Commencement Information
I16 S. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

17 Committal for sentence of dangerous young offenders

(1) This section applies where—

(a) on the summary trial of a specified offence (see section 306) a person aged under 18 is convicted of the offence, and

(b) the court is of the opinion that an extended sentence of detention under section 254 would be available in relation to the offence.

(2) The court must commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 22(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.

(4) Nothing in this section prevents the court from committing a person convicted of a specified offence to the Crown Court for sentence under section 16 or 19 if the provisions of that section are satisfied.

Commencement Information
I17 S. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Committal for sentence following indication of guilty plea

18 Committal for sentence on indication of guilty plea to offence triable either way: adult offenders

(1) Where a magistrates' court—

(a) has convicted an offender aged 18 or over of an offence triable either way following an indication of a guilty plea, and

(b) has sent the offender to the Crown Court for trial for one or more related offences,

it may commit the offender in custody or on bail to the Crown Court to be dealt with in respect of the offence in accordance with section 21(2).

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(2) For offences in relation to which subsection (1) does not apply, see section 17D of the Magistrates' Courts Act 1980 (cases where value involved is small).

(3) Where a magistrates' court—

(a) convicts an offender aged 18 or over of an offence triable either way following an indication of a guilty plea, and

(b) is still to determine to send, or whether to send, the offender to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998, for one or more related offences,

it must adjourn the proceedings relating to the offence until after it has made those determinations.

(4) Where the court—

(a) commits the offender under subsection (1) to the Crown Court to be dealt with in respect of the offence, and

(b) in its opinion also has power under section 14(2) or is required under section 15(2) to commit the offender to the Crown Court to be dealt with in respect of the offence,

the court may make a statement of that opinion.

(5) For powers of the court, where it commits a person under subsection (1), also to commit in respect of other offences, see section 20.

(6) For the purposes of this section, a magistrates' court convicts a person of an offence triable either way following an indication of a guilty plea if—

(a) the person appears or is brought before the court on an information charging the person with the offence,

(b) the person or (where applicable) the person's representative indicates under—

(i) section 17A or 17B of the Magistrates' Courts Act 1980 (indication of intention as to plea in case of offence triable either way), or

(ii) section 20(7) of that Act (summary trial appears more suitable),

that the person would plead guilty if the offence were to proceed to trial, and

(c) proceeding as if—

(i) section 9(1) of that Act were complied with, and

(ii) the person pleaded guilty under it,

the court convicts the person of the offence.

(7) For the purposes of this section—

(a) "related offence" means an offence which, in the opinion of the court, is related to the offence, and

(b) one offence is related to another if, were they both to be prosecuted on indictment, the charges for them could be joined in the same indictment.

(8) In doing anything under or contemplated by this section, the court is not bound by any indication of sentence given in respect of the offence under section 20 of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable).

(9) Nothing the court does under this section may be challenged or be the subject of any appeal in any court on the ground that it is inconsistent with an indication of sentence.

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Commencement Information

I18 S. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

19 Committal for sentence on indication of guilty plea by child with related offences

(1) Where—

(a) a magistrates' court—

(i) has convicted a person aged under 18 of an offence following an indication of a guilty plea, and

(ii) has sent the person to the Crown Court for trial for one or more related offences, and

(b) the offence falls within paragraph (a) or (b) of the table in section 249(1) (offences punishable with imprisonment for 14 years or more and certain sexual offences),

the court may commit the offender in custody or on bail to the Crown Court to be dealt with in respect of the offence in accordance with section 22(2).

(2) Where a magistrates' court—

(a) convicts a person aged under 18 of an offence mentioned in paragraph (a) or (b) of the table in section 249(1) following an indication of a guilty plea, and

(b) is still to determine to send, or whether to send, the person to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998 for one or more related offences,

it must adjourn the proceedings relating to the offence until after it has made those determinations.

(3) Where the court—

(a) commits the offender under subsection (1) to the Crown Court to be dealt with in respect of the offence, and

(b) in its opinion, also has power so to commit the offender under section 16(2) or 17(2),

the court may make a statement of that opinion.

(4) For powers of the court, where it commits a person under subsection (1), also to commit in respect of other offences, see section 20.

(5) For the purposes of this section, a magistrates' court convicts a person aged under 18 of an offence following an indication of a guilty plea if—

(a) the person appears or is brought before the court when aged under 18 on an information charging the person with the offence,

(b) the person or the person's representative indicates under section 24A or 24B of the Magistrates' Courts Act 1980 (child or young person to indicate intention as to plea in certain cases) that the person would plead guilty if the offence were to proceed to trial, and

(c) proceeding as if—

(i) section 9(1) of that Act were complied with, and

(ii) the person pleaded guilty under it,

the court convicts the person of the offence.

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(6) For the purposes of this section—

(a) "related offence" means an offence which, in the opinion of the court, is related to the offence, and

(b) one offence is related to another if, were they both to be prosecuted on indictment, the charges for them could be joined in the same indictment.

Commencement Information

I19 S. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Committal for sentence where offender committed in respect of another offence

20 Committal in certain cases where offender committed in respect of another offence

(1) This section applies where a magistrates' court ("the committing court") commits an offender to the Crown Court under—

(a) sections 14 to 19 (committal for sentence for indictable offences),

(b) paragraph 5(4) of Schedule 2 (further offence committed by offender given conditional discharge order),

(c) paragraph 24(2) of Schedule 10 (committal to Crown Court where offender convicted of further offence while community order is in force),

(d) paragraph 11(2) of Schedule 16 (committal to Crown Court where offender commits further offence during operational period of suspended sentence order),

(e) section 43 of the Mental Health Act 1980 (power of magistrates' courts to commit for restriction order),

(f) section 6(6) or 9(3) of the Bail Act 1976 (committal to Crown Court for offences of absconding by person released on bail or agreeing to indemnify sureties in criminal proceedings), or

(g) the Vagrancy Act 1824 (incorrigible rogues),

to be sentenced or otherwise dealt with in respect of an offence ("the relevant offence").

(2) Where—

(a) the relevant offence is an indictable offence, and

(b) the committing court has power to deal with the offender in respect of another offence,

the committing court may also commit the offender to the Crown Court to be dealt with in respect of the other offence in accordance with section 23.

(3) It is immaterial for the purposes of subsection (2) whether the court which convicted the offender of the other offence was the committing court or another court.

(4) Where the relevant offence is a summary offence, the committing court may commit the offender to the Crown Court to be dealt with, in accordance with section 23, in respect of—

(a) any other offence of which the committing court has convicted the offender which is punishable with—

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(i) imprisonment, or

(ii) driving disqualification, or

(b) any suspended sentence in respect of which it falls to the committing court to deal with the offender by virtue of paragraph 11(1) of Schedule 16.

(5) For the purposes of subsection (4)(a) an offence is punishable with driving disqualification if the committing court has a power or duty to order the offender to be disqualified under section 34, 35 or 36 of the Road Traffic Offenders Act 1988 (disqualification for certain motoring offences) in respect of it.

(6) A committal to the Crown Court under this section is to be in custody or on bail as the case may require.

Commencement Information

I20 S. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power of Crown Court on committal for sentence

21 Power of Crown Court on committal for sentence of offender under section 14, 15 or 18

(1) This section applies where an offender is committed by a magistrates' court for sentence under—

(a) section 14(2) (committal for sentence on summary trial of offence triable either way),

(b) section 15(2) (committal for sentence of dangerous adult offenders), or

(c) section 18(1) (committal for sentence on indication of guilty plea to offence triable either way).

(2) The Crown Court—

(a) must inquire into the circumstances of the case, and

(b) may deal with the offender in any way in which it could deal with the offender if the offender had been convicted of the offence on indictment before the court.

This is subject to subsections (4) and (5).

(3) Any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead be exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (duties relating to information).

(4) Subsection (5) applies where a magistrates' court—

(a) commits an offender under section 18(1) to be dealt with in respect of an offence (“the offence”), but

(b) does not make a statement under section 18(4) (statement of power to commit under section 14(2) or 15(2)).

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(5) Unless the offender is convicted before the Crown Court of at least one of the offences for which the magistrates' court has sent the offender for trial (see section 18(1)(b))—

(a) subsection (2)(b) does not apply, and

(b) the Crown Court may deal with the offender for the offence in any way in which the magistrates' court could have dealt with the offender for it.

(6) Section 20A(1) of the Magistrates' Courts Act 1980 (which relates to the effect of an indication of sentence under section 20 of that Act) does not apply in respect of a specified offence (see section 306)—

(a) in respect of which the offender is committed under section 15(2) (dangerous adult offenders), or

(b) in respect of which—

(i) the offender is committed under section 18(1) (guilty plea to offence triable either way), and

(ii) the court makes a statement under section 18(4) that, in its opinion, it also has power to commit the offender under section 15(2).

Commencement Information

I21 S. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

22 Power of Crown Court on committal for sentence of person under 18 under section 16, 17 or 19

(1) This section applies where an offender is committed by a magistrates' court for sentence under—

(a) section 16(2) (committal for sentence of young offenders on summary trial of certain serious offences),

(b) section 17(2) (committal for sentence of dangerous young offenders), or

(c) section 19(1) (committal for sentence on indication of guilty plea by child or young person with related offences).

(2) The Crown Court—

(a) must inquire into the circumstances of the case, and

(b) may deal with the offender in any way in which it could deal with the offender if the offender had been convicted of the offence on indictment before the court.

This is subject to subsections (4) and (5).

(3) Any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead be exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (duties relating to information).

(4) Subsection (5) applies where a magistrates' court—

(a) commits an offender under section 19(1) to be dealt with in respect of an offence ("the offence"), but

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(b) does not make a statement under section 19(3) (statement of power to commit under section 16(2) or 17(2)).

(5) Unless the offender is convicted before the Crown Court of at least one of the offences for which the magistrates' court has sent the offender for trial (see section 19(1)(a))—

(a) subsection (2)(b) does not apply, and

(b) the Crown Court may deal with the offender for the offence in any way in which the magistrates' court could have dealt with the offender for it.

Commencement Information

I22 S. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

23 Power of Crown Court on committal for sentence under section 20

(1) Subsection (2) applies where under section 20(2) or (4)(a) (committal for sentence in certain cases where offender committed in respect of another offence) a magistrates' court commits a person to be dealt with by the Crown Court in respect of an offence.

(2) The Crown Court—

(a) must inquire into the circumstances of the case, and

(b) may deal with the offender for the offence in any way in which the magistrates' court could have dealt with the offender (assuming it had convicted the offender of the offence).

(3) Subsection (4) applies where under section 20(4)(b) a magistrates' court commits a person to be dealt with by the Crown Court in respect of a suspended sentence.

(4) The powers under paragraphs 13 and 14 of Schedule 16 (power of court to deal with suspended sentence) are exercisable by the Crown Court.

(5) Subsection (6) applies where under section 20 a magistrates' court commits a person to be dealt with by the Crown Court.

(6) Without prejudice to subsections (1) to (4), any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead be exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (duties relating to information).

Commencement Information

I23 S. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Further powers to commit to Crown Court for sentence

24 Further powers to commit offender to the Crown Court to be dealt with

(1) For other powers of a magistrates' court to commit an offender to the Crown Court to be dealt with for an offence, see—

(a) paragraph 22(2) and (4) of Schedule 7 (offender subject to youth rehabilitation order made by Crown Court convicted of further offence by magistrates' court);

(b) section 70 of the Proceeds of Crime Act 2002 (request by prosecution with a view to consideration of confiscation order under section 6 of that Act);

(c) section 43(1) of the Mental Health Act 1983 (power of magistrates' courts to commit for restriction order);

(d) section 6(6) of the Bail Act 1976 (offence of absconding by person released on bail);

(e) section 9(3) of that Act (offence of agreeing to indemnify sureties in criminal proceedings);

(f) the Vagrancy Act 1824 (incorrigible rogues).

(2) Nothing in subsection (1) is to be taken to limit any other power of a magistrates' court to commit an offender to the Crown Court.

Commencement Information

I24 S. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 3

REMISSION TO YOUTH COURT OR OTHER MAGISTRATES' COURT FOR SENTENCE

25 Power and duty to remit offenders aged under 18 to youth courts for sentence

(1) This section applies where a person aged under 18 is convicted by or before a court ("the convicting court") of an offence other than homicide.

(2) If the convicting court is the Crown Court, it must remit the offender to a youth court acting for the place where the sending court sat, unless satisfied that it would be undesirable to do so.

The "sending court" is the magistrates' court which sent the offender to the Crown Court for trial.

(3) If the convicting court is a youth court, it may remit the offender to another youth court.

(4) If the convicting court is a magistrates' court other than a youth court—

(a) it may remit the offender to a youth court, and

(b) must do so unless subsection (5) applies.

(5) This subsection applies where the convicting court—

(a) would be required by section 85(1)(a) to make a referral order if it did not remit the offender to a youth court, or

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(b) is of the opinion that the case is one which can properly be dealt with by means of—

(i) an order for absolute discharge or an order for conditional discharge,

(ii) a fine, or

(iii) an order (under section 376) requiring the offender's parent or guardian to enter into a recognizance to take proper care of, and exercise proper control over, the offender,

with or without any other order that the court has power to make when making an order for absolute discharge or an order for conditional discharge.

(6) For the purposes of subsection (5)(b)(iii)—

(a) "care" and "control" are to be read in accordance with section 376(3) (binding over of parent or guardian), and

(b) section 404 (certain references to parent or guardian to be read as references to local authority) does not apply.

(7) Any remission of an offender under subsection (3) or (4) must be to a youth court acting for—

(a) the same place as the remitting court, or

(b) the place where the offender habitually resides.

(8) Where an offender is remitted to a youth court under this section, that court may deal with the offender in any way in which it could deal with the offender if it had convicted the offender of the offence.

(9) A court which remits an offender to a youth court under this section must provide the designated officer for the youth court with a certificate which—

(a) sets out the nature of the offence, and

(b) states—

(i) that the offender has been convicted of the offence, and

(ii) that the offender has been remitted for the purpose of being dealt with under subsection (8).

(10) A document which purports—

(a) to be a copy of an order made by a court under this section, and

(b) to be certified as a true copy by the designated officer for the court,

is to be evidence of the order.

Commencement Information

I25 S. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

26 Remission by Crown Court to youth court: custody or bail, and appeals

(1) This section applies where the Crown Court remits an offender to a youth court under section 25.

(2) The Crown Court may, subject to section 25 of the Criminal Justice and Public Order Act 1994 (restrictions on granting bail), give such directions as appear to be necessary—

(a) with respect to the custody of the offender, or

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(b) for the offender's release on bail,

until the offender can appear or be brought before the youth court.

(3) The offender—

(a) has no right of appeal against the order of remission, but

(b) has the same right of appeal against an order of the youth court as if convicted by that court.

Commencement Information

I26 S. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

27 Power of youth court to remit offender who attains age of 18 to magistrates' court other than youth court for sentence

(1) Subsection (2) applies where a person who appears or is brought before a youth court charged with an offence subsequently reaches the age of 18.

(2) The youth court may, at any time after conviction and before sentence, remit the offender for sentence to a magistrates' court other than a youth court ("the adult court").

(3) Where an offender is remitted under subsection (2), the adult court may deal with the offender in any way in which it could deal with the offender if it had convicted the offender of the offence.

(4) Where an offender is remitted under subsection (2), section 25(4) (duty of adult magistrates' court to remit young offenders to youth court for sentence) does not apply to the adult court.

Commencement Information

I27 S. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

28 Power of magistrates' court to remit case to another magistrates' court for sentence

(1) Subsection (2) applies where—

(a) a person aged 18 or over has been convicted by a magistrates' court ("the convicting court") of a relevant offence ("the present offence"),

(b) it appears to the convicting court that some other magistrates' court ("the other court") has convicted the offender of another relevant offence in respect of which the other court has not—

(i) passed sentence on the offender,

(ii) committed the offender to the Crown Court for sentence, nor

(iii) dealt with the offender in any other way, and

(c) the other court consents to the offender's being remitted to it under this section.

(2) The convicting court may remit the offender to the other court to be dealt with in respect of the present offence by the other court instead of by the convicting court.

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(3) In subsection (1), "relevant offence", in relation to the convicting court or the other court, means an offence which is punishable by that court with—

(a) imprisonment, or

(b) driving disqualification.

For this purpose, an offence is punishable by a court with driving disqualification if the court has a power or duty to order the offender to be disqualified under section 34, 35 or 36 of the Road Traffic Offenders Act 1988 (disqualification for certain motoring offences) in respect of it.

(4) Where the convicting court remits the offender to the other court under this section the other court may deal with the offender in any way in which it could deal with the offender if it had convicted the offender of the present offence.

This is subject to subsection (7).

(5) The power conferred on the other court by subsection (4) includes, where applicable, the power to remit the offender under this section to another magistrates' court in respect of the present offence.

(6) Where the convicting court has remitted the offender under this section, the other court may remit the offender back to the convicting court; and where it does so subsections (4) and (5) (so far as applicable) apply with the necessary modifications.

(7) Nothing in this section prevents the convicting court from making a restitution order (see section 147) by virtue of the offender's conviction of the present offence.

(8) In this section "conviction" includes a finding under section 11(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (remand for medical examination) that the person in question did the act or made the omission charged, and "convicted" is to be read accordingly.

Commencement Information
I28 S. 28 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

29 Remission by magistrates' court: adjournment, remand and appeal

(1) This section applies where a magistrates' court ("the remitting court") remits an offender under section 25, 27 or 28 to another magistrates' court ("the other court") to be dealt with in respect of an offence.

(2) The remitting court must adjourn proceedings in relation to the offence.

(3) Any remand enactment has effect, in relation to the remitting court's power or duty to remand the offender on that adjournment, as if any reference to the court to or before which the person remanded is to be brought or appear after remand were a reference to the other court.

(4) In this section, "remand enactment" means section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) or any other enactment, whenever passed or made, relating to remand or the granting of bail in criminal proceedings; and for this purpose—

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(a) "enactment" includes an enactment contained in any order, regulation or other instrument having effect by virtue of an Act, and

(b) "bail in criminal proceedings" has the same meaning as in the Bail Act 1976.

(5) The offender has no right of appeal against the order of remission.

This does not affect any right of appeal against an order made in respect of the offence by the other court.

Commencement Information

I29 S. 29 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

PROCEDURE

CHAPTER 1

INFORMATION AND REPORTS

Pre-sentence reports

30 Pre-sentence report requirements

(1) This section applies where, by virtue of any provision of this Code, the pre-sentence report requirements apply to a court in relation to forming an opinion.

(2) If the offender is aged 18 or over, the court must obtain and consider a pre-sentence report before forming the opinion unless, in the circumstances of the case, it considers that it is unnecessary to obtain a pre-sentence report.

(3) If the offender is aged under 18, the court must obtain and consider a pre-sentence report before forming the opinion unless—

(a) there exists a previous pre-sentence report obtained in respect of the offender, and

(b) the court considers—

(i) in the circumstances of the case, and

(ii) having had regard to the information contained in that report or, if there is more than one, the most recent report,

that it is unnecessary to obtain a pre-sentence report.

(4) Where a court does not obtain and consider a pre-sentence report before forming an opinion in relation to which the pre-sentence report requirements apply, no custodial sentence or community sentence is invalidated by the fact that it did not do so.

Commencement Information

I30 S. 30 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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31 Meaning of "pre-sentence report" etc

"Pre-sentence report"

(1) In this Code "pre-sentence report" means a report which—

(a) is made or submitted by an appropriate officer with a view to assisting the court in determining the most suitable method of dealing with an offender, and

(b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State.

(2) In subsection (1), "an appropriate officer" means—

(a) where the offender is aged 18 or over, an officer of a provider of probation services;

(b) where the offender is aged under 18—

(i) an officer of a provider of probation services,

(ii) a social worker of a local authority, or

(iii) a member of a youth offending team.

(3) Rules under subsection (1)(b) are subject to the negative resolution procedure.

"Obtaining" a pre-sentence report

(4) Where by any provision of this Code, the court is required to obtain a pre-sentence report, it may accept a pre-sentence report given orally in open court.

But this is subject to—

(a) any rules made under subsection (1)(b), and

(b) subsection (5).

(5) A pre-sentence report must be in writing if it—

(a) relates to an offender aged under 18, and

(b) is required to be obtained and considered before the court forms an opinion mentioned in—

(i) section 230(2) (seriousness threshold for discretionary custodial sentence),

(ii) section 231(2) (determining term of custodial sentence),

(iii) section 255(1)(c) (determining risk of harm to public for purpose of extended sentence), or

(iv) section 258(1)(c) (determining risk of harm to public for purpose of required life sentence).

Modifications etc. (not altering text)

C1 S. 31(1) applied (with modifications) by 2006 c. 52, s. 257(2) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 57(a)(b)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I31 S. 31 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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32 Disclosure of pre-sentence reports

(1) This section applies where the court obtains a pre-sentence report, other than a report given orally in open court.

Copy for offender and parent or guardian

(2) The court must give a copy of the report—

(a) to the offender or the offender's legal representative, and

(b) if the offender is aged under 18, to any parent or guardian of the offender who is present in court.

(3) But if—

(a) the offender is aged under 18, and

(b) it appears to the court that the disclosure of any information contained in the report—

(i) to the offender, or

(ii) to a parent or guardian of the offender,

would be likely to create a risk of significant harm to the offender,

a complete copy of the report need not be given to the offender or, as the case may be, to that parent or guardian.

For this purpose, "harm" has the same meaning as in section 31 of the Children Act 1989.

Copy for prosecutor

(4) The court must give a copy of the report to the prosecutor, that is to say, the person having the conduct of the proceedings in respect of the offence.

(5) But a copy of the report need not be given to the prosecutor if the court considers that it would be inappropriate for the prosecutor to be given it.

But this subsection does not apply if the prosecutor is of a description specified in regulations made by the Secretary of State.

(6) No information obtained by virtue of subsection (4) may be used or disclosed otherwise than for the purpose of—

(a) determining whether representations as to matters contained in the report need to be made to the court, or

(b) making such representations to the court.

(7) Regulations under subsection (5) are subject to the negative resolution procedure.

Modifications etc. (not altering text)

C2 S. 32(1)-(4) (6) applied by 2006 c. 52, s. 257(4) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 57(c)(i)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)

Commencement Information

I32 S. 32 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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33 Appeals: requirements relating to pre-sentence reports

(1) Any court, on an appeal against a custodial sentence or a community sentence, must—

(a) subject to subsection (2) or (3), obtain a pre-sentence report if none was obtained by the court below, and

(b) consider any such report obtained by it or by the court below.

(2) If the offender is aged 18 or over, the court need not obtain a pre-sentence report if it considers—

(a) that the court below was justified in not obtaining a pre-sentence report, or

(b) that, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.

(3) If the offender is aged under 18, the court need not obtain a pre-sentence report if—

(a) there exists a previous pre-sentence report obtained in respect of the offender, and

(b) the court considers, having had regard to the information contained in that report or, if there is more than one, the most recent report—

(i) that the court below was justified in not obtaining a pre-sentence report, or

(ii) that, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.

Commencement Information

I33 S. 33 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Other reports of providers of probation services etc

34 Disclosure of other reports

(1) This section applies where—

(a) a report by—

(i) an officer of a provider of probation services, or

(ii) a member of a youth offending team,

is made to any court (other than a youth court) with a view to assisting the court in determining the most suitable method of dealing with any person in respect of an offence, and

(b) the report is not a pre-sentence report.

(2) The court must give a copy of the report—

(a) to the offender or the offender's legal representative, and

(b) if the offender is aged under 18, to any parent or guardian of the offender who is present in court.

(3) But if—

(a) the offender is aged under 18, and

(b) it appears to the court that the disclosure of any information contained in the report—

(i) to the offender, or

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(ii) to a parent or guardian of the offender,

would be likely to create a risk of significant harm to the offender,

a complete copy of the report need not be given to the offender or, as the case may be, to that parent or guardian.

For this purpose, "harm" has the same meaning as in section 31 of the Children Act 1989.

Commencement Information

I34 S. 34 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Financial circumstances orders

35 Powers to order statement as to offender's financial circumstances

(1) In this Code, "financial circumstances order", in relation to an individual, means an order requiring the individual to give the court, before the end of the period specified in the order, such a statement of the individual's assets and other financial circumstances as the court may require.

(2) Where an individual has been convicted of an offence, the court may, before sentencing the individual, make a financial circumstances order with respect to the individual.

(3) Where a magistrates' court has been notified in accordance with section 12(4) of the Magistrates' Courts Act 1980 that an individual desires to plead guilty without appearing before the court, the court may make a financial circumstances order with respect to the individual.

(4) Where—

(a) an individual aged under 18 has been convicted of an offence, and

(b) the court is considering whether to make an order under section 380 in respect of the individual's parent or guardian (power to order parent or guardian to pay fine, costs, compensation or surcharge),

the court may make a financial circumstances order with respect to the parent or (as the case may be) guardian.

Commencement Information

I35 S. 35 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

36 Financial circumstances order: offences

(1) It is an offence for an individual to fail without reasonable excuse to comply with a financial circumstances order.

(2) An individual who is guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) It is an offence for an individual, in furnishing any statement in pursuance of a financial circumstances order—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) to make a statement which the individual knows to be false in a material particular,

(b) recklessly to furnish a statement which is false in a material particular, or

(c) knowingly to fail to disclose any material fact.

(4) An individual who is guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) Proceedings for an offence under subsection (3) may be commenced at any time which is both—

(a) within 2 years from the date of the offence, and

(b) within 6 months from its first discovery by the prosecutor.

This subsection has effect despite anything in section 127(1) of the Magistrates' Courts Act 1980 (limitation of time).

Commencement Information
I36 S. 36 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Other powers to obtain reports etc

37 Reports and information: other powers of court

(1) For other powers and duties of a court in relation to obtaining information or a report before passing sentence, see—

(a) section 232 (medical report before passing certain custodial sentence in case of offender suffering from mental disorder);

(b) section 48(3) of the Children and Young Persons Act 1933 (power of youth court to remand for purpose of enabling information to be obtained with respect to offender aged under 18);

(c) section 10(3) of the Magistrates' Courts Act 1980 (adjournment by magistrates' court for purpose of enabling enquiries);

(d) section 35 of the Mental Health Act 1983 (remand to hospital for a report on the person's mental condition).

(2) See also section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (remand by magistrates' court for medical examination) where a magistrates' court is considering whether to make an order under section 37(3) of the Mental Health Act 1983 (hospital admission or guardianship).

Commencement Information
I37 S. 37 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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CHAPTER 2

DEROGATORY ASSERTION ORDERS

38 Derogatory assertion order and restriction on reporting of assertions

(1) While a derogatory assertion order or interim derogatory assertion order has effect in relation to an assertion, the assertion must not—

(a) be published in Great Britain in a written publication available to the public, or

(b) be included in a relevant programme for reception in Great Britain.

(2) In this Chapter—

"derogatory assertion order" means an order made under subsection (3) of section 39 in relation to an assertion to which that section applies;

"interim derogatory assertion order" means an order made under subsection (4) of section 39 in relation to an assertion to which that section applies.

Commencement Information

I38 S. 38 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

39 Order in respect of certain assertions

(1) This section applies to an assertion that forms part of a speech in mitigation made by or on behalf of an offender before—

(a) a court determining what sentence should be passed on the offender in respect of an offence, or

(b) a magistrates' court determining whether the offender should be committed to the Crown Court for sentence.

(2) This section also applies to an assertion that forms part of a submission relating to a sentence which is made by or on behalf of the offender before—

(a) a court hearing an appeal against or reviewing the sentence, or

(b) a court determining whether to grant leave to appeal against the sentence.

(3) The court may make a derogatory assertion order in relation to an assertion to which this section applies where there are substantial grounds for believing—

(a) that the assertion is derogatory to a person's character (for instance, because it suggests that the person's conduct is or has been criminal, immoral or improper), and

(b) that the assertion is false or that the facts asserted are irrelevant to the sentence.

(4) Where it appears to the court that there is a real possibility that a derogatory assertion order will be made in relation to an assertion, the court may make an interim derogatory assertion order in relation to it (see subsection (8)).

(5) No derogatory assertion order or interim derogatory assertion order may be made in relation to an assertion which it appears to the court was previously made—

(a) at the trial at which the offender was convicted of the offence, or

(b) during any other proceedings relating to the offence.

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(6) Section 38(1) has effect where a court makes a derogatory assertion order or an interim derogatory assertion order.

(7) A derogatory assertion order—

(a) may be made after the court has made the relevant determination, but only if it is made as soon as is reasonably practicable after the determination has been made;

(b) subject to subsection (10), ceases to have effect at the end of the period of 12 months beginning with the day on which it is made;

(c) may be made whether or not an interim derogatory assertion order has been made with regard to the case concerned.

(8) An interim derogatory assertion order—

(a) may be made at any time before the court makes the relevant determination, and

(b) subject to subsection (10), ceases to have effect when the court makes the relevant determination.

(9) For the purposes of subsections (7) and (8) "relevant determination" means the determination of—

(a) the sentence (where this section applies by virtue of subsection (1)(a));

(b) whether the offender should be committed to the Crown Court for sentence (where this section applies by virtue of subsection (1)(b));

(c) what the sentence should be (where this section applies by virtue of subsection (2)(a));

(d) whether to grant leave to appeal (where this section applies by virtue of subsection (2)(b)).

(10) A derogatory assertion order or interim derogatory assertion order may be revoked at any time by the court which made it.

Commencement Information

I39 S. 39 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

40 Reporting of assertions: offences

(1) If an assertion is published or included in a relevant programme in contravention of section 38, each of the following persons is guilty of an offence—

(a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;

(b) in the case of publication in any other form, the person publishing the assertion;

(c) in the case of an assertion included in a relevant programme, any body corporate engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(2) A person guilty of an offence under this section is liable on summary conviction to—

(a) in England and Wales, a fine;

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(b) in Scotland, a fine of an amount not exceeding level 5 on the standard scale.

(3) Where a person is charged with an offence under this section it is a defence to prove that at the time of the alleged offence the person—

(a) was not aware, and neither suspected nor had reason to suspect, that a derogatory assertion order or interim derogatory assertion order had effect at that time, or

(b) was not aware, and neither suspected nor had reason to suspect, that the publication or programme in question was of, or (as the case may be) included, the assertion in question.

(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) a director, manager, secretary or other similar officer of the body corporate, or

(b) a person purporting to act in any such capacity,

that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In relation to a body corporate whose affairs are managed by its members, "director" in subsection (4) means a member of the body corporate.

Commencement Information

I40 S. 40 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

41 Reporting of assertions: supplementary

(1) In sections 38 and 40—

"relevant programme" means a programme included in a programme service, within the meaning of the Broadcasting Act 1990;

"written publication" includes a film, a soundtrack and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.

(2) For the purposes of sections 38 and 40 an assertion is published or included in a programme if the material published or included—

(a) names the person about whom the assertion is made or, without naming the person, contains enough to make it likely that members of the public will identify that person as the person about whom it is made, and

(b) reproduces the actual wording of the matter asserted or contains its substance.

(3) Nothing in section 38 or 39 affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.

Commencement Information

I41 S. 41 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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CHAPTER 3

SURCHARGE

42 Court's duty to order payment of surcharge

(1) A court when dealing with an offender for one or more offences committed on or after 1 April 2007 must also order the offender to pay a surcharge.

This is subject to subsections (2) to (4).

(2) Subsection (1)—

(a) does not apply in such cases as may be prescribed by regulations made by the Secretary of State, and

(b) is subject to section 15 of the Proceeds of Crime Act 2002 (effect on duty in subsection (1) when proceedings on confiscation order are postponed).

(3) Where a court dealing with an offender considers—

(a) that it would be appropriate to make one or more of—

(i) a compensation order,

(ii) an unlawful profit order, and

(iii) a slavery and trafficking reparation order, but

(b) that the offender has insufficient means to pay both the surcharge and appropriate amounts under such of those orders as it would be appropriate to make,

the court must reduce the surcharge accordingly (if necessary to nil).

But see section 13(4) of the Proceeds of Crime Act 2002 (court not to take confiscation order into account.)

(4) Where an offender aged under 18 is convicted of an offence and, but for this subsection, a court would order the offender to pay a surcharge—

(a) section 380 (orders for payment by parent or guardian) applies to the surcharge, and

(b) for the purposes of any order under that section in respect of the surcharge, subsection (3)(b) of this section is to be read as if the reference to the offender's means were to the means of the offender's parent or guardian.

(5) For the purposes of this section a court does not "deal with" a person if it—

(a) discharges the person absolutely, or

(b) makes an order under the Mental Health Act 1983 in respect of the person.

(6) In this section—

"slavery and trafficking reparation order" means an order under section 8 of the Modern Slavery Act 2015;

"unlawful profit order" means an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.

(7) Regulations under subsection (2) are subject to the negative resolution procedure.

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Modifications etc. (not altering text)

C3 S. 42(1) excluded by S.I. 2012/1696, art. 2 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 405** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I42 S. 42 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

43 Amount of surcharge

(1) The surcharge payable under section 42 is such amount as the Secretary of State may specify by regulations.

(2) Regulations under this section may provide for the amount to depend on—

(a) the offence or offences committed;

(b) how the offender is otherwise dealt with (including, where the offender is fined, the amount of the fine);

(c) the age of the offender.

(3) Regulations under this section are subject to the negative resolution procedure.

Commencement Information

I43 S. 43 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 4

CRIMINAL COURTS CHARGE

44 Criminal courts charge duty where court dealing with offender for offence

Where the Crown Court or a magistrates' court deals with an offender for an offence, the criminal courts charge duty applies to the court (see section 46).

Commencement Information

I44 S. 44 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

45 Other occasions where criminal courts charge duty arises

For other occasions where the criminal courts charge duty applies to a court, see—

(a) section 52A of the Senior Courts Act 1981 (dismissal of appeal by Crown Court);

(b) section 30B of the Criminal Appeal Act 1968 (dismissal of appeal by Court of Appeal);

(c) section 256AC of the Criminal Justice Act 2003 (breach of supervision requirements imposed on release);

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(d) paragraph 10(6) of Schedule 10 (magistrates' court dealing with offender for breach of requirement of community order);

(e) paragraph 11(3) of that Schedule (Crown Court dealing with offender for breach of community order);

(f) paragraph 13(2) of Schedule 16 (magistrates' court or Crown Court dealing with offender for breach of community requirement of suspended sentence order).

Commencement Information

I45 S. 45 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

46 Criminal courts charge duty

(1) Where the criminal courts charge duty applies to a court in relation to an offender, the court must order the offender to pay a charge in respect of relevant court costs, unless—

(a) the offender was aged under 18 when the offence was committed,

(b) the offence was committed before 13 April 2015, or

(c) the case is, or is of a class, prescribed by the Lord Chancellor by regulations.

But this is subject to section 15(2) of the Proceeds of Crime Act 2002 (effect on duty when proceedings on confiscation order are postponed).

(2) In this section—

"court costs" means costs of providing the judiciary and the rest of the system of courts, but does not include defence or prosecution costs;

"relevant court costs" means court costs incurred in connection with—

(a) criminal proceedings, or

(b) proceedings for a relevant failure,

but does not include costs of providing the Supreme Court or judges of that Court;

"relevant failure" means a failure to comply with—

(a) a requirement of a community order,

(b) a community requirement of a suspended sentence order, or

(c) a supervision requirement imposed under section 256AA of the Criminal Justice Act 2003.

(3) In this Code, "criminal courts charge order" means an order under subsection (1).

Commencement Information

I46 S. 46 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

47 Court to disregard criminal courts charge duty in dealing with offender

(1) This section applies where the criminal courts charge duty applies to a court in dealing with an offender for—

(a) an offence, or

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(b) a failure to comply with a requirement.

(2) In dealing with the offender (other than under the duty) for the offence or failure, the court must not take into account—

(a) the criminal courts charge duty, or

(b) any criminal courts charge order.

Commencement Information

I47 S. 47 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

48 Amount of criminal courts charge

(1) A charge ordered to be paid by a criminal courts charge order must be of an amount specified by the Lord Chancellor by regulations.

(2) When specifying amounts under this section, the Lord Chancellor must seek to secure that an amount specified in respect of a class of case does not exceed the relevant court costs reasonably attributable to a case of that class.

(3) In this section "relevant court costs" has the same meaning as in section 46.

Commencement Information

I48 S. 48 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

49 Interest on criminal courts charge

(1) The Lord Chancellor may by regulations provide that a person who is ordered by a criminal courts charge order to pay a charge must pay interest on the charge so far as it remains unpaid.

(2) The regulations may, in particular—

(a) make provision about the rate of interest,

(b) make provision about periods when interest is or is not payable, and

(c) make provision by reference to a measure or document as amended from time to time.

(3) The regulations may not make provision for a rate of interest that is higher than the rate that the Lord Chancellor considers would maintain the value in real terms of amounts that remain unpaid.

(4) An amount of interest payable under the regulations is to be treated as part of the charge ordered to be paid by the criminal courts charge order.

Commencement Information

I49 S. 49 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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50 Power of magistrates' court to remit criminal courts charge

(1) This section applies where a court has made a criminal courts charge order against a person.

(2) A magistrates' court may remit the whole or part of the criminal courts charge, but this is subject to subsections (3) to (5).

(3) It may remit the charge only if—

(a) it is satisfied that the person has taken all reasonable steps to pay it, having regard to the person's personal circumstances, or

(b) it is satisfied that collection and enforcement of the charge is impracticable.

(4) It may not remit the charge at a time when the person is detained in prison.

(5) It may not remit the charge unless each of the following has expired—

(a) a specified period beginning with the day on which a criminal courts charge order was last made in respect of the person;

(b) a specified period beginning with the day on which the person was last convicted of an offence;

(c) where relevant, a specified period beginning with the day on which the person was last released from prison.

(6) Where a court remits a criminal courts charge after an order has been made under section 300(2) of the Criminal Justice Act 2003 (power to impose unpaid work requirement etc on fine defaulter) for default in paying the charge (or the charge and other amounts), the court must—

(a) reduce the total number of hours or days to which the order relates by the same proportion as the amount remitted bears to the total amount in respect of which the order was made, or

(b) if the total number of hours or days would be reduced to nil under paragraph (a), revoke the order.

(7) In calculating a reduction required by subsection (6), any fraction of an hour or day is to be rounded down to the nearest hour or day.

(8) In this section—

"criminal courts charge" means the charge ordered to be paid by a criminal courts charge order;

"prison" includes any place where a person serving a sentence of detention for an offence is liable to be detained;

"specified period" means a period of a length specified by the Lord Chancellor by regulations.

Commencement Information

I50 S. 50 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

51 Regulations under Chapter

(1) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the powers to make regulations conferred by this Chapter.

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(2) Regulations under this Chapter are subject to the negative resolution procedure.

Commencement Information
I51 S. 51 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 5

DUTIES TO EXPLAIN OR GIVE REASONS

52 Duty to give reasons for and to explain effect of sentence

(1) A court passing sentence on an offender has the duties in subsections (2) and (3).

(2) The court must state in open court, in ordinary language and in general terms, the court's reasons for deciding on the sentence.

(3) The court must explain to the offender in ordinary language—

(a) the effect of the sentence,

(b) the effects of non-compliance with any order that the offender is required to comply with and that forms part of the sentence,

(c) any power of the court to vary or review any order that forms part of the sentence, and

(d) the effects of failure to pay a fine, if the sentence consists of or includes a fine.

(4) Criminal Procedure Rules may—

(a) prescribe cases in which either duty does not apply, and

(b) make provision about how an explanation under subsection (3) is to be given.

(5) Subsections (6) to (9) are particular duties of the court in complying with the duty in subsection (2).

Sentencing guidelines

(6) The court must identify any sentencing guidelines relevant to the offender's case and—

(a) explain how the court discharged any duty imposed on it by section 59 or 60 (duty to follow guidelines unless satisfied it would be contrary to the interests of justice to do so);

(b) where the court was satisfied it would be contrary to the interests of justice to follow the guidelines, state why.

(7) Where as a result of taking into account any matter mentioned in section 73(2) (guilty pleas), the court imposes a punishment on the offender which is less severe than the punishment it would otherwise have imposed, the court must state that fact.

Offender aged under 18

(8) If the court imposes a youth rehabilitation order with supervision and surveillance, or a youth rehabilitation order with fostering, it must state why it is of the opinion mentioned in each of—

(a) section 179(2), and

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(b) paragraph (a) and, if applicable, paragraph (b) of section 180(2).

(9) If—

(a) the offender is aged under 18, and

(b) the court imposes a sentence that may only be imposed in the offender's case if the court is of the opinion mentioned in section 230(2) (discretionary custodial sentence),

the court must state why it is of that opinion.

Commencement Information

I52 S. 52 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

53 Offender aged under 16: duties to give reasons where order not made in respect of parent or guardian

(1) Where an offender aged under 16 is convicted of an offence, for the duty of the court to make a statement in certain circumstances—

(a) if it does not make a parenting order under section 366 in respect of a parent or guardian of the offender, see subsection (3)(b) of that section;

(b) if it—

(i) makes a criminal behaviour order in respect of the offender, and

(ii) does not make a parenting order under section 8(1)(b) of the Crime and Disorder Act 1998 in respect of a parent or guardian of the offender,

see section 9(1B) of that Act;

(c) if it does not make an order under section 376 (binding over of parent or guardian), see subsection (4)(b) of that section.

(2) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this section.

Commencement Information

I53 S. 53 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

54 Duty to give reasons where reparation order not made

Where—

(a) a court is dealing with an offender for an offence, and

(b) a reparation order is available,

the court must give reasons if it does not make a reparation order.

Commencement Information

I54 S. 54 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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55 Duty to give reasons where compensation order not made

Where—

(a) a court is dealing with an offender for an offence, and

(b) a compensation order is available,

the court must give reasons if it does not make a compensation order.

Commencement Information

I55 S. 55 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

56 Other duties of court to give reasons where certain orders not made

(1) For other duties of the court dealing with an offender for an offence to give reasons, in certain circumstances, for a decision not to make an order, see—

Duty to give reasons	*Type of order*	*Type of offence*
Criminal Justice and Police Act 2001		
section 33(2)(c)	travel restriction order under section 33	sentence of imprisonment for certain drug-trafficking offences
Animal Welfare Act 2006		
section 33(6)	order under section 33 (deprivation)	certain offences under that Act
section 34(8)	order under section 34 (disqualification)	certain offences under that Act
Football Spectators Act 1989		
section 14A(3)	banning order under Part 2	relevant offence within the meaning of that Part
Prevention of Social Housing Fraud Act 2013		
section 4(4)	unlawful profit order under section 4	offence under section 1 or 2
Modern Slavery Act 2015		
section 8(7)(b)	slavery and trafficking reparation order	offence under section 1, 2 or 4

(2) Nothing in this section is to be taken to affect—

(a) any power to make an order mentioned in the table in subsection (1), or

(b) any requirement to give reasons for a decision not to exercise any power to make an order not mentioned in the table.

Commencement Information

I56 S. 56 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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PART 4

EXERCISE OF COURT'S DISCRETION

CHAPTER 1

PURPOSES OF SENTENCING

57 Purposes of sentencing: adults

(1) This section applies where—

(a) a court is dealing with an offender for an offence, and

(b) the offender is aged 18 or over when convicted.

(2) The court must have regard to the following purposes of sentencing—

(a) the punishment of offenders,

(b) the reduction of crime (including its reduction by deterrence),

(c) the reform and rehabilitation of offenders,

(d) the protection of the public, and

(e) the making of reparation by offenders to persons affected by their offences.

(3) Subsection (1) does not apply—

(a) to an offence in relation to which a mandatory sentence requirement applies (see section 399), or

(b) in relation to making any of the following under Part 3 of the Mental Health Act 1983—

(i) a hospital order (with or without a restriction order),

(ii) an interim hospital order,

(iii) a hospital direction, or

(iv) a limitation direction.

Commencement Information

I57 S. 57 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

58 Offenders aged under 18: considerations of court not affected by Code

Nothing in this Code affects the duties of the court—

(a) to have regard to the principal aim of the youth justice system (which is to prevent offending (or re-offending) by persons aged under 18: see section 37 of the Crime and Disorder Act 1998);

(b) under section 44 of the Children and Young Persons Act 1933 (to have regard to welfare and in certain cases to take steps in relation to surroundings and provision of education etc).

Commencement Information

I58 S. 58 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

CHAPTER 2

SENTENCING GUIDELINES

59 Sentencing guidelines: general duty of court

(1) Every court—

(a) must, in sentencing an offender, follow any sentencing guidelines which are relevant to the offender's case, and

(b) must, in exercising any other function relating to the sentencing of offenders, follow any sentencing guidelines which are relevant to the exercise of the function,

unless the court is satisfied that it would be contrary to the interests of justice to do so.

(2) The duty imposed by subsection (1) is subject to—

(a) section 125(1) (fine must reflect seriousness of offence);

(b) section 179(2) (restriction on youth rehabilitation order);

(c) section 186(3) and (6) (restrictions on choice of requirements of youth rehabilitation order);

(d) section 204(2) (restriction on community order);

(e) section 208(3) and (6) (restrictions on choice of requirements of community order);

(f) section 230 (threshold for imposing discretionary custodial sentence);

(g) section 231 (custodial sentence must be for shortest term commensurate with seriousness of offence);

(h) sections 273 and 283 (life sentence for second listed offence for certain dangerous offenders);

(i) section 321 and Schedule 21 (determination of minimum term in relation to mandatory life sentence);

(j) the provisions mentioned in section 399(c) (mandatory minimum sentences).

(3) Nothing in this section or section 60 or 61 is to be taken as restricting any power (whether under the Mental Health Act 1983 or otherwise) which enables a court to deal with an offender suffering from a mental disorder in the manner it considers to be most appropriate in all the circumstances.

Commencement Information

I59 S. 59 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

60 Sentencing guidelines: determination of sentence

(1) This section applies where—

(a) a court is deciding what sentence to impose on an offender for an offence, and

(b) offence-specific guidelines have been issued in relation to the offence.

(2) The principal guidelines duty includes a duty to impose on the offender, in accordance with the offence-specific guidelines, a sentence which is within the offence range.

(3) Subsection (2) is subject to—

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(a) section 73 (reduction in sentences for guilty pleas),

(b) sections 74, 387 and 388 (assistance by offenders: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered to be given) by the offender to the prosecutor or investigator of an offence, and

(c) any rule of law as to the totality of sentences.

(4) If the offence-specific guidelines describe different seriousness categories—

(a) the principal guidelines duty also includes a duty to decide which of the categories most resembles the offender's case in order to identify the sentencing starting point in the offence range, but

(b) nothing in this section imposes on the court a separate duty to impose a sentence which is within the category range.

(5) Subsection (4) does not apply if the court is of the opinion that, for the purpose of identifying the sentence within the offence range which is the appropriate starting point, none of the categories sufficiently resembles the offender's case.

(6) Subsections (2) and (4) (except as applied by section 61) are subject to any power a court has to impose an extended sentence.

Commencement Information

I60 S. 60 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

61 Sentencing guidelines: extended sentences and life sentences

Extended sentence: determination of appropriate custodial term

(1) Subsection (2) applies where a court is considering whether to impose an extended sentence for an offence.

(2) In determining the appropriate custodial term for the purposes of section 256(2), 268(2) or 281(2) (extended sentence for certain violent, sexual or terrorism offences), section 60 applies to the court as it applies to a court in determining the sentence for an offence.

Life sentence for second listed offence: determination of sentence condition

(3) Subsection (4) applies where a court is considering whether to impose a sentence under section 273 or 283 (life sentence for second listed offence) for an offence.

(4) In determining, for the purpose of deciding whether the sentence condition in section 273(4) or 283(4) is met, the sentence that it would have passed as mentioned in that condition, section 60 applies to the court as it applies to a court in determining the sentence for an offence.

Notional determinate term for non-fixed life sentence

(5) Subsection (6) applies where a court imposes a non-fixed life sentence for an offence.

(6) Section 60 applies to the court in determining the notional determinate term in respect of the offence for the purpose of determining the order to be made under section 323 (minimum term order for non-fixed life sentence).

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(7) For the purposes of subsection (6), the notional determinate term is the determinate sentence that would have been passed in respect of the offence if the court had not been required by the need to protect the public and the potential danger of the offender to impose a non-fixed life sentence.

(8) In this section "non-fixed life sentence" means—

(a) a sentence of imprisonment for life (other than a sentence fixed by law),

(b) a sentence of detention for life under section 250, or

(c) a sentence of custody for life under section 272.

Commencement Information

I61 S. 61 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

62 Sentencing guidelines duties: interpretation

(1) In this Chapter—

"mental disorder", in relation to a person, has the same meaning as in the Mental Health Act 1983;

"the principal guidelines duty" means the duty, imposed by section 59(1)(a), of a court, in sentencing an offender, to follow any sentencing guidelines which are relevant to the offender's case;

"offence-specific guidelines" means any sentencing guidelines issued in relation to a particular offence which are structured in the way described in section 121(2) to (5) of the Coroners and Justice Act 2009 (and "the offence-specific guidelines", in relation to an offence, means, if any such guidelines have been issued in relation to the offence, those guidelines);

"the sentencing starting point", in relation to the offence range, has the meaning given by section 121(10) of the Coroners and Justice Act 2009.

(2) For the purposes of this Chapter—

(a) references to the following are to be read in accordance with section 121 of the Coroners and Justice Act 2009 (sentencing ranges)—

the offence range;

the category range;

the starting point;

the appropriate starting point;

(b) offence-specific guidelines describe different seriousness categories if they describe different categories of case in accordance with subsection (2) of that section.

Commencement Information

I62 S. 62 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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CHAPTER 3

SERIOUSNESS AND DETERMINING SENTENCE

Generally

63 Assessing seriousness

Where a court is considering the seriousness of any offence, it must consider—

(a) the offender's culpability in committing the offence, and

(b) any harm which the offence—

(i) caused,

(ii) was intended to cause, or

(iii) might foreseeably have caused.

Commencement Information

I63 S. 63 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Aggravating factors

64 Offence committed on bail

In considering the seriousness of an offence committed while the offender was on bail, the court must—

(a) treat the fact that it was committed in those circumstances as an aggravating factor, and

(b) state in open court that the offence is so aggravated.

Modifications etc. (not altering text)

C4 S. 64 modified by S.I. 2009/1042, reg. 9A (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 398** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I64 S. 64 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

65 Previous convictions

(1) This section applies where a court is considering the seriousness of an offence ("the current offence") committed by an offender who has one or more relevant previous convictions.

(2) The court must treat as an aggravating factor each relevant previous conviction that it considers can reasonably be so treated, having regard in particular to—

(a) the nature of the offence to which the relevant previous conviction relates and its relevance to the current offence, and

(b) the time that has elapsed since the relevant previous conviction.

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(3) Where the court treats a relevant previous conviction as an aggravating factor under subsection (2) it must state in open court that the offence is so aggravated.

(4) In subsections (1) to (3) "relevant previous conviction" means—

(a) a previous conviction by a court in the United Kingdom,

(b) a previous conviction of a relevant offence under the law of another member State by a court in that State,

(c) a previous conviction of a service offence (see subsection (5)), or

(d) a finding of guilt in respect of a member State service offence (see subsection (6)).

(5) In subsection (4)(c) (previous convictions of service offences)—

(a) "conviction" includes anything that under section 376(1) and (2) of the Armed Forces Act 2006 is to be treated as a conviction (which relates to summary hearings and the Summary Appeal Court);

(b) "service offence" means—

(i) a service offence within the meaning of the Armed Forces Act 2006, or

(ii) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059);

(c) the previous convictions referred to are to be taken to include a previous finding of guilt in—

(i) proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), or

(ii) proceedings before a Standing Civilian Court established under section 6 of the Armed Forces Act 1976.

(6) In subsection (4)(d) "member State service offence" means an offence which—

(a) was the subject of proceedings under the service law of a member State other than the United Kingdom, and

(b) would constitute an offence under the law of any part of the United Kingdom, or a service offence (within the meaning of the Armed Forces Act 2006), if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the offender for the current offence,

and, for this purpose—

"Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006;

"service law", in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.

(7) For the purposes of this section, an offence is "relevant" if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time of the conviction of the offender for the current offence.

Commencement Information

I65 S. 65 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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66 Hostility

(1) This section applies where a court is considering the seriousness of an offence which is aggravated by—

(a) racial hostility,

(b) religious hostility,

(c) hostility related to disability,

(d) hostility related to sexual orientation, or

(e) hostility related to transgender identity.

This is subject to subsection (3).

(2) The court—

(a) must treat the fact that the offence is aggravated by hostility of any of those types as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) So far as it relates to racial and religious hostility, this section does not apply in relation to an offence under sections 29 to 32 of the Crime and Disorder Act 1998 (racially or religiously aggravated offences).

(4) For the purposes of this section, an offence is aggravated by hostility of one of the kinds mentioned in subsection (1) if—

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on—

(i) the victim's membership (or presumed membership) of a racial group,

(ii) the victim's membership (or presumed membership) of a religious group,

(iii) a disability (or presumed disability) of the victim,

(iv) the sexual orientation (or presumed sexual orientation) of the victim, or (as the case may be)

(v) the victim being (or being presumed to be) transgender, or

(b) the offence was motivated (wholly or partly) by—

(i) hostility towards members of a racial group based on their membership of that group,

(ii) hostility towards members of a religious group based on their membership of that group,

(iii) hostility towards persons who have a disability or a particular disability,

(iv) hostility towards persons who are of a particular sexual orientation, or (as the case may be)

(v) hostility towards persons who are transgender.

(5) For the purposes of paragraphs (a) and (b) of subsection (4), it is immaterial whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

(6) In this section—

(a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;

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(b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;

(c) "membership" in relation to a racial or religious group, includes association with members of that group;

(d) "disability" means any physical or mental impairment;

(e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;

(f) "presumed" means presumed by the offender.

Commencement Information

I66 S. 66 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

67 Assaults on emergency workers

(1) This section applies where a court is considering the seriousness of an offence listed in subsection (3).

(2) If the offence was committed against an emergency worker acting in the exercise of functions as such a worker, the court—

(a) must treat that fact as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) The offences referred to in subsection (1) are—

(a) an offence under any of the following provisions of the Offences against the Person Act 1861—

(i) section 16 (threats to kill);

(ii) section 18 (wounding with intent to cause grievous bodily harm);

(iii) section 20 (malicious wounding);

(iv) section 23 (administering poison etc);

(v) section 28 (causing bodily injury by explosives);

(vi) section 29 (using explosives etc with intent to do grievous bodily harm);

(vii) section 47 (assault occasioning actual bodily harm);

(b) an offence under section 3 of the Sexual Offences Act 2003 (sexual assault);

(c) manslaughter;

(d) kidnapping;

(e) an inchoate offence in relation to any of the preceding offences.

(4) For the purposes of subsection (2) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.

(5) In this section, "emergency worker" has the meaning given by section 68.

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(6) Nothing in this section prevents a court from treating the fact that an offence was committed against an emergency worker acting in the exercise of functions as such as an aggravating factor in relation to offences not listed in subsection (3).

Commencement Information

I67 S. 67 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

68 Emergency workers for the purposes of section 67

(1) In section 67, "emergency worker" means—

(a) a constable;

(b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;

(c) a National Crime Agency officer;

(d) a prison officer;

(e) a person (other than a prison officer) employed or engaged to carry out functions in a custodial institution of a corresponding kind to those carried out by a prison officer;

(f) a prisoner custody officer, so far as relating to the exercise of escort functions;

(g) a custody officer, so far as relating to the exercise of escort functions;

(h) a person employed for the purposes of providing, or engaged to provide, fire services or fire and rescue services;

(i) a person employed for the purposes of providing, or engaged to provide, search services or rescue services (or both);

(j) a person employed for the purposes of providing, or engaged to provide—

(i) NHS health services, or

(ii) services in the support of the provision of NHS health services,

and whose general activities in doing so involve face to face interaction with individuals receiving the services or with other members of the public.

(2) It is immaterial for the purposes of subsection (1) whether the employment or engagement is paid or unpaid.

(3) In this section—

"custodial institution" means any of the following—

(a) a prison;

(b) a young offender institution, secure training centre or secure college;

(c) a removal centre, a short-term holding facility or pre-departure accommodation, as defined by section 147 of the Immigration and Asylum Act 1999;

(d) services custody premises, as defined by section 300(7) of the Armed Forces Act 2006;

"custody officer" has the meaning given by section 12(3) of the Criminal Justice and Public Order Act 1994;

"escort functions"—

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(a) in the case of a prisoner custody officer, means the functions specified in section 80(1) of the Criminal Justice Act 1991;

(b) in the case of a custody officer, means the functions specified in paragraph 1 of Schedule 1 to the Criminal Justice and Public Order Act 1994;

"NHS health services" means any kind of health services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006 and under section 1(1) of the National Health Service (Wales) Act 2006;

"prisoner custody officer" has the meaning given by section 89(1) of the Criminal Justice Act 1991.

Commencement Information

I68 S. 68 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

69 Terrorist connection

(1) This section applies where a court is considering the seriousness of an offence specified in Schedule 1 (offences where terrorist connection to be considered).

(2) If the offence has a terrorist connection, the court—

(a) must treat that fact as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) For the purposes of this section, an offence has a terrorist connection if the offence—

(a) is, or takes place in the course of, an act of terrorism, or

(b) is committed for the purposes of terrorism.

For this purpose, "terrorism" has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act).

Modifications etc. (not altering text)

C5 S. 69 modified by 2006 c. 52, s. 238(6) (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 53** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I69 S. 69 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

70 Using minor to mind weapon

(1) This section applies where—

(a) a court is considering the seriousness of an offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon), and

(b) when the offence was committed—

(i) the offender was aged 18 or over, and

(ii) the person used to look after, hide or transport the weapon in question ("the person used") was not.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) The court—

(a) must treat the fact that the person used was under the age of 18 when the offence was committed as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) Subsection (4) applies where the offence is found to have involved the person used's having possession of a weapon, or being able to make it available—

(a) over a period of two or more days, or

(b) at some time during a period of two or more days.

(4) If, on a day during that period, sub-paragraphs (i) and (ii) of subsection (1)(b) were both satisfied, they are to be treated as both being satisfied when the offence was committed.

Commencement Information

I70 S. 70 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

71 Supply of controlled drug near school premises or involving child

(1) This section applies where—

(a) a court is considering the seriousness of an offence under section 4(3) of the Misuse of Drugs Act 1971 (supplying controlled drug etc), and

(b) the offender was aged 18 or over when the offence was committed.

(2) If condition A or B is met, the court—

(a) must treat the fact that the condition is met as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) Condition A is that the offence was committed on or in the vicinity of school premises at a relevant time.

(4) For the purposes of subsection (3)—

"relevant time", in relation to school premises, is—

(a) any time when the school premises are in use by persons under the age of 18;

(b) one hour before the start and one hour after the end of any such time;

"school" has the same meaning as it has in section 4A of the Misuse of Drugs Act 1971;

"school premises" means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school.

(5) Condition B is that in connection with the commission of the offence the offender used a courier who, when the offence was committed, was aged under 18.

(6) For the purposes of subsection (5), a person uses a courier in connection with an offence under section 4(3) of the Misuse of Drugs Act 1971 if the person causes or permits another person ("the courier")—

(a) to deliver a controlled drug to a third person, or

(b) to deliver a drug-related consideration to the person or a third person.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(7) For the purposes of subsection (6), a drug-related consideration is a consideration of any description which—

(a) is obtained in connection with the supply of a controlled drug, or

(b) is intended to be used in connection with obtaining a controlled drug.

(8) In this section, "controlled drug" and "supply" have the same meanings as in the Misuse of Drugs Act 1971.

Commencement Information

I71 S. 71 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

72 Supply of psychoactive substance in certain circumstances

(1) This section applies where—

(a) a court is considering the seriousness of an offence under section 5 of the Psychoactive Substances Act 2016 (supplying psychoactive substance etc), and

(b) the offender was aged 18 or over when the offence was committed.

(2) If condition A, B or C is met the court—

(a) must treat the fact that the condition is met as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) Condition A is that the offence was committed on or in the vicinity of school premises at a relevant time.

(4) For the purposes of subsection (3)—

"relevant time", in relation to school premises, means—

(a) any time when the school premises are in use by persons under the age of 18;

(b) one hour before the start and one hour after the end of any such time;

"school" has the same meaning as in section 6 of the Psychoactive Substances Act 2016;

"school premises" means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school.

(5) Condition B is that, in connection with the offence, the offender used a courier who, when the offence was committed, was aged under 18.

(6) For the purposes of subsection (5), a person uses a courier in connection with an offence under section 5 of the Psychoactive Substances Act 2016 if the person causes or permits another person ("the courier")—

(a) to deliver a substance to a third person, or

(b) to deliver a drug-related consideration to the person or a third person.

(7) For the purposes of subsection (6), a drug-related consideration is a consideration of any description which—

(a) is obtained in connection with the supply of a psychoactive substance, or

(b) is intended to be used in connection with obtaining a psychoactive substance.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(8) Condition C is that the offence was committed in a custodial institution.

(9) For the purposes of subsection (8), "custodial institution" means any of the following—

(a) a prison;

(b) a young offender institution, secure training centre or secure college;

(c) a removal centre, short-term holding facility or pre-departure accommodation (each, as defined in section 147 of the Immigration and Asylum Act 1999);

(d) service custody premises (as defined in section 300(7) of the Armed Forces Act 2006).

(10) In this section "psychoactive substance" has the same meaning as in the Psychoactive Substances Act 2016 (see section 2 of that Act).

Commencement Information

I72 S. 72 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Mitigating factors

73 Reduction in sentence for guilty plea

(1) This section applies where a court is determining what sentence to pass on an offender who has pleaded guilty to an offence in proceedings before that or another court.

(2) The court must take into account the following matters—

(a) the stage in the proceedings for the offence at which the offender indicated the intention to plead guilty, and

(b) the circumstances in which the indication was given.

(3) If—

(a) a mandatory sentence requirement applies in relation to the offence (see section 399) by virtue of a provision mentioned in subsection (4), and

(b) the offender is aged 18 or over when convicted,

the mandatory sentence requirement does not prevent the court, after taking into account any matter referred to in subsection (2), from imposing any sentence which is not less than 80 per cent of the sentence which would otherwise be required by that requirement.

(4) The provisions referred to in subsection (3)(a) are—

(a) section 312 (minimum sentence for threatening with weapon or bladed article);

(b) section 313 (minimum of 7 years for third class A drug trafficking offence);

(c) section 314 (minimum of 3 years for third domestic burglary);

(d) section 315 (minimum sentence for repeat offence involving weapon or bladed article).

(5) If—

(a) a mandatory sentence requirement applies in relation to the offence by virtue of—

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(i) section 312, or

(ii) section 315, and

(b) the offender is aged 16 or 17 when convicted,

the mandatory sentence requirement does not prevent the court from imposing any sentence that it considers appropriate after taking into account any matter referred to in subsection (2).

Commencement Information

I73 S. 73 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

74 Reduction in sentence for assistance to prosecution

(1) This section applies where the Crown Court is determining what sentence to pass in respect of an offence on an offender who—

(a) pleaded guilty to the offence,

(b) was convicted in the Crown Court or committed to the Crown Court for sentence, and

(c) pursuant to a written agreement made with a specified prosecutor, has assisted or offered to assist—

(i) the investigator,

(ii) or the specified prosecutor or any other prosecutor,

in relation to that or any other offence.

(2) The court may take into account the extent and nature of the assistance given or offered.

(3) If the court passes a sentence which is less than it would have passed but for the assistance given or offered, it must state in open court—

(a) that it has passed a lesser sentence than it would otherwise have passed, and

(b) what the greater sentence would have been.

This is subject to subsection (4).

(4) If the court considers that it would not be in the public interest to disclose that the sentence has been discounted by virtue of this section—

(a) subsection (3) does not apply,

(b) the court must give a written statement of the matters specified in subsection (3)(a) and (b) to—

(i) the prosecutor, and

(ii) the offender, and

(c) sections 52(2) and 322(4) (requirement to explain reasons for sentence or other order) do not apply to the extent that the explanation will disclose that a sentence has been discounted by virtue of this section.

(5) Nothing in—

(a) any of the provisions listed in section 399(b) or (c) (minimum sentences in certain circumstances), or

(b) section 321 (and Schedule 21) (determination of minimum term in relation to mandatory life sentence),

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affects the court's power under subsection (2).

Commencement Information
I74 S. 74 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

75 Specified prosecutors

(1) In section 74 "specified prosecutor" is to be read in accordance with section 71 of the Serious Organised Crime and Police Act 2005 (assistance by offender: immunity from prosecution).

(2) The Attorney General may issue guidance to specified prosecutors about the exercise by them of any of their powers under—

(a) section 74, and

(b) sections 387 to 389 (assistance for prosecution etc: review of sentence).

(3) The Attorney General may revise any guidance issued under subsection (2).

Commencement Information
I75 S. 75 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Effect of Code on other powers of court in assessing seriousness

76 Effect of Chapter on other powers of court to consider seriousness

Nothing in this Chapter that requires or permits a court to take any matter into account for the purpose of sentencing an offender for an offence is to be taken to prevent a court taking any other matter into account for that purpose.

Commencement Information
I76 S. 76 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

77 Basis of opinion provisions not to affect power to mitigate sentences

(1) Nothing in any of the basis of opinion provisions prevents a court from mitigating an offender's sentence by taking into account any matters that, in the opinion of the court, are relevant in mitigation of sentence.

(2) Section 230(2) (threshold for imposing discretionary custodial sentence) does not prevent a court, after taking into account such matters, from passing a community sentence even though it is of the opinion that—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it,

was so serious that a community sentence could not normally be justified for the offence.

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(3) Nothing in any of the basis of opinion provisions prevents a court—

(a) from mitigating any penalty included in an offender's sentence by taking into account any other penalty included in that sentence, and

(b) in the case of an offender who is convicted of one or more other offences, from mitigating the offender's sentence by applying any rule of law as to the totality of sentences.

(4) Subsections (2) and (3) are not to be taken to limit subsection (1).

(5) In this section "basis of opinion provision" means any of the following—

(a) section 30 or 33 (pre-sentence reports and other requirements);

(b) section 124, 125 or 126 (fixing of fine);

(c) section 179, 180 or 186(3) to (9) (exercise of power to impose youth rehabilitation order, with or without intensive supervision and surveillance or fostering, and other requirements);

(d) section 204 or 208(3) to (9) (exercise of power to impose community order, and community requirements);

(e) section 230, 231 or 232 (imposing custodial sentences).

Commencement Information

I77 S. 77 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

78 Basis of opinion provisions: offenders suffering from a mental disorder

(1) Nothing in any of the basis of opinion provisions is to be taken—

(a) as requiring a court to pass—

(i) a custodial sentence, or

(ii) any particular custodial sentence,

on an offender suffering from a mental disorder, or

(b) as restricting any power (whether under the Mental Health Act 1983 or otherwise) which enables a court to deal with such an offender in the manner it considers to be most appropriate in all the circumstances.

(2) In this section—

"mental disorder" has the same meaning as in the Mental Health Act 1983 (see section 1 of that Act);

"basis of opinion provision" has the same meaning as in section 77.

Commencement Information

I78 S. 78 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

THIRD GROUP OF PARTSDisposals

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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PART 5

ABSOLUTE AND CONDITIONAL DISCHARGE

79 Order for absolute discharge

(1) In this Code "order for absolute discharge" means an order discharging an offender absolutely in respect of an offence.

Availability

(2) An order for absolute discharge is available to a court dealing with an offender for an offence where—

(a) the offender is convicted by or before the court, and

(b) the offence is not one in relation to which a mandatory sentence requirement applies (see section 399).

Exercise of power to make order for absolute discharge

(3) Where it is available, the court may make an order for absolute discharge if it is of the opinion that it is inexpedient to inflict punishment, having regard to the circumstances, including—

(a) the nature of the offence, and

(b) the character of the offender.

Effect on other orders

(4) Nothing in this section is to be taken to prevent a court, on discharging an offender absolutely in respect of an offence, from—

(a) imposing any disqualification on the offender,

(b) making any of the following orders in respect of the offence—

(i) a compensation order (see section 133);

(ii) an order under section 152 (deprivation orders);

(iii) a restitution order (see section 147);

(iv) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013,

(c) making an order under section 46 (criminal courts charge), or

(d) making an order for costs against the offender.

Commencement Information

I79 S. 79 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

80 Order for conditional discharge

(1) In this Code "order for conditional discharge" means an order discharging an offender for an offence subject to the condition that the offender commits no offence during the period specified in the order (referred to in this Code as "the period of conditional discharge").

Availability

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(2) An order for conditional discharge is available to a court dealing with an offender for an offence where—

(a) the offender is convicted by or before the court, and

(b) the offence is not one in relation to which a mandatory sentence requirement applies (see section 399).

(3) But see the following for circumstances where an order for conditional discharge is not available—

(a) section 66ZB(6) of the Crime and Disorder Act 1998 (effect of youth cautions);

(b) section 66F of that Act (youth conditional cautions);

(c) section 103I(4) of the Sexual Offences Act 2003 (breach of sexual harm prevention order and interim sexual harm prevention order etc);

(d) section 339(3) (breach of criminal behaviour order);

(e) section 354(5) (breach of sexual harm prevention order).

Exercise of power to make order for conditional discharge

(4) Where it is available, the court may make an order for conditional discharge if it is of the opinion that it is inexpedient to inflict punishment, having regard to the circumstances, including—

(a) the nature of the offence, and

(b) the character of the offender.

(5) The period of conditional discharge specified in an order for conditional discharge must be a period of not more than 3 years beginning with the day on which the order is made.

(6) On making an order for conditional discharge, the court may, if it thinks it expedient for the purpose of the offender's reformation, allow any person who consents to do so to give security for the good behaviour of the offender.

Effect on other orders

(7) Nothing in this section prevents a court, on making an order for conditional discharge in respect of an offence, from—

(a) imposing any disqualification on the offender,

(b) making any of the following orders in respect of the offence—

(i) a compensation order (see section 133),

(ii) an order under section 152 (deprivation orders), or

(iii) a restitution order (see section 147), or

(iv) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013,

(c) making an order under section 46 (criminal courts charge), or

(d) making an order for costs against the offender.

Commencement Information

I80 S. 80 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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81 Commission of further offence by person conditionally discharged

Schedule 2 makes provision that applies where a person in respect of whom an order for conditional discharge has been made commits a further offence during the period of conditional discharge.

Commencement Information
I81 S. 81 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

82 Effect of discharge

(1) This section applies where—

(a) an order for absolute discharge, or

(b) an order for conditional discharge,

is made in respect of an offence.

(2) The conviction of that offence is to be deemed not to be a conviction for any purpose other than the purposes of—

(a) the proceedings in which the order is made, and

(b) in the case of an order for conditional discharge, any subsequent proceedings which may be taken against the offender under Schedule 2.

This is subject to subsection (3).

(3) In the case of an order for conditional discharge, if the offender is sentenced (under Schedule 2) for the offence—

(a) the order ceases to have effect, and

(b) if the offender was aged 18 or over when convicted of the offence, subsection (2) ceases to apply to the conviction.

(4) Without prejudice to subsections (2) and (3), the offender's conviction is in any event to be disregarded for the purposes of any enactment or instrument which—

(a) imposes any disqualification or disability upon convicted persons, or

(b) authorises or requires the imposition of any such disqualification or disability.

(5) Subsections (2) to (4) do not affect—

(a) any right of the offender to rely on the conviction in bar of any subsequent proceedings for the same offence, or

(b) the restoration of any property in consequence of the conviction.

(6) In subsection (4)—

"enactment" includes an enactment contained in a local Act;

"instrument" means an instrument having effect by virtue of an Act.

(7) Subsection (2) has effect subject to the following (which concern rights of appeal)—

(a) section 50(1A) of the Criminal Appeal Act 1968, and

(b) section 108(1A) of the Magistrates' Courts Act 1980.

Nothing in this subsection affects any other enactment that excludes the effect of subsection (2) or (4) for particular purposes.

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Modifications etc. (not altering text)

C6 S. 82(2) excluded by 2015 c. 30, **s. 34(3)(a)** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 294 (with Sch. 24 para. 447, **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I82 S. 82 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 6

ORDERS RELATING TO CONDUCT

CHAPTER 1

REFERRAL ORDERS FOR OFFENDERS AGED UNDER 18

Making referral orders

83 Referral order

(1) In this Code "referral order" means an order—

(a) which requires an offender to attend each of the meetings of a youth offender panel established for the offender by a youth offending team, and

(b) by virtue of which the offender is required to comply, for a particular period, with a programme of behaviour to be agreed between the offender and the panel in accordance with this Part (which takes effect as a youth offender contract).

(2) For the court's power to order other persons to attend meetings of the panel, see section 90.

(3) For provision about—

(a) the youth offender panel, see section 91;

(b) the youth offender contract, see section 96.

(4) For the purposes of this Code, references to an offender being referred to a youth offender panel are to a referral order being made in respect of the offender.

Commencement Information

I83 S. 83 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

84 Referral order: availability

(1) A referral order is available to a court dealing with an offender for an offence where—

(a) the court is a youth court or other magistrates' court,

(b) the offender is aged under 18 when convicted,

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(c) neither the offence nor any connected offence is an offence the sentence for which is fixed by law,

(d) the court is not proposing to—

(i) impose a custodial sentence, or

(ii) make a hospital order (within the meaning of the Mental Health Act 1983),

in respect of the offence or any connected offence,

(e) the court is not proposing to make—

(i) an order for absolute discharge, or

(ii) an order for conditional discharge,

in respect of the offence, and

(f) the offender pleaded guilty to the offence or to any connected offence.

(2) But a referral order is not available unless the court has been notified by the Secretary of State that arrangements for the implementation of referral orders are available in the area in which it appears to the court that the offender resides or will reside (and the notice has not been withdrawn).

Commencement Information

I84 S. 84 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

85 Duty and power to make referral order

(1) Where a referral order is available—

(a) the court must make a referral order if the compulsory referral conditions are met;

(b) otherwise, the court may make a referral order.

(2) The compulsory referral conditions are met where—

(a) the offence is an imprisonable offence,

(b) the offender pleaded guilty to the offence and to any connected offence, and

(c) the offender has never been—

(i) convicted by or before a court in the United Kingdom of any offence other than the offence and any connected offence, or

(ii) convicted by or before a court in another member State of any offence.

(3) For the effect of making a referral order on the court's other sentencing powers, see section 89.

Commencement Information

I85 S. 85 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

86 Making of referral order: general

(1) A referral order must specify—

(a) the youth offending team which is to establish a youth offender panel for the offender, and

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(b) the period for which any youth offender contract which takes effect by virtue of the order is to have effect.

(2) That period must be—

(a) not less than 3 months, and

(b) not more than 12 months.

(3) The youth offending team specified in the order must be the team which has the function of implementing referral orders in the area in which it appears to the court that the offender resides or will reside.

(4) On making a referral order the court must explain to the offender in ordinary language—

(a) the effect of the order, and

(b) the consequences which may follow—

(i) if no youth offender contract takes effect between the offender and the panel, or

(ii) if the offender breaches a youth offender contract.

Nothing in this subsection affects the court's duty under section 52 (duty to give reasons for and explain effect of sentence).

Commencement Information

I86 S. 86 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

87 Referral order consecutive to earlier referral order

(1) Where—

(a) a court makes a referral order ("the later order"), and

(b) the offender is subject to an earlier referral order,

the court may direct that any youth offender contract under the later order is not to take effect until the earlier order is revoked or discharged.

(2) For this purpose, the reference to an earlier referral order includes an order made under section 16 of the Powers of Criminal Courts (Sentencing) Act 2000 (referral orders).

Commencement Information

I87 S. 87 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

88 Making of referral order: connected offences

(1) This section applies where a court makes referral orders in respect of two or more connected offences.

(2) The referral orders have the effect of referring the offender to a single youth offender panel.

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(3) Accordingly, provision made by the orders under section 83(1)(a) and section 86(1)(a) (which relates to the youth offending team and a youth offender panel) must be the same for each referral order.

(4) The court may direct that the period specified under section 86(1)(b) in any of the referral orders is to run—

(a) concurrently with, or

(b) in addition to,

the period specified in another of the referral orders.

(5) But a direction under subsection (4) must not result in a total period of more than 12 months.

(6) For the purposes of this Chapter, each of the orders mentioned in subsection (1) is associated with each other of those orders.

Commencement Information

I88 S. 88 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

89 Making of referral order: effect on court's other sentencing powers

(1) This section applies where a court makes a referral order in respect of an offence.

(2) In dealing with the offender for any connected offence, the court must—

(a) sentence the offender by making a referral order, or

(b) make an order for absolute discharge.

(3) In dealing with the offender in respect of the offence or any connected offence, the court may not—

(a) order the offender to pay a fine,

(b) make any of the following orders—

(i) a youth rehabilitation order;

(ii) an order under section 1(2A) of the Street Offences Act 1959;

(iii) a reparation order;

(iv) an order for conditional discharge.

(4) The court may not make—

(a) an order binding the offender over to keep the peace or to be of good behaviour, or

(b) an order under section 376 (binding over of parent or guardian),

in connection with the offence or any connected offence.

(5) Nothing in section 85 or subsection (2) affects any power or duty of a magistrates' court under—

(a) section 25 (power and duty to remit young offenders to youth courts for sentence),

(b) section 10(3) of the Magistrates' Courts Act 1980 (adjournment for inquiries), or

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(c) section 35, 38, 43 or 44 of the Mental Health Act 1983 (remand for reports, interim hospital orders and committal to Crown Court for restriction order).

(6) Nothing in this section affects any power of a court, where it revokes a referral order, to re-sentence an offender for the offence in respect of which the order was made.

Commencement Information
I89 S. 89 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

90 Order requiring parents etc to attend meetings

(1) This section applies where a court makes a referral order.

(2) The court—

(a) may make an order requiring—

(i) the appropriate person, or

(ii) if there are two or more appropriate persons, one or more of them,

to attend the meetings of the youth offender panel, and

(b) must do so if the offender is aged under 16 when the referral order is made.

(3) If the offender is—

(a) a looked-after child, and

(b) aged under 16 when the referral order is made,

the person or persons required under subsection (2) to attend those meetings must include at least one representative of the responsible authority.

(4) But an order under subsection (2) must not require a person to attend those meetings—

(a) if the court is satisfied that it would be unreasonable to do so, or

(b) to an extent which the court is satisfied would be unreasonable.

(5) For the purposes of this section, each of the following is an appropriate person in relation to an offender—

(a) if the offender is a looked-after child—

(i) a representative of the responsible authority, and

(ii) each person who is a parent or guardian of the offender with whom the offender is allowed to live;

(b) otherwise, each person who is a parent or guardian of the offender.

(6) In this section—

"looked-after child" means a child who is (within the meaning of the Children Act 1989 or the Social Services and Well-being (Wales) Act 2014 (anaw 4)) looked after by a local authority, and

"responsible authority", in relation to a looked-after child, means the authority by which the child is looked after.

(7) The court must forthwith send a copy of an order under subsection (2)—

(a) to each person required by the order to attend meetings of the panel, and

(b) to any responsible authority whose representative is required by the order to attend meetings of the panel,

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unless the person was present, or the authority was represented, in court when the order was made.

Commencement Information
I90 S. 90 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Youth offender panels

91 Establishment of youth offender panels

(1) This section applies where a court has made a referral order (or two or more associated referral orders).

(2) The specified youth offending team must establish a youth offender panel for the offender.

(3) The youth offender panel must—

(a) be constituted,

(b) conduct its proceedings, and

(c) discharge its functions under this Chapter,

in accordance with guidance issued from time to time by the Secretary of State.

(4) But at each of its meetings the panel must consist of at least—

(a) one member appointed by the specified youth offending team from among its members, and

(b) two members appointed by that team who are not members of the team.

(5) The Secretary of State may by regulations make provision requiring persons appointed as members of a youth offender panel to—

(a) have qualifications specified in the regulations;

(b) satisfy other criteria so specified.

(6) Regulations under subsection (5) are subject to the negative resolution procedure.

(7) The Secretary of State may revise any guidance issued under subsection (3).

Commencement Information
I91 S. 91 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

92 Attendance at panel meetings: offender and parent or guardian

(1) This section applies to each meeting of the youth offender panel established for the offender.

(2) The specified youth offending team must notify—

(a) the offender, and

(b) any person to whom an order under section 90 (requirement to attend meetings of the panel) applies,

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of the time and place at which the person is required to attend the meeting.

(3) If the offender fails to attend any part of the meeting the panel may—

(a) adjourn the meeting to such time and place as the panel may specify (in which case subsection (2) applies to the adjourned meeting), or

(b) end the meeting and refer the offender back to court.

Commencement Information

I92 S. 92 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

93 Failure of parent or guardian to comply with order under section 90

(1) If—

(a) a parent or guardian of an offender fails to comply with an order under section 90 (orders requiring parents etc to attend meetings), and

(b) the offender is aged under 18 at the time of the failure,

the youth offender panel may refer the parent or guardian to a youth court acting in the local justice area in which it appears to the panel that the offender resides or will reside.

(2) To make the referral, the panel must send a report to the youth court explaining why the parent or guardian is being referred to it.

(3) A youth court which receives a report under subsection (2) must cause the parent or guardian to appear before it.

(4) For that purpose, a justice acting in the local justice area in which the court acts may—

(a) issue a summons requiring the parent to appear before that youth court at the place and time specified in it, or

(b) if the report is substantiated on oath, issue a warrant for the parent's arrest which requires the parent to be brought before that court.

(5) For the youth court's power to make a parenting order where the panel refers the parent or guardian under this section, see section 368 (parenting order where parent or guardian fails to attend meeting of panel).

(6) Making a parenting order under that section does not affect the order under section 90.

(7) Accordingly, section 63(1) to (4) of the Magistrates' Courts Act 1980 (power to deal with person for breach of order etc) applies in relation to an order under section 90 (in addition to this section and section 368).

Commencement Information

I93 S. 93 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

94 Attendance at panel meetings: other persons

(1) At a meeting of a youth offender panel, the offender may be accompanied by one person aged 18 or over chosen by the offender with the agreement of the panel.

(2) It need not be the same person who accompanies the offender to every meeting.

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(3) The panel may allow any of the following to attend a meeting—

(a) a victim;

(b) any person who appears to the panel to be someone capable of having a good influence on the offender.

(4) If the panel allows a victim to attend a meeting of the panel, it may allow the victim to be accompanied to the meeting by one person chosen by the victim with the agreement of the panel.

(5) For the purposes of subsections (3) and (4) "victim" means any person who appears to the panel to be a victim of, or otherwise affected by, the offence or any of the offences in respect of which the offender was referred to the panel.

Commencement Information

I94 S. 94 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Youth offender contracts

95 Duty of youth offending team to arrange initial meetings of panel

(1) Where a court has made a referral order (or two or more associated referral orders), the specified youth offending team must arrange the first meeting of the youth offender panel established for the offender.

(2) The specified youth offending team must also arrange any further meeting of the panel that may be held under section 98(2)(b) (resuming consideration).

Commencement Information

I95 S. 95 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

96 Agreement of youth offender contract with offender

(1) This section applies to—

(a) the first meeting of a youth offender panel established for an offender, and

(b) any further meeting of the panel held under section 98(2)(b) (resuming consideration).

(2) At the meeting the panel must seek to reach agreement with the offender on a programme of behaviour whose aim (or principal aim) is to prevent re-offending by the offender.

(3) Schedule 3 makes provision about the programme.

(4) Where a programme is agreed between the offender and the panel, the panel must produce a written record of the programme forthwith—

(a) in language capable of being readily understood by, or explained to, the offender,

(b) for signature by the offender, and

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(c) for signature by a member of the panel on behalf of the panel.

(5) Once the record has been signed by the offender and on behalf of the panel—

(a) the terms of the programme, as set out in the record, take effect as the terms of a "youth offender contract" between the offender and the panel, and

(b) the panel must provide a copy of the record to the offender.

Commencement Information

I96 S. 96 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

97 Duration of compliance period

(1) This section applies where a youth offender contract has taken effect between an offender and a youth offender panel.

(2) The compliance period begins with the day on which the youth offender contract takes effect.

(3) The length of the compliance period is—

(a) if the contract relates to a single referral order, the period specified in the order under section 86(1)(b);

(b) if the contract relates to two or more referral orders, the total period resulting from any direction of the court under section 88(4).

(4) Subsection (3) is subject to—

(a) any order under paragraph 9, 12 or 15 of Schedule 4 extending the length of the compliance period, and

(b) subsection (5).

(5) The compliance period expires on revocation of the referral order, or each of the referral orders, to which the youth offender contract relates.

Commencement Information

I97 S. 97 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

98 Failure to agree youth offender contract

(1) This section applies to—

(a) the first meeting of a youth offender panel established for an offender, and

(b) any further meeting of the panel held under subsection (2)(b).

(2) The panel may—

(a) end the meeting without having reached agreement with the offender on an appropriate programme of behaviour, and

(b) resume consideration of the offender's case at a further meeting of the panel.

(3) But if, at the meeting, it appears to the panel that there is no prospect of reaching an agreement with the offender on an appropriate programme of behaviour within a reasonable period after the making of the referral order (or orders), the panel—

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(a) may not consider the case at a further meeting under subsection (2)(b), and
(b) must instead refer the offender back to court.

(4) If, at the meeting, the panel and the offender reach agreement on an appropriate programme of behaviour, but—
(a) the offender does not sign the record produced under section 96(4)(b), and
(b) the offender's failure to do so appears to the panel to be unreasonable,
the panel must end the meeting and refer the offender back to court.

(5) In this section, "appropriate programme of behaviour" means a programme of behaviour of the kind mentioned in section 96(2).

Commencement Information
I98 S. 98 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

99 Arranging progress meetings

(1) This section applies where a youth offender contract has taken effect.

(2) The specified youth offending team must arrange a meeting of the youth offender panel at any time during the compliance period ("a progress meeting") if the panel requests it to do so under this section.

(3) The panel may request the specified youth offending team to arrange a progress meeting if it appears to the panel to be expedient to review—
(a) the offender's progress in implementing the programme of behaviour contained in the youth offender contract, or
(b) any other matter arising in connection with the contract.

(4) The panel must request the specified youth offending team to arrange a progress meeting if subsection (5) or (6) applies.

(5) This subsection applies where the offender has notified the panel that the offender wishes—
(a) the youth offender contract to be varied, or
(b) to be referred back to court with a view to the referral order (or orders) being revoked on account of a significant change in the offender's circumstances (such as being taken to live abroad) which makes compliance with the contract impractical.

(6) This subsection applies where it appears to the panel that the offender is in breach of the contract.

Commencement Information
I99 S. 99 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

100 Progress meetings: conduct

(1) This section applies to any meeting of a youth offender panel arranged under section 99.

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(2) At the meeting, the youth offender panel must do such of the following as it considers appropriate in the circumstances—

(a) review the offender's progress or any other matter referred to in section 99(3);

(b) discuss with the offender any breach of the youth offender contract which it appears to the panel that the offender has committed;

(c) consider any variation in the youth offender contract—

(i) sought by the offender, or

(ii) which appears to the panel expedient in the light of any such review or discussion;

(d) consider any request by the offender under section 99(5)(b) to be referred back to court.

(3) Where the youth offender panel has discussed with the offender any breach of the contract which it appears to the panel that the offender has committed, the panel may—

(a) agree with the offender that the offender is to continue to be required to comply with the contract (either in its original form or with any agreed variation of it) without being referred back to court, or

(b) end the meeting and refer the offender back to court.

(4) Where the panel and the offender agree a variation in the contract, the panel must produce a written record of the variation forthwith—

(a) in language capable of being readily understood by, or explained to, the offender,

(b) for signature by the offender, and

(c) for signature by a member of the panel on behalf of the panel.

(5) Once the record has been signed by the offender and on behalf of the panel—

(a) the variation in the contract takes effect, and

(b) the panel must provide a copy of the record to the offender.

(6) If at the meeting—

(a) the panel and the offender agree a variation in the contract,

(b) the offender does not sign the record produced under subsection (4), and

(c) the offender's failure to do so appears to the panel to be unreasonable,

the panel may end the meeting and refer the offender back to court.

(7) Schedule 3 (programme of behaviour) applies to what the contract, as varied under this section, may provide as it applies to a programme of behaviour agreed under section 96.

(8) Where the offender has requested under section 99(5)(b) to be referred back to court and the panel—

(a) has discussed the request with the offender, and

(b) is satisfied that there is (or is soon to be) a change in circumstances of the kind mentioned in that provision,

it may end the meeting and refer the offender back to court.

Commencement Information

I100 S. 100 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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101 Final meeting

(1) This section applies where—

(a) a youth offender contract has taken effect between a youth offender panel and an offender, and

(b) the compliance period is due to expire.

(2) The specified youth offending team must arrange a meeting of the panel ("the final meeting") to be held before the end of the compliance period.

(3) At the final meeting the panel must—

(a) review the extent of the offender's compliance to date with the youth offender contract,

(b) decide whether or not the offender's compliance with the contract justifies the conclusion that the offender will have satisfactorily completed the contract by the end of the compliance period, and

(c) give the offender written confirmation of its decision.

(4) A decision that the conclusion mentioned in subsection (3)(b) is justified—

(a) has the effect of discharging the referral order (or orders) as from the end of the compliance period, and

(b) can be made in the offender's absence.

(5) If the panel decides that that conclusion is not justified, it must refer the offender back to court.

(6) Nothing in section 92(3) permits the final meeting to be adjourned (or re-adjourned) to a time after the end of the compliance period.

Commencement Information
I101 S. 101 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Other powers to refer offender back to court

102 Revocation of referral order where offender making good progress etc

(1) This section applies where—

(a) a youth offender contract has taken effect between a youth offender panel and an offender, and

(b) it appears to the panel to be in the interests of justice for the referral order (or each of the referral orders) to be revoked.

(2) The panel may refer the offender back to court, requesting the appropriate court—

(a) to revoke the order (or each of the orders) under sub-paragraph (2) of paragraph 7 of Schedule 4, or

(b) to—

(i) revoke the order (or each of the orders) under that sub-paragraph, and

(ii) re-sentence the offender under sub-paragraph (4) of that paragraph for the offence in respect of which the revoked order was made.

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(3) In deciding whether to refer the offender back to court under this section, the panel must have regard to circumstances which have arisen since the youth offender contract took effect, which may include the offender's making good progress under the contract.

(4) Where—

(a) the panel refers the offender back to court under this section, and

(b) the appropriate court decides not to revoke the order (or orders) under paragraph 7(2) of Schedule 4 in consequence of that referral,

the panel may not refer the offender back to court again under this section during the 3 month period beginning with the date of the court's decision, except with the consent of the appropriate court.

Commencement Information

I102 S. 102 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

103 Extension of compliance period

(1) This section applies where—

(a) a youth offender contract has taken effect,

(b) the compliance period is less than 12 months,

(c) the compliance period has not ended, and

(d) having regard to circumstances which have arisen since the contract took effect, it appears to the youth offender panel to be in the interests of justice for the length of the compliance period to be extended.

(2) The panel may refer the offender back to court requesting the appropriate court to extend the length of the compliance period.

(3) The requested period of extension must not be more than 3 months.

Commencement Information

I103 S. 103 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Further court proceedings

104 Offender referred back to court or convicted while subject to referral order

In Schedule 4—

(a) Part 1 makes provision for what is to happen when a youth offender panel refers an offender back to court;

(b) Part 2 makes provision for what is to happen when an offender is convicted of further offences while subject to a referral order.

Commencement Information

I104 S. 104 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Supplementary

105 Youth offender panel: change of residence

(1) This section applies where the court which made a referral order is satisfied that—

(a) the offender has changed, or proposes to change, residence (to the "new residence"), and

(b) the youth offending team for the time being specified in the order ("the current team") does not have the function of implementing referral orders in the area of the offender's new residence ("the new area").

(2) The court may amend the order so that it specifies instead the youth offending team which has the function of implementing referral orders in the new area ("the new team").

(3) Where the court does so, this Chapter (and, in particular, section 91(2) (duty to establish youth offender panel)) applies to the new team accordingly.

This is subject to subsection (4).

(4) If a youth offender contract has already taken effect under the referral order between the offender and the youth offender panel established by the current team—

(a) section 95 does not apply to the new team, and

(b) the contract has effect after the amendment as a youth offender contract between—

(i) the offender, and

(ii) the youth offender panel established by the new team.

Commencement Information
I105 S. 105 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

106 Functions of the specified youth offending team

(1) This section applies where a referral order is made in respect of an offender.

(2) The specified youth offending team must arrange for the provision of such administrative staff, accommodation or other facilities as are required by the youth offender panel.

(3) During the compliance period—

(a) the specified youth offending team must make arrangements for supervising the offender's compliance with the youth offender contract, and

(b) the person who is the member of the panel referred to in section 91(4)(a) must ensure that records are kept of the offender's compliance, or failure to comply, with that contract.

(4) In implementing a referral order, the specified youth offending team must have regard to any guidance issued by the Secretary of State.

(5) The Secretary of State may revise any guidance issued under subsection (4).

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Commencement Information

I106 S. 106 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

107 Rules of court

(1) Criminal Procedure Rules may make such provision as appears to the Criminal Procedure Rule Committee to be necessary or expedient for the purposes of this Chapter.

(2) Nothing in this section affects the generality of any other enactment conferring power to make Criminal Procedure Rules.

Commencement Information

I107 S. 107 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

108 Referral orders: interpretation

(1) In this Chapter—

"the appropriate court", in relation to any referral of an offender back to court, means—

(a) if the offender is aged under 18 when first appearing before the court in pursuance of the referral back, a youth court acting in the local justice area in which it appears to the youth offender panel that the offender resides or will reside;

(b) otherwise, a magistrates' court (other than a youth court) acting in that area;

"associated", in relation to referral orders, is to be read in accordance with section 88(6);

"compliance period" means the period for which a youth offender contract which takes effect between the offender and the youth offender panel is to have effect;

"meeting", in relation to a youth offender panel, means—

(a) the first meeting arranged under section 95(1),

(b) any further meeting held under section 98(2)(b),

(c) any progress meeting arranged under section 99, or

(d) the final meeting held under section 101;

"the specified youth offending team", in relation to an offender to whom a referral order applies (or two or more associated referral orders apply), means the youth offending team for the time being specified in the order (or orders);

"youth offender panel", in relation to an offender, means the panel established for the offender in accordance with section 91.

(2) For the purposes of this Chapter, an offence is connected with another offence if the offender is to be dealt with for both offences at the same time (whether or not convicted of them at the same time or by or before the same court).

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(3) Any reference in this Chapter to a youth offender contract taking effect is to it taking effect between an offender and a youth offender panel under section 96.

(4) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply for the purposes of this Part (except that it does apply for the purposes of paragraph 13 of Schedule 4 (further proceedings)).

Commencement Information
I108 S. 108 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 2

REPARATION ORDERS FOR OFFENDERS AGED UNDER 18

109 Reparation order

(1) In this Code "reparation order" means an order made under this Chapter in respect of an offence which imposes requirements on the offender to make reparation for the offence to—

(a) a particular person or particular persons, or

(b) the community at large.

(2) In this Chapter, references to making reparation for an offence are to making reparation for the offence otherwise than by the payment of compensation.

Commencement Information
I109 S. 109 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

110 Reparation order: availability

(1) A reparation order is available to a court dealing with an offender for an offence where—

(a) the offender is aged under 18 when convicted,

(b) the offence is not an offence the sentence for which is fixed by law, and

(c) the court is not proposing to—

(i) impose a custodial sentence,

(ii) make a youth rehabilitation order, or

(iii) make a referral order.

(2) But a reparation order is not available unless the court has been notified by the Secretary of State that arrangements for implementing reparation orders are available in the area in which it appears to the court that the offender resides or will reside (and the notice has not been withdrawn).

(3) A reparation order is not available if the offender is subject to a youth rehabilitation order, unless when it makes the reparation order the court revokes the youth rehabilitation order.

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(4) For the power of the court to revoke the youth rehabilitation order, see Part 5 of Schedule 7 (powers of court in relation to youth rehabilitation order following subsequent conviction).

Commencement Information
I110 S. 110 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

111 Requirement to consider report before making a reparation order

(1) This section applies where a court proposes to make a reparation order in respect of an offence.

(2) Before making the order, the court must obtain and consider a written report by—
- (a) an officer of a provider of probation services,
- (b) a social worker of a local authority, or
- (c) a member of a youth offending team.

(3) The report must indicate—
- (a) the type of work that is suitable for the offender, and
- (b) the attitude of the victim or victims to requirements proposed to be included in the reparation order.

Commencement Information
I111 S. 111 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

112 Requirements to make reparation to be specified in order

(1) This section applies where a court makes a reparation order in respect of an offence.

(2) The reparation order must—
- (a) specify the requirements with which the offender must comply, and
- (b) if those requirements require reparation to be made to a particular person or particular persons, specify that person or those persons.

(3) The requirements must be such as in the opinion of the court are commensurate with the seriousness of—
- (a) the offence, or
- (b) the combination of the offence and one or more associated offences.

This is subject to subsections (5) and (6).

(4) Any person specified under subsection (2)(b) must be a person identified by the court as—
- (a) a victim of the offence, or
- (b) a person otherwise affected by it.

(5) The reparation order may not impose a requirement to make reparation to a particular person without the consent of that person.

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(6) The requirements must be requirements to make reparation which—

(a) may require the offender to perform work, but

(b) if they do, must not require the offender to work for more than 24 hours in aggregate.

(7) The requirements must, so far as practicable, be such as to avoid—

(a) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment,

(b) any conflict with the offender's religious beliefs, and

(c) any conflict with the requirements of any other court order to which the offender may be subject.

Commencement Information

I112 S. 112 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

113 Other provision to be specified in a reparation order

(1) This section applies where a court makes a reparation order.

(2) The reparation order must specify the local justice area in which it appears to the court making the order that the offender resides or will reside.

(3) The reparation order must specify the responsible officer.

(4) The person specified as the responsible officer must be—

(a) an officer of a provider of probation services acting in the offender's home local justice area,

(b) a social worker of the local authority in whose area it appears to the court that the offender resides or will reside, or

(c) a member of a youth offending team established by that local authority.

Commencement Information

I113 S. 113 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

114 Making reparation

(1) The offender must perform the requirements of the reparation order under the supervision of the responsible officer.

(2) Any requirements to make reparation imposed by a reparation order must be completed within the period of 3 months beginning with the day on which the order is made.

Commencement Information

I114 S. 114 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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115 Breach, revocation or amendment of reparation order

Schedule 5 makes provision about breach, revocation and amendment of reparation orders.

Commencement Information
I115 S. 115 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

116 Reparation orders: interpretation

In this Chapter—

(a) references to making reparation are to be read in accordance with section 109(2);

(b) "offender's home local justice area" means the local justice area for the time being specified in the reparation order under section 113 or by virtue of an order under paragraph 5(4)(b)(ii) of Schedule 5;

(c) the "responsible officer" means the responsible officer for the time being specified in the reparation order under that section or by virtue of an order under that paragraph;

(d) references to breach of a requirement of a reparation order include references to a failure to comply with the requirement.

Commencement Information
I116 S. 116 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 3

OTHER ORDERS

117 Orders under Street Offences Act 1959

See section 1(2A) of the Street Offences Act 1959 for orders available in the case of offences under section 1 of that Act (loitering or soliciting for purposes of prostitution) where no other sentence is imposed.

Commencement Information
I117 S. 117 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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PART 7

FINANCIAL ORDERS AND ORDERS RELATING TO PROPERTY

CHAPTER 1

FINES

Availability

118 Availability of fine: magistrates' court

(1) A fine is available to a magistrates' court dealing with an offender for an offence if under the relevant offence provision a person who is convicted of that offence is liable to a fine.

(2) If under the relevant offence provision the offender is liable to—

(a) a fine of a specified amount,

(b) a fine of not more than a specified amount,

the amount of the fine—

(i) must not be more than that amount, but

(ii) may be less than that amount (unless an Act passed after 31 December 1879 expressly provides to the contrary).

(3) This is subject to—

(a) section 121 (availability: fines not to be combined with certain other orders);

(b) section 123 (limit on fines imposed by magistrates' courts in respect of young offenders).

(4) In this section "relevant offence provision", in relation to an offence, means—

(a) the enactment creating the offence or specifying the penalty to which a person convicted of the offence is liable, or

(b) that provision read in accordance with—

(i) section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court) and regulations under that section;

(ii) section 86 of that Act (power to increase certain other fines on conviction by magistrates' court) and regulations under that section;

(iii) section 32 of the Magistrates' Courts Act 1980 (penalties on summary conviction for offences triable either way);

(iv) section 119 (power of magistrates' court to fine where only imprisonment etc specified);

(v) section 122 (standard scale of fines),

and, for this purpose, "enactment" includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

Commencement Information

I118 S. 118 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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119 Power of magistrates' court to fine where only imprisonment etc specified

(1) This section applies where under an enactment a magistrates' court has power to sentence an offender to imprisonment or other detention but not to a fine.

It is immaterial whether the enactment was passed or made before or after the commencement of this Act.

(2) The magistrates' court may impose a fine instead of sentencing the offender to imprisonment or other detention (unless an Act passed after 31 December 1879 expressly provides to the contrary).

(3) In the case of an offence which—

(a) is triable either way, and

(b) was committed before 12 March 2015,

a fine imposed under subsection (2) may not exceed the prescribed sum (within the meaning of section 32 of the Magistrates' Courts Act 1980).

(4) In the case of a fine imposed under subsection (2) for a summary offence—

(a) the amount of the fine may not exceed level 3 on the standard scale, and

(b) the default term must not be longer than the term of imprisonment or detention to which the offender is liable on conviction of the offence.

For this purpose, "default term" means the term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 to which the offender would be subject in default of payment of the fine.

(5) In this section "enactment" includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

Commencement Information

I119 S. 119 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

120 General power of Crown Court to fine offender convicted on indictment

(1) A fine is available to the Crown Court where it is dealing with an offender who is convicted on indictment for an offence—

(a) instead of, or

(b) in addition to,

dealing with the offender in any other way which is available to the court.

(2) Subsection (1)—

(a) does not apply where the offence is one in relation to which a mandatory sentence requirement applies by virtue of any of the following provisions of section 399—

(i) paragraph (a) (life sentence for murder etc),

(ii) paragraph (b) (other mandatory life sentences), or

(iii) paragraph (c)(iv) (minimum sentence for third domestic burglary offence),

(b) is subject to any other enactment requiring the offender to be dealt with in a particular way, and

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(c) does not apply if the court is precluded from sentencing the offender by its exercise of some other power.

(3) Nothing in subsection (1) affects the maximum amount of a fine to which a person is liable for an offence committed before **[**F2 1 December 2020**]**.

Textual Amendments

F2 Words in s. 120(3) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(2)**

Commencement Information

I120 S. 120 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

121 Availability of fine: effect of other orders

For circumstances in which a fine is not available, see—

(a) section 37(8) of the Mental Health Act 1983 (hospital order or guardianship order in case where person convicted of offence punishable with imprisonment);

(b) section 89 (making of referral order: effect on court's other sentencing powers).

Commencement Information

I121 S. 121 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Magistrates' court

122 The standard scale of fines for summary offences

(1) The standard scale of fines for summary offences, which is known as "the standard scale", as it has effect for Code offences, is as follows—

Level on the scale	***Amount of fine***	
	Offence committed on or after 11 April 1983 and before 1 October 1992	***Offence committed on or after 1 October 1992***
1	£25	£200
2	£50	£500
3	£200	£1,000
4	£500	£2,500
5	£1,000	£5,000.

(2) In relation to a Code offence, a relevant reference to a particular level on the standard scale is to be read as referring to that level on the scale set out in the column of the

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table in subsection (1) that applies to offences committed on the date on which the offence was committed.

(3) In relation to—

(a) a relevant reference in an enactment or instrument passed or made before 12 March 2015 to level 5 on the standard scale, and

(b) an offence committed on or after that date,

subsection (2) is subject to section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court).

(4) A reference to a level on the standard scale in an enactment or instrument made under an enactment (whenever passed or made) is a "relevant reference" to that level if—

(a) the enactment or instrument provides that a person convicted of a summary offence is liable on conviction to a fine or maximum fine by reference to that level, or

(b) it is a reference in an enactment which confers power by subordinate instrument to make a person liable on conviction of a summary offence (whether or not created by the instrument) to a fine or maximum fine by reference to that level.

In this section, "Code offence" is an offence of which the offender is convicted after the Code comes into force.

Modifications etc. (not altering text)

C7 S. 122 extended (N.I.) by 1956 c. 74, s. 21(7C) (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 8** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I122 S. 122 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

123 Limit on fines imposed by magistrates' courts in respect of young offenders

(1) This section applies where an offender—

(a) was convicted by a magistrates' court,

(b) was under 18 when convicted, and

(c) is before that court to be sentenced.

(2) The court may not impose a fine of more than—

(a) £250, if the offender was under 14 when convicted, or

(b) £1,000, if the offender was 14 or over when convicted.

Commencement Information

I123 S. 123 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Exercise of powers

124 Fixing of fine: duty of court to inquire into individual offender's circumstances

(1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court must inquire into the offender's financial circumstances.

(2) For the power to make a financial circumstances order, see section 35.

(3) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 128.

Commencement Information
I124 S. 124 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

125 Exercise of court's powers to impose fine and fix amount

(1) The amount of any fine fixed by a court must be such as, in the opinion of the court, reflects the seriousness of the offence.

(2) In fixing the amount of any fine to be imposed on an offender (whether an individual or other person), a court must take into account the circumstances of the case including, in particular, the financial circumstances of the offender so far as they are known, or appear, to the court.

(3) Subsection (2) applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.

(4) In applying subsection (2), a court must not reduce the amount of a fine on account of any surcharge it orders the offender to pay under section 42, except to the extent that the offender has insufficient means to pay both.

(5) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 128.

(6) For the effect of proceedings in relation to confiscation orders on the court's powers to impose or fix the amount of a fine, see the following provisions of the Proceeds of Crime Act 2002—

(a) section 13(4) (where confiscation order has been made);

(b) section 15 (where proceedings on a confiscation order have been postponed).

Commencement Information
I125 S. 125 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

126 Power to determine financial circumstances where offender is absent or fails to provide information

(1) This section applies where an offender—

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(a) has been convicted in the offender's absence—

(i) in pursuance of section 11 or 12 of the Magistrates' Courts Act 1980 (non-appearance of accused), or

(ii) in proceedings conducted in accordance with section 16A of that Act (trial by single justice on the papers), or

(b) has failed—

(i) to provide a statement of the offender's financial circumstances in response to a request which is an official request for the purposes of section 20A of the Criminal Justice Act 1991 (offence of making false statement as to financial circumstances),

(ii) to comply with an order under section 35(2) (statement as to offender's financial circumstances), or

(iii) otherwise to co-operate with the court in its inquiry into the offender's financial circumstances.

(2) If the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender for the purposes of section 125, it may make such determination as it considers appropriate.

Commencement Information

I126 S. 126 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

127 Remission of fines following determination under section 126

(1) This section applies where a court has, in fixing the amount of a fine, determined the offender's financial circumstances under section 126 (offender absent or failing to provide information).

(2) If on subsequently inquiring into the offender's financial circumstances the court is satisfied that, had it had the results of that inquiry when sentencing the offender, it—

(a) would have fixed a smaller amount, or

(b) would not have fined the offender,

it may remit the whole or part of the fine.

(3) Where under this section the court remits the whole or part of a fine after a term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, has been fixed under—

(a) section 129, or

(b) section 82(5) of the Magistrates' Courts Act 1980 (magistrates' powers in relation to default),

it must reduce the term by the corresponding proportion.

(4) In calculating any reduction required by subsection (3), any fraction of a day is to be ignored.

(5) Subsection (6) applies where—

(a) under this section the court remits the whole or part of a fine,

(b) the offender was ordered under section 42 to pay a surcharge, and

(c) the amount of the surcharge was set by reference to the amount of the fine.

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(6) The court must—

(a) determine how much the surcharge would have been if the fine had not included the amount remitted, and

(b) remit the balance of the surcharge.

Commencement Information

I127 S. 127 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Fines: payment

128 Fine imposed on offender aged under 18: payment by parent or guardian

(1) This section applies where a court—

(a) is dealing with an offender for an offence,

(b) the offender is aged under 18 when convicted, and

(c) but for this subsection, the court would impose a fine on the offender in respect of the offence.

(2) Section 380 (order for payment by parent or guardian) applies to the fine.

(3) Subsections (4) to (6) apply for the purposes of any order made under section 380 against the offender's parent or guardian.

(4) The following provisions are to be read as if any reference to the financial circumstances of the offender were a reference to the financial circumstances of the offender's parent or guardian—

(a) section 124 (duty of court to inquire into individual offender's financial circumstances);

(b) subsections (2) and (3) of section 125 (fixing of fine: exercise of court's powers).

This is subject to subsection (7).

(5) Section 126 (power to determine financial circumstances where offender is absent or fails to provide information) does not apply (but see section 382).

(6) The reference to the offender's means in section 125(4) (insufficient means to pay fine and surcharge) is to be read as a reference to the means of the offender's parent or guardian.

(7) For the purposes of any order under section 380 made against a local authority, section 124 does not apply.

Commencement Information

I128 S. 128 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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129 Fine imposed on offender by Crown Court: duty to make term in default order

(1) This section applies when the Crown Court imposes a fine on an offender who is aged 18 or over when convicted of the offence.

But it does not apply in relation to a fine imposed by the Crown Court on appeal against a decision of a magistrates' court.

(2) Subsections (3) to (5) also apply in relation to a fine imposed on such an offender—

(a) by the criminal division of the Court of Appeal, or

(b) by the Supreme Court on appeal from that division.

(3) The court must make an order (a "term in default order") fixing a term—

(a) of imprisonment, or

(b) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,

which the offender is to undergo if any sum which the offender is liable to pay is not duly paid or recovered.

(4) Column 3 of the following table sets out the maximum term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 which may be fixed by a term in default order in relation to a sum that is—

(a) more than the corresponding entry (if any) in column 1, but

(b) not more than the corresponding entry (if any) in column 2.

Amount of sum		***Maximum term***
More than	***Not more than***	
	£200	7 days
£200	£500	14 days
£500	£1,000	28 days
£1,000	£2,500	45 days
£2,500	£5,000	3 months
£5,000	£10,000	6 months
£10,000	£20,000	12 months
£20,000	£50,000	18 months
£50,000	£100,000	2 years
£100,000	£250,000	3 years
£250,000	£1,000,000	5 years
£1,000,000		10 years.

(5) The offender may not be committed to prison, or detained, by virtue of a term in default order on the same occasion as the fine is imposed unless—

(a) the offence to which the fine relates is punishable with imprisonment and the offender appears to the court to have sufficient means to pay the sum forthwith,

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(b) it appears to the court that the offender is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods,

(c) on that occasion the court sentences the offender to immediate imprisonment, custody for life or detention in a young offender institution for that or another offence, or

(d) the offender is already serving a sentence of custody for life or a term—

(i) of imprisonment,

(ii) of detention in a young offender institution, or

(iii) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default).

(6) Where any person liable for the payment of a fine to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term ("the current term")—

(a) of imprisonment,

(b) of detention in a young offender institution, or

(c) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default),

the court may order that any term of imprisonment or detention fixed by a term in default order is not to begin to run until after the end of the current term.

(7) Nothing in any enactment which authorises the Crown Court to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender restricts the powers conferred by this section.

This is subject to subsection (8).

(8) Where—

(a) the Crown Court imposes a fine in exercise of powers to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender, and

(b) section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines) specifies a period that would have applied to the fine had it been imposed by a magistrates' court,

the term imposed by the Crown Court under subsection (3) in relation to the fine must not exceed that period.

(9) For the purposes of any reference in this section, however expressed, to the term of imprisonment or other detention—

(a) to which a person has been sentenced, or

(b) which, or part of which, the person has served,

consecutive terms and terms which are wholly or partly concurrent are treated as a single term, unless the context otherwise requires.

(10) Any reference in this section, however expressed, to a previous sentence is to be read as a reference to a previous sentence passed by a court in Great Britain.

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Modifications etc. (not altering text)

C8 S. 129(4) applied by 2006 c. 52, s. 269B(4) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 65** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C9 S. 129(4) applied by 2006 c. 52, s. 269A(2) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 64** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I129 S. 129 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

130 Fine imposed by Crown Court: power to allow time for payment or payment by instalments

When the Crown Court imposes a fine on an offender, it may make an order—

(a) allowing time for the payment of the fine, or

(b) directing payment of the fine by instalments of the amounts and on the dates specified in the order.

Commencement Information

I130 S. 130 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

131 Fine imposed by Crown Court: power to search offender

See section 142 of the Powers of Criminal Courts (Sentencing) Act 2000 for the power of the Crown Court to search an offender on whom it imposes a fine.

Commencement Information

I131 S. 131 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

132 Enforcement of fines imposed on offenders by Crown Court

(1) A fine imposed on an offender by the Crown Court is to be treated for the purposes of collection, enforcement and remission as having been imposed—

(a) by a magistrates' court specified in an order made by the Crown Court, or

(b) if no such order is made, by the magistrates' court by which the offender was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998,

and as having been so imposed on conviction by the magistrates' court in question.

This is subject to subsection (5).

(2) Subsection (3) applies where a magistrates' court issues a warrant of commitment on a default in the payment of a fine imposed by the Crown Court on an offender.

(3) The term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, specified in the warrant of commitment as the term which the offender is liable to serve is to be—

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(a) the term fixed by the Crown Court under section 129(3), or

(b) if that term has been reduced under section 79(2) of the Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,

even if that term exceeds the period applicable to the case under section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines).

(4) Subsections (1) to (3) apply in relation to a fine imposed on an offender—

(a) by the criminal division of the Court of Appeal, or

(b) by the Supreme Court on appeal from that division,

as they apply in relation to a fine imposed by the Crown Court.

References in those subsections to the Crown Court (except the reference in subsection (1)(b)) are to be read accordingly.

(5) A magistrates' court must not, under section 85(1) of the Magistrates' Courts Act 1980 as applied by subsection (1), remit the whole or any part of a fine imposed by—

(a) the Crown Court,

(b) the criminal division of the Court of Appeal, or

(c) the Supreme Court on appeal from that division,

without the consent of the Crown Court.

(6) Where payment of a fine is enforceable by a magistrates' court by virtue of this section, the fine is to be treated for the purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as having been imposed by a magistrates' court.

Commencement Information

I132 S. 132 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 2

COMPENSATION ORDERS

Compensation orders

133 Compensation order

In this Code "compensation order" means an order under this Chapter made in respect of an offender for an offence that requires the offender—

(a) to pay compensation for any personal injury, loss or damage resulting from—

(i) the offence, or

(ii) any other offence which is taken into consideration by the court in determining the sentence for the offence, or

(b) to make payments for—

(i) funeral expenses, or

(ii) bereavement,

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in respect of a death resulting from any such offence.

Commencement Information
I133 S. 133 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Making a compensation order

134 Compensation order: availability

(1) A compensation order is available to a court by or before which an offender is convicted of an offence.

This is subject to section 136 (road accidents).

(2) Where a compensation order is available, the court may make such an order whether or not it also deals with the offender for the offence in any other way.

Commencement Information
I134 S. 134 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

135 Making a compensation order

(1) A compensation order must specify the amount to be paid under it.

(2) That amount must be the amount that the court considers appropriate, having regard to any evidence and any representations that are made by or on behalf of the offender or the prosecution.

But see also sections 136 to 139.

(3) In determining—

(a) whether to make a compensation order against an offender, or

(b) the amount to be paid under such an order,

the court must have regard to the offender's means, so far as they appear or are known to the court.

(4) Where the court considers—

(a) that it would be appropriate both to impose a fine and to make a compensation order, but

(b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation,

the court must give preference to compensation (though it may impose a fine as well).

(5) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 140.

(6) For the effect of proceedings in relation to confiscation orders on the court's powers in relation to compensation orders, see the following provisions of the Proceeds of Crime Act 2002—

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(a) section 13(4) (where confiscation order has been made);
(b) section 15 (where proceedings on a confiscation order have been postponed).

Commencement Information
I135 S. 135 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Particular cases

136 Road accidents

(1) A compensation order may not be made in respect of funeral expenses or bereavement in respect of a death due to a road accident.

(2) A compensation order may be made in respect of injury, loss or damage due to a road accident only if it is in respect of—
(a) loss suffered by a person's dependants in consequence of the person's death,
(b) damage which is treated by section 137 as resulting from an offence under the Theft Act 1968 or Fraud Act 2006, or
(c) uninsured harm.

(3) In subsection (2), "uninsured harm" means injury, loss or damage as respects which—
(a) the offender was uninsured in relation to the use of the vehicle in question, and
(b) compensation is not payable under any arrangements to which the Secretary of State is a party.

An offender is not uninsured in relation to the use of a vehicle for this purpose if that use of it is exempted from insurance by section 144 of the Road Traffic Act 1988.

(4) Where a compensation order is made in respect of injury, loss or damage due to a road accident, the amount to be paid may include an amount representing all or part of any loss of, or reduction in, preferential rates of insurance attributable to the accident.

(5) In this Chapter, "road accident" means an accident arising out of the presence of a motor vehicle on a road.

Commencement Information
I136 S. 136 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

137 Damage to property and clean-up costs resulting from certain offences

(1) Subsection (2) applies in the case of an offence under the Theft Act 1968 or Fraud Act 2006, where the property in question is recovered.

(2) Any damage to the property occurring while it was out of the owner's possession is to be treated for the purposes of section 133 as having resulted from the offence.

This applies regardless of how the damage was caused and who caused it.

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(3) Section 29 of the Ancient Monuments and Archaeological Areas Act 1979 makes provision about the person in whose favour a compensation order relating to certain offences involving damage to monuments is to be made.

(4) Section 33B of the Environmental Protection Act 1990 (clean-up costs) provides for certain costs connected with certain offences relating to waste to be loss or damage resulting from those offences for the purposes of section 133.

Commencement Information
I137 S. 137 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

138 Funeral expenses and bereavement: cases other than road accidents

(1) A compensation order in respect of funeral expenses may be made for the benefit of anyone who incurred the expenses.

(2) A compensation order in respect of bereavement may be made only for the benefit of a person for whose benefit a claim for damages for bereavement could be made under section 1A of the Fatal Accidents Act 1976.

(3) The amount to be paid in respect of bereavement under a compensation order must not exceed the amount for the time being specified in section 1A(3) of that Act.

(4) This section is subject to section 136(1) (compensation order not available in respect of bereavement or funeral expenses in respect of a death due to a road accident).

Commencement Information
I138 S. 138 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Compensation orders made in respect of young offenders

139 Limit on compensation payable under compensation order of magistrates' court in case of young offender

(1) This section applies where—

(a) a magistrates' court is dealing with an offender for one or more offences (each, a "main offence") of which the offender was convicted when aged under 18, and

(b) the court makes a compensation order in respect of—

(i) a main offence, or

(ii) any offence taken into consideration by the court in determining sentence for a main offence (a "TIC offence").

(2) The compensation in respect of a main offence must not exceed £5,000.

(3) The total compensation in respect of main offences and TIC offences must not exceed £5,000 multiplied by the number of main offences.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

Commencement Information
I139 S. 139 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

140 Compensation order: order for payment by parent or guardian

(1) This section applies where—

(a) a court makes or is proposing to make a compensation order in respect of an offence, and

(b) the offender is aged under 18 when convicted.

(2) Section 380 (order for payment by parent or guardian) applies to the amount to be paid under any such compensation order.

(3) Subsection (4) applies for the purposes of any order made under section 380 against the offender's parent or guardian.

(4) The references in subsections (3) and (4) of section 135 (taking account of offender's means in determining amount of compensation) to the offender's means are to be read as references to the means of the offender's parent or guardian.

This is subject to subsection (5).

(5) For the purposes of any order made under section 380 against a local authority, section 135(3) does not apply.

Commencement Information
I140 S. 140 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Compensation orders: supplementary

141 Compensation orders: suspension of entitlement and appeals etc

(1) A person in whose favour a compensation order is made is not entitled to receive the amount due to the person until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).

(2) Criminal Procedure Rules may make provision about the way in which the appropriate court is to deal with money paid in satisfaction of a compensation order where the entitlement of the person in whose favour it was made is suspended under subsection (1).

(3) The Court of Appeal may by order annul or vary any compensation order made by the Crown Court, even if the conviction is not quashed.

(4) Where a compensation order is annulled or varied under subsection (3)—

(a) the compensation order—

(i) if annulled, is not to take effect;

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(ii) if varied, is to take effect as varied;

(b) the Court of Appeal must also vary any order previously made under section 42 (court's duty to order payment of surcharge) so as to secure that the offender's liability under that order is the same as it would have been if the offender were being dealt with by the Crown Court.

(5) Where the Supreme Court restores a conviction, it may make any compensation order which the court of trial could have made.

(6) Where the Supreme Court makes an order under subsection (5), it must also—

(a) make an order under section 42, or

(b) vary any order previously made under that section,

so as to secure that the offender's liability under the order under that section is the same as it would have been if the offender were being dealt with by the Crown Court.

(7) Where, in any proceedings in which an offender is convicted of one or more offences (each, a "main offence"), a compensation order is made against the offender in respect of an offence taken into consideration in determining sentence—

(a) the order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences;

(b) the offender may appeal against the order as if it were part of the sentence imposed in respect of the main offence or, if more than one, any of the main offences.

Modifications etc. (not altering text)

C10 S. 141 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 293(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C11 Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 290** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I141 S. 141 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

142 Limit on compensation payable under compensation order of magistrates' court: offences committed before 11 December 2013

(1) This section applies where—

(a) a magistrates' court is dealing with an offender for—

(i) an offence which was committed before 11 December 2013 (a "relevant offence"), or

(ii) one or more relevant offences, and

(b) the court makes a compensation order in respect of—

(i) any relevant offence,

(ii) any offence taken into consideration by the court in determining sentence for a relevant offence.

(2) The compensation in respect of a relevant offence must not exceed the maximum amount.

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(3) The total compensation in respect of the offences taken into account in determining sentence for the relevant offence or relevant offences must not exceed the difference between—

(a) the relevant limit, and

(b) the total compensation in respect of the relevant offences.

(4) In this section—

(a) the relevant limit is the aggregate of the maximum amounts for each relevant offence;

(b) "the maximum amount" in relation to a relevant offence means the amount specified in column 2 of the following table for an offence committed on the date of the relevant offence—

Date of commission of main offence	*Maximum amount*
Before 1 December 1977	£400
On or after 1 December 1977 but before 1 May 1984	£1,000
On or after 1 May 1984 but before 1 October 1992	£2,000
On or after 1 October 1992 but before 11 December 2013	£5,000.

(5) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

Modifications etc. (not altering text)

C11 Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 290** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I142 S. 142 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

143 Review of compensation orders

(1) This section applies where—

(a) a compensation order has been made,

(b) there is no further possibility of the compensation order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time), and

(c) the person against whom it was made has not paid into court the whole of the amount required to be paid under the order.

(2) The appropriate court may, on the application of the person against whom the order was made—

(a) discharge the order, or

(b) reduce the amount which remains to be paid.

This is subject to subsection (3).

(3) The appropriate court may exercise that power only—

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(a) if it appears to the court that the injury, loss or damage in respect of which the compensation order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order,

(b) if, in the case of a compensation order in respect of the loss of any property, it appears to the court that the property has been recovered by the person in whose favour the order was made, or

(c) if—

(i) it appears to the court that the means of the person against whom the order was made are insufficient or have been reduced (see subsections (5) and (6)), and

(ii) where the compensation order was made by the Crown Court, the appropriate court has obtained the consent of the Crown Court.

(4) Subsections (5) to (7) apply for the purposes of subsection (3)(c).

(5) The person's means are "insufficient" if they are not sufficient to satisfy in full—

(a) the compensation order, and

(b) every order of any of the following kinds made against the person in the same proceedings—

(i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;

(ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;

(iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.

(6) The person's means "have been reduced" if they—

(a) have unexpectedly been substantially reduced since the compensation order was made, and

(b) seem unlikely to increase for a considerable period.

(7) If the compensation order was made on appeal it is to be treated—

(a) if made on an appeal from a magistrates' court, as if made by that magistrates' court;

(b) if made on an appeal—

(i) from the Crown Court, or

(ii) from the Court of Appeal,

as if made by the Crown Court.

Modifications etc. (not altering text)

C11 Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 290** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C12 S. 143 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 293(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I143 S. 143 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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144 Effect of compensation order on subsequent award of damages in civil proceedings

(1) This section has effect where—

(a) a compensation order has been made in favour of any person in respect of any injury, loss or damage, and

(b) a claim by the person in civil proceedings for damages in respect of the injury, loss or damage subsequently falls to be determined.

(2) The damages in the civil proceedings must be assessed without regard to the order.

(3) But the claimant may recover only an amount equal to the aggregate of—

(a) any amount by which the damages assessed exceed the compensation, and

(b) a sum equal to any portion of the compensation which the person fails to recover ("unrecovered compensation").

(4) The claimant may not enforce the judgment, so far as it relates to unrecovered compensation, without the leave of the court.

Modifications etc. (not altering text)

C13 S. 144 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 293(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I144 S. 144 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

145 Compensation orders: interpretation

(1) In this Chapter—

"appropriate court", in relation to a compensation order, means the magistrates' court which, by virtue of section 41(1) of the Administration of Justice Act 1970, for the time being has functions in relation to collection and enforcement of the order;

"road accident" has the meaning given by section 136.

(2) For the purposes of this Chapter a compensation order is made in respect of an offence if it relates to personal injury, loss, damage or death resulting from that offence.

For this purpose, "offence" includes an offence taken into consideration by a court when sentencing an offender for an offence of which the offender has been convicted.

Commencement Information

I145 S. 145 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Compensation etc under other Acts

146 Compensation etc under other Acts

For provision about other orders requiring payment of compensation etc that are available to courts dealing with offenders for particular offences, see—

Power to make order	***Description of order***
section 8 of the Modern Slavery Act 2015	slavery and trafficking reparation order where person convicted of offence under section 1, 2 or 4 of that Act
section 4 of the Prevention of Social Housing Fraud Act 2013	unlawful profit order on conviction of offence under section 1 or 2 of that Act or certain associated offences.

Commencement Information
I146 S. 146 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 3

RESTITUTION AND RESTORATION

147 Restitution order where goods stolen or obtained by blackmail or fraud

(1) In this Code, "restitution order" means an order made in an offender's case with respect to particular goods (referred to in this section as "the stolen goods") that—

(a) requires anyone who has possession or control of the stolen goods ("the holder") to restore them to any other person entitled to recover them from the holder,

(b) requires any other goods representing the stolen goods to be transferred or delivered to any person entitled to recover those other goods from the offender,

(c) requires payment of a sum out of any removed money to any person who would be entitled to recover the stolen goods from the offender if they were in the offender's possession, or

(d) requires payment of a sum out of any removed money to—

(i) any person to whom the offender has sold the stolen goods, or

(ii) any person from whom the offender has borrowed money on the security of the stolen goods.

(2) For the purposes of subsection (1)—

(a) goods represent the stolen goods if they are the proceeds of disposal or realisation of all or part of the stolen goods, or of other goods which represent the stolen goods;

(b) "removed money" means money of the offender which was taken out of the offender's possession when the offender was apprehended.

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Commencement Information
I147 S. 147 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

148 Restitution order: availability

(1) A restitution order with respect to particular goods is available to a court in an offender's case where—

(a) the goods have been stolen, and

(b) either—

(i) the offender is convicted by or before the court of an offence with reference to the theft of the goods, whether or not the stealing was the gist of it (an "offence related to the theft"), or

(ii) the court takes an offence related to the theft into consideration in determining sentence for any other offence of which the offender is convicted by or before the court.

(2) A restitution order under section 147(1)(b) is available only on the application of the person in whose favour it is to be made.

(3) A restitution order with respect to any goods under section 147(1)(d) is available only if the court has made a restitution order under section 147(1)(a) with respect to the goods.

(4) Making a deferment order, or otherwise deferring sentence, does not preclude a court from making a restitution order.

Commencement Information
I148 S. 148 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

149 Making a restitution order

(1) This section applies where a restitution order is available to a court in an offender's case.

(2) The court may make a restitution order only if in the opinion of the court the relevant facts sufficiently appear from any of the following—

(a) evidence given at the trial;

(b) any written statements or admissions which were made for use, and would have been admissible, as evidence at the trial;

(c) any documents served on the offender in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons sent for trial);

(d) admissions made by or on behalf of any person in connection with any proposed exercise of the powers to make a restitution order.

(3) If the court makes restitution orders under paragraphs (b) and (c) of section 147(1) in respect of the theft of the same goods, they must not result in the person in whose favour they are made recovering more than the value of those goods.

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(4) A restitution order under section 147(1)(c) may not require payment of more than the value of the stolen goods.

(5) Subsections (6) and (7) apply in relation to making to a restitution order under section 147(1)(d) in relation to any goods.

(6) The court may make the restitution order only if satisfied that—

(a) the purchaser was acting in good faith when purchasing the goods, or

(b) the lender was acting in good faith when lending money on the security of the goods.

(7) The restitution order may not require payment of more than—

(a) the amount which the purchaser paid for the purchase, or

(b) the amount owed to the lender in respect of the loan.

Commencement Information

I149 S. 149 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

150 Restitution orders: supplementary provision about appeals

(1) Subsections (2) and (3) apply where a restitution order has been made in an offender's case against any person.

Order in respect of offence taken into consideration

(2) Subsection (3) applies where the restitution order was made in respect of an offence taken into consideration by the court in determining sentence for one or more other offences of which the offender was convicted (each, a "main offence").

(3) The restitution order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences.

Initial period of suspension

(4) Subsection (5) applies to a restitution order made by a magistrates' court, unless the court directs under subsection (6) that it is not to apply.

(5) The restitution order does not take effect until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).

(6) A magistrates' court may direct that subsection (5) is not to apply to a restitution order if—

(a) the restitution order is made under section 147(1)(a) or (b), and

(b) the court is of the opinion that the title to the goods to be restored or, as the case may be, delivered or transferred under the order is not in dispute.

(7) A restitution order is to be treated as an order for the restitution of property for the purposes of section 30 of the Criminal Appeal Act 1968 (effect of appeals on such orders).

(8) See, in particular, subsection (1) of that section for provision about—

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(a) the initial period of suspension of a restitution order made by the Crown Court, and

(b) the Crown Court's power to direct that the initial period of suspension is not to apply.

Commencement Information
I150 S. 150 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

151 Restitution orders: interpretation and application

(1) In this Chapter, references to stealing are to be read in accordance with—

(a) section 1(1) of the Theft Act 1968 (read with the provisions of that Act relating to the construction of section 1(1)), and

(b) subsections (2) and (3).

(See also section 119(2) of the Consumer Credit Act 1974, which treats unreasonable refusal to deliver pawn as stealing for the purposes of this Chapter.)

(2) In this Chapter, references to goods which have been stolen include references to goods which have been obtained—

(a) by blackmail, or

(b) by fraud (within the meaning of the Fraud Act 2006);

and references to "stealing" and "theft" are to be read accordingly.

(3) In determining for the purposes of this Chapter whether goods have been stolen, it is immaterial whether the stealing occurred—

(a) before or after the Theft Act 1968, or the Fraud Act 2006, came into force, or

(b) in England and Wales or elsewhere,

provided that the stealing (if not an offence under either of those Acts) amounted to an offence where and when the goods were stolen.

(4) In this Chapter, "goods", except so far as the context otherwise requires, includes money and every other description of property (within the meaning of the Theft Act 1968) except land, and includes things severed from the land by stealing.

(5) A restitution order may be made in respect of money owed by the Crown.

Commencement Information
I151 S. 151 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 4

FORFEITURE, DEPRIVATION OF PROPERTY ETC

152 Deprivation order

In this Code "deprivation order" means an order under this Chapter which—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(a) is made in respect of an offender for an offence, and
(b) deprives the offender of any rights in the property to which it relates.

Commencement Information
I152 S. 152 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

153 Deprivation order: availability

(1) A deprivation order relating to any property to which subsection (2) applies is available to the court by or before which an offender is convicted of an offence.

(2) This subsection applies to property which—
(a) has been lawfully seized from the offender, or
(b) was in the offender's possession or under the offender's control when—
(i) the offender was apprehended for the offence, or
(ii) a summons in respect of it was issued,
if subsection (3) or (5) applies.

(3) This subsection applies if the court is satisfied that the property—
(a) has been used for the purpose of committing, or facilitating the commission of, any offence, or
(b) was intended by the offender to be used for that purpose.

(4) For the purposes of subsection (3), facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of—
(a) disposing of any property to which the offence relates, or
(b) avoiding apprehension or detection.

(5) This subsection applies if—
(a) the offence mentioned in subsection (1), or
(b) an offence which is taken into consideration by the court in determining the offender's sentence,
consists of unlawful possession of the property.

(6) Subsection (1) is subject to—
(a) any restriction on forfeiture in any enactment contained in an Act passed on or after 29 July 1988,
(b) section 33C(8) of the Environmental Protection Act 1990 (subsection (1) not to apply where section 33C of that Act provides for forfeiture of vehicles in connection with offence under that section), and
(c) paragraph 7 of Schedule 5 to the Wireless Telegraphy Act 2006 (subsection (1) not to apply where person convicted of offence under Part 2, 3 or 5 of that Act).

Commencement Information
I153 S. 153 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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154 Vehicle to be treated as used for purpose of certain offences

(1) This section applies where a person commits an offence listed in subsection (2) by—

(a) driving, attempting to drive, or being in charge of, a vehicle,

(b) failing to comply with a requirement made under section 7 or 7A of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test or to give permission for such a test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive, or being in charge of, a vehicle, or

(c) failing, as the driver of a vehicle, to comply with subsection (2) or (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident).

(2) Those offences are—

(a) an offence under the Road Traffic Act 1988 which is punishable with imprisonment;

(b) an offence of manslaughter;

(c) an offence under section 35 of the Offences against the Person Act 1861 (wanton and furious driving).

(3) The vehicle is to be regarded for the purposes of section 153 (and section 157(3)(b)) as used for the purpose of committing the offence (including where it is committed by aiding, abetting, counselling or procuring).

Commencement Information
I154 S. 154 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

155 Exercise of power to make deprivation order

(1) In considering whether to make a deprivation order in respect of any property, a court must have regard to—

(a) the value of the property, and

(b) the likely financial and other effects on the offender of making the order (taken together with any other order that the court contemplates making).

(2) Where a deprivation order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.

(3) For the effect of proceedings relating to confiscation orders on the court's powers under this section, see the following provisions of the Proceeds of Crime Act 2002—

(a) section 13(2) (where confiscation order is made);

(b) section 15 (where proceedings in relation to confiscation orders are postponed).

Commencement Information
I155 S. 155 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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156 Deprivation order: property to be taken into possession of police or Secretary of State

(1) Where the court makes a deprivation order in respect of an offender for an offence, this section applies to the property to which the order relates.

(2) If the court considers that the offence—

(a) related to immigration or asylum, or

(b) was committed for a purpose in connection with immigration or asylum,

it may order that the property is to be taken into the possession of the Secretary of State.

(3) Property that is taken into the possession of the Secretary of State by virtue of subsection (2) is to be treated for the purposes of section 26 of the UK Borders Act 2007 (disposal of property) as property that has come into the possession of the Secretary of State as mentioned in subsection (1)(b) of that section.

(4) Unless the court makes an order under subsection (2), the property is to be taken into the possession of the police (if it is not already in their possession).

Commencement Information

I156 S. 156 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

157 Property to which a deprivation order applies: orders by magistrates' court

(1) This section applies where property to which a deprivation order relates is in the possession of the police by virtue of section 156(4).

(2) A magistrates' court may, on the application of a police officer or a claimant of the property—

(a) order the delivery of the property to the person appearing to the court to be its owner, or

(b) if its owner cannot be ascertained, make any other order about the property.

This is subject to subsection (3).

(3) If the application is made by a claimant of the property, the court may make an order under subsection (2) only if—

(a) the application is made before the end of the period of 6 months beginning with the day on which the deprivation order is made, and

(b) the claimant satisfies the court—

(i) that the claimant did not consent to the offender's possession of the property, or

(ii) if the deprivation order was made by virtue of section 153(3) (property used for purposes of offence), that the claimant did not know, and had no reason to suspect, that the property was likely to be used for a purpose mentioned in section 153(3).

(4) Any right of a person to take legal proceedings against a person in possession of property by virtue of an order under subsection (2)—

(a) ceases at the end of the 6 month period mentioned in subsection (3)(a), but

(b) is not otherwise affected by the order.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I157 S. 157 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

158 Regulations about unclaimed property to which deprivation order applies

(1) The property about which regulations under section 2 of the Police (Property) Act 1897 (disposal of unclaimed property in possession of the police) may be made includes property which is in the possession of the police by virtue of section 156(4) and in respect of which—

(a) no application under section 157 was made by a claimant of the property during the 6 month period mentioned in subsection (3)(a) of that section, or

(b) no such application has succeeded.

(2) Where section 2 of the Police (Property) Act 1897 applies by virtue of this section the restrictions in subsections (2A)(a) and (3) of that section (restrictions about dealing with property within a year) do not apply.

(3) Regulations made by virtue of this section may not provide for the local policing body to become the owner of property which is the subject of an order under section 159 (court order as to application of property subject to deprivation order).

Commencement Information
I158 S. 158 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

159 Application of proceeds of property subject to deprivation order

(1) This section applies where a court makes a deprivation order in respect of any property and—

(a) the offence was one which resulted in a person suffering personal injury, loss or damage, or

(b) any such offence is taken into consideration by the court in determining sentence.

(2) The court may also make an order that any proceeds which—

(a) arise out of the disposal of the property, and

(b) do not exceed a sum specified by the court,

are to be paid to the person.

(3) The court may make an order under this section only if it is satisfied that, but for the inadequacy of the offender's means, it would have made a compensation order under which the offender would have been required to pay compensation of an amount not less than the amount specified under subsection (2)(b).

(4) An order under this section has no effect—

(a) before the end of the 6 month period mentioned in section 157(3)(a), or

(b) if a successful application under—

(i) section 157, or

(ii) section 1(1) of the Police (Property) Act 1897,

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has been made.

Commencement Information

I159 S. 159 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

160 Orders for forfeiture etc under other Acts

(1) For circumstances in which the court may be required to order forfeiture of certain material, see—

Function of making order	*Description of order*
section 4A(1) of the Dangerous Dogs Act 1991	certain offences under that Act: contingent order for destruction of dog
section 25 or 29I of the Public Order Act 1986	forfeiture of written material or recordings to which certain offences under Part 3 or 3A of that Act apply (racial or religious hatred or hatred on grounds of sexual orientation)
section 1(4) of the Obscene Publications Act 1964	forfeiture of articles seized under section 3 of the Obscene Publications Act 1959 where person convicted under section 2 of that Act.

(2) For provision about other forfeiture orders and deprivation orders etc that are available to courts dealing with offenders for particular offences, see—

Power to make order	*Description of order*
section 18 of the Cultural Property (Armed Conflicts) Act 2017	offence under section 17 of that Act: forfeiture of unlawfully exported property
section 11 of the Modern Slavery Act 2015	forfeiture of vehicle, ship or aircraft on conviction of offence under section 2 of that Act (human trafficking)
sections 7 and 11A of the Terrorism Act 2006	forfeiture of certain things in offender's possession for purposes of offence under— (a) section 6 of that Act (training for terrorism), or (b) section 9 or 10 of that Act (misuse of or threats connected with radioactive device or material)
sections 33, 35, 37, 38 and 40 of the Animal Welfare Act 2006	deprivation and destruction of animals and equipment on conviction of certain offences under that Act
section 23 of the Terrorism Act 2000	forfeiture of money and property on conviction of certain offences under that Act (terrorist property offences)
section 23A of the Terrorism Act 2000	forfeiture of money and property on conviction of— (a) certain offences under that Act or the Terrorism Act 2006, or

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	(b) offences specified in Schedule 1 to this Act which have a terrorist connection
section 120A of the Terrorism Act 2000	supplementary power to forfeit items on conviction of certain offences under that Act (weapons training and possessing things and collecting information for the purposes of terrorism)
section 6 of the Knives Act 1997	offences under sections 1 and 2 of that Act: forfeiture of knives and publications
sections 4 and 4A(4) of the Dangerous Dogs Act 1991	order for destruction of dog, or contingent destruction order, on conviction of certain offences under that Act
section 33C of the Environmental Protection Act 1990	deprivation of rights in vehicle used for certain offences under— (a) section 33 of that Act, or (b) the Environmental Permitting Regulations consisting of the disposal or deposit of waste
section 6 of the Crossbows Act 1987	offence under that Act: forfeiture or disposal of crossbow or any part
section 7 of the Forgery and Counterfeiting Act 1981	order for forfeiture of objects relating to offences under Part 1 of that Act (forgery and kindred offences)
section 24(3) of the Forgery and Counterfeiting Act 1981	forfeiture of anything related to an offence under section 19 of that Act (reproducing British currency notes or making imitation British coins)
section 42(3) of the Health and Safety at Work etc Act 1974	offence under relevant statutory provisions (within the meaning of that Act): forfeiture of explosive article or substance
section 25C of the Immigration Act 1971	forfeiture of ship, vehicle or aircraft connected with offence under section 25, 25A or 25B of that Act (assisting unlawful immigration to member State or entry to the UK in certain circumstances)
section 27 of the Misuse of Drugs Act 1971	forfeiture order in case of certain offences under— (a) that Act, or (b) certain provisions of the Proceeds of Crime Act 2002
section 52 of the Firearms Act 1968	forfeiture and disposal of firearm in certain cases including— (a) offences under that Act, (b) offence for which custodial sentence is imposed, (c) certain offences under the Violent Crime Reduction Act 2006, and (d) other circumstances where conditions are imposed on offender with respect to firearms
section 3 of the Children and Young Persons (Harmful Publications) Act 1955	forfeiture of copies of work to which the Act applies and other articles on conviction under section 2 of that Act

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section 1(2) of the Prevention of Crime Act 1953	offence under section 1(1) of that Act (carrying offensive weapon without reasonable excuse or lawful authority)
section 3 of the Incitement to Disaffection Act 1934	power to order destruction etc of documents connected with offence under that Act.

(3) Nothing in this section is to be taken to affect—

(a) the power of a court to make an order under this Chapter,

(b) any function of a court of making an order mentioned in the table in subsection (1) or (2), or

(c) any other power or duty of a court to make an order for the forfeiture or destruction of any material.

Modifications etc. (not altering text)

C14 S. 160: power to exclude conferred by 2006 c. 52, Sch. 6A para. 13 (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 12** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I160 S. 160 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

161 Confiscation orders under other Acts

For provision about confiscation orders, see—

(a) the Proceeds of Crime Act 2002, or

(b) in relation to an offence committed before 24 March 2003—

(i) the Drug Trafficking Act 1994;

(ii) Part 6 of the Criminal Justice Act 1988.

Commencement Information

I161 S. 161 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 8

DISQUALIFICATION

CHAPTER 1

DRIVING DISQUALIFICATION

162 Driving disqualification order

In this Code "driving disqualification order" means an order made under this Chapter in respect of an offender that the offender is disqualified, for the period specified in the order, for holding or obtaining a driving licence.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I162 S. 162 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

163 Driving disqualification: availability for any offence

(1) A driving disqualification order is available to the court by or before which an offender is convicted of an offence if—

(a) the offence was committed on or after 1 January 1998, and

(b) the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court (and the notice has not been withdrawn).

(2) Where a driving disqualification order is available by virtue of this section, the court may make a driving disqualification order whether or not it also deals with the offender for the offence in any other way.

Commencement Information
I163 S. 163 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

164 Driving disqualification order: availability where vehicle used for purposes of crime

(1) A driving disqualification order is available also where—

(a) an offender is convicted on indictment of an offence,

(b) the offence is punishable on indictment with imprisonment for a term of 2 years or more, and

(c) the Crown Court is satisfied that a motor vehicle was used (by the offender or by anyone else) for the purpose of committing, or facilitating the commission of, the offence.

(2) For the purposes of subsection (1), facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of—

(a) disposing of any property to which the offence relates, or

(b) avoiding apprehension or detection.

(3) A driving disqualification order is available to the court by or before which an offender is convicted of an offence also where—

(a) the offence is—

(i) common assault, or

(ii) any other offence involving an assault (including an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) related to, or incitement to commit, an offence),

(b) the offence was committed on or after 1 July 1992, and

(c) the court is satisfied that the assault was committed by driving a motor vehicle.

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Commencement Information
I164 S. 164 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

165 Disqualification period

Where a court makes a driving disqualification order in respect of an offender for an offence, the disqualification period must be such period as the court considers appropriate.

Commencement Information
I165 S. 165 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

166 Extension of disqualification where custodial sentence also imposed

(1) This section applies where a court—

(a) imposes a custodial sentence on an offender for an offence, and

(b) makes a driving disqualification order in respect of the offender for the same offence.

(2) But this section does not apply where the custodial sentence is—

(a) a suspended sentence, or

(b) a life sentence in relation to which the court makes a whole life order under section 321(3).

(3) The disqualification period must be—

(a) the discretionary disqualification period, and

(b) the appropriate extension period.

(4) The discretionary disqualification period is the period which the court would, in the absence of this section, have specified in the driving disqualification order.

(5) The appropriate extension period for a sentence specified in column 2 is equal to the period calculated in accordance with column 3—

	Sentence	***Length of appropriate extension period***
1	a detention and training order under section 233 (offenders under 18: detention and training orders)	half the term of the detention and training order
2	an extended sentence of detention under section 254 (persons under 18)	two-thirds of the term imposed pursuant to section 254(a) (the appropriate custodial term)
3	a sentence under section 265 (special custodial sentence for certain offenders of particular concern: adults aged 18 to 20)	half the term imposed pursuant to section 265(2)(a) (the appropriate custodial term)

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4	an extended sentence of detention in a young offender institution	two-thirds of the term imposed pursuant to section 266(a) (the appropriate custodial term)
5	a sentence under section 278 (special custodial sentence for certain offenders of particular concern: adults aged 21 and over)	half the term imposed pursuant to section 278(2)(a) (the appropriate custodial term)
6	an extended sentence of imprisonment	two-thirds of the term imposed pursuant to section 279(a) (the appropriate custodial term)
7	a life sentence in relation to which a minimum term order is made under section 321(2)	the term specified in the minimum term order
8	any other case	half the custodial sentence imposed.

(6) Any period determined under subsection (5) which includes a fraction of a day must be rounded up to the nearest number of whole days.

(7) Where—

(a) an order ("the amending order") is made under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence), and

(b) the amending order provides that the proportion of a custodial sentence for the time being referred to in section 243A(3)(a) or 244(3)(a) of that Act (release of prisoners in certain circumstances) is to be read as a reference to another proportion (the "new proportion"),

the Secretary of State may by regulations provide that the table in subsection (5) is to be read as if, in relation to such a sentence, paragraph 8 specified the new proportion.

(8) Regulations under subsection (7) are subject to the affirmative resolution procedure.

(9) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by subsection (7).

Commencement Information
I166 S. 166 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

167 Effect of custodial sentence in other cases

(1) This section applies where a court makes a driving disqualification order in respect of an offender for an offence, and—

(a) it imposes a custodial sentence (other than a suspended sentence) on the offender for another offence, or

(b) a custodial sentence previously imposed on the offender has not expired.

(2) In determining the disqualification period, the court must, so far as it is appropriate to do so, have regard to the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.

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But the court may not take into account for this purpose any custodial sentence that it imposes on the offender for the offence.

(3) In this section, "custodial sentence" includes a pre-Code custodial sentence (see section 222(4)).

Commencement Information
I167 S. 167 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

168 Requirement to produce licences where driving disqualification order made

A court which makes a driving disqualification order in respect of an offender must require the offender to produce any (and, if more than one, all) of the following held by the offender—

(a) a driving licence;

(b) a Northern Ireland licence (within the meaning of Part 3 of the Road Traffic Act 1988);

(c) a Community licence (within the meaning of Part 3 of the Road Traffic Act 1988).

Commencement Information
I168 S. 168 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

169 Driving disqualification orders: interpretation

In this Chapter—

"disqualification period", in relation to a driving disqualification order made in respect of an offender, means the period specified in the order as the period for which the offender is disqualified for holding or obtaining a driving licence;

"driving licence" means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988.

Commencement Information
I169 S. 169 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

170 Road Traffic Offenders Act 1988: further provision about driving disqualification etc

(1) Part 2 of the Road Traffic Offenders Act 1988 makes further provision about driving disqualification.

Provision applying to driving disqualification orders under this Chapter

(2) For provision about the effect of driving disqualification orders under this Chapter see in particular—

(a) section 37 (effect of order of disqualification);

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(b) sections 39, 40 and 42 (suspension and removal of disqualification);
(c) section 43 (rule for determining end of period of disqualification).

Other orders under that Act available on conviction of certain offences

(3) For other orders available on conviction of certain road traffic offences see, in particular, the following provisions of that Act—
(a) section 34 (disqualification);
(b) section 35 (disqualification for repeated offences);
(c) section 36 (disqualification until test is passed);
(d) section 44 (endorsement of driving record).

Commencement Information
I170 S. 170 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 2

DISQUALIFICATION ETC UNDER OTHER ACTS

171 Offences relating to animals

(1) For orders relating to disqualification and licensing in the case of offences under the Animal Welfare Act 2006, see the following provisions of that Act—
(a) section 34 (disqualification);
(b) section 42 (orders with respect to licences).

(2) See section 4 of the Dangerous Dogs Act 1991 for orders relating to disqualification in the case of offences under that Act.

Commencement Information
I171 S. 171 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

172 Company directors

See sections 2 and 5 of the Company Directors Disqualification Act 1986 (company director disqualification orders) for provision about orders available in relation to certain offences relating to companies, building societies and other bodies.

Commencement Information
I172 S. 172 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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PART 9

COMMUNITY SENTENCES

CHAPTER 1

YOUTH REHABILITATION ORDERS

What a youth rehabilitation order is

173 Youth rehabilitation order

(1) In this Code, "youth rehabilitation order" means an order imposing one or more youth rehabilitation requirements.

(2) The youth rehabilitation requirements are listed in column 1 of the youth rehabilitation requirements table (see section 174).

(3) Provision about each requirement is made by the Part of Schedule 6 mentioned in the corresponding entry in column 2 of that table.

Commencement Information
I173 S. 173 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

174 Youth rehabilitation requirements table

The youth rehabilitation requirements table referred to in sections 173, 184 and 186 is—

Requirement	***Part of Schedule 6 relating to requirement***	***Restrictions on availability***
activity requirement	Part 1	
extended activity requirement	Part 1	section 185(1)
supervision requirement	Part 2	
unpaid work requirement	Part 3	section 185(2)
programme requirement	Part 4	
attendance centre requirement	Part 5	
prohibited activity requirement	Part 6	
curfew requirement	Part 7	
exclusion requirement	Part 8	
residence requirement	Part 9	
local authority residence requirement	Part 10	

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fostering requirement	Part 11	section 175(2)(b), section 185(3)
mental health treatment requirement	Part 12	
drug treatment requirement	Part 13	
drug testing requirement	Part 14	
intoxicating substance treatment requirement	Part 15	
education requirement	Part 16	
electronic monitoring requirement	Part 17	section 185(4)

Commencement Information
I174 S. 174 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

175 Youth rehabilitation order with intensive supervision and surveillance

(1) In this Code "youth rehabilitation order with intensive supervision and surveillance" means a youth rehabilitation order which imposes—

(a) an extended activity requirement (see paragraph 2 of Schedule 6),

(b) a supervision requirement, and

(c) a curfew requirement (and, accordingly, if so required by paragraph 19(3) of Schedule 6, an electronic monitoring requirement).

(2) A youth rehabilitation order with intensive supervision and surveillance—

(a) may impose other youth rehabilitation requirements, but

(b) may not impose a fostering requirement.

Commencement Information
I175 S. 175 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

176 Youth rehabilitation order with fostering

(1) In this Code "youth rehabilitation order with fostering" means a youth rehabilitation order which imposes—

(a) a fostering requirement (see Part 11 of Schedule 6), and

(b) a supervision requirement.

(2) A youth rehabilitation order with fostering may also impose other requirements.

But this is subject to section 175(2) (fostering requirement not available with intensive supervision and surveillance).

Commencement Information
I176 S. 176 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Availability

177 Youth rehabilitation order: availability

(1) A youth rehabilitation order is available to a court by or before which an offender is convicted of an offence if the offender is aged under 18 at the time of the conviction.

(2) Subsection (1) is subject to—

(a) subsection (3), and

(b) section 37(8) of the Mental Health Act 1983 (youth rehabilitation order not to be made in combination with hospital order or guardianship order in respect of same offence).

(3) A youth rehabilitation order is not available if a mandatory sentence requirement applies in relation to the offence (see section 399)—

(a) because the sentence is fixed by law, or

(b) by virtue of—

(i) section 258 (required sentence of detention for life), or

(ii) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

Commencement Information
I177 S. 177 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

178 Youth rehabilitation order with intensive supervision and surveillance or fostering: availability

(1) A youth rehabilitation order which is—

(a) a youth rehabilitation order with intensive supervision and surveillance, or

(b) a youth rehabilitation order with fostering,

is available only in respect of an imprisonable offence.

(2) This is subject to paragraph 11(2) of Schedule 7 (powers of court in case of wilful and persistent failure to comply with youth rehabilitation order).

Commencement Information
I178 S. 178 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of power to make youth rehabilitation order

179 Exercise of power to make youth rehabilitation order: general considerations

(1) This section applies where a court is dealing with an offender for an offence and a youth rehabilitation order is available.

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(2) The court must not make a youth rehabilitation order unless it is of the opinion that—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it,

was serious enough to warrant the making of such an order.

(3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and any associated offence or offences, including any aggravating or mitigating factors.

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

(5) The fact that, by virtue of subsection (2), the court may make a youth rehabilitation order does not require it to do so.

(6) Before making a youth rehabilitation order, the court must obtain and consider information about—

(a) the offender's family circumstances, and

(b) the likely effect of a youth rehabilitation order on those circumstances.

Commencement Information

I179 S. 179 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

180 Making youth rehabilitation order with intensive supervision and surveillance or fostering

(1) This section applies where either of the following orders is available to a court dealing with an offender for an offence—

(a) a youth rehabilitation order with intensive supervision and surveillance;

(b) a youth rehabilitation order with fostering.

(2) The court must not make an order of either of those kinds unless it is of the opinion—

(a) that the offence, or the combination of the offence and one or more offences associated with it, was so serious that, if such an order were not available, a custodial sentence—

(i) would be appropriate, or

(ii) where the offender is aged under 12 when convicted, would be appropriate if the offender were aged 12, and

(b) if the offender is aged under 15 when convicted, that the offender is a persistent offender.

(3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

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Commencement Information
I180 S. 180 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

181 Making youth rehabilitation order where offender subject to other order

Offender subject to detention and training order

(1) Where a court makes a youth rehabilitation order in respect of an offender who is subject to a detention and training order, the court may order that the youth rehabilitation order is to take effect—

(a) when the period of supervision in respect of the detention and training order begins in accordance with section 242 (the period of supervision), or

(b) on the expiry of the detention and training order.

(2) For the purposes of subsection (1)—

(a) the references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006 (detention and training orders made by service courts), and

(b) the reference to section 242 includes that provision as applied by section 213 of that Act.

(3) For those purposes, the references in subsections (1) and (2) to a detention and training order include an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (and references to section 242 include references to section 103 of that Act).

Offender subject to youth rehabilitation order or reparation order

(4) A court must not make a youth rehabilitation order in respect of an offender when—

(a) another youth rehabilitation order, or

(b) a reparation order,

is in force in respect of the offender, unless when it makes the order it revokes the earlier order.

(5) For the purposes of subsection (4)—

(a) the reference in paragraph (a) to another youth rehabilitation order includes an order under section 1 of the Criminal Justice and Immigration Act 2008, and

(b) the reference in paragraph (b) to a reparation order includes an order under section 73 of the Powers of Criminal Courts (Sentencing) Act 2000.

Court dealing with offender for offences including one of which the offender is convicted when aged 18

(6) A court may not make a youth rehabilitation order in respect of an offence if it makes a suspended sentence order for any other offence for which it deals with the offender.

Commencement Information
I181 S. 181 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

182 Youth rehabilitation order: effect of remand in custody

(1) In determining the restrictions on liberty to be imposed by a youth rehabilitation order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—

(a) the offence, or

(b) any other offence the charge for which was founded on the same facts or evidence.

(2) For this purpose a person is remanded in custody if—

(a) remanded in or committed to custody by order of a court,

(b) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or

(c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

Commencement Information

I182 S. 182 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

183 Concurrent and consecutive orders

(1) This section applies where a court is dealing with an offender for two or more offences.

(2) If the court makes an order of any of the following kinds in respect of one of the offences—

(a) a youth rehabilitation order with intensive supervision and surveillance,

(b) a youth rehabilitation order with fostering, or

(c) any other youth rehabilitation order,

it may not make a youth rehabilitation order of another of those kinds in respect of the other offence, or any of the other offences.

(3) If the court makes—

(a) two or more youth rehabilitation orders with intensive supervision and surveillance, or

(b) two or more youth rehabilitation orders with fostering,

those orders must take effect at the same time (in accordance with section 198).

(4) Subsections (5) to (7) apply where the court includes requirements of the same kind in two or more youth rehabilitation orders.

(5) The court must direct, for each kind of requirement—

(a) whether the requirements are to be concurrent or consecutive, or

(b) if more than two requirements of that kind are imposed, which are to be concurrent and which consecutive.

(6) But the court may not direct that two or more fostering requirements are to be consecutive.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(7) Where the court directs that two or more requirements of the same kind are to be consecutive, the numbers of hours, days or months specified in relation to each of them—

(a) are to be aggregated, but

(b) in aggregate, must not exceed the maximum number which may be specified in relation to any one of them.

(8) For the purposes of subsections (4) to (7), requirements are of the same kind if they fall within the same Part of Schedule 6.

Commencement Information

I183 S. 183 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Available requirements

184 Youth rehabilitation order: available requirements

(1) Any youth rehabilitation requirement imposed by a youth rehabilitation order must be a requirement that is available to the court which makes the order.

(2) A youth rehabilitation requirement is available unless a provision mentioned in column 3 of the entry for that requirement in the youth rehabilitation requirements table (see section 174) provides otherwise.

Commencement Information

I184 S. 184 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

185 Youth rehabilitation order: availability of particular requirements

Extended activity requirement

(1) An extended activity requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with intensive supervision and surveillance.

Unpaid work requirement

(2) An unpaid work requirement is not available for a youth rehabilitation order in respect of an offence unless the offender is aged 16 or 17 when convicted of the offence.

Fostering requirement

(3) A fostering requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with fostering.

Electronic monitoring requirement

(4) An electronic monitoring requirement is not available for a youth rehabilitation order unless the order imposes at least one other youth rehabilitation requirement.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I185 S. 185 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of power to impose particular requirements

186 Youth rehabilitation order: exercise of power to impose particular requirements

(1) This section applies where a court makes a youth rehabilitation order in respect of an offence.

Restrictions and obligations relating to imposing particular requirements

(2) The power to impose a particular youth rehabilitation requirement is subject to the provisions of the Part of Schedule 6 relating to requirements of that kind (see column 2 of the table in section 174).

Suitability

(3) The particular youth rehabilitation requirement or combination of youth rehabilitation requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular youth rehabilitation requirement or combination of youth rehabilitation requirements is suitable for the offender.

(5) In forming its opinion for the purposes of subsection (3) on which requirement or combination of requirements is the most suitable for the offender, the court may take into account any information about the offender which is before it.

Restrictions on liberty to be commensurate with seriousness

(6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

(7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

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(9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a youth rehabilitation order does not require the court to impose those restrictions.

Compatibility with other requirements and other matters

(10) If the order imposes two or more requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

This is subject to sections 175 and 176 and paragraphs 19(3) and 21 of Schedule 6 (certain types of youth rehabilitation order to contain certain requirements).

(11) The court must ensure, as far as practicable, that any requirement imposed by the order is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and

(c) any conflict with the requirements of any other court order to which the offender may be subject,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(12) Regulations under subsection (11) are subject to the negative resolution procedure.

Modifications etc. (not altering text)

C15 S. 186(2)(10)(11) applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I186 S. 186 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Making a youth rehabilitation order: contents

187 Youth rehabilitation order to specify end date

(1) A youth rehabilitation order must specify a date (the "end date") by which all the requirements in it must have been complied with.

(2) The end date must be—

(a) not more than 3 years, and

(b) in the case of a youth rehabilitation order with intensive supervision and surveillance, not less than 6 months,

after the date on which the order takes effect.

(3) If a youth rehabilitation order imposes two or more different youth rehabilitation requirements—

(a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;

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(b) if it does so, the last of those dates must be the same as the end date.

Commencement Information
I187 S. 187 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

188 Youth rehabilitation order to specify offender's home local justice area

(1) A youth rehabilitation order must specify which local justice area is the offender's home local justice area.

(2) The area specified must be the local justice area in which the offender resides or will reside.

Modifications etc. (not altering text)
C16 S. 188 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I188 S. 188 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

189 Power for Crown Court to direct magistrates' court supervision

(1) This section applies where the Crown Court makes a youth rehabilitation order otherwise than on appeal from a magistrates' court.

(2) The Crown Court may include a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction, see Schedule 7 (breach, revocation or amendment of youth rehabilitation order).

Commencement Information
I189 S. 189 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

190 Provision of copies of youth rehabilitation order and related documents

(1) This section applies when a court makes a youth rehabilitation order.

(2) The court must forthwith provide copies of the order—

(a) to the offender,

(b) if the offender is aged under 14, to the offender's parent or guardian,

(c) to a member of a youth offending team assigned to the court or to an officer who is acting at the court and is an officer of a provider of probation services, and

(d) if the court does not act in the offender's home local justice area, to a provider of probation services operating in that area.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(3) If the order imposes a requirement specified in column 1 of the following table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

Requirement	***Person to whom copy of requirement is to be given***
An activity requirement which comprises or includes a specified place obligation	The person in charge of each place specified under paragraph 3(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified activities obligation	The person in charge of each activity specified under paragraph 4(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified residential exercise obligation	The person in charge of each place or activity specified under paragraph 5(1)(b) of Schedule 6
An attendance centre requirement	The officer in charge of the attendance centre specified under paragraph 14(2)(a) of Schedule 6
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected
A residence requirement requiring residence with an individual	The individual specified under paragraph 22(2)(b) of Schedule 6
A place of residence requirement (within the meaning of paragraph 22 of Schedule 6) relating to residence in an institution	The person in charge of the institution
A local authority residence requirement	The local authority specified under paragraph 24(3)(b) of Schedule 6
A mental health treatment requirement	The person in charge of the institution or place specified under sub-paragraph (3)(b)(i) or (ii) of paragraph 28 of Schedule 6, or the person specified under sub-paragraph (3)(b)(iii) of that paragraph
A drug treatment requirement	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
A drug testing requirement	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An intoxicating substance treatment requirement	The treatment director specified under paragraph 36(3)(b)(i) of Schedule 6
An education requirement	The relevant authority specified under paragraph 39(2)(a) of Schedule 6
An electronic monitoring requirement	Any person who by virtue of paragraph 42(1) of Schedule 6 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

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(4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in the offender's home local justice area with—

(a) a copy of the order, and

(b) such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

Modifications etc. (not altering text)

C17 Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I190 S. 190 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Obligations of responsible officer and offender

191 The responsible officer

(1) For the purposes of this Chapter, "the responsible officer", in relation to an offender to whom a youth rehabilitation order relates, means the person identified in subsection (2), (3) or (4).

(2) If the order imposes the following requirements, and no other youth rehabilitation requirements—

(a) an electronic monitoring requirement, and

(b) a curfew requirement or an exclusion requirement (or both),

the responsible officer is the person who under paragraph 42(1) of Schedule 6 is responsible for the electronic monitoring required by the order.

(3) If the only youth rehabilitation requirement imposed by the order is an attendance centre requirement, the responsible officer is the officer in charge of the attendance centre specified in the order.

(4) In any other case the responsible officer is the qualifying officer who, as respects the offender, is for the time being responsible for discharging the functions conferred by this Chapter on the responsible officer.

(5) In subsection (4) "qualifying officer", means—

(a) a member of a youth offending team established by a local authority specified in the order for the purposes of this section, or

(b) an officer of a provider of probation services acting in the offender's home local justice area.

Modifications etc. (not altering text)

C17 Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

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Commencement Information
I191 S. 191 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

192 Obligations of responsible officer

(1) This section applies where a youth rehabilitation order is in force.

Functions of the responsible officer

(2) The responsible officer must—

(a) make any arrangements that are necessary in connection with the requirements imposed by the order,

(b) promote the offender's compliance with those requirements, and

(c) where appropriate, take steps to enforce those requirements.

(3) But subsection (2) does not apply to a person who is a responsible officer by virtue of section 191(2) (person responsible for electronic monitoring).

Exercise of functions by responsible officer

(4) In giving instructions to the offender in pursuance of the order, the responsible officer must ensure, as far as practicable, that any instruction is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and

(c) any conflict with the requirements of any other court order to which the offender may be subject,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

Modifications etc. (not altering text)
C17 Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I192 S. 192 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

193 Duty of offender to keep in touch with responsible officer etc

(1) This section applies where a youth rehabilitation order is in force.

(2) The offender—

(a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time, and

(b) must notify the responsible officer of any change of address.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(3) This obligation is enforceable as if it were a youth rehabilitation requirement of the youth rehabilitation order.

Commencement Information
I193 S. 193 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Review

194 Power to provide for court review of youth rehabilitation orders

(1) The Secretary of State may by regulations—

(a) enable or require a court making a youth rehabilitation order to provide for the order to be reviewed periodically by that or another court,

(b) enable a court to amend a youth rehabilitation order so as to include or remove a provision for review by a court, and

(c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.

(2) Regulations under this section may, in particular, make provision in relation to youth rehabilitation orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.

(3) Regulations under this section may repeal or amend any provision of this Chapter.

(4) Regulations under this section are subject to the affirmative resolution procedure.

Commencement Information
I194 S. 194 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Breach, revocation or amendment of order

195 Breach, revocation or amendment of youth rehabilitation order

Schedule 7 makes provision about—

(a) failures to comply with the requirements of youth rehabilitation orders, and

(b) revocation and amendment of youth rehabilitation orders.

Commencement Information
I195 S. 195 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Transferring order to Northern Ireland

196 Transfer of youth rehabilitation orders to Northern Ireland

Schedule 8 makes provision about the transfer of youth rehabilitation orders to Northern Ireland.

Commencement Information
I196 S. 196 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Youth rehabilitation orders: supplementary

197 Youth rehabilitation orders: interpretation

In this Chapter, except where the contrary intention appears—

"end date", in relation to a youth rehabilitation order, means the date for the time being specified in the order under—

(a) section 187 (youth rehabilitation order to specify end date),

(b) paragraph 10(4) of Schedule 7 (power to substitute later end date on breach), or

(c) paragraph 18(1) of that Schedule (extension of order);

"home local justice area", in relation to a youth rehabilitation order, means the local justice area for the time being specified in the order under—

(a) section 188, or

(b) paragraph 15(2) of Schedule 7;

"the responsible officer", in relation to an offender to whom a youth rehabilitation order relates, has the meaning given by section 191;

"youth rehabilitation requirement" has the meaning given by section 173.

Modifications etc. (not altering text)
C18 S. 197 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I197 S. 197 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

198 When a youth rehabilitation order is in force

(1) A youth rehabilitation order takes effect at the beginning of the day on which it is made.

(2) But a court making a youth rehabilitation order may order that it is to take effect instead on a later date (and see, in particular, section 181(1)).

(3) A youth rehabilitation order is in force for the period—

(a) beginning when it takes effect, and

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(b) ending—

(i) with the end date, or

(ii) if later, when the offender has completed any unpaid work requirement imposed by the order.

(4) But a youth rehabilitation order ceases to be in force when it is revoked.

(5) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

Modifications etc. (not altering text)

C19 S. 198(3)-(5) applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I198 S. 198 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

199 Youth rehabilitation orders: Isles of Scilly

(1) This Chapter has effect in relation to the Isles of Scilly with such exceptions, adaptations and modifications as the Secretary of State may by regulations specify.

(2) Regulations under this section are subject to the negative resolution procedure.

Commencement Information

I199 S. 199 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 2

COMMUNITY ORDERS

What a community order is

200 Community order

(1) In this Code "community order" means an order imposing one or more community order requirements.

(2) The community order requirements are listed in column 1 of the community order requirements table (see section 201).

(3) Provision about each requirement is made by the Part of Schedule 9 mentioned in the corresponding entry in column 2 of that table.

Commencement Information

I200 S. 200 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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201 Community order requirements table

The community order requirements table referred to in sections 200, 206 and 208 is—

Requirement	***Part of Schedule 9 relating to requirement***	***Restrictions on availability***
unpaid work requirement	Part 1	
rehabilitation activity requirement	Part 2	
programme requirement	Part 3	
prohibited activity requirement	Part 4	
curfew requirement	Part 5	
exclusion requirement	Part 6	
residence requirement	Part 7	
foreign travel prohibition requirement	Part 8	
mental health treatment requirement	Part 9	
drug rehabilitation requirement	Part 10	
alcohol treatment requirement	Part 11	
alcohol abstinence and monitoring requirement	Part 12	section 207(1) or (2)
attendance centre requirement	Part 13	section 207(3)
electronic compliance monitoring requirement	Part 14	section 207(4)
electronic whereabouts monitoring requirement	Part 14	

Commencement Information
I201 S. 201 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Availability

202 Community order: availability

(1) A community order is available to a court by or before which an offender is convicted of an offence if—

(a) the offender is aged 18 or over when convicted, and

(b) the offence is punishable with imprisonment by that court.

(2) Subsection (1) is subject to—

(a) subsection (3),

(b) section 203 (restriction on making both community order and suspended sentence order), and

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(c) section 37(8) of the Mental Health Act 1983 (community order not to be made in combination with hospital order or guardianship order in respect of same offence).

(3) A community order is not available in respect of an offence in relation to which a mandatory sentence requirement applies (see section 399).

But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

Commencement Information

I202 S. 202 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

203 Restriction on making both community order and suspended sentence order

A court may not make a community order in respect of an offence if it makes a suspended sentence order in respect of—

(a) the offence,

(b) any other offence of which the offender is convicted by or before it, or

(c) any other offence for which it deals with the offender.

Modifications etc. (not altering text)

C20 S. 203 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C21 S. 203 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C22 S. 203 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I203 S. 203 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of power to make community order

204 Exercise of power to impose community order: general considerations

(1) This section applies where a community order is available.

(2) The court must not make a community order unless it is of the opinion that—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it,

was serious enough to warrant the making of such an order.

(3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence,

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or of it and the associated offence or offences, including any aggravating or mitigating factors.

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

(5) The fact that, by virtue of subsection (2), the court may make a community order does not require it to do so.

Commencement Information
I204 S. 204 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

205 Community order: effect of remand in custody

(1) In determining the restrictions on liberty to be imposed by a community order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—

(a) the offence, or

(b) any other offence the charge for which was founded on the same facts or evidence.

(2) For this purpose, a person is remanded in custody if—

(a) remanded in or committed to custody by order of a court,

(b) remanded to youth detention accommodation (see subsection (3)), or

(c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

(3) The reference in subsection (2)(b) to being remanded to youth detention accommodation—

(a) has the same meaning as in Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail): see, in particular, section 91 of that Act, but

(b) also includes a reference to being remanded or committed before 3 December 2012 to local authority accommodation under section 23 of the Children and Young Persons Act 1969 and—

(i) kept in secure accommodation (within the meaning of that section), or

(ii) detained in a secure training centre pursuant to arrangements under subsection (7A) of that section.

Commencement Information
I205 S. 205 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Available requirements

206 Community order: available requirements

(1) A court may not make a community order which imposes a community order requirement that is not an available requirement.

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(2) A community order requirement is an available requirement unless a provision mentioned in column 3 of the entry for that requirement in the community order requirements table (see section 201) provides otherwise.

Modifications etc. (not altering text)

C23 S. 206 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C24 S. 206 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C25 S. 206 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I206 S. 206 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

207 Community order: availability of particular requirements

Alcohol abstinence and monitoring requirement

(1) An alcohol abstinence and monitoring requirement is not an available requirement unless regulations are in force under paragraph 25(7)(c) of Schedule 9 (prescribed arrangements for monitoring).

(2) An alcohol abstinence and monitoring requirement imposing a requirement within paragraph 25(1)(a)(ii) of Schedule 9 (alcohol level to be kept below specified level) is not an available requirement unless regulations are in force under 25(7)(b) of that Schedule (prescribed alcohol level).

Attendance centre requirement

(3) An attendance centre requirement is not an available requirement unless the offender is aged under 25 when convicted of the offence.

Electronic compliance monitoring requirement

(4) An electronic compliance monitoring requirement is not an available requirement in relation to a community order unless the community order imposes at least one other available requirement, other than—

(a) an alcohol abstinence and monitoring requirement;

(b) an electronic whereabouts monitoring requirement.

Modifications etc. (not altering text)

C26 S. 207 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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C27 S. 207(3) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C28 S. 207(3) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I207 S. 207 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of power to impose requirements

208 Community order: exercise of power to impose particular requirements

(1) This section applies where a court makes a community order in respect of an offence.

Restrictions and obligations relating to imposing particular requirements

(2) The power to impose a particular community order requirement is subject to the provisions of the Part of Schedule 9 relating to requirements of that kind (see column 2 of the table in section 201).

Suitability of requirements

(3) The particular community order requirement or community order requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.

This is subject to subsection (10).

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular requirement or combination of requirements is suitable for the offender.

(5) In forming its opinion for the purposes of subsection (3) on which requirement or combination of requirements is most suitable for the offender, the court may take into account any information about the offender which is before it.

Considerations of seriousness and punishment etc

(6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it.

This is subject to subsection (10).

(7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

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(9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a community order does not require the court to impose those restrictions.

(10) The order must include at least one community order requirement imposed for the purpose of punishment.

(11) Subsection (10) does not apply where—

(a) the court also imposes a fine, or

(b) there are exceptional circumstances relating to the offence or to the offender which—

(i) would make it unjust in all the circumstances for the court to impose a requirement for the purpose of punishment in the particular case, and

(ii) would make it unjust in all the circumstances for the court to impose a fine for the offence concerned.

Compatibility with other matters

(12) If the order imposes two or more different community order requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

(13) The court must ensure, so far as practicable, that any community order requirement imposed by the order is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any conflict with the requirements of any other court order to which the offender may be subject, and

(c) any interference with the times, if any, at which the offender normally—

(i) works, or

(ii) attends any educational establishment,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(14) Regulations under subsection (13) are subject to the negative resolution procedure.

Modifications etc. (not altering text)

C29 S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)

C30 S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)

C31 S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)

C32 S. 208(13) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C33 S. 208(13) applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

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Commencement Information

I208 S. 208 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Making a community order

209 Community order to specify end date etc

(1) A community order must specify a date (the "end date") by which all the requirements in it must have been complied with.

(2) The end date must not be more than 3 years after the date of the order.

(3) If a community order imposes two or more different community order requirements—

(a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;

(b) if it does so, the last of those dates must be the same as the end date.

(4) Section 220 sets out the effect of the end date.

Modifications etc. (not altering text)

C34 S. 209 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C35 S. 209 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C36 S. 209 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I209 S. 209 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

210 Community order to specify offender's home local justice area

(1) A community order must specify which local justice area is the offender's home local justice area.

(2) The area specified must be the local justice area in which the offender resides or will reside.

Modifications etc. (not altering text)

C37 S. 210 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C38 S. 210 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

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C39 S. 210 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I210 S. 210 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

211 Power for Crown Court to direct magistrates' court supervision

Where the Crown Court makes a community order, it may include a direction that the order is to be subject to magistrates' court supervision.

Commencement Information

I211 S. 211 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

212 Provision of copies of community order and related documents

(1) This section applies when a court makes a community order.

(2) The court must forthwith provide copies of the order—

(a) to the offender,

(b) to the responsible officer,

(c) to an officer of a provider of probation services that is a public sector provider who is acting at the court, and

(d) if the court does not act in the offender's home local justice area, to a provider of probation services that is a public sector provider and is operating in that area.

(3) If the order imposes any requirement specified in column 1 of the following table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

The requirement	*The person to whom a copy must be provided*
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected
A residence requirement relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9

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An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in that area with—

(a) a copy of the order, and

(b) such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

(5) In subsection (2) "public sector provider" means—

(a) a probation trust or other public body, or

(b) the Secretary of State.

Modifications etc. (not altering text)

C40 Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C41 S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)

C42 S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)

C43 S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)

C44 S. 212(2)(a)(b)(3) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I212 S. 212 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Obligations of responsible officer and offender

213 The responsible officer

(1) For the purposes of this Chapter, "the responsible officer", in relation to an offender to whom a community order relates, means the person who is for the time being

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responsible for discharging the functions conferred by this Code on the responsible officer in accordance with arrangements made by the Secretary of State.

(2) The responsible officer must be—

(a) an officer of a provider of probation services, or

(b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the community order.

Modifications etc. (not altering text)

C40 Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C45 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C46 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C47 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I213 S. 213 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

214 Obligations of responsible officer

(1) This section applies where a community order is in force.

Functions of the responsible officer

(2) The responsible officer must—

(a) make any arrangements that are necessary in connection with the requirements imposed by the order, and

(b) promote the offender's compliance with those requirements.

(3) This is subject to paragraph 16(6) of Schedule 9 (in-patient treatment under mental health treatment requirement).

Exercise of functions by responsible officer

(4) The responsible officer must ensure, as far as practicable, that any instruction given by the responsible officer is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any conflict with the requirements of any other court order to which the offender may be subject, and

(c) any interference with the times, if any, at which the offender normally—

(i) works, or

(ii) attends any educational establishment,

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and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

Modifications etc. (not altering text)

C40 Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C45 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C46 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C47 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C48 S. 214(4) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C49 S. 214(4) extended by 2003 c. 44, Sch. 19A para. 4 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I214 S. 214 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

215 Duty of offender to keep in touch with responsible officer

(1) This section applies where a community order is in force.

(2) The offender must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time.

(3) This obligation is enforceable as if it were a community order requirement of the community order.

Modifications etc. (not altering text)

C40 Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C45 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C46 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C47 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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Commencement Information

I215 S. 215 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

216 Duty of offender to obtain permission before changing residence

(1) This section applies where a community order—

(a) is in force, and

(b) does not include a residence requirement imposed under paragraph 13 of Schedule 9.

(2) The offender must not change residence except with permission given in accordance with this section by—

(a) the responsible officer, or

(b) a court.

(3) This obligation has effect as if it were a community order requirement of the community order.

(4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.

For this purpose, "appropriate court" has the same meaning as in Schedule 10 (see paragraph 1 of that Schedule).

(5) A court may also give permission in any proceedings before it under Schedule 10 (breach or amendment of order etc).

(6) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—

(a) is likely to prevent the offender complying with a requirement imposed by the community order, or

(b) would hinder the offender's rehabilitation.

(7) The responsible officer must refuse an application for permission if—

(a) the offender's present residence is in England or Wales, and

(b) the offender's proposed residence is outside England and Wales.

(8) For cases in which a community order has to be amended because of permission given under this section, see paragraph 16 of Schedule 10 (amendment to reflect change in local justice area).

Modifications etc. (not altering text)

C40 Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C45 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C46 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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C47 Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I216 S. 216 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Review

217 Power to provide for court review of community orders

(1) The Secretary of State may by regulations—

(a) enable or require a court making a community order to provide for the community order to be reviewed periodically by that or another court,

(b) enable a court to amend a community order so as to include or remove a provision for review by a court, and

(c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.

(2) Regulations under this section may, in particular, make provision in relation to community orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.

(3) Regulations under this section may repeal or amend any provision of this Chapter.

(4) Regulations under this section are subject to the affirmative resolution procedure.

Modifications etc. (not altering text)

C50 S. 217 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I217 S. 217 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Breach, revocation or amendment of community order

218 Breach, revocation or amendment of community order

Schedule 10 makes provision about—

(a) failures to comply with the requirements of community orders;

(b) revocation of community orders;

(c) amendment of community orders.

Modifications etc. (not altering text)

C51 S. 218 applied by 2006 c. 52, s. 178(2) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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C52 S. 218 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C53 S. 218 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I218 S. 218 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Transferring order to Scotland or Northern Ireland

219 Transfer of community orders to Scotland or Northern Ireland

Schedule 11 makes provision about transfers of community orders to Scotland or Northern Ireland.

Modifications etc. (not altering text)

C54 S. 219 applied (with modifications) by 2006 c. 52, s. 178(2)(3) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I219 S. 219 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Community orders: supplementary

220 When a community order ceases to be in force

(1) A community order ceases to be in force—

(a) at the end of the end date (see section 209), or

(b) if later, when the offender has completed any unpaid work requirement imposed by the order.

(2) But a community order ceases to be in force when it is revoked.

(3) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

Modifications etc. (not altering text)

C55 S. 220 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C56 S. 220 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C57 S. 220 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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C58 S. 220(1)(b)(2)(3) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I220 S. 220 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 10

CUSTODIAL SENTENCES

CHAPTER 1

CUSTODY: GENERAL PROVISIONS

Introductory

221 Overview of Part

(1) This Chapter applies generally for the purposes of determining whether a custodial sentence should be passed and, if so, what its term should be.

In particular—

(a) section 222 defines "custodial sentence";

(b) sections 227 and 228 make provision about when a custodial sentence is not available or subject to restrictions;

(c) section 229 permits a magistrates' court to impose imprisonment for less than the term specified;

(d) sections 230 to 232 make provision about how a court should decide whether to impose a custodial sentence and the term of such a sentence.

(2) Chapter 2 is about the kinds of custodial sentence that are available for an offender aged under 18—

(a) detention and training orders (sections 233 to 248);

(b) sentences of detention under section 250, including life sentences (and see section 258);

(c) extended sentences of detention (sections 254 to 257);

(d) detention during Her Majesty's pleasure for murder etc where the offender is under 18 at the time of the offence (section 259).

(3) Chapter 3 is about the kinds of custodial sentence that are available for an offender aged 18, 19 or 20—

(a) sentences of detention in a young offender institution (sections 262 to 271), including—

(i) suspended sentences,

(ii) special sentences for offenders of particular concern, and

(iii) extended sentences;

(b) sentences of custody for life (sections 272 to 276).

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(4) Chapter 4 is about imprisonment in the case of an adult aged at least 21 at the time of conviction, including—

(a) suspended sentences,

(b) special sentences for offenders of particular concern,

(c) extended sentences, and

(d) imprisonment for life.

(5) Chapter 5 is about suspended sentences.

(6) Chapter 6 is about dangerous offenders.

(7) Chapter 7 is about mandatory minimum sentences.

(8) Chapter 8 is about life sentences and in particular about when minimum term orders and whole life orders must be passed.

(9) Chapter 9 contains certain provisions about administration of custodial sentences and includes certain powers and duties of a sentencing court that are relevant to an offender's release from custody.

Commencement Information
I221 S. 221 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

222 Meaning of "custodial sentence"

(1) In this Code "custodial sentence" means—

(a) a detention and training order under section 233,

(b) a sentence of detention under Chapter 2 of this Part,

(c) a sentence of detention in a young offender institution,

(d) a sentence of custody for life under section 272 or 275, or

(e) a sentence of imprisonment.

This is subject to subsection (3).

(2) In subsection (1) "sentence of imprisonment" does not include a committal for contempt of court or any kindred offence.

(3) Subsection (1)—

(a) does not apply to "custodial sentence" in the following expressions—

"appropriate custodial sentence";

"current custodial sentence";

"pre-Code custodial sentence";

"relevant custodial sentence", and

(b) is subject to express provision to the contrary.

(4) In this Code, "pre-Code custodial sentence" means—

(a) a detention and training order imposed under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000,

(b) a sentence of detention imposed under any of the following (sentences of detention for children)—

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(i) section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000,

(ii) section 53(1) or (3) of the Children and Young Persons Act 1933, or

(iii) section 226B or 228 of the Criminal Justice Act 2003,

(c) a sentence of detention for public protection imposed under section 226 of the Criminal Justice Act 2003, or

(d) a sentence of custody for life under—

(i) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(ii) section 8 of the Criminal Justice Act 1982.

Commencement Information
I222 S. 222 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

General limits on powers to impose custodial sentences

223 Two year limit on imprisonment for statutory offence if no maximum specified

Where—

(a) a person is convicted on indictment of an offence under any enactment which is punishable with imprisonment, and

(b) no enactment—

(i) limits the sentence to a specified term, or

(ii) expresses it to extend to imprisonment for life,

the person is liable to imprisonment for not more than 2 years.

Commencement Information
I223 S. 223 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

224 General limit on magistrates' court's power to impose imprisonment or detention in a young offender institution

(1) A magistrates' court does not have power to impose—

(a) imprisonment, or

(b) detention in a young offender institution,

for more than 6 months in respect of any one offence.

(2) Unless expressly excluded, subsection (1) applies even if the offence in question is one for which a person would otherwise be liable on summary conviction to imprisonment or detention in a young offender institution for more than 6 months.

(3) Nothing in subsection (1) affects section 133 of the Magistrates' Courts Act 1980 (consecutive terms of imprisonment).

(4) Subsection (1) does not limit any power of a magistrates' court to impose a term of imprisonment for—

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(a) non-payment of a fine, or

(b) want of sufficient goods to satisfy a fine.

(5) In subsection (4)—

(a) "fine"—

(i) includes a pecuniary penalty, but

(ii) does not include a pecuniary forfeiture or pecuniary compensation;

(b) the reference to want of sufficient goods to satisfy a fine is a reference to circumstances where—

(i) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the fine from a person, but

(ii) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (as defined by paragraph 50(3) of that Schedule).

(6) In this section "impose imprisonment" means—

(a) pass a sentence of imprisonment, or

(b) fix a term of imprisonment for—

(i) failure to pay any sum of money,

(ii) want of sufficient distress to satisfy any sum of money (see section 397(3)), or

(iii) failure to do or abstain from doing anything required to be done or left undone.

(7) Section 132 of the Magistrates' Courts Act 1980 (5 day minimum term) provides for the minimum term of imprisonment that a magistrates' court may impose.

Commencement Information

I224 S. 224 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

225 Restriction on consecutive sentences for released prisoners

(1) A court sentencing a person to a relevant custodial term may not order or direct that the term is to commence on the expiry of any current custodial sentence from which the offender has been released under—

(a) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall), or

(b) Part 2 of the Criminal Justice Act 1991 (early release of prisoners).

(2) In this section "relevant custodial term" means a term of—

(a) detention under Chapter 2 of this Part,

(b) detention in a young offender institution (under this Code), or

(c) imprisonment.

(3) In this section, "current custodial sentence" means a sentence that has not yet expired which is—

(a) a sentence of imprisonment,

(b) a sentence of detention in a young offender institution, or

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(c) a sentence of detention imposed under any of the following—

(i) section 250,

(ii) section 254 (including one passed as a result of section 221A of the Armed Forces Act 2006),

(iii) section 226B or 228 of the Criminal Justice Act 2003 (including one passed as a result of section 221A or 222 of the Armed Forces Act 2006),

(iv) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000,

(v) section 53(3) of the Children and Young Persons Act 1933,

(vi) section 209 of the Armed Forces Act 2006, or

(vii) section 71A(4) of the Army Act 1955 or the Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957.

Commencement Information

I225 S. 225 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

226 Custodial sentence: restrictions in certain cases where offender not legally represented

(1) This section applies where—

(a) a magistrates' court is dealing with an offender on summary conviction, or

(b) the Crown Court is dealing with an offender—

(i) on committal for sentence, or

(ii) on conviction on indictment.

Offenders aged under 21

(2) The court may not—

(a) make a detention and training order,

(b) pass a sentence of detention under section 250 (or 254) or under section 259 (offenders under 18),

(c) pass a sentence of detention in a young offender institution, or

(d) pass a sentence of custody for life (see sections 272 and 275),

unless the offender is legally represented in that court, or has failed, or is ineligible on financial grounds, to benefit from relevant representation (see subsections (7) and (8)).

Offenders aged 21 or over

(3) The court may not pass a sentence of imprisonment unless—

(a) the offender—

(i) is legally represented in that court, or

(ii) has failed, or is ineligible on financial grounds, to benefit from relevant representation (see subsections (7) and (8)), or

(b) the offender has previously been sentenced to imprisonment by a court in any part of the United Kingdom.

(4) For the purposes of subsection (3) a previous sentence of imprisonment which has been suspended and which has not taken effect under—

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(a) paragraph 8 of Schedule 16,
(b) paragraph 8 of Schedule 12 to the Criminal Justice Act 2003,
(c) section 119 of the Powers of Criminal Courts (Sentencing) Act 2000, or
(d) section 19 of the Treatment of Offenders Act (Northern Ireland) 1968,

is to be disregarded.

(5) For those purposes, "sentence of imprisonment" does not include a committal for contempt of court or any kindred offence (and "sentenced to imprisonment" is to be read accordingly).

When a person is legally represented

(6) For the purposes of this section an offender is legally represented in a court if the offender has the assistance of counsel or a solicitor to represent him or her in the proceedings in that court at some time after being found guilty and before being sentenced.

Relevant representation: failure or ineligibility to benefit

(7) For the purposes of subsections (2) and (3), "relevant representation", in relation to proceedings in a court, means representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid) for the purposes of the proceedings.

(8) For those purposes, an offender has failed, or is ineligible on financial grounds, to benefit from relevant representation if—
(a) the offender has refused or failed to apply for relevant representation, having—
(i) been informed of the right to apply for it, and
(ii) had the opportunity to do so,
(b) the offender's application for relevant representation was refused on financial grounds, or
(c) relevant representation was made available to the offender but withdrawn—
(i) because of the offender's conduct, or
(ii) on financial grounds.

Relevant representation is refused or withdrawn on financial grounds if it appears that the offender's financial resources are such that the offender is not eligible for such representation.

Commencement Information
I226 S. 226 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

227 Restriction on imposing imprisonment on persons under 21

Sentence of imprisonment

(1) No court may pass a sentence of imprisonment on an offender for an offence if the offender is aged under 21 when convicted of the offence.

Committal to prison

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(2) No court may commit a person who is aged under 21 to prison for any reason, except as provided by subsection (3).

(3) Subsection (2) does not prevent the committal to prison of a person aged under 21 who is—

(a) remanded in custody,

(b) committed in custody for sentence, or

(c) sent in custody for trial under section 51 or 51A of the Crime and Disorder Act 1998.

Commencement Information

I227 S. 227 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

228 Other restrictions on custodial sentence

Custodial sentence not indicated in indication of sentence

(1) For restrictions on a custodial sentence where the case is dealt with under section 20(7) of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable and indication of sentence is given), see section 20A(1) of that Act (restriction where indication of sentence does not indicate custodial sentence).

Hospital order or guardianship order

(2) For restrictions on a custodial sentence where a hospital order or guardianship order is made, see section 37(8) of the Mental Health Act 1983.

Commencement Information

I228 S. 228 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power of magistrates' court to imprison for less than specified term

229 Power of magistrates' court to imprison for less than specified term

(1) Where a magistrates' court has power to sentence an offender to imprisonment for a period specified by an enactment (whether passed or made before or after this Act), the court may sentence the offender to imprisonment for less than that period.

(2) This is subject to—

(a) section 132 of the Magistrates' Courts Act 1980 (5 day minimum term);

(b) express provision to the contrary in an Act passed after 31 December 1879.

(3) In this section “enactment” includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

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Commencement Information
I229 S. 229 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of powers to impose discretionary custodial sentences

230 Threshold for imposing discretionary custodial sentence

(1) Subsection (2) applies where a person is convicted of an offence which is punishable with a custodial sentence.

This is subject to subsection (3).

(2) The court must not pass a custodial sentence unless it is of the opinion that—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it,

was so serious that neither a fine alone nor a community sentence can be justified for the offence.

Threshold generally not applicable where mandatory sentence requirement applies

(3) This section does not apply if the offence is one in relation to which a mandatory sentence requirement applies (see section 399), except as provided in sections 273(4) and 283(4) (pre-condition for life sentence for second listed offence).

Exceptions to subsection (2) relating to community sentences

(4) Nothing in subsection (2) prevents the court from passing a custodial sentence on the offender if the offender fails to express willingness to comply with a requirement—

(a) which the court proposes to include in a community order, but

(b) which may be included only if the offender expresses willingness to comply with it.

(5) Subsection (2) is also subject to—

(a) paragraph 11(3) of Schedule 7 (power to impose custodial sentence in case involving wilful and persistent breach of youth rehabilitation order with intensive supervision and surveillance);

(b) paragraph 22(5)(b) of Schedule 9 (power to deal with offender who does not express willingness to comply with amended drug rehabilitation requirement);

(c) paragraph 10(9) of Schedule 10 (power of magistrates' court to impose custodial sentence following wilful and persistent breach of community order);

(d) paragraph 11(6) of that Schedule (corresponding power of Crown Court);

(e) paragraph 18(9)(b) of that Schedule (power to deal with offender who does not express willingness to comply with amended treatment requirement).

Procedure for forming opinion

(6) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the

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offence, or of it and the associated or offence or offences, including any aggravating or mitigating factors.

(7) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

(8) See also—

(a) section 77(2) (effect of mitigation: community sentence not precluded even if threshold for custodial sentence met);

(b) section 232 (additional requirements for offender suffering from mental disorder).

Modifications etc. (not altering text)

C59 S. 230(2) excluded by 2000 c. 6, Sch. 5 para. 2(5)(b) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 170(4)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C60 S. 230(2) excluded by 2000 c. 6, Sch. 5 para. 3(3)(b) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 170(4)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I230 S. 230 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

231 Length of discretionary custodial sentences: general provision

(1) Subsection (2) applies where a court passes a custodial sentence in respect of an offence.

This is subject to subsections (3) to (6).

(2) The custodial sentence must be for the shortest term (not exceeding the permitted maximum) that in the opinion of the court is commensurate with the seriousness of—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it.

Application of subsection (2) to mandatory sentences and extended sentences

(3) Subsection (2) does not apply where the sentence is—

(a) fixed by law, or

(b) a required life sentence,

except as provided in sections 273(4) and 283(4) (pre-condition for life sentence for second listed offence).

(4) In subsection (3), "required life sentence" means a sentence of—

(a) detention for life under section 250,

(b) custody for life under section 272, or

(c) imprisonment for life,

required under a provision mentioned in section 399(b) (mandatory sentences).

(5) Subsection (2) is subject to the provisions mentioned in section 399(c) (minimum sentences).

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(6) Subsection (2) does not apply where the custodial sentence is an extended sentence, except as provided in sections 256(2), 268(2) and 281(2) (determination of appropriate custodial term).

Procedure for forming opinion

(7) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion, except where the sentence is an extended sentence.

(9) See section 232 for additional requirements in the case of an offender suffering from a mental disorder.

Commencement Information
I231 S. 231 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

232 Additional requirements in case of offender suffering from mental disorder

(1) This section applies where—

(a) the offender is or appears to be suffering from a mental disorder, and

(b) the court passes a custodial sentence other than one fixed by law ("the sentence").

(2) Before passing the sentence, the court must obtain and consider a medical report unless, in the circumstances of the case, it considers that it is unnecessary to obtain a medical report.

(3) Before passing the sentence, the court must consider—

(a) any information before it which relates to the offender's mental condition (whether given in a medical report, a pre-sentence report or otherwise), and

(b) the likely effect of such a sentence on that condition and on any treatment which may be available for it.

(4) If the court did not obtain a medical report where required to do so by this section, the sentence is not invalidated by the fact that it did not do so.

(5) Any court, on an appeal against the sentence, must—

(a) obtain a medical report if none was obtained by the court below, and

(b) consider any such report obtained by it or by that court.

(6) In this section—

"medical report" means a report as to an offender's mental condition made or submitted orally or in writing by a registered medical practitioner who is approved for the purposes of section 12 of the Mental Health Act 1983—

(a) by the Secretary of State, or

(b) by another person by virtue of section 12ZA or 12ZB of that Act,

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as having special experience in the diagnosis or treatment of mental disorder;

"mental disorder" has the same meaning as in the Mental Health Act 1983.

(7) Nothing in this section is to be taken to limit—

(a) the pre-sentence report requirements (see section 30), or

(b) any requirement for a court to take into account all information that is available to it about the circumstances of any offence, including any aggravating or mitigating factors.

Commencement Information

I232 S. 232 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 2

OFFENDERS AGED UNDER 18

Detention and training orders

233 Detention and training order

A detention and training order in respect of an offender is an order that the offender is subject, for the term specified in the order, to a period of detention and training followed by a period of supervision.

Commencement Information

I233 S. 233 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

234 Detention and training order: availability

(1) A detention and training order is available where a court is dealing with an offender for an offence if—

(a) the offender is aged under 18, but at least 12, when convicted,

(b) the offence is an imprisonable offence, and

(c) the court is not required to pass—

(i) a sentence of detention under section 250 (see section 249(2)), or

(ii) a sentence of detention during Her Majesty's pleasure under section 259.

(2) For circumstances in which the court is required to impose a detention and training order, see—

(a) section 312 (minimum sentence for offences of threatening with weapon or bladed article);

(b) section 315 (minimum sentence for repeat offence involving weapon or bladed article).

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Commencement Information
I234 S. 234 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

235 Exercise of power to make a detention and training order

(1) This section applies where a detention and training order is available.

(2) The court may not make a detention and training order if it imposes—
(a) a sentence of detention under section 250, or
(b) an extended sentence of detention under section 254,
in respect of the offence.

(3) If the offender is aged under 15 when convicted the court may not make a detention and training order unless it is of the opinion that the offender is a persistent offender.

(4) The court's power to make a detention and training order is subject to (in particular) section 230 (threshold for imposing discretionary custodial sentence).

Commencement Information
I235 S. 235 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

236 Term of detention and training order

(1) The term of a detention and training order made in respect of an offence (whether by a magistrates' court or otherwise) must be 4, 6, 8, 10, 12, 18 or 24 months.

This is subject to subsection (2).

(2) The term of a detention and training order in respect of an offence may not exceed—
(a) in the case of a summary offence, the maximum sentence of imprisonment that could be imposed (in the case of an offender aged 21 or over) for the offence;
(b) in the case of any other offence, the maximum term of imprisonment that the Crown Court could impose (in the case of an offender aged 21 or over) for the offence.

(3) Section 231 (length of discretionary custodial sentences: general provision), in particular, applies in determining the term of a detention and training order.

(4) A detention and training order takes effect at the beginning of the day on which it is made, unless the court orders otherwise under section 237.

Commencement Information
I236 S. 236 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

237 Making of order where offender subject to other order or sentence of detention

(1) This section applies where a court makes a detention and training order.

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(2) The court may order that the term of the detention and training order is to take effect on the expiry of any other detention and training order which it imposes on the same occasion.

This is subject to section 238(1).

(3) If the offender—

(a) is subject to another relevant detention and training order ("the existing order"), and

(b) has not at any time been released for supervision under the existing order,

the court may order that the detention and training order is to take effect on the expiry of the existing order.

This is subject to section 238(1).

(4) If the offender—

(a) is subject to a relevant sentence of detention (see section 248), and

(b) has not at any time been released under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release on licence of fixed-term prisoners),

the court may order that the detention and training order is to take effect at the time when the offender would otherwise be released under that Chapter.

(5) Section 246 of that Act (power of Secretary of State to release prisoners on licence earlier than required to do so) is to be disregarded in determining for this purpose when an offender would otherwise be released under that Chapter.

(6) If the offender is subject to a further period of detention imposed—

(a) under paragraph 3(2)(a) of Schedule 12 (breach of supervision requirement of existing detention and training order),

(b) under section 104(3)(a) of the Powers of Criminal Courts (Sentencing) Act 2000, or

(c) under either of those provisions by virtue section 213 of the Armed Forces Act 2006,

the court may order that the detention and training order is to take effect at the end of the further period of detention.

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C62 Ss. 237-240 modified by 2006 c. 52, s. 213(2)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I237 S. 237 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

238 Offender subject to more than one order: maximum overall term

(1) A court may not make a detention and training order as a result of which the offender would be subject to relevant detention and training orders for a term exceeding 24 months.

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(2) Where—

(a) a court makes a detention and training order, and

(b) the term of the relevant detention and training orders to which the offender would otherwise be subject exceeds 24 months,

the excess is to be treated as remitted.

(3) Where—

(a) a court makes a detention and training order, and

(b) as a result the offender is subject to two or more relevant detention and training orders,

the terms of those orders are to be treated for the purposes of sections 241 to 243 and 247 and Schedule 12 as a single term.

(4) See section 248 for the meaning of "relevant detention and training order".

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C62 Ss. 237-240 modified by 2006 c. 52, s. 213(2)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C63 S. 238(3) applied by 2006 c. 52, s. 215 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 35** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I238 S. 238 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

239 Period on remand etc: effect on term of detention and training order

(1) Subsection (2) applies where—

(a) a court proposes to make a detention and training order in respect of an offence, and

(b) the offender has been remanded—

(i) in custody, or

(ii) on bail subject to a qualifying curfew condition and an electronic monitoring condition,

in connection with the offence or any other offence the charge for which was founded on the same facts or evidence.

(2) In determining the term of the detention and training order, the court must take account of the period for which the offender was so remanded.

(3) If the court proposes to make two or more detention and training orders in respect of two or more offences—

(a) subsection (2) does not apply, but

(b) in determining the total term of those detention and training orders, the court must take account of the total period for which the offender has been remanded as mentioned in subsection (1)(b)(i) and (ii) in connection with—

(i) any of those offences, or

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(ii) any other offence the charge for which was founded on the same facts or evidence.

(4) A period of remand may be taken account of under this section only once.

(5) For the purposes of this section, an offender is remanded in custody when—

(a) in police detention for the purposes of the Police and Criminal Evidence Act 1984,

(b) detained under section 41 of the Terrorism Act 2000 (arrest without warrant),

(c) remanded in or committed to custody by an order of a court,

(d) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or

(e) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

(6) For the purposes of this section, "qualifying curfew condition" and "electronic monitoring condition" have the same meanings as in section 325 (direction for time on bail under certain conditions to count as time served): see section 326(3).

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C62 Ss. 237-240 modified by 2006 c. 52, s. 213(2)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C64 S. 239 modified by 2006 c. 52, s. 213(3) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I239 S. 239 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

240 Period of custody awaiting extradition: effect on term of detention and training order

(1) This section applies where—

(a) a court proposes to make a detention and training order in respect of an offence,

(b) the offender was tried for the offence, or is to be sentenced—

(i) after having been extradited to the United Kingdom, and

(ii) without having first been restored or had an opportunity of leaving the United Kingdom, and

(c) the offender was kept in custody for any period while awaiting extradition to the United Kingdom.

(2) The court must—

(a) specify in open court the number of days for which the offender was kept in custody while awaiting extradition, and

(b) take account of those days in determining the term of the detention and training order.

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Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C62 Ss. 237-240 modified by 2006 c. 52, s. 213(2)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I240 S. 240 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

241 The period of detention and training

(1) An offender must serve the period of detention and training under a detention and training order in such youth detention accommodation as may be determined by the Secretary of State.

Release at half-way point

(2) Subject to subsections (3) to (5), the period of detention and training under a detention and training order is half of the term of the order.

Early release on compassionate grounds

(3) The Secretary of State may release the offender at any time if satisfied that exceptional circumstances exist which justify the offender's release on compassionate grounds.

Release before half-way point

(4) The Secretary of State may release the offender—

(a) in the case of an order for a term of—

(i) 8 months or more, but

(ii) less than 18 months,

at any time during the period of 1 month ending with the half-way point of the term of the order, and

(b) in the case of an order for a term of 18 months or more, at any time during the period of 2 months ending with that point.

Release after half-way point

(5) If a youth court so orders on an application made by the Secretary of State for the purpose, the Secretary of State must release the offender—

(a) in the case of an order for a term of—

(i) 8 months or more, but

(ii) less than 18 months,

1 month after the half-way point of the term of the order, and

(b) in the case of an order for a term of 18 months or more, 1 month or 2 months after that point.

(6) Where—

(a) the court makes an order under subsection (5), and

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(b) the offender is also subject to a sentence of any of the following kinds that is to take effect, by virtue of an order to which subsection (7) applies, when the offender would otherwise be released for supervision—

(i) a sentence of detention under section 250,

(ii) a sentence of detention under section 209 of the Armed Forces Act 2006, or

(iii) an extended sentence of detention under section 254 (including one passed as a result of section 221A of the Armed Forces Act 2006),

the order under subsection (5) must be expressed as an order that the period of detention and training attributable to the detention and training order is to end at the time determined under that subsection.

(7) This subsection applies to orders under the following provisions (which provide for sentences of detention to take effect when an offender is released for supervision under a detention and training order)—

(a) section 253(2) (offender under 18: sentence of detention to take effect on release for supervision under detention and training order),

(b) section 257(2) (offender under 18: extended sentence of detention), or

(c) any corresponding provision relating to an order under section 209 of, or made as a result of section 221A of, the Armed Forces Act 2006.

Detention to be legal custody

(8) An offender detained under a detention and training order is deemed to be in legal custody.

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C65 S. 241 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)** (with Sch. 27); S.I. 2020/1236, reg. 2)

C66 S. 241 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(4)** (with Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I241 S. 241 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

242 The period of supervision

(1) The period of supervision of an offender who is subject to a detention and training order—

(a) begins when the offender is released for supervision (whether at the half-way point of the term of the order or otherwise), and

(b) ends when the term of the order ends.

(2) During the period of supervision, the offender—

(a) is to be under the supervision of—

(i) an officer of a provider of probation services, or

(ii) a member of a youth offending team, and

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(b) may be required to comply with particular requirements.

(3) Any such requirements, and the category of person to supervise the offender, are to be determined from time to time by the Secretary of State.

(4) The offender must be notified by the Secretary of State of—

(a) the category of person responsible for the offender's supervision, and

(b) any requirements with which the offender must comply.

(5) A notice under subsection (4) must be given to the offender—

(a) before the period of supervision begins, and

(b) before any change in the matters mentioned in that subsection.

(6) Where the supervision is to be provided by an officer of a provider of probation services, the officer must be an officer acting in the local justice area within which the offender resides for the time being.

(7) Where the supervision is to be provided by a member of a youth offending team, the member must be a member of a youth offending team established by the local authority in whose area the offender resides for the time being.

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C67 S. 242 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(4)** (with Sch. 27); S.I. 2020/1236, reg. 2)

C68 S. 242 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)** (with Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I242 S. 242 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

243 Breach of supervision requirement and further offences during order

Schedule 12 makes provision about—

(a) breach of supervision requirements imposed under a detention and training order etc, and

(b) offences committed during the term of a detention and training order.

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I243 S. 243 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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244 Offender subject concurrently to detention and training order and sentence of detention in a young offender institution

(1) This section applies where an offender is subject concurrently—

(a) to a relevant detention and training order (see section 248), and

(b) to a sentence of detention in a young offender institution,

at least one of which is imposed in respect of an offence of which the offender was convicted on or after **[**F3 1 December 2020**]**.

(2) The offender is to be treated for the purposes of the following provisions as if subject only to the sentence of detention in a young offender institution—

(a) sections 241 to 243 and Schedule 12 (periods of detention and training and supervision, breach of supervision requirements and further offences);

(b) section 271 (detention in a young offender institution: place of detention);

(c) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall).

This is subject to subsection (3).

(3) Nothing in subsection (2) requires the offender to be released in respect of either the order or the sentence unless and until the offender is required to be released in respect of each of them.

(4) In subsection (1), "sentence of detention in a young offender institution" includes any sentence of detention in a young offender institution, whether imposed under this Code or otherwise.

(5) Subsection (2) has effect in relation to an order or sentence imposed in respect of an offence of which the offender was convicted before **[**F4 1 December 2020**]** as if the provisions referred to in paragraphs (a) to (c) included the provisions referred to in section 106(4) of the Powers of Criminal Courts (Sentencing) Act 2000 (interaction of detention and training orders with sentences of detention in a young offender institution).

Textual Amendments

F3 Words in s. 244(1) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(3)**

F4 Words in s. 244(5) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(3)**

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I244 S. 244 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

245 Offender subject concurrently to detention and training order and other sentence of detention

(1) This section applies where an offender is subject concurrently to—

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(a) a relevant detention and training order, and

(b) a relevant sentence of detention,

at least one of which is imposed in respect of an offence of which the offender was convicted on or after **[**F5 1 December 2020**]**.

(See section 248 for the meaning of "relevant detention and training order" and "relevant sentence of detention".)

(2) The offender is to be treated as if subject only to the relevant sentence of detention for the purposes of the following provisions—

(a) sections 241 to 243 and Schedule 12 (periods of detention and training and supervision, breach of supervision requirements and further offences);

(b) section 260 and section 261 (place of detention);

(c) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release and supervision following release);

(d) section 210 of the Armed Forces Act 2006 (place of detention etc);

(e) section 214 of the Armed Forces Act 2006 (offences committed during a detention and training order under that Act).

This is subject to subsection (3).

(3) Nothing in subsection (2) requires the offender to be released in respect of either the order or the sentence unless and until the offender is required to be released in respect of each of them.

(4) Subsection (2) has effect in relation to a relevant detention and training order or relevant sentence of detention that is imposed in respect of an offence of which the offender was convicted before **[**F6 1 December 2020**]** as if the provisions referred to in paragraphs (a) to (e) included the provisions referred to in section 106A(8) of the Powers of Criminal Courts (Sentencing) Act 2000.

Textual Amendments

F5 Words in s. 245(1) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(4)**

F6 Words in s. 245(4) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(4)**

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I245 S. 245 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

246 Effect of detention and training order made where offender has reached 18

(1) This section applies where—

(a) a court has power, by virtue of any enactment, to deal with a person for an offence in any way in which—

(i) a court could have dealt with the person on a previous occasion, or

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(ii) a court could deal with the person if the person were the same age as when convicted,

(b) in exercise of the power, the court makes a detention and training order for any term, and

(c) the person has reached the age of 18.

(2) The person is to be treated as if sentenced to detention in a young offender institution for the same term.

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C69 S. 246 modified by 2006 c. 52, s. 213(2)(b) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I246 S. 246 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

247 Further supervision after end of term of detention and training order

(1) This section applies where a detention and training order is made in respect of an offender if—

(a) the offender is aged 18 or over at the half-way point of the term of the order,

(b) the term of the order is less than 24 months, and

(c) the order was imposed in respect of an offence committed on or after 1 February 2015.

(2) The following provisions of the Criminal Justice Act 2003 (which relate to supervision after end of sentence) apply as they apply in cases described in section 256AA(1) of that Act—

(a) sections 256AA(2) to (11), 256AB and 256AC,

(b) sections 256D and 256E, and

(c) Schedule 19A,

but with the following modifications.

(3) "The supervision period", in relation to the offender, is the period which—

(a) begins on the expiry of the term of the detention and training order, and

(b) ends on the expiry of the period of 12 months beginning immediately after the half-way point of the term of the order.

(4) "The supervisor", in relation to the offender, must be—

(a) an officer of a provider of probation services, or

(b) a member of a youth offending team established by the local authority in whose area the offender resides for the time being.

(5) The power in section 256AB(4) of the Criminal Justice Act 2003 (power of Secretary of State to amend requirements that may be imposed) includes power—

(a) to make provision about the supervision requirements that may be imposed under section 256AA of that Act as applied by this section, and

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(b) to amend any provision of the Powers of Criminal Courts (Sentencing) Act 2000 or any provision of this Code derived from that Act.

(6) Subsection (7) applies where the term of the detention and training order is determined by section 238(3) (offender subject to two or more detention and training orders).

(7) The offender is subject to supervision under section 256AA of the Criminal Justice Act 2003 (as applied by this section) if that section (as applied) so requires in respect of one or more of the detention and training orders.

(8) For the purposes of subsection (1), where an offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is taken to have been committed on the last of those days.

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C70 S. 247 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(4)** (with Sch. 27); S.I. 2020/1236, reg. 2)

C71 S. 247 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)** (with Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I247 S. 247 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

248 Detention and training orders: interpretation

(1) In section 241 and Schedule 12 "youth detention accommodation" means—

(a) a secure training centre,

(b) a secure college,

(c) a young offender institution,

(d) accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children and young persons,

(e) accommodation provided for that purpose under section 82(5) of the Children Act 1989 (financial support by the Secretary of State), or

(f) such other accommodation or descriptions of accommodation as the Secretary of State may specify by regulations.

(2) In sections 241, 242 and 247 and in Schedule 12, references to the term of a detention and training order are to be read in accordance with section 238(3).

(3) In sections 237, 238, 244 and 245 and Schedule 12, "relevant detention and training order" means—

(a) a detention and training order under section 233,

(b) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or

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(c) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before Code comes into force).

(4) In sections 237 and 245, "relevant sentence of detention" means—

(a) a sentence of detention under section 250,

(b) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences: power to detain for specified period),

(c) a sentence of detention under section 209 of the Armed Forces Act 2006 (whether passed before or after this Code comes into force),

(d) an extended sentence of detention under section 254, including one passed as a result of section 221A of the Armed Forces Act 2006, or

(e) a sentence under section 226B or 228 of the Criminal Justice Act 2003 (extended sentence of detention: offenders aged under 18 convicted before this Code comes into force), including one passed as a result of section 221A or 222 of the Armed Forces Act 2006.

(5) For the purposes of this Code, an offender who is subject to a detention and training order or an order mentioned in subsection (3)(b) or (c) is released for supervision when released by virtue of—

(a) section 241(2), (3), (4) or (5), or

(b) in the case of an order to which section 102 of the Powers of Criminal Courts (Sentencing) Act 2000 (the "2000 Act") applies (including one made under section 211 of the Armed Forces Act 2006), subsection (2), (3), (4) or (5) of section 102 of the 2000 Act.

(6) Regulations under subsection (1)(f) are subject to the affirmative resolution procedure.

(7) Subsection (4) of section 407 (general powers to make provision in regulations) does not apply to the power conferred by subsection (1)(f).

Modifications etc. (not altering text)

C61 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I248 S. 248 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Detention for specified period

249 Sentence of detention under section 250: availability

(1) A sentence of detention under section 250 is available where a person aged under 18 is convicted on indictment of an offence listed in the following table—

Offences punishable with imprisonment for at least 14 years	
(a)	an offence which—
	(i) is not an offence for which the sentence is fixed by law, and

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(ii) is punishable in the case of a person aged 21 or over with imprisonment for 14 years or more;

Sexual offences

(b) an offence under any of the following provisions of the Sexual Offences Act 2003—
(i) section 3 (sexual assault);
(ii) section 13 (child sex offences committed by children or young persons);
(iii) section 25 (sexual activity with a child family member);
(iv) section 26 (inciting a child family member to engage in sexual activity);

Offences related to firearms

(c) an offence (other than one within paragraph (a)) which—
(i) is listed in Schedule 20 (firearms offences to which minimum sentence applies), and
(ii) was committed when the offender was aged 16 or over.

(2) For circumstances in which a court is required to impose a sentence of detention under section 250, see—
(a) section 258 (required sentence of detention for life);
(b) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

(3) Where an offence is found to have been committed—
(a) over a period of 2 or more days, or
(b) at some time during a period of 2 or more days,
it is to be taken for the purposes of paragraph (c)(ii) of the table in subsection (1) to have been committed on the last of those days.

Modifications etc. (not altering text)
C72 S. 249: power to exclude conferred by 1988 c. 45, **s. 1(4B)** (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 94(3) (with **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information
I249 S. 249 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

250 Sentence of detention: offender convicted of certain serious offences

A sentence of detention under this section is a sentence requiring the offender to be detained for the period specified in the sentence.

Commencement Information
I250 S. 250 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

251 Exercise of power to impose sentence of detention under section 250

(1) Subsection (2) applies where a sentence of detention under section 250 is available by virtue of section 249(1).

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(2) The court may impose such a sentence if it is of the opinion that neither a youth rehabilitation order nor a detention and training order is suitable.

(3) This is subject to (in particular) section 230 (threshold for imposing discretionary custodial sentence) and section 231 (length of discretionary custodial sentences: general provision).

Commencement Information
I251 S. 251 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

252 Maximum sentence

(1) This section applies where the court imposes a sentence of detention under section 250 by virtue of—

(a) section 251, or

(b) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

(2) The period of detention specified in the sentence must not exceed—

(a) the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over, or

(b) life, if the offence is punishable with imprisonment for life in the case of a person aged 21 or over.

Commencement Information
I252 S. 252 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

253 Sentence of detention passed on offender subject to detention and training order

(1) This section applies where a court imposes a sentence of detention under section 250 in the case of an offender who is subject to a relevant detention and training order.

(2) If the offender has not at any time been released for supervision under the relevant detention and training order, the court may order that the sentence of detention is to take effect at the time when the offender would otherwise be released for supervision under the relevant detention and training order (see section 248(5)).

(3) Otherwise, the sentence of detention takes effect at the beginning of the day on which it is passed.

(4) In this section "relevant detention and training order" means—

(a) a detention and training order under section 233,

(b) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or

(c) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before the commencement of this Act).

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Modifications etc. (not altering text)

C73 S. 253 modified by 2006 c. 52, **s. 213(3A)** (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 33(2) (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

C74 S. 253 modified by 2006 c. 52, **s. 213(2)(c)** (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 33(2) (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I253 S. 253 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extended sentences

254 Extended sentence for certain violent, sexual or terrorism offences

An extended sentence of detention under this section is a sentence of detention the term of which is equal to the aggregate of—

(a) the appropriate custodial term (see section 256), and

(b) a further period (the "extension period") for which the offender is to be subject to a licence.

Commencement Information

I254 S. 254 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

255 Extended sentence of detention: availability

(1) An extended sentence of detention under section 254 is available where a court is dealing with an offender for an offence if—

(a) the offence—

(i) is a specified offence (see section 306(1)), and

(ii) is listed in the table in section 249(1) (sentence of detention under section 250: availability),

(b) the offender is aged under 18 when convicted,

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see section 308),

(d) the court is not required by section 258(2) to impose a sentence of detention for life under section 250, and

(e) if the court were to impose an extended sentence, the term that it would specify as the appropriate custodial term (see section 256) would be at least 4 years.

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion referred to in subsection (1)(c).

Commencement Information

I255 S. 255 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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256 Term of extended sentence of detention under section 254

(1) This section applies where a court is determining—

(a) the appropriate custodial term, and

(b) the extension period,

of an extended sentence of detention under section 254 to be imposed on an offender in respect of an offence.

(2) The appropriate custodial term is the term of detention that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence.

(3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

(4) The extension period must—

(a) be at least 1 year, and

(b) not exceed—

(i) 5 years in the case of a specified violent offence;

(ii) 8 years in the case of a specified sexual offence or a specified terrorism offence.

See section 306(2) for the meanings of "specified violent offence", "specified sexual offence" and "specified terrorism offence".

(5) The term of the extended sentence of detention under section 254 must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

Modifications etc. (not altering text)

C75 S. 256(2)-(5) applied (with modifications) by 2006 c. 52, s. 221A(3)(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 42(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I256 S. 256 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

257 Extended sentence under section 254 where offender subject to detention and training order

(1) This section applies where the court imposes an extended sentence of detention under section 254 in the case of an offender who is subject to a relevant detention and training order.

(2) If the offender has not at any time been released for supervision under the relevant detention and training order, the court may order that the extended sentence of detention is to take effect at the time when the offender would otherwise be released for supervision under the relevant detention and training order (see section 248(5)).

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(3) Otherwise, the extended sentence of detention takes effect at the beginning of the day on which it is passed.

(4) In this section "relevant detention and training order" means—

(a) a detention and training order under section 233,

(b) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or

(c) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before the commencement of this Act).

Modifications etc. (not altering text)

C76 S. 257 modified by 2006 c. 52, s. 213(2)(c) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C77 S. 257 modified by 2006 c. 52, s. 213(3B) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I257 S. 257 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Detention for life etc

258 Required sentence of detention for life for offence carrying life sentence

(1) This section applies where—

(a) a person aged under 18 is convicted of a Schedule 19 offence (see section 307),

(b) the court considers that the seriousness of—

(i) the offence, or

(ii) the offence and one or more offences associated with it,

is such as to justify the imposition of a sentence of detention for life, and

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see sections 306(1) and 308).

(2) The court must impose a sentence of detention for life under section 250.

(3) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).

(4) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

Modifications etc. (not altering text)

C78 S. 258(2) applied (with modifications) by 2006 c. 52, s. 221(2)(3)(6) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 41(3)(4)**(6)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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Commencement Information
I258 S. 258 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

259 Offenders who commit murder etc when under 18: duty to detain at Her Majesty's pleasure

(1) This section applies where—

(a) a court is dealing with a person convicted of—

(i) murder, or

(ii) any other offence the sentence for which is fixed by law as life imprisonment, and

(b) the person appears to the court to have been aged under 18 at the time the offence was committed.

(2) The court must sentence the offender to be detained during Her Majesty's pleasure.

(3) Subsection (2) applies notwithstanding anything in this or any other Act.

Commencement Information
I259 S. 259 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Detention under this Chapter

260 Detention under section 250 or 259

(1) Detention under section 250 or 259 is to be in such place and under such conditions—

(a) as the Secretary of State may direct, or

(b) as the Secretary of State may arrange with any person.

(2) A person detained pursuant to directions or arrangements made by the Secretary of State under this section is deemed to be in legal custody.

Commencement Information
I260 S. 260 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

261 Detention in pursuance of extended sentence

Detention under section 254 (extended sentence of detention) is to be in a place and under conditions determined by, or by a person authorised for the purpose by, the Secretary of State.

Modifications etc. (not altering text)
C79 S. 261 applied by 2006 c. 52, s. 224 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 44** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I261 S. 261 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 3

ADULTS AGED UNDER 21

Detention in a young offender institution

262 Detention in a young offender institution for offender at least 18 but under 21

(1) A sentence of detention in a young offender institution is available to a court dealing with an offender for an offence where—

(a) the offender is aged at least 18 but under 21 when convicted,

(b) the offence is punishable by that court with imprisonment in the case of a person aged 21 or over, and

(c) the court is not required to pass a sentence of—

(i) detention during Her Majesty's pleasure (see section 259), or

(ii) custody for life (see sections 272 and 275).

(2) Where—

(a) a sentence of detention in a young offender institution is available, and

(b) the court is not required to impose such a sentence,

the power of the court to impose such a sentence is subject (in particular) to section 230 (threshold for imposing discretionary custodial sentence).

(3) For circumstances in which a court is required to impose a sentence of detention in a young offender institution, see the provisions mentioned in section 399(c) (mandatory minimum sentences).

Commencement Information
I262 S. 262 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

263 Term of detention in a young offender institution

(1) The maximum term of detention in a young offender institution that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for the offence in the case of a person aged 21 or over.

(2) The minimum term of a sentence of detention in a young offender institution is 21 days.

(3) Section 231 (length of discretionary custodial sentences: general provision), in particular, applies in determining the term of a sentence of detention in a young offender institution.

(4) For further provision about the term of a sentence of detention in a young offender institution, see—

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(a) section 265 (special sentence for certain offenders of particular concern);
(b) section 268 (extended sentence).

Commencement Information
I263 S. 263 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Suspended sentence of detention in a young offender institution

264 Suspended sentence order for offender under 21: availability

(1) This section applies where, in dealing with an offender for an offence, the court imposes a sentence of detention in a young offender institution.

(2) A suspended sentence order (see section 286) is available in relation to that sentence if the term of the sentence of detention in a young offender institution is not more than 2 years.

(3) But a suspended sentence order is not available in relation to that sentence if—
(a) the sentence of detention in a young offender institution is one of two or more sentences imposed on the same occasion which are to be served consecutively, and
(b) the terms of those sentences are in aggregate more than 2 years.

(4) For provision about suspended sentences see Chapter 5 .

Modifications etc. (not altering text)
C80 S. 264 modified by 2006 c. 52, s. 200(1)(a) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I264 S. 264 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Special custodial sentence for certain offenders of particular concern

265 Required special sentence for certain offenders of particular concern

(1) This section applies where a court imposes a sentence of detention in a young offender institution for an offence where—
(a) the offence is listed in Schedule 13,
(b) the offender—
(i) was aged 18 or over when the offence was committed, and
(ii) is aged under 21 when convicted of the offence, and
(c) the court does not impose either of the following for the offence (or for an offence associated with it)—
(i) an extended sentence under section 266, or
(ii) a sentence of custody for life under section 272.

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(2) The term of the sentence must be equal to the aggregate of—

(a) the appropriate custodial term, and

(b) a further period of 1 year for which the offender is to be subject to a licence,

and must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

(3) For the purposes of subsection (2), the "appropriate custodial term" is the term that, in the opinion of the court, ensures that the sentence is appropriate.

Modifications etc. (not altering text)

C81 S. 265(2)(3) applied by 2006 c. 52, s. 224A(2) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 45(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I265 S. 265 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extended sentence of detention in a young offender institution

266 Extended sentence of detention in a young offender institution for certain violent, sexual or terrorism offences

An extended sentence of detention in a young offender institution is a sentence of detention in a young offender institution the term of which is equal to the aggregate of—

(a) the appropriate custodial term (see section 268), and

(b) a further period (the "extension period") for which the offender is to be subject to a licence.

Commencement Information

I266 S. 266 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

267 Extended sentence of detention in a young offender institution: availability

(1) An extended sentence of detention in a young offender institution is available in respect of an offence where—

(a) the offence is a specified offence (see section 306(1)),

(b) the offender is aged at least 18 but under 21 when convicted of the offence,

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see section 308),

(d) the court is not required by section 273 or 274 to impose a sentence of custody for life, and

(e) the earlier offence condition or the 4 year term condition is met.

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).

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(3) The earlier offence condition is that, when the offence was committed, the offender had been convicted of an offence listed in Schedule 14.

(4) The 4 year term condition is that, if the court were to impose an extended sentence, the term that it would specify as the appropriate custodial term (see section 268) would be at least 4 years.

Commencement Information

I267 S. 267 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

268 Term of extended sentence of detention in a young offender institution

(1) This section applies where a court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of detention in a young offender institution under section 266.

(2) The appropriate custodial term is the term of detention in a young offender institution that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence.

(3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

(4) The extension period must—

(a) be at least 1 year, and

(b) not exceed—

(i) 5 years in the case of a specified violent offence, or

(ii) 8 years in the case of a specified sexual offence or a specified terrorism offence.

See section 306(2) for the meanings of "specified violent offence", "specified sexual offence" and "specified terrorism offence".

(5) The term of the extended sentence must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

Modifications etc. (not altering text)

C82 S. 268(2)-(5) applied (with modifications) by 2006 c. 52, s. 219A(5)(6) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 40(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I268 S. 268 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Detention in a young offender institution: consecutive sentences etc

269 Detention in a young offender institution: consecutive sentences

(1) Where—

(a) an offender is convicted of more than one offence for which a sentence of detention in a young offender institution is available, or

(b) an offender who is serving a sentence of detention in a young offender institution is convicted of one or more further offences for which a sentence of detention in a young offender institution is available,

the court has the same power to pass consecutive sentences of detention in a young offender institution as if they were sentences of imprisonment.

(2) Where an offender who—

(a) is serving a sentence of detention in a young offender institution, and

(b) is aged 21 or over,

is convicted of one or more further offences for which the offender is liable to imprisonment, the court has the power to pass one or more sentences of imprisonment to run consecutively upon the sentence of detention in a young offender institution.

This is subject to section 225 (restriction on consecutive sentences for released prisoners).

Commencement Information
I269 S. 269 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

270 Sentence of detention in a young offender institution where offender subject to detention and training order

(1) This section applies where the court imposes a sentence of detention in a young offender institution in the case of an offender who is subject to a relevant detention and training order.

(2) If the offender has not at any time been released for supervision under the detention and training order, the court may order that the sentence of detention in a young offender institution is to take effect at the time when the offender would otherwise be released under the relevant detention and training order (see section 248(5)).

(3) Otherwise, the sentence of detention in a young offender institution takes effect at the beginning of the day on which it is passed.

(4) In this section "relevant detention and training order" means—

(a) a detention and training order under section 233,

(b) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or

(c) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before the commencement of this Act).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C83 S. 270 modified by 2006 c. 52, s. 213(2)(d) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I270 S. 270 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Detention in a young offender institution: further provision

271 Detention in a young offender institution: place of detention

(1) An offender sentenced to detention in a young offender institution is to be detained in a young offender institution unless a direction under subsection (2) is in force in relation to the offender.

This is subject to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc).

(2) The Secretary of State may from time to time direct that an offender sentenced to detention in a young offender institution is to be detained in a prison instead of a young offender institution.

Commencement Information

I271 S. 271 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Custody for life

272 Offences other than murder

(1) This section applies where a person aged at least 18 but under 21 is convicted of an offence for which the sentence is not fixed by law.

(2) The court must sentence the offender to custody for life if—

(a) the offence is punishable in the case of a person aged 21 or over with imprisonment for life, and the court considers that a sentence for life would be appropriate, or

(b) the court is required by section 273 or 274 to impose a sentence of custody for life.

(3) Sections 230 (threshold for imposing discretionary custodial sentence) and 231 (length of discretionary custodial sentences: general provision), in particular, apply for the purposes of subsection (2)(a).

Commencement Information

I272 S. 272 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

273 Custody for life for second listed offence

(1) Subsection (3) applies where—

(a) a court is dealing with an offender for an offence ("the index offence") that is listed in Part 1 of Schedule 15,

(b) the index offence was committed on or after the relevant date,

(c) the offender is aged 18 or over but under 21 when convicted of the index offence, and

(d) the sentence condition and the previous offence condition are met.

(2) In subsection (1)(b), "relevant date", in relation to an offence, means the date specified for that offence in Part 1 of Schedule 15.

(3) The court must impose a sentence of custody for life under section 272 unless the court is of the opinion that there are particular circumstances which—

(a) relate to—

(i) the index offence,

(ii) the previous offence referred to in subsection (5), or

(iii) the offender, and

(b) would make it unjust to do so in all the circumstances.

(4) The sentence condition is that, but for this section, the court would impose a sentence of detention in a young offender institution for 10 years or more, disregarding any extension period that it would impose under section 266.

Sections 230(2) and 231(2) apply for this purpose.

(5) The previous offence condition is that—

(a) when the index offence was committed, the offender had been convicted of an offence ("the previous offence") listed in Schedule 15, and

(b) a relevant life sentence or a relevant sentence of detention for a determinate period was imposed on the offender for the previous offence.

(6) For the purposes of subsection (5), Schedule 15 is to be read as if Part 1 did not include any offence for which the date specified in that Part is after the date on which the index offence was committed.

(7) A life sentence is relevant for the purposes of subsection (5)(b) if—

(a) the offender was not eligible for release during the first 5 years of the sentence, or

(b) the offender would not have been eligible for release during that period but for the reduction of the period of ineligibility to take account of a relevant pre-sentence period.

(8) An extended sentence imposed under the Criminal Justice Act 2003 or this Code (including one imposed as a result of the Armed Forces Act 2006) is relevant for the purposes of subsection (5)(b) if the appropriate custodial term imposed was 10 years or more.

(9) Any other extended sentence is relevant for the purposes of subsection (5)(b) if the custodial term imposed was 10 years or more.

(10) Any other sentence of detention for a determinate period is relevant for the purposes of subsection (5)(b) if it was for a period of 10 years or more.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(11) An extended sentence or other sentence of detention is also relevant if it would have been relevant under subsection (9) or (10) but for the reduction of the sentence, or any part of the sentence, to take account of a relevant pre-sentence period.

(12) For the purposes of subsections (5) to (11)—

"extended sentence" means—

(a) a sentence imposed under section 254 or 266 (including one imposed as a result of section 219A or 221A of the Armed Forces Act 2006), or

(b) a sentence imposed under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003 (including one imposed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006),

or an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

"life sentence" means—

(a) a sentence of detention for life under—

(i) section 250,

(ii) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(iii) section 209 of the Armed Forces Act 2006,

(b) a sentence of detention during Her Majesty's pleasure under—

(i) section 259,

(ii) section 90 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(iii) section 218 of the Armed Forces Act 2006, or

(c) a sentence of custody for life under—

(i) section 272 or 275 (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006), or

(ii) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 (including one passed as a result of paragraph 6 or 7 of Schedule 2 to the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)),

or an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

"relevant pre-sentence period", in relation to the previous offence referred to in subsection (5), means any period which the offender spent in custody or on bail before the sentence for that offence was imposed;

"sentence of detention" includes any sentence of a period in custody (however expressed).

(13) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

(14) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (1)(b), (5)(a) and (6) to have been committed on the last of those days.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Modifications etc. (not altering text)

C84 S. 273(3) applied (with modifications) by 2006 c. 52, **s. 218A(1B)(3)** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 38(3)(5) (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I273 S. 273 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

274 Required sentence of custody for life for offence carrying life sentence

(1) This section applies where a court is dealing with an offender for an offence where—

(a) the offender is aged 18 or over but under 21 when convicted of the offence,

(b) the offence is a Schedule 19 offence (see section 307), and

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see sections 306(1) and 308).

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).

(3) If the court considers that the seriousness of—

(a) the offence, or

(b) the offence and one or more offences associated with it,

is such as to justify the imposition of a sentence of custody for life, the court must impose a sentence of custody for life under section 272.

(4) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

Modifications etc. (not altering text)

C85 S. 274(3) applied (with modifications) by 2006 c. 52, s. 219(1A)(3)(5) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 39(3)(5)**(7)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I274 S. 274 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

275 Duty to impose custody for life for offence of murder

(1) Where a person aged under 21 is convicted of—

(a) murder, or

(b) any other offence the sentence for which is fixed by law as life imprisonment,

the court must sentence the offender to custody for life.

(2) Subsection (1) does not apply where the offender is liable to be detained under section 259 (detention at Her Majesty's pleasure for offender under 18).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I275 S. 275 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

276 Custody for life: place of detention

(1) An offender sentenced to custody for life is to be detained in a young offender institution unless a direction under subsection (2) is in force in relation to the offender.

This is subject to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc).

(2) The Secretary of State may from time to time direct that an offender sentenced to custody for life is to be detained in a prison instead of a young offender institution.

Commencement Information
I276 S. 276 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 4

ADULTS AGED 21 AND OVER

Suspended sentence of imprisonment

277 Suspended sentence order for person aged 21 or over: availability

(1) This section applies where, in dealing with an offender for an offence, a court passes a sentence of imprisonment.

(2) A suspended sentence order (see section 286) is available in relation to that sentence if the term of the sentence of imprisonment is—

(a) at least 14 days, but

(b) not more than 2 years.

(3) But a suspended sentence order is not available in relation to that sentence if—

(a) the sentence of imprisonment is one of two or more sentences imposed on the same occasion which are to be served consecutively, and

(b) the terms of those sentences are in aggregate more than 2 years.

(4) For provision about suspended sentences, see Chapter 5 .

Modifications etc. (not altering text)
C86 S. 277 modified by 2006 c. 52, s. 200(1)(b) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I277 S. 277 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Special custodial sentence for certain offenders of particular concern

278 Required special custodial sentence for certain offenders of particular concern

(1) This section applies where the court imposes a sentence of imprisonment for an offence where—

(a) the offence is listed in Schedule 13,

(b) the person—

(i) was aged 18 or over when the offence was committed, and

(ii) is aged 21 or over when convicted of the offence, and

(c) the court does not impose either of the following for the offence (or for an offence associated with it)—

(i) an extended sentence under section 279, or

(ii) a sentence of imprisonment for life.

(2) The term of the sentence must be equal to the aggregate of—

(a) the appropriate custodial term, and

(b) a further period of 1 year for which the offender is to be subject to a licence,

and must not exceed the maximum term of imprisonment with which the offence is punishable.

(3) For the purposes of subsection (2), the "appropriate custodial term" is the term that, in the opinion of the court, ensures that the sentence is appropriate.

Modifications etc. (not altering text)

C87 S. 278(2)(3) applied by 2006 c. 52, s. 224A(2A) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 45(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I278 S. 278 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extended sentences

279 Extended sentence of imprisonment for certain violent, sexual or terrorism offences: persons 21 or over

An extended sentence of imprisonment is a sentence of imprisonment the term of which is equal to the aggregate of—

(a) the appropriate custodial term (see section 281), and

(b) a further period (the "extension period") for which the offender is to be subject to a licence.

Commencement Information

I279 S. 279 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

280 Extended sentence of imprisonment: availability

(1) An extended sentence of imprisonment is available in respect of an offence where—

(a) the offence is a specified offence (see section 306(1)),

(b) the offender is aged 21 or over when convicted of the offence,

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see section 308),

(d) the court is not required by section 283 or 285 to impose a sentence of imprisonment for life, and

(e) the earlier offence condition or the 4 year term condition is met.

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).

(3) The earlier offence condition is that, when the offence was committed, the offender had been convicted of an offence listed in Schedule 14.

(4) The 4 year term condition is that, if the court were to impose an extended sentence of imprisonment, the term that it would specify as the appropriate custodial term (see section 281) would be at least 4 years.

Commencement Information
I280 S. 280 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

281 Term of extended sentence of imprisonment

(1) This section applies where the court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of imprisonment under section 279.

(2) The appropriate custodial term is the term of imprisonment that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence of imprisonment.

(3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

(4) The extension period must—

(a) be at least 1 year, and

(b) not exceed—

(i) 5 years in the case of a specified violent offence;

(ii) 8 years in the case of a specified sexual offence or a specified terrorism offence.

See section 306(2) for the meanings of "specified violent offence", "specified sexual offence" and "specified terrorism offence".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(5) The term of the extended sentence of imprisonment must not exceed the maximum term of imprisonment with which the offence is punishable.

Modifications etc. (not altering text)

C88 S. 281(2)-(5) applied (with modifications) by 2006 c. 52, s. 219A(8)(9) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 40(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I281 S. 281 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

282 Extended sentences for offences committed before 4 April 2005

In section 280(1)(a) and section 281(4)(b), references to a specified offence, a specified violent offence, a specified sexual offence and a specified terrorism offence include an offence that—

(a) was abolished before 4 April 2005, and

(b) would have constituted such an offence if committed on the day on which the offender is convicted of the offence.

Commencement Information

I282 S. 282 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Life sentences

283 Life sentence for second listed offence

(1) Subsection (3) applies where—

(a) a court is dealing with an offender for an offence ("the index offence") that is listed in Part 1 of Schedule 15,

(b) the index offence was committed on or after the relevant date,

(c) the offender is aged 21 or over when convicted of the index offence, and

(d) the sentence condition and the previous offence condition are met.

(2) In subsection (1)(b), "relevant date", in relation to an offence, means the date specified for that offence in Part 1 of Schedule 15.

(3) The court must impose a sentence of imprisonment for life unless the court is of the opinion that there are particular circumstances which—

(a) relate to—

(i) the index offence,

(ii) the previous offence referred to in subsection (5), or

(iii) the offender, and

(b) would make it unjust to do so in all the circumstances.

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(4) The sentence condition is that, but for this section, the court would impose a sentence of imprisonment for 10 years or more, disregarding any extension period it would impose under section 279.

Sections 230(2) and 231(2) apply for this purpose.

(5) The previous offence condition is that—

(a) when the index offence was committed, the offender had been convicted of an offence ("the previous offence") listed in Schedule 15, and

(b) a relevant life sentence or a relevant sentence of imprisonment or detention for a determinate period was imposed on the offender for the previous offence.

(6) For the purposes of subsection (5), Schedule 15 is to be read as if Part 1 did not include any offence for which the date specified in that Part is after the date on which the index offence was committed.

(7) A life sentence is relevant for the purposes of subsection (5)(b) if—

(a) the offender was not eligible for release during the first 5 years of the sentence, or

(b) the offender would not have been eligible for release during that period but for the reduction of the period of ineligibility to take account of a relevant pre-sentence period.

(8) An extended sentence imposed under the Criminal Justice Act 2003 or this Code (including one imposed as a result of the Armed Forces Act 2006) is relevant for the purposes of subsection (5)(b) if the appropriate custodial term imposed was 10 years or more.

(9) Any other extended sentence is relevant for the purposes of subsection (5)(b) if the custodial term imposed was 10 years or more.

(10) Any other sentence of imprisonment or detention for a determinate period is relevant for the purposes of subsection (5)(b) if it was for a period of 10 years or more.

(11) An extended sentence or other sentence of imprisonment or detention is also relevant if it would have been relevant under subsection (9) or (10) but for the reduction of the sentence, or any part of the sentence, to take account of a relevant pre-sentence period.

(12) For the purposes of subsections (5) to (11)—

"extended sentence" means—

(a) a sentence under section 254, 266 or 279 (including one imposed as a result of section 219A or 221A of the Armed Forces Act 2006),

(b) a sentence under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003 (including one imposed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006), or

(c) a sentence under—

(i) section 85 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(ii) section 58 of the Crime and Disorder Act 1998,

or an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

"life sentence" means—

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(a) a sentence of imprisonment for life;

(b) a sentence of detention for life under—

(i) section 250,

(ii) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;

(iii) section 53(3) of the Children and Young Persons Act 1933;

(iv) section 209 of the Armed Forces Act 2006;

(v) section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;

(c) a sentence of detention during Her Majesty's pleasure under—

(i) section 259,

(ii) section 90 of the Powers of Criminal Courts (Sentencing) Act 2000,

(iii) section 53(1) of the Children and Young Persons Act 1933,

(iv) section 218 of the Armed Forces Act 2006, or

(v) section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957;

(d) a sentence of custody for life under—

(i) section 272 or 275 (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006),

(ii) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 (including one passed as a result of paragraph 6 or 7 of Schedule 2 to the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)),

(iii) section 8 of the Criminal Justice Act 1982, or

(iv) section 71A(1A) or (1B) of the Army Act 1955 or Air Force Act 1955 or section 43(1A) or (1B) of the Naval Discipline Act 1957;

(e) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006);

(f) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006);

or an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

"relevant pre-sentence period", in relation to the previous offence referred to in subsection (5), means any period which the offender spent in custody or on bail before the sentence for that offence was imposed;

"sentence of imprisonment or detention" includes any sentence of a period in custody (however expressed).

(13) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

(14) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (1)(b), (5)(a) and (6) to have been committed on the last of those days.

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Modifications etc. (not altering text)

C89 S. 283(3) applied (with modifications) by 2006 c. 52, **s. 218A(2)(3)** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 38(4)(5) (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I283 S. 283 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

284 Required life sentence where second offence committed before 4 April 2005

For cases in which a sentence of life imprisonment must be imposed for an offence which—

(a) is a second offence, and

(b) was committed on or after 1 October 1997 but before 4 April 2005,

see section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 (life sentence for second serious offence), as it has effect by virtue of paragraph 5(2) of Schedule 2 to the Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950).

Commencement Information

I284 S. 284 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

285 Required life sentence for offence carrying life sentence

(1) This section applies where a court is dealing with an offender for an offence where—

(a) the offender is aged 21 or over at the time of conviction,

(b) the offence is a Schedule 19 offence (see section 307),

(c) the offence was committed on or after 4 April 2005, and

(d) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see sections 306(1) and 308).

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).

(3) If the court considers that the seriousness of—

(a) the offence, or

(b) the offence and one or more offences associated with it,

is such as to justify the imposition of a sentence of imprisonment for life, the court must impose a sentence of imprisonment for life.

(4) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C90 S. 285(3) applied (with modifications) by 2006 c. 52, s. 219(2)(3)(5) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 39(4)(5)**(7)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I285 S. 285 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 5

SUSPENDED SENTENCES

Modifications etc. (not altering text)

C91 Pt. 10 Ch. 5 applied (with modifications) by 2006 s. 52, ss. 200-207, Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 paras. 19-26** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

What a suspended sentence order is

286 Suspended sentence order

(1) A suspended sentence order is an order providing that a sentence of imprisonment or detention in a young offender institution in respect of an offence is not to take effect unless—

(a) an activation event occurs, and

(b) a court having power to do so subsequently orders under paragraph 13 of Schedule 16 that the sentence is to take effect.

(2) A suspended sentence order may also specify one or more available community requirements with which the offender must comply during the supervision period.

(3) An activation event occurs if the offender—

(a) commits another offence in the United Kingdom during the operational period (whether or not punishable with imprisonment), or

(b) during the supervision period, contravenes any community requirement imposed by the order.

(4) The community requirements are listed in column 1 of the community requirements table (see section 287).

(5) Provision about each requirement is made by the provisions of Schedule 9 mentioned in the corresponding entry in column 2 of that table.

(6) In this Code—

"suspended sentence order" has the meaning given by subsection (1);

"suspended sentence" means a sentence to which a suspended sentence order relates.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) In this Code, references to a community requirement of, or imposed by, a suspended sentence order are to a requirement specified in the order under subsection (2).

Modifications etc. (not altering text)

C92 S. 286 modified by 2006 c. 52, s. 200(1)(c)(i) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C93 S. 286 applied (with modifications) by 2006 s. 52, s. 200A (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I286 S. 286 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

287 Suspended sentence order: community requirements table

The community requirements table referred to in sections 286, 290 and 292 is—

Requirement	*Part of Schedule 9 relating to requirement*	*Restrictions on availability*
unpaid work requirement	Part 1	
rehabilitation activity requirement	Part 2	
programme requirement	Part 3	
prohibited activity requirement	Part 4	
curfew requirement	Part 5	
exclusion requirement	Part 6	
residence requirement	Part 7	
foreign travel prohibition requirement	Part 8	
mental health treatment requirement	Part 9	
drug rehabilitation requirement	Part 10	
alcohol treatment requirement	Part 11	
alcohol abstinence and monitoring requirement	Part 12	section 291(1) or (2)
attendance centre requirement	Part 13	section 291(3)
electronic compliance monitoring requirement	Part 14	section 291(4)
electronic whereabouts monitoring requirement	Part 14	

Commencement Information

I287 S. 287 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

288 Operational period and supervision period

(1) A suspended sentence order must specify the operational period (see section 286(3)(a)).

(2) The operational period must be a period, beginning with the day on which the order is made, of—

(a) at least 6 months, and

(b) not more than 2 years.

(3) If a suspended sentence order imposes any community requirement or requirements, the order must specify the supervision period (see section 286(2)).

(4) The supervision period specified must be a period, beginning with the day on which the order is made, of—

(a) at least 6 months, and

(b) not more than—

(i) 2 years, or

(ii) if less, the operational period.

(5) But if the suspended sentence order imposes an unpaid work requirement, the supervision period—

(a) continues until the offender has worked under the order for the number of hours specified in the order under paragraph 2(1) of Schedule 9, but

(b) does not continue beyond the end of the operational period.

Commencement Information
I288 S. 288 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

289 Suspended sentence to be treated generally as sentence of imprisonment etc

(1) A suspended sentence which has not taken effect under paragraph 13 of Schedule 16 is to be treated as—

(a) a sentence of imprisonment, or

(b) as the case may be, a sentence of detention in a young offender institution,

for the purposes of all enactments and instruments made under enactments.

(2) Subsection (1) is subject to any provision to the contrary contained in—

(a) the Criminal Justice Act 1967,

(b) any enactment passed or instrument made under any enactment after 31 December 1967.

Commencement Information
I289 S. 289 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Available community requirements

290 Suspended sentence order: available community requirements

(1) A suspended sentence order may not impose a community requirement that is not an available requirement.

(2) A community requirement is an available requirement in relation to a suspended sentence order unless a provision mentioned in column 3 of the entry for that requirement in the table in section 287 provides otherwise.

Commencement Information
I290 S. 290 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

291 Suspended sentence order: availability of particular requirements

Alcohol abstinence and monitoring requirement

(1) An alcohol abstinence and monitoring requirement is not an available requirement unless regulations are in force under paragraph 25(7)(c) of Schedule 9 (prescribed arrangements for monitoring).

(2) An alcohol abstinence and monitoring requirement imposing a requirement within paragraph 25(1)(a)(ii) of Schedule 9 (alcohol level to be kept below specified level) is not an available requirement unless regulations are in force under paragraph 25(7)(b) of that Schedule (prescribed alcohol level).

Attendance centre requirement

(3) An attendance centre requirement is not an available requirement unless the offender is aged under 25 when convicted of the offence.

Electronic compliance monitoring requirement

(4) An electronic compliance monitoring requirement is not an available requirement in relation to a suspended sentence order unless the suspended sentence order imposes at least one other available requirement, other than—

(a) an alcohol abstinence and monitoring requirement;

(b) an electronic whereabouts monitoring requirement.

Commencement Information
I291 S. 291 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of power to impose community requirements

292 Suspended sentence order: exercise of power to impose requirements

(1) This section applies where a court makes a suspended sentence order which imposes community requirements.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) The power to impose a particular community requirement is subject to the provisions of the Part of Schedule 9 relating to requirements of that kind (see column 2 of the table in section 287).

(3) If the suspended sentence order imposes two or more different community requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

(4) The court must also ensure, so far as practicable, that any community requirement imposed by a suspended sentence order is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any conflict with any other court order to which the offender may be subject, and

(c) any interference with the times, if any, at which the offender normally—

(i) works, or

(ii) attends any educational establishment,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

Modifications etc. (not altering text)

C94 S. 292 modified by 2006 c. 52, s. 200(1)(c)(ii) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I292 S. 292 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provision for review of suspended sentence order with community requirements

293 Power to provide for review of suspended sentence order

(1) A suspended sentence order which imposes one or more community requirements may make provision for the order to be reviewed periodically ("provision for review").

This is subject to subsection (3).

(2) Where an order contains provision for review, it must—

(a) specify the intervals at which the order is to be reviewed,

(b) provide for each review to be made, subject to section 295, at a hearing held for the purpose by the responsible court (a "review hearing"),

(c) require the offender to attend each review hearing, and

(d) provide for a report by an officer of a provider of probation services on the offender's progress in complying with the community requirements of the order ("a progress report") to be made to the responsible court before each review.

(3) If the suspended sentence order—

(a) imposes a drug rehabilitation requirement, and

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) contains provision for review under this section,

the provision for review must not include provision relating to that requirement (but see paragraph 22 of Schedule 9 for separate provision about review of such a requirement).

(4) In this section "the responsible court" in relation to a suspended sentence order means—

(a) if a court is specified in the order in accordance with subsection (5), that court;

(b) otherwise, the court by which the order is made.

(5) Where—

(a) a suspended sentence order is made by a magistrates' court, and

(b) the offender's home local justice area is not the area in which the court acts,

the order may specify that the responsible court is to be a magistrates' court which acts in the offender's home local justice area.

(6) A suspended sentence order made on an appeal from—

(a) the Crown Court, or

(b) the Court of Appeal,

is to be taken for the purposes of subsection (4)(b) to have been made by the Crown Court.

Modifications etc. (not altering text)

C95 S. 293 applied (with modifications) by 2006 c. 52, ss. 200, 203 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 paras. 19, **21** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I293 S. 293 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

294 Review hearings: power to amend community requirements etc

(1) This section applies where a review hearing is held on a review of a suspended sentence order by virtue of section 293.

(2) The court may, after considering the progress report, amend—

(a) the community requirements of the suspended sentence order, or

(b) any provision of the order which relates to those requirements.

(3) But the court—

(a) may not amend the community requirements of the order so as to impose a requirement of a different kind unless the offender expresses willingness to comply with that requirement,

(b) may not amend—

(i) a mental health treatment requirement,

(ii) a drug rehabilitation requirement, or

(iii) an alcohol treatment requirement,

unless the offender expresses willingness to comply with the requirement as amended,

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(c) may amend the supervision period only if the period as amended complies with section 288(4),

(d) may not amend the operational period, and

(e) except with the consent of the offender, may not amend the order while an appeal against the order is pending.

(4) For the purposes of subsection (3)(a)—

(a) a community requirement of a kind within any entry in the table in section 287 is of the same kind as any other community requirement within that entry, and

(b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.

(5) If the court is of the opinion that the offender has without reasonable excuse breached a community requirement of the order, the court may adjourn the hearing so that it can deal with the case under paragraph 13 of Schedule 16 (powers of court to deal with offender on breach of requirement or subsequent conviction).

(6) In this section—

"review hearing", and

"progress report",

have the meanings given by section 293(2).

Commencement Information

I294 S. 294 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

295 Suspended sentence order: alteration of periodic review arrangements

(1) Subsections (2) and (3) apply where the court—

(a) considers the progress report relating to a review (the "current review"), and

(b) forms the opinion that the offender's progress in complying with the community requirements of the order is satisfactory.

(2) If the court forms that opinion before a review hearing is held at the current review—

(a) it may order that no review hearing is to be held at the current review, and

(b) it may amend the suspended sentence order so as to provide for each subsequent review to be held without a review hearing.

(3) If a review hearing is held at the current review, the court may at the hearing amend the suspended sentence order so as to provide for each subsequent review to be held without a review hearing.

(4) If at a review held without a review hearing the court—

(a) considers the progress report, and

(b) forms the opinion that the offender's progress under the order is no longer satisfactory,

it may require the offender to attend a hearing of the court at a specified time and place.

(5) At a review hearing the court may amend the suspended sentence order so as to vary the intervals specified under section 293(2)(a).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(6) The functions of a court under this section that are exercisable in relation to a review without a hearing are to be exercised—

(a) in the case of the Crown Court, by a judge of the court, and

(b) in the case of a magistrates' court, by a justice of the peace.

(7) In this section—

"review hearing", and

"progress report",

have the meanings given by section 293(2).

Commencement Information

I295 S. 295 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Making a suspended sentence order with community requirements

296 Order to specify offender's home local justice area

(1) A suspended sentence order which imposes any community requirement must specify the area which is the offender's home local justice area.

(2) That area must be the local justice area in which the offender resides or will reside.

Commencement Information

I296 S. 296 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

297 Power to direct magistrates' court supervision of order

Where the Crown Court makes a suspended sentence order which imposes any community requirement, it may make a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction, see Parts 2 and 3 of Schedule 16 (breach or amendment of a community requirement of a suspended sentence order).

Commencement Information

I297 S. 297 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

298 Provision of copies of order and related documents

(1) This section applies on the making by a court of a suspended sentence order which imposes one or more community requirements.

(2) The court must forthwith provide copies of the order—

(a) to the offender,

(b) to the responsible officer,

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(c) to an officer of a provider of probation services that is a public sector provider who is acting at the court, and

(d) if the court does not act in the offender's home local justice area, to a provider of probation services that is a public sector provider and is operating in that area.

(3) If the order imposes any requirement specified in column 1 of the following table the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

The requirement	***The person to whom a copy must be provided***
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender.	The person intended to be protected
A residence requirement relating to residence in an institution.	The person in charge of the institution
A mental health treatment requirement.	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in that area with—

(a) a copy of the order, and

(b) such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

(5) In subsection (2) "public sector provider" means—

(a) a probation trust or other public body, or

(b) the Secretary of State.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Modifications etc. (not altering text)

C96 S. 298 modified by 2006 c. 52, s. 200(1)(c)(iii) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C97 S. 298(4) excluded by 2006 s. 52, ss. 200, 202 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 paras. 19, **20(c)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I298 S. 298 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Suspended sentence order with community requirement: obligations of responsible officer and offender

299 Responsible officer

(1) This section applies for the purposes of this Chapter in relation to a suspended sentence order made in respect of an offender which imposes one or more community requirements.

(2) "The responsible officer", in relation to the offender, means the person who for the time being is responsible for discharging the functions conferred by this Chapter on the responsible officer in accordance with arrangements made by the Secretary of State.

(3) The responsible officer must be—

(a) an officer of a provider of probation services, or

(b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the order.

Commencement Information

I299 S. 299 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

300 Obligations of responsible officer

(1) This section applies during the supervision period of a suspended sentence order which imposes any community requirement.

Functions of the responsible officer

(2) The responsible officer must—

(a) make any arrangements that are necessary in connection with the requirements imposed by the order, and

(b) promote the offender's compliance with those requirements.

(3) This is subject to paragraph 16(6) of Schedule 9 (in-patient treatment under mental health treatment requirement).

Exercise of functions by responsible officer

(4) The responsible officer must also ensure, as far as practicable, that any instruction given or requirement imposed by the responsible officer is such as to avoid—

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(a) any conflict with the offender's religious beliefs,

(b) any conflict with the requirements of any other court order to which the offender may be subject, and

(c) any interference with the times, if any, at which the offender normally—

(i) works, or

(ii) attends any educational establishment,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

Commencement Information

I300 S. 300 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

301 Duty of offender to keep in touch with responsible officer

(1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

(2) The offender must keep in touch with the responsible officer in accordance with such instructions as the responsible officer may give the offender from time to time.

(3) That obligation is enforceable as if it were a community requirement imposed by the suspended sentence order.

Commencement Information

I301 S. 301 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

302 Duty to obtain permission before changing residence

(1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

But it does not apply if the order includes a residence requirement (see paragraph 13 of Schedule 9).

(2) The offender must not change residence without permission given in accordance with this section by—

(a) the responsible officer, or

(b) a court.

(3) The obligation imposed by subsection (2) has effect as if it were a community requirement imposed by the suspended sentence order.

(4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.

(5) A court may also give permission in any proceedings before it under Schedule 16 (breach or amendment of orders etc).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(6) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—

(a) is likely to prevent the offender complying with a requirement imposed by the suspended sentence order, or

(b) would hinder the offender's rehabilitation.

(7) The responsible officer must refuse an application for permission if—

(a) the offender's present residence is in England or Wales, and

(b) the offender's proposed residence is outside England and Wales.

(8) For cases in which a suspended sentence order has to be amended because of permission given under this section, see paragraph 23 of Schedule 16 (amendment to reflect change in local justice area).

(9) In this section "the appropriate court" has the same meaning as in Schedule 16.

Modifications etc. (not altering text)

C98 S. 302 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I302 S. 302 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activation of sentence and amendment of order etc

303 Breach or amendment of suspended sentence order, and effect of further conviction

Schedule 16 makes provision about—

(a) the effect of any further conviction where an offender is subject to a suspended sentence order, and

(b) breach or amendment of the community requirements of a suspended sentence order.

Commencement Information

I303 S. 303 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Transferring order with community requirements to Scotland or Northern Ireland

304 Transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements

Schedule 17 makes provision about the transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I304 S. 304 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Interpretation

305 Suspended sentences: interpretation

In this Chapter—

"the operational period", in relation to a suspended sentence, means the period specified under—

(a) section 288(1), or

(b) paragraph 13(1)(d)(iii) of Schedule 16 (extension of operational period on breach of order);

"sentence of imprisonment" does not include a committal for contempt of court or any kindred offence;

"the supervision period", in relation to a suspended sentence, means the period (if any) specified under—

(a) section 288(3),

(b) section 294 (review of order), or

(c) paragraph 13(1)(d)(ii) of Schedule 16 (extension of supervision period on breach of order),

but subject to section 288(5) (extension to allow completion of unpaid work requirement).

Commencement Information
I305 S. 305 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 6

DANGEROUS OFFENDERS

Interpretation

306 Extended sentences: meaning of "specified offence" etc

(1) An offence is a "specified offence" for the purposes of this Code if it is—

(a) a specified violent offence,

(b) a specified sexual offence, or

(c) a specified terrorism offence.

(2) In this Part—

"serious harm" means death or serious personal injury, whether physical or psychological;

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"specified violent offence" means an offence specified in Part 1 of Schedule 18;

"specified sexual offence" means an offence specified in Part 2 of that Schedule;

"specified terrorism offence" means an offence specified in Part 3 of that Schedule.

Commencement Information

I306 S. 306 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

307 Life sentences: meaning of "Schedule 19 offence"

(1) In this Part "Schedule 19 offence" means an offence listed in Schedule 19 (certain specified offences carrying maximum sentence on indictment of imprisonment for life).

(2) For the purposes of Schedule 19, an offence found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, must be taken to have been committed on the last of those days.

Commencement Information

I307 S. 307 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

The assessment of dangerousness

308 The assessment of dangerousness

(1) This section applies where it falls to a court to assess under any of the following provisions (which apply where an offender has committed a specified offence, however described) whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences—

(a) section 255, 267 or 280 (extended sentence for certain violent, sexual or terrorism offences);

(b) section 258, 274 or 285 (required life sentence for Schedule 19 offence).

(2) In making that assessment, the court—

(a) must take into account all the information that is available to it about the nature and circumstances of the offence,

(b) may take into account all the information that is available to it about the nature and circumstances of any other offences of which the offender has been convicted by a court anywhere in the world,

(c) may take into account any information which is before it about any pattern of behaviour of which any of the offences mentioned in paragraph (a) or (b) forms part, and

(d) may take into account any information about the offender which is before it.

(3) The reference in subsection (2)(b) to a conviction by a court includes a reference to—

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(a) a conviction of an offence in—

(i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), or

(ii) any proceedings before a Standing Civilian Court;

(and "conviction" here includes the recording of a finding that a charge in respect of the offence has been proved), and

(b) a conviction of—

(i) a service offence within the meaning of the Armed Forces Act 2006, or

(ii) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059),

(and "conviction" here includes anything that under section 376(1) and (2) of the Armed Forces Act 2006 is to be treated as a conviction).

Modifications etc. (not altering text)

C99 S. 308(2)(3) applied (with modifications) by 2006 c. 52, s. 223(2)(3) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 43(2)**(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I308 S. 308 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Supplementary

309 Appeals where previous convictions set aside or previous sentences modified

(1) Subsection (3) applies where—

(a) a sentence has been imposed on a person under section 273 or 283 (life sentence for second listed offence),

(b) a previous conviction of that person has been subsequently set aside on appeal, and

(c) without that conviction, the previous offence condition in section 273(5) or 283(5) would not have been met.

(2) Subsection (3) also applies where—

(a) a sentence has been imposed on a person under section 266 or 279 (extended sentences for adults),

(b) the earlier offence condition was met but the 4 year term condition was not, and

(c) any previous conviction of that person's without which the earlier offence condition would not have been met has been subsequently set aside on appeal.

For this purpose, references to the earlier offence condition and the 4 year term condition are to be read in accordance with 267 or 280 (as the case may be).

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(3) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence may be given at any time within 28 days from the date on which the previous conviction was set aside.

(4) Subsection (5) applies where—

(a) a sentence has been imposed on a person under section 273 or 283,

(b) a previous sentence imposed on that person has been subsequently modified on appeal, and

(c) taking account of that modification, the previous offence condition in section 273(5) or 283(5) would not have been met.

(5) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence mentioned in subsection (4)(a) may be given at any time within 28 days from the date on which the previous sentence was modified.

Commencement Information

I309 S. 309 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

310 Certificates of conviction

Where—

(a) a person is convicted in England and Wales of an offence listed in Schedule 14 or 15,

(b) the court by or before which the person is so convicted states in open court that the person has been convicted of such an offence on that day, and

(c) that court subsequently certifies that fact,

that certificate is evidence, for the purposes of section 267, 273, 280 or 283 (extended sentences for adults and life sentences for second listed offence), that the person was convicted of such an offence on that day.

Commencement Information

I310 S. 310 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 7

MINIMUM SENTENCES FOR PARTICULAR OFFENCES

Minimum sentence for single offence

311 Minimum sentence for certain offences involving firearms that are prohibited weapons

(1) This section applies where—

(a) a person is convicted of an offence listed in Schedule 20 (certain offences involving firearms that are prohibited weapons), and

(b) the offender was aged 16 or over when the offence was committed.

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(2) The court must impose an appropriate custodial sentence for a term of at least the required minimum term unless the court is of the opinion that there are exceptional circumstances which—

(a) relate to the offence or to the offender, and

(b) justify not doing so.

(3) In this section "appropriate custodial sentence" means—

(a) in the case of a person who is aged under 18 when convicted, a sentence of detention under section 250;

(b) in the case of a person who is aged 18 or over but under 21 when convicted, a sentence of detention in a young offender institution (and includes, if the offence is an offence for which a person aged 21 or over would be liable to imprisonment for life, a sentence of custody for life);

(c) in the case of a person who is aged 21 or over when convicted, a sentence of imprisonment.

(4) In this section "the required minimum term" means—

(a) in the case of an offender who was aged under 18 when the offence was committed, 3 years;

(b) in the case of an offender who was aged 18 or over when the offence was committed, 5 years.

But this is subject to subsection (5).

(5) In the case of an offence within paragraph 5 of Schedule 20, "the required minimum term" means—

(a) in the case of an offender who was aged under 18 when convicted, 3 years;

(b) in the case of an offender who was aged 18 or over when convicted, 5 years.

Modifications etc. (not altering text)

C100 S. 311 power to apply (with modifications) conferred by 1988 c. 45, **s. 1(4B)** (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 94(3) (with **Sch. 27**); S.I. 2020/1236, **reg. 2**)

C101 S. 311 applied (with modifications) by 2006 c. 52, **s. 227** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 48(3) (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I311 S. 311 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

312 Minimum sentence for offences of threatening with weapon or bladed article

(1) This section applies where a person aged 16 or over is convicted of an offence under—

(a) section 1A of the Prevention of Crime Act 1953 (offence of threatening with offensive weapon in public), or

(b) section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon).

(2) The court must impose an appropriate custodial sentence unless the court is of the opinion that there are particular circumstances which—

(a) relate to the offence or to the offender, and

(b) would make it unjust to do so in all the circumstances.

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(3) In this section "appropriate custodial sentence" means—

(a) in the case of a person who is aged 16 or over but under 18 when convicted, a detention and training order of at least 4 months;

(b) in the case of a person who is aged 18 or over but under 21 when convicted, a sentence of detention in a young offender institution for a term of at least 6 months;

(c) in the case of a person who is aged 21 or over when convicted, a sentence of imprisonment for a term of at least 6 months.

Commencement Information

I312 S. 312 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Minimum sentence for repeat offences

313 Minimum sentence of 7 years for third class A drug trafficking offence

(1) This section applies where—

(a) a person is convicted of a class A drug trafficking offence ("the index offence") committed on or after 1 October 1997,

(b) when the index offence was committed, the offender—

(i) was aged 18 or over, and

(ii) had 2 other relevant drug convictions, and

(c) one of the offences to which those other relevant drug convictions related was committed after the offender had been convicted of the other.

(2) The court must impose an appropriate custodial sentence for a term of at least 7 years unless the court is of the opinion that there are particular circumstances which—

(a) relate to any of the offences or to the offender, and

(b) would make it unjust to do so in all the circumstances.

(3) For the purposes of subsection (1), "relevant drug conviction" means—

(a) a conviction in any part of the United Kingdom of a class A drug trafficking offence,

(b) a conviction in another member State of an offence committed on or after 16 August 2010 which would, if committed in the United Kingdom at the time of the conviction, have constituted a class A drug trafficking offence,

(c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a class A drug trafficking offence,

(d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civil offence (within the meaning of the Act in question) is a class A drug trafficking offence, or

(e) a conviction of a member State service offence committed on or after 16 August 2010 which would have constituted a class A drug trafficking offence if committed in England and Wales at the time of conviction.

(4) Where—

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(a) a person is charged with a class A drug trafficking offence (which, apart from this subsection, would be triable either way), and

(b) the circumstances are such that, if convicted of the offence, the person could be sentenced for it under subsection (2),

the offence is to be triable only on indictment.

(5) In this section "class A drug trafficking offence" means a drug trafficking offence committed in respect of a class A drug; and for this purpose—

"class A drug" has the same meaning as in the Misuse of Drugs Act 1971;

"drug trafficking offence" means an offence which is specified in—

(a) paragraph 1 of Schedule 2 to the Proceeds of Crime Act 2002 (drug trafficking offences), or

(b) so far as it relates to that paragraph, paragraph 10 of that Schedule.

(6) In this section "an appropriate custodial sentence" means—

(a) in relation to an offender who is aged 21 or over when convicted of the index offence, a sentence of imprisonment;

(b) in relation to an offender who is aged under 21 when convicted of the index offence, a sentence of detention in a young offender institution (and includes, if the index offence is an offence for which a person aged 21 or over would be liable to imprisonment for life, a sentence of custody for life).

Modifications etc. (not altering text)

C102 S. 313 applied by 2006 c. 52, **s. 225** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 46 (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

C103 S. 313(2) excluded by 2006 c. 52, **s. 239(5)** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 54(b) (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I313 S. 313 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

314 Minimum sentence of 3 years for third domestic burglary

(1) This section applies where—

(a) a person is convicted of a domestic burglary ("the index offence") committed on or after 1 December 1999,

(b) when the index offence was committed—

(i) the offender was aged 18 or over, and

(ii) had 2 other relevant domestic burglary convictions, and

(c) one of the burglaries to which those other relevant domestic burglary convictions relate was committed after the person had been convicted of the other.

(2) The court must impose an appropriate custodial sentence for a term of at least 3 years unless the court is of the opinion that there are particular circumstances which—

(a) relate to any of the offences or to the offender, and

(b) would make it unjust to do so in all the circumstances.

(3) For the purposes of subsection (1), "relevant domestic burglary conviction" means—

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(a) a conviction in England and Wales of a domestic burglary committed on or after 1 December 1999,

(b) a conviction in another part of the United Kingdom or another member State of an offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary, if committed in England and Wales at the time of the conviction,

(c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is an offence of domestic burglary,

(d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 committed on or after 1 December 1999 in respect of which the corresponding civil offence (within the meaning of the Act in question) is an offence of domestic burglary, or

(e) a conviction of a member State service offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary if committed in England and Wales at the time of conviction.

(4) Where—

(a) a person is charged with a domestic burglary which, apart from this subsection, would be triable either way, and

(b) the circumstances are such that, if convicted of the burglary, the person could be sentenced for it under subsection (2),

the burglary is to be triable only on indictment.

(5) In this section "domestic burglary" means a burglary committed in respect of a building or part of a building which is a dwelling.

(6) In this section "an appropriate custodial sentence" means—

(a) in relation to a person who is aged 21 or over when convicted of the index offence, a sentence of imprisonment;

(b) in relation to a person who is aged under 21 when convicted of the index offence, a sentence of detention in a young offender institution.

Modifications etc. (not altering text)

C104 S. 314 applied by 2006 c. 52, **s. 226** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 47 (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

C105 S. 314(2) excluded by 2006 c. 52, **s. 239(5)** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 54(b) (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I314 S. 314 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

315 Minimum sentence for repeat offence involving weapon or bladed article

(1) This section applies where—

(a) an offender is convicted of an offence (the "index offence") under—

(i) section 1(1) of the Prevention of Crime Act 1953 (carrying offensive weapon without lawful authority or reasonable excuse),

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(ii) section 139(1) of the Criminal Justice Act 1988 (having article with blade or point in public place), or

(iii) section 139A(1) or (2) of that Act (having article with blade or point or offensive weapon on education premises),

(b) the offence was committed on or after 17 July 2015, and

(c) when the offence was committed, the offender—

(i) was aged at least 16, and

(ii) had at least one relevant conviction.

(2) The court must impose an appropriate custodial sentence unless the court is of the opinion that there are particular circumstances which—

(a) relate to the offence, to the previous offence or to the offender, and

(b) would make it unjust to do so in all the circumstances.

(3) In subsection (2) "appropriate custodial sentence" means—

(a) in the case of a person aged under 18 when convicted of the index offence, a detention and training order of at least 4 months;

(b) in the case of a person aged 18 or over but under 21 when convicted of the index offence, a sentence of detention in a young offender institution for a term of at least 6 months;

(c) in the case of a person aged 21 or over when convicted of the index offence, a sentence of imprisonment for a term of at least 6 months.

(4) In this section, "relevant conviction" means—

(a) a conviction of a relevant offence,

(b) a conviction in another part of the United Kingdom or another member State of a civilian offence which would have constituted a relevant offence if committed in England and Wales at the time of the conviction (whenever the offence was in fact committed),

(c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a relevant offence,

(d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civil offence (within the meaning of the Act in question) is a relevant offence, or

(e) a conviction of a member State service offence which would have constituted a relevant offence if committed in England and Wales at the time of conviction (whenever the offence was in fact committed).

(5) In this section, "relevant offence" means an offence under—

(a) section 1 or 1A of the Prevention of Crime Act 1953 (offences involving offensive weapons), or

(b) section 139, 139A or 139AA of the Criminal Justice Act 1988 (offences involving article with blade or point or offensive weapon).

Commencement Information

I315 S. 315 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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316 Appeals where previous convictions set aside

(1) This section applies where—

(a) a sentence has been imposed on an offender under subsection (2) of any of the following sections—

(i) section 313,

(ii) section 314, or

(iii) section 315,

(b) a previous conviction of the offender is subsequently set aside on appeal, and

(c) without the previous conviction the section would not have applied.

(2) Notice of appeal against the sentence may be given at any time within 28 days from the day on which the previous conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968).

Modifications etc. (not altering text)

C106 S. 316 applied (with modifications) by 2007 c. ii, s. 8(8) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 265** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I316 S. 316 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

317 Certificates of conviction for purposes of sections 313 and 314

(1) This section applies where an offender is convicted—

(a) in England and Wales of—

(i) a class A drug trafficking offence, or

(ii) a domestic burglary,

(b) in any part of the United Kingdom other than England and Wales of a class A drug trafficking offence,

(c) in any member State other than the United Kingdom of a corresponding drug trafficking offence, or

(d) in any part of the United Kingdom other than England and Wales, or in any other member State, of a corresponding domestic burglary offence.

(2) A certificate, given in accordance with subsection (3), of either or both of the following—

(a) that the offender was convicted of that offence on the date of the conviction;

(b) that the offence was committed on a particular day, or over, or at some time during, a particular period,

is evidence for the purposes of section 313 or 314 of the facts so certified.

(3) A certificate is given in accordance with this subsection if it is—

(a) given—

(i) by the court by or before which the offender was convicted of the offence, and

(ii) in the case of a court in the United Kingdom, after the court has stated in open court the facts certified by it, and

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(b) in the case of a certificate given by a court outside the United Kingdom, signed by the proper officer of the court.

(4) In this section—

"proper officer" means the clerk of the court, that clerk's deputy or any other person having custody of the court record;

"class A drug trafficking offence" and "domestic burglary" have the same meanings as in sections 313 and 314 respectively;

"corresponding drug trafficking offence" means an offence within section 313(3)(b);

"corresponding domestic burglary offence" means an offence within section 314(3)(b).

Commencement Information
I317 S. 317 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

318 Offences under service law

(1) In sections 313 to 315 and this section—

"civilian offence" means an offence other than—

(a) an offence under section 42 of the Armed Forces Act 2006,

(b) an offence under section 70 of the Army Act 1995, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957, or

(c) a member State service offence;

"conviction" includes—

(a) in relation to an offence under section 42 of the Armed Forces Act 2006, anything which by virtue of section 376(1) and (2) of that Act is to be treated as a conviction, and

(b) in relation to an offence under section 42 of the Naval Discipline Act 1957 and a member State service offence, a finding of guilt in respect of the person;

"member State service offence" means an offence which was the subject of proceedings under the law of a member State other than the United Kingdom governing all or any of the naval, military or air forces of that State.

(2) For the purposes of section 313(3)(c) and (e) (class A drug trafficking which is an offence under section 42 of Armed Forces Act 2006 and corresponding member State service offences), where the offence was committed in a way described in paragraph 10 of Schedule 2 to the Proceeds of Crime Act 2002 (attempting, conspiring, encouraging, assisting, aiding, abetting, etc) in relation to an act that, if done in England and Wales, would have constituted another offence listed in paragraph 1 of that Schedule, it must be assumed that that act was done (or would have been done) in England and Wales.

(3) For the purposes of—

(a) section 314(3)(c) and (e) (domestic burglary convictions under section 42 of Armed Forces Act 2006 or corresponding member State service offences), and

(b) section 315(4)(c) and (d) (relevant weapons offences under that section or corresponding offences under previous legislation relating to the armed forces),

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where the offence was committed by aiding, abetting, counselling or procuring, it must be assumed that the act aided, abetted, counselled or procured was done in England and Wales.

Commencement Information
I318 S. 318 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Minimum sentences: supplementary

319 Mandatory sentence requirement not to affect power to impose fine

Nothing in this Chapter which requires the court to impose a particular term of imprisonment or other custodial sentence is to be taken to prevent the court from exercising any power to impose a fine in addition to the custodial sentence.

Commencement Information
I319 S. 319 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

320 Determination of day when offence committed

Where an offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is to be taken for the purposes of sections 311, 313, 314 and 315 to have been committed on the last of those days.

Commencement Information
I320 S. 320 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 8

EFFECT OF LIFE SENTENCES

321 Life sentence: minimum term order or whole life order

(1) Where a court passes a life sentence, it must make an order under this section.

(2) The order must be a minimum term order unless the court is required to make a whole life order under subsection (3).

(3) The order must be a whole life order if—

(a) the offender was 21 or over when the offence was committed, and

(b) the court is of the opinion that, because of the seriousness of—

(i) the offence, or

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(ii) the combination of the offence and one or more offences associated with it,

it should not make a minimum term order.

(4) A minimum term order is an order that the early release provisions (see section 324) are to apply to the offender as soon as the offender has served the part of the sentence which is specified in the order in accordance with section 322 or 323 ("the minimum term").

(5) A whole life order is an order that the early release provisions are not to apply to the offender.

Modifications etc. (not altering text)

C107 Ss. 321-324 modified by 2006 c. 52, s. 261A (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 60** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I321 S. 321 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

322 Mandatory life sentences: further provision

(1) This section applies where a court passes a life sentence for an offence the sentence for which is fixed by law.

Minimum term

(2) If the court makes a minimum term order, the minimum term must be such part of the offender's sentence as the court considers appropriate taking into account—

(a) the seriousness of—

(i) the offence, or

(ii) the combination of the offence and any one or more offences associated with it, and

(b) the effect that the following would have if the court had sentenced the offender to a term of imprisonment—

(i) section 240ZA of the Criminal Justice Act 2003 (crediting periods of remand in custody);

(ii) and section 240A of that Act (crediting periods on bail subject to certain restrictions);

including the effect of any declaration that the court would have made under section 325 or 327 (specifying periods of remand on bail subject to certain restrictions or in custody pending extradition).

Determination of seriousness

(3) In considering the seriousness of the offence, or of the combination of the offence and one or more offences associated with it, under—

(a) section 321(3) (determining whether to make a whole life order), or

(b) subsection (2) (determining the minimum term),

the court must have regard to—

(i) the general principles set out in Schedule 21, and

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(ii) any sentencing guidelines relating to offences in general which are relevant to the case and are not incompatible with the provisions of Schedule 21.

Duty to give reasons for minimum term order or whole life order

(4) Where the court makes a minimum term order or a whole life order, in complying with the duty under section 52(2) to state its reasons for deciding on the order made, the court must in particular—

(a) state which of the starting points in Schedule 21 it has chosen and its reasons for doing so, and

(b) state its reasons for any departure from that starting point.

Modifications etc. (not altering text)

C107 Ss. 321-324 modified by 2006 c. 52, s. 261A (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 60** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I322 S. 322 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

323 Minimum term order: other life sentences

(1) This section applies where a court—

(a) passes a life sentence in circumstances in which the sentence is not fixed by law, and

(b) makes a minimum term order.

(2) The minimum term must be such as the court considers appropriate, taking into account—

(a) the seriousness of—

(i) the offence, or

(ii) the combination of the offence and one or more offences associated with it,

(b) the early release provisions as compared with section 244(1) of the Criminal Justice Act 2003 (duty to release prisoners), and

(c) the effect that the following would have if the court had sentenced the offender to a term of imprisonment—

(i) section 240ZA of the Criminal Justice Act 2003 (crediting periods of remand in custody);

(ii) section 240A of that Act (crediting periods of remand on bail subject to certain restrictions);

including the effect of any declaration which the court would have made under section 325 or 327 (specifying periods of remand on bail subject to certain restrictions or in custody pending extradition).

Modifications etc. (not altering text)

C107 Ss. 321-324 modified by 2006 c. 52, s. 261A (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 60** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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Commencement Information
I323 S. 323 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

324 Life sentences: interpretation

In this Chapter—

"the early release provisions" means section 28(5) to (8) of the Crime (Sentences) Act 1997;

"life sentence" means—

(a) a sentence of imprisonment for life,

(b) a sentence of detention for life or during Her Majesty's pleasure (see sections 250 and 259), or

(c) a sentence of custody for life (see sections 272 and 275);

"minimum term order" and "minimum term" have the meanings given by section 321(4);

"whole life order" has the meaning given by section 321(5).

Modifications etc. (not altering text)
C107 Ss. 321-324 modified by 2006 c. 52, s. 261A (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 60** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I324 S. 324 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 9

SENTENCE ADMINISTRATION

Declaration about time to count as served

325 Time on bail under certain conditions: declaration by court

(1) This section applies where—

(a) a court passes a determinate sentence on an offender in respect of an offence (see subsection (5)),

(b) the offender was remanded on bail by a court in course of or in connection with proceedings for the offence, or any related offence, and

(c) the offender's bail was subject to a qualifying curfew condition and an electronic monitoring condition ("the relevant conditions").

(2) The court must specify the credit period for the purposes of section 240A of the Criminal Justice Act 2003 (time remanded on bail to count towards time served) in relation to the sentence.

(3) The credit period is calculated by taking the following steps.

Step 1

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Add—

(a) the day on which the offender's bail was first subject to the relevant conditions (and for this purpose a condition is not prevented from being a relevant condition by the fact that it does not apply for the whole of the day in question), and

(b) the number of other days on which the offender's bail was subject to those conditions (but exclude the last of those days if the offender spends the last part of it in custody).

Step 2

Deduct the number of days on which the offender, whilst on bail subject to the relevant conditions, was also—

(a) subject to any requirement imposed for the purpose of securing the electronic monitoring of the offender's compliance with a curfew requirement, or

(b) on temporary release under rules made under section 47 of the Prison Act 1952.

Step 3

From the remainder, deduct the number of days during that remainder on which the offender has broken either or both of the relevant conditions.

Step 4

Divide the result by 2.

Step 5

If necessary, round up to the nearest whole number.

(4) Where the court makes a declaration under subsection (2) it must state in open court—

(a) the number of days on which the offender was subject to the relevant conditions, and

(b) the number of days (if any) which it deducted under each of steps 2 and 3.

(5) For the purposes of subsection (1)(a), a court passes a determinate sentence if it—

(a) sentences the offender to imprisonment for a term,

(b) passes a determinate sentence of detention in a young offender institution, or

(c) passes a determinate sentence of detention under section 250 or 254 (offenders aged under 18).

(6) For those purposes, a suspended sentence—

(a) is to be treated as a determinate sentence when it is activated under paragraph 13(1)(a) or (b) of Schedule 16, and

(b) is to be treated as being imposed by the order under which it is activated.

(7) Section 240ZA of the Criminal Justice Act 2003 makes provision about time remanded in custody which is to count as time served.

Commencement Information

I325 S. 325 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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326 Section 325: interpretation

(1) For the purposes of section 325, "sentence of imprisonment" does not include a committal—

(a) in default of payment of any sum of money, other than one adjudged to be paid on a conviction,

(b) for want of sufficient distress to satisfy any sum of money, or

(c) for failure to do or abstain from doing anything required to be done or left undone,

and references to sentencing an offender to imprisonment are to be read accordingly.

This definition has effect in place of the definition of "sentence of imprisonment" in section 397 for those purposes.

(2) For the purposes of section 325(1), another offence is "related" to the offence in respect of which the sentence is passed (the "sentenced offence") if—

(a) the offender was charged with that other offence, and

(b) the charge for that other offence was founded on the same facts or evidence as the sentenced offence.

(3) In section 325—

"curfew requirement" means a requirement (however described) to remain at one or more specified places for a specified number of hours in any given day, which—

(a) is imposed by a court or the Secretary of State, and

(b) arises as a result of a conviction;

"electronic monitoring condition" means any electronic monitoring requirements imposed under section 3(6ZAA) of the Bail Act 1976 for the purpose of securing the electronic monitoring of a person's compliance with a qualifying curfew condition;

"qualifying curfew condition" means a condition of bail which requires the person granted bail to remain at one or more specified places for a total of not less than 9 hours in any given day.

Commencement Information

I326 S. 326 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

327 Period in custody awaiting extradition: declaration by court

(1) This section applies where a court imposes a fixed-term sentence on a person who—

(a) was tried for the offence in respect of which the sentence was imposed, or received the sentence—

(i) after having been extradited to the United Kingdom, and

(ii) without having first been restored or had an opportunity of leaving the United Kingdom, and

(b) was for any period kept in custody while awaiting extradition to the United Kingdom as mentioned in paragraph (a).

(2) In this section "fixed term sentence" means—

(a) a sentence of imprisonment for a determinate term,

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(b) a determinate sentence of detention in a young offender institution, or

(c) a determinate sentence of detention under section 250 or 254.

(3) The court must specify in open court the number of days for which the prisoner was kept in custody while awaiting extradition.

Commencement Information

I327 S. 327 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Recommendations

328 Power of court to recommend licence conditions for adults sentenced to term of 12 months or more

(1) This section applies where a court sentences an offender to—

(a) a term of imprisonment, or

(b) a term of detention in a young offender institution,

of 12 months or more in respect of any offence.

(2) The court may, when passing sentence, recommend to the Secretary of State particular conditions which in its view should be included in any licence granted to the offender under Chapter 6 of Part 12 of the Criminal Justice Act 2003 on the offender's release from prison or detention.

(3) A recommendation under subsection (2) is not to be treated for any purpose as part of the sentence passed on the offender.

Modifications etc. (not altering text)

C108 S. 328 modified by 2006 c. 52, s. 262 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 61** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I328 S. 328 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Conversion of sentence of detention or custody to sentence of imprisonment

329 Conversion of sentence of detention to sentence of imprisonment

(1) This section applies where a court has passed a relevant custodial sentence sentencing an offender to a term of detention and the offender—

(a) has reached the age of 21, or

(b) has reached the age of 18 and has been reported to the Secretary of State by the independent monitoring board of the institution in which the offender is detained as—

(i) exercising a bad influence on the other inmates of the institution, or

(ii) behaving in a disruptive manner to the detriment of those inmates.

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(2) The Secretary of State may direct that the offender is to be treated as if sentenced to imprisonment for the same term.

This is subject to the following provisions of this section.

Effect of direction

(3) Subsections (4) and (5) apply where the Secretary of State gives a direction under subsection (2) in relation to the offender.

(4) The portion of the term of detention imposed under the relevant custodial sentence which the offender has already served is to be deemed to have been a portion of a term of imprisonment.

(5) If the relevant custodial sentence is—

(a) an extended sentence of detention under section 254, or

(b) an extended sentence of detention in a young offender institution,

the offender is to be treated as if sentenced to an extended sentence of imprisonment under section 279.

(6) Rules under section 47 of the Prison Act 1952 may provide that any award for an offence against discipline made in respect of an offender serving a relevant custodial sentence is to continue to have effect after a direction under subsection (2) has been given in relation to the offender.

"Relevant custodial sentence"

(7) In this section "relevant custodial sentence" means any of the following—

(a) a sentence of detention under section 250 (including one imposed under section 258 (detention for life));

(b) an extended sentence of detention under section 254;

(c) a sentence of detention during Her Majesty's pleasure (see section 259);

(d) a sentence of detention in a young offender institution;

(e) an extended sentence of detention in a young offender institution (see section 266);

(f) a sentence of custody for life (see sections 272 and 275).

Modifications etc. (not altering text)

C109 S. 329 modified by 2006 c. 52, **s. 262A** (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 62 (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I329 S. 329 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

FOURTH GROUP OF PARTSFurther powers relating to sentencing

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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PART 11

BEHAVIOUR ORDERS

CHAPTER 1

CRIMINAL BEHAVIOUR ORDERS

330 Criminal behaviour order

In this Code "criminal behaviour order" means an order which, for the purpose of preventing an offender from engaging in behaviour that is likely to cause harassment, alarm or distress to any person—

(a) prohibits the offender from doing anything described in the order;

(b) requires the offender to do anything described in the order.

Commencement Information

I330 S. 330 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

331 Power to make criminal behaviour order

(1) This section applies where—

(a) a person is convicted of an offence, and

(b) the prosecution makes an application to the court for a criminal behaviour order to be made against the offender.

(2) The court may make a criminal behaviour order against the offender if it—

(a) is satisfied that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person, and

(b) considers that making the order will help in preventing the offender from engaging in such behaviour.

(3) But the court may make a criminal behaviour order only if it—

(a) does so in addition to dealing with the offender for the offence, and

(b) does not make an order for absolute discharge under section 79 in respect of the offence.

(4) Prohibitions and requirements in a criminal behaviour order must, so far as practicable, be such as to avoid—

(a) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and

(b) any conflict with the requirements of any other court order to which the offender may be subject.

(5) The prosecution must find out the views of the local youth offending team before applying for a criminal behaviour order to be made if the offender will be under the age of 18 when the application is made.

(6) In this section "local youth offending team" means the youth offending team in whose area it appears to the prosecution that the offender resides.

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Commencement Information
I331 S. 331 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

332 Proceedings on an application for an order

(1) For the purpose of deciding whether to make a criminal behaviour order the court may consider evidence led by the prosecution and evidence led by the offender.

(2) It does not matter whether the evidence would have been admissible in the proceedings in which the offender was convicted.

(3) The court may adjourn any proceedings on an application for a criminal behaviour order even after sentencing the offender.

(4) If the offender does not appear for any adjourned proceedings the court may—
(a) further adjourn the proceedings,
(b) issue a warrant for the offender's arrest, or
(c) hear the proceedings in the offender's absence.

(5) The court may not act under paragraph (b) of subsection (4) unless it is satisfied that the offender has had adequate notice of the time and place of the adjourned proceedings.

(6) The court may not act under paragraph (c) of subsection (4) unless it is satisfied that the offender—
(a) has had adequate notice of the time and place of the adjourned proceedings, and
(b) has been informed that if the offender does not appear for those proceedings the court may hear the proceedings in the offender's absence.

(7) Subsection (8) applies in relation to proceedings in which a criminal behaviour order is made against an offender who is under the age of 18.

(8) In so far as the proceedings relate to the making of the order—
(a) section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the offender;
(b) section 39 of that Act (power to prohibit publication of certain matters) does so apply.

Commencement Information
I332 S. 332 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

333 Requirements included in orders

(1) A criminal behaviour order that includes a requirement must specify the person who is to be responsible for supervising compliance with the requirement.

The person may be an individual or an organisation.

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(2) Before including a requirement, the court must receive evidence about its suitability and enforceability from—

(a) the individual to be specified under subsection (1), if an individual is to be specified;

(b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.

(3) Before including two or more requirements, the court must consider their compatibility with each other.

(4) A person specified under subsection (1) must—

(a) make any necessary arrangements in connection with the requirements for which the person has responsibility (the "relevant requirements");

(b) promote the offender's compliance with the relevant requirements;

(c) if the person considers that the offender—

(i) has complied with all the relevant requirements, or

(ii) has failed to comply with a relevant requirement,

inform the prosecution and the appropriate chief officer of police.

(5) In subsection (4)(c) "the appropriate chief officer of police" means the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the offender resides.

(6) An offender subject to a requirement in a criminal behaviour order must—

(a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time;

(b) notify the person of any change of address.

These obligations have effect as requirements of the order.

Commencement Information

I333 S. 333 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

334 Duration of order etc

(1) A criminal behaviour order takes effect on the day it is made, subject to subsection (2).

(2) If on the day a criminal behaviour order ("the new order") is made the offender is subject to another criminal behaviour order ("the previous order"), the new order may be made so as to take effect on the day on which the previous order ceases to have effect.

(3) A criminal behaviour order must specify the period ("the order period") for which it has effect.

(4) In the case of a criminal behaviour order made before the offender has reached the age of 18, the order period must be a fixed period of—

(a) not less than 1 year, and

(b) not more than 3 years.

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(5) In the case of a criminal behaviour order made after the offender has reached the age of 18, the order period must be—

(a) a fixed period of not less than 2 years, or

(b) an indefinite period (so that the order has effect until further order).

(6) A criminal behaviour order may specify periods for which particular prohibitions or requirements have effect.

Commencement Information

I334 S. 334 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

335 Interim order

(1) This section applies where a court adjourns the hearing of an application for a criminal behaviour order.

(2) The court may make a criminal behaviour order that lasts until the final hearing of the application or until further order ("an interim order") if the court thinks it just to do so.

(3) Section 331(1)(b), (3) and (5) and section 334(3) to (5) do not apply in relation to the making of an interim order.

(4) Subject to that, the court has the same powers whether or not the criminal behaviour order is an interim order.

Commencement Information

I335 S. 335 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

336 Variation or discharge of order

(1) A criminal behaviour order may be varied or discharged by the court which made it on the application of—

(a) the offender, or

(b) the prosecution.

(2) If an application by the offender under this section is dismissed, the offender may make no further application under this section without—

(a) the consent of the court which made the order, or

(b) the agreement of the prosecution.

(3) If an application by the prosecution under this section is dismissed, the prosecution may make no further application under this section without—

(a) the consent of the court which made the order, or

(b) the agreement of the offender.

(4) The power to vary an order includes power—

(a) to include an additional prohibition or requirement in the order, or

(b) to extend the period for which a prohibition or requirement has effect.

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(5) Section 333 applies to additional requirements included under subsection (4) as it applies to requirements included in a new order.

(6) In the case of a criminal behaviour order made by a magistrates' court, the references in this section to the court which made the order include a reference to any magistrates' court acting in the same local justice area as that court.

Commencement Information
I336 S. 336 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

337 Review of orders: offenders aged under 18

(1) If—

(a) an offender subject to a criminal behaviour order will be under the age of 18 at the end of a review period (see subsection (2)),

(b) the term of the order runs until the end of that period or beyond, and

(c) the order is not discharged before the end of that period,

a review of the operation of the order must be carried out before the end of that period.

(2) The "review periods" are—

(a) the period of 12 months beginning with—

(i) the day on which the criminal behaviour order takes effect, or

(ii) if during that period the order is varied under section 336, the day on which it is varied (or most recently varied, if the order is varied more than once);

(b) a period of 12 months beginning with—

(i) the day after the end of the previous review period, or

(ii) if during that period of 12 months the order is varied under section 336, the day on which it is varied (or most recently varied, if the order is varied more than once).

(3) A review under this section must include consideration of—

(a) the extent to which the offender has complied with the order;

(b) the adequacy of any support available to the offender to help the offender comply with it;

(c) any matters relevant to the question whether an application should be made for the order to be varied or discharged.

(4) Those carrying out or participating in a review under this section must have regard to any relevant guidance issued by the Secretary of State under section 341 when considering—

(a) how the review should be carried out;

(b) what particular matters the review should deal with;

(c) what action (if any) it would be appropriate to take as a result of the findings of the review.

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Commencement Information
I337 S. 337 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

338 Carrying out and participating in reviews

(1) A review under section 337 is to be carried out by the chief officer of police of the police force maintained for the police area in which the offender resides or appears to be residing.

(2) The chief officer, in carrying out a review under section 337, must act in co-operation with the council for the local government area in which the offender resides or appears to be residing; and the council must co-operate in the carrying out of the review.

(3) The chief officer may invite the participation in the review of any other person or body.

(4) In this section "local government area" means—

(a) in relation to England, a district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;

(b) in relation to Wales, a county or a county borough.

For the purposes of this section, the council for the Inner and Middle Temples is the Common Council of the City of London.

Commencement Information
I338 S. 338 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

339 Breach of order

(1) It is an offence for a person without reasonable excuse—

(a) to do anything he or she is prohibited from doing by a criminal behaviour order, or

(b) to fail to do anything he or she is required to do by a criminal behaviour order.

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.

(3) If a person is convicted of an offence under this section, an order for conditional discharge under section 80 is not available to the court by or before which the person is convicted.

(4) In proceedings for an offence under this section, a copy of the original criminal behaviour order, certified by the proper officer of the court which made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those things is admissible in those proceedings.

(5) In relation to any proceedings for an offence under this section that are brought against a person under the age of 18—

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(a) section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the person;

(b) section 45 of the Youth Justice and Criminal Evidence Act 1999 (power to restrict reporting of criminal proceedings involving persons under 18) does so apply.

(6) If, in relation to any proceedings mentioned in subsection (5), the court does exercise its power to give a direction under section 45 of the Youth Justice and Criminal Evidence Act 1999, it must give its reasons for doing so.

Commencement Information
I339 S. 339 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

340 Special measures for witnesses

(1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to criminal behaviour order proceedings as it applies to criminal proceedings, but with—

(a) the omission of the provisions of that Act mentioned in subsection (2) (which make provision appropriate only in the context of criminal proceedings), and

(b) any other necessary modifications.

(2) The provisions are—

(a) section 17(4) to (7);

(b) section 21(4C)(e);

(c) section 22A;

(d) section 27(10);

(e) section 32.

(3) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to criminal behaviour order proceedings—

(a) to the extent provided by rules of court, and

(b) subject to any modifications provided by rules of court.

(4) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—

(a) to a direction under section 19 of that Act as applied by this section;

(b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

(5) In this section "criminal behaviour order proceedings" means proceedings in a magistrates' court or the Crown Court so far as relating to the issue whether to make a criminal behaviour order.

Commencement Information
I340 S. 340 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

341 Guidance

(1) The Secretary of State may issue guidance to—

(a) chief officers of police, and

(b) the councils mentioned in section 338(2),

about the exercise of their functions under this Chapter.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

Commencement Information

I341 S. 341 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

342 Offender aged under 18: parenting order where criminal behaviour order made

See section 8(1)(b) of the Crime and Disorder Act 1998 for requirements and powers of a court to make a parenting order under that Act in a case where it makes a criminal behaviour order against an offender aged under 18.

Commencement Information

I342 S. 342 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 2

SEXUAL HARM PREVENTION ORDERS

343 Sexual harm prevention order

(1) In this Code "sexual harm prevention order" means an order under this Chapter made in respect of an offender which prohibits the offender from doing anything described in the order.

(2) The only prohibitions that may be included in a sexual harm prevention order are those necessary for the purpose of—

(a) protecting the public or any particular members of the public from sexual harm from the offender, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

Commencement Information

I343 S. 343 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

344 Meaning of "sexual harm"

(1) In this Chapter, "sexual harm" from a person means physical or psychological harm caused—

(a) by the person committing one or more offences listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of Part 2 of that Act), or

(b) (in the context of harm outside the United Kingdom) by the person doing, outside the United Kingdom, anything which would constitute an offence listed in that Schedule if done in any part of the United Kingdom.

(2) Where an offence listed in that Schedule is listed subject to a condition that relates—

(a) to the way in which the offender is dealt with in respect of an offence so listed, or

(b) to the age of any person,

that condition is to be disregarded in determining for the purposes of subsection (1) whether the offence is listed in that Schedule.

Commencement Information
I344 S. 344 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

345 Sexual harm prevention order: availability on conviction

(1) Where a person is convicted of an offence listed in Schedule 3 or 5 to the Sexual Offences Act 2003 (sexual offences, and other offences, for the purposes of Part 2 of that Act), the court dealing with the offender in respect of the offence may make a sexual harm prevention order.

(2) Where an offence listed in Schedule 3 to that Act is listed subject to a condition that relates—

(a) to the way in which the offender is dealt with in respect of an offence so listed, or

(b) to the age of any person,

that condition is to be disregarded in determining for the purposes of subsection (1) whether the offence is listed in that Schedule.

Commencement Information
I345 S. 345 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

346 Exercise of power to make sexual harm prevention order

Where a sexual harm prevention order is available to a court, the court may make such an order only if satisfied that it is necessary to do so for the purpose of—

(a) protecting the public or any particular members of the public from sexual harm from the offender, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I346 S. 346 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

347 Sexual harm prevention orders: matters to be specified

(1) A sexual harm prevention order must specify—

(a) the prohibitions included in the order, and

(b) for each prohibition, the period for which it is to have effect (the "prohibition period").

See section 348 for further matters to be included in the case of a prohibition on travelling to any country outside the United Kingdom.

(2) The prohibition period must be—

(a) a fixed period of not less than 5 years, or

(b) an indefinite period (so that the prohibition has effect until further order).

This is subject to section 348(1) (prohibition on foreign travel).

(3) A sexual harm prevention order—

(a) may specify fixed periods for some of its prohibitions and an indefinite period for others;

(b) may specify different periods for different prohibitions.

Commencement Information
I347 S. 347 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

348 Sexual harm prevention orders: prohibitions on foreign travel

(1) A prohibition on foreign travel contained in a sexual harm prevention order must be for a fixed period of not more than 5 years.

(2) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 350.

(3) A "prohibition on foreign travel" means—

(a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,

(b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or

(c) a prohibition on travelling to any country outside the United Kingdom.

(4) A sexual harm prevention order that contains a prohibition within subsection (3)(c)—

(a) must require the offender to surrender all of the offender's passports at a police station, and

(b) must specify—

(i) the police station at which the passports are to be surrendered, and

(ii) the period within which they must be surrendered (if not surrendered on or before the date when the prohibition takes effect).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(5) Any passports surrendered must be returned as soon as reasonably practicable after the offender ceases to be subject to a sexual harm prevention order containing a prohibition within subsection (3)(c) (unless the offender is subject to an equivalent prohibition under another order).

(6) Subsection (5) does not apply in relation to—

(a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;

(b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

(7) In this section "passport" means—

(a) a United Kingdom passport within the meaning of the Immigration Act 1971;

(b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;

(c) a document that can be used (in some or all circumstances) instead of a passport.

Commencement Information
I348 S. 348 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

349 Making of sexual harm prevention order: effect on other orders

(1) Where a court makes a sexual harm prevention order in relation to an offender who is already subject to—

(a) a sexual harm prevention order, or

(b) an order under section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders under that Act),

the earlier order ceases to have effect.

(2) Where a court makes a sexual harm prevention order in relation to an offender who is already subject to—

(a) a sexual offences prevention order under section 104 of the Sexual Offences Act 2003, or

(b) a foreign travel order under section 114 of that Act,

the earlier order ceases to have effect (whichever part of the United Kingdom it was made in) unless the court orders otherwise.

Commencement Information
I349 S. 349 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

350 Sexual harm prevention orders: variations, renewals and discharges

(1) Where a sexual harm prevention order has been made in respect of an offender, a person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging the sexual harm prevention order.

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(2) The persons are—

(a) the offender;

(b) the chief officer of police for the area in which the offender resides;

(c) a chief officer of police who believes that the offender is in, or is intending to come to, that officer's police area.

(3) An application under subsection (1) may be made—

(a) where the appropriate court is the Crown Court, in accordance with rules of court;

(b) in any other case, by complaint.

(4) Subsection (5) applies where an application under subsection (1) is made.

(5) After hearing—

(a) the person making the application, and

(b) if they wish to be heard, the other persons mentioned in subsection (2),

the court may make any order, varying, renewing or discharging the sexual harm prevention order, that it considers appropriate.

This is subject to subsections (6) and (7).

(6) An order may be renewed, or varied so as to impose additional prohibitions on the offender, only if it is necessary to do so for the purpose of—

(a) protecting the public or any particular members of the public from sexual harm from the offender, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

Any renewed or varied order may contain only such prohibitions as are necessary for this purpose.

(7) The court must not discharge an order before the end of the period of 5 years beginning with the day on which the order was made, without the consent of the offender and—

(a) where the application is made by a chief officer of police, that chief officer, or

(b) in any other case, the chief officer of police for the area in which the offender resides.

(8) Subsection (7) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.

(9) In this section "the appropriate court" means—

(a) where the Crown Court or the Court of Appeal made the sexual harm prevention order, the Crown Court;

(b) where a magistrates' court made the order and the offender is aged 18 or over—

(i) the court which made the order, if it is an adult magistrates' court,

(ii) a magistrates' court acting in the local justice area in which the offender resides, or

(iii) if the application is made by a chief officer of police, any magistrates' court acting for a local justice area that includes any part of the chief officer's police area;

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(c) where a youth court made the order and the offender is aged under 18—

(i) that court,

(ii) a youth court acting in the local justice area in which the offender resides, or

(iii) if the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer's police area.

In this subsection "adult magistrates' court" means a magistrates' court that is not a youth court.

(10) For circumstances in which a sexual harm prevention order ceases to have effect when a court in the United Kingdom makes another order, see the following provisions of the Sexual Offences Act 2003—

(a) section 103C(6) (sexual harm prevention order under that Act);

(b) section 136ZB(2) (certain orders made by a court in Northern Ireland or Scotland).

Commencement Information

I350 S. 350 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

351 Variation of sexual harm prevention order by court in Northern Ireland

(1) This section applies where a sexual harm prevention order has been made in respect of an offender who—

(a) is residing in Northern Ireland, or

(b) is in or intends to come to Northern Ireland.

(2) An application may be made to the appropriate court in Northern Ireland—

(a) by the offender, or

(b) by the Chief Constable of the Police Service of Northern Ireland,

for an order varying the sexual harm prevention order.

(3) An application under subsection (2) may be made—

(a) where the appropriate court is the Crown Court, in accordance with rules of court;

(b) in any other case, by complaint.

(4) Subsection (5) applies where an application under subsection (2) is made.

(5) After hearing—

(a) the person making the application, and

(b) the other person mentioned in subsection (2) (if that person wishes to be heard),

the court may make any order varying the sexual harm prevention order that it considers appropriate.

This is subject to subsections (6) and (7).

(6) An order may be varied so as to impose additional prohibitions on the offender only if it is necessary to do so for the purpose of—

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(a) protecting the public in Northern Ireland, or any particular members of the public in Northern Ireland, from sexual harm from the offender, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

(7) An order as varied under this section may contain only such prohibitions as are necessary for the purpose of—

(a) protecting the public or any particular members of the public from sexual harm from the offender, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

(8) The offender may appeal against the making of an order under this section, or the refusal to make such an order—

(a) where the application for such an order was made to the Crown Court, to the Court of Appeal in Northern Ireland;

(b) in any other case, to a county court in Northern Ireland.

(9) On an appeal under subsection (8)(b), the county court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.

(10) In this section—

"the appropriate court" means—

(a) where the sexual harm prevention order was made by—

(i) the Crown Court, otherwise than on appeal from a magistrates' court, or

(ii) the Court of Appeal,

the Crown Court (in Northern Ireland);

(b) where—

(i) the sexual harm prevention order was made by a magistrates' court, or by the Crown Court on appeal from a magistrates' court, and

(ii) the offender is aged 18 or over,

any court of summary jurisdiction in Northern Ireland;

(c) where—

(i) the offender is aged under 18, and

(ii) paragraph (a) does not apply,

any youth court in Northern Ireland;

"complaint" means a complaint under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).

Commencement Information

I351 S. 351 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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352 Sexual harm prevention orders: notification requirements

(1) Where—

(a) a sexual harm prevention order is made in respect of an offender who was subject to the notification requirements immediately before the making of the order, and

(b) the offender would (apart from this subsection) cease to be subject to the notification requirements while the order (as renewed from time to time) has effect,

the offender remains subject to the notification requirements.

(2) Where a sexual harm prevention order is made in respect of an offender who was not subject to the notification requirements immediately before the making of the order—

(a) the order causes the offender to become subject to the notification requirements from the making of the order until the order (as renewed from time to time) ceases to have effect, and

(b) Part 2 of the Sexual Offences Act 2003 (notification and orders) applies to the offender, subject to the modification set out in subsection (3).

(3) References in that Part of that Act to the "relevant date" are references to the date of service of the sexual harm prevention order.

(4) In this section, "the notification requirements" means the notification requirements of Part 2 of the Sexual Offences Act 2003.

Commencement Information

I352 S. 352 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

353 Sexual harm prevention orders: appeals

(1) An offender may appeal against the making of an order under section 350, or the refusal to make such an order—

(a) where the application for such an order was made to the Crown Court, to the Court of Appeal;

(b) in any other case, to the Crown Court.

(2) On an appeal under subsection (1)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.

Commencement Information

I353 S. 353 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

354 Offence: breach of sexual harm prevention order

(1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by a sexual harm prevention order, commits an offence.

(2) See section 113 of the Sexual Offences Act 2003 for offences in Scotland and Northern Ireland of doing anything prohibited by such an order.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(3) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 348(4) (requirement to surrender passports).

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.

(5) An order for conditional discharge is not available in respect of an offence under this section.

Commencement Information
I354 S. 354 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

355 Parenting order where sexual harm prevention order made in case of offender aged under 18

See section 8(1)(b) of the Crime and Disorder Act 1998 for powers of a court to make a parenting order under that Act in a case where it makes a sexual harm prevention order in respect of an offender aged under 18.

Commencement Information
I355 S. 355 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

356 Sexual harm prevention orders: supplementary

(1) The Secretary of State must issue guidance to chief officers of police in relation to the exercise by them of their powers with regard to sexual harm prevention orders under this Code.

(2) The Secretary of State may revise the guidance issued under subsection (1).

(3) The Secretary of State must arrange for any guidance issued or revised under subsection (1) or (2) to be published in such manner as the Secretary of State considers appropriate.

(4) Rules of court may, in relation to a person who reaches the age of 18 after proceedings against that person by virtue of section 350, have begun—

(a) prescribe circumstances in which the proceedings may or must remain in the youth court;

(b) make provision for the transfer of the proceedings from the youth court to a magistrates' court that is not a youth court.

Commencement Information
I356 S. 356 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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357 Disapplication of time limit for complaints

Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under any provision of this Chapter.

Commencement Information
I357 S. 357 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

358 Sexual harm prevention orders: interpretation

In this Chapter—

"child" means a person under 18;

"the public" means the public in the United Kingdom;

"sexual harm" has the meaning given by section 344;

"vulnerable adult" means a person aged 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age or otherwise.

Commencement Information
I358 S. 358 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 3

PROTECTION FROM HARASSMENT

Modifications etc. (not altering text)
C110 Pt. 11 Ch. 3 modified by S.I. 2014/3300, reg.13(2) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 425** (with Sch. 27); S.I. 2020/1236, reg. 2)

359 Restraining order

(1) In this Code "restraining order" means an order made under section 360 against a person which prohibits the person from doing anything described in the order.

(2) A restraining order may have effect—

(a) for a period specified in the order, or

(b) until further order.

Commencement Information
I359 S. 359 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

360 Restraining order: availability

(1) This section applies where a court is dealing with an offender for an offence.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) The court may make a restraining order under this section against the offender for the purpose of protecting the victim or victims of the offence, or any other person mentioned in the order, from conduct which—

(a) amounts to harassment, or

(b) will cause a fear of violence.

(3) But the court may make a restraining order under this section only if it does so in addition to dealing with the offender for the offence.

Commencement Information

I360 S. 360 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

361 Procedure for varying or discharging restraining order

(1) Where a person is subject to a restraining order—

(a) that person,

(b) the prosecution, or

(c) any other person mentioned in the order,

may apply to the court which made the order for it to be varied or discharged by a further order.

(2) Any person mentioned in the order is entitled to be heard on the hearing of an application under subsection (1).

Commencement Information

I361 S. 361 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

362 Evidence in proceedings relating to restraining orders

(1) This section applies to—

(a) proceedings under section 360 for the making of a restraining order;

(b) proceedings under section 361 or 363(6) for the variation or discharge of a restraining order.

(2) In any such proceedings, both the prosecution and the defence may lead, as further evidence, any evidence that would be admissible in proceedings for an injunction under section 3 of the Protection from Harassment Act 1997 (civil remedy).

Commencement Information

I362 S. 362 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

363 Offence of breaching restraining order

(1) It is an offence for a person who is subject to a restraining order without reasonable excuse to do anything prohibited by the restraining order.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.

(3) Subsection (1) does not apply to conduct of a person on a particular occasion if the Secretary of State certifies that, in the opinion of the Secretary of State, anything done by that person on that occasion related to—

(a) national security,

(b) the economic well-being of the United Kingdom, or

(c) the prevention or detection of serious crime,

and was done on behalf of the Crown.

(4) A certificate under subsection (3) is conclusive evidence that subsection (1) does not apply to conduct of that person on that occasion.

(5) A document purporting to be a certificate under subsection (3) is to be received in evidence and, unless the contrary is proved, to be treated as being such a certificate.

(6) A court dealing with a person for an offence under this section may vary or discharge the restraining order by a further order.

Commencement Information
I363 S. 363 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

364 Restraining orders: meaning of "conduct" and "harassment"

For the purposes of this Chapter—

"conduct" includes speech;

"harassment", in relation to a person, includes—

(a) alarming the person, or

(b) causing the person distress.

Commencement Information
I364 S. 364 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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CHAPTER 4

PARENTING ORDERS

What a parenting order is

365 Parenting order

(1) A parenting order under this Chapter is an order which requires the person in respect of whom it is made ("the parent")—

(a) to comply, for a period of not more than 12 months, with requirements specified in the order, and

(b) to attend, for a concurrent period of not more than 3 months, such counselling or guidance programme as may be specified in directions given by the responsible officer (see section 372).

(2) But a parenting order need not include a requirement under subsection (1)(b) if a parenting order (whether under this Chapter or any other enactment) has been made in respect of the parent on any previous occasion.

(3) If the parenting order provides this in accordance with section 366(7), 368(5) or 369(5), a counselling or guidance programme specified under subsection (1)(b) may be or include a residential course.

Commencement Information
I365 S. 365 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Parenting order for parent or guardian of offender aged under 18

366 Parenting order where offender is under 18

(1) A parenting order under this section is available to a court by or before which an offender aged under 18 is convicted of an offence.

This is subject to section 370.

(2) Subsections (3) and (4) apply where a parenting order under this section is available.

(3) If the offender is aged under 16 at the time of conviction, the court must—

(a) make a parenting order under this section in respect of a parent or guardian of the offender if it is satisfied that the order would be desirable in the interests of preventing the commission of any further offence by the offender, or

(b) state in open court that it is not so satisfied, and why not.

But this does not apply if the court makes a referral order in respect of the offender.

(4) If the offender is aged 16 or 17 at the time of conviction, the court may make a parenting order under this section in respect of a parent or guardian of the offender if it is satisfied that the order would be desirable in the interests of preventing the commission of any further offence by the offender.

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(5) Subsections (6) and (7) apply where a court makes a parenting order under this section in respect of a parent or guardian of an offender.

(6) The requirements that the court may specify in the order under section 365(1)(a) are requirements that it considers desirable in the interests of preventing the commission of any further offence by the offender.

(7) If the order contains a requirement under section 365(1)(b) and the court is satisfied that—

(a) the attendance of the parent or guardian at a residential course is likely to be more effective than that person's attendance at a non-residential course in preventing the commission of any further offence by the offender, and

(b) any interference with family life which is likely to result from the parent's or guardian's attendance at a residential course is proportionate in all the circumstances,

the court may provide in the order that a counselling or guidance programme which the parent or guardian is required to attend by virtue of the requirement may be or include a residential course.

(8) Before making a parenting order under this section in respect of a parent or guardian of an offender aged under 16, the court must obtain and consider information about—

(a) the offender's family circumstances, and

(b) the likely effect of the order on those circumstances.

(9) Where a parenting order is made under this section, the person in respect of whom it is made has the same right of appeal against it as if—

(a) that person had committed the offence mentioned in subsection (1), and

(b) the order were a sentence passed on that person for the offence.

Commencement Information

I366 S. 366 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

367 Report where court proposes both parenting order and referral order

(1) This section applies if a court proposes to make both—

(a) a referral order in respect of an offender, and

(b) a parenting order under section 366 (parenting order on conviction of a person aged under 18) in respect of a parent or guardian of the offender.

(2) Before making the parenting order the court must obtain and consider a report by an appropriate officer—

(a) indicating the requirements which that officer proposes should be included in the parenting order;

(b) indicating the reasons why the officer considers that those requirements would be desirable in the interests of preventing the commission of any further offence by the offender;

(c) if the offender is aged under 16, containing the information required by section 366(8).

(3) In subsection (2) "an appropriate officer" means—

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(a) an officer of a provider of probation services,
(b) a social worker of a local authority, or
(c) a member of a youth offending team.

Commencement Information
I367 S. 367 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

368 Parenting order where parent or guardian of offender fails to attend meetings of youth offender panel

(1) A parenting order under this section is available to a youth court where—
(a) an offender has been referred to a youth offender panel (see section 83), and
(b) a parent or guardian of the offender is referred by the panel to the youth court under section 93 in respect of a failure to comply with an order under section 90 (order requiring attendance at meetings of panel).

This is subject to section 370.

(2) Where a parenting order under this section is available, the youth court may make such an order if it is satisfied that—
(a) the parent or guardian has failed without reasonable excuse to comply with the order under section 90, and
(b) the parenting order would be desirable in the interests of preventing the commission of any further offence by the offender.

(3) Subsections (4) and (5) apply where the court makes a parenting order in respect of a parent or guardian of an offender.

(4) The requirements that the court may specify under section 365(1)(a) in an order under this section are requirements that it considers desirable in the interests of preventing the commission of any further offence by the offender.

(5) If the order contains a requirement under section 365(1)(b) and the court is satisfied that—
(a) the attendance of the parent or guardian at a residential course is likely to be more effective than that person's attendance at a non-residential course in preventing the commission of any further offence by the offender, and
(b) any interference with family life which is likely to result from the parent's or guardian's attendance at a residential course is proportionate in all the circumstances,

the court may provide in the order that a counselling or guidance programme which the parent or guardian is required to attend by virtue of the requirement may be or include a residential course.

(6) Before making a parenting order under this section where the offender is aged under 16, the court must obtain and consider information about—
(a) the offender's family circumstances, and
(b) the likely effect of the order on those circumstances.

(7) Where a parenting order is made under this section, the person in respect of whom it is made may appeal against it to the Crown Court.

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(8) On an appeal under subsection (7) the Crown Court—

(a) may make such orders as may be necessary to give effect to its determination of the appeal, and

(b) may also make such incidental or consequential orders as appear to it to be just.

(9) An order of the Crown Court made on an appeal under subsection (7) is to be treated for the purposes of section 374 as having been made by the youth court.

Commencement Information

I368 S. 368 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Parenting order in case of certain offences related to school attendance

369 Parenting order in respect of certain offences under Education Act 1996

(1) A parenting order under this section is available to the court by or before which an offender is convicted of an offence under—

(a) section 443 of the Education Act 1996 (failure to comply with school attendance order), or

(b) section 444 of that Act (failure to secure regular attendance at school of registered pupil).

This is subject to section 370.

(2) Where a parenting order under this section is available, the court may make such an order in respect of the offender if satisfied that the order would be desirable in the interests of preventing the commission of any further offence under section 443 or 444 of the Education Act 1996.

(3) Subsections (4) and (5) apply where a court makes a parenting order under this section.

(4) The requirements that the court may specify under section 365(1)(a) are requirements that it considers desirable in the interests of preventing the commission of any further offence under section 443 or 444 of the Education Act 1996.

(5) If the order contains a requirement under section 365(1)(b) and the court is satisfied that—

(a) the attendance of that offender at a residential course is likely to be more effective than the offender's attendance at a non-residential course in preventing the commission of any further offence under section 443 or 444 of the Education Act 1996, and

(b) any interference with family life which is likely to result from that person's attendance at a residential course is proportionate in all the circumstances,

the court may provide in the order that a counselling or guidance programme which the offender is required to attend by virtue of the requirement may be or include a residential course.

(6) Before making a parenting order under this section in a case where the offence related to a person aged under 16, the court must obtain and consider information about—

(a) that person's family circumstances, and

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(b) the likely effect of the order on those circumstances.

Commencement Information
I369 S. 369 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provisions applying generally to parenting orders under Code

370 Parenting order: availability

A court may not make a parenting order under this Chapter in respect of a person unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears to the court that the person resides or will reside (and the notice has not been withdrawn).

Commencement Information
I370 S. 370 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

371 Parenting order: references where local authority has parental responsibility

Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this Chapter.

Commencement Information
I371 S. 371 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

372 Making a parenting order

(1) This section applies where a court makes a parenting order under this Chapter in respect of a person ("the parent").

(2) Requirements specified in a parenting order under this Chapter must, as far as practicable, be such as to avoid—
(a) any conflict with the parent's religious beliefs, and
(b) any interference with the times, if any, at which the parent normally works or attends an educational establishment.

(3) Before making a parenting order, a court must explain to the parent in ordinary language—
(a) the effect of the order and of the requirements proposed to be included in it;
(b) the consequences which may follow (under section 375) if the parent fails to comply with those requirements, and
(c) that the court has power (under section 374) to review the order on the application either of the parent or of the responsible officer.

(4) The parenting order must specify the responsible officer.

(5) The responsible officer must be—

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(a) an officer of a provider of probation services acting in the local justice area in which it appears to the court that the parent resides or will reside,

(b) a social worker of the local authority in whose area it appears to the court that the parent resides or will reside,

(c) a person nominated by—

(i) a person appointed as director of children's services under section 18 of the Children Act 2004, or

(ii) a person appointed as chief education officer under section 532 of the Education Act 1996, or

(d) a member of a youth offending team established by the local authority in whose area it appears to the court that the parent resides or will reside.

(6) For the purposes of this Chapter, the Inner Temple and the Middle Temple form part of the City of London.

Commencement Information
I372 S. 372 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

373 Directions by the responsible officer

Directions given by a responsible officer under a parenting order under this Code must, as far as practicable, be such as to avoid—

(a) any conflict with the parent's religious beliefs, and

(b) any interference with the times, if any, at which the parent normally works or attends an educational establishment.

For this purpose, "parent" means the person in respect of whom the parenting order is made.

Commencement Information
I373 S. 373 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

374 Discharge and variation of parenting order

(1) This section applies where—

(a) a parenting order made under this Chapter is in force, and

(b) an application is made under this section by—

(i) the responsible officer, or

(ii) the person in respect of whom it is made

to the court which made the order.

(2) The court may make an order—

(a) discharging the parenting order, or

(b) varying the parenting order—

(i) by cancelling any provision included in it, or

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(ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that the court could include, if it were now making the order.

(3) Where an application under this section for the discharge of a parenting order is dismissed, no-one may make a further application under this section for its discharge except with the consent of the court which made the order.

Commencement Information
I374 S. 374 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

375 Offence of failure to comply with a requirement of a parenting order

(1) It is an offence for a person in respect of whom a parenting order made under this Chapter is in force to fail to comply with any requirement—

(a) included in the order, or

(b) specified in directions given by the responsible officer.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement Information
I375 S. 375 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 5

BINDING OVER

376 Binding over of parent or guardian

(1) This section applies where—

(a) a person aged under 18 is convicted of an offence, and

(b) a court is sentencing the offender for the offence.

(2) The court has the following powers—

(a) the court may, with the consent of the offender's parent or guardian, order the parent or guardian to enter into a recognizance to take proper care of the offender and exercise proper control over the offender, and

(b) if—

(i) the parent or guardian refuses consent, and

(ii) the court considers the refusal unreasonable,

the court may order the parent or guardian to pay a fine not exceeding £1,000.

(3) For the purposes of this section—

(a) taking "care" of a person includes giving the person protection and guidance, and

(b) "control" includes discipline.

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(4) If the offender is aged under 16 when sentenced, the court must—

(a) exercise its powers under subsection (2), if satisfied, having regard to the circumstances of the case, that doing so would be desirable in the interests of preventing the offender from committing further offences, or

(b) state in open court that it is not so satisfied, and why not.

(5) Subsections (2) and (4) are subject to section 37(8) of the Mental Health Act 1983 (order under this section not to be made where hospital or guardianship order is made) and to—

(a) section 89(4)(b), and

(b) paragraph 16(2) of Schedule 4,

(restrictions on the powers of a court making or extending a referral order).

(6) If the court makes a youth rehabilitation order, a recognizance under this section may include a provision that the offender's parent or guardian ensure that the offender complies with the requirements of that order.

(7) The period of a recognizance under this section—

(a) may not be more 3 years, and

(b) must end before the offender reaches the age of 18.

(8) A recognizance under this section may not be for an amount of more than £1,000.

(9) In fixing the amount of a recognizance under this section, the court must take into account, in particular, the means of the parent or guardian so far as they appear or are known to the court (whether doing so has the effect of increasing or reducing the amount).

(10) Section 120 of the Magistrates' Courts Act 1980 (forfeiture of recognizances) applies in relation to a recognizance under this section as it applies in relation to a recognizance to keep the peace.

(11) A fine imposed under subsection (2)(b) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.

(12) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this section.

Commencement Information
I376 S. 376 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

377 Binding over of parent or guardian: appeals, variations and revocations

(1) A parent or guardian may appeal to the Crown Court against an order under section 376 made by a magistrates' court.

(2) A parent or guardian may appeal to the Court of Appeal against an order under section 376 made by the Crown Court as if—

(a) the parent or guardian had been convicted on indictment, and

(b) the order were a sentence passed on the conviction of the parent or guardian.

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(3) A court may vary or discharge an order made by it under section 376 if, on the application of the parent or guardian, it appears to the court, having regard to any change in the circumstances since the order was made, to be in the interests of justice to do so.

Commencement Information
I377 S. 377 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

378 Other powers of the court to bind over to keep the peace

(1) For powers to bind over to keep the peace exercisable on conviction see, in particular—
(a) section 1 of the Justices of the Peace Act 1361;
(b) section 1(7) of the Justices of the Peace Act 1968.

(2) This section does not affect the exercise of those powers in other circumstances, or of other powers to bind over.

Commencement Information
I378 S. 378 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 6

OTHER ORDERS

379 Other behaviour orders etc

(1) For further orders available to a court dealing with an offender for particular offences in particular circumstances, see the following—

Provision	*Type of order*	*Type of offence*
Criminal Justice and Police Act 2001		
section 33	travel restriction order	sentence of imprisonment for certain drug-trafficking offences
Licensed Premises (Exclusion of Certain Persons) Act 1980		
section 1	exclusion order	certain offences committed on licensed premises
Football Spectators Act 1989		
section 14A(3)	banning order under Part 2	relevant offence within the meaning of that Part
Serious Crime Act 2007		
section 19	serious crime prevention order	serious offence in England and Wales

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Modern Slavery Act 2015		
section 14	slavery and trafficking prevention order	slavery or human trafficking offence (see Schedule 1)
Psychoactive Substances Act 2016		
section 19	prohibition order	offence under section 4 to 8 of that Act and related offences.

(2) Part 2 of the Sexual Offences Act 2003 makes provision about notification requirements in the case of a person convicted of an offence listed in Schedule 3 to that Act (sexual offences for the purposes of that Part of that Act).

Commencement Information
I379 S. 379 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

FIFTH GROUP OF PARTSSentencing: miscellaneous provision and interpretation

PART 12

MISCELLANEOUS PROVISION ABOUT SENTENCING

CHAPTER 1

COSTS, FINES AND OTHER FINANCIAL ORDERS WHERE OFFENDER AGED UNDER 18

Offender aged under 18: order for payment by parent or guardian

380 Order for parent or guardian to pay fine, costs, compensation or surcharge

(1) Where any enactment provides that this section applies to an amount which, but for that enactment, the court would order the offender to pay, the court—

(a) must, or

(b) if the offender is aged 16 or over, may,

order that the amount is to be paid by the parent or guardian instead of by the offender himself or herself.

(2) Subsection (1) does not apply if the court is satisfied that—

(a) the parent or guardian cannot be found, or

(b) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.

(3) No order may be made under subsection (1) without giving the parent or guardian an opportunity of being heard.

(4) But an order under subsection (1) may be made against a parent or guardian who, having been required to attend, has failed to do so.

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(5) A parent or guardian may appeal to the Crown Court against an order under subsection (1) made by a magistrates' court.

(6) A parent or guardian may appeal to the Court of Appeal against an order under subsection (1) made by the Crown Court, as if the parent or guardian had been convicted on indictment and the order were a sentence passed on the parent's or guardian's conviction.

Modifications etc. (not altering text)
C111 S. 380 applied by 2000 c. 6, Sch. 5 para. 2(3A) (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 170(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I380 S. 380 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

381 Costs awarded against offender under 18: payment by parent or guardian

Where—

(a) but for this section, a court would impose costs in respect of an offence on an offender, and

(b) the offender was aged under 18 when convicted of the offence,

section 380 applies to the amount of the costs awarded.

Commencement Information
I381 S. 381 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

382 Power to determine financial circumstances of offender's parent or guardian

(1) For the purposes of any order under section 380, where—

(a) the parent or guardian of an offender aged under 18—

(i) has failed to comply with a financial circumstances order imposed by virtue of section 35(4), or

(ii) has otherwise failed to co-operate with the court in its inquiry into the parent's or guardian's financial circumstances, and

(b) the court considers that it has insufficient information to make a proper determination of the parent's or guardian's financial circumstances,

the court may make such determination as it thinks fit.

(2) Subsections (3) to (5) apply where a court has—

(a) made an order under section 380 in respect of a parent or guardian of an offender to pay the amount of a fine, and

(b) in fixing the amount of the fine, determined the financial circumstances of the parent or guardian under subsection (1).

(3) If on subsequently inquiring into the financial circumstances of the parent or guardian the court is satisfied that, had it had the results of that inquiry when sentencing the offender, it—

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(a) would have fixed a smaller amount, or

(b) would not have fined the offender,

it may remit the whole or part of the fine.

(4) Where under subsection (3) the court remits the whole or part of the fine after a term of—

(a) imprisonment, or

(b) detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,

has been fixed under section 82(5) of the Magistrates' Courts Act 1980 (magistrates' powers in relation to default) in respect of the amount ordered to be paid under section 380, the court must reduce the term by the corresponding proportion.

(5) In calculating any reduction required by subsection (4), any fraction of a day is to be ignored.

Commencement Information

I382 S. 382 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Orders other than fines: powers of Crown Court to order time for payment etc

383 Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation

Where the Crown Court makes an order mentioned in Part 1 of Schedule 9 to the Administration of Justice Act 1970 (orders against accused for the payment of costs or compensation), the court may—

(a) allow time for the payment of the sum due under the order;

(b) direct payment of that sum by instalments of the amounts and on the dates specified in the order.

Commencement Information

I383 S. 383 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 2

COMMENCEMENT AND ALTERATION OF SENTENCE

384 Commencement of sentence

(1) A sentence imposed by a court when dealing with an offender takes effect from the beginning of the day on which it is imposed, unless the court otherwise directs.

(2) The power to give a direction under subsection (1) is subject to section 225 (restriction on consecutive sentences for released prisoners).

(3) This section is subject to—

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(a) section 198 (when a youth rehabilitation order is in force);
(b) sections 237, 253, 257 and 270 (interaction of detention and training order with other sentences);
(c) section 334 (duration of criminal behaviour order);
(d) section 385(5) (alteration of Crown Court sentence);
(e) section 142(5) of the Magistrates' Courts Act 1980 (power of magistrates' court to re-open cases to rectify mistakes etc).

(4) In this section—

"sentence" has the meaning given by section 401, but—
(a) also includes a recommendation for deportation made when dealing with an offender, and
(b) does not include an order relating to a requirement to make a payment under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid: payment for services and enforcement);

"imposed" includes made.

Commencement Information
I384 S. 384 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

385 Alteration of Crown Court sentence

(1) Subsection (2) applies where the Crown Court has imposed a sentence when dealing with an offender.

(2) The Crown Court may vary or rescind the sentence at any time within the period of 56 days beginning with the day on which the sentence was imposed.

This subsection is subject to subsections (3) and (4).

(3) Subsection (2) does not apply where an appeal, or an application for leave to appeal, against that sentence has been determined.

(4) The power in subsection (2) may be exercised only by—
(a) the court constituted as it was when the sentence was imposed, or
(b) where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices.

(5) Where a sentence is varied under this section, the sentence, as so varied, is to take effect from the beginning of the day on which it was originally imposed, unless the court directs otherwise.

This is subject to subsection (6).

(6) For the purposes of—
(a) section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal), and
(b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of an application for leave to refer a case under section 36 of that Act),

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the sentence is to be regarded as imposed on the day on which it is varied under this section.

(7) Criminal Procedure Rules may—

(a) provide for extending the period fixed by subsection (2) for cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments;

(b) subject to the other provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by that court.

(8) In this section—

"sentence" has the meaning given by section 401, but—

(a) also includes a recommendation for deportation made when dealing with an offender, and

(b) does not include an order relating to a requirement to make a payment under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid: payment for services and enforcement);

"imposed" includes made.

Commencement Information

I385 S. 385 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 3

DEPORTATION

386 Deportation recommendations

See section 6 of the Immigration Act 1971 for provision about recommendations for deportation by a court dealing with an offender for an offence punishable with imprisonment where—

(a) the offender is not a British citizen, and

(b) is aged 17 or over when convicted.

Commencement Information

I386 S. 386 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

CHAPTER 4

ASSISTANCE FOR PROSECUTION ETC: REVIEW OF SENTENCE

Reference back to court for review of sentence

387 Failure by offender to provide agreed assistance: review of sentence

(1) This section applies if—

(a) the Crown Court has passed a sentence on an offender in respect of an offence,

(b) the sentence ("the original sentence") is a discounted sentence in consequence of the offender's having offered in pursuance of a written agreement to give assistance to the prosecutor or investigator of an offence, and

(c) the offender knowingly fails to any extent to give assistance in accordance with the agreement.

(2) A specified prosecutor may at any time refer the case back to the Crown Court if—

(a) the offender is still serving the original sentence, and

(b) the specified prosecutor thinks it is in the interests of justice to do so.

(3) A case so referred must, if possible, be heard by the judge who passed the sentence to which the referral relates.

(4) If the court is satisfied that the offender knowingly failed to give the assistance it may substitute for the original sentence a sentence that is—

(a) greater than the original sentence, but

(b) not greater than the sentence which it would have passed but for the agreement mentioned in subsection (1)(b) ("the original maximum").

(5) Subsections (6) to (9) apply where a sentence is substituted under subsection (4).

(6) Where the substitute sentence is less than the original maximum, the court must state in open court—

(a) that fact, and

(b) the original maximum.

This is subject to subsection (8).

(7) Section 52(2) or, as the case may be, 322(4) (requirement to explain reasons for sentence or other order) applies where a substitute sentence is imposed under subsection (4) unless—

(a) the court considers that it is not in the public interest to disclose that the original sentence was a discounted sentence, or

(b) subsection (8) provides otherwise.

(8) Where the substitute sentence is less than the original maximum and the court considers that it would not be in the public interest to disclose that fact—

(a) subsection (6) does not apply;

(b) the court must give a written statement of the matters specified in subsection (6)(a) and (b) to—

(i) the prosecutor, and

(ii) the offender;

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(c) section 52(2) or, as the case may be, 322(4) does not apply to the extent that the explanation would disclose that the substitute sentence is less than the original maximum.

(9) Any part of the original sentence which the offender has already served must be taken into account in determining when the substitute sentence has been served.

Commencement Information
I387 S. 387 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

388 Review of sentence following subsequent agreement for assistance by offender

(1) A case is eligible for review under this section if—

(a) the Crown Court has passed a sentence on an offender in respect of an offence,

(b) the offender is still serving the sentence, and

(c) pursuant to a written agreement subsequently made with a specified prosecutor, the offender has assisted or offered to assist the investigator or prosecutor of any offence,

but this is subject to subsection (2).

(2) A case is not eligible for review under this section if—

(a) the sentence was discounted and the offender has not given the assistance offered in accordance with the written agreement by virtue of which it was discounted, or

(b) the offence was one for which the sentence was fixed by law and the offender did not plead guilty to it.

(3) A specified prosecutor may at any time refer a case back to the Crown Court if—

(a) the case is eligible for review under this section, and

(b) the prosecutor considers that it is in the interests of justice to do so.

(4) A case so referred must, if possible, be heard by the judge who passed the sentence to which the referral relates.

(5) The court may—

(a) take into account the extent and nature of the assistance given or offered;

(b) substitute for the sentence to which the referral relates such lesser sentence as it thinks appropriate.

(6) Nothing in—

(a) any of the provisions listed in section 399(b) or (c) (minimum sentences in certain circumstances), or

(b) section 321 (and Schedule 21) (determination of minimum term in relation to mandatory life sentence),

affects the court's power under subsection (5).

(7) Subsections (8) to (11) apply where a sentence is substituted under subsection (5).

(8) The court must state in open court—

(a) the fact that the substitute sentence is a discounted sentence, and

(b) the original maximum.

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This is subject to subsection (10).

(9) Section 52(2) or, as the case may be, 322(4) (requirement to explain reasons for sentence or other order) applies where a sentence is imposed under subsection (5).

But this is subject to subsection (10).

(10) Where the court considers that it would not be in the public interest to disclose that the substitute sentence is a discounted sentence —

(a) subsection (7) does not apply;

(b) the court must give a written statement of the matters specified in subsection (8)(a) and (b) to—

(i) the prosecutor, and

(ii) the offender;

(c) section 52(2) or, as the case may be, 322(4) does not apply to the extent that the explanation would disclose that the substitute sentence is a discounted sentence.

(11) Any part of the sentence to which the referral relates which the offender has already served must be taken into account in determining when the substitute sentence has been served.

Commencement Information
I388 S. 388 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

References under this Chapter: further provision

389 References under sections 387 and 388: appeals

(1) Where a reference is made under section 387 or 388—

(a) the person in respect of whom the reference is made, or

(b) the specified prosecutor,

may, with the leave of the Court of Appeal, appeal to the Court of Appeal against the decision of the Crown Court.

(2) Section 33(3) of the Criminal Appeal Act 1968 (limitation on appeal from the criminal division of the Court of Appeal) does not prevent an appeal to the Supreme Court under this section.

(3) In relation to any proceedings under this section, the Secretary of State may by regulations make provision corresponding to any provision in the Criminal Appeal Act 1968 (subject to any specified modifications).

(4) Regulations under this section are subject to the negative resolution procedure.

Commencement Information
I389 S. 389 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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390 Proceedings under section 387 or 388: exclusion of public

(1) This section applies to—

(a) any proceedings relating to a reference made under section 387 or 388, and

(b) any other proceedings arising in consequence of such proceedings.

(2) The court in which the proceedings will be or are being heard may make such order as it considers appropriate—

(a) to exclude from the proceedings any person who does not fall within subsection (4);

(b) to prohibit the publication of any matter relating to the proceedings (including the fact that the reference has been made).

(3) The court may make an order under subsection (2) only if the court considers that the order is—

(a) necessary to protect the safety of any person, and

(b) in the interests of justice.

(4) The following persons fall within this subsection—

(a) a member or officer of the court;

(b) a party to the proceedings;

(c) counsel or a solicitor for a party to the proceedings;

(d) a person otherwise directly concerned with the proceedings.

(5) This section does not affect any other power which the court has by virtue of any rule of law or other enactment—

(a) to exclude any person from proceedings, or

(b) to restrict the publication of any matter relating to proceedings.

Commencement Information

I390 S. 390 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

[F7391 Proceedings under section 387 or 388: use of live link

Section 57E of the Crime and Disorder Act 1998 (use of live link in sentencing hearings) applies to hearings relating to a reference under section 387 or 388 as it applies to sentencing hearings.**]**

Textual Amendments

F7 S. 391 omitted (temp.) by virtue of 2020 c. 7, Sch 24 para. 14 (as inserted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 302** (with Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I391 S. 391 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

392 Interpretation of Chapter

(1) This section applies for the purposes of this Chapter.

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(2) A discounted sentence is a sentence passed in pursuance of—

(a) section 74, or

(b) section 388.

(3) References—

(a) to a written agreement are to an agreement made in writing with a specified prosecutor;

(b) to a specified prosecutor are to be read in accordance with section 71 of the Serious Organised Crime and Police Act 2005 (assistance by offender: immunity from prosecution).

Commencement Information

I392 S. 392 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 5

RECOGNIZANCES

393 Power of magistrates' court to dispense with recognizance

(1) This section applies where under an enactment, whether passed before or after the commencement of this Act, an offender sentenced on summary conviction to imprisonment or a fine is required to enter into a recognizance with or without sureties to—

(a) keep the peace, or

(b) observe any other condition.

(2) The magistrates' court which convicted the offender may dispense with or modify the requirement.

(3) In subsection (1) "enactment" includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

Commencement Information

I393 S. 393 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 6

ORDERS IMPOSING COMMUNITY REQUIREMENTS

394 Rules relating to community orders and suspended sentence orders etc

(1) The Secretary of State may make rules for regulating—

(a) the supervision of persons who are subject to community orders or suspended sentence orders,

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(b) without prejudice to the generality of paragraph (a), the functions of responsible officers within the meaning of section 213 or 299 in relation to offenders subject to community orders or suspended sentence orders,

(c) the arrangements to be made by providers of probation services for—

(i) persons subject to unpaid work requirements of such orders to perform work, and

(ii) the performance of such work,

(d) the provision and carrying on of attendance centres,

(e) the attendance of persons subject to—

(i) rehabilitation activity requirements,

(ii) attendance centre requirements, or

(iii) attendance centre requirements imposed by youth rehabilitation orders,

at the places at which they are required to attend, including hours of attendance, reckoning days of attendance and the keeping of attendance records,

(f) electronic monitoring in pursuance of an electronic monitoring requirement of a community order or a suspended sentence order, and

(g) without prejudice to the generality of paragraph (f), the functions of persons made responsible for securing electronic monitoring in pursuance of such a requirement.

(2) Rules under subsection (1)(c) may, in particular, make provision—

(a) limiting the number of hours of work to be done by a person on any one day,

(b) as to the reckoning of hours worked and the keeping of work records, and

(c) for the payment of travelling and other expenses in connection with the performance of work.

(3) Rules under this section are subject to the negative resolution procedure.

Modifications etc. (not altering text)

C112 S. 394 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C113 S. 394 extended (with modifications) by 2003 c. 44, Sch. 19A para. 5 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C114 S. 394 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C115 S. 394 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C116 S. 394 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I394 S. 394 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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395 Data from electronic monitoring: code of practice

(1) The Secretary of State must issue a code of practice relating to processing of data gathered in the course of electronic monitoring of offenders under electronic monitoring requirements imposed by community orders and suspended sentence orders.

(2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.

Modifications etc. (not altering text)

C117 S. 395 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C118 S. 395 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C119 S. 395 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I395 S. 395 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

CHAPTER 7

WARRANTS

396 Execution of process between England and Wales and Scotland

Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English and Welsh courts in Scotland) applies to any process issued by a magistrates' court under any of the following provisions as it applies to process issued under the Magistrates' Courts Act 1980 by a magistrates' court—

section 6(4) (effect of deferment order);

section 9(2) (failure to comply with deferment requirement);

section 10(3) (conviction of offence during period of deferment);

paragraph 3(2) of Schedule 2 (order for conditional discharge: commission of further offence);

paragraph 3(2) of Schedule 4 (referral order: further court proceedings);

paragraph 6(3) of Schedule 5 (breach, revocation and amendment of reparation order);

paragraph 8(2) or (4), 14(4) or 24(4) of Schedule 10 (breach, revocation or amendment of community order);

paragraph 24(2) of Schedule 11 (transfer of community orders to Scotland or Northern Ireland);

paragraph 2(2) of Schedule 12 (detention and training order: breach of supervision requirements and further offences);

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paragraph 8(2) or (4), 20(2) or 25(6) of Schedule 16 (breach or amendment of suspended sentence order, and effect of further conviction).

Commencement Information

I396 S. 396 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 13

INTERPRETATION

397 Interpretation: general

(1) In this Code, except where the contrary intention appears—

"accommodation provided by or on behalf of a local authority" has the same meaning as in the Children Act 1989 (see section 105 of that Act);

"the appropriate officer of the court" means, in relation to a magistrates' court, the designated officer for the court;

"associated", in relation to offences, is to be read in accordance with section 400;

"attendance centre" has the meaning given by section 221 of the Criminal Justice Act 2003;

"community order" means an order under section 200;

"community order requirement" is to be read in accordance with section 200(2);

"community requirement", in relation to a suspended sentence order, has the meaning given by section 286(7);

"community sentence" means a sentence which consists of or includes—

(a) a community order, or

(b) a youth rehabilitation order;

"compensation order" has the meaning given by section 133;

"court" does not include a service court;

"criminal behaviour order" has the meaning given by section 330;

"criminal courts charge order" has the meaning given by section 46(3);

"custodial sentence" has the meaning given by section 222;

"detention and training order" has the meaning given by section 233;

"electronic compliance monitoring requirement" has the meaning given by paragraph 29 of Schedule 9;

"electronic monitoring requirement", in relation to a community order or suspended sentence order, means—

(a) an electronic compliance monitoring requirement, or

(b) an electronic whereabouts monitoring requirement;

"electronic whereabouts monitoring requirement" has the meaning given by paragraph 30 of Schedule 9;

"end date", in relation to a community order, means the date for the time being specified in the order under—

(a) section 209 (community order to specify end date),

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(b) paragraph 13(1)(b) of Schedule 10 (power to substitute later end date on breach), or

(c) paragraph 20(1) of that Schedule (power to amend order to substitute later end date);

"extended sentence" means a sentence under—

(a) section 254 (extended custodial sentence for persons aged under 18),

(b) section 266 (extended sentence of detention in a young offender institution for adults aged under 21), or

(c) section 279 (extended sentence of imprisonment);

"guardian" has the same meaning as in the Children and Young Persons Act 1933 (see section 107(1) of that Act);

"home local justice area" means—

(a) in relation to a community order, the local justice area specified in the order under section 210 or paragraph 16 or 17 of Schedule 10;

(b) in relation to a suspended sentence order which imposes one or more community requirements, the local justice area specified in the order under section 296 or paragraph 23 or 24 of Schedule 16;

"imprisonable offence" means an offence that is punishable with imprisonment in a court (even if the offence in question is not so punishable by the court dealing with the offender for it);

"local authority foster parent" has the same meaning as in the Children Act 1989 (see section 105(1) of that Act);

"order for absolute discharge" has the meaning given by section 79;

"order for conditional discharge" has the meaning given by section 80;

"place of safety" has the same meaning as in the Children and Young Persons Act 1933 (see section 107(1) of that Act);

"pre-sentence report" has the meaning given by section 31;

"probation trust" means a trust established under section 5 of the Offender Management Act 2007;

"referral order" has the meaning given by section 83;

"relevant order" means—

(a) a community order, or

(b) a suspended sentence order which imposes one or more community requirements;

"reparation order" has the meaning given by section 109(1);

"the responsible officer"—

(a) in relation to a community order, has the meaning given by section 213;

(b) in relation to a suspended sentence order which imposes one or more community requirements, has the meaning given by section 299;

"restraining order" has the meaning given by section 359;

"sentence of imprisonment" does not include a committal—

(a) in default of payment of any sum of money,

(b) for want of sufficient distress to satisfy any sum of money, or

(c) for failure to do or abstain from doing anything required to be done or left undone,

and references to sentencing an offender to imprisonment are to be read accordingly;

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"sentencing guidelines" means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued;

"service court" means—

(a) the Court Martial,

(b) the Summary Appeal Court,

(c) the Service Civilian Court,

(d) the Court Martial Appeal Court, or

(e) the Supreme Court on an appeal from the Court Martial Appeal Court;

"sexual harm prevention order" has the meaning given by section 343(1);

"specified offence" has the meaning given by section 306;

"suspended sentence" and "suspended sentence order" have the meanings given by section 286(6);

"youth offending team" means a team established under section 39 of the Crime and Disorder Act 1998;

"youth rehabilitation order" has the meaning given by section 173;

"youth rehabilitation order with fostering" has the meaning given by section 176;

"youth rehabilitation order with intensive supervision and surveillance" has the meaning given by section 175.

(2) Any reference in this Code to an offence punishable with imprisonment is to be read without regard to any prohibition or restriction imposed by or under any Act on the imprisonment of young offenders.

(3) A reference in this Code to want of sufficient distress to satisfy a sum includes a reference to circumstances where—

(a) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the sum from a person, but

(b) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (within the meaning given by 50(3) of Schedule 12 to that Act).

(4) A reference in this Code to an offender who is subject to a detention and training order being released for supervision is to be read in accordance with section 248(5).

Modifications etc. (not altering text)

C120 S. 397(1) applied (with modifications) by 2008 c. 4, s. 39(6)(a), **Sch 7** (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), 270 (with Sch. 24 para. 447, **Sch. 27**); S.I. 2020/1236, **reg. 2**

Commencement Information

I397 S. 397 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

398 Ancillary and inchoate offences

(1) Nothing in this Code is to be taken to affect the operation of the following (liability as an accessory)—

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(a) section 8 of the Accessories and Abettors Act 1861, or
(b) section 44 of the Magistrates' Courts Act 1980.

(2) Accordingly, any reference in this Act to an offence includes a reference to that offence committed by aiding, abetting, counselling or procuring the commission of that offence.

(3) In this Code, "inchoate offence" in relation to an offence, means—
(a) an attempt to commit the offence,
(b) conspiracy to commit the offence,
(c) an offence under Part 2 of the Serious Crime Act 2007 related to the offence, or
(d) incitement to commit the offence,

but this is subject to subsection (4).

(4) Paragraph (d) of subsection (3) does not apply for the purposes of—
(a) section 67 (assaults on emergency workers);
(b) Schedule 13 (special sentence for offenders of particular concern: offences).

But paragraph (b) is not to be taken to affect the operation of paragraph 9 of Schedule 13 (abolished offences).

(5) For the purposes of this Code, an offence committed by a person under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is related to another offence if that other offence is the offence (or one of the offences) which the person intended or believed would be committed.

Commencement Information
I398 S. 398 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

399 Mandatory sentences

For the purposes of this Code, where a court is dealing with an offender for an offence, a mandatory sentence requirement applies in relation to the offence if—
(a) the offence is one for which the sentence is fixed by law,
(b) the court is obliged by one of the following provisions to pass a sentence of detention for life, custody for life or imprisonment for life—
(i) section 258, 274 or 285 (life sentence for certain dangerous offenders);
(ii) section 273 or 283 (life sentence for second listed offence), or
(c) a sentence is required by one of the following provisions and the court is not of the opinion mentioned in that provision—
(i) section 311(2) (minimum sentence for certain offences involving firearms that are prohibited weapons);
(ii) section 312(2) (minimum sentence for offence of threatening with weapon or bladed article);
(iii) section 313(2) (minimum sentence of 7 years for third class A drug trafficking offence);
(iv) section 314(2) (minimum sentence of 3 years for third domestic burglary);

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(v) section 315(2) (minimum sentence for repeat offence involving weapon or bladed article).

Commencement Information

I399 S. 399 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

400 Meaning of "associated offence"

For the purposes of this Code, an offence is associated with another if—

(a) the offender—

(i) is convicted of it in the proceedings in which the offender is convicted of the other offence, or

(ii) (although convicted of it in earlier proceedings) is sentenced for it at the same time as being sentenced for that offence, or

(b) in the proceedings in which the offender is sentenced for the other offence, the offender—

(i) admits having committed it, and

(ii) asks the court to take it into consideration in sentencing for that other offence.

Modifications etc. (not altering text)

C121 S. 400 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I400 S. 400 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

401 Meaning of "sentence"

In this Code, except where otherwise provided, "sentence", in relation to an offence, includes any order made by a court when dealing with the offender in respect of the offence, and "sentencing" is to be construed accordingly.

Commencement Information

I401 S. 401 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

402 Powers to re-sentence

(1) Where under this Code a court has power to re-sentence an offender for an offence, the court may deal with the offender in any way in which it could deal with the offender—

(a) if the offender had just been convicted by or before it of the offence, and

(b) in a case where the offender was aged under 18 when in fact convicted of the offence, as if the offender were the same age as when in fact convicted.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) But where under this Code the Crown Court has power to re-sentence an offender for an offence and subsection (3) applies, the power of the Crown Court is power to deal with the offender in any way in which a magistrates' court could deal with the offender for the offence if—

(a) the offender had just been convicted by the magistrates' court of the offence, and

(b) in a case where the offender was aged under 18 when in fact convicted of the offence, the offender were the same age as when in fact convicted.

(3) This subsection applies where—

(a) the Crown Court's power to re-sentence the offender for the offence is exercisable—

(i) where the Crown Court revokes another order previously made in respect of the offence, or

(ii) where an order for conditional discharge has previously been made in respect of the offence, by virtue of a further offence committed during the period of conditional discharge, and

(b) the previous order was made—

(i) by a magistrates' court, or

(ii) by the Crown Court in circumstances where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence.

Commencement Information

I402 S. 402 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

403 References to "local authority"

(1) In this Code, any reference to a local authority in relation to—

(a) accommodation provided by or on behalf of a local authority (including any reference to a local authority which is to receive a person aged under 18),

(b) placing a person aged under 18 with a local authority foster parent, or

(c) an order made under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge) against a local authority,

has the same meaning as in the Children Act 1989 (see section 105 of that Act).

(2) In this Code, in relation to a youth offending team—

(a) any reference to a local authority has the same meaning as in Part 3 of the Crime and Disorder Act 1998 (see section 42 of that Act), and

(b) any reference to the area of that local authority is to be read in accordance with section 42(2) of that Act.

Modifications etc. (not altering text)

C122 Ss. 403-405 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I403 S. 403 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

404 References to parent or guardian of offender where local authority has parental responsibility

(1) This section applies where an offender for whom a local authority has parental responsibility is—

(a) in the care of the local authority, or

(b) provided with accommodation by the local authority in the exercise of any social services functions of the authority.

(2) Any reference in this Code to the offender's parent or guardian is to be read as a reference to that authority.

(3) This does not apply in paragraphs 27 and 39 of Schedule 6 (fostering and education requirements of youth rehabilitation orders) and is subject to express provision to the contrary.

(4) In this section—

"local authority" has the same meaning as it has in the Children Act 1989;

"parental responsibility" has the same meaning as it has in that Act (see section 3 of that Act);

"social services functions"—

(a) in relation to a local authority in England, has the same meaning as in the Local Authority Social Services Act 1970 (see section 1A of that Act);

(b) in relation to a local authority in Wales, has the same meaning as in the Social Services and Well-being (Wales) Act 2014 (anaw 4) (see section 143 of that Act).

Modifications etc. (not altering text)

C122 Ss. 403-405 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I404 S. 404 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

405 Age of the offender

(1) This section applies for the purposes of any provision of this Code which requires a person's age to be determined by the court or the Secretary of State.

(2) The person is to be deemed to be whatever age the person appears to the court, or, as the case may be, the Secretary of State, to be.

(3) For this purpose, the court or Secretary of State must consider any available evidence.

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Modifications etc. (not altering text)

C122 Ss. 403-405 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I405 S. 405 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

406 Offender reaching 18 during proceedings

Nothing in this Code affects section 29 of the Children and Young Persons Act 1963 (power of a court, where an offender reaches 18 during proceedings for an offence, to deal with the offender as if still under 18).

Commencement Information

I406 S. 406 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SIXTH GROUP OF PARTSSupplementary

PART 14

SUPPLEMENTARY PROVISION

407 Regulations and rules

(1) This section applies to—

(a) any power conferred by this Act on the Secretary of State to make regulations or rules;

(b) any power conferred by—

(i) sections 44 to 50 (criminal courts charge),

(ii) section 416(8) (commencement of amendment of the Code in Schedule 22 relating to determination of tariffs), or

(iii) paragraph 19 of Schedule 23 (power to amend minimum term of mandatory life sentence for murder),

on the Lord Chancellor to make regulations.

(2) The power is exercisable by statutory instrument.

(3) Subsections (4) to (6) apply except where otherwise provided.

(4) The power includes power to make supplementary, incidental or consequential provision.

(5) The power also includes power to make transitory, transitional or saving provision.

(6) The power may be exercised so as to make different provision—

(a) for different purposes, or

(b) for different areas.

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(7) Where regulations under this Act are subject to the "affirmative resolution procedure", the regulations must not be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament.

(8) Where regulations or rules under this Act are subject to the "negative resolution procedure" the statutory instrument containing the regulations or rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Provision that may be made by regulations under this Act for which no Parliamentary procedure is required may be included in regulations that are subject to the negative or affirmative resolution procedure.

(10) Provision that may be made by regulations under this Act that are subject to the negative resolution procedure may be included in regulations that are subject to the affirmative resolution procedure.

Commencement Information
I407 S. 407 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

408 Amendments of the Sentencing Code etc

Schedule 22 contains amendments of the Sentencing Code and certain related amendments of other Acts.

See section 417 for provision about when they come into force.

Commencement Information
I408 S. 408 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

409 Powers to amend the Sentencing Code

(1) Schedule 23 contains powers to amend the Sentencing Code.

(2) Provision that may be made in exercise of a power in Schedule 23 includes provision in respect of an offence (whenever committed) of which a person is convicted after the regulations come into force.

This is subject to express provision to the contrary.

Commencement Information
I409 S. 409 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

410 Consequential amendments

Schedule 24 contains consequential amendments.

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Commencement Information
I410 S. 410 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

411 Armed forces

(1) Schedule 25 contains consequential amendments of the Armed Forces Act 2006.

(2) Schedule 26 contains further amendments of provisions of the Armed Forces Act 2006 that apply provisions of this Code or otherwise relate to sentencing.

See section 418 for provision about when those amendments come into force.

Commencement Information
I411 S. 411 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

412 Transitional provisions and savings

Schedule 27 contains transitional provisions and savings.

Commencement Information
I412 S. 412 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

413 Repeals and revocations

(1) The provisions specified in Schedule 28 (which include provisions that are spent) are repealed or revoked to the extent specified.

(2) The provisions specified in Schedule 29 are repealed or revoked so far as they extend to England and Wales only.

(3) Subsections (1) and (2) are subject to the following provisions of this section.

Standard scale and powers to amend fines etc

(4) Nothing in this section or Schedule 28 or 29 affects any provision of—

(a) section 37 of the Criminal Justice Act 1982 (standard scale),

(b) section 17 of the Criminal Justice Act 1991 (amendments of standard scale), or

(c) section 143 of the Magistrates' Courts Act 1980 (amendments of fines etc),

so far as it has been, or is capable of being, extended under section 81(11) of the Criminal Justice Act 1982 (as extended by section 102(7) of the Criminal Justice Act 1991) (power to extend certain provisions to Channel Islands or Isle of Man by Order in Council).

Life sentence for second serious offence committed before 4 April 2005

(5) Nothing in Schedule 28 affects—

(a) section 109 of the Powers of Criminal Courts Sentencing Act 2000 (life sentence for second serious offence), as it has effect by virtue of paragraph

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5(2) of Schedule 2 to the Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950), or

(b) any other provision so far as it continues to have effect, by virtue of paragraph 6 of Schedule 2 to that order, in a case in which a court is dealing with a person whose sentence falls to be imposed under that section.

Commencement Information

I413 S. 413 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

414 Extent

(1) Subject to the following provisions of this section and to section 415, the provisions of this Act extend to England and Wales only.

(2) The following provisions extend to England and Wales, Scotland and Northern Ireland—

(a) section 219 and Schedule 11 (transfer of community orders to Scotland or Northern Ireland);

(b) section 304 and Schedule 17 (transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements);

(c) section 349(2) (effect of making sexual harm prevention order where order already exists);

(d) this section and sections 416 to 420;

(e) paragraph 18 of Schedule 16 (duty of court in Scotland or Northern Ireland when informed of suspended sentence).

(3) The following provisions extend to England and Wales and Northern Ireland—

(a) section 196 and Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland);

(b) section 351 (variation of sexual harm prevention order by court in Northern Ireland);

(c) section 407 (regulations and rules);

(d) paragraph 12 of Schedule 23 (power to amend Schedule 8 in consequence of changes to the law in Northern Ireland).

(4) The following provisions extend to England and Wales and Scotland—

(a) sections 38, 40 and 41 (effect of derogatory assertion orders);

(b) section 82 (effect of order for absolute discharge and order for conditional discharge);

(c) section 396 (execution of process between England and Wales and Scotland).

(5) Any amendment, repeal or revocation made by—

(a) Schedule 22 (amendments of the Sentencing Code and related amendments of other legislation),

(b) Schedule 24 (consequential amendments),

(c) Schedule 25 (amendments of the Armed Forces Act 2006),

(d) Schedule 26 (further amendments of the Armed Forces Act 2006), or

(e) Schedule 28 (repeals and revocations),

has the same extent in the United Kingdom as the provision to which it relates.

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(6) Nothing in subsections (1) to (4) affects the extent within the United Kingdom of—

(a) any provision of or made under this Act so far as it is applied (by whatever words) by the Armed Forces Act 2006, or

(b) the repeal by this Act of any provision so far as that provision is applied (by whatever words) by the Armed Forces Act 2006.

Commencement Information

I414 S. 414 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

415 Channel Islands, Isle of Man and British overseas territories

(1) Her Majesty may by Order in Council extend any relevant provision, with such modifications as appear to Her Majesty in Council to be appropriate, to any of the Channel Islands or the Isle of Man.

(2) In subsection (1) "relevant provision", in relation to any of the Channel Islands or the Isle of Man, means any provision of this Act so far as it restates a provision that, immediately before the commencement date, is capable of being extended there under section 338 of the Criminal Justice Act 2003 (certain provisions of that Act as enacted or subsequently amended by certain other Acts).

(3) An Order in Council under subsection (1) may—

(a) make supplementary, incidental or consequential provision;

(b) make transitory, transitional or saving provision.

(4) The armed forces provisions extend to—

(a) the Isle of Man, and

(b) the British overseas territories except Gibraltar.

(5) The powers conferred by section 384 of the Armed Forces Act 2006 (power to extend Act to the Channel Islands and powers to make provisions of that Act apply with modifications in relation to the Channel Islands, British overseas territories except Gibraltar, and the Isle of Man) are exercisable in relation to any armed forces provision.

(6) In subsections (4) and (5) "armed forces provision" means—

(a) a provision of or made under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006,

(b) an amendment, modification or repeal made by this Act of a provision of, or made under, the Armed Forces Act 2006, or

(c) an amendment, modification or repeal made by this Act of any other provision, so far as the provision is applied (by whatever words) by or under the Armed Forces Act 2006.

Commencement Information

I415 S. 415 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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416 Commencement

(1) This Act comes into force on **[**F8 1 December 2020**]** (referred to in this Act as "the commencement date").

(2) Subsections (4) to (6) of section 407 do not apply to the power conferred by subsection (1).

(3) The Sentencing Code has effect in accordance with section 2.

(4) Subsection (1) is subject to—

(a) section 417 (commencement of amendments of the Code and certain consequential amendments of other Acts),

(b) section 418 (commencement of certain amendments of the Armed Forces Act 2006),

(c) subsection (5), and

(d) subsection (9) (commencement of repeal postponed until repeal of connected provisions comes into force).

(5) Regulations under this Act may be made before **[**F9 1 December 2020**]**, but may not—

(a) come into force before that date, or

(b) bring a provision into force before that date.

(6) An amendment, repeal or revocation made by Schedule 24 (consequential amendments) has effect in accordance with Part 7 of that Schedule.

(7) An amendment, repeal or revocation made by Schedule 25 (armed forces) or Schedule 28 or 29 (repeals and revocations), so far as it has effect—

(a) in relation to dealing with a person for an offence, or

(b) in relation to a sentence passed for an offence,

has effect only where the person is convicted of the offence on or after **[**F10 1 December 2020**]**.

(8) But subsection (7) does not apply to the repeal by Schedule 28 of the following provisions—

(a) paragraphs 6, 36, 37, 47, 85, 86, 88, 123(2), 136, 186(2), 197(b), 200 and 205 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000;

(b) paragraphs 21(3), 26 and 64(6) of Schedule 32 to the Criminal Justice Act 2003;

(c) paragraph 100 of Schedule 4 to the Criminal Justice and Immigration Act 2008.

(9) The repeal in Schedule 28 relating to the Powers of Criminal Courts (Sentencing) Act 2000, so far as it relates to section 159 of that Act (execution of process between England and Wales and Scotland) as it applies to process issued under Schedule 5 to that Act (breach of attendance centre order), comes into force at the same time as the repeal of that Schedule by section 6(1) of the Criminal Justice and Immigration Act 2008.

Textual Amendments

F8 Words in s. 416(1) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(5)(a)**

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F9 Words in s. 416(5) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(5)(b)**

F10 Words in s. 416(7) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(5)(c)**

Commencement Information

I416 S. 416 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

417 Commencement of Schedule 22

(1) Schedule 22 comes into force in accordance with regulations made by the Secretary of State, subject to the following.

Abolition of detention in a young offender institution and custody for life

(2) Paragraphs 65 and 68 come into force at the same time as paragraph 44.

(3) The following provisions come into force at the same time as section 61 of the Criminal Justice and Courts Services Act 2000 (abolition of sentences of detention in a young offender institution)—

(a) paragraphs 36 to 38, 40, 41, 45 and 46;

(b) paragraph 47(b);

(c) paragraphs 51 and 52;

(d) paragraph 53, so far as it relates to sections 264, 265, 266 to 268, 273 and 274;

(e) paragraphs 54 to 64;

(f) paragraphs 69, 70, 72 to 75, 77 and 78;

(g) Part 8 of Schedule 22 (amendments of other Acts that are consequential on paragraph (d)).

This is subject to subsection (4).

(4) If before **[**F11 1 December 2020**]** an order has been made under section 80(1) of the Criminal Justice and Court Services Act 2000 in relation to section 61 of that Act, the provisions of Schedule 22 mentioned in subsection (3)—

(a) come into force on the commencement date or, if later, the date on which section 61 of the Criminal Justice and Court Services Act 2000 comes into force, and

(b) so far as they apply—

(i) in relation to dealing with a person for an offence, or

(ii) in relation to a sentence passed for an offence,

have effect only where the person is convicted of the offence on or after the commencement date.

Paragraph (b) is subject to section 1 of the Sentencing (Pre-consolidation Amendments) Act 2020 (read with any provision that may be made under it).

Other provisions of Schedule 22

(5) Paragraph 11 (consequences for imposition of youth rehabilitation order of failure to comply with pre-sentence drug testing order) comes into force at the same time as paragraph 1 (pre-sentence drug testing).

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(6) Paragraphs 21 and 22 (provisions applicable only where community order can be made in respect of offence not punishable with imprisonment) come into force at the same time as paragraph 13 (community order available for offence not punishable with imprisonment in case of wilful and persistent offender).

(7) Paragraph 28 (repeal of temporary provision resulting from paragraph 27) comes into force 2 years after paragraph 27 (detention and training orders: offenders aged under 12), and has effect only in relation to an offence of which the offender is convicted after paragraph 28 comes into force.

(8) Paragraph 85 (indeterminate sentences: determination of tariffs) comes into force in accordance with regulations made by the Lord Chancellor.

(9) Part 6 of Schedule 22 (which makes amendments in consequence of the United Kingdom's withdrawal from the EU) comes into force on IP completion day [F12]....

Textual Amendments

F11 Words in s. 417(4) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(6)(a)**

F12 Words in s. 417(9) omitted (1.12.2020) by virtue of The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(6)(b)**

Commencement Information

I417 S. 417 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

418 Commencement of Schedule 26

(1) Schedule 26 (further amendments of the Armed Forces Act 2006) comes into force as follows.

(2) Paragraphs 2(a), 3(a), 4(a), 5(a), 6 to 23 and 24(c) (and paragraph 1 so far as it relates to them) come into force at the same time as section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution).

(3) Subsection (4) of section 417 applies to the provisions of Schedule 26 mentioned in subsection (2) as it applies to the provisions of Schedule 22 mentioned in subsection (3) of that section.

(4) Paragraphs 2(b), 3(b), 4(b), 5(b) and 24(a) and 24(b) (and paragraph 1 so far as it relates to them) come into force at the same time as paragraph 24 of Schedule 22 (increase in magistrates' court's power to impose imprisonment etc).

(5) Paragraph 25 (and paragraph 1 so far as it relates to it) comes into force at the same time as section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences), but only in relation to offences committed after that time.

Commencement Information

I418 S. 418 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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419 Power to state effect of commencement provisions

(1) The Secretary of State may, in connection with the coming into force of an amendment or repeal made by Schedule 22 or under Schedule 23, by regulations amend this Act to secure that—

(a) the Act specifies the purposes for which, or the cases in which, the amendment or repeal has effect;

(b) so far as practicable, any provision of the Act which, as a result of the amendment or repeal, is to continue to have effect only for particular purposes or in particular cases remains in place instead of having effect by virtue of transitional, transitory or saving provision.

(2) The regulations may make consequential amendments to any enactment.

(3) Subsections (4) and (5) of section 104 of the Deregulation Act 2015 (restrictions on power to spell out dates described in legislation) apply to regulations under this section as they apply to an order under that section.

(4) Subsections (4) and (6) of section 407 do not apply to the power conferred by this section.

(5) In this section "enactment" includes an enactment contained in subordinate legislation.

Commencement Information
I419 S. 419 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

420 Short title

This Act may be cited as the Sentencing Act 2020.

Commencement Information
I420 S. 420 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULES

SCHEDULE 1

Section 69

OFFENCES WHERE TERRORIST CONNECTION TO BE CONSIDERED

Common law offences

1 Murder.

Commencement Information
I421 Sch. 1 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 Manslaughter.

Commencement Information
I422 Sch. 1 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 Kidnapping.

Commencement Information
I423 Sch. 1 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Statutory offences

4 An offence under any of the following provisions of the Offences against the Person Act 1861—

(a) section 4 (soliciting murder);
(b) section 18 (wounding with intent);
(c) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm);
(d) section 28 (causing bodily injury by explosives);
(e) section 29 (using explosives etc with intent to do grievous bodily harm);
(f) section 30 (placing explosives with intent to do bodily injury);
(g) section 64 (making or having gunpowder etc with intent to commit or enable any person to commit any felony mentioned in the Act).

Commencement Information
I424 Sch. 1 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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5 An offence under any of the following provisions of the Explosive Substances Act 1883—

(a) section 2 (causing explosion likely to endanger life or property);

(b) section 3 (attempt to cause explosion or making or keeping explosive with intent to endanger life or property);

(c) section 4 (making or possession of explosive under suspicious circumstances);

(d) section 5 (punishment of accessories).

Commencement Information
I425 Sch. 1 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 An offence under section 1 of the Biological Weapons Act 1974 (restriction on development etc of certain biological agents and toxins and of biological weapons).

Commencement Information
I426 Sch. 1 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

7 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Commencement Information
I427 Sch. 1 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

8 An offence under any of the following provisions of the Aviation Security Act 1982—

(a) section 1 (hijacking);

(b) section 2 (destroying, damaging or endangering safety of aircraft);

(c) section 3 (other acts endangering or likely to endanger safety of aircraft);

(d) section 4 (offences in relation to certain dangerous articles);

(e) section 6(2) (inducing or assisting commission of offence under section 1, 2 or 3 outside the United Kingdom).

Commencement Information
I428 Sch. 1 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

9 An offence under any of the following provisions of the Nuclear Material (Offences) Act 1983—

(a) section 1B (offences relating to damage to the environment);

(b) section 1C (offences of importing or exporting etc nuclear materials: extended jurisdiction);

(c) section 2 (offences involving preparatory acts and threats), so far as relating to an offence specified in this Schedule.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I429 Sch. 1 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

10 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—

(a) section 1 (endangering safety at aerodromes);

(b) section 9 (hijacking of ships);

(c) section 10 (seizing or exercising control of fixed platforms);

(d) section 11 (destroying ships or fixed platforms or endangering their safety);

(e) section 14(4) (inducing or assisting the commission of an offence outside the United Kingdom), so far as relating to an offence under section 9 or 11 of that Act.

Commencement Information
I430 Sch. 1 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

11 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences against the safety of channel tunnel trains and the tunnel system).

Commencement Information
I431 Sch. 1 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

12 An offence under either of the following provisions of the Chemical Weapons Act 1996—

(a) section 2 (use etc of chemical weapons);

(b) section 11 (premises or equipment for producing chemical weapons).

Commencement Information
I432 Sch. 1 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

13 An offence under either of the following provisions of the Anti-Terrorism, Crime and Security Act 2001—

(a) section 47 (use etc of nuclear weapons);

(b) section 114 (hoaxes involving noxious substances or things).

Commencement Information
I433 Sch. 1 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Ancillary offences

14 An inchoate offence in relation to an offence specified in paragraphs 1 to 13.

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Commencement Information
I434 Sch. 1 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 2

Section 81

ORDER FOR CONDITIONAL DISCHARGE: COMMISSION OF FURTHER OFFENCE

Application of Schedule

1 This Schedule applies where an order for conditional discharge has been made in respect of an offence ("the original offence").

Commencement Information
I435 Sch. 2 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Orders made on appeal

2 If the order for conditional discharge was made on appeal, for the purposes of this Schedule it is to be taken—

(a) if it was made on an appeal from a magistrates' court, to have been made by that magistrates' court;

(b) if it was made on an appeal—

(i) from the Crown Court, or

(ii) from the Court of Appeal,

to have been made by the Crown Court.

Commencement Information
I436 Sch. 2 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Issue of summons or warrant by justice of the peace

3 (1) This paragraph applies where—

(a) the order for conditional discharge was made by a magistrates' court, and

(b) it appears to a justice of the peace on information that the offender—

(i) has been convicted by a court in Great Britain of an offence committed during the period of conditional discharge, and

(ii) has been dealt with in respect of that offence.

(2) The justice may—

(a) issue a summons requiring the offender to appear at the place and time specified in it, or

(b) if the information is in writing and on oath, issue a warrant for the offender's arrest.

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(3) A summons or warrant issued under this paragraph must direct the offender to appear or to be brought before the court which made the order for conditional discharge.

Commencement Information
I437 Sch. 2 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Issue of summons or warrant by Crown Court

4 (1) This paragraph applies where—
(a) the order for conditional discharge was made by the Crown Court, and
(b) it appears to the Crown Court that the offender—
(i) has been convicted by a court in Great Britain of an offence committed during the period of conditional discharge, and
(ii) has been dealt with in respect of that offence.

(2) The Crown Court may issue—
(a) a summons requiring the offender to appear at the place and time specified in it, or
(b) a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or to be brought before the Crown Court.

Commencement Information
I438 Sch. 2 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power of magistrates' court convicting offender of further offence

5 (1) This paragraph applies where the offender is convicted by a magistrates' court ("the convicting court") of an offence committed during the period of conditional discharge.

(2) If the order for conditional discharge was made by the convicting court, that court may re-sentence the offender for the original offence.

(3) If the order for conditional discharge was made by another magistrates' court, the convicting court may, with the consent of the court which made the order, re-sentence the offender for the original offence.

(4) If the order for conditional discharge was made by the Crown Court, the convicting court—
(a) may commit the offender in custody or on bail to the Crown Court, and
(b) if it does so, must send the Crown Court a copy of the minute or memorandum of the conviction entered in the register, signed by the designated officer by whom the register is kept.

(5) In sub-paragraph (4), the "register" means the register of proceedings before a magistrates' court required by the Criminal Procedure Rules to be kept by the designated officer of the court.

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(6) For powers of the convicting court, where it commits a person under sub-paragraph (4), to commit a person to the Crown Court in respect of other offences, see section 20.

Commencement Information
I439 Sch. 2 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Conviction of further offence by another court: power of magistrates' court which made order

6 (1) This paragraph applies where—

(a) the order for conditional discharge was made by a magistrates' court ("the original court"),

(b) it is proved to the satisfaction of the original court that the offender has been convicted by another court in Great Britain of an offence committed during the period of conditional discharge.

(2) The original court may re-sentence the offender for the original offence.

Commencement Information
I440 Sch. 2 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of Crown Court with respect to original offence following subsequent conviction

7 (1) Sub-paragraph (2) applies where—

(a) the offender—

(i) is convicted before the Crown Court of an offence committed during the period of conditional discharge, or

(ii) is brought or appears before the Crown Court having been committed by a magistrates' court for sentence in respect of any such offence, or

(b) the order for conditional discharge was made by the Crown Court and it is proved to the satisfaction of the Crown Court that the offender has been convicted by a court in Great Britain of an offence committed during the period of conditional discharge.

(2) The Crown Court may re-sentence the offender for the original offence.

(3) Any question under this paragraph whether the offender has been convicted of an offence committed during the period of conditional discharge is to be determined by the court and not by the verdict of a jury.

(4) Where the offender is committed to the Crown Court under sub-paragraph (4) of paragraph 5, any duty or power which, apart from this sub-paragraph, would fall to be discharged or exercised by the convicting court (within the meaning of that paragraph)—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead be exercised by the Crown Court.

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This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (certain duties relating to information).

Commencement Information
I441 Sch. 2 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 3

Section 96

YOUTH OFFENDER CONTRACT: PROGRAMME OF BEHAVIOUR

1 This Schedule applies to a programme of behaviour agreed between an offender and a youth offender panel under section 96.

Commencement Information
I442 Sch. 3 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 The programme may, in particular, include requiring the offender to—

(a) make financial or other reparation to any victim;
(b) attend mediation sessions with any victim;
(c) carry out unpaid work or service in or for the community;
(d) be at home at times specified in or determined under the programme;
(e) attend a school or other educational establishment or a place of work;
(f) participate in activities specified in the programme;
(g) meet persons specified in the programme at times and places specified in or determined under the programme;
(h) stay away from places specified in the programme;
(i) stay away from persons specified in the programme.

This is subject to paragraphs 5 and 6.

Commencement Information
I443 Sch. 3 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 The programme may include provision for the offender's compliance with the programme to be supervised and recorded.

Commencement Information
I444 Sch. 3 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

4 Activities that may be specified by virtue of paragraph 2(f) include, in particular, activities—

(a) designed to address the offending behaviour,
(b) offering education or training, or

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(c) assisting with the rehabilitation of persons dependent on, or having a propensity to misuse, alcohol or drugs.

Commencement Information
I445 Sch. 3 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 The programme may not provide for—
(a) electronic monitoring of the offender's whereabouts, or
(b) any physical restriction to be imposed on the offender's movements.

Commencement Information
I446 Sch. 3 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 No term which provides for anything to be done to or with any victim may be included in the programme without the victim's consent.

Commencement Information
I447 Sch. 3 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

7 In this Schedule "victim" means any person who appears to the panel to be a victim of, or otherwise affected by, the offence or any of the offences for which the offender was referred to the panel.

Commencement Information
I448 Sch. 3 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 4

Section 104

REFERRAL ORDER: FURTHER COURT PROCEEDINGS

PART 1

REFERRAL BACK TO COURT FOR FURTHER PROCEEDINGS

Introductory

1 This Part of this Schedule applies where a youth offender panel refers an offender back to court under Chapter 1 of Part 6 (referral orders).

Commencement Information
I449 Sch. 4 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Mode of referral back to court

2 To make the referral, the panel must send a report to the appropriate court explaining why the offender is being referred back to court.

Commencement Information
I450 Sch. 4 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Bringing the offender before the court

3 (1) Where the appropriate court receives a report under paragraph 2, the court must cause the offender to appear before it.

(2) For that purpose, a justice acting in the same local justice area as the appropriate court may—

(a) issue a summons requiring the offender to appear before the appropriate court at the place and time specified in the summons, or

(b) if the report is substantiated on oath, issue a warrant for the offender's arrest which requires the offender to be brought before the appropriate court.

Commencement Information
I451 Sch. 4 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Detention and remand of arrested offender

4 (1) This paragraph applies where an offender—

(a) is arrested under a warrant issued under paragraph 3(2), and

(b) cannot immediately be brought before the appropriate court.

(2) The person in whose custody the offender is—

(a) may arrange for the offender to be detained in a place of safety for a period of not more than 72 hours from the time of the arrest, and

(b) must, within that period, bring the offender before a youth court (or, if the offender is aged 18 or over, a magistrates' court other than a youth court).

(3) A person detained in accordance with arrangements under sub-paragraph (2)(a) is deemed to be lawfully detained.

Commencement Information
I452 Sch. 4 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 (1) This paragraph applies where the court before which the offender is brought under paragraph 4(2) ("the alternative court") is not the appropriate court.

(2) The alternative court may—

(a) direct that the offender is to be released immediately, or

(b) remand the offender.

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(3) Section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) applies as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the appropriate court.

(4) If the offender is aged under 18, any power conferred by that section to remand the offender in custody includes a power to remand the offender to accommodation provided by or on behalf of a local authority.

(5) If a court remands the offender to accommodation provided by or on behalf of a local authority, it must designate, as the authority which is to receive the offender, the local authority for the area in which it appears to the court that the offender resides or will reside.

Commencement Information
I453 Sch. 4 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of court on referral back

6 Paragraphs 7 to 10 apply where the offender was referred back to court under—

(a) section 92(3) (offender's failure to attend panel meeting);
(b) section 98(3) (no prospect of agreement on youth offender contract);
(c) section 98(4) (unreasonable failure to sign record of agreement);
(d) section 100(3) (breach of contract);
(e) section 100(6) (unreasonable failure to sign record of variation);
(f) section 100(8) (change of circumstances);
(g) section 101(5) (final meeting: order not discharged);
(h) section 102(2) (panel requesting revocation of order).

Commencement Information
I454 Sch. 4 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power of court where it upholds panel's decision

7 (1) Sub-paragraph (2) applies where the appropriate court is satisfied, for any decision of the youth offender panel which resulted in the referral back to court, that—

(a) so far as the decision relied on any finding of fact by the youth offender panel, the panel was entitled to make that finding in the circumstances, and
(b) so far as the decision involved any exercise of discretion by the youth offender panel, the panel reasonably exercised that discretion in the circumstances.

(2) The court may revoke the referral order (or each of the referral orders).

(3) Revocation of an order under sub-paragraph (2) has the effect of revoking any related order under paragraph 9(2), 12 or 15 (extension of compliance period).

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(4) Where an order is revoked under sub-paragraph (2) or by virtue of sub-paragraph (3), the appropriate court may re-sentence the offender for the offence in respect of which the revoked order was made (but assuming that a referral order is not available).

(5) In re-sentencing the offender under sub-paragraph (4), the appropriate court must take into account—

(a) the circumstances of the offender's referral back to the court, and

(b) where a youth offender contract has taken effect between the offender and the panel, the extent of the offender's compliance with the contract.

(6) A power under sub-paragraph (2) or (4)—

(a) may not be exercised unless the offender is before the appropriate court, and

(b) is not affected by the expiry of the compliance period (whether before or after the offender was referred back to court), in a case where a youth offender contract has taken effect.

Commencement Information

I455 Sch. 4 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Appeal

8 An offender re-sentenced under paragraph 7(4) for an offence may appeal to the Crown Court against the sentence.

Commencement Information

I456 Sch. 4 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power of court to impose fine or extend period for which contract has effect

9 (1) This paragraph applies where—

(a) the reference back to court was made under—

(i) section 92(3) (offender's failure to attend panel meeting),

(ii) section 100(3) (breach of contract), or

(iii) section 101(5) (final meeting: order not discharged),

(b) the offender is before the appropriate court,

(c) the appropriate court is satisfied that the offender has failed without reasonable excuse to comply with a youth offender contract which has taken effect between the offender and a youth offender panel, and

(d) the appropriate court does not revoke the order under paragraph 7.

(2) The appropriate court may make an order extending the length of the compliance period, but—

(a) not to more than 12 months, and

(b) not if the compliance period has already expired.

(3) The court may order the offender to pay a fine of an amount not exceeding £2,500.

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(4) Expiry of the compliance period (whether before or after the offender was referred back to court) does not affect the power to impose a fine under sub-paragraph (3).

(5) A fine imposed under sub-paragraph (3) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.

Commencement Information
I457 Sch. 4 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Consequences of court not revoking referral order or orders

10 (1) This paragraph applies where, having considered the matters in sub-paragraph (1) of paragraph 7, the appropriate court does not revoke the referral order (or orders) to which the offender is subject.

(2) The offender remains subject to the referral order (or orders) in all respects as if the referral back to court had not occurred (subject to any order under paragraph 9(2) (extension of compliance period)).

(3) But if—

(a) a youth offender contract has taken effect in pursuance of the referral order (or orders),

(b) the compliance period has expired, and

(c) the referral order (or each of the referral orders) has not been revoked,

the court must make an order declaring that the referral order (or each of the referral orders) is discharged.

(4) An order under sub-paragraph (3) has the effect of discharging any related order under paragraph 9(2), 12 or 15 (extension of compliance period).

Commencement Information
I458 Sch. 4 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exception where court satisfied as to completion of contract

11 (1) This paragraph applies where—

(a) the reference back to court was made under section 101(5) (final meeting: order not discharged), and

(b) the court decides (contrary to the decision of the panel) that the offender's compliance with the youth offender contract has, or will by the end of the compliance period have, been such as to justify the conclusion that the offender has, or will have, satisfactorily completed the youth offender contract.

(2) The court must make an order declaring that the referral order (or each of the referral orders) is discharged.

(3) An order under sub-paragraph (2) has the effect of discharging any related order under paragraph 9(2), 12 or 15 (extension of compliance period).

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Commencement Information
I459 Sch. 4 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Referral back for extension of compliance period

12 (1) This paragraph applies where—

(a) the reference back to court was made under section 103(2) (request for extension of compliance period),

(b) the youth offender contract has taken effect and the compliance period has not expired, and

(c) the offender is before the appropriate court.

(2) If it appears to the appropriate court that it would be in the interests of justice to do so, having regard to circumstances which have arisen since the contract took effect, it may make an order extending the length of the compliance period but—

(a) not by more than 3 months, and

(b) not to more than 12 months.

(3) When deciding whether to make an order under sub-paragraph (2), the court must take into account the extent of the offender's compliance with the contract.

Commencement Information
I460 Sch. 4 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power to adjourn hearing and remand offender

13 (1) This paragraph applies where a youth court or other magistrates' court holds a hearing in proceedings under this Part of this Schedule.

(2) The court may adjourn the hearing.

(3) Where the court adjourns the hearing under sub-paragraph (2), it may—

(a) direct that the offender be released immediately, or

(b) remand the offender.

(4) Where the court remands the offender under sub-paragraph (3)—

(a) it must fix the time and place at which the hearing is to be resumed, and

(b) the remand must require the offender to be brought before the court at that time and place.

(5) Where the court adjourns the hearing under sub-paragraph (2), but does not remand the offender—

(a) it may fix the time and place at which the hearing is to be resumed, but

(b) if it does not do so, it must not resume the hearing unless it is satisfied that the following persons have had adequate notice of the time and place for the resumed hearing—

(i) the offender,

(ii) if the offender is aged under 14, a parent or guardian of the offender, and

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(iii) a member of the specified youth offending team.

(6) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.

(7) This paragraph—

(a) applies to any hearing in proceedings under this Part of this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but

(b) is not to be taken to affect the application of that section to hearings of any other description.

Commencement Information
I461 Sch. 4 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

FURTHER CONVICTIONS DURING REFERRAL

Introductory

14 This Part of this Schedule applies where—

(a) a referral order has been made in respect of an offender and has not been discharged or revoked,

(b) the offender is aged under 18, and

(c) a court is dealing with the offender for an offence ("the new offence").

Commencement Information
I462 Sch. 4 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power of magistrates' court to deal with further offence by extending compliance period

15 (1) This paragraph applies if the court dealing with the offender for the new offence is a youth court or other magistrates' court.

(2) An order under this paragraph is available in respect of the new offence if neither the new offence nor any offence connected with it is one the sentence for which is fixed by law.

(3) The court may sentence the offender for the new offence by making an order extending the length of the compliance period, but not to more than 12 months.

Commencement Information
I463 Sch. 4 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Supplementary

16 (1) This paragraph applies where a court makes an order under paragraph 15 in respect of the new offence.

(2) The court must not deal with the offender for the new offence, or any offence connected with it, by making an order of the kind mentioned in section 89(3) (orders not available where court makes referral order).

(3) In respect of any offence connected with the new offence, the court must make—

(a) an order under paragraph 15, or

(b) an order for absolute discharge.

Commencement Information

I464 Sch. 4 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Further convictions: power of any court to revoke referral orders

17 (1) This paragraph applies where, in dealing with the offender for the new offence, the court makes an order other than—

(a) an order under paragraph 15, or

(b) an order for absolute discharge or an order for conditional discharge.

(2) If it appears to the court to be in the interests of justice to do so, the court—

(a) may revoke the referral order (or any one or more of the referral orders), and

(b) if it revokes a referral order, may re-sentence the offender for the offence in respect of which the revoked order was made (but assuming that a referral order is not available).

(3) Revocation of a referral order under sub-paragraph (2) has the effect of revoking any related order under paragraph 9(2), 12 or 15 (extension of compliance period).

(4) When re-sentencing the offender under sub-paragraph (2)(b), if a youth offender contract has taken effect between the offender and the panel, the court must take into account the extent of the offender's compliance with the contract.

(5) For the purposes of this paragraph it does not matter whether the new offence was committed before or after the offender was referred to the panel.

Commencement Information

I465 Sch. 4 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 5

Section 115

BREACH, REVOCATION AND AMENDMENT OF REPARATION ORDER

PART 1

BREACH OF REPARATION ORDER

Application to court

1 (1) This Part of this Schedule applies where—

(a) a reparation order is in force in respect of an offender, and

(b) the responsible officer makes an application to the appropriate court under this paragraph for it to exercise its powers under paragraph 2.

(2) In this paragraph "appropriate court" means—

(a) if the offender is aged under 18, a youth court acting in the relevant local justice area, and

(b) if the offender is aged 18 or over, a magistrates' court (other than a youth court) acting in that local justice area.

(3) In sub-paragraph (2) "relevant local justice area" means—

(a) the local justice area in which the offender resides, or

(b) if it is not known where the offender resides, the offender's home local justice area.

(4) Where the responsible officer makes an application to the appropriate court under this paragraph, the officer may bring the offender before the court.

Commencement Information
I466 Sch. 5 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of appropriate court

2 (1) This paragraph applies if it is proved to the satisfaction of the appropriate court that the offender has breached any requirement of the reparation order.

(2) The appropriate court—

(a) may order the offender to pay a fine of an amount not exceeding £1,000;

(b) if the reparation order was made by a magistrates' court, may revoke the order and re-sentence the offender for the offence in respect of which the order was made, or

(c) if the reparation order was made by the Crown Court, may—

(i) commit the offender to custody, or

(ii) release the offender on bail,

until the offender can be brought or appear before the Crown Court.

(3) Where the appropriate court deals with the offender's case under sub-paragraph (2)(c) it must send the Crown Court a certificate signed by a justice of the peace giving—

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(a) particulars of the offender's failure to comply with the requirement in question, and

(b) such other particulars of the case as may be desirable;

and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.

(4) The appropriate court may not make an order under this paragraph unless the offender is before the court.

(5) For powers to issue a summons or warrant to secure the offender's attendance, see paragraph 6.

(6) In dealing with the offender under this paragraph the appropriate court must take into account the extent to which the offender has complied with the requirements of the reparation order.

(7) A fine imposed under this paragraph is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.

(8) Where—

(a) the offender is aged under 18, and

(b) but for this sub-paragraph, the court would impose a fine on the offender under sub-paragraph (2)(a),

section 380 (order for payment by parent or guardian) applies to the fine.

Commencement Information

I467 Sch. 5 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of Crown Court

3 (1) This paragraph applies where—

(a) by virtue of paragraph 2(2)(c) the offender is brought or appears before the Crown Court, and

(b) it is proved to the satisfaction of that court that the offender has breached the requirement in question.

(2) The Crown Court may re-sentence the offender for the offence in respect of which the reparation order was made.

(3) Where the Crown Court deals with the offender under sub-paragraph (2), it must revoke the reparation order if it is still in force.

(4) In dealing with an offender under this paragraph the court must take into account the extent to which the offender has complied with the requirements of the reparation order.

(5) The appropriate court may not make an order under this paragraph unless the offender is before the court.

(6) For powers to issue a summons or warrant to secure the offender's attendance, see paragraph 6.

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(7) In proceedings before the Crown Court under this paragraph any question whether the offender has breached a requirement of the reparation order is to be determined by the court and not by the verdict of a jury.

Commencement Information
I468 Sch. 5 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Orders made on appeal

4 A reparation order made on appeal is to be taken, for the purposes of this Part of this Schedule—

(a) if it was made on an appeal from a magistrates' court, to have been made by that magistrates' court;

(b) if it was made on an appeal—

(i) from the Crown Court, or

(ii) from the Court of Appeal,

to have been made by the Crown Court.

Commencement Information
I469 Sch. 5 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

REVOCATION AND AMENDMENT OF REPARATION ORDER

5 (1) This paragraph applies where—

(a) a reparation order is in force in respect of an offender, and

(b) the offender or the responsible officer makes an application to the relevant court under this paragraph.

(2) In this paragraph "the relevant court" means—

(a) a youth court acting in the offender's home local justice area, or

(b) in the case of an application made both under this paragraph and under paragraph 1, the appropriate court (as defined in that paragraph).

(3) Where the responsible officer makes an application to a court under this paragraph, the responsible officer may bring the offender before the court.

But this is subject to paragraph 6.

(4) If it appears to the relevant court that it is appropriate to make an order under this sub-paragraph, the court may—

(a) make an order revoking the reparation order, or

(b) make an order amending it—

(i) by cancelling any provision included in it, or

(ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision which it could include in a reparation

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order if, applying the relevant assumptions, it were now making such an order in respect of the relevant offence.

(5) In this paragraph—

"relevant offence" means the offence in respect of which the reparation order was made, and

the "relevant assumptions" are that—

(a) the offender has just been convicted by the relevant court of the relevant offence, and

(b) the offender is the same age as when in fact convicted of that offence.

(6) Unless the offender is before it, the relevant court may not amend the reparation order under this paragraph, except to—

(a) cancel a requirement included in the order,

(b) substitute a new local justice area for the offender's home local justice area specified in the order, or

(c) change the responsible officer.

(7) Where an application under this paragraph for the revocation of a reparation order is dismissed, no-one may make a further application for its revocation under this paragraph except with the consent of the relevant court.

Commencement Information

I470 Sch. 5 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

SUPPLEMENTARY

Issue of summons or warrant

6 (1) This paragraph applies where an application is made under paragraph 1 or 5.

(2) For the purpose of securing the attendance of the offender before it, the court to which the application is made may issue a summons.

(3) If—

(a) the offender fails to appear in court in answer to the summons, and

(b) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by rules of court, that the summons—

(i) could not be served, or

(ii) was served on the offender within what appears to the court to be a reasonable time before the hearing,

the court may issue a warrant.

(4) This paragraph does not affect any other power to issue a summons or warrant.

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Commencement Information
I471 Sch. 5 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Warrants

7 (1) This paragraph applies where an offender—
(a) is arrested under a warrant issued under paragraph 6, and
(b) cannot immediately be brought before the court before which the warrant directs the offender to be brought ("the relevant court").

(2) The person in whose custody the offender is—
(a) may arrange for the offender to be detained in a place of safety for a period of not more than 72 hours from the time of the arrest, and
(b) must, within that period, bring the offender before a youth court.

(3) A person detained in accordance with arrangements under sub-paragraph (2)(a) is deemed to be lawfully detained.

Commencement Information
I472 Sch. 5 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

8 (1) Where the court before which the offender is brought under paragraph 7(2) ("the alternative court") is not the relevant court, the alternative court may—
(a) direct that the offender be released forthwith, or
(b) remand the offender.

(2) If the offender is aged under 18, the power in sub-paragraph (1)(b) is a power to remand the offender to accommodation provided by or on behalf of a local authority.

(3) Where a court remands an offender under this paragraph to accommodation provided by or on behalf of a local authority, it must designate the local authority which is to receive the offender.

(4) The designated authority must be—
(a) the local authority for the area in which the offender resides, or
(b) if it appears to the court that the offender does not reside in the area of a local authority, must be a local authority in whose area the offence or an associated offence was committed.

Commencement Information
I473 Sch. 5 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power to adjourn hearing and remand offender

9 (1) This paragraph applies to any hearing relating to an offender held by a youth court in any proceedings under this Schedule.

(2) The court may adjourn the hearing.

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(3) Where it adjourns the hearing under sub-paragraph (2), it may—

(a) direct that the offender be released forthwith, or

(b) remand the offender.

(4) Where the court remands the offender under sub-paragraph (3)—

(a) it must fix the time and place at which the hearing is to be resumed, and

(b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.

(5) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—

(a) it may fix the time and place at which the hearing is to be resumed, but

(b) if it does not do so, it must not resume the hearing unless it is satisfied that the following persons have had adequate notice of the time and place for the resumed hearing—

(i) the offender,

(ii) if the offender is aged under 14, a parent or guardian of the offender, and

(iii) the responsible officer.

(6) The powers of a youth court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.

(7) This paragraph—

(a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but

(b) is not to be taken to affect the application of that section to hearings of any other description.

Commencement Information

I474 Sch. 5 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Appeals

10 The offender may appeal to the Crown Court against—

(a) any order made under paragraph 2(1) (order made by appropriate court on breach of reparation order),

(b) any order made under paragraph 5(4)(b) (amendment of order), other than an order which only does one or more of the following—

(i) cancels a requirement included in the order,

(ii) substitutes a new local justice area for the offender's home local justice area specified in the order, or

(iii) changes the responsible officer, or

(c) the dismissal of an application under paragraph 5 to revoke a reparation order.

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Commencement Information
I475 Sch. 5 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 6

Section 173

YOUTH REHABILITATION ORDERS: REQUIREMENTS

PART 1

ACTIVITY REQUIREMENT

Activity requirement: types of requirement

1 (1) In this Code "activity requirement", in relation to a youth rehabilitation order, is a requirement consisting of one or more of the following—

(a) a specified place obligation (see paragraph 3),

(b) a specified activities obligation (see paragraph 4),

(c) a specified residential exercise obligation (see paragraph 5),

(d) an obligation under paragraph 6 to engage in activities as instructed by the responsible officer.

(2) A youth rehabilitation order that imposes an activity requirement may specify—

(a) obligations of more than one of those kinds, or

(b) more than one obligation of any of those kinds.

(3) The aggregate number of days specified in a youth rehabilitation order under paragraphs 3, 4, 5 and 6 must not exceed 90 unless the activity requirement is an extended activity requirement (see paragraph 2).

Commencement Information
I476 Sch. 6 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extended activity requirement

2 (1) An extended activity requirement is an activity requirement for which the aggregate number of days specified in the youth rehabilitation order under paragraphs 3, 4, 5 and 6 is greater than 90.

(2) Where a youth rehabilitation order imposes an extended activity requirement, the aggregate number of days specified in the order under those paragraphs must not exceed 180.

(3) For restrictions on making a youth rehabilitation order with intensive supervision and surveillance (and, accordingly, on imposing an extended activity requirement), see section 180 (as well as sections 175 and 178 (requirements and availability relating to youth rehabilitation orders with intensive supervision and surveillance)).

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Commencement Information
I477 Sch. 6 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activity requirement: specified place obligation

3 (1) For each specified place obligation that it imposes, a youth rehabilitation order must specify—

(a) a number of days,

(b) a place or places, and

(c) for each place specified, the description of person to whom the offender is required to present himself or herself.

(2) The obligation requires the offender, in accordance with instructions of the responsible officer, on the specified number of days—

(a) to present himself or herself at a specified place to a person of the specified description, and

(b) while there, to participate in activities and comply with instructions given by, or under the authority of, the person in charge of the place.

Commencement Information
I478 Sch. 6 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activity requirement: specified activities obligation

4 (1) For each specified activities obligation that it imposes, a youth rehabilitation order must specify—

(a) a number of days, and

(b) an activity or activities.

(2) The obligation requires the offender, in accordance with instructions of the responsible officer, on the specified number of days—

(a) to participate in a specified activity, and

(b) to comply with instructions given by, or under the authority of, the person in charge of the activity.

(3) An activity specified under this paragraph may be one whose purpose is reparation, such as an activity involving contact between an offender and persons affected by the offending concerned.

Commencement Information
I479 Sch. 6 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activity requirement: specified residential exercise obligation

5 (1) For each specified residential exercise obligation that it imposes, a youth rehabilitation order must specify—

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(a) a number of days, and
(b) a place or activity.

(2) The obligation requires the offender, in accordance with the instructions of the responsible officer—
(a) if a place is specified under sub-paragraph (1)(b)—
(i) to present himself or herself at that place to a person of a description specified in the instructions,
(ii) to reside there for a period consisting of the specified number of days, and
(iii) during that period, to comply with instructions given by, or under the authority of, the person in charge of that place;
(b) if an activity is specified under sub-paragraph (1)(b)—
(i) to participate in that activity for a period consisting of the specified number of days, and
(ii) during that period, to comply with instructions given by or under the authority of, the person in charge of the activity.

Commencement Information
I480 Sch. 6 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activity requirement: obligation to engage in activities as instructed by responsible officer

6 (1) A youth rehabilitation order that imposes an obligation under this paragraph—
(a) must specify a number of days, and
(b) may permit the responsible officer to give instructions in accordance with this paragraph requiring the offender to participate in a residential exercise.

(2) The obligation requires the offender to engage in activities in accordance with instructions of the responsible officer on that number of days.

(3) For each of those days, instructions of the responsible officer must require the offender—
(a) to present himself or herself to a person or persons of a description specified in the instructions at a place so specified, or
(b) to participate in an activity specified in the instructions.

(4) On each of those days, or while participating in any such activity, the offender is required to comply with instructions given by, or under the authority of, the person in charge of the place or the activity.

(5) An activity specified in instructions under this paragraph may be one whose purpose is reparation, such as an activity involving contact between an offender and persons affected by the offending concerned.

(6) Sub-paragraphs (7) to (9) apply where under sub-paragraph (1)(b) the youth rehabilitation order permits the responsible officer to give instructions requiring the offender to participate in a residential exercise.

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(7) Instructions given by the responsible officer may require the offender to participate in a residential exercise for the period specified in the instructions, and for that purpose—

(a) to present himself or herself to a person of a description specified in the instructions at a place so specified at the beginning of that period and to reside there for that period, or

(b) to participate for that period in an activity specified in the instructions.

(8) But instructions requiring the offender to participate in a residential exercise—

(a) may not require the offender to participate in such an exercise for a period of more than 7 days;

(b) may not be given except with the consent of a parent or guardian of the offender.

(9) Where the responsible officer gives instructions requiring the offender to participate in a residential exercise, the offender is required to comply with instructions given by, or under the authority of, the person in charge of the place or activity specified in the responsible officer's instructions.

Commencement Information
I481 Sch. 6 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activity requirement: general provisions

7 Instructions given by, or under the authority of, a person in charge of any place under any of the following provisions—

(a) paragraph 3(2)(b) (specified place obligation),

(b) paragraph 5(2)(a)(iii) (residential exercise obligation),

(c) paragraph 6(4) (obligation at place specified by responsible officer), or

(d) paragraph 6(9) (residential exercise at place specified by responsible officer),

may require the offender to engage in activities otherwise than at that place.

Commencement Information
I482 Sch. 6 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing an activity requirement

8 A court may not include an activity requirement in a youth rehabilitation order unless—

(a) the court has consulted—

(i) a member of a youth offending team, or

(ii) an officer of a provider of probation services,

and is satisfied that it is feasible to secure compliance with the requirement,

(b) the court is satisfied that provision can be made for the offender to participate in the activities that it proposes to specify in the order under the

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arrangements for persons to participate in such activities which exist in the local justice area in which the offender resides or is to reside, and

(c) if compliance with the requirement would require the co-operation of a person other than the offender and the responsible officer, that other person consents to its inclusion.

Commencement Information

I483 Sch. 6 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

SUPERVISION REQUIREMENT

Supervision requirement

9 In this Code "supervision requirement", in relation to a youth rehabilitation order, means a requirement that, while the order is in force, the offender must attend appointments with—

(a) the responsible officer, or

(b) another person determined by the responsible officer,

at times and places determined by the responsible officer.

Commencement Information

I484 Sch. 6 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

UNPAID WORK REQUIREMENT

Modifications etc. (not altering text)

C123 Sch. 6 Pt. 3 applied (with modifications) by 2008 c. 4, s. 39(6)(b), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Requirement

10 (1) In this Code "unpaid work requirement", in relation to a youth rehabilitation order, means a requirement that the offender must perform unpaid work in accordance with the instructions of the responsible officer as to—

(a) the work to be performed, and

(b) the times, during a period of 12 months, at which the offender is to perform it.

(2) The order must specify the number of hours which the offender may be required to work under the requirement.

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(3) That number must be in aggregate—

(a) not less than 40, and

(b) not more than 240.

(4) Sub-paragraphs (1)(b) and (3) are subject to paragraphs 10(7) and 19 of Schedule 7 (which make provision for different limits where an unpaid work requirement is imposed or amended in further proceedings).

Commencement Information

I485 Sch. 6 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing an unpaid work requirement

11 (1) A court may not impose an unpaid work requirement in respect of an offender unless it is satisfied—

(a) that the offender is a suitable person to perform work under an unpaid work requirement, and

(b) that provision for the offender to work under such a requirement can be made under the arrangements for persons to perform work under such a requirement which exist in the local justice area in which the offender resides or is to reside.

(2) In making a decision under sub-paragraph (1)(a) the court must (if it considers it necessary) hear—

(a) a member of a youth offending team, or

(b) an officer of a provider of probation services.

Commencement Information

I486 Sch. 6 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

PROGRAMME REQUIREMENT

Programme requirement

12 (1) In this Code "programme requirement", in relation to a youth rehabilitation order, means a requirement for the offender to participate in a particular systematic set of activities (a "programme"), which may have a residential component.

(2) A youth rehabilitation order which imposes a programme requirement must specify—

(a) the programme,

(b) the place or places at which the offender is required to participate in it,

(c) the number of days on which the offender is required to participate in it, and

(d) if the programme has a residential component—

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(i) the place where the offender is required to reside for the purposes of the residential component, and

(ii) the period for which the offender is required to reside there.

(3) For the purposes of this paragraph, a programme has "a residential component" if it is necessary to reside at a particular place for a particular period in order to participate in the programme.

(4) A programme requirement operates to require the offender, as instructed by the responsible officer—

(a) to participate in the programme on the number of days specified in the order at a place specified in the order, and

(b) while there, to comply with instructions given by, or under the authority of, the person in charge of the programme.

Commencement Information

I487 Sch. 6 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing a programme requirement

13 (1) A court may not include a programme requirement in a youth rehabilitation order unless—

(a) the programme which the court proposes to specify has been recommended to the court by—

(i) a member of a youth offending team, or

(ii) an officer of a provider of probation services,

as being suitable for the offender, and

(b) the court is satisfied that the programme is available at the place or places it proposes to specify.

For this purpose, "programme" has the same meaning as in paragraph 12.

(2) A court may not include a programme requirement in a youth rehabilitation order if compliance with the requirement would require the co-operation of a person other than the offender and the offender's responsible officer, unless that other person consents to its inclusion.

Commencement Information

I488 Sch. 6 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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PART 5

ATTENDANCE CENTRE REQUIREMENT

Modifications etc. (not altering text)

C124 Sch. 6 Pt. 5 applied (with modifications) by 2008 c. 4, s. 39(6)(b), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Attendance centre requirement

14 (1) In this Code "attendance centre requirement", in relation to a youth rehabilitation order, means a requirement that the offender must attend at a particular attendance centre for a particular number of hours.

(2) A youth rehabilitation order which imposes an attendance centre requirement must specify—

(a) the attendance centre, and

(b) the aggregate number of hours for which the offender may be required to attend at the attendance centre.

(3) That number of hours must be—

(a) if the offender is aged 16 or over at the time of conviction—

(i) not less than 12, and

(ii) not more than 36;

(b) if the offender is aged 14 or 15 at the time of conviction—

(i) not less than 12, and

(ii) not more than 24;

(c) if the offender is aged under 14 at the time of conviction, not more than 12.

(4) The first time at which the offender is required to attend at the attendance centre is a time notified to the offender by the responsible officer.

(5) The subsequent hours are to be fixed by the officer in charge of the centre—

(a) in accordance with arrangements made by the responsible officer, and

(b) having regard to the offender's circumstances.

(6) An offender may not be required under this paragraph to attend at an attendance centre—

(a) more than once on any day, or

(b) for more than 3 hours at a time.

(7) A requirement under this paragraph to attend at an attendance centre for any period on any occasion operates as a requirement, during that period, to engage in occupation, or receive instruction, whether at the centre or elsewhere—

(a) under the supervision of the officer in charge of the centre, and

(b) in accordance with instructions given by, or under the authority of, that officer.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I489 Sch. 6 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing attendance centre requirement

15 A court may not include an attendance centre requirement in a youth rehabilitation order unless—

(a) the court has been notified by the Secretary of State that an attendance centre is available for persons of the offender's description and that provision can be made for the offender there (and the notice has not been withdrawn), and

(b) the court is satisfied that the attendance centre which it proposes to specify in the order is reasonably accessible to the offender, having regard to the means of access available to the offender and any other circumstances.

Commencement Information
I490 Sch. 6 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 6

PROHIBITED ACTIVITY REQUIREMENT

Requirement

16 (1) In this Code "prohibited activity requirement", in relation to a youth rehabilitation order, means a requirement that the offender must refrain from particular activities—

(a) on one or more particular days, or

(b) for a particular period.

(2) Where the court makes a youth rehabilitation order imposing a prohibited activity requirement, the order must specify—

(a) the activities from which the offender must refrain;

(b) the day or days on which, or the period for which, the offender must refrain from those activities.

(3) A prohibited activity requirement may, in particular, include a requirement that the offender does not possess, use or carry a firearm within the meaning of the Firearms Act 1968.

Commencement Information
I491 Sch. 6 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing prohibited activity requirement

17 A court may not include a prohibited activity requirement in a youth rehabilitation order unless it has consulted—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(a) a member of a youth offending team, or
(b) an officer of a provider of probation services.

Commencement Information
I492 Sch. 6 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 7

CURFEW REQUIREMENT

Modifications etc. (not altering text)
C125 Sch. 6 Pt. 7 applied (with modifications) by 2008 c. 4, s. 39(6)(b), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Curfew requirement

18 (1) In this Code "curfew requirement", in relation to a youth rehabilitation order, means a requirement that the offender must remain, for particular periods ("curfew periods"), at a particular place.

(2) A youth rehabilitation order which imposes a curfew requirement must specify—
(a) the curfew periods, and
(b) the place at which the offender must remain for each curfew period.

(3) Different places or different curfew periods may be specified for different days.

(4) The curfew periods must amount to—
(a) not less than 2 hours in any day, and
(b) not more than 16 hours in any day.

(5) The specified curfew periods must fall within the period of 12 months beginning with the day on which the requirement first takes effect.

Commencement Information
I493 Sch. 6 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Requirements where court imposes curfew requirement

19 (1) Before making a youth rehabilitation order imposing a curfew requirement, the court must obtain and consider information about each place proposed to be specified under paragraph 18(2)(b).

(2) That information must include information as to the attitude of persons likely to be affected by the offender's enforced presence there.

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(3) Where the court makes a youth rehabilitation order which imposes a curfew requirement it must also impose an electronic monitoring requirement (see Part 17 of this Schedule) unless—

(a) it is prevented from doing so by paragraph 44, or

(b) in the particular circumstances of the case, it considers it inappropriate to do so.

Commencement Information

I494 Sch. 6 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 8

EXCLUSION REQUIREMENT

Requirement

20 (1) In this Code "exclusion requirement", in relation to a youth rehabilitation order, means a provision prohibiting the offender from entering a particular place (the "prohibited place") for a particular period (the "exclusion period").

(2) A youth rehabilitation order which imposes an exclusion requirement must specify—

(a) the prohibited place, and

(b) the exclusion period.

(3) The exclusion period must not be more than 3 months.

(4) A youth rehabilitation order may specify—

(a) more than one prohibited place;

(b) more than one exclusion period;

(c) different prohibited places for different exclusion periods or different days.

(5) A prohibited place may be an area.

Commencement Information

I495 Sch. 6 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Requirement for electronic monitoring where court imposes exclusion requirement

21 Where the court makes a youth rehabilitation order which imposes an exclusion requirement it must also impose an electronic monitoring requirement (see Part 17 of this Schedule) unless—

(a) it is prevented from doing so by paragraph 44, or

(b) in the particular circumstances of the case, it considers it inappropriate to do so.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I496 Sch. 6 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 9

RESIDENCE REQUIREMENT

Requirement

22 (1) In this Code "residence requirement", in relation to a youth rehabilitation order, means a requirement that, for a particular period ("the required period"), the offender must—

(a) reside with a particular individual, or

(b) reside—

(i) at a particular place ("the required place"), or

(ii) if the order so permits, at the required place or, with the prior approval of the responsible officer, at some other place.

(2) A youth rehabilitation order which imposes a residence requirement within sub-paragraph (1)(a) must specify—

(a) the required period, and

(b) the individual with whom the offender is required to reside.

(3) A youth rehabilitation order which imposes a residence requirement within sub-paragraph (1)(b) (a "place of residence requirement") must specify—

(a) the required period,

(b) the required place, and

(c) if the offender is to be permitted to reside at some other place with the prior approval of the responsible officer, that fact.

Commencement Information
I497 Sch. 6 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Imposing a residence requirement: restrictions and requirements

23 (1) A youth rehabilitation order which imposes a residence requirement within paragraph 22(1)(a) may not specify, as the individual with whom the offender is required to reside, an individual who has not consented to the requirement.

(2) A court may not include a place of residence requirement in a youth rehabilitation order unless the offender is aged 16 or over at the time of conviction.

(3) Before making a youth rehabilitation order containing a place of residence requirement, the court must consider the home surroundings of the offender.

(4) A hostel or other institution may not be specified as the required place, except on the recommendation of—

(a) a member of a youth offending team,

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(b) an officer of a provider of probation services, or

(c) a social worker of a local authority.

(5) In this paragraph, "place of residence requirement" and "the required place" have the same meanings as in paragraph 22.

Commencement Information

I498 Sch. 6 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 10

LOCAL AUTHORITY RESIDENCE REQUIREMENT

Requirement

24 (1) In this Code "local authority residence requirement", in relation to a youth rehabilitation order, means a requirement that, for a particular period ("the required period"), the offender must reside in accommodation provided by or on behalf of a particular local authority.

(2) A youth rehabilitation order which imposes a local authority residence requirement may also stipulate that the offender is not to reside with a particular person.

(3) A youth rehabilitation order which imposes a local authority residence requirement must specify—

(a) the required period,

(b) the local authority which is to receive the offender, and

(c) any person with whom the offender is not to reside by virtue of sub-paragraph (2).

(4) The required period must—

(a) not be longer than 6 months, and

(b) end before the offender reaches the age of 18.

(5) The authority specified must be the local authority in whose area the offender resides or is to reside.

Commencement Information

I499 Sch. 6 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing local authority residence requirement

25 A court may not include a local authority residence requirement in a youth rehabilitation order made in respect of an offence unless the requirements in A to C are met.

(1) The court is satisfied that—

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(a) the behaviour which constituted the offence was due to a significant extent to the circumstances in which the offender was living, and

(b) imposing that requirement would assist in the offender's rehabilitation.

(2) The court has consulted—

(a) a parent or guardian of the offender (unless it is impracticable to do so), and

(b) the local authority which is to receive the offender.

(3) The offender was legally represented in court when the court was considering whether to impose the local authority residence requirement, but this does not apply if—

(a) representation was made available to the offender for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 but was withdrawn because of the offender's conduct, or

(b) the offender has been informed of the right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

For this purpose, "the proceedings" means—

the whole proceedings, or

the part of the proceedings relating to the imposition of the local authority residence requirement.

Commencement Information

I500 Sch. 6 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 11

FOSTERING REQUIREMENT

Requirement

26 (1) In this Code "fostering requirement", in relation to a youth rehabilitation order, means a requirement that, for a particular period ("the fostering period"), the offender must reside with a local authority foster parent.

(2) A youth rehabilitation order which imposes a fostering requirement must specify—

(a) the fostering period, and

(b) the local authority which is to place the offender with a local authority foster parent under—

(i) section 22C of the Children Act 1989, or

(ii) section 81 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).

(3) The fostering period—

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) must end no later than the end of the period of 12 months beginning with the day on which the requirement takes effect, and

(b) must end before the offender reaches the age of 18.

This is subject to paragraphs 10(9) and (10) and 17(5) and (6) of Schedule 7 (substitute fostering requirement).

(4) The authority specified must be the local authority in whose area the offender resides or is to reside.

(5) Sub-paragraph (6) applies if during the fostering period the responsible officer notifies the offender—

(a) that no suitable local authority foster parent is available, and

(b) that the responsible officer has applied, or proposes to apply, under Part 3 or 4 of Schedule 7 for the youth rehabilitation order to be amended or revoked.

(6) The fostering requirement has effect, until the application is determined, as a requirement for the offender to reside in accommodation provided by or on behalf of a local authority.

(7) This paragraph does not affect the power of a local authority to place with a local authority foster parent an offender in respect of whom a local authority residence requirement is imposed.

Commencement Information

I501 Sch. 6 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing fostering requirement

27 A court may not make a youth rehabilitation order which imposes a fostering requirement unless the requirements in A to D are met.

(1) The court is satisfied that—

(a) the behaviour which constituted the offence was due to a significant extent to the circumstances in which the offender was living, and

(b) imposing that requirement would assist in the offender's rehabilitation.

(2) The court has been notified by the Secretary of State that arrangements for implementing such a requirement are available in the area of the local authority which is to place the offender with a local authority foster parent (and the notice has not been withdrawn).

(3) The court has consulted—

(a) the offender's parents or guardians (unless it is impracticable to do so), and

(b) the local authority which is to place the offender with a local authority foster parent.

(4) The offender was legally represented in court when the court was considering whether to impose the fostering requirement, but this does not apply if—

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(a) representation was made available to the offender for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 but was withdrawn because of the offender's conduct, or

(b) the offender has been informed of the right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

For this purpose, "the proceedings" means—

the whole proceedings, or

the part of the proceedings relating to the imposition of the fostering requirement.

Commencement Information

I502 Sch. 6 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 12

MENTAL HEALTH TREATMENT REQUIREMENT

Mental health treatment requirement

28 (1) In this Code "mental health treatment requirement", in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a particular period or particular periods, to mental health treatment, which may be—

(a) in-patient treatment,

(b) institution-based out-patient treatment, or

(c) practitioner-based treatment.

(2) For this purpose—

"mental health treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a registered medical practitioner or registered psychologist, and

(b) with a view to improvement of the offender's mental condition;

"in-patient treatment" means treatment as a resident patient in—

(a) a care home,

(b) an independent hospital, or

(c) a hospital within the meaning of the Mental Health Act 1983,

but not in hospital premises where high security psychiatric services are provided;

"institution-based out-patient treatment" means treatment as a non-resident patient at a particular institution or place;

"practitioner-based treatment" means treatment by or under the direction of a particular registered medical practitioner or registered psychologist (or both).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(3) A youth rehabilitation order which imposes a mental health treatment requirement must specify—

(a) the period or periods during which the offender is required to submit to mental health treatment, and

(b) for each such period—

(i) if the mental health treatment is to be in-patient treatment, the care home or hospital where it is to be provided;

(ii) if it is to be institution-based out-patient treatment, the institution or place where it is to be provided;

(iii) if it is to be practitioner-based treatment, the registered medical practitioner or registered psychologist (or both) by whom or under whose direction it is to be provided;

but may not otherwise specify the nature of the treatment.

(4) In this paragraph—

"care home" means—

(a) a care home in England within the meaning of the Care Standards Act 2000, or

(b) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)) is provided;

"high security psychiatric services" has the same meaning as in the Mental Health Act 1983;

"independent hospital"—

(a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;

"registered psychologist" means a person for the time being registered in the part of the register maintained under the Health Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists.

(5) While the offender is under treatment which is in-patient treatment in pursuance of a mental health treatment requirement of a youth rehabilitation order, the responsible officer is to carry out the supervision of the offender only to the extent necessary for the purpose of the revocation or amendment of the order.

Commencement Information

I503 Sch. 6 para. 28 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing mental health treatment requirement

29 (1) A court may not include a mental health treatment requirement in a youth rehabilitation order unless the following conditions are met—

(a) the need for treatment condition,

(b) the arrangements condition, and

(c) the consent condition.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) The need for treatment condition is that the court is satisfied that the mental condition of the offender—

(a) requires treatment,

(b) may be susceptible to treatment, and

(c) does not warrant the making of a hospital order or guardianship order within the meaning of the Mental Health Act 1983.

(3) The arrangements condition is that the court is satisfied that arrangements—

(a) have been made, or

(b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, if that treatment is, or includes, in-patient treatment (see paragraph 28(2)).

(4) The consent condition is that the offender has expressed willingness to comply with the requirement.

Commencement Information

I504 Sch. 6 para. 29 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Alternative arrangements for mental health treatment

30 (1) Where—

(a) an offender is being treated in pursuance of a mental health treatment requirement, and

(b) the treatment practitioner is of the opinion that part of the treatment can be better or more conveniently given in an institution or at a place—

(i) which is not specified in the youth rehabilitation order, and

(ii) where the treatment of the offender will be given by or under the direction of a registered medical practitioner or registered psychologist,

the treatment practitioner may make arrangements ("alternative arrangements") for the offender to be treated accordingly.

(2) Alternative arrangements may be made only if the offender has expressed willingness for the treatment to be given under those arrangements.

(3) Alternative arrangements may provide for the offender to receive part of the treatment as a resident patient in an institution or place which could not have been specified for that purpose in the youth rehabilitation order.

(4) Where alternative arrangements are made—

(a) the treatment for which the alternative arrangements provide is to be deemed to be treatment to which the offender is required to submit in pursuance of the mental health treatment requirement, and

(b) the treatment practitioner must give a notice in writing to the offender's responsible officer, specifying the institution or place where that treatment is to be carried out.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(5) In this paragraph—

"registered psychologist" means a person for the time being registered in the part of the register maintained under the Health Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists;

"treatment practitioner" means the medical practitioner or registered psychologist by or under whose direction the offender is being treated in pursuance of the mental health treatment requirement.

Commencement Information

I505 Sch. 6 para. 30 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 13

DRUG TREATMENT REQUIREMENT

Requirement

31 (1) In this Code "drug treatment requirement", in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a period or periods (each, a "treatment period"), to drug rehabilitation treatment.

Such treatment may be resident treatment or non-resident treatment.

(2) In this paragraph—

"drug rehabilitation treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a person having the necessary qualifications or experience, and

(b) with a view to the reduction or elimination of the offender's dependency on, or propensity to misuse, drugs;

"resident treatment" means treatment as a resident in a particular institution or place;

"non-resident treatment" means treatment as a non-resident at a particular institution or place;

"the treatment director" means the person by or under whose direction the treatment is to be provided.

(3) A youth rehabilitation order which imposes a drug treatment requirement must specify—

(a) the treatment period or treatment periods, and

(b) for each treatment period—

(i) the treatment director;

(ii) if the treatment is to be resident treatment, the institution or place where it is to be provided;

(iii) if it is to be non-resident treatment, the institution or place where, and the intervals at which, it is to be provided;

but must not otherwise specify the nature of the treatment.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I506 Sch. 6 para. 31 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing drug treatment requirement

32 (1) A court may not include a drug treatment requirement in a youth rehabilitation order unless the following conditions are met—
(a) the need for treatment condition,
(b) the availability condition,
(c) the arrangements condition,
(d) the suitability condition, and
(e) the consent condition.

(2) The need for treatment condition is that the court is satisfied—
(a) that the offender—
(i) is dependent on drugs, or
(ii) has a propensity to misuse drugs, and
(b) that the offender's dependency or propensity—
(i) requires treatment, and
(ii) may be susceptible to treatment.

(3) The availability condition is that the court has been notified by the Secretary of State that arrangements for implementing drug treatment requirements are in force in the local justice area in which the offender resides or is to reside (and the notice has not been withdrawn).

(4) The arrangements condition is that the court is satisfied that arrangements—
(a) have been made, or
(b) can be made,
for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender if that treatment is, or includes, resident treatment (within the meaning given in paragraph 31(2)).

(5) The suitability condition is that the requirement has been recommended to the court as suitable for the offender by—
(a) a member of a youth offending team, or
(b) an officer of a provider of probation services.

(6) The consent condition is that the offender has expressed willingness to comply with the requirement.

Commencement Information
I507 Sch. 6 para. 32 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Meaning of "drug"

33 In this Part of this Schedule, "drug" means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971.

Commencement Information
I508 Sch. 6 para. 33 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 14

DRUG TESTING REQUIREMENT

Requirement

34 (1) In this Code "drug testing requirement", in relation to a youth rehabilitation order, means a requirement that, during any treatment period, the offender must, for the purpose of ascertaining whether there is any drug in the offender's body during that period, provide samples in accordance with instructions given by—

(a) the responsible officer, or

(b) the treatment director.

(2) A youth rehabilitation order which imposes a drug testing requirement—

(a) must specify, for each month, the minimum number of occasions when samples are to be provided, and

(b) may specify—

(i) when and in what circumstances the responsible officer or treatment director may require the offender to provide samples, and

(ii) the kinds of sample which may be required.

(3) A youth rehabilitation order which imposes a drug testing requirement must provide for the results of tests on samples provided by the offender in pursuance of the requirement to be communicated to the responsible officer, if they are not carried out by the responsible officer.

(4) In this paragraph—

(a) "drug" has the meaning given by paragraph 33;

(b) "treatment director" and "treatment period" have the same meanings as in paragraph 31.

Commencement Information
I509 Sch. 6 para. 34 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing drug testing requirement

35 (1) A youth rehabilitation order may impose a drug testing requirement only if it also imposes a drug treatment requirement.

(2) A court may not include a drug testing requirement in a youth rehabilitation order unless the following conditions are met—

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(a) the availability condition, and
(b) the consent condition.

(3) The availability condition is that the court has been notified by the Secretary of State that arrangements for implementing drug testing requirements are in force in the local justice area in which the offender resides or is to reside (and the notice has not been withdrawn).

(4) The consent condition is that the offender has expressed willingness to comply with the requirement.

Commencement Information
I510 Sch. 6 para. 35 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 15

INTOXICATING SUBSTANCE TREATMENT REQUIREMENT

Requirement

36 (1) In this Code "intoxicating substance treatment requirement", in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a period or periods (each, a "treatment period") to substance abuse treatment.

Such treatment may be resident treatment or non-resident treatment.

(2) In this paragraph—

"substance abuse treatment" means treatment which is—
(a) by or under the direction of a person having the necessary qualifications or experience, and
(b) with a view to the reduction or elimination of the offender's dependency on or propensity to misuse intoxicating substances;

"resident treatment" means treatment as a resident in a particular institution or place;

"non-resident treatment" means treatment as a non-resident at a particular institution or place;

"the treatment director" means the person by or under whose direction the treatment is to be provided.

(3) A youth rehabilitation order which imposes an intoxicating substance treatment requirement must specify—
(a) the treatment period or treatment periods, and
(b) for each treatment period—
(i) the treatment director;
(ii) if the treatment is to be resident treatment, the institution or place where it is to be provided;
(iii) if it is to be non-resident treatment, the institution or place where, and the intervals at which, it is to be provided;

but must not otherwise specify the nature of the treatment.

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Commencement Information
I511 Sch. 6 para. 36 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing intoxicating substance treatment requirement

37 (1) A court may not include an intoxicating substance treatment requirement in a youth rehabilitation order unless the following conditions are met—

(a) the need for treatment condition,

(b) the arrangements condition,

(c) the suitability condition, and

(d) the consent condition.

(2) The need for treatment condition is that the court is satisfied—

(a) that the offender—

(i) is dependent on intoxicating substances, or

(ii) has a propensity to misuse intoxicating substances, and

(b) that the offender's dependency or propensity—

(i) requires treatment, and

(ii) may be susceptible to treatment.

(3) The arrangements condition is that the court is satisfied that arrangements—

(a) have been made, or

(b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender if that treatment is, or includes, resident treatment (within the meaning given in paragraph 36(2)).

(4) The suitability condition is that the requirement has been recommended to the court as suitable for the offender by—

(a) a member of a youth offending team, or

(b) an officer of a provider of probation services.

(5) The consent condition is that the offender has expressed willingness to comply with the requirement.

Commencement Information
I512 Sch. 6 para. 37 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Meaning of "intoxicating substance"

38 In this Part of this Schedule "intoxicating substance" means—

(a) alcohol, or

(b) any other substance or product which—

(i) can be used for the purpose of causing intoxication (whether through inhaling it or its fumes or otherwise), and

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(ii) is not a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971.

Commencement Information
I513 Sch. 6 para. 38 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 16

EDUCATION REQUIREMENT

Requirement

39 (1) In this Code "education requirement", in relation to a youth rehabilitation order, means a requirement that the offender must comply, during a particular period or particular periods, with arrangements for the offender's education—

(a) made for the time being by the offender's parent or guardian, and

(b) approved by a relevant authority.

(2) A youth rehabilitation order which imposes an education requirement must specify—

(a) the relevant authority for the purposes of the requirement, and

(b) the period or periods during which the offender must comply with the education arrangements.

(3) The authority specified as the relevant authority must be the local authority (within the meaning of the Education Act 1996) for the area in which the offender resides or is to reside.

(4) Any period specified must end by the time the offender ceases to be of compulsory school age.

(5) In this paragraph, "parent" has the same meaning as in the Education Act 1996.

Commencement Information
I514 Sch. 6 para. 39 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing education requirement

40 A court may not include an education requirement in a youth rehabilitation order unless—

(a) it has consulted the authority which is to be specified as the relevant authority (within the meaning of paragraph 39), and

(b) it is satisfied—

(i) that, in the view of that authority, arrangements exist for the offender to receive efficient full-time education suitable to the offender's age, ability, aptitude and special educational needs (if any), and

(ii) that, having regard to the circumstances of the case, it is necessary to include the education requirement in order to secure the good

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conduct of the offender or to prevent the commission of further offences.

Commencement Information
I515 Sch. 6 para. 40 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 17

ELECTRONIC MONITORING REQUIREMENT

Modifications etc. (not altering text)
C126 Sch. 6 Pt. 17 applied (with modifications) by 2008 c. 4, s. 39(6)(b), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Requirement

41 In this Code "electronic monitoring requirement", in relation to a youth rehabilitation order, means a requirement for securing the electronic monitoring of the offender's compliance with other requirements imposed by the order during a particular period ("the monitoring period").

Commencement Information
I516 Sch. 6 para. 41 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Person responsible for electronic monitoring

42 (1) A youth rehabilitation order which imposes an electronic monitoring requirement must include provision for making a person responsible for the monitoring.

(2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Commencement Information
I517 Sch. 6 para. 42 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Monitoring period

43 (1) A youth rehabilitation order which imposes an electronic monitoring requirement must—

(a) specify the monitoring period, or

(b) provide for the responsible officer to determine the monitoring period in accordance with the order.

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(2) Sub-paragraph (3) applies where the responsible officer is to determine the monitoring period in accordance with the order.

(3) Before it begins, the responsible officer must notify the following people of when the monitoring period is to begin—

(a) the offender,

(b) the person responsible for the monitoring, and

(c) any person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring.

Commencement Information

I518 Sch. 6 para. 43 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing electronic monitoring

44 (1) Where—

(a) it is proposed to include an electronic monitoring requirement in a youth rehabilitation order, but

(b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,

the requirement may not be included in the order without that person's consent.

(2) A court may not include an electronic monitoring requirement in a youth rehabilitation order unless—

(a) the court has been notified by the Secretary of State that arrangements for electronic monitoring of offenders are available—

(i) in the local justice area proposed to be specified in the order as the offender's home local justice area, and

(ii) for each requirement mentioned in the table in sub-paragraph (3) which the court proposes to include in the order, in the area in which the relevant place specified in the table for that requirement is situated,

(and the notice has not been withdrawn in relation to any of those areas), and

(b) the court is satisfied that the necessary provision can be made under the arrangements currently available.

(3) That table is—

Proposed requirement of youth rehabilitation order	***Relevant place***
Curfew requirement	The place which the court proposes to specify in the order for the purposes of that requirement.
Exclusion requirement	The prohibited place (within the meaning of paragraph 20) which the court proposes to specify in the order.

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Attendance centre requirement	The attendance centre which the court proposes to specify in the order.

Commencement Information
I519 Sch. 6 para. 44 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 7

Section 195

BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDER

Modifications etc. (not altering text)
C127 Sch. 7 applied (with modifications) by 2008 c. 4, s. 39(6)(c), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

PART 1

PRELIMINARY

Interpretation

1 (1) In this Schedule, a reference (however expressed) to an offender's breach of a requirement of a youth rehabilitation order is a reference to any failure of the offender to comply—

(a) with a requirement imposed by the order, or

(b) if the order imposes an attendance centre requirement, with rules made under section 394(1)(d) or (e) (attendance centre rules).

(2) For the purposes of this Schedule—

(a) a requirement falling within any Part of Schedule 6 is of the same kind as any other requirement falling within that Part, and

(b) an electronic monitoring requirement is a requirement of the same kind as any other youth rehabilitation requirement to which it relates.

Commencement Information
I520 Sch. 7 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Youth rehabilitation order subject to magistrates' court supervision

2 For the purposes of this Schedule—

(a) "Crown Court youth rehabilitation order" means a youth rehabilitation order which—

(i) was made by the Crown Court, and

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(ii) does not include a direction under section 189 (power for Crown Court to direct magistrates' court supervision);

(b) a youth rehabilitation order is "subject to magistrates' court supervision" if it—

(i) was made by a magistrates' court, or

(ii) was made by the Crown Court and includes a direction under that section.

Commencement Information

I521 Sch. 7 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Orders made on appeal

3 Where a youth rehabilitation order has been made on appeal, for the purposes of this Schedule it is treated—

(a) if it was made on an appeal from a magistrates' court, as having been made by a magistrates' court;

(b) if it was made on an appeal—

(i) from the Crown Court, or

(ii) from the Court of Appeal,

as having been made by the Crown Court.

Commencement Information

I522 Sch. 7 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

BREACH OF REQUIREMENT OF ORDER

Duty to give warning or lay information relating to breach of order

4 (1) This paragraph applies where the responsible officer is of the opinion that the offender has without reasonable excuse breached a requirement of a youth rehabilitation order.

(2) Sub-paragraph (3) applies if—

(a) the breach occurred during a warned period relating to an earlier breach of the order, and

(b) during that warned period the offender had been given a further warning in relation to the order.

(3) The responsible officer must cause an information to be laid before a justice of the peace in respect of that breach unless of the opinion that there are exceptional circumstances which justify not doing so.

(4) If sub-paragraph (3) does not apply, the responsible officer must either—

(a) give the offender a warning under this paragraph, or

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(b) cause an information to be laid before a justice of the peace in respect of that breach.

(5) A warning under this paragraph must—

(a) describe the circumstances of the breach,

(b) state that the breach is unacceptable, and

(c) inform the offender that the offender will be liable to be brought before a court if the offender breaches a requirement of the order again—

(i) more than once during the warned period, or

(ii) if the warning is given during the warned period relating to an earlier breach of the order, during that warned period.

(6) For the purposes of this paragraph, "warned period", in relation to a breach of a requirement of the youth rehabilitation order, means the period of 12 months beginning with the date on which a warning is given under this paragraph in relation to the breach.

(7) As soon as practicable after giving a warning under this paragraph, the responsible officer must record that fact.

Commencement Information

I523 Sch. 7 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Issue of summons or warrant by justice of the peace

5 (1) This paragraph applies where—

(a) a youth rehabilitation order is in force, and

(b) it appears on information to a justice of the peace that the offender has breached a requirement of the order.

(2) The justice may—

(a) issue a summons requiring the offender to appear at the place and time specified in it, or

(b) if the information is in writing and on oath, issue a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought—

(a) in the case of a Crown Court youth rehabilitation order, before the Crown Court, and

(b) in any other case, before the appropriate court.

(4) In sub-paragraph (3), "appropriate court" means—

(a) if the offender is aged under 18, a youth court acting in the relevant local justice area, and

(b) if the offender is aged 18 or over, a magistrates' court (other than a youth court) acting in that local justice area.

(5) In sub-paragraph (4), "relevant local justice area" means—

(a) the local justice area in which the offender resides, or

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(b) if it is not known where the offender resides, the offender's home local justice area.

(6) Sub-paragraphs (7) and (8) apply where—

(a) a summons is issued under this paragraph, and

(b) the offender does not appear in answer to it.

(7) If the summons required the offender to appear before the Crown Court, the Crown Court may—

(a) if the summons was issued by a justice of the peace, issue a further summons requiring the offender to appear at the place and time specified in it, or

(b) in any case, issue a warrant for the arrest of the offender.

(8) If the summons required the offender to appear before a magistrates' court, the magistrates' court may issue a warrant for the arrest of the offender.

Commencement Information

I524 Sch. 7 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of magistrates' court

6 (1) This paragraph applies where—

(a) an offender appears or is brought before a youth court or other magistrates' court under paragraph 5, and

(b) it is proved to the satisfaction of the court that the offender has breached a requirement of the youth rehabilitation order without reasonable excuse,

and must be read with paragraphs 8 to 11.

(2) The court may deal with the case under sub-paragraph (5).

(3) If the youth rehabilitation order was made by the Crown Court, the court may instead—

(a) commit the offender to custody, or

(b) release the offender on bail,

until the offender can be brought or appear before the Crown Court.

(4) Where a court deals with the offender's case under sub-paragraph (3) it must send the Crown Court—

(a) a certificate signed by a justice of the peace certifying that the offender has breached the youth rehabilitation order in the respect specified in the certificate, and

(b) such other particulars of the case as may be desirable;

and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.

(5) Where the court deals with the case under this sub-paragraph, it may deal with the offender in respect of the breach in any one of the following ways—

(a) by ordering the offender to pay a fine of an amount not exceeding £2,500;

(b) by amending the terms of the youth rehabilitation order to add or substitute any requirement which it could include in a youth rehabilitation order if,

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applying the relevant assumptions, it were now making such an order in respect of the relevant offence;

(c) by re-sentencing the offender for the relevant offence.

(6) In this paragraph—

"relevant offence" means the offence in respect of which the youth rehabilitation order was made, and

the "relevant assumptions" are that—

(a) the court has just convicted the offender of the relevant offence, and

(b) the offender is the same age as when in fact convicted of that offence.

(7) Sub-paragraph (5)(b) is subject to paragraph 10.

(8) In dealing with the offender under sub-paragraph (5), the court must take into account the extent to which the offender has complied with the requirements of the youth rehabilitation order.

(9) Where the court—

(a) deals with the offender under sub-paragraph (5)(b), and

(b) does not act in the offender's home local justice area,

it may exercise the power in paragraph 15 (amendment by reason of change of residence) as if it were the appropriate court for the purposes of that paragraph.

(10) Where the court deals with the offender under sub-paragraph (5)(c), it must revoke the youth rehabilitation order if it is still in force.

(11) An offender may appeal to the Crown Court against a sentence imposed under sub-paragraph (5)(c).

Commencement Information

I525 Sch. 7 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of Crown Court

7 (1) This paragraph applies where—

(a) an offender appears or is brought before the Crown Court under paragraph 5 or by virtue of paragraph 6(3), and

(b) it is proved to the satisfaction of that court that the offender has breached a requirement of the youth rehabilitation order without reasonable excuse,

and must be read with paragraphs 8 to 11.

(2) The Crown Court may deal with the offender in respect of that breach in any one of the following ways—

(a) by ordering the offender to pay a fine of an amount not exceeding £2,500;

(b) by amending the terms of the youth rehabilitation order to add or substitute any requirement which it could include in a youth rehabilitation order if, applying the relevant assumptions, it were now making such an order in respect of the relevant offence;

(c) by re-sentencing the offender for the relevant offence.

(3) In this paragraph—

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"relevant offence" means the offence in respect of which the youth rehabilitation order was made, and

the "relevant assumptions" are that—

(a) the offender has just been convicted of the relevant offence by or before the court dealing with the offender, and

(b) the offender is the same age as when in fact convicted of that offence.

(4) Sub-paragraph (2)(b) is subject to paragraph 10.

(5) In dealing with the offender under sub-paragraph (2), the Crown Court must take into account the extent to which the offender has complied with the requirements of the youth rehabilitation order.

(6) Where the Crown Court deals with an offender under sub-paragraph (2)(c), it must revoke the youth rehabilitation order if it is still in force.

(7) In proceedings before the Crown Court under this paragraph any question whether the offender has breached a requirement of the youth rehabilitation order is to be determined by the court and not by the verdict of a jury.

Commencement Information
I526 Sch. 7 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction of powers in paragraphs 6 and 7 where treatment required

8 (1) Sub-paragraph (2) applies where the offender—

(a) is required by a treatment requirement of the youth rehabilitation order to submit to treatment, and

(b) has refused to undergo any surgical, electrical or other treatment.

(2) The offender is not to be treated for the purposes of paragraph 6 or 7 as having breached the requirement on the ground only of that refusal if, in the opinion of the court, the refusal was reasonable having regard to all the circumstances.

(3) In this paragraph, "treatment requirement" means—

(a) a mental health treatment requirement,

(b) a drug treatment requirement, or

(c) an intoxicating substance treatment requirement.

Commencement Information
I527 Sch. 7 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Fines imposed under paragraphs 6 and 7

9 (1) A fine imposed under paragraph 6(5)(a) or 7(2)(a) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.

(2) Where—

(a) a court is dealing with an offender for breach of a requirement of a youth rehabilitation order,

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(b) the offender is aged under 18, and

(c) but for this sub-paragraph, the court would impose a fine under paragraph 6(5)(a) or 7(2)(a),

section 380 (order for payment by parent or guardian) applies to the fine.

Commencement Information

I528 Sch. 7 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers in paragraphs 6 and 7 to impose other requirements: further provisions

10 (1) This paragraph applies where—

(a) the magistrates' court deals with the offender under paragraph 6(5)(b), or

(b) the Crown Court deals with the offender under paragraph 7(2)(b).

(2) Paragraphs 6(5)(b) and 7(2)(b) have effect subject to any provision that applies to the court in making a youth rehabilitation order as if the court were imposing the requirements on making the order.

That is subject to the following provisions of this paragraph and to paragraph 11.

(3) Subject to sub-paragraph (4), any requirement imposed under paragraph 6(5)(b) or 7(2)(b) must be capable of being complied with before the end date.

(4) In dealing with an offender under paragraph 6(5)(b) or 7(2)(b) the court may substitute a later date for the end date.

(5) A date substituted under sub-paragraph (4)—

(a) must not be more than 6 months after the existing end date;

(b) subject to that, may be more than 3 years after the date on which the order took effect.

(6) Once the power in sub-paragraph (4) has been exercised in relation to the order, it may not be exercised again in relation to it by any court.

(7) Where—

(a) in dealing with the offender under paragraph 6(5)(b) or 7(2)(b), the court imposes an unpaid work requirement, and

(b) the youth rehabilitation order does not already contain an unpaid work requirement,

the number of hours for which the offender may be required to work under the requirement (see paragraph 10(3) of Schedule 6) must not, in aggregate, be less than 20.

(8) The court may not under paragraph 6(5)(b) or 7(2)(b) impose—

(a) an extended activity requirement, or

(b) a fostering requirement,

if the order does not already impose such a requirement.

(9) Sub-paragraph (10) applies where—

(a) the order includes a fostering requirement (the “original requirement”), and

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(b) under paragraph 6(5)(b) or 7(2)(b) the court proposes to substitute a new fostering requirement ("the substitute requirement") for the original requirement.

(10) The fostering period (see paragraph 26(3) of Schedule 6) for the substitute requirement must end—

(a) within 18 months beginning with the day on which the original requirement first took effect, and

(b) before the offender reaches the age of 18.

Commencement Information

I529 Sch. 7 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers in paragraphs 6 and 7 to re-sentence: further provisions relating to intensive supervision and surveillance

11 (1) This paragraph applies where—

(a) the court is dealing with the offender under paragraph 6(5)(c) or 7(2)(c) for an offence, and

(b) the offender has wilfully and persistently failed to comply with the youth rehabilitation order.

(2) The court may impose a youth rehabilitation order with intensive supervision and surveillance even if—

(a) the offence is not an imprisonable offence, or

(b) the court is not of the opinion mentioned in section 180(2)(a) (custodial sentence otherwise appropriate).

(3) If—

(a) the order is a youth rehabilitation order with intensive supervision and surveillance, and

(b) the offence is an imprisonable offence,

the court may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (threshold for imposing discretionary custodial sentence).

(4) If—

(a) the order is a youth rehabilitation order with intensive supervision and surveillance which was imposed by virtue of sub-paragraph (2), and

(b) the offence is not an offence punishable with imprisonment,

the court's powers under paragraph 6(5)(c) or 7(2)(c) to deal with the offender for the offence include power to make a detention and training order for a term not exceeding 4 months.

Commencement Information

I530 Sch. 7 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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PART 3

REVOCATION OF ORDER WITH OR WITHOUT RE-SENTENCING

Youth rehabilitation order subject to magistrates' court supervision

12 (1) This paragraph applies where—

(a) a youth rehabilitation order subject to magistrates' court supervision is in force in respect of an offender,

(b) the offender or the responsible officer makes an application to the appropriate court under this sub-paragraph.

(2) In this paragraph, "the appropriate court" means—

(a) if the offender is aged under 18 when the application under sub-paragraph (1) is made, a youth court acting in the offender's home local justice area, and

(b) if the offender is aged 18 or over at that time, a magistrates' court (other than a youth court) acting in that local justice area.

(3) No application may be made under sub-paragraph (1) while an appeal against the youth rehabilitation order is pending.

(4) Unless the application was made by the offender, the appropriate court—

(a) must, before exercising its powers under sub-paragraph (5)(b), summon the offender to appear before it, and

(b) if the offender does not appear in answer to the summons, may issue a warrant for the offender's arrest.

(5) If it appears to the appropriate court to be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the appropriate court may—

(a) revoke the order, or

(b) both—

(i) revoke the order, and

(ii) re-sentence the offender for the offence in respect of which the order was made.

(6) The circumstances in which a youth rehabilitation order may be revoked under sub-paragraph (5) include the offender's—

(a) making good progress, or

(b) responding satisfactorily to supervision or treatment (as the case requires).

(7) If the court deals with the offender under sub-paragraph (5)(b), it must take into account the extent to which the offender has complied with the requirements of the youth rehabilitation order.

(8) A person sentenced under sub-paragraph (5)(b) for an offence may appeal to the Crown Court against the sentence.

(9) If the application is dismissed, no-one may make a further application under sub-paragraph (1) during the 3 month period beginning with the date of the dismissal, except with the consent of the appropriate court.

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***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I531 Sch. 7 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Crown Court youth rehabilitation order

13 (1) This paragraph applies where a Crown Court youth rehabilitation order is in force and—

(a) the offender, or

(b) the responsible officer,

makes an application to the Crown Court under this sub-paragraph.

(2) No application may be made under sub-paragraph (1) while an appeal against the youth rehabilitation order is pending.

(3) Unless the application was made by the offender, the Crown Court—

(a) must, before exercising its powers under sub-paragraph (4)(b), summon the offender to appear before the court, and

(b) if the offender does not appear in answer to the summons, may issue a warrant for the offender's arrest.

(4) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the Crown Court may—

(a) revoke the order, or

(b) both—

(i) revoke the order, and

(ii) re-sentence the offender for the offence in respect of which the order was made.

(5) The circumstances in which a youth rehabilitation order may be revoked under sub-paragraph (4) include the offender's—

(a) making good progress, or

(b) responding satisfactorily to supervision or treatment (as the case requires).

(6) If the Crown Court deals with the offender under sub-paragraph (4)(b), it must take into account the extent to which the offender has complied with the requirements of the youth rehabilitation order.

(7) If the application is dismissed, no-one may make a further application under sub-paragraph (1) during the 3 month period beginning with the date of the dismissal, except with the consent of the Crown Court.

Commencement Information
I532 Sch. 7 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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PART 4

AMENDMENT OF ORDER

Appropriate court

14 In this Part of this Schedule, "the appropriate court", in relation to an application relating to a youth rehabilitation order, means—

(a) if the order is subject to magistrates' court supervision—

(i) if the offender is aged under 18 when the application is made, a youth court acting in the offender's home local justice area, and

(ii) if the offender is aged 18 or over at that time, a magistrates' court (other than a youth court) acting in that local justice area;

(b) if the order is a Crown Court youth rehabilitation order, the Crown Court.

Commencement Information
I533 Sch. 7 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendment by appropriate court

15 (1) This paragraph applies where—

(a) a youth rehabilitation order is in force, and

(b) an application for the amendment of the order is made to the appropriate court by—

(i) the offender, or

(ii) the responsible officer.

(2) If the appropriate court is satisfied that the offender proposes to reside, or is residing, in a local justice area (a "new local justice area") other than the offender's home local justice area for the time being specified in the order, the court—

(a) must, if the responsible officer made the application under sub-paragraph (1)(b), or

(b) may, in any other case,

amend the youth rehabilitation order to specify the new local justice area as the offender's home local justice area.

This is subject to paragraph 16.

(3) The appropriate court may by order amend the youth rehabilitation order—

(a) by cancelling any of the youth rehabilitation requirements of the order, or

(b) by replacing any of those requirements with a youth rehabilitation requirement of the same kind which it could include in a youth rehabilitation order if, applying the relevant assumptions, it were now making such an order in respect of the relevant offence.

This is subject to paragraph 17.

(4) In this paragraph—

"relevant offence" means the offence in respect of which the youth rehabilitation order was made, and

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the "relevant assumptions" are that—

(a) the offender has just been convicted by or before the appropriate court of the relevant offence, and

(b) the offender is the same age as when in fact convicted of that offence.

Commencement Information

I534 Sch. 7 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of powers under paragraph 15(2): further provision

16 (1) This paragraph applies where—

(a) an application has been made under paragraph 15(1)(b) in respect of a youth rehabilitation order, and

(b) the court proposes to exercise its powers under paragraph 15(2) to specify a new local justice area in the order.

(2) Sub-paragraphs (3) and (4) apply if the youth rehabilitation order contains one or more requirements which, in the opinion of the court, cannot be complied with unless the offender continues to reside in the area then specified as the offender's home local justice area (each, a "specific area requirement").

(3) The court may not amend the order under paragraph 15(2) to specify a new local justice area unless it also exercises the power in paragraph 15(3) (by cancelling or substituting each specific area requirement) so that the order can be complied with if the offender resides in the new local justice area.

(4) If the application was made by the responsible officer, the court must exercise the power in paragraph 15(3) in that way unless it considers it inappropriate to do so.

(5) Sub-paragraph (6) applies if the youth rehabilitation order imposes a programme requirement.

(6) The court may not amend the order under paragraph 15(2) unless it is satisfied that a programme which—

(a) corresponds as nearly as practicable to the programme specified in the order for the purposes of the programme requirement, and

(b) is suitable for the offender,

is available in the new local justice area.

Commencement Information

I535 Sch. 7 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of powers under paragraph 15(3)(b): further provision

17 (1) Before exercising its powers under paragraph 15(3)(b) (replacing requirements of a youth rehabilitation order), the court must summon the offender to appear before it, unless—

(a) the application under paragraph 15(1)(b) was made by the offender, or

(b) the court would exercise the powers only to—

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(i) replace any requirement of the youth rehabilitation order with one of a shorter duration, or

(ii) substitute a new local justice area or place for one specified in the order.

(2) If the offender fails to appear in answer to a summons under sub-paragraph (1) the court may issue a warrant for the offender's arrest.

(3) Any requirement imposed under paragraph 15(3)(b) must be capable of being complied with before the end date.

This is subject to paragraph 18.

(4) Any provision that applies to a court where it imposes a requirement on making a youth rehabilitation order applies also to the court where it imposes such a requirement under paragraph 15(3)(b).

That is subject to the following provisions of this paragraph and paragraphs 18 and 19.

(5) Sub-paragraph (6) applies where—

(a) the order includes a fostering requirement (the "original requirement"), and

(b) under paragraph 15(3)(b) the court proposes to substitute a new fostering requirement ("the substitute requirement") for the original requirement.

(6) The fostering period (see paragraph 26(3) of Schedule 6) for the substitute requirement must end—

(a) within 18 months beginning with the day on which the original requirement first took effect, and

(b) before the offender reaches the age of 18.

(7) The court may not under paragraph 15(3)(b) impose—

(a) a mental health treatment requirement,

(b) a drug treatment requirement, or

(c) a drug testing requirement,

unless the offender has expressed willingness to comply with the requirement.

(8) If the offender fails to express willingness to comply with a mental health treatment requirement, a drug treatment requirement or a drug testing requirement which the court proposes to impose under paragraph 15(3)(b), the court may—

(a) revoke the youth rehabilitation order, and

(b) re-sentence the offender for the offence in respect of which the order was made.

(9) If the court deals with the offender under sub-paragraph (8)(b), it must take into account the extent to which the offender has complied with the requirements of the order.

Commencement Information

I536 Sch. 7 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Extension of order

18 (1) The appropriate court may, on the application of—

(a) the offender, or

(b) the responsible officer,

amend a youth rehabilitation order by substituting a later date for the end date.

(2) Unless the application was made by the offender, the court—

(a) must, before exercising its powers under this paragraph, summon the offender to appear before the court, and

(b) if the offender fails to appear in answer to the summons, may issue a warrant for the offender's arrest.

(3) A date substituted under sub-paragraph (1)—

(a) must not be more than 6 months after the existing end date;

(b) subject to that, may be more than 3 years after the date on which the order took effect.

(4) Once the power in sub-paragraph (1) has been exercised in relation to the order, it may not be exercised again in relation to it by any court.

Commencement Information
I537 Sch. 7 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extension of unpaid work requirement

19 (1) This paragraph applies where a youth rehabilitation order imposing an unpaid work requirement is in force in respect of an offender.

(2) The appropriate court may, on the application of—

(a) the offender, or

(b) the responsible officer,

extend the period of 12 months specified in paragraph 10(1)(b) of Schedule 6, if it appears to the appropriate court to be in the interests of justice to do so having regard to circumstances which have arisen since the order was made.

(3) Unless the application was made by the offender, the court—

(a) must, before exercising its powers under this paragraph, summon the offender to appear before the court, and

(b) if the offender fails to appear in answer to the summons, may issue a warrant for the offender's arrest.

Commencement Information
I538 Sch. 7 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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PART 5

CONVICTION OF FURTHER OFFENCE

Powers of magistrates' court following subsequent conviction

20 Paragraphs 21 and 22 apply where—

(a) a youth rehabilitation order ("the existing youth rehabilitation order") is in force in respect of an offender, and

(b) the offender is convicted of an offence (the "further offence") by a youth court or other magistrates' court ("the convicting court").

Commencement Information
I539 Sch. 7 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

21 (1) This paragraph applies if—

(a) the existing youth rehabilitation order is subject to magistrates' court supervision, and

(b) the convicting court is dealing with the offender for the further offence.

(2) If it appears to the convicting court to be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the convicting court may—

(a) revoke the youth rehabilitation order, or

(b) both—

(i) revoke the youth rehabilitation order, and

(ii) re-sentence the offender for the offence in respect of which the order was made.

(3) Unless the offender is before it, the convicting court may not deal with the offender under sub-paragraph (2)(b) unless it has summoned the offender to appear before it.

(4) If the offender fails to appear in answer to a summons under sub-paragraph (3) the court may issue a warrant for the offender's arrest.

(5) If the convicting court deals with the offender under sub-paragraph (2)(b), it must take into account the extent to which the offender has complied with the requirements of the order.

(6) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.

Commencement Information
I540 Sch. 7 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

22 (1) Sub-paragraph (2) applies if—

(a) the existing youth rehabilitation order was made by the Crown Court but is subject to magistrates' court supervision, and

(b) the convicting court would, but for this paragraph, deal with the offender for the further offence.

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(2) The convicting court may, instead of proceeding under paragraph 21—

(a) commit the offender to custody, or

(b) release the offender on bail,

until the offender can be brought before the Crown Court.

(3) Sub-paragraph (4) applies if the youth rehabilitation order is a Crown Court youth rehabilitation order.

(4) The convicting court may—

(a) commit the offender to custody, or

(b) release the offender on bail,

until the offender can be brought or appear before the Crown Court.

(5) Where the convicting court deals with an offender's case under sub-paragraph (2) or (4), it must send the Crown Court such particulars of the case as may be desirable.

(6) Unless the offender is before it, the convicting court may not deal with the offender under this paragraph unless it has summoned the offender to appear before it.

(7) If the offender fails to appear in answer to a summons under sub-paragraph (6) the court may issue a warrant for the offender's arrest.

Commencement Information

I541 Sch. 7 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of Crown Court following subsequent conviction

23 (1) This paragraph applies where a youth rehabilitation order is in force in respect of an offender, and the offender—

(a) is convicted by the Crown Court of an offence, or

(b) is brought or appears before the Crown Court—

(i) by virtue of paragraph 22(2) or (4), or

(ii) having been committed by a magistrates' court to the Crown Court for sentence.

(2) If it appears to the Crown Court that it would be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the Crown Court may—

(a) revoke the order, or

(b) both—

(i) revoke the order, and

(ii) re-sentence the offender for the offence in respect of which the order was made.

(3) Unless the offender is before it, the Crown Court may not deal with the offender under sub-paragraph (2)(b) unless it has summoned the offender to appear before it.

(4) If the offender fails to appear in answer to a summons under sub-paragraph (3) the Crown Court may issue a warrant for the offender's arrest.

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(5) If the Crown Court deals with the offender under sub-paragraph (2)(b), it must take into account the extent to which the offender has complied with the requirements of the order.

(6) If the offender is brought or appears before the Crown Court by virtue of paragraph 22(2) or (4), the Crown Court may deal with the offender for the further offence in any way which the convicting court could have dealt with the offender for that offence.

(7) In sub-paragraph (6), "further offence" and "the convicting court" have the meanings given by paragraph 20.

Commencement Information
I542 Sch. 7 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 6

SUPPLEMENTARY

Warrants

24 (1) Sub-paragraph (2) applies where an offender—

(a) is arrested under a warrant issued by virtue of this Schedule, and

(b) cannot immediately be brought before the court before which the warrant directs the offender to be brought ("the relevant court").

(2) The person in whose custody the offender is—

(a) may arrange for the offender to be detained in a place of safety for a period of not more than 72 hours from the time of the arrest, and

(b) must, within that period, bring the offender before a youth court or, if the offender is aged 18 or over, a magistrates' court other than a youth court.

(3) In the case of a warrant issued by the Crown Court, section 81(5) of the Senior Courts Act 1981 (duty to bring person before magistrates' court) does not apply.

(4) A person detained in accordance with arrangements under sub-paragraph (2)(a) is deemed to be lawfully detained.

Commencement Information
I543 Sch. 7 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

25 (1) This paragraph applies where the court before which the offender is brought under paragraph 24(2) ("the alternative court") is not the relevant court.

(2) If the relevant court is a magistrates' court—

(a) the alternative court may—

(i) direct that the offender be released forthwith, or

(ii) remand the offender, and

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(b) section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) applies as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the relevant court.

(3) If the relevant court is the Crown Court, section 43A of the Magistrates' Courts Act 1980 (functions of magistrates' court where a person in custody is brought before it with a view to appearance before the Crown Court) applies as if, in subsection (1)—

(a) the words "issued by the Crown Court" were omitted, and

(b) the reference to section 81(5) of the Senior Courts Act 1981 were a reference to paragraph 24(2)(b).

(4) If the offender is aged under 18, any power conferred by section 43A or 128 of the Magistrates' Courts Act 1980 to remand the offender in custody is to be taken to be a power to remand the offender to accommodation provided by or on behalf of a local authority.

(5) If the court remands the offender to accommodation provided by or on behalf of a local authority, it must designate, as the authority which is to receive the offender, the local authority for the area in which it appears to the court that the offender resides.

(6) In this paragraph "relevant court" has the same meaning as in paragraph 24.

Commencement Information

I544 Sch. 7 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Adjournment of proceedings

26 (1) This paragraph applies to any hearing relating to an offender held by a youth court or other magistrates' court in any proceedings under this Schedule.

(2) The court may adjourn the hearing.

(3) Where the court adjourns the hearing under sub-paragraph (2), it may—

(a) direct that the offender be released forthwith, or

(b) remand the offender.

(4) Where the court remands the offender under sub-paragraph (3)—

(a) it must fix the time and place at which the hearing is to be resumed, and

(b) the remand must require the offender to be brought before the court at that time and place.

(5) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—

(a) it may fix the time and place at which the hearing is to be resumed, but

(b) if it does not do so, must not resume the hearing unless it is satisfied that the following persons have had adequate notice of the time and place of the resumed hearing—

(i) the offender,

(ii) if the offender is aged under 14, a parent or guardian of the offender, and

(iii) the responsible officer.

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(6) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.

(7) This paragraph—

(a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but

(b) is not to be taken to affect the application of that section to hearings of any other description.

Commencement Information

I545 Sch. 7 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provision of copies of orders etc

27 (1) This paragraph applies on the making of an order by a court under this Schedule revoking or amending a youth rehabilitation order.

(2) The court must forthwith provide copies of the revoking or amending order to—

(a) the offender,

(b) if the offender is aged under 14, to the offender's parent or guardian, and

(c) the responsible officer.

(3) In the case of an amending order which substitutes a new local justice area as the offender's home local justice area, the court must also forthwith provide a copy of the amending order to—

(a) a provider of probation services operating in that area, and

(b) the magistrates' court acting in that area.

(4) If the court amends the youth rehabilitation order by imposing or cancelling a requirement specified in column 1 of the table in sub-paragraph (6), it must also forthwith provide the person specified for that requirement in column 2 with a copy of so much of the amending order as relates to that requirement.

(5) If the court revokes the youth rehabilitation order, for each requirement specified in column 1 of that table that the order imposed, the court must forthwith provide the person specified for that requirement in column 2 of that table with a copy of the revoking order.

(6) That table is—

Requirement	***Person to whom copy of requirement is to be given***
An activity requirement which comprises or includes a specified place obligation.	The person in charge of each place specified under paragraph 3(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified activities obligation.	The person in charge of each activity specified under paragraph 4(1)(b) of Schedule 6

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An activity requirement which comprises or includes a specified residential exercise obligation.	The person in charge of each place or activity specified under paragraph 5(1)(b) of Schedule 6
An attendance centre requirement.	The officer in charge of the attendance centre specified under paragraph 14(2)(a) of Schedule 6
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender.	The person intended to be protected
A residence requirement requiring residence with an individual.	The individual specified under paragraph 22(2)(b) of Schedule 6
A place of residence requirement (within the meaning of paragraph 22 of Schedule 6) relating to residence in an institution.	The person in charge of the institution
A local authority residence requirement.	The local authority specified under paragraph 24(3)(b) of Schedule 6
A mental health treatment requirement.	The person in charge of the institution or place specified under sub-paragraph (3)(b)(i) or (ii) of paragraph 28 of Schedule 6, or the person specified under sub-paragraph (3)(b)(iii) of that paragraph
A drug treatment requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
A drug testing requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An intoxicating substance treatment requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An education requirement.	The relevant authority specified under paragraph 39(2)(a) of Schedule 6
An electronic monitoring requirement.	Any person who by virtue of paragraph 42(1) of Schedule 6 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(7) If the youth rehabilitation order is revoked by a magistrates' court acting in a local justice area other than the offender's home local justice area, the court must forthwith provide a copy of the revoking order to a magistrates' court acting in the offender's home local justice area.

(8) Where under sub-paragraph (3) the court provides a copy of an amending order to a magistrates' court acting in a different area, it must also provide that court with such documents and information relating to the case as it considers likely to be of

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assistance to a court acting in that area in the exercise of its functions in relation to the order.

Commencement Information
I546 Sch. 7 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 8

Section 196

TRANSFER OF YOUTH REHABILITATION ORDERS TO NORTHERN IRELAND

Modifications etc. (not altering text)
C128 Sch. 8 applied (with modifications) by 2008 c. 4, s. 39(6)(d), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

PART 1

POWERS OF COURT IN ENGLAND AND WALES TO MAKE OR AMEND A YOUTH REHABILITATION ORDER WHERE OFFENDER RESIDES OR PROPOSES TO RESIDE IN NORTHERN IRELAND

Making of youth rehabilitation order where offender will reside in Northern Ireland

1 (1) This paragraph applies where—

(a) a youth rehabilitation order is available to a court dealing with an offender, and

(b) the court is satisfied that the offender—

(i) resides in Northern Ireland, or

(ii) if a youth rehabilitation order is made, will reside there when the order takes effect.

(2) The court may make a youth rehabilitation order only if—

(a) it appears to the court that suitable arrangements for the offender's supervision can be made by—

(i) the Probation Board for Northern Ireland, or

(ii) any other designated body, and

(b) the order will satisfy paragraphs 4 to 6.

Commencement Information
I547 Sch. 8 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Amendment of youth rehabilitation order where offender will reside in Northern Ireland

2 (1) This paragraph applies where—

(a) a youth rehabilitation order is in force,

(b) the appropriate court (within the meaning given in paragraph 14 of Schedule 7) is satisfied that the offender—

(i) resides in Northern Ireland, or

(ii) proposes to reside there, and

(c) it appears to the court that suitable arrangements for the offender's supervision can be made by—

(i) the Probation Board for Northern Ireland, or

(ii) any other designated body.

(2) The power of the appropriate court to amend the order under Part 4 of Schedule 7 ("the amendment power") includes power to amend the order by requiring—

(a) the order to be complied with in Northern Ireland, and

(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 4 to 6.

Commencement Information
I548 Sch. 8 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

REQUIREMENTS ETC: AVAILABILITY AND MODIFICATIONS OF SCHEDULE 6

Requirements: availability and restrictions

3 This Part of this Schedule applies where a court makes or amends a youth rehabilitation order in accordance with Part 1 of this Schedule.

Commencement Information
I549 Sch. 8 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

4 The order must not impose either of the following requirements—

(a) a local authority residence requirement;

(b) a fostering requirement.

Commencement Information
I550 Sch. 8 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 (1) The order must not impose a locally based requirement unless it appears to the court that—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) arrangements exist for persons to comply with such a requirement in Northern Ireland, and

(b) provision can be made for the offender to comply with the requirement under those arrangements.

(2) For the purposes of this paragraph, "locally based requirement" means any of the following—

(a) an activity requirement (including an extended activity requirement);

(b) an unpaid work requirement;

(c) a programme requirement;

(d) an attendance centre requirement;

(e) a mental health treatment requirement;

(f) a drug treatment requirement;

(g) a drug testing requirement;

(h) an education requirement;

(i) an electronic monitoring requirement.

Commencement Information

I551 Sch. 8 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 The number of hours, days or months in respect of which any requirement of the order is imposed must not be greater than the number of hours, days or months in respect of which a court in Northern Ireland could impose a similar requirement in a corresponding order.

Commencement Information

I552 Sch. 8 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Further provisions where offender resides or will reside in Northern Ireland

7 In a case where a court makes or amends a youth rehabilitation order in accordance with Part 1 of this Schedule, Chapter 1 of this Part of this Code (youth rehabilitation orders) has effect as if—

(a) any reference to the responsible officer were a reference to the person who is to be responsible for the offender's supervision under the order;

(b) section 188 (offender's home local justice area to be specified in order) were omitted;

(c) the following provisions of Schedule 6 were omitted—

(i) paragraph 8(a)(i) (consultation of member of youth offending team);

(ii) paragraphs 8(b), 11(1)(b) and 15(a) (availability of arrangements in local area: activity requirement, unpaid work requirement and attendance centre requirement);

(iii) paragraph 23(4) (residence requirement: restriction on requiring residence at hostel or other institution);

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(iv) paragraphs 32(1)(b) and (3) and 35(2)(a) and (3) (availability of requirements to be notified by Secretary of State: drug treatment and testing and electronic monitoring);

(v) paragraph 42(2) (persons responsible for electronic monitoring);

(vi) paragraph 44(2) and (3) (availability of requirements for electronic monitoring);

(d) in Part 5 of that Schedule (attendance centre requirement), any reference to an attendance centre were to an attendance centre as defined by Article 50(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N. I. 9));

(e) in paragraph 28 of that Schedule (mental health treatment requirement), in sub-paragraph (2), for the definition of "in-patient treatment" there were substituted—

> ""in-patient treatment" means treatment as a resident patient at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)), approved by the Department of Health in Northern Ireland for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));";

(f) in Part 16 of that Schedule (education requirement) references to a relevant authority were to the Education Authority established under section 1 of the Education Act (Northern Ireland) 2014 (c. 12 (N.I.)).

Commencement Information
I553 Sch. 8 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

MAKING OR AMENDMENT OF ORDER IN ACCORDANCE WITH PART 1 OF THIS SCHEDULE

Application

8 This Part of this Schedule applies in a case where a court makes or amends a youth rehabilitation order in accordance with Part 1 of this Schedule.

Commencement Information
I554 Sch. 8 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Explanation to be given by court before order is made or amended

9 Before making or amending the youth rehabilitation order, the court must explain to the offender in ordinary language—

(a) the effect of paragraph 15(1) (order to be treated as corresponding order),

(b) the requirements of the legislation in Northern Ireland relating to corresponding orders,

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(c) the powers of the home court under that legislation, as modified by Part 4 of this Schedule, and

(d) its own powers in relation to the youth rehabilitation order under Part 4 of this Schedule.

Commencement Information
I555 Sch. 8 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Matters to be specified in the order

10 (1) The youth rehabilitation order must specify as the corresponding order for the purposes of this Schedule an order that may be made by a court in Northern Ireland.

(2) If the youth rehabilitation order is made by the Crown Court and includes a direction under section 189, the order must specify the youth court or other magistrates' court in England and Wales which is to be the relevant court in England and Wales for the purposes of this Schedule.

Commencement Information
I556 Sch. 8 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provision of copies

11 (1) The court which makes or amends the youth rehabilitation order must forthwith—

(a) provide each of the persons mentioned in sub-paragraph (2) with a copy of the order as made or amended, and

(b) provide the home court with—

(i) a copy of the order as made or amended, and

(ii) such other documents and information relating to the case as it considers likely to be of assistance to the home court.

(2) Those persons are—

(a) the offender,

(b) if the offender is aged under 14—

(i) the offender's parent or guardian, or

(ii) if an authority in Northern Ireland has parental responsibility for, and is looking after, the offender, the authority, and

(c) the body which is to make suitable arrangements for the offender's supervision under the order.

(3) In sub-paragraph (2)(b)(ii)—

(a) "authority" has the meaning given by Article 2 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)),

(b) the reference to an offender who is looked after by an authority is to be construed in accordance with Article 25 of that Order, and

(c) "parental responsibility" has the same meaning as in that Order.

(4) If the court—

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(a) makes a youth rehabilitation order which imposes a requirement specified in column 1 of the following table, or

(b) amends a youth rehabilitation order so as to impose or amend such a requirement,

the court must also forthwith provide the person specified in the corresponding entry in column 2 of the table with a copy of so much of the youth rehabilitation order or amending order as relates to the requirement—

Requirement	***Person to whom copy of requirement is to be given***
An activity requirement which comprises or includes a specified place obligation.	The person in charge of each place specified under paragraph 3(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified activities obligation.	The person in charge of each activity specified under paragraph 4(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified residential exercise obligation.	The person in charge of each place or activity specified under paragraph 5(1)(b) of Schedule 6
An attendance centre requirement.	The officer in charge of the attendance centre specified under paragraph 14(2)(a) of Schedule 6
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender.	The person intended to be protected
A residence requirement requiring residence with an individual.	The individual specified under paragraph 22(2)(b) of Schedule 6
A place of residence requirement (within the meaning of paragraph 22 of Schedule 6) relating to residence in an institution.	The person in charge of the institution
A mental health treatment requirement.	The person in charge of the institution or place specified under sub-paragraph (3)(b)(i) or (ii) of paragraph 28 of Schedule 6, or the person specified under sub-paragraph (3)(b)(iii) of that paragraph
A drug treatment requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
A drug testing requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An intoxicating substance treatment requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6

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An education requirement.	The Education Authority established under section 1 of the Education Act (Northern Ireland) 2014 (c. 12 (N.I.))
An electronic monitoring requirement.	Any person who by virtue of paragraph 42(1) of Schedule 6 will be responsible for the electronic monitoring Any person without whose consent the requirement could not have been included in the order.

(5) This paragraph has effect in place of section 190.

Commencement Information
I557 Sch. 8 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

EFFECT OF ORDER MADE OR AMENDED IN ACCORDANCE WITH PART 1 OF THIS SCHEDULE

Application

12 This Part of this Schedule applies where a youth rehabilitation order is made or amended in accordance with Part 1 of this Schedule.

Commencement Information
I558 Sch. 8 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Duty of offender to keep in touch with relevant officer

13 (1) The offender—

(a) must keep in touch with the relevant officer in accordance with any instructions the relevant officer may give the offender from time to time, and

(b) must notify the relevant officer of any change of address.

(2) This obligation has effect as if it were a youth rehabilitation requirement of the youth rehabilitation order.

(3) This paragraph has effect in place of section 193.

Commencement Information
I559 Sch. 8 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Direction by Crown Court in Northern Ireland that proceedings in Northern Ireland be before a court of summary jurisdiction

14 Where the youth rehabilitation order was made or amended by the Crown Court, the Crown Court in Northern Ireland may direct that any proceedings in Northern Ireland in relation to the order be before a court of summary jurisdiction.

Commencement Information
I560 Sch. 8 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Effect of the youth rehabilitation order in Northern Ireland

15 (1) The youth rehabilitation order is to be treated in Northern Ireland as if it were a corresponding order and the legislation which has effect in Northern Ireland in relation to such orders applies accordingly.

(2) Sub-paragraph (1) is subject to the following provisions of this Part of this Schedule.

Commencement Information
I561 Sch. 8 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of the home court in respect of the youth rehabilitation order

16 (1) The home court may exercise any relevant local power in relation to the youth rehabilitation order, subject to the following restrictions.

(2) A "relevant local power" means a power which the home court could exercise in relation to a corresponding order by virtue of the legislation that applies in Northern Ireland in relation to such orders.

(3) The home court may not discharge or revoke the order.

(4) But that does not prevent the home court from exercising a power to revoke the order where—

(a) the offender has been convicted of a further offence, and

(b) the court has imposed a custodial sentence (and section 222(1) (meaning of "custodial sentence") does not apply for this purpose).

(5) The home court may not deal with the offender for the offence in respect of which the youth rehabilitation order was made.

(6) If the youth rehabilitation order imposes a curfew requirement, the home court may not vary the order so as to specify curfew periods (within the meaning of paragraph 18 of Schedule 6) that could not be specified by a court in England and Wales if, applying the relevant assumptions, it were imposing the requirement.

(7) For that purpose, "the relevant assumptions" are that the offender—

(a) has just been convicted by or before the court in England and Wales of the offence in respect of which the youth rehabilitation order was made, but

(b) is the same age as when in fact convicted of the offence.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I562 Sch. 8 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

17 (1) The home court may require the offender to appear before the relevant court in England and Wales if sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies where it appears to the home court upon a complaint being made to a lay magistrate in Northern Ireland that the offender has breached one or more requirements of the order.

(3) This sub-paragraph applies where it appears to the home court, on the application of the offender or the relevant officer, that it would be in the interests of justice for any of the following powers to be exercised—

(a) a power conferred by Part 3 of Schedule 7 (revocation of order with or without re-sentencing);

(b) a power conferred by paragraph 15 of that Schedule (amendment by appropriate court).

Commencement Information
I563 Sch. 8 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Breach of requirement: certificate of home court

18 (1) Where the home court requires the offender to appear before the relevant court in England and Wales by virtue of paragraph 17(2) (breach of a requirement of the order) the home court must send the court in England and Wales—

(a) a certificate certifying that the offender has breached a requirement of the order specified in the certificate, and

(b) such other particulars of the case as may be desirable.

(2) A certificate under sub-paragraph (1)(a) purporting to be signed by the clerk of the home court (or, if the home court is the Crown Court in Northern Ireland, by the chief clerk) is admissible as evidence of the breach before the relevant court in England or Wales.

Commencement Information
I564 Sch. 8 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of court in England or Wales where offender required to appear under paragraph 17

19 (1) This paragraph applies where under paragraph 17 the home court requires the offender to appear before the relevant court in England and Wales.

(2) The relevant court may issue a warrant for the offender's arrest.

(3) The relevant court may exercise any power which it could exercise in respect of the youth rehabilitation order if the offender resided in England or Wales.

This is subject to paragraph 20.

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(4) Any enactment relating to the exercise of such powers has effect accordingly, with any reference in it to the responsible officer being read as a reference to the relevant officer.

Commencement Information
I565 Sch. 8 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

20 (1) This paragraph applies where—
(a) the relevant court in England and Wales is exercising a power to amend a youth rehabilitation order by virtue of paragraph 19(3), and
(b) the offender resides in Northern Ireland.

(2) The court may not amend the youth rehabilitation order unless, in relation to any requirement that it proposes to impose, it appears to the court that suitable arrangements for the offender's supervision can be made by—
(a) the Probation Board for Northern Ireland, or
(b) any other designated body.

(3) The court may not impose either of the following requirements—
(a) a local authority residence requirement;
(b) a fostering requirement.

(4) The court may not amend the youth rehabilitation order to impose a locally based requirement unless it appears to the court that—
(a) arrangements exist for persons to comply with such a requirement in Northern Ireland, and
(b) provision can be made for the offender to comply with the requirement under those arrangements.

For the purposes of this paragraph, "locally based requirement" has the same meaning as it has for the purposes of paragraph 5.

(5) The court may not—
(a) impose a requirement, or
(b) amend a requirement imposed by the youth rehabilitation order,
so that it is imposed in respect of more hours, days or months than the maximum number of hours, days or months in respect of which a court in Northern Ireland could impose a similar requirement in a corresponding order.

(6) The following apply in relation to the amendment of the youth rehabilitation order by virtue of paragraph 19(3) as they apply in relation to the amendment of an order in accordance with Part 1 of this Schedule—
(a) paragraph 7,
(b) paragraphs 8 to 17.

Commencement Information
I566 Sch. 8 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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PART 5

INTERPRETATION

21 (1) For the purposes of this Schedule, in relation to a youth rehabilitation order—

"breach", in relation to a requirement of the order, means a failure to comply with it, and related expressions are to be read accordingly;

"corresponding order" means the order specified under paragraph 10(1);

"home court" means—

(a) a court of summary jurisdiction in Northern Ireland, or

(b) where the youth rehabilitation order was made or amended by the Crown Court and the Crown Court in Northern Ireland has not made a direction under paragraph 14, the Crown Court in Northern Ireland;

"supervision" means the performance of supervisory, enforcement and other related functions conferred by the legislation which has effect in Northern Ireland relating to the corresponding order;

"the relevant court in England and Wales" means—

(a) the court in England and Wales which made or which last amended the order, or

(b) if the order was made by the Crown Court and includes a direction under section 189, such youth court or other magistrates' court as may be specified in the order;

"the relevant officer" means the person responsible for the offender's supervision under the order.

(2) In this Schedule "designated body" means a body designated for the purposes of this Part of this Schedule by the Secretary of State by regulations.

(3) Regulations under sub-paragraph (2) are subject to the negative resolution procedure.

Commencement Information

I567 Sch. 8 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 9

Sections 200 and 286

COMMUNITY ORDERS AND SUSPENDED SENTENCE ORDERS: REQUIREMENTS

Modifications etc. (not altering text)

C129 Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C130 Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C131 Sch. 9 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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C132 Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

PART 1

UNPAID WORK REQUIREMENT

Requirement and obligation of offender

1 (1) In this Code "unpaid work requirement", in relation to a relevant order, means a requirement that the offender must perform unpaid work in accordance with the instructions of the responsible officer as to—

(a) the work to be performed, and

(b) the times, during a period of 12 months, at which the offender is to perform it.

(2) Sub-paragraph (1)(b) is subject to—

(a) paragraph 21 of Schedule 10 (community order: power to extend unpaid work requirement);

(b) paragraph 27 of Schedule 16 (suspended sentence order: extension of unpaid work requirement).

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C134 Sch. 9 para. 1(1) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I568 Sch. 9 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Number of hours of unpaid work to be specified in order

2 (1) The number of hours which a person may be required to work under an unpaid work requirement—

(a) must be specified in the relevant order, and

(b) must, in aggregate, be—

(i) not less than 40, and

(ii) not more than 300.

(2) Sub-paragraph (1)(b)(i) is subject to paragraph 13(4) of Schedule 10 (breach of community order: power to impose unpaid work requirement).

(3) Sub-paragraph (4) applies where the court—

(a) makes relevant orders in respect of two or more offences of which the offender is convicted on the same occasion, and

(b) includes unpaid work requirements in each of them.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(4) The court may direct that the hours of work specified in any of those requirements is to be—

(a) concurrent with, or

(b) additional to,

those specified in any other of those orders.

But the total number of hours which are not concurrent must not exceed the maximum number (see sub-paragraph (1)(b)(ii)).

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C135 Sch. 9 para. 2(1) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I569 Sch. 9 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing unpaid work requirement

3 (1) A court may not include an unpaid work requirement in a relevant order unless it is satisfied—

(a) that the offender is a suitable person to perform work under such a requirement, and

(b) that provision for the offender to work under such a requirement can be made under the arrangements for persons to perform work under such a requirement which exist in the offender's home local justice area.

(2) In making a decision under sub-paragraph (1)(a), the court must (if it thinks necessary) hear an officer of a provider of probation services.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C136 Sch. 9 para. 3 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I570 Sch. 9 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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PART 2

REHABILITATION ACTIVITY REQUIREMENT

Requirement

4 (1) In this Code "rehabilitation activity requirement", in relation to a relevant order, means a requirement that, during the relevant period, the offender must comply with any instructions given by the responsible officer to do either or both of the following—

(a) attend appointments;

(b) participate in activities.

(2) The maximum number of days on which the offender may be instructed to participate in activities must be specified in the relevant order.

(3) In this paragraph "the relevant period" means—

(a) in relation to a community order, the period for which the community order remains in force, and

(b) in relation to a suspended sentence order, the supervision period.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I571 Sch. 9 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Instructions given by responsible officer

5 (1) Any instructions given by the responsible officer pursuant to the rehabilitation activity requirement must be given with a view to promoting the offender's rehabilitation.

(2) Sub-paragraph (1) does not prevent the responsible officer giving instructions with a view to other purposes in addition to rehabilitation.

(3) The responsible officer may instruct the offender to attend appointments with the responsible officer or with someone else.

(4) The responsible officer, when instructing the offender to participate in activities, may require the offender—

(a) to participate in specified activities and, while doing so, comply with instructions given by the person in charge of the activities, or

(b) to go to a specified place and, while there, comply with any instructions given by the person in charge of the place.

(5) The references in sub-paragraph (4)(a) and (b) to instructions given by a person include instructions given by anyone acting under the person's authority.

(6) The activities that a responsible officer may instruct the offender to participate in include—

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(a) activities forming an accredited programme (see paragraph 6(2));
(b) activities whose purpose is reparative, such as restorative justice activities.

(7) For the purposes of sub-paragraph (6)(b), an activity is a restorative justice activity if—
(a) the participants consist of, or include, the offender and any victim or victims,
(b) the aim of the activity is to maximise the offender's awareness of the impact of the offending concerned on the victims, and
(c) the activity gives a victim or victims an opportunity to talk about, or by other means express experience of, the offending and its impact.

(8) In sub-paragraph (7) "victim" means a victim of, or other person affected by, the offending concerned.

(9) Where compliance with an instruction would require the co-operation of a person other than the offender, the responsible officer may give the instruction only if that person agrees.

Modifications etc. (not altering text)
C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I572 Sch. 9 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

PROGRAMME REQUIREMENT

6 (1) In this Code "programme requirement", in relation to a relevant order, means a requirement that the offender must—
(a) in accordance with instructions given by the responsible officer participate in an accredited programme at a particular place, and
(b) while at that place, comply with instructions given by, or under the authority of, the person in charge of the programme.

(2) In this Code "accredited programme" means a programme that is for the time being accredited by the Secretary of State for the purposes of this paragraph.

(3) Any programme that immediately before 1 May 2008 was accredited for the purposes of section 202 of the Criminal Justice Act 2003 is treated as accredited by the Secretary of State for the purposes of this paragraph.

(4) In this paragraph "programme" means a systematic set of activities.

(5) Where a relevant order includes a programme requirement—
(a) the order must specify the number of days on which the offender is to be required to participate in an accredited programme under the requirement;
(b) it is for the responsible officer to specify—
(i) the accredited programme in which the offender is to participate, and
(ii) the place at which the offender is to do so.

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Modifications etc. (not altering text)
C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I573 Sch. 9 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

PROHIBITED ACTIVITY REQUIREMENT

Requirement

7 (1) In this Code "prohibited activity requirement", in relation to a relevant order, means a requirement that the offender must refrain from participating in activities—

(a) on one or more particular days, or

(b) for a particular period.

(2) Where the court makes a relevant order imposing a prohibited activity requirement, the following must be specified in the order—

(a) the activities from which the offender must refrain;

(b) the day or days on which, or the period for which, the offender must refrain from those activities.

(3) A prohibited activity requirement may, in particular, include a requirement that the offender does not possess, use or carry a firearm within the meaning of the Firearms Act 1968.

Modifications etc. (not altering text)
C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I574 Sch. 9 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing prohibited activity requirement

8 A court may not include a prohibited activity requirement in a relevant order unless it has consulted an officer of a provider of probation services.

Modifications etc. (not altering text)
C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I575 Sch. 9 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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PART 5

CURFEW REQUIREMENT

Requirement

9 (1) In this Code "curfew requirement", in relation to a relevant order, means a requirement that the offender must remain, for particular periods ("curfew periods"), at a particular place.

(2) A relevant order which imposes a curfew requirement must specify—

(a) the curfew periods, and

(b) the place at which the offender must remain for each curfew period.

(3) Different places or different curfew periods may be specified for different days.

(4) The curfew periods specified must amount to—

(a) not less than 2 hours in any day, and

(b) not more than 16 hours in any day.

(5) The specified curfew periods must fall within the period of 12 months beginning with the day on which the requirement first takes effect.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C137 Sch. 9 para. 9(1)-(4) applied (with modifications) by 2003 c. 44, **Sch. 19A paras. 1-3** (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 248(2) (with Sch. 24 para. 447, **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I576 Sch. 9 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Requirements where court imposes curfew requirement

10 (1) Before making a relevant order imposing a curfew requirement, the court must obtain and consider information about each place proposed to be specified in the order.

(2) That information must include information as to the attitude of persons likely to be affected by the offender's enforced presence there.

(3) Where the court makes a relevant order imposing a curfew requirement it must also impose an electronic compliance monitoring requirement (see paragraph 29) for securing compliance with it, unless—

(a) it is prevented from doing so by—

(i) paragraph 33 (consent of person whose co-operation is required), or

(ii) paragraph 34(1) (arrangements in relevant area), or

(b) in the particular circumstances of the case, it considers it inappropriate to do so.

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Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C138 Sch. 9 para. 10(1)(2) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I577 Sch. 9 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 6

EXCLUSION REQUIREMENT

Requirement

11 (1) In this Code "exclusion requirement", in relation to a relevant order, means a provision prohibiting the offender from entering a particular place (the "prohibited place") for a particular period (the "exclusion period").

(2) A relevant order which imposes an exclusion requirement must specify—

(a) the prohibited place, and

(b) the exclusion period.

(3) A relevant order may specify—

(a) more than one prohibited place;

(b) more than one exclusion period;

(c) different prohibited places for different exclusion periods or different days.

(4) If the relevant order is a community order—

(a) the exclusion period must not be more than 2 years beginning with the day on which the requirement first takes effect;

(b) if the order specifies more than one exclusion period, each of the exclusion periods must fall within that 2 year period.

(5) A prohibited place may be an area.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I578 Sch. 9 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Requirement where court imposes exclusion requirement

12 Where the court makes a relevant order imposing an exclusion requirement it must also impose an electronic compliance monitoring requirement (see paragraph 29) for securing compliance with it, unless—

(a) it is prevented from doing so by—

(i) paragraph 33 (consent of person whose co-operation is required), or

(ii) paragraph 34(1) (arrangements in relevant area), or

(b) in the particular circumstances of the case, it considers it inappropriate to do so.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I579 Sch. 9 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 7

RESIDENCE REQUIREMENT

Requirement

13 (1) In this Code "residence requirement", in relation to a relevant order, means a requirement that, for a particular period ("the required period"), the offender must reside—

(a) at a particular place ("the required place"), or

(b) if the order so permits, at the required place or, with the prior approval of the responsible officer, at some other place.

(2) A relevant order imposing a residence requirement must specify—

(a) the required place,

(b) the required period, and

(c) if the offender is to be permitted to reside at some other place with the prior approval of the responsible officer, that fact.

(3) A hostel or other institution may not be specified as the required place, except on the recommendation of an officer of a provider of probation services.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C139 Sch. 9 para. 13 modified by 2006 c. 52, Sch. 6 para. 3(1) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 11(5)(a)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I580 Sch. 9 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Requirement where court imposes residence requirement

14 Before making a relevant order containing a residence requirement, the court must consider the home surroundings of the offender.

Modifications etc. (not altering text)
C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
C140 Sch. 9 para. 14 excluded by 2006 c. 52, Sch. 6 para. 3(3) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 11(5)(b)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I581 Sch. 9 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 8

FOREIGN TRAVEL PROHIBITION REQUIREMENT

15 (1) In this Code "foreign travel prohibition requirement", in relation to a relevant order, means a requirement prohibiting the offender from travelling, on a particular day or days, or for a particular period, to a particular country or territory (or particular countries or territories) outside the British Islands.

(2) A relevant order which imposes a foreign travel prohibition requirement must specify—
(a) the day or days, or the period, for which the prohibition is to operate, and
(b) the area in relation to which the prohibition is to operate.

(3) A day specified under sub-paragraph (2)(a) must fall within the period of 12 months beginning with the day on which the requirement takes effect.

(4) A period specified under that sub-paragraph may not exceed 12 months beginning with the day on which the requirement takes effect.

(5) The area specified under sub-paragraph (2)(b) may be—
(a) a particular country or territory outside the British Islands specified or described in the order,
(b) all countries and territories outside the British Islands other than a country or territory specified or described in the order, or
(c) all countries and territories outside the British Islands.

Modifications etc. (not altering text)
C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I582 Sch. 9 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 9

MENTAL HEALTH TREATMENT REQUIREMENT

Requirement

16 (1) In this Code "mental health treatment requirement", in relation to a relevant order, means a requirement that the offender must submit, during a particular period or particular periods, to mental health treatment, which may be—

(a) in-patient treatment,

(b) institution-based out-patient treatment, or

(c) practitioner-based treatment.

(2) For this purpose—

"mental health treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a registered medical practitioner or registered psychologist, and

(b) with a view to improvement of the offender's mental condition;

"in-patient treatment" means treatment as a resident patient in—

(a) a care home,

(b) an independent hospital, or

(c) a hospital within the meaning of the Mental Health Act 1983,

but not in hospital premises where high security psychiatric services are provided;

"institution-based out-patient treatment" means treatment as a non-resident patient at a particular institution or place;

"practitioner-based treatment" means treatment by or under the direction of a particular registered medical practitioner or registered psychologist (or both).

(3) A relevant order which imposes a mental health treatment requirement must specify—

(a) the period or periods during which the offender is required to submit to mental health treatment, and

(b) for each of those periods—

(i) if the mental health treatment is to be in-patient treatment, the care home or hospital at which it is to be provided;

(ii) if it is to be institution-based out-patient treatment, the institution or place at which it is to be provided;

(iii) if it is to be practitioner-based treatment, the registered medical practitioner or registered psychologist (or both) by whom or under whose direction it is to be provided;

but may not otherwise specify the nature of the treatment.

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(4) Different treatment may be specified for different periods.

(5) In this paragraph—

"care home" means—

(a) a care home in England within the meaning of the Care Standards Act 2000;

(b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided;

"high security psychiatric services" has the same meaning as in the Mental Health Act 1983;

"independent hospital"—

(a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;

"registered psychologist" means a person registered in the part of the register maintained under the Health Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists.

(6) While an offender is under treatment which is in-patient treatment in pursuance of a mental health treatment requirement of a relevant order, the responsible officer is to carry out the supervision of the offender only to the extent necessary for the purpose of revocation or amendment of the order.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I583 Sch. 9 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing mental health treatment requirement

17 (1) A court may not include a mental health treatment requirement in a relevant order unless the following conditions are met—

(a) the need for treatment condition,

(b) the arrangements condition, and

(c) the consent condition.

(2) The need for treatment condition is that the court is satisfied that the mental condition of the offender—

(a) requires treatment,

(b) may be susceptible to treatment, and

(c) does not warrant the making of a hospital order or guardianship order within the meaning of the Mental Health Act 1983.

(3) The arrangements condition is that the court is satisfied that arrangements—

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(a) have been made, or

(b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, where the offender is to be required to submit to in-patient treatment (see paragraph 16(2)).

(4) The consent condition is that the offender has expressed willingness to comply with the requirement.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C141 Sch. 9 para. 17(1)(c) excluded by 2006 c. 52, Sch. 6 para. 4(1) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 11(6)(a)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C142 Sch. 9 para. 17(2)(c) excluded by 2006 s. 52, ss. 200, 202 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 paras. 19, **20(b)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I584 Sch. 9 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Alternative arrangements for mental health treatment made by practitioner

18 (1) This paragraph applies where—

(a) an offender is being treated in pursuance of a mental health treatment requirement, and

(b) the treatment practitioner considers that part of the treatment can be better or more conveniently given in or at an institution or place—

(i) which is not specified in the relevant order, and

(ii) where the treatment will be given by or under the direction of a registered medical practitioner or registered psychologist.

(2) The treatment practitioner may make arrangements ("alternative arrangements") for the offender to be treated accordingly.

(3) Alternative arrangements may be made only if the offender has expressed willingness for the treatment to be given under those arrangements.

(4) Alternative arrangements may provide for the offender to receive part of the treatment as a resident patient in an institution or place which could not have been specified for that purpose in the relevant order.

(5) Where alternative arrangements are made—

(a) the treatment for which the alternative arrangements provide is to be deemed to be treatment to which the offender must submit in pursuance of the mental health treatment requirement, and

(b) the treatment practitioner must give a notice in writing to the offender's responsible officer, specifying the institution or place where that treatment is to be carried out.

(6) In this paragraph—

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"registered psychologist" means a person registered in the part of the register maintained under the Health Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists;

"treatment practitioner" means the medical practitioner or registered psychologist by or under whose direction the offender is being treated in pursuance of the mental health treatment requirement.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C143 Sch. 9 para. 18 modified by 2006 c. 52, Sch. 6 para. 4(2) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 11(6)(b)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I585 Sch. 9 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 10

DRUG REHABILITATION REQUIREMENT

Requirement

19 (1) In this Code "drug rehabilitation requirement", in relation to a relevant order, means a requirement that during a period specified in the order ("the treatment and testing period") the offender—

(a) must submit to drug rehabilitation treatment, which may be resident treatment or non-resident treatment, and

(b) for the purpose of ascertaining whether there is any drug in the offender's body during that period, must provide samples in accordance with directions given by—

(i) the responsible officer, or

(ii) the treatment director.

(2) In this paragraph—

"drug rehabilitation treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a person who has the necessary qualifications or experience, and

(b) with a view to the reduction or elimination of the offender's dependency on or propensity to misuse drugs;

"resident treatment" means treatment as a resident in an institution or place;

"non-resident treatment" means treatment as a non-resident at an institution or place;

"the treatment director" means the person by or under whose direction the treatment is to be provided.

(3) Sub-paragraphs (4) to (7) apply to a relevant order which imposes a drug rehabilitation requirement.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The order may specify separate periods which together comprise the drug treatment and testing period.

(5) The order must specify, for each treatment period—

(a) the treatment director;

(b) if the treatment is to be resident treatment, the institution or place where it is to be provided;

(c) if it is to be non-resident treatment—

(i) the institution or place where it is to be provided, and

(ii) the intervals at which it is to be provided;

but must not otherwise specify the nature of the treatment.

(6) In sub-paragraph (5), "treatment period" means—

(a) if the order specifies separate periods under sub-paragraph (4), any of those periods;

(b) otherwise, the drug treatment and testing period.

(7) The order—

(a) must provide that if, by virtue of sub-paragraph (1)(b), the offender provides samples to a person other than the responsible officer, the results of tests carried out on the samples are to be communicated to the responsible officer;

(b) may make further provision about the provision of samples by virtue of sub-paragraph (1)(b) (which may include provision that directions, or directions of particular kinds, are to be given only by the responsible officer or only by the treatment director).

(8) The power for the responsible officer or treatment director to give directions by virtue of sub-paragraph (1)(b) about the provision of samples—

(a) is a power to give directions as to—

(i) the type of samples to be provided, and

(ii) the times at which, or circumstances in which, they are to be provided,

(b) is subject to any provision made by the order, and

(c) is to be exercised in accordance with guidance issued by the Secretary of State.

(9) The Secretary of State may revise any guidance issued under sub-paragraph (8)(c).

(10) In this paragraph and paragraph 20 "drug" means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C144 Sch. 9 para. 19(1) modified by 2006 c. 52, Sch. 6 para. 5(1) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 11(7)(a)**(b)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I586 Sch. 9 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Restriction on imposing drug rehabilitation requirement

20 (1) A court may not impose a drug rehabilitation requirement unless the following conditions are met—

(a) the need for treatment condition,

(b) the arrangements condition,

(c) the suitability condition, and

(d) the consent condition.

(2) The need for treatment condition is that the court is satisfied—

(a) that the offender—

(i) is dependent on drugs, or

(ii) has a propensity to misuse drugs, and

(b) that the offender's dependency or propensity—

(i) requires treatment, and

(ii) may be susceptible to treatment.

(3) The arrangements condition is that the court is satisfied that arrangements—

(a) have been made, or

(b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, where the offender is to be required to submit to resident treatment (within the meaning given in paragraph 19(2)).

(4) The suitability condition is that the requirement has been recommended to the court as being suitable for the offender by an officer of a provider of probation services.

(5) The consent condition is that the offender expresses willingness to comply with the requirement.

Modifications etc. (not altering text)

C133 Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C145 Sch. 9 para. 20(1)(d) excluded by 2006 c. 52, Sch. 6 para. 5(3) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 11(7)(c)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I587 Sch. 9 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Drug rehabilitation requirement: provision for review by court

21 (1) A relevant order imposing a drug rehabilitation requirement—

(a) must include provision for review if the treatment and testing period is more than 12 months, and

(b) may do so in any other case.

(2) For this purpose, "provision for review" means provision—

(a) for the requirement to be reviewed periodically at intervals of not less than one month,

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) for each review of the requirement to be made at a hearing held for the purpose by the responsible court (a "review hearing"),

(c) requiring the offender to attend each review hearing,

(d) requiring a written report on the offender's progress under the requirement to be made by an officer of a provider of probation services to the responsible court before each review hearing, and

(e) requiring each such report to include—

(i) the test results communicated to the responsible officer under paragraph 19(7) or otherwise, and

(ii) the views of the treatment provider as to the treatment and testing of the offender.

(3) Paragraphs (b) and (c) of sub-paragraph (2) are subject to paragraph 22(6) (hearing not necessary for review).

(4) In this paragraph, "the responsible court", in relation to a relevant order imposing a drug rehabilitation requirement, means—

(a) if a court is specified as the responsible court under sub-paragraph (5), that court;

(b) otherwise, the court which made the order.

(5) Where—

(a) a magistrates' court makes a relevant order imposing a drug rehabilitation requirement, and

(b) the area for which the court acts is not the offender's home local justice area,

the court may specify in the order a magistrates' court which acts in the offender's home local justice area as the responsible court.

(6) For the purposes of sub-paragraph (4)(b), a relevant order imposing a drug rehabilitation requirement which is made on an appeal—

(a) from the Crown Court, or

(b) from the Court of Appeal,

is to be treated as having been made by the Crown Court.

Modifications etc. (not altering text)

C146 Sch. 9 para. 21 modified by 2006 c. 52, s. 179 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 4** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I588 Sch. 9 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Periodic review of drug rehabilitation requirement

22 (1) This paragraph applies in relation to a relevant order which imposes a drug rehabilitation requirement that is subject to review.

(2) At a review hearing the court may, after considering the officer's report referred to in paragraph 21(2)(d) ("the review officer's report"), amend the relevant order, so far as it relates to the drug rehabilitation requirement.

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(3) The court—

(a) may not amend the drug rehabilitation requirement unless the offender expresses willingness to comply with the requirement as amended, and

(b) except with the consent of the offender, may not amend any requirement or provision of the order while an appeal against the order is pending.

(4) If the offender fails to express willingness to comply with the drug rehabilitation requirement as proposed to be amended by the court, the court may—

(a) revoke the community order, or the suspended sentence order and the suspended sentence to which it relates, and

(b) re-sentence the offender.

(5) In dealing with the offender under sub-paragraph (4)(b), the court—

(a) must take into account the extent to which the offender has complied with the requirements of the order, and

(b) may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restrictions on imposing discretionary custodial sentences).

(6) Where at a review hearing the court—

(a) has considered the review officer's report, and

(b) is of the opinion that the offender's progress under the requirement is satisfactory,

the court may amend the order so that it provides for each subsequent review to be made by the court without a hearing.

(7) Where at a review without a hearing the court—

(a) has considered the review officer's report, and

(b) is of the opinion that the offender's progress under the requirement is no longer satisfactory,

the court may require the offender to attend a hearing of the court at a specified time and place.

(8) At that hearing the court, after considering that report, may—

(a) exercise the powers conferred by this paragraph as if the hearing were a review hearing, and

(b) amend the order so that it provides for each subsequent review to be made at a review hearing.

(9) In this paragraph—

"responsible court" has the same meaning as in paragraph 21;

"review hearing" has the meaning given by paragraph 21(2)(b).

(10) In relation to a review without a hearing, a reference in this paragraph to the court is to be read—

(a) in the case of the Crown Court, as a reference to a judge of the court;

(b) in the case of a magistrates' court, as a reference to a justice of the peace.

(11) If an officer of a provider of probation services is of the opinion that the order should be amended so as to provide for each subsequent review to be made—

(a) without a hearing instead of at a review hearing, or

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(b) at a review hearing instead of without a hearing,

the officer must apply under paragraph 18 of Schedule 10 (amendment of requirements of community order) or paragraph 25 of Schedule 16 (amendment of community requirements of suspended sentence order) to the responsible court for the order to be amended.

Modifications etc. (not altering text)

C147 Sch. 9 para. 22 modified by 2006 c. 52, s. 179 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 4** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I589 Sch. 9 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 11

ALCOHOL TREATMENT REQUIREMENT

Requirement

23 (1) In this Code "alcohol treatment requirement", in relation to a relevant order, means a requirement that during a period specified in the order the offender must submit to alcohol dependency treatment, which may be—

(a) resident treatment,

(b) institution-based treatment, or

(c) practitioner-based treatment.

(2) In this paragraph—

"alcohol dependency treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a person who has the necessary qualifications or experience ("the treatment director"), and

(b) with a view to reducing or eliminating the offender's dependency on alcohol;

"resident treatment" means treatment as a resident in an institution or place;

"institution-based treatment" means treatment as a non-resident at an institution or place;

"practitioner-based treatment" means treatment by or under the direction of the treatment director.

(3) Sub-paragraphs (4) and (5) apply to a relevant order which imposes an alcohol treatment requirement.

(4) The order may specify separate periods comprising the period specified under sub-paragraph (1).

(5) For each treatment period, the order must specify—

(a) the treatment director;

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(b) whether the alcohol dependency treatment is to be resident treatment, institution-based treatment or practitioner-based treatment;

(c) if it is to be resident treatment, the institution or place where it is to be provided;

(d) if it is to be institution-based treatment—

(i) the institution or place where it is to be provided, and

(ii) the intervals at which it is to be provided;

but must not otherwise specify the nature of the treatment.

(6) In sub-paragraph (5), "treatment period" means—

(a) if the order specifies separate periods under sub-paragraph (4), any of those periods;

(b) otherwise, the period specified under sub-paragraph (1).

Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I590 Sch. 9 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on imposing alcohol treatment requirement

24 (1) A court may not impose an alcohol treatment requirement unless the following conditions are met—

(a) the need for treatment condition,

(b) the arrangements condition, and

(c) the consent condition.

(2) The need for treatment condition is that the court is satisfied—

(a) that the offender is dependent on alcohol, and

(b) that the offender's dependency—

(i) requires treatment, and

(ii) may be susceptible to treatment.

(3) The arrangements condition is that the court is satisfied that arrangements—

(a) have been made, or

(b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, where the offender is to be required to submit to treatment as a resident.

(4) The consent condition is that the offender expresses willingness to comply with the requirement.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I591 Sch. 9 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 12

ALCOHOL ABSTINENCE AND MONITORING REQUIREMENT

Requirement

25 (1) In this Code "alcohol abstinence and monitoring requirement", in relation to a relevant order, means a requirement that, during a particular period ("the abstinence and monitoring period"), the offender—

(a) must—

(i) abstain from consuming alcohol, or

(ii) not consume alcohol so that at any time during the abstinence and monitoring period there is more than a particular level of alcohol in the offender's body, and

(b) must submit to monitoring in accordance with particular arrangements for the purpose of ascertaining whether the offender is complying with provision under paragraph (a).

Paragraph (a) is subject to sub-paragraph (3).

(2) A relevant order that includes an alcohol abstinence and monitoring requirement must specify—

(a) the abstinence and monitoring period;

(b) if the order imposes a requirement falling within sub-paragraph (1)(a)(ii), the level of alcohol;

(c) the arrangements for monitoring.

(3) A relevant order that includes an alcohol abstinence and monitoring requirement may specify exceptions from any requirement imposed under sub-paragraph (1)(a); if it does so the requirement has effect subject to those exceptions.

(4) The abstinence and monitoring period must be—

(a) if a minimum period is prescribed under sub-paragraph (7)(a), not less than that minimum period, and

(b) not more than 120 days.

(5) The level of alcohol specified under sub-paragraph (2)(b) must be the level prescribed under sub-paragraph (7)(b).

(6) The arrangements for monitoring specified under sub-paragraph (2)(c) must be consistent with those prescribed by regulations under sub-paragraph (7)(c).

(7) The Secretary of State may by regulations prescribe—

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(a) a minimum period as the abstinence and monitoring period;
(b) a level of alcohol for the purposes of sub-paragraph (1)(a)(ii);
(c) arrangements for monitoring for the purposes of sub-paragraph (1)(b).

(8) Regulations under sub-paragraph (7)(b) may prescribe a level—
(a) by reference to the proportion of alcohol in any one or more of an offender's breath, blood, urine or sweat, or
(b) by some other means.

(9) Regulations under sub-paragraph (7)(c) may in particular prescribe—
(a) arrangement for monitoring by electronic means;
(b) arrangements for monitoring by other means of testing.

(10) Regulations under sub-paragraph (7) are subject to the negative resolution procedure.

(11) In this paragraph and paragraph 26, "alcohol" includes anything containing alcohol.

Modifications etc. (not altering text)
C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I592 Sch. 9 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing alcohol abstinence and monitoring requirement

26 (1) A relevant order may not include both—
(a) an alcohol treatment requirement, and
(b) an alcohol abstinence and monitoring requirement.

(2) A court may not include an alcohol abstinence and monitoring requirement in a relevant order unless the following conditions are met—
(a) the relevance of alcohol condition,
(b) the non-dependency condition, and
(c) the availability of arrangements condition.

(3) The relevance of alcohol condition is that—
(a) the offender's consumption of alcohol is an element of the offence for which the order is to be imposed or of an associated offence, or
(b) the court is satisfied that the offender's consumption of alcohol was a factor that contributed to the commission of that offence or to an associated offence.

(4) The non-dependency condition is that the court is satisfied that the offender is not dependent on alcohol.

(5) The availability of arrangements condition is that the court has been notified by the Secretary of State that arrangements for monitoring of the kind to be specified in the relevant order are available in the offender's home local justice area (and the notice has not been withdrawn).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I593 Sch. 9 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 13

ATTENDANCE CENTRE REQUIREMENT

Requirement

27 (1) In this Code "attendance centre requirement", in relation to a relevant order, means a requirement that the offender must attend at an attendance centre for a particular number of hours.

(2) A relevant order which imposes an attendance centre requirement must specify the aggregate number of hours for which the offender may be required to attend at an attendance centre

(3) That number must be—

(a) not less than 12, and

(b) not more than 36.

(4) The attendance centre at which the offender is required to attend is to be notified to the offender by the responsible officer from time to time.

(5) When choosing an attendance centre the responsible officer must consider—

(a) the accessibility of the attendance centre to the offender, having regard to the means of access available to the offender and any other circumstances, and

(b) the description of persons for whom it is available.

(6) The first time at which the offender is required to attend at the attendance centre is a time notified to the offender by the responsible officer.

(7) The subsequent hours are to be fixed by the officer in charge of the centre, having regard to the offender's circumstances.

(8) The offender may not be required under this paragraph to attend at an attendance centre—

(a) more than once on any day, or

(b) for more than 3 hours at a time.

(9) A requirement under this paragraph to attend at an attendance centre for any period on any occasion operates as a requirement, for that period, to engage in occupation, or receive instruction, whether at the centre or elsewhere—

(a) under the supervision of the officer in charge of the centre, and

(b) in accordance with instructions given by, or under the authority of, that officer.

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Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I594 Sch. 9 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing attendance centre requirement

28 A court may not impose an attendance centre requirement in a relevant order unless the court—

(a) has been notified by the Secretary of State that an attendance centre is available for persons of the offender's description (and the notice has not been withdrawn), and

(b) is satisfied that an attendance centre which is available for persons of the offender's description is reasonably accessible to the offender, having regard to the means of access available to the offender and any other circumstances.

Commencement Information

I595 Sch. 9 para. 28 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 14

ELECTRONIC MONITORING

Electronic compliance monitoring requirement

29 (1) In this Code "electronic compliance monitoring requirement", in relation to a relevant order, means a requirement for securing the electronic monitoring of the offender's compliance with other requirements imposed by the order during a period ("the monitoring period")—

(a) specified in the order, or

(b) determined by the responsible officer in accordance with the relevant order.

(2) Sub-paragraph (3) applies where the responsible officer is to determine the monitoring period in accordance with the relevant order.

(3) Before it begins, the responsible officer must notify the following people of when the monitoring period is to begin—

(a) the offender,

(b) the person responsible for the monitoring, and

(c) any person falling within paragraph 33(b).

(4) An electronic compliance monitoring requirement may not be imposed for securing the electronic monitoring of the offender's compliance with an alcohol abstinence and monitoring requirement.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(5) But that does not prevent an order which imposes an alcohol abstinence and monitoring requirement from including an electronic compliance monitoring requirement for securing the electronic monitoring of the offender's compliance with any other requirement.

Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C149 Sch. 9 para. 29(1) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I596 Sch. 9 para. 29 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Electronic whereabouts monitoring requirement

30 In this Code "electronic whereabouts monitoring requirement", in relation to a relevant order, means a requirement to submit to electronic monitoring of the offender's whereabouts (otherwise than for the purpose of monitoring the offender's compliance with any other requirement included in the order) during a period specified in the order.

Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I597 Sch. 9 para. 30 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Electronic monitoring: person responsible for monitoring

31 (1) A relevant order which includes an electronic monitoring requirement must include provision for making a person responsible for the monitoring.

(2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C150 Sch. 9 paras. 31-33 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I598 Sch. 9 para. 31 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Electronic monitoring: general

32 Where a relevant order imposes an electronic monitoring requirement, the offender must (in particular)—

(a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—

(i) being fitted with, or installation of, any necessary apparatus, and

(ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,

(b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and

(c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C150 Sch. 9 paras. 31-33 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I599 Sch. 9 para. 32 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing electronic monitoring: general

33 Where—

(a) it is proposed to include in a relevant order an electronic monitoring requirement, but

(b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,

the requirement may not be included in the order without that person's consent.

Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C150 Sch. 9 paras. 31-33 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I600 Sch. 9 para. 33 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing an electronic compliance monitoring requirement

34 (1) A court may not include an electronic compliance monitoring requirement in a relevant order in respect of an offender unless—

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(a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area (see sub-paragraphs (2) to (4)) (and the notice has not been withdrawn), and

(b) the court is satisfied that the necessary provision can be made under those arrangements.

(2) In the case of a relevant order containing—

(a) a curfew requirement, or

(b) an exclusion requirement,

the relevant area is the area in which the place proposed to be specified in the order is situated.

For this purpose, "place", in relation to an exclusion requirement, has the same meaning as in paragraph 11.

(3) In the case of a relevant order containing an attendance centre requirement, the relevant area is an area in which there is an attendance centre which is available for persons of the offender's description and which the court is satisfied is reasonably accessible to the offender.

(4) In the case of any other relevant order, the relevant area is the local justice area proposed to be specified in the order.

Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C151 Sch. 9 para. 34(1)(2) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I601 Sch. 9 para. 34 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing electronic whereabouts monitoring requirement

35 A court may not include an electronic whereabouts monitoring requirement in a relevant order in respect of an offender unless—

(a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the local justice area proposed to be specified in the order (and the notice has not been withdrawn),

(b) the court is satisfied that—

(i) the offender can be fitted with any necessary apparatus under the arrangements currently available, and

(ii) any other necessary provision can be made under those arrangements, and

(c) the court is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

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Modifications etc. (not altering text)

C148 Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I602 Sch. 9 para. 35 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 10

Section 218

BREACH, REVOCATION OR AMENDMENT OF COMMUNITY ORDER

Modifications etc. (not altering text)

C152 Sch. 10 applied (with modifications) by 2006 c. 52, s. 182(3)(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C153 Sch. 10 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C154 Sch. 10 applied by 2006 c. 52, s. 178(2) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C155 Sch. 10 modified by 2006 c. 52, s. 181 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 6** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C156 Sch. 10 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

C157 Sch. 10 applied (with modifications) by 2006 c. 52, Sch. 6A (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 12** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

PART 1

PRELIMINARY

Meaning of particular expressions relating to an order

1 (1) In this Schedule, in relation to a community order—

"appropriate court" means—

(a) if the community order imposes a drug rehabilitation requirement which is subject to review, the court responsible for the order (see paragraph 4);

(b) if the community order is a Crown Court community order, the Crown Court;

(c) in any other case, a magistrates' court acting in the offender's home local justice area;

"treatment requirement", in relation to a community order, means—

(a) a mental health treatment requirement of the order,

(b) a drug rehabilitation requirement of the order, or

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(c) an alcohol treatment requirement of the order.

(2) In this Schedule, in relation to a community order, any reference (however expressed) to breach of a requirement of the order is a reference to any failure of the offender to comply with a requirement imposed by the order.

Commencement Information
I603 Sch. 10 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Enforcement officers

2 (1) In this Schedule, "enforcement officer" means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.

(2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.

(3) In sub-paragraph (2) "public sector provider" means—
(a) a probation trust or other public body, or
(b) the Secretary of State.

Commencement Information
I604 Sch. 10 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Community order subject to magistrates' court supervision and Crown Court order

3 In this Schedule—

"community order subject to magistrates' court supervision" means a community order which—
(a) was made by a magistrates' court, or
(b) was made by the Crown Court and includes a direction under section 211 (order to be subject to magistrates' court supervision);

"Crown Court community order" means a community order which—
(a) was made by the Crown Court, and
(b) does not include a direction under that section.

Commencement Information
I605 Sch. 10 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Requirements subject to review

4 For the purposes of this Schedule—
(a) a drug rehabilitation requirement of a community order is subject to review if it is subject to review in accordance with paragraph 21 of Schedule 9;

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(b) a reference to the court responsible for a community order imposing a drug rehabilitation requirement which is subject to review is to the responsible court within the meaning of that paragraph.

Commencement Information
I606 Sch. 10 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Orders made on appeal

5 A community order made on appeal is to be taken for the purposes of this Schedule to have been made by the Crown Court.

Commencement Information
I607 Sch. 10 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

BREACH OF REQUIREMENT OF ORDER

Duty to give warning or refer matter to enforcement officer

6 (1) This paragraph applies where the responsible officer is of the opinion that the offender has without reasonable excuse breached a requirement of a community order.

(2) If the offender has been given a warning under this paragraph within the previous 12 months in relation to a breach of any requirement of the order, the officer must refer the matter to an enforcement officer.

(3) Otherwise the officer must either—
(a) give the offender a warning under this paragraph, or
(b) refer the matter to an enforcement officer.

(4) A warning under this paragraph must—
(a) describe the circumstances of the breach,
(b) state that the breach is unacceptable, and
(c) inform the offender that if the offender again breaches a requirement of the order within the period of 12 months beginning with the date on which the warning was given, the offender will be liable to be brought before a court.

(5) As soon as practicable after giving a warning under this paragraph, the responsible officer must record that fact.

Commencement Information
I608 Sch. 10 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Role of enforcement officer

7 Where a matter is referred to an enforcement officer under paragraph 6, the enforcement officer must—

(a) consider the case, and

(b) where appropriate, cause an information to be laid in respect of the offender's breach of requirement—

(i) in the case of a community order subject to magistrates' court supervision, before a justice of the peace;

(ii) in the case of a Crown Court community order, before the Crown Court.

Commencement Information

I609 Sch. 10 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Issue of summons or warrant by justice of the peace

8 (1) This paragraph applies where—

(a) a community order subject to magistrates' court supervision is in force, and

(b) it appears on information to a justice of the peace that the offender has breached a requirement of the order.

(2) The justice may—

(a) issue a summons requiring the offender to appear at the place and time specified in it, or

(b) if the information is in writing and on oath, issue a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought—

(a) in the case of a community order imposing a drug rehabilitation requirement which is subject to review, if a magistrates' court is responsible for the order, before that court, or

(b) in any other case, before a magistrates' court acting in—

(i) the local justice area in which the offender resides, or

(ii) if it is not known where the offender resides, the offender's home local justice area.

(4) Where—

(a) a summons is issued under this paragraph requiring the offender to appear before a magistrates' court, and

(b) the offender does not appear in answer to the summons,

the magistrates' court may issue a warrant for the arrest of the offender.

Commencement Information

I610 Sch. 10 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Issue of summons or warrant by Crown Court

9 (1) This paragraph applies where—

(a) a Crown Court community order is in force, and

(b) it appears on information to the Crown Court that the offender has breached a requirement of the order.

(2) The Crown Court may—

(a) issue a summons requiring the offender to appear at the place and time specified in it, or

(b) if the information is in writing and on oath, issue a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the Crown Court.

(4) Where—

(a) a summons is issued under this paragraph, and

(b) the offender does not appear in answer to the summons,

the Crown Court may issue a warrant for the arrest of the offender.

Commencement Information

I611 Sch. 10 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of magistrates' court

10 (1) This paragraph applies where—

(a) an offender appears or is brought before a magistrates' court under paragraph 8, and

(b) it is proved to the satisfaction of the court that the offender has breached a requirement of the community order without reasonable excuse.

(2) The court must deal with the case under sub-paragraph (5).

(3) But if the community order was made by the Crown Court, the court may instead—

(a) commit the offender to custody, or

(b) release the offender on bail,

until the offender can be brought or appear before the Crown Court.

(4) If the court deals with the offender's case under sub-paragraph (3), it must send the Crown Court—

(a) a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements of the community order in the respect specified in the certificate, and

(b) such other particulars of the case as may be desirable;

and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.

(5) Where the court deals with the case under this sub-paragraph, it must deal with the offender in respect of the breach in any one of the following ways—

(a) by ordering the offender to pay a fine not exceeding £2,500;

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(b) by amending the terms of the community order so as to impose more onerous requirements which the court could include if it had just convicted the offender of the offence in respect of which the order was made and were then making the order;

(c) if the community order was made by a magistrates' court, by re-sentencing the offender for the offence in respect of which the order was made.

(6) Where the court deals with the case under sub-paragraph (5), the criminal courts charge duty (see section 46) applies to the court.

(7) In dealing with the offender under sub-paragraph (5), the court must take into account the extent to which the offender has complied with the requirements of the community order.

(8) A fine imposed under sub-paragraph (5)(a) is to be treated for the purposes of any enactment as being a sum adjudged to be paid by a conviction.

(9) Where—

(a) the offender has wilfully and persistently breached the requirements of the community order, and

(b) the court is dealing with the offender under sub-paragraph (5)(c),

the court may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restriction on imposing discretionary custodial sentences).

(10) Where the court deals with the offender under sub-paragraph (5)(c), it must revoke the community order if it is still in force.

(11) A person sentenced under sub-paragraph (5)(c) for an offence may appeal to the Crown Court against—

(a) the sentence, and

(b) a criminal courts charge order made when imposing that sentence.

Commencement Information

I612 Sch. 10 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of Crown Court

11 (1) This paragraph applies where—

(a) an offender appears or is brought before the Crown Court under paragraph 9 or by virtue of paragraph 10(3), and

(b) it is proved to the satisfaction of that court that the offender has breached a requirement of the community order without reasonable excuse.

(2) The Crown Court must deal with the offender in respect of the breach in any one of the following ways—

(a) by ordering the offender to pay a fine of an amount not exceeding £2,500;

(b) by amending the terms of the community order so as to impose more onerous requirements which the Crown Court could include if the offender had just been convicted of the offence in respect of which the order was made and it were then making the order;

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(c) by re-sentencing the offender for the offence in respect of which the order was made.

(3) Where the court deals with the case under sub-paragraph (2), the criminal courts charge duty (see section 46) applies to the court.

(4) In dealing with the offender under sub-paragraph (2), the Crown Court must take into account the extent to which the offender has complied with the requirements of the community order.

(5) A fine imposed under sub-paragraph (2)(a) is to be treated for the purposes of any enactment as being a sum adjudged to be paid by a conviction.

(6) Where—

(a) the offender has wilfully and persistently breached the requirements of the community order, and

(b) the court is dealing with the offender under sub-paragraph (2)(c),

the court may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restriction on imposing discretionary custodial sentences).

(7) Where the Crown Court deals with the offender under sub-paragraph (2)(c), it must revoke the community order if it is still in force.

(8) In proceedings before the Crown Court under this paragraph any question whether the offender has breached a requirement of the community order is to be determined by the court and not by the verdict of a jury.

Commencement Information

I613 Sch. 10 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Treatment requirement: reasonable refusal to undergo treatment

12 (1) Sub-paragraph (2) applies where the offender—

(a) is required by a treatment requirement of the community order to submit to treatment, and

(b) has refused to undergo any surgical, electrical or other treatment.

(2) The offender is not to be treated for the purposes of paragraph 10 or 11 as having breached the requirement on the ground only of that refusal if, in the opinion of the court, the refusal was reasonable having regard to all the circumstances.

Commencement Information

I614 Sch. 10 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers in paragraphs 10 and 11 to impose more onerous requirements: further provision

13 (1) In dealing with an offender under paragraph 10(5)(b) or 11(2)(b), the court may—

(a) extend the duration of particular requirements, subject to any limit imposed by Schedule 9;

(b) substitute a later date for the end date.

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(2) A date substituted under sub-paragraph (1)(b)—

(a) must not be more than 6 months after the end date;

(b) subject to that, may be more than 3 years after the date of the order.

(3) Once the power in sub-paragraph (1)(b) has been exercised in relation to the order, it may not be exercised again in relation to it by any court.

(4) Where—

(a) a community order does not contain an unpaid work requirement, and

(b) in dealing with the offender under paragraph 10(5)(b) or 11(2)(b), the court imposes an unpaid work requirement,

the number of hours for which the offender may be required to work under the requirement (see paragraph 2(1) of Schedule 9) must not, in aggregate, be less than 20.

(5) Paragraphs 10(5)(b) and 11(2)(b) (power to impose more onerous requirements) have effect subject to any provision that applies to the court in making a community order as if the court were imposing the requirements on making the order.

Commencement Information

I615 Sch. 10 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

REVOCATION OF ORDER WITH OR WITHOUT RE-SENTENCING

Community order subject to magistrates' court supervision

14 (1) This paragraph applies where a community order subject to magistrates' court supervision is in force, and

(a) the offender, or

(b) an officer of a provider of probation services,

applies to the appropriate magistrates' court for the community order to be revoked or for the offender to be dealt with in some other way for the offence in respect of which the order was made.

(2) In this paragraph "the appropriate magistrates' court" means—

(a) in the case of a community order imposing a drug rehabilitation requirement which is subject to review, if a magistrates' court is responsible for the order, that court, and

(b) in any other case, a magistrates' court acting in the offender's home local justice area.

(3) No application may be made under this paragraph while an appeal against the community order is pending.

(4) Unless the application was made by the offender, the appropriate magistrates' court—

(a) must, before exercising its powers under sub-paragraph (5)(b), summon the offender to appear before it, and

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(b) if the offender does not appear in answer to the summons, may issue a warrant for the offender's arrest.

(5) If it appears to the court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the court may—

(a) revoke the community order, or

(b) both—

(i) revoke the community order, and

(ii) re-sentence the offender for the offence in respect of which the order was made.

(6) The circumstances in which a community order may be revoked under sub-paragraph (5) include the offender's—

(a) making good progress, or

(b) responding satisfactorily to supervision or treatment (as the case requires).

(7) If the court deals with the offender under sub-paragraph (5)(b), it must take into account the extent to which the offender has complied with the requirements of the community order.

(8) A person sentenced under sub-paragraph (5)(b) for an offence may appeal to the Crown Court against the sentence.

Commencement Information

I616 Sch. 10 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Crown Court community order

15 (1) This paragraph applies where a Crown Court community order is in force and—

(a) the offender, or

(b) an officer of a provider of probation services,

applies to the Crown Court for the community order to be revoked or for the offender to be dealt with in some other way for the offence in respect of which the order was made.

(2) No application may be made under this paragraph while an appeal against the community order is pending.

(3) Unless the application was made by the offender, the Crown Court—

(a) must, before exercising its powers under sub-paragraph (4)(b), summon the offender to appear before the court, and

(b) if the offender does not appear in answer to the summons, may issue a warrant for the offender's arrest.

(4) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may—

(a) revoke the order, or

(b) both—

(i) revoke the order, and

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(ii) re-sentence the offender for the offence in respect of which the order was made.

(5) The circumstances in which a community order may be revoked under sub-paragraph (4) include the offender's—

(a) making good progress, or

(b) responding satisfactorily to supervision or treatment (as the case requires).

(6) If the Crown Court deals with the offender under sub-paragraph (4)(b), it must take into account the extent to which the offender has complied with the requirements of the order.

Commencement Information
I617 Sch. 10 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

AMENDMENT OF ORDER

Amendment because of change of residence

16 (1) This paragraph applies where at any time while a community order is in force—

(a) the offender is given permission under section 216 to change residence, and

(b) the local justice area in which the new residence is situated ("the new local justice area") is different from the offender's home local justice area.

(2) If the permission is given by a court, the court must amend the order to specify the new local justice area as the offender's home local justice area.

Commencement Information
I618 Sch. 10 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

17 (1) This paragraph applies where at any time while a community order is in force—

(a) a court amends the order,

(b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and

(c) the local justice area in which that place is situated ("the new local justice area") is different from the offender's home local justice area.

(2) The court must amend the order to specify the new local justice area as the offender's home local justice area.

Commencement Information
I619 Sch. 10 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Amendment of requirements of community order

18 (1) The appropriate court may, on the application of the offender or an officer of a provider of probation services, amend a community order—

(a) by cancelling any of the requirements of the order, or

(b) by replacing any of those requirements with a requirement of the same kind which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order.

(2) For the purposes of sub-paragraph (1)(b)—

(a) requirements are of the same kind if they fall within the same entry in column 1 of the table in section 201, and

(b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.

(3) No application may be made under this paragraph while an appeal against the community order is pending, other than an application which—

(a) relates to a treatment requirement, and

(b) is made by an officer of a provider of probation services with the offender's consent.

(4) Before exercising its powers under this paragraph, the court must summon the offender to appear before it, unless—

(a) the application was made by the offender, or

(b) the court would exercise the powers only to—

(i) cancel a requirement of the community order,

(ii) replace any such requirement with one of a shorter duration, or

(iii) substitute a new place for one specified in the order.

(5) If the offender fails to appear in answer to a summons under sub-paragraph (4) the court may issue a warrant for the offender's arrest.

(6) Sub-paragraph (1)(b) has effect subject to any provision that applies to the court in making a community order as if the court were imposing the requirements on making the order.

(7) The court may not under this paragraph amend a treatment requirement unless the offender expresses willingness to comply with the requirement as amended.

(8) If the offender fails to express willingness to comply with a treatment requirement as proposed to be amended under this paragraph, the court may—

(a) revoke the community order, and

(b) re-sentence the offender for the offence in respect of which the order was made.

(9) If the court deals with the offender under sub-paragraph (8)(b), it—

(a) must take into account the extent to which the offender has complied with the requirements of the order, and

(b) may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restrictions on imposing discretionary custodial sentences).

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Commencement Information
I620 Sch. 10 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendment of treatment requirement on report of practitioner

19 (1) This paragraph applies where an offender is being treated in pursuance of a treatment requirement and the treatment practitioner—

(a) is of the opinion that—

(i) the treatment of the offender should be continued beyond the period specified in the order,

(ii) the offender needs different treatment,

(iii) the offender is not susceptible to treatment, or

(iv) the offender does not require further treatment, or

(b) is for any reason unwilling to continue to treat or direct the treatment of the offender.

(2) The treatment practitioner must make a report in writing to that effect to the responsible officer.

(3) The responsible officer must cause an application to be made under paragraph 18 to the appropriate court for the replacement or cancellation of the requirement.

(4) In this paragraph, "the treatment practitioner", in relation to a treatment requirement, means—

(a) the medical practitioner or other person specified in the community order as the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement, or

(b) in the case of a mental health treatment requirement, if no such person is specified, the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement.

Commencement Information
I621 Sch. 10 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extension of order

20 (1) The appropriate court may, on the application of—

(a) the offender, or

(b) an officer of a provider of probation services,

amend a community order by substituting a later date for the end date.

(2) Unless the application was made by the offender, the court—

(a) must, before exercising its powers under this paragraph, summon the offender to appear before the court, and

(b) if the offender fails to appear in answer to the summons, may issue a warrant for the offender's arrest.

(3) A date substituted under sub-paragraph (1)—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) must not be more than 6 months after the end date;
(b) subject to that, may be more than 3 years after the date of the order.

(4) Once the power in sub-paragraph (1) has been exercised in relation to the order, it may not be exercised again in relation to it by any court.

(5) No application may be made under this paragraph while an appeal against the community order is pending.

Commencement Information
I622 Sch. 10 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extension of unpaid work requirement

21 (1) This paragraph applies where a community order imposing an unpaid work requirement is in force in respect of an offender.

(2) The appropriate court may, on the application of—
(a) the offender, or
(b) an officer of a provider of probation services,
extend the period of 12 months specified in paragraph 1(1)(b) of Schedule 9, if it appears to the court to be in the interests to do so, having regard to circumstances which have arisen since the order was made.

(3) No application may be made under this paragraph while an appeal against the community order is pending.

(4) Unless the application was made by the offender, the court—
(a) must, before exercising its powers under this paragraph, summon the offender to appear before the court, and
(b) if the offender fails to appear in answer to the summons, may issue a warrant for the offender's arrest.

Commencement Information
I623 Sch. 10 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 5

CONVICTION OF FURTHER OFFENCE

Powers of magistrates' court following subsequent conviction

22 Paragraphs 23 and 24 apply where—
(a) a community order ("the existing community order") is in force in respect of an offender, and
(b) the offender is convicted of an offence by a magistrates' court ("the present court").

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I624 Sch. 10 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

23 (1) This paragraph applies if the existing community order was made by a magistrates' court.

(2) If it appears to the present court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the present court may—

(a) revoke the community order, or

(b) both—

(i) revoke the community order, and

(ii) re-sentence the offender for the offence in respect of which the order was made.

(3) Unless the offender is before it, the present court may not deal with the offender under sub-paragraph (2)(b) unless it has summoned the offender to appear before it.

(4) If the offender fails to appear in answer to a summons under sub-paragraph (3) the present court may issue a warrant for the offender's arrest.

(5) If the present court deals with the offender under sub-paragraph (2)(b), it must take into account the extent to which the offender has complied with the requirements of the community order.

(6) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.

Commencement Information
I625 Sch. 10 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

24 (1) This paragraph applies if the existing community order was made by the Crown Court.

(2) The present court may—

(a) commit the offender to custody, or

(b) release the offender on bail,

until the offender can be brought before the Crown Court.

(3) Unless the offender is before it, the present court may not deal with the offender under this paragraph unless it has summoned the offender to appear before it.

(4) If the offender fails to appear in answer to a summons under sub-paragraph (3) the present court may issue a warrant for the offender's arrest.

(5) Where the present court deals with the case under this paragraph, it must send the Crown Court such particulars of the case as may be desirable.

Commencement Information
I626 Sch. 10 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Powers of Crown Court following subsequent conviction

25 (1) This paragraph applies where a community order is in force in respect of an offender, and the offender—

(a) is convicted of an offence by the Crown Court, or

(b) is brought or appears before the Crown Court—

(i) by virtue of paragraph 24, or

(ii) having been committed by a magistrates' court to the Crown Court for sentence.

(2) If it appears to the Crown Court that it would be in the interests of justice to do so, having regard to circumstances which have arisen since the community order was made, the Crown Court may—

(a) revoke the order, or

(b) both—

(i) revoke the order, and

(ii) re-sentence the offender for the offence in respect of which the order was made.

(3) Unless the offender is before it, the Crown Court may not deal with the offender under sub-paragraph (2)(b) unless it has summoned the offender to appear before it.

(4) If the offender fails to appear in answer to a summons under sub-paragraph (3) the Crown Court may issue a warrant for the offender's arrest.

(5) If the Crown Court deals with the offender under sub-paragraph (2)(b), it must take into account the extent to which the offender has complied with the requirements of the community order.

Commencement Information

I627 Sch. 10 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 6

SUPPLEMENTARY

Adjournment of hearing

26 (1) This paragraph applies to any hearing relating to an offender held by a magistrates' court in any proceedings under this Schedule.

(2) The court may adjourn the hearing, and, where it does so, may—

(a) direct that the offender be released forthwith, or

(b) remand the offender.

(3) Where the court remands the offender under sub-paragraph (2)—

(a) it must fix the time and place at which the hearing is to be resumed, and

(b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.

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(4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—

(a) it may fix the time and place at which the hearing is to be resumed, but

(b) if it does not do so, it must not resume the hearing unless it is satisfied that—

(i) the offender, and

(ii) any officer of a provider of probation services who the court considers has an interest in the proceedings,

have had adequate notice of the time and place for the resumed hearing.

(5) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.

(6) This paragraph—

(a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but

(b) is not to be taken to affect the application of that section to hearings of any other description.

Commencement Information

I628 Sch. 10 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provision of copies of orders etc

27 (1) This paragraph applies on the making of an order by a court under this Schedule revoking or amending a community order.

(2) The court must provide copies of the revoking or amending order to—

(a) the offender, and

(b) the responsible officer.

(3) In the case of an amending order which substitutes a new local justice area as the offender's home local justice area, the court must also provide a copy of the amending order to—

(a) a provider of probation services that is a public sector provider operating in that area, and

(b) the magistrates' court acting in that area.

(4) In case of an amending order which imposes or amends a requirement specified in column 1 of the following table, the court must also provide the person specified in the corresponding entry in column 2 with a copy of so much of the amending order as relates to that requirement.

The requirement	***The person to whom a copy must be provided***
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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A residence requirement relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(5) Where the court acts in a local justice area other than the offender's home local justice area specified in the order prior to the revocation or amendment (the "former home area"), the court must provide a copy of the revoking or amending order to a magistrates' court acting in the former home area.

(6) Where under sub-paragraph (3) the court provides a copy of an amending order to a magistrates' court acting in a different area, it must also provide that court with such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

(7) In this paragraph, "public sector provider" means—
(a) a probation trust or other public body, or
(b) the Secretary of State.

Commencement Information
I629 Sch. 10 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULE 11

Section 219

TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

Modifications etc. (not altering text)

C158 Sch. 11 modified by 2006 c. 52, s. 180 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 5** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C159 Sch. 11 applied (with modifications) by 2006 c. 52, s. 178(2)(3) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

C160 Sch. 11 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

PART 1

SCOTLAND

Making of community order where offender will reside in Scotland

1 (1) This paragraph applies where—

(a) a community order is available to a court dealing with an offender, and

(b) the court is satisfied that the offender—

(i) resides in Scotland, or

(ii) if a community order is made, will reside there when the order comes into force.

(2) The court may make a community order only if—

(a) it appears to the court that suitable arrangements for the offender's supervision can be made by the local council in Scotland, and

(b) the order will satisfy paragraphs 4 and 5.

Commencement Information

I630 Sch. 11 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendment of community order where offender will reside in Scotland

2 (1) This paragraph applies where—

(a) a community order is in force,

(b) the appropriate court (within the meaning of Schedule 10) is satisfied that the offender—

(i) resides in Scotland, or

(ii) proposes to reside there, and

(c) it appears to the court that suitable arrangements for the offender's supervision can be made by the local council in Scotland.

(2) The power of the appropriate court to amend the order under Part 4 of Schedule 10 ("the amendment power") includes power to amend the order by requiring—

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***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the order to be complied with in Scotland, and
(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 4 and 5.

Commencement Information
I631 Sch. 11 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Requirements: availability and restrictions

3 Paragraphs 4 and 5 apply where a court makes or amends a community order in accordance with this Part of this Schedule.

Commencement Information
I632 Sch. 11 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

4 The order must not impose—
(a) an alcohol abstinence and monitoring requirement,
(b) an attendance centre requirement, or
(c) an electronic whereabouts monitoring requirement.

Commencement Information
I633 Sch. 11 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 (1) The order must not impose a locally based requirement unless it appears to the court that—
(a) arrangements exist for persons to comply with such a requirement in the locality in Scotland in which the offender resides, or will be residing at the relevant time, and
(b) provision can be made for the offender to comply with the requirement under those arrangements.

(2) For the purposes of this paragraph, "locally based requirement" means any of the following—
(a) an unpaid work requirement;
(b) a rehabilitation activity requirement;
(c) a programme requirement;
(d) a mental health treatment requirement;
(e) a drug rehabilitation requirement;
(f) an alcohol treatment requirement;
(g) an electronic compliance monitoring requirement.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I634 Sch. 11 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modifications of requirements etc where court exercises powers by virtue of this Part of this Schedule

6 Where a court makes or amends a community order in accordance with this Part of this Schedule, Schedule 9 (requirements) has effect as if—

(a) any reference to the responsible officer were a reference to the local authority officer concerned;

(b) the following provisions were omitted—

(i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);

(ii) paragraph 31(2) (responsible person to be of prescribed description);

(iii) paragraph 34 (requirement not to be imposed unless Secretary of State has notified arrangements);

(c) in paragraph 16 (mental health treatment requirement), in sub-paragraph (2), for the definition of "in-patient treatment" there were substituted—

""in-patient treatment" means treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a State hospital within the meaning of that Act;".

Commencement Information

I635 Sch. 11 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

NORTHERN IRELAND

Making of community order where offender will reside in Northern Ireland

7 (1) This paragraph applies where—

(a) a community order is available to a court dealing with an offender, and

(b) the court is satisfied that the offender—

(i) resides in Northern Ireland, or

(ii) if a community order is made, will reside there when the order comes into force.

(2) The court may make a community order only if—

(a) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland, and

(b) paragraphs 10 to 12 will be satisfied in relation to the order.

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Commencement Information
I636 Sch. 11 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendment of community order where offender will reside in Northern Ireland

8 (1) This paragraph applies where—
(a) a community order is in force,
(b) the appropriate court (within the meaning of Schedule 10) is satisfied that the offender—
(i) resides in Northern Ireland, or
(ii) proposes to reside there, and
(c) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland.

(2) The power of the appropriate court to amend the order under Part 4 of Schedule 10 ("the amendment power") includes power to amend the order by requiring—
(a) the order to be complied with in Northern Ireland, and
(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 10 to 12.

Commencement Information
I637 Sch. 11 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Requirements: availability and restrictions

9 Paragraphs 10 to 12 apply where a court makes or amends a community order in accordance with this Part of this Schedule.

Commencement Information
I638 Sch. 11 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

10 The order must not impose an alcohol abstinence and monitoring requirement.

Commencement Information
I639 Sch. 11 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

11 The order must not impose an electronic whereabouts monitoring requirement unless it appears to the court that—
(a) any necessary provision can be made in the offender's case under arrangements that exist for persons resident in Northern Ireland, and

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(b) arrangements are generally operational throughout Northern Ireland (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

Commencement Information
I640 Sch. 11 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

12 (1) The order must not impose a locally based requirement unless it appears to the court that—

(a) arrangements exist for persons to comply with such a requirement in Northern Ireland, and

(b) provision can be made for the offender to comply with the requirement under those arrangements.

(2) For the purposes of this paragraph, "locally based requirement" means any of the following—

(a) an unpaid work requirement;
(b) a rehabilitation activity requirement;
(c) a programme requirement;
(d) a mental health treatment requirement;
(e) a drug rehabilitation requirement;
(f) an alcohol treatment requirement;
(g) an attendance centre requirement;
(h) an electronic compliance monitoring requirement.

Commencement Information
I641 Sch. 11 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Further provision where offender resides or will reside in Northern Ireland

13 Where a court makes or amends a community order in accordance with this Part of this Schedule, Schedule 9 (requirements) has effect as if—

(a) any reference to the responsible officer were a reference to the probation officer concerned;

(b) the following provisions were omitted—

(i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);

(ii) paragraph 31(2) (responsible person to be of prescribed description);

(iii) paragraphs 34 and 35 (electronic requirements not to be imposed unless Secretary of State has notified arrangements etc);

(c) in paragraph 16 (mental health treatment requirement), in sub-paragraph (2), for the definition of "in-patient treatment" there were substituted—

""in-patient treatment" means treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the

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order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));";

(d) in Part 13 of that Schedule (attendance centre requirement), any reference to an attendance centre were to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).

Commencement Information
I642 Sch. 11 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

MAKING OR AMENDMENT OF ORDER IN ACCORDANCE WITH PART 1 OR 2 OF THIS SCHEDULE

Application

14 This Part of this Schedule applies in a case where a court in England and Wales makes or amends a community order in accordance with Part 1 or 2 of this Schedule.

Commencement Information
I643 Sch. 11 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Explanation to be given by court before order is made or amended

15 Before making or amending the community order, the court must explain to the offender in ordinary language—

(a) the effect of paragraph 20 (order to be treated as corresponding order),

(b) the requirements of the legislation relating to corresponding orders which has effect in Scotland or Northern Ireland (as the case may be),

(c) the powers of the home court under that legislation, as modified by Part 4 of this Schedule, and

(d) its own powers in relation to the community order (see Part 4 of this Schedule).

Commencement Information
I644 Sch. 11 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Matters to be specified in the order

16 (1) The community order must specify—

(a) the locality in Scotland in which the offender resides or will be residing at the relevant time, or

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(b) that the offender resides in Northern Ireland or will be residing there at the relevant time.

(2) Sub-paragraph (1) has effect in place of section 210 (offender's home local justice area to be specified).

(3) The community order must specify an order as the corresponding order for the purposes of this Schedule.

(4) The corresponding order must be an order that may be made—

(a) in the case of a Scottish community order, by a court in Scotland;

(b) in the case of a Northern Ireland community order, by a court in Northern Ireland.

(5) A Scottish community order which specifies as the corresponding order a community payback order within the meaning of section 227A of the Criminal Procedure (Scotland) Act 1995 must also specify the appropriate court for the purposes of sections 227A to 227ZK of that Act.

(6) That court—

(a) must be a court of summary jurisdiction having jurisdiction in the locality specified under sub-paragraph (1)(a), and

(b) must, in the case of an offender convicted on indictment, be the sheriff court.

Commencement Information

I645 Sch. 11 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provision of copies

17 (1) The court which makes or amends the community order must—

(a) forthwith provide the offender with a copy of the order as made or amended, and

(b) provide the home court with—

(i) a copy of the order as made or amended, and

(ii) such other documents and information relating to the case as it considers likely to be of assistance to the home court.

(2) Where the court—

(a) makes a community order which imposes a requirement specified in column 1 of the table in sub-paragraph (3), or

(b) amends a community order so as to impose or amend such a requirement,

it must also forthwith provide the person specified in the corresponding entry in column 2 of the table with a copy of so much of the community order or amending order as relates to that requirement.

(3) The table is—

The requirement	***The person to whom a copy must be provided***

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An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected
A residence requirement relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(4) This paragraph has effect in place of section 212 (provision of copies of relevant orders).

Commencement Information
I646 Sch. 11 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

EFFECT OF ORDER MADE OR AMENDED IN ACCORDANCE WITH PART 1 OR 2 OF THIS SCHEDULE

Application

18 This Part of this Schedule applies where a community order has effect as made or amended in accordance with Part 1 or 2 of this Schedule.

Commencement Information
I647 Sch. 11 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Duty to keep in touch with responsible officer

19 (1) The offender must keep in touch—

(a) with the local authority officer concerned, in the case of a Scottish community order, or

(b) with the probation officer concerned, in the case of a Northern Ireland community order,

in accordance with such instructions as the officer may give the offender from time to time.

(2) That obligation is enforceable as if it were a requirement imposed by the community order.

(3) This paragraph has effect in place of section 215.

Commencement Information
I648 Sch. 11 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Order to be treated as corresponding order in certain circumstances

20 (1) The community order is to be treated as if it were a corresponding order.

(2) The relevant home legislation applies accordingly.

(3) In this Schedule, "relevant home legislation"—

(a) in relation to a Scottish community order, means the legislation relating to corresponding orders that has effect in Scotland;

(b) in relation to a Northern Ireland community order, means the legislation relating to corresponding orders that has effect in Northern Ireland.

(4) This paragraph is subject to the following provisions of this Part of this Schedule.

Commencement Information
I649 Sch. 11 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise by home court of powers relating to corresponding orders

21 (1) The home court may exercise any relevant local power in relation to the community order, subject to the following restrictions.

(2) A "relevant local power" means a power which the home court could exercise in relation to a corresponding order by virtue of the relevant home legislation.

(3) The home court may not discharge or revoke the order.

(4) But that does not prevent the home court from exercising a power to revoke the order where—

(a) the offender has been convicted of a further offence, and

(b) the court has imposed a custodial sentence (and section 222(1) (meaning of "custodial sentence") does not apply for this purpose).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) The home court may not deal with the offender for the offence in respect of which the community order was made.

(6) If the order imposes an unpaid work requirement, the home court may not vary the order so as to specify a greater number of hours in relation to the requirement than the court which made the order could specify, applying the relevant assumptions.

(7) If the order imposes a curfew requirement, the home court may not vary the order so as to specify curfew periods (within the meaning of paragraph 9 of Schedule 9) that the court which made the order could not specify, applying the relevant assumptions.

(8) For the purposes of sub-paragraphs (6) and (7), the relevant assumptions are that—

(a) the court which made the order is now making the community order, and

(b) the offender has just been convicted by or before it of the offence in respect of which the community order was made.

Commencement Information

I650 Sch. 11 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power of home court to require offender to appear before court in England and Wales

22 (1) Where the home court is of the opinion that—

(a) the offender has breached any of the requirements of the order, or

(b) it would be in the interests of justice for a power conferred by Part 3 of Schedule 10 (revocation of order with or without re-sentencing) to be exercised,

the home court may require the offender to appear before the court which made the order or which last amended the order in England and Wales.

(2) The court may form an opinion within sub-paragraph (1)(a) for the purposes of this paragraph only—

(a) on information from the local authority officer concerned, if the home court is in Scotland, or

(b) upon a complaint being made to a lay magistrate, if the home court is in Northern Ireland.

(3) The court may form an opinion within sub-paragraph (1)(b) for the purposes of this paragraph only on the application—

(a) of the offender, or

(b) of—

(i) the local authority officer concerned, if the home court is in Scotland;

(ii) the probation officer concerned, if the home court is in Northern Ireland.

Commencement Information

I651 Sch. 11 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Home court to certify breach of requirement

23 (1) Where the home court requires the offender to appear before a court in England and Wales by virtue of paragraph 22(1)(a) (breach of a requirement of the order), the home court must send the court in England and Wales—

(a) a certificate certifying that the offender has breached a requirement of the community order specified in the certificate, and

(b) such other particulars of the case as may be desirable.

(2) A certificate under sub-paragraph (1)(a) purporting to be signed by the clerk of the home court is admissible as evidence of the breach before the court in England and Wales.

Commencement Information
I652 Sch. 11 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of court in England and Wales where offender required to appear under paragraph 22

24 (1) This paragraph applies where under paragraph 22 the home court requires the offender to appear before a court in England and Wales.

(2) The court in England and Wales may issue a warrant for the offender's arrest.

(3) The court in England and Wales may exercise any power which it could exercise in respect of the community order if the offender resided in England and Wales.

This is subject to paragraphs 25 and 26.

(4) Any enactment relating to the exercise of such powers has effect accordingly, with any reference in it to the responsible officer being read as a reference to—

(a) the local authority officer concerned, in the case of a Scottish community order;

(b) the probation officer concerned, in the case of a Northern Ireland community order.

Commencement Information
I653 Sch. 11 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

25 (1) This paragraph applies where—

(a) a court in England and Wales is exercising a power in respect of a community order by virtue of paragraph 24(3), and

(b) the offender resides in Scotland.

(2) The court may not amend the community order unless, in relation to any requirement that it proposes to impose, it appears to the court that suitable arrangements for the offender's supervision can be made by the local council in Scotland.

(3) The court may not impose—

(a) an alcohol abstinence and monitoring requirement,

(b) an attendance centre requirement, or

(c) an electronic whereabouts monitoring requirement;

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(4) The court may not amend the community order to impose a locally based requirement unless it appears to the court that—

(a) arrangements exist for persons to comply with such a requirement in the locality in Scotland in which the offender resides, or will be residing at the relevant time, and

(b) provision can be made for the offender to comply with the requirement under those arrangements.

For the purposes of this paragraph, "locally based requirement" has the same meaning as it has for the purposes of paragraph 5.

(5) The following apply in relation to the amendment of the community order by virtue of paragraph 24(3) as they apply in relation to the amendment of an order in accordance with Part 1 of this Schedule—

(a) paragraph 6;

(b) paragraphs 14 to 23.

Commencement Information

I654 Sch. 11 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

26 (1) This paragraph applies where—

(a) a court in England and Wales is exercising a power in respect of a community order by virtue of paragraph 24(3), and

(b) the offender resides in Northern Ireland.

(2) The court may not amend the community order unless, in relation to any requirement that it proposes to impose, it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland.

(3) The court may not impose an alcohol abstinence and monitoring requirement.

(4) The court may not amend the community order to impose an electronic whereabouts monitoring requirement unless it appears to the court that—

(a) any necessary provision can be made in the offender's case under arrangements that exist for persons resident in Northern Ireland, and

(b) arrangements are generally operational throughout Northern Ireland (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

(5) The court may not amend the community order to impose a locally based requirement unless it appears to the court that—

(a) arrangements exist for persons to comply with such a requirement in Northern Ireland, and

(b) provision can be made for the offender to comply with the requirement under those arrangements.

For the purposes of this paragraph, "locally based requirement" has the same meaning as it has for the purposes of paragraph 12.

(6) The following apply in relation to the amendment of the community order by virtue of paragraph 24(3) as they apply in relation to the amendment of an order in accordance with Part 2 of this Schedule—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) paragraph 13;
(b) paragraphs 14 to 23.

Commencement Information
I655 Sch. 11 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 5

INTERPRETATION

27 In this Schedule—

"breach", in relation to a requirement, means a failure to comply with it, and related expressions are to be read accordingly;

"corresponding order", in relation to a community order, means the order specified under paragraph 16(3);

"home court" means—

(a) if the offender resides in Scotland, or will be residing there at the relevant time, the sheriff court having jurisdiction in the locality in which the offender resides or proposes to reside, and

(b) if the offender resides in Northern Ireland, or will be residing there at the relevant time, a court of summary jurisdiction;

"the local authority officer concerned", in relation to an offender, means the officer of a council constituted under section 2 of the Local Government etc (Scotland) Act 1994 responsible for—

(a) the offender's supervision, and

(b) discharging in relation to the offender the functions of the responsible officer under sections 227A to 227ZK of the Criminal Procedure (Scotland) Act 1995;

"the local council in Scotland" means the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area the offender resides or will be residing at the relevant time;

"Northern Ireland community order" means a community order made or amended in accordance with Part 2 of this Schedule;

"the probation officer concerned", in relation to an offender, means the probation officer responsible for—

(a) the offender's supervision, or

(b) as the case may be, discharging in relation to the offender the functions conferred by Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));

"relevant home legislation" has the meaning given by paragraph 20(3);

"the relevant time", in relation to the making or amendment of an order in accordance with Part 1, 2 or 4 of this Schedule, means the time when the order or the amendment to it comes into force;

"Scottish community order" means a community order made or amended in accordance with Part 1 of this Schedule.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I656 Sch. 11 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 12

Section 243

DETENTION AND TRAINING ORDER: BREACH OF SUPERVISION REQUIREMENTS AND FURTHER OFFENCES

Modifications etc. (not altering text)
C161 Sch. 12 modified by 2006 c. 52, s. 213(1)(b) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Interpretation

1 In this Schedule—

"breach", in relation to a supervision requirement, means a failure to comply with it, and related expressions are to be read accordingly;

"supervision requirement" means a requirement with which an offender must comply under—

(a) section 242(4)(b), or

(b) paragraph 4(4)(b);

"further detention order" means an order under paragraph 3(2)(a);

"further supervision order" means an order under paragraph 3(2)(b).

Commencement Information
I657 Sch. 12 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Breach of supervision requirement: issue of summons or warrant by justice of the peace

2 (1) Sub-paragraph (2) applies where—

(a) a detention and training order, or a further supervision order, is in force in respect of an offender, and

(b) it appears on information to a justice of the peace that the offender has breached any of the supervision requirements imposed under the order.

(2) The justice—

(a) may issue a summons requiring the offender to appear at the place and time specified in the summons, or

(b) if the information is in writing and on oath, may issue a warrant for the offender's arrest.

(3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought—

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(a) before a youth court acting for the local justice area in which the offender resides, or

(b) if it is not known where the offender resides, before a youth court acting for same local justice area as the justice who issued the summons or warrant.

Modifications etc. (not altering text)

C162 Sch. 12 para. 2 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(4)** (with Sch. 27); S.I. 2020/1236, reg. 2)

C163 Sch. 12 para. 2 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)** (with Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I658 Sch. 12 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power of youth court to deal with offender for breach of supervision requirement

3 (1) Sub-paragraph (2) applies if it is proved to the satisfaction of the youth court before which an offender appears or is brought under paragraph 2 that the offender has breached a supervision requirement imposed under a relevant order.

(2) The court may—

(a) order the offender to be detained for such period, not exceeding the maximum period found under sub-paragraph (3), as the court may specify,

(b) order the offender to be subject to such period of supervision, not exceeding the maximum period found under sub-paragraph (3), as the court may specify, or

(c) impose on the offender a fine not exceeding level 3 on the standard scale.

(3) The maximum period referred to in sub-paragraph (2)(a) and (b) is the shorter of—

(a) 3 months, and

(b) the period between—

(i) the date of the offender's breach, and

(ii) the last day of the term of the relevant order.

(4) For the purposes of sub-paragraph (3), a breach that is found to have occurred—

(a) over 2 or more days, or

(b) at some time during a period of 2 or more days,

is to be taken to have occurred on the first of those days.

(5) A court may make an order under sub-paragraph (2) before or after the end of the term of the relevant order.

(6) A period of detention or supervision ordered under sub-paragraph (2)—

(a) begins with the day on which the order is made, and

(b) may overlap to any extent with the period of supervision under the relevant order.

This is subject to paragraph 5(1) (further detention order made where offender detained under other detention and training order).

(7) An offender detained under a further detention order is deemed to be in legal custody.

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(8) Detention under a further detention order is—

(a) if the offender has reached the age of 21, to be in prison,

(b) otherwise, to be in such youth detention accommodation as the Secretary of State may determine.

(9) Where—

(a) the offender is aged under 18, and

(b) but for this sub-paragraph, the court would impose a fine on the offender under sub-paragraph (2)(c),

section 380 (order for payment by parent or guardian) applies to the fine.

(10) A fine imposed under sub-paragraph (2)(c) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.

(11) An offender may appeal to the Crown Court against any order made under sub-paragraph (2).

(12) In this paragraph—

(a) "relevant order" means—

(i) a detention and training order, or

(ii) a further supervision order;

(b) any reference to the term of a relevant order is—

(i) in the case of a detention and training order, to the term of the order, and

(ii) in the case of a further supervision order, to the period of supervision imposed by the order.

Modifications etc. (not altering text)

C164 Sch. 12 para. 3 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(4)** (with Sch. 27); S.I. 2020/1236, reg. 2)

C165 Sch. 12 para. 3 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)** (with Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I659 Sch. 12 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Supervision where order made under paragraph 3(2)(b)

4 (1) This paragraph applies where an offender is subject to a period of supervision by virtue of a further supervision order.

(2) During that period of supervision, the offender—

(a) is to be under the supervision of—

(i) an officer of a provider of probation services, or

(ii) a member of a youth offending team, and

(b) may be required to comply with particular requirements.

(3) Any such requirements, and the category of person to supervise the offender, are to be determined from time to time by the Secretary of State.

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(4) The offender must be notified by the Secretary of State of—

(a) the category of person responsible for the offender's supervision, and

(b) any requirements with which the offender must comply.

(5) A notice under sub-paragraph (4) must be given to the offender—

(a) as soon as reasonably practicable after the further supervision order is made, and

(b) before any change in the matters mentioned in that sub-paragraph.

(6) Where the supervision is to be provided by an officer of a provider of probation services, that officer must be an officer acting in the local justice area within which the offender resides for the time being.

(7) Where the supervision is to be provided by a member of a youth offending team, the member must be a member of a youth offending team established by the local authority in whose area the offender resides for the time being.

Commencement Information

I660 Sch. 12 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Interaction of further detention order with other detention and training orders

5 (1) Where—

(a) a court makes a further detention order for a failure to comply with a supervision requirement under a detention and training order, and

(b) the offender—

(i) is also subject to a different detention and training order which is a relevant detention and training order (see section 248(3)), and

(ii) has not at any time been released for supervision under that other order,

the court may order that the further detention order is to take effect at the time when the offender would otherwise be released for supervision under the relevant detention and training order mentioned in paragraph (b).

(2) Subject to sub-paragraph (3), where at any time an offender is subject concurrently to—

(a) a relevant detention and training order (see section 248(3)), and

(b) a further detention order,

the offender is to be treated for the purposes of sections 241 to 243 and this Schedule as if subject only to the detention and training order.

(3) Nothing in sub-paragraph (2) requires the offender to be released in respect of either the relevant detention and training order or the further detention order unless and until the offender is required to be released in respect of each of them.

Modifications etc. (not altering text)

C166 Sch. 12 para. 5(2) modified by 2006 c. 52, s. 213(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 33(4)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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Commencement Information
I661 Sch. 12 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Interaction of further detention order with other custodial sentences

6 (1) The Secretary of State may by regulations make provision about the interaction between a further detention order and a custodial sentence where—

(a) an offender who is subject to a further detention order becomes subject to a custodial sentence, or

(b) an offender who is subject to a custodial sentence becomes subject to a further detention order.

(2) The provision that may be made by regulations under this paragraph includes—

(a) provision as to the time at which the further detention order or the custodial sentence is to take effect;

(b) provision for the offender to be treated, for the purposes of the enactments specified in the regulations, as subject only to the further detention order or the custodial sentence;

(c) provision about the effect of enactments relating to the person's release from detention or imprisonment in a case where that release is not to take effect immediately by virtue of provision in the regulations.

(3) In this paragraph—

"custodial sentence" includes—

(a) a custodial sentence within the meaning of the Armed Forces Act 2006 (see section 374 of that Act), and

(b) a pre-Code custodial sentence (see section 222(4));

"further detention order" includes an order made under section 104(3)(a) of the Powers of Criminal Courts (Sentencing) Act 2000.

(4) Regulations under this paragraph are subject to the negative resolution procedure.

Commencement Information
I662 Sch. 12 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offence after release for supervision or during further supervision period

7 (1) This paragraph applies where an offender commits an imprisonable offence ("the new offence")—

(a) after having been released for supervision under a detention and training order but before the date on which the term of the order ends, or

(b) during a period of supervision under a further supervision order.

(2) The court which deals with the offender for the new offence may order the offender to be detained for all or part of the period mentioned in sub-paragraph (3).

(3) That period is the period which—

(a) begins with the date of the order under sub-paragraph (2), and

(b) is equal in length to the period between—

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(i) the date on which the new offence was committed, and

(ii) the date on which the term of the detention and training order, or the period of supervision, mentioned in sub-paragraph (1) ends.

(4) A court may make an order under sub-paragraph (2) whether or not it passes any other sentence on the offender.

(5) Detention under sub-paragraph (2) is to be in such youth detention accommodation as the Secretary of State may determine.

(6) The period for which an offender is ordered under sub-paragraph (2) to be detained—

(a) must, as the court may direct—

(i) be served before and be followed by, or

(ii) be served concurrently with,

any sentence imposed for the new offence, and

(b) in either case, is to be disregarded in determining the appropriate length of that sentence.

(7) Where the new offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is be taken for the purposes of this paragraph to have been committed on the last of those days.

(8) A person detained under an order under sub-paragraph (2) is deemed to be in legal custody.

Commencement Information

I663 Sch. 12 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 13

Sections 265 and 278

SPECIAL SENTENCE FOR OFFENDERS OF PARTICULAR CONCERN: OFFENCES

Modifications etc. (not altering text)

C167 Sch. 13 applied (with modifications) by 2006 c. 52, s. 224A(1)(b)(4) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 45(2)**(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Terrorism offences

1 An offence under any of the following provisions of the Offences against the Person Act 1861 which is an offence that has a terrorist connection—

(a) section 4 (soliciting murder);

(b) section 28 (causing bodily injury by explosives);

(c) section 29 (using explosives etc with intent to do grievous bodily harm).

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Commencement Information
I664 Sch. 13 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 An offence under any of the following provisions of the Explosive Substances Act 1883 which is an offence that has a terrorist connection—

(a) section 2 (causing explosion likely to endanger life or property);

(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);

(c) section 4 of that Act (making or possession of explosive under suspicious circumstances).

Commencement Information
I665 Sch. 13 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 An offence under any of the following provisions of the Terrorism Act 2000—

(a) section 11 (membership of a proscribed organisation);

(b) section 12 (inviting support for a proscribed organisation);

(c) section 54 (weapons training);

(d) section 56 (directing terrorist organisation);

(e) section 57 (possession of article for terrorist purposes);

(f) section 58 (collection of information likely to be of use to a terrorist);

(g) section 58A (publishing information about members of the armed forces etc);

(h) section 58B (entering or remaining in a designated area);

(i) section 59 (inciting terrorism overseas).

Commencement Information
I666 Sch. 13 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

4 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—

(a) section 47 (use etc of nuclear weapons);

(b) section 50 (assisting or inducing certain weapons-related acts overseas);

(c) section 113 (use of noxious substance or thing to cause harm or intimidate).

Commencement Information
I667 Sch. 13 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 An offence under any of the following provisions of the Terrorism Act 2006—

(a) section 1 (encouragement of terrorism);

(b) section 2 (dissemination of terrorist publications);

(c) section 5 (preparation of terrorist acts);

(d) section 6 (training for terrorism);

(e) section 8 (attendance at a place used for terrorist training);

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(f) section 9 of that Act (making or possession of radioactive device or material);

(g) section 10 of that Act (use of radioactive device or material for terrorist purposes etc);

(h) section 11 of that Act (terrorist threats relating to radioactive devices etc).

Commencement Information
I668 Sch. 13 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Sexual offences

6 An offence under either of the following provisions of the Sexual Offences Act 2003—

(a) section 5 (rape of a child under 13);

(b) section 6 (assault of a child under 13 by penetration).

Commencement Information
I669 Sch. 13 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Inchoate offences

7 An inchoate offence in relation to an offence specified in any of the preceding paragraphs of this Schedule.

Commencement Information
I670 Sch. 13 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

8 An inchoate offence in relation to murder where the offence has a terrorist connection.

Commencement Information
I671 Sch. 13 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Abolished offences

9 An offence that—

(a) was abolished before 13 April 2015, and

(b) if committed on the day on which the offender is convicted of the offence, would have constituted an offence specified in any of the preceding paragraphs of this Schedule.

Commencement Information
I672 Sch. 13 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Meaning of "terrorist connection"

10 For the purposes of this Schedule, an offence has a terrorist connection if a court has determined under section 69 that the offence has such a connection.

Commencement Information
I673 Sch. 13 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 14

Sections 267 and 280

EXTENDED SENTENCES: THE EARLIER OFFENCE CONDITION: OFFENCES

PART 1

OFFENCES UNDER THE LAW OF ENGLAND AND WALES

PROSPECTIVE

The following offences to the extent that they are offences under the law of England and Wales—

Manslaughter

1 Manslaughter.

Commencement Information
I674 Sch. 14 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offences against the Person Act 1861

2 An offence under any of the following sections of the Offences against the Person Act 1861—

(a) section 4 (soliciting murder);
(b) section 18 (wounding with intent to cause grievous bodily harm);
(c) section 28 (causing bodily injury by explosives);
(d) section 29 (using explosives etc with intent to do grievous bodily harm).

Commencement Information
I675 Sch. 14 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Explosive Substances Act 1883

3 An offence under any of the following provisions of the Explosive Substances Act 1883—

(a) section 2 (causing explosion likely to endanger life or property);

(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);

(c) section 4 (making or possession of explosive under suspicious circumstances).

Commencement Information

I676 Sch. 14 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Firearms Act 1968

4 An offence under any of the following provisions of the Firearms Act 1968—

(a) section 16 (possession of a firearm with intent to endanger life);

(b) section 17(1) (use of a firearm to resist arrest);

(c) section 18 (carrying a firearm with criminal intent).

Commencement Information

I677 Sch. 14 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Theft Act 1968

5 An offence of robbery under section 8 of the Theft Act 1968 where, at some time during the commission of the offence, the offender had in his or her possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968.

Commencement Information

I678 Sch. 14 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Protection of Children Act 1978

6 An offence under section 1 of the Protection of Children Act 1978 (indecent images of children).

Commencement Information

I679 Sch. 14 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Terrorism Act 2000

7 An offence under any of the following provisions of the Terrorism Act 2000—

(a) section 54 (weapons training);

(b) section 56 (directing terrorist organisation);

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) section 57 (possession of article for terrorist purposes);

(d) section 59 (inciting terrorism overseas) if the offender is liable on conviction on indictment to imprisonment for life.

Commencement Information

I680 Sch. 14 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Anti-terrorism Crime and Security Act 2001

8 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—

(a) section 47 (use etc of nuclear weapons);

(b) section 50 (assisting or inducing certain weapons-related acts overseas);

(c) section 113 (use of noxious substance or thing to cause harm or intimidate).

Commencement Information

I681 Sch. 14 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Sexual Offences Act 2003

9 An offence under any of the provisions of the Sexual Offences Act 2003 listed in column 1 of the following table that meets the condition (if any) listed in relation to it in column 2—

Provision of the Sexual Offences Act 2003	***Condition***
(a) Section 1 (rape)	
(b) Section 2 (assault by penetration)	
(c) Section 4 (causing a person to engage in sexual activity without consent)	The offender is liable on conviction on indictment to imprisonment for life
(d) Section 5 (rape of a child under 13)	
(e) Section 6 (assault of a child under 13 by penetration)	
(f) Section 7 (sexual assault of a child under 13)	
(g) Section 8 (causing or inciting a child under 13 to engage in sexual activity)	
(h) Section 9 (sexual activity with a child)	
(i) Section 10 (causing or inciting a child to engage in sexual activity)	
(j) Section 11 (engaging in sexual activity in the presence of a child)	

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(k) Section 12 (causing a child to watch a sexual act)	
(l) Section 14 (arranging or facilitating commission of a child sex offence)	
(m) Section 15 (meeting a child following sexual grooming etc)	
(n) Section 25 (sexual activity with a child family member)	The offender is aged 18 or over at the time of the offence
(o) Section 26 (inciting a child family member to engage in sexual activity)	The offender is aged 18 or over at the time of the offence
(p) Section 30 (sexual activity with a person with a mental disorder impeding choice)	The offender is liable on conviction on indictment to imprisonment for life
(q) Section 31 (causing or inciting a person with a mental disorder to engage in sexual activity)	The offender is liable on conviction on indictment to imprisonment for life
(r) Section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)	The offender is liable on conviction on indictment to imprisonment for life
(s) Section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc)	The offender is liable on conviction on indictment to imprisonment for life
(t) Section 47 (paying for sexual services of a child)	The offence is against a person aged under 16
(u) Section 48 (causing or inciting sexual exploitation of a child)	
(v) Section 49 (controlling a child in relation to sexual exploitation)	
(w) Section 50 (arranging or facilitating sexual exploitation of a child)	
(x) Section 62 (committing an offence with intent to commit a sexual offence)	The offender is liable on conviction on indictment to imprisonment for life.

Commencement Information
I682 Sch. 14 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Domestic Violence, Crime and Victims Act 2004

10 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I683 Sch. 14 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Terrorism Act 2006

11 An offence under any of the following provisions of the Terrorism Act 2006—

(a) section 5 (preparation of terrorist acts);

(b) section 6 (training for terrorism);

(c) section 9 (making or possession of radioactive device or materials);

(d) section 10 (misuse of radioactive devices or material and misuse and damage of facilities);

(e) section 11 (terrorist threats relating to radioactive devices, materials or facilities).

Commencement Information
I684 Sch. 14 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modern Slavery Act 2015

12 An offence under either of the following provisions of the Modern Slavery Act 2015—

(a) section 1 (slavery, servitude and forced or compulsory labour);

(b) section 2 (human trafficking).

Commencement Information
I685 Sch. 14 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Murder

13 Murder.

Commencement Information
I686 Sch. 14 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Inchoate offences

14 An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule.

Commencement Information
I687 Sch. 14 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Abolished offences

15 Any offence that—

(a) was abolished (with or without savings) before 3 December 2012, and

(b) would, if committed on the day on which the offender is convicted of the offence referred to in section 267(1)(a) or 280(1)(a) (as appropriate), have constituted an offence specified in any of the preceding paragraphs in this Part of this Schedule.

Commencement Information
I688 Sch. 14 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

OFFENCES UNDER SERVICE LAW

16 An offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning of the Act in question) is an offence specified in Part 1 of this Schedule.

Commencement Information
I689 Sch. 14 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

17 (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence specified in Part 1 of this Schedule.

(2) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy etc) applies for the purposes of this paragraph as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this paragraph.

Commencement Information
I690 Sch. 14 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

OFFENCES UNDER THE LAW OF SCOTLAND, NORTHERN IRELAND OR A MEMBER STATE OTHER THAN THE UNITED KINGDOM

18 A civilian offence for which the person was convicted in Scotland, Northern Ireland or a member State other than the United Kingdom and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I691 Sch. 14 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

19 A member State service offence which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.

Commencement Information
I692 Sch. 14 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

20 In this Part of this Schedule—

"civilian offence" means an offence other than an offence described in Part 2 of this Schedule or a member State service offence;

"member State service offence" means an offence which was the subject of proceedings under the law of a member State, other than the United Kingdom, governing all or any of the naval, military or air forces of that State.

Commencement Information
I693 Sch. 14 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

INTERPRETATION

21 In this Schedule "imprisonment for life" includes custody for life and detention for life.

Commencement Information
I694 Sch. 14 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 15

Sections 273 and 283

LIFE SENTENCE FOR SECOND OFFENCE: LISTED OFFENCES

PART 1

OFFENCES UNDER THE LAW OF ENGLAND AND WALES

Commencement Information
I695 Sch. 15 paras. 1-15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

The following offences to the extent that they are offences under the law of England and Wales—

	Offence	*Specified date*
	Manslaughter	
1	Manslaughter	3 December 2012
	Offences against the Person Act 1861	
2	An offence under any of the following provisions of the Offences against the Person Act 1861—	
	(a) section 4 (soliciting murder)	3 December 2012
	(b) section 18 (wounding with intent to cause grievous bodily harm)	3 December 2012
	(c) section 28 (causing bodily injury by explosives)	13 April 2015
	(d) section 29 (using explosives etc with intent to do grievous bodily harm)	13 April 2015
	Explosive Substances Act 1883	
3	An offence under any of the following provisions of the Explosive Substances Act 1883—	
	(a) section 2 (causing explosion likely to endanger life or property)	13 April 2015
	(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)	13 April 2015
	(c) section 4 (making or possession of explosive under suspicious circumstances)	13 April 2015
	Firearms Act 1968	
4	An offence under any of the following provisions of the Firearms Act 1968—	
	(a) section 16 (possession of a firearm with intent to endanger life)	3 December 2012
	(b) section 17(1) (use of a firearm to resist arrest)	3 December 2012

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	(c) section 18 (carrying a firearm with criminal intent)	3 December 2012
Theft Act 1968		
5	An offence of robbery under section 8 of the Theft Act 1968 (robbery) where, at some time during the commission of the offence, the offender had in his or her possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968	3 December 2012
Protection of Children Act 1978		
6	An offence under section 1 of the Protection of Children Act 1978 (indecent images of children)	3 December 2012
Terrorism Act 2000		
7	An offence under any of the following provisions of the Terrorism Act 2000—	
	(a) section 54 (weapons training)	13 April 2015
	(b) section 56 (directing terrorist organisation)	3 December 2012
	(c) section 57 (possession of article for terrorist purposes)	3 December 2012
	(d) section 59 (inciting terrorism overseas) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
Anti-terrorism, Crime and Security Act 2001		
8	An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—	
	(a) section 47 (use etc of nuclear weapons)	3 December 2012
	(b) section 50 (assisting or inducing certain weapons-related acts overseas)	3 December 2012
	(c) section 113 (use of noxious substance or thing to cause harm or intimidate)	3 December 2012
Sexual Offences Act 2003		
9	An offence under any of the following provisions of the Sexual Offences Act 2003—	
	(a) section 1 (rape)	3 December 2012
	(b) section 2 (assault by penetration)	3 December 2012
	(c) section 4 (causing a person to engage in sexual activity without consent) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
	(d) section 5 (rape of a child under 13)	3 December 2012
	(e) section 6 (assault of a child under 13 by penetration)	3 December 2012
	(f) section 7 (sexual assault of a child under 13)	3 December 2012
	(g) section 8 (causing or inciting a child under 13 to engage in sexual activity)	3 December 2012

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(h) section 9 (sexual activity with a child)	3 December 2012
(i) section 10 (causing or inciting a child to engage in sexual activity)	3 December 2012
(j) section 11 (engaging in sexual activity in the presence of a child)	3 December 2012
(k) section 12 (causing a child to watch a sexual act)	3 December 2012
(l) section 14 (arranging or facilitating commission of a child sex offence)	3 December 2012
(m) section 15 (meeting a child following sexual grooming etc)	3 December 2012
(n) section 25 (sexual activity with a child family member) if the offender is aged 18 or over at the time of the offence	3 December 2012
(o) section 26 (inciting a child family member to engage in sexual activity) if the offender is aged 18 or over at the time of the offence	3 December 2012
(p) section 30 (sexual activity with a person with a mental disorder impeding choice) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
(q) section 31 (causing or inciting a person with a mental disorder to engage in sexual activity) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
(r) section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
(s) section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
(t) section 47 (paying for sexual services of a child) if the offence is against a person aged under 16	3 December 2012
(u) section 48 (causing or inciting sexual exploitation of a child)	3 December 2012
(v) section 49 (controlling a child in relation to sexual exploitation)	3 December 2012
(w) section 50 (arranging or facilitating sexual exploitation of a child)	3 December 2012
(x) section 62 (committing an offence with intent to commit a sexual offence) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012

Domestic Violence, Crime and Victims Act 2004

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

10	An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult)	3 December 2012
Terrorism Act 2006		
11	An offence under any of the following provisions of the Terrorism Act 2006—	
	(a) section 5 of the Terrorism Act 2006 (preparation of terrorist acts)	3 December 2012
	(b) section 6 (training for terrorism)	13 April 2015
	(c) section 9 (making or possession of radioactive device or materials)	3 December 2012
	(d) section 10 (misuse of radioactive devices or material and misuse and damage of facilities)	3 December 2012
	(e) section 11 (terrorist threats relating to radioactive devices, materials or facilities)	3 December 2012
Modern Slavery Act 2015		
12	An offence under either of the following provisions of the Modern Slavery Act 2015—	
	(a) section 1 (slavery, servitude and forced or compulsory labour)	31 July 2015
	(b) section 2 of that Act (human trafficking)	31 July 2015
Inchoate offences		
14	An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule (a "relevant offence")	The date specified for the relevant offence
15	An inchoate offence in relation to murder	3 December 2012

PART 2

FURTHER OFFENCES UNDER THE LAW OF ENGLAND AND WALES

The following offences to the extent that they are offences under the law of England and Wales—

16 Murder.

Commencement Information
I696 Sch. 15 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

17 Any offence that—

(a) was abolished (with or without savings) before 3 December 2012, and

(b) would, if committed when the index offence was committed, have constituted an offence specified in Part 1 of this Schedule.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I697 Sch. 15 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

OFFENCES UNDER SERVICE LAW

18 An offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning of the Act in question) is an offence specified in Part 1 or 2 of this Schedule.

Commencement Information
I698 Sch. 15 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

19 (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence specified in Part 1 or 2 of this Schedule.

(2) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy etc) applies for the purposes of this paragraph as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this paragraph.

Commencement Information
I699 Sch. 15 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

OFFENCES UNDER THE LAW OF SCOTLAND, NORTHERN IRELAND OR A MEMBER STATE OTHER THAN THE UNITED KINGDOM

20 A civilian offence for which the person was convicted in Scotland, Northern Ireland or a member State other than the United Kingdom and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 or 2 of this Schedule.

This is subject to paragraph 23.

Commencement Information
I700 Sch. 15 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

21 A member State service offence which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 or 2 of this Schedule.

This is subject to paragraph 23.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I701 Sch. 15 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

22 In this Part of this Schedule—

"civilian offence" means an offence other than an offence described in Part 3 of this Schedule or a member State service offence;

"member State service offence" means an offence which was the subject of proceedings under the law of a member State, other than the United Kingdom, governing all or any of the naval, military or air forces of that State.

Commencement Information
I702 Sch. 15 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

23 (1) Where the index offence was committed before 13 April 2015, this Part of this Schedule has effect—

(a) as if, in paragraph 20, the reference to a civilian offence were to an offence, and

(b) with the omission of paragraphs 21 and 22.

(2) For the purposes of sub-paragraph (1), where an offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is to be taken to have been committed on the last of those days.

Commencement Information
I703 Sch. 15 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 5

INTERPRETATION

24 (1) In this Schedule—

"imprisonment for life" includes custody for life and detention for life;

"index offence" has the same meaning as in section 273 or 283 (as appropriate).

(2) The references in Part 1 of this Schedule to offences under sections 48, 49 and 50 of the Sexual Offences Act 2003 include references to offences under those sections as they had effect before the amendments made by section 68 of the Serious Crime Act 2015 (child sexual exploitation) came into force.

Commencement Information
I704 Sch. 15 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 16

Section 303

BREACH OR AMENDMENT OF SUSPENDED SENTENCE ORDER, AND EFFECT OF FURTHER CONVICTION

Modifications etc. (not altering text)
C168 Sch. 16 applied (with modifications) by 2006 c. 52, s. 200, Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 paras. 19, **26** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

PART 1

PRELIMINARY

Interpretation: general

1 (1) In this Schedule, in relation to a suspended sentence order—

"activation order" has the meaning given by paragraph 14(1);

"the appropriate court" means—

(a) in the case of a suspended sentence order which is subject to review, the court responsible for the order,

(b) in the case of a Crown Court order, the Crown Court, and

(c) in any other case, a magistrates' court acting in the local justice area for the time being specified in the order.

(2) In this Schedule, in relation to a community order, any reference (however expressed) to breach of a requirement of the order is a reference to any failure of the offender to comply with a requirement imposed by the order.

Commencement Information
I705 Sch. 16 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Enforcement officers

2 (1) In this Schedule "enforcement officer" means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.

(2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.

(3) For this purpose, "public sector provider" means—

(a) a probation trust or other public body, or

(b) the Secretary of State.

Commencement Information
I706 Sch. 16 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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"Order subject to magistrates' court supervision" and "Crown Court order"

3 In this Schedule—

"order subject to magistrates' court supervision" means a suspended sentence order that imposes any community requirement which—

(a) was made by a magistrates' court, or

(b) was made by the Crown Court and includes a direction that any breach of a community requirement of the order is to be dealt with by a magistrates' court;

"Crown Court order" means a suspended sentence order that imposes any community requirement which—

(a) was made by the Crown Court, and

(b) does not include a direction that any breach of a community requirement of the order is to be dealt with by a magistrates' court.

Commencement Information
I707 Sch. 16 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Orders and community requirements which are subject to review

4 (1) For the purposes of this Schedule, a suspended sentence order is subject to review if—

(a) the order is subject to review in accordance with section 293(1), or

(b) the order imposes a drug rehabilitation requirement which is subject to review in accordance with paragraph 21 of Schedule 9.

(2) In this Schedule, a reference to the court responsible for a suspended sentence order which is subject to review is to the responsible court within the meaning given—

(a) in section 293(4), or

(b) in paragraph 21(4) of Schedule 9,

(as the case may be).

Commencement Information
I708 Sch. 16 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Orders made on appeal

5 A suspended sentence order made on appeal is to be taken for the purposes of this Schedule to have been made by the Crown Court.

Commencement Information
I709 Sch. 16 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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PART 2

BREACH OF COMMUNITY REQUIREMENT OR CONVICTION OF FURTHER OFFENCE

Breach of community requirement: duty to give warning or refer to enforcement officer

6 (1) This paragraph applies where the responsible officer is of the opinion that the offender has without reasonable excuse breached a community requirement of a suspended sentence order.

(2) If the offender has been given a warning under this paragraph within the previous 12 months in relation to a breach of any community requirement of the order, the officer must refer the matter to an enforcement officer.

(3) Otherwise the officer must either—

(a) give the offender a warning under this paragraph, or

(b) refer the matter to an enforcement officer.

(4) A warning under this paragraph must—

(a) describe the circumstances of the breach,

(b) state that the breach is unacceptable, and

(c) inform the offender that if the offender again breaches a requirement of the order within the next 12 months, the offender will be liable to be brought before a court.

(5) As soon as practicable after giving a warning under this paragraph, the responsible officer must record that fact.

Commencement Information
I710 Sch. 16 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Role of enforcement officer

7 Where a matter is referred to an enforcement officer under paragraph 6, the enforcement officer must—

(a) consider the case, and

(b) where appropriate, cause an information to be laid in respect of the offender's breach of the requirement—

(i) in the case of an order subject to magistrates' court supervision, before a justice of the peace;

(ii) in the case of a Crown Court order, before the Crown Court.

Commencement Information
I711 Sch. 16 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Order subject to magistrates' court supervision: issue of summons or warrant by justice

8 (1) This paragraph applies where, during the supervision period of an order subject to magistrates' court supervision, it appears on information to a justice of the peace that the offender has breached any community requirement of the order.

(2) The justice may—

(a) issue a summons requiring the offender to appear at the place and time specified in it, or

(b) if the information is in writing and on oath, issue a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought—

(a) in the case of a suspended sentence order which is subject to review, before the court responsible for the order;

(b) in any other case, before a magistrates' court acting in—

(i) the local justice area in which the offender resides, or

(ii) if it is not known where the offender resides, in the offender's home local justice area.

(4) Where—

(a) a summons issued under this paragraph requires the offender to appear before a magistrates' court, and

(b) the offender does not appear in answer to the summons,

the magistrates' court may issue a warrant for the arrest of the offender.

Commencement Information

I712 Sch. 16 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Crown Court order: issue of summons or warrant by Crown Court

9 (1) This paragraph applies where, during the supervision period of a Crown Court order, it appears on information to the Crown Court that the offender has breached any community requirement of the order.

(2) The Crown Court may—

(a) issue a summons requiring the offender to appear at the place and time specified in it, or

(b) if the information is in writing and on oath, issue a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the Crown Court.

(4) Where—

(a) a summons issued under this paragraph requires the offender to appear before the Crown Court, and

(b) the offender does not appear in answer to the summons,

the Crown Court may issue a warrant for the arrest of the offender.

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Commencement Information
I713 Sch. 16 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offender before magistrates' court: breach of community requirement

10 (1) This paragraph applies where—

(a) the offender is before a magistrates' court ("the present court") in relation to a suspended sentence order by virtue of—

(i) paragraph 8 (breach of community requirement), or

(ii) section 294(5) (review), and

(b) it is proved to the satisfaction of the court that the offender has breached a community requirement of the order without reasonable excuse.

(2) If the suspended sentence order was made by a magistrates' court, the present court must deal with the case under paragraph 13.

(3) If the suspended sentence order was made by the Crown Court, the present court must—

(a) deal with the case under paragraph 13, or

(b) commit the offender to custody or release the offender on bail until the offender can be brought or appear before the Crown Court.

(4) If the present court deals with the case under sub-paragraph (3)(b), it must send the Crown Court—

(a) a certificate signed by a justice of the peace certifying that the offender has breached the community requirements of the suspended sentence order in the respect specified in the certificate, and

(b) such other particulars of the case as may be desirable;

and a certificate purporting to be so signed is admissible as evidence of the breach before the Crown Court.

Commencement Information
I714 Sch. 16 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offender before magistrates' court: further conviction

11 (1) Where—

(a) an offender is convicted of an offence committed during the operational period of a suspended sentence order (and the suspended sentence has not already taken effect),

(b) the suspended sentence order was made by a magistrates' court, and

(c) the offender is before a magistrates' court ("the present court"), whether on conviction of that other offence or subsequently,

the present court must deal with the case under paragraph 13.

(2) Where an offender is convicted by a magistrates' court of any offence ("the new offence") which the court is satisfied was committed during the operational period of a suspended sentence order made by the Crown Court, the court—

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(a) may commit the offender in custody or on bail to the Crown Court, and

(b) if it does not, must give written notice of the conviction to the appropriate officer of the Crown Court.

(3) Sub-paragraph (1) does not apply to the present court if it commits the offender to the Crown Court under section 20 (which confers power for magistrates' court to commit to Crown Court in certain circumstances in respect of the suspended sentence where it commits in respect of new offence) to be dealt with in respect of the suspended sentence order.

(4) Where a magistrates' court commits a person to the Crown Court under sub-paragraph (2)(a), any duty or power which, apart from this sub-paragraph, would fall to be discharged or exercised by the magistrates' court—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead by exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (duties relating to information).

Commencement Information

I715 Sch. 16 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offender before Crown Court: breach of community requirement or further conviction

12 (1) Where—

(a) an offender to whom a suspended sentence order relates is before the Crown Court, and

(b) sub-paragraph (2) or (3) applies,

the court must deal with the case under paragraph 13.

(2) This sub-paragraph applies where—

(a) the offender is before the Crown Court in relation to the order by virtue of—

(i) paragraph 9 (summons or warrant for breach of community requirement),

(ii) section 294(5) (review of order), or

(iii) paragraph 10(3)(b) (committal from magistrates' court), and

(b) it is proved to the satisfaction of the court that the offender has breached a community requirement of the order without reasonable excuse.

(3) This sub-paragraph applies where the offender—

(a) has been convicted of an offence committed during the operational period of the suspended sentence order, and

(b) the suspended sentence has not taken effect.

(4) In proceedings before the Crown Court under this paragraph—

(a) any question whether the offender has breached a community requirement of the suspended sentence order, and

(b) any question whether the offender has been convicted during the operational period of the suspended sentence,

is to be determined by the court and not by the verdict of a jury.

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Commencement Information
I716 Sch. 16 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of court to deal with offender on breach of requirement or subsequent conviction

13 (1) Where a court deals with a case under this paragraph, the court must deal with the offender in one of the following ways—

(a) the court may order that the suspended sentence is to take effect with its original term unaltered;

(b) the court may order that the suspended sentence is to take effect with the substitution for the original term of a lesser term;

(c) the court may order the offender to pay a fine of an amount not exceeding £2,500;

(d) in the case of a suspended sentence order that imposes one or more community requirements, the court may amend the order by doing any one or more of the following—

(i) imposing more onerous community requirements which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order,

(ii) subject to section 288(4), extending the supervision period, or

(iii) subject to section 288(2), extending the operational period;

(e) in the case of a suspended sentence order that does not impose any community requirement, the court may, subject to section 288(2), amend the order by extending the operational period.

(2) The criminal courts charge duty (see section 46) applies where—

(a) a magistrates' court deals with an offender under this paragraph by virtue of paragraph 10 (breach of community requirement), or

(b) the Crown Court deals with an offender under this paragraph by virtue of paragraph 12(2) (breach of community requirement).

(3) Where a court deals with an offender under sub-paragraph (1) in respect of a suspended sentence, the appropriate officer of the court must notify the appropriate officer of the court which passed the sentence of the method adopted.

Commencement Information
I717 Sch. 16 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of power in paragraph 13: duty to make activation order where not unjust

14 (1) Where the court deals with the case under paragraph 13, it must make an order under paragraph 13(1)(a) or (b) ("an activation order") unless it is of the opinion that it would be unjust to do so in view of all the circumstances, including the matters mentioned in sub-paragraph (2).

Where it is of that opinion the court must state its reasons.

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(2) The matters referred to in sub-paragraph (1) are—

(a) the extent to which the offender has complied with any community requirements of the suspended sentence order, and

(b) in a case falling within paragraph 11 or 12(3) (conviction of further offence during operational period), the facts of the subsequent offence.

Commencement Information

I718 Sch. 16 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activation orders: further provision

15 (1) This paragraph applies where a court makes an activation order relating to a suspended sentence.

(2) The activation order may provide for—

(a) the sentence to take effect immediately, or

(b) the term of the sentence to begin on the expiry of another custodial sentence passed on the offender.

This is subject to section 225 (restriction on consecutive sentences for released prisoners).

(3) For the purpose of any enactment conferring rights of appeal in criminal cases, each of the following orders is to be treated as a sentence passed on the offender by the court for the offence for which the suspended sentence was passed—

(a) the activation order;

(b) any order made by the court under section 46 (criminal courts charge duty) when making the activation order.

(4) In this paragraph "custodial sentence" includes a pre-Code custodial sentence (see section 222(4)).

Commencement Information

I719 Sch. 16 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power under paragraph 13 to fine or amend community requirements: further provision

16 (1) A fine imposed under paragraph 13(1)(c) is to be treated for the purposes of any enactment as being a sum adjudged to be paid by a conviction.

(2) Paragraph 13(1)(d)(i) (power to impose more onerous requirements) is subject to any provision that applies to the court in making a suspended sentence order as if the court were making the order.

Commencement Information

I720 Sch. 16 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Treatment requirement: reasonable refusal to undergo certain treatment

17 (1) Sub-paragraph (2) applies where the offender—

(a) is required by a treatment requirement of a suspended sentence order to submit to treatment, and

(b) has refused to undergo any surgical, electrical or other treatment.

(2) The offender is not to be treated for the purposes of paragraph 10(1)(b) or 12(2)(b) as having breached that requirement on the ground only of that refusal if, in the opinion of the court, the refusal was reasonable having regard to all the circumstances.

(3) In this paragraph, "treatment requirement" means—

(a) a mental health treatment requirement,

(b) a drug rehabilitation requirement, or

(c) an alcohol treatment requirement.

Commencement Information

I721 Sch. 16 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Duty of court in Scotland or Northern Ireland when informed of suspended sentence

18 Where—

(a) an offender is convicted in Scotland or Northern Ireland of an offence, and

(b) the court is informed that the offence was committed during the operational period of a suspended sentence passed in England or Wales,

the court must give written notice of the conviction to the appropriate officer of the court by which the suspended sentence was passed.

Commencement Information

I722 Sch. 16 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Issue of summons or warrant where court convicting of further offence does not deal with suspended sentence

19 (1) This paragraph applies where it appears to the Crown Court that an offender—

(a) has been convicted in the United Kingdom of an offence committed during the operational period of a suspended sentence order passed by the Crown Court, and

(b) has not been dealt with in respect of the suspended sentence.

(2) The Crown Court may issue—

(a) a summons requiring the offender to appear at the place and time specified in it, or

(b) a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the Crown Court.

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Commencement Information
I723 Sch. 16 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

20 (1) This paragraph applies where it appears to a justice of the peace that an offender—

(a) has been convicted in the United Kingdom of an offence committed during the operational period of a suspended sentence passed by a magistrates' court acting in the same local justice area as the justice, and

(b) has not been dealt with in respect of the suspended sentence.

(2) The justice may issue—

(a) a summons requiring the offender to appear at the place and time specified in it, or

(b) a warrant for the offender's arrest.

This is subject to sub-paragraphs (3) and (4).

(3) Unless acting in consequence of a notice under paragraph 18 (conviction in Scotland or Northern Ireland), a justice—

(a) may not issue a summons under this paragraph except on information, and

(b) may not issue a warrant under this paragraph except on information in writing and on oath.

(4) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court by which the suspended sentence was passed.

Commencement Information
I724 Sch. 16 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

AMENDMENT OF ORDER

Application of Part

21 This Part of this Schedule applies during the supervision period of a suspended sentence order that imposes one or more community requirements.

Commencement Information
I725 Sch. 16 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Cancellation of community requirements of suspended sentence order

22 (1) This paragraph applies where an application is made to the appropriate court by—

(a) the offender, or

(b) an officer of a provider of probation services,

for the community requirements of the suspended sentence order to be cancelled.

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(2) If it appears to the court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the court may cancel the community requirements of the suspended sentence order.

(3) The circumstances in which community requirements of the order may be cancelled under sub-paragraph (2) include the offender's—

(a) making good progress, or

(b) responding satisfactorily to supervision.

(4) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

Commencement Information
I726 Sch. 16 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendment because of change of residence

23 (1) This paragraph applies where—

(a) the offender is given permission under section 302 to change residence, and

(b) the local justice area in which the new residence is situated ("the new local justice area") is different from the offender's home local justice area.

(2) If the permission is given by a court, the court must amend the suspended sentence order to specify the new local justice area as the offender's home local justice area.

Commencement Information
I727 Sch. 16 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

24 (1) This paragraph applies where—

(a) a court amends the suspended sentence order,

(b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and

(c) the local justice area in which that place is situated ("the new local justice area") is different from the offender's home local justice area.

(2) The court must amend the order to specify the new local justice area.

Commencement Information
I728 Sch. 16 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendment of community requirements of suspended sentence order

25 (1) The appropriate court may, on the application of the offender or an officer of a provider of probation services, amend any community requirement of the suspended sentence order—

(a) by cancelling the requirement, or

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(b) by replacing it with a requirement of the same kind, which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order.

(2) For the purposes of sub-paragraph (1)—

(a) a requirement falling within any entry in the table in section 287 is of the same kind as any other requirement falling within that entry, and

(b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.

(3) Sub-paragraph (1)(b) is subject to any provision that applies to the court in making a suspended sentence order as if the court were making the order.

(4) No application may be made under this paragraph while an appeal against the suspended sentence is pending, other than an application which—

(a) relates to a treatment requirement, and

(b) is made by an officer of a provider of probation services with the offender's consent.

(5) Before exercising its powers under this paragraph, the court must summon the offender to appear before the court, unless—

(a) the application was made by the offender, or

(b) the order would cancel a community requirement of the suspended sentence order.

(6) If the offender fails to appear in answer to a summons under sub-paragraph (5) the court may issue a warrant for the offender's arrest.

(7) If the offender fails to express willingness to comply with a treatment requirement as proposed to be amended under this paragraph, the court may—

(a) revoke—

(i) the suspended sentence order, and

(ii) the suspended sentence to which it relates, and

(b) re-sentence the offender for the offence in respect of which the suspended sentence was imposed.

(8) In dealing with the offender under sub-paragraph (7)(b), the court must take into account the extent to which the offender has complied with the requirements of the order.

(9) In this paragraph "treatment requirement" means—

(a) a mental health treatment requirement,

(b) a drug rehabilitation requirement, or

(c) an alcohol treatment requirement.

Commencement Information

I729 Sch. 16 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Amendment of treatment requirement on report of practitioner

26 (1) This paragraph applies where the suspended sentence order contains a treatment requirement under which the offender is being treated and the treatment practitioner—

(a) is of the opinion that—

(i) the treatment of the offender should be continued beyond the period specified in that behalf in the order,

(ii) the offender needs different treatment,

(iii) the offender is not susceptible to treatment, or

(iv) the offender does not require further treatment, or

(b) is for any reason unwilling to continue to treat or direct the treatment of the offender.

(2) The treatment practitioner must make a report in writing to that effect to the responsible officer.

(3) The responsible officer must cause an application to be made under paragraph 25 to the appropriate court for the requirement to be replaced or cancelled.

(4) For the purposes of this paragraph—

(a) "treatment requirement" means—

(i) a mental health treatment requirement,

(ii) a drug rehabilitation requirement, or

(iii) an alcohol treatment requirement;

(b) the treatment practitioner is—

(i) the person specified in the order as the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement, or

(ii) in the case of a mental health treatment requirement, if no such person is specified, the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement.

Commencement Information

I730 Sch. 16 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extension of unpaid work requirement

27 (1) This paragraph applies where the suspended sentence order imposes an unpaid work requirement.

(2) The appropriate court may, in relation to the order, extend the period of 12 months specified in paragraph 1(1) of Schedule 9.

(3) The power in sub-paragraph (2) is exercisable only where—

(a) an application is made by—

(i) the offender, or

(ii) an officer of a provider of probation services, and

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(b) it appears to the appropriate court that it would be in the interests of justice to exercise it in the way proposed having regard to circumstances which have arisen since the order was made.

(4) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

Commencement Information
I731 Sch. 16 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

SUPPLEMENTARY

Provision of copies of orders etc

28 (1) This paragraph applies on the making by a court of an order under this Schedule amending or revoking a suspended sentence order.

(2) The court must provide copies of the amending or revoking order to—
(a) the offender, and
(b) the responsible officer.

(3) In the case of an amending order which substitutes a new local justice area as the offender's home local justice area, the court must also provide a copy of the amending order to—
(a) a provider of probation services that is a public sector provider operating in that area, and
(b) the magistrates' court acting in that area.

(4) In the case of an amending order which imposes or amends a requirement specified in column 1 of the following table, the court must also provide the person specified in the corresponding entry in column 2 with a copy of so much of the amending order as relates to that requirement.

The requirement	***The person to whom a copy must be provided***
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected
A residence requirement relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(5) Where the court acts in a local justice area other than the offender's home local justice area specified in the order prior to the amendment or revocation ("the former home area"), the court must provide a copy of the amending or revoking order to a magistrates' court acting in the former home area.

(6) Where under sub-paragraph (3) the court provides a copy of an amending or revoking order to a magistrates' court acting in a different area, it must also provide that court with such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

(7) In this paragraph "public sector provider" means—
(a) a probation trust or other public body, or
(b) the Secretary of State.

Commencement Information
I732 Sch. 16 para. 28 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 17

Section 304

TRANSFER OF SUSPENDED SENTENCE ORDERS TO SCOTLAND OR NORTHERN IRELAND

Modifications etc. (not altering text)
C169 Sch. 17 applied (with modifications) by 2006 c. 52, ss. 200, 204 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 paras. 19, **22** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 1

SCOTLAND

Restriction on making relevant suspended sentence order where offender resides in Scotland

1 (1) This paragraph applies where—

(a) a relevant suspended sentence order is available to a court dealing with an offender, and

(b) the court is satisfied that the offender—

(i) resides in Scotland, or

(ii) if a relevant suspended sentence order is made, will reside there when the order comes into force.

(2) The court may make a relevant suspended sentence order only if—

(a) it appears to the court that suitable arrangements for the offender's supervision can be made by the local council in Scotland, and

(b) the order will satisfy paragraphs 8 and 9.

(3) If the court makes a relevant suspended sentence order in accordance with this paragraph, it may not provide for it to be subject to review.

Modifications etc. (not altering text)

C170 Sch. 17 para. 1 modified by 2006 c. 52, s. 200(1)(e)(i) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I733 Sch. 17 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendment of relevant suspended sentence order to become SSSO

2 (1) This paragraph applies where—

(a) a relevant suspended sentence order is in force,

(b) the appropriate court is satisfied that the offender—

(i) resides in Scotland, or

(ii) proposes to reside there, and

(c) it appears to the court that suitable arrangements for the offender's supervision can be made by the local council in Scotland.

(2) The power of the appropriate court to amend the order under Part 3 of Schedule 16 ("the amendment power") includes power to amend the order by requiring—

(a) the order to be complied with in Scotland, and

(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 8 and 9.

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Commencement Information
I734 Sch. 17 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 (1) A relevant suspended sentence order which is subject to review ceases to be subject to review if it is amended in accordance with paragraph 2.

(2) If the court amends a relevant suspended sentence order in accordance with paragraph 2, it may not provide for it to be subject to review.

Commencement Information
I735 Sch. 17 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

NORTHERN IRELAND

Restriction on making suspended sentence order where offender resides in Northern Ireland

4 (1) This paragraph applies where—

(a) a relevant suspended sentence order is available to a court dealing with an offender, and

(b) the court is satisfied that the offender—

(i) resides in Northern Ireland, or

(ii) if a relevant suspended sentence order is made, will reside there when the order comes into force.

(2) The court may make a relevant suspended sentence order only if—

(a) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland, and

(b) the order will satisfy paragraphs 8 and 9.

(3) If the court makes a relevant suspended sentence order in accordance with this paragraph, it may not provide for it to be subject to review.

Modifications etc. (not altering text)
C171 Sch. 17 para. 4 modified by 2006 c. 52, s. 200(1)(e)(ii) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information
I736 Sch. 17 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendment of relevant suspended sentence order to become an NISSO

5 (1) This paragraph applies where—

(a) a relevant suspended sentence order is in force,

(b) the appropriate court is satisfied that the offender—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) resides in Northern Ireland, or

(ii) proposes to reside there, and

(c) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland.

(2) The power of the appropriate court to amend the order under Part 3 of Schedule 16 ("the amendment power") includes power to amend the order by requiring—

(a) the order to be complied with in Northern Ireland, and

(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 8 and 9.

Commencement Information
I737 Sch. 17 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 (1) A relevant suspended sentence order which is subject to review ceases to be subject to review if it is amended in accordance with paragraph 5.

(2) If the court amends a relevant suspended sentence order in accordance with paragraph 5, it may not provide for it to be subject to review.

Commencement Information
I738 Sch. 17 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

MAKING OF ORDERS

Modifications etc. (not altering text)
C172 Sch. 17 Pt. 3 modified by 2006 c. 52, s. 200(1)(e)(iii) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Making or amending a suspended sentence order under

7 This Part of this Schedule applies where, in accordance with Part 1 or 2 of this Schedule, a court—

(a) makes an SSSO or an NISSO, or

(b) amends a suspended sentence order so as to become an SSSO or an NISSO.

Commencement Information
I739 Sch. 17 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Community requirements: availability and restrictions on imposition

8 (1) If the order is an SSSO, it must not impose—

(a) an alcohol abstinence and monitoring requirement,

(b) an attendance centre requirement, or

(c) an electronic whereabouts monitoring requirement.

(2) If the order is an NISSO—

(a) it must not impose an alcohol abstinence and monitoring requirement;

(b) it must not impose an electronic whereabouts monitoring requirement unless it appears to the court that—

(i) any necessary provision can be made in the offender's case under arrangements that exist for persons resident in Northern Ireland, and

(ii) arrangements are generally operational throughout Northern Ireland (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

Commencement Information

I740 Sch. 17 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

9 (1) The order, as made or amended, may not impose a locally based requirement unless it appears to the court that—

(a) arrangements exist for persons to comply with such a requirement in—

(i) the locality in Scotland in which the offender resides, or will be residing at the relevant time, in the case of an SSSO, or

(ii) Northern Ireland, in the case of an NISSO, and

(b) provision can be made for the offender to comply with the requirement under those arrangements.

(2) For the purposes of this paragraph, "locally based requirement" means any of the following—

(a) an unpaid work requirement;

(b) a rehabilitation activity requirement;

(c) a programme requirement;

(d) a mental health treatment requirement;

(e) a drug rehabilitation requirement;

(f) an alcohol treatment requirement;

(g) in relation to an NISSO, an attendance centre requirement;

(h) an electronic compliance monitoring requirement.

Commencement Information

I741 Sch. 17 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

10 Schedule 9 (requirements) applies as if—

(a) any reference to the responsible officer were to the relevant officer;

(b) the following provisions were omitted—

(i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);

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***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(ii) paragraph 31(2) (person for electronic monitoring to be of prescribed description);

(iii) paragraphs 34 and 35 (restriction on imposing electronic monitoring requirement);

(c) in paragraph 16(2) (mental health treatment requirement), for the definition of "in-patient treatment" there were substituted—

(i) in relation to an SSSO or proposed SSSO—

> ""in-patient treatment" means treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a State hospital within the meaning of that Act;";

(ii) in relation to an NISSO or proposed NISSO—

> ""in-patient treatment" means treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health for the purpose of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));";

(d) in relation to an NISSO or proposed NISSO, any reference in Part 13 (attendance centre requirement) to an attendance centre were to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).

Commencement Information
I742 Sch. 17 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Matters to be specified in the order

11 (1) The suspended sentence order, as made or amended in accordance with Part 1 or 2 of this Schedule, must—

(a) if it is an SSSO, specify the local authority area in Scotland in which the offender resides or will be residing at the relevant time, or

(b) if it is an NISSO, specify that the offender resides in Northern Ireland or will be residing there at the relevant time.

(2) This paragraph has effect in place of section 296 (offender's home local justice area to be specified).

Commencement Information
I743 Sch. 17 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Order to require home authority to appoint relevant officer

12 The suspended sentence order, as made or amended in accordance with Part 1 or 2 of this Schedule, must require the home authority to appoint or assign—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(a) an officer, in the case of an SSSO, or

(b) a probation officer, in the case of an NISSO,

who will be responsible for discharging in relation to the offender the functions conferred on responsible officers in relation to relevant suspended sentence orders by this Code.

Commencement Information

I744 Sch. 17 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provision of copies

13 (1) This paragraph applies where a court makes an order ("the transferring order") which makes or amends a suspended sentence order as mentioned in paragraph 7.

(2) The court must forthwith provide the offender with a copy of the transferring order.

(3) The court must provide—

(a) the home authority, and

(b) the home court,

with the relevant documents.

(4) In sub-paragraph (3), "the relevant documents" means—

(a) a copy of the suspended sentence order as made or amended, and

(b) such other documents and information relating to the case as the court considers likely to be of assistance.

(5) Where the transferring order imposes or amends a requirement specified in column 1 of the following table, the court must also provide the person specified in the corresponding entry in column 2 with a copy of so much of the transferring order as relates to that requirement.

The requirement	***The person to whom a copy must be provided***
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected
A residence requirement relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(6) Sub-paragraphs (7) and (8) apply where the transferring order is an order amending a suspended sentence order in accordance with paragraph 2 or 5.

(7) The court must provide a copy of the transferring order to the responsible officer.

(8) Where the court making the transferring order acts in a local justice area other than the offender's home local justice area specified in the suspended sentence order prior to the amendment ("the former home area"), the court must provide a copy of the transferring order to a magistrates' court acting in the former home area.

(9) This paragraph applies in place of—

(a) section 298 (provision of copies of suspended sentence orders), and

(b) paragraph 28 of Schedule 16 (provision of copies following amendment of suspended sentence order).

Commencement Information

I745 Sch. 17 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

PROVISIONS WHERE SSSO OR NISSO IS IN FORCE

Application

14 (1) This Part of this Schedule applies while an SSSO or NISSO is in force in relation to an offender.

(2) This is subject to Part 8 of this Schedule (transfer to England and Wales).

Commencement Information

I746 Sch. 17 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Role of responsible officer to be carried out by relevant officer

15 Sections 300 to 302 (role of responsible officer) apply as if any reference to the responsible officer were to the relevant officer.

Commencement Information
I747 Sch. 17 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Community requirements

16 Schedule 9 (requirements) applies as if—

(a) any reference to the responsible officer were to the relevant officer;

(b) the following provisions were omitted—

(i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);

(ii) paragraph 31(2) (person for electronic monitoring to be of prescribed description);

(iii) paragraphs 34 and 35 (restriction on imposing electronic monitoring requirement);

(c) in paragraph 16(2) (mental health treatment requirement), for the definition of "in-patient treatment" there were substituted—

(i) in relation to an SSSO—

""in-patient treatment" means treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a State hospital within the meaning of that Act;";

(ii) in relation to an NISSO—

""in-patient treatment" means treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health for the purpose of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));";

(d) in relation to an NISSO, any reference in Part 13 (attendance centre requirement) to an attendance centre were to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).

Commencement Information
I748 Sch. 17 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 5

BREACH OF COMMUNITY REQUIREMENT

Application

17 This Part of this Schedule—

(a) applies where an SSSO or an NISSO is in force in respect of an offender, and

(b) includes provisions that modify, or apply in place of, certain provisions of Part 2 of Schedule 16 (breach of community requirement or conviction of further offence).

Commencement Information

I749 Sch. 17 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Breach of community requirement: duty to give warning or refer to home court

18 (1) This paragraph applies where the relevant officer is of the opinion that the offender has without reasonable excuse breached a community requirement of the order.

(2) If the offender has been given a relevant warning within the previous 12 months in relation to a breach of any community requirement of the order, the officer must—

(a) if the order is an SSSO, provide information to the home court with a view to it issuing a citation, or

(b) if the order is an NISSO, make a complaint to a lay magistrate in Northern Ireland.

(3) Otherwise the officer must—

(a) give the offender a warning under this paragraph,

(b) if the order is an SSSO, provide information to the home court with a view to it issuing a citation, or

(c) if the order is an NISSO, make a complaint to a lay magistrate in Northern Ireland.

(4) A warning under this paragraph must—

(a) describe the circumstances of the breach,

(b) state that the breach is unacceptable, and

(c) inform the offender that if the offender again breaches a requirement of the order within the next 12 months, the offender will be liable to be brought before a court.

(5) As soon as practicable after giving a warning under this paragraph, the relevant officer must record that fact.

(6) For the purposes of sub-paragraph (2), a relevant warning is a warning under—

(a) this paragraph, or

(b) paragraph 6 of Schedule 16 (corresponding provision for order not transferred to Scotland or Northern Ireland).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) If the suspended sentence order is amended under paragraph 35 (transfer back to England and Wales), the reference in paragraph 6(2) of Schedule 16 to a previous warning under paragraph 6 of that Schedule includes a reference to a warning under this paragraph.

Commencement Information
I750 Sch. 17 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Issue of citation or warrant by home court

19 (1) Sub-paragraph (2) applies where it appears to the home court—

(a) if that court is in Scotland, on information from the relevant officer, or

(b) if that court is in Northern Ireland, upon a complaint being made by the relevant officer,

that the offender has breached a community requirement of the suspended sentence order without reasonable excuse.

(2) The home court may—

(a) if it is in Scotland—

(i) issue a citation requiring the offender to appear before it at the time specified in the citation, or

(ii) issue a warrant for the offender's arrest;

(b) if it is in Northern Ireland—

(i) issue a summons requiring the offender to appear before it at the time specified in the summons, or

(ii) issue a warrant for the offender' arrest.

Commencement Information
I751 Sch. 17 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of home court to determine breach or refer to original court

20 (1) The court before which an offender appears or is brought by virtue of paragraph 19 must—

(a) determine whether the offender has breached any community requirement of the suspended sentence order without reasonable excuse, or

(b) require the offender to appear before the original court.

(2) Sub-paragraphs (3) to (6) apply if the home court determines under sub-paragraph (1)(a) that the offender has breached any requirement of the order without reasonable excuse.

(3) The court must—

(a) require the offender to appear before the original court, and

(b) send the original court a certificate certifying that the offender has without reasonable excuse breached the requirements of the order in the respect specified.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Sub-paragraph (5) applies when the offender appears before the original court by virtue of sub-paragraph (3).

(5) Paragraph 10 or, as the case may be, 12 of Schedule 16 (functions of court on breach of community requirement) applies as if what the home court had determined under sub-paragraph (1)(a) had already been proved to the satisfaction of the original court.

(6) Where an offender is required under sub-paragraph (3)(a) to appear before the original court, a certificate under sub-paragraph (3)(b) signed by the clerk of the home court is admissible before the original court as conclusive evidence of the matters stated in it.

(7) See Part 7 of this Schedule for provisions that apply to the original court where it exercises a power by virtue of sub-paragraph (1)(b) or (3)(a).

Commencement Information
I752 Sch. 17 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Determination by home court of breach of community requirement: further provision

21 (1) Sub-paragraph (2) applies where an offender—

(a) is required by any of the following community requirements of a suspended sentence order to submit to treatment—

(i) a mental health treatment requirement,

(ii) a drug rehabilitation requirement, or

(iii) an alcohol treatment requirement, and

(b) has refused to undergo any surgical, electrical or other treatment.

(2) The offender is not to be treated for the purposes of paragraph 20 as having breached that requirement on the ground only of that refusal if, in the opinion of the court, the offender's refusal was reasonable having regard to all the circumstances.

(3) Where the court makes a determination under paragraph 20(1)(a), the evidence of one witness is sufficient.

(4) If the order—

(a) is an SSSO, and

(b) contains an electronic monitoring requirement,

section 245H of the Criminal Procedure (Scotland) Act 1995 (documentary evidence) applies to proceedings under paragraph 20 as it applies to proceedings under section 245F of that Act (breach of restriction of liberty order).

Commencement Information
I753 Sch. 17 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

22 Paragraphs 18 to 21 have effect in place of paragraphs 6 and 7 of Schedule 16 (breach or amendment of suspended sentence order).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I754 Sch. 17 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modifications of Part 2 of Schedule 16 etc

23 (1) Part 2 of Schedule 16 (breach of community requirement and effect of further conviction), apart from paragraphs 6 and 7, applies as if—

(a) any reference to the responsible officer were to the relevant officer;

(b) any reference to a magistrates' court acting in the offender's home local justice area were to a magistrates' court acting in the same local justice area as the original court;

(c) any reference to a justice of the peace acting in the offender's home local justice area were to a justice of the peace acting in the same local justice area as the original court;

(d) any reference to the appropriate court were to the original court;

(e) for sub-paragraphs (i) and (ii) of paragraph 8(3)(b) there were substituted " the same local justice area as the original court ".

(2) No court in England and Wales may exercise any power in relation to any breach by the offender of a community requirement of the order unless the offender has been required to appear before that court in accordance with paragraph 20(1)(b) or (3)(a).

Commencement Information
I755 Sch. 17 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 6

AMENDMENT OF SSSO OR NISSO: OFFENDER REMAINING IN SCOTLAND OR NORTHERN IRELAND

Application

24 This Part of this Schedule—

(a) applies where an SSSO or an NISSO is in force in respect of an offender, and

(b) includes provisions that modify, or apply in place of, certain provisions of Part 3 of Schedule 16 (amendment of suspended sentence order).

Commencement Information
I756 Sch. 17 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modifications of Part 3 of Schedule 16

25 Part 3 of Schedule 16 (amendment of suspended sentence order) applies as if—

(a) any reference to the responsible officer were to the relevant officer;

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(b) any reference a magistrates' court acting in the offender's home local justice area were to a magistrates' court acting in the same local justice area as the original court;

(c) any reference to a justice of the peace acting in the offender's home local justice area were to a justice of the peace acting in the same local justice area as the original court;

(d) any reference to the appropriate court were to the original court;

(e) in the case of an SSSO, in paragraphs 23 and 24 of that Schedule (amendment by reason of change of residence), any reference to the offender's home local justice area were to the local authority area specified in the order, and any other reference to a local justice area were to a local authority area;

(f) in the case of an NISSO, those paragraphs were omitted.

Commencement Information
I757 Sch. 17 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers to amend suspended sentence order exercisable by home court

26 (1) The home court may exercise any power conferred by Part 3 of Schedule 16 (amendment of suspended sentence order) as if it were the original court.

This is subject to sub-paragraph (2).

(2) Where paragraph 25(7) of Schedule 16 (power to deal with offender who fails to express willingness to comply with amended treatment requirement) applies, the home court—

(a) may not exercise the power conferred by that provision, and

(b) must require the offender to appear before the original court.

(3) See paragraph 27 and Part 7 of this Schedule for provisions that apply to the home court where it exercises a power by virtue of sub-paragraph (1).

Commencement Information
I758 Sch. 17 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Cases in which offender is to be required to appear before home court

27 (1) This paragraph applies in place of sub-paragraphs (5) and (6) of paragraph 25 of Schedule 16 (amendment of community requirements of suspended sentence order) in relation to any exercise by the home court of the power conferred by sub-paragraph (1) of that paragraph.

(2) Before exercising the power, the home court must issue—

(a) a citation, if it is Scotland, or

(b) a summons, if it is in Northern Ireland,

requiring the offender to appear before it.

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(3) If the offender does not appear in answer to a citation or summons under sub-paragraph (2), the court may issue a warrant for the offender's arrest.

(4) Sub-paragraph (2) does not apply where the home court exercises the power—

(a) on the application of the offender, or

(b) to cancel a community requirement of the suspended sentence order.

Commencement Information

I759 Sch. 17 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modification of sections 300 to 302 and Schedule 9

28 (1) This paragraph applies where the home court is considering amending an SSSO or an NISSO under Part 3 of Schedule 16 by virtue of this Part of this Schedule.

(2) Sections 300 to 302 (functions of responsible officer) and Schedule 9 (requirements) apply as if any reference to a provider of probation services were—

(a) in the case of an SSSO, to a local authority in Scotland;

(b) in the case of an NISSO, to the Probation Board for Northern Ireland.

Commencement Information

I760 Sch. 17 para. 28 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power for home court to refer application to original court

29 (1) This paragraph applies where an application is made to the home court under Part 3 of Schedule 16 by virtue of paragraph 26 of this Schedule (powers to amend order exercisable by home court).

(2) The home court may (instead of dealing with the application) require the offender to appear before the original court.

Commencement Information

I761 Sch. 17 para. 29 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers exercisable by court in England and Wales only after home court consideration

30 (1) No court in England and Wales may exercise any power conferred by Part 3 of Schedule 16 (amendment of suspended sentence order) unless the offender has been required to appear before that court in accordance with—

(a) paragraph 26(2)(b) of this Schedule (refusal of offender to express willingness to comply with amended treatment requirement), or

(b) paragraph 29(2) of this Schedule (power of home court to refer application to original court).

(2) See Part 7 of this Schedule for provisions that apply to the original court where it exercises a power in the circumstances mentioned in sub-paragraph (1)(a) or (b).

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Commencement Information
I762 Sch. 17 para. 30 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 7

EXERCISE OF POWERS TO AMEND SSSO OR NISSO BY VIRTUE OF PART 5 OR 6 OF THIS SCHEDULE

Application

31 This Part of this Schedule applies where—

(a) a court in England and Wales exercises a power by virtue of paragraph 20(1)(b) or (3)(a) to amend an SSSO or a NISSO,

(b) the home court exercises a power in Part 3 of Schedule 16 to amend an SSSO or an NISSO by virtue of paragraph 26 of this Schedule, or

(c) a court in England and Wales exercises such a power in the circumstances mentioned in paragraph 30(1)(a) or (b) of this Schedule.

Commencement Information
I763 Sch. 17 para. 31 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on exercise of powers to amend order

32 (1) The court must not amend the order to impose a requirement unless it appears to the court, in relation to the requirement, that suitable arrangements for the offender's supervision can be made by—

(a) the local council in Scotland, if the order is an SSSO, or

(b) the Probation Board for Northern Ireland, if the order is an NISSO.

(2) If the order is an SSSO, the court must not impose—

(a) an alcohol abstinence and monitoring requirement,

(b) an attendance centre requirement, or

(c) an electronic whereabouts monitoring requirement.

(3) If the order is an NISSO—

(a) the court must not impose an alcohol abstinence and monitoring requirement;

(b) the court must not amend the order to impose an electronic whereabouts monitoring requirement unless it appears to the court that—

(i) any necessary provision can be made in the offender's case under arrangements that exist for persons resident in Northern Ireland, and

(ii) arrangements are generally operational throughout Northern Ireland (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

(4) The court must not impose a locally based requirement unless it appears to the court that—

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(a) arrangements exist for persons to comply with such a requirement in—

(i) the locality in Scotland in which the offender resides, or will be residing at the relevant time, in the case of an SSSO, or

(ii) Northern Ireland, in the case of an NISSO, and

(b) provision can be made for the offender to comply with the requirement under those arrangements.

(5) For the purposes of this paragraph, "locally based requirement" means any of the following—

(a) an unpaid work requirement;
(b) a rehabilitation activity requirement;
(c) a programme requirement;
(d) a mental health treatment requirement;
(e) a drug rehabilitation requirement;
(f) an alcohol treatment requirement;
(g) in relation to an NISSO, an attendance centre requirement;
(h) an electronic compliance monitoring requirement.

(6) The court may not provide for the SSSO or NISSO to be subject to review.

Commencement Information
I764 Sch. 17 para. 32 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provision of copies

33 (1) This paragraph applies where a court amends an SSSO or an NISSO and this Part of this Schedule applies.

(2) The court must provide copies of the amending order to—

(a) the offender, and
(b) the relevant officer.

(3) Where the order is an SSSO and the court amends it so as to substitute a new local authority area, the court must provide—

(a) the home authority, and
(b) the home court,

with a copy of the order as made or amended, and such other documents and information relating to the case as the court considers likely to be of assistance.

Commencement Information
I765 Sch. 17 para. 33 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Application of provisions of Part 3 of this Schedule

34 Paragraphs 10 to 12 have effect in relation to the amendment of an SSSO or an NISSO to which this Part of this Schedule applies as they have effect in relation to the amendment of such an order in accordance with Part 1 or 2 of this Schedule.

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Commencement Information
I766 Sch. 17 para. 34 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 8

AMENDMENT OF ORDER: RETURN TO ENGLAND AND WALES

Amendment of order: return to England and Wales

35 (1) This paragraph applies where—
(a) an SSSO or NISSO is in force in respect of an offender, and
(b) the home court is satisfied that the offender is residing or proposes to reside in England and Wales.

(2) The home court—
(a) may, and
(b) on the application of the relevant officer must,
amend the suspended sentence order by requiring it to be complied with in England and Wales.

Commencement Information
I767 Sch. 17 para. 35 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restrictions on exercise of power under this Part of this Schedule

36 (1) This paragraph applies where the SSSO or NISSO contains requirements which, in the opinion of the home court, cannot be complied with in the local justice area in which the offender is residing or proposes to reside.

(2) The court may not exercise the power conferred by paragraph 35 to amend the order unless, in accordance with paragraph 25 of Schedule 16 it—
(a) cancels those requirements, or
(b) substitutes for those requirements other requirements which can be complied with if the offender resides in that area.

Commencement Information
I768 Sch. 17 para. 36 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

37 (1) This paragraph applies where the SSSO or NISSO imposes a programme requirement.

(2) The home court may not exercise the power conferred by paragraph 35 to amend the order unless it appears to the court that the accredited programme specified in the requirement is available in the local justice area in England and Wales in which the offender is residing or proposes to reside.

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Commencement Information
I769 Sch. 17 para. 37 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Making of order under this Part of this Schedule

38 (1) This paragraph applies where the home court exercises the power conferred by paragraph 35 to amend a relevant suspended sentence order which is an SSSO or NISSO.

(2) The relevant suspended sentence order as amended must specify the local justice area in which the offender resides or proposes to reside ("the new local justice area").

(3) The home court must—

(a) provide copies of the amending order to—

(i) the offender,

(ii) the relevant officer, and

(iii) a provider of probation services operating in the new local justice area, and

(b) provide the magistrates' court acting in that area with—

(i) a copy of the amending order, and

(ii) such other documents and information relating to the case as the home court considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

This sub-paragraph applies in place of paragraph 28 of Schedule 16 (amendment of suspended sentence order: provision of copies).

(4) The relevant suspended sentence order ceases to be an SSSO or NISSO.

Commencement Information
I770 Sch. 17 para. 38 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 9

SUPPLEMENTARY

Electronic monitoring and SSSO

39 Subsections (1) and (3) of section 245C of the Criminal Procedure (Scotland) Act 1995 (provision of remote monitoring) have effect as if they included a reference to the electronic monitoring of the community requirements of a suspended sentence order made or amended in accordance with paragraph 1 or 2 of this Schedule.

Commencement Information
I771 Sch. 17 para. 39 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Service of citation or warrant

40 (1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (which provides, among other things, for service in England and Wales of Scottish citations or warrants) applies to any citation or warrant issued under paragraph 19(2)(a) or 27(2)(a) or (3) as it applies to a citation or warrant granted under section 134 of the Criminal Procedure (Scotland) Act 1995.

(2) A summons issued by a court in Northern Ireland under paragraph 19(2)(b) or 27(2)(b) may, in such circumstances as may be prescribed by rules of court, be served in England and Wales or Scotland.

Commencement Information
I772 Sch. 17 para. 40 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 10

INTERPRETATION

41 (1) In this Schedule—

"the appropriate court" has the same meaning as in Schedule 16 (see paragraph 1 of that Schedule);

"breach" in relation to a community requirement, means a failure to comply with it, and related expressions are to be read accordingly;

"the home authority"—

(a) in relation to an SSSO, means the local authority for the local authority area specified in the order;

(b) in relation to an NISSO, means the Probation Board for Northern Ireland;

"home court" means—

(a) in the case of an SSSO, the sheriff court having jurisdiction in the locality in which the offender resides or proposes to reside, and

(b) in the case of an NISSO, a court of summary jurisdiction in Northern Ireland;

"local authority" means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994; and any reference to the area of such an authority is a reference to the local government area within the meaning of that Act;

"the local council in Scotland", in relation to an SSSO, means the local authority in whose area the offender resides, or will be residing at the relevant time;

"NISSO" means a relevant suspended sentence order that—

(a) has been made or amended under Part 2 of this Schedule (Northern Ireland), and

(b) has not ceased to be such an order under paragraph 35 (transfer to England and Wales);

"original court", in relation to an SSSO or an NISSO, means the court in England and Wales which made or last amended the order;

"the relevant officer" means—

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(a) in relation to an SSSO, the local authority officer appointed or assigned under paragraph 12;

(b) in relation to an NISSO, the probation officer appointed or assigned under paragraph 12;

"relevant suspended sentence order" means a suspended sentence order that imposes one or more community requirements;

"the relevant time"—

(a) in relation to making, or amending a suspended sentence order so as to become, an SSSO or an NISSO, means the time when the order or the amendment comes into force;

(b) in relation to the amendment of an SSSO or NISSO, means the time when the amendment comes into force;

"SSSO" means a relevant suspended sentence order that—

(a) has been made or amended under Part 1 of this Schedule (Scotland), and

(b) has not ceased to be such an order under paragraph 35 (transfer to England and Wales).

(2) For the purposes of this Schedule, a relevant suspended sentence order is subject to review if—

(a) the order is subject to review in accordance with section 293(1), or

(b) the order imposes a drug rehabilitation requirement which is subject to review in accordance with paragraph 21 of Schedule 9.

Commencement Information

I773 Sch. 17 para. 41 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 18

Section 306

SPECIFIED OFFENCES FOR PURPOSES OF SECTION 306

PART 1

SPECIFIED VIOLENT OFFENCES

Common law offences

1 Manslaughter.

Commencement Information

I774 Sch. 18 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 Kidnapping.

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Commencement Information
I775 Sch. 18 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 False imprisonment.

Commencement Information
I776 Sch. 18 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offences against the Person Act 1861

4 An offence under any of the following provisions of the Offences against the Person Act 1861—

(a) section 4 (soliciting murder);
(b) section 16 (threats to kill);
(c) section 18 (wounding with intent to cause grievous bodily harm);
(d) section 20 (malicious wounding);
(e) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence);
(f) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence);
(g) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm);
(h) section 27 (abandoning children);
(i) section 28 (causing bodily injury by explosives);
(j) section 29 (using explosives etc with intent to do grievous bodily harm);
(k) section 30 (placing explosives with intent to do bodily injury);
(l) section 31 (setting spring guns etc with intent to do grievous bodily harm);
(m) section 32 (endangering the safety of railway passengers);
(n) section 35 (injuring persons by furious driving);
(o) section 37 (assaulting officer preserving wreck);
(p) section 38 (assault with intent to resist arrest);
(q) section 47 (assault occasioning actual bodily harm).

Commencement Information
I777 Sch. 18 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Explosive Substances Act 1883

5 An offence under any of the following provisions of the Explosive Substances Act 1883—

(a) section 2 (causing explosion likely to endanger life or property);
(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);

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(c) section 4 (making or possession of explosive under suspicious circumstances).

Commencement Information
I778 Sch. 18 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Infant Life (Preservation) Act 1929

6 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Commencement Information
I779 Sch. 18 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Children and Young Persons Act 1933

7 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

Commencement Information
I780 Sch. 18 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Infanticide Act 1938

8 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Commencement Information
I781 Sch. 18 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Firearms Act 1968

9 An offence under any of the following provisions of the Firearms Act 1968—

(a) section 16 (possession of firearm with intent to endanger life);
(b) section 16A (possession of firearm with intent to cause fear of violence);
(c) section 17(1) (use of firearm to resist arrest);
(d) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act);
(e) section 18 (carrying a firearm with criminal intent).

Commencement Information
I782 Sch. 18 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Theft Act 1968

10 An offence under any of the following provisions of the Theft Act 1968—

(a) section 8 (robbery or assault with intent to rob);

(b) section 9, where the offence is burglary with intent to—

(i) inflict grievous bodily harm on a person, or

(ii) do unlawful damage to a building or anything in it;

(c) section 10 (aggravated burglary);

(d) section 12A (aggravated vehicle-taking), where the offence involves an accident which caused the death of any person.

Commencement Information
I783 Sch. 18 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Damage Act 1971

11 (1) An offence of arson under section 1 of the Criminal Damage Act 1971.

(2) An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.

Commencement Information
I784 Sch. 18 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Taking of Hostages Act 1982

12 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Commencement Information
I785 Sch. 18 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Aviation Security Act 1982

13 An offence under any of the following provisions of the Aviation Security Act 1982—

(a) section 1 (hijacking);

(b) section 2 (destroying, damaging or endangering safety of aircraft);

(c) section 3 (other acts endangering or likely to endanger safety of aircraft);

(d) section 4 (offences in relation to certain dangerous articles).

Commencement Information
I786 Sch. 18 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Mental Health Act 1983

14 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

Commencement Information
I787 Sch. 18 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Prohibition of Female Circumcision Act 1985

15 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).

Commencement Information
I788 Sch. 18 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Public Order Act 1986

16 An offence under any of the following provisions of the Public Order Act 1986—

(a) section 1 (riot);

(b) section 2 (violent disorder);

(c) section 3 (affray).

Commencement Information
I789 Sch. 18 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 1988

17 An offence under section 134 of the Criminal Justice Act 1988 (torture).

Commencement Information
I790 Sch. 18 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Road Traffic Act 1988

18 An offence under any of the following provisions of the Road Traffic Act 1988—

(a) section 1 (causing death by dangerous driving);

(b) section 3ZC (causing death by driving: disqualified drivers);

(c) section 3A (causing death by careless driving when under influence of drink or drugs).

Commencement Information
I791 Sch. 18 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Aviation and Maritime Security Act 1990

19 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—

(a) section 1 (endangering safety at aerodromes);

(b) section 9 (hijacking of ships);

(c) section 10 (seizing or exercising control of fixed platforms);

(d) section 11 (destroying fixed platforms or endangering their safety);

(e) section 12 (other acts endangering or likely to endanger safe navigation);

(f) section 13 (offences involving threats).

Commencement Information

I792 Sch. 18 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Channel Tunnel (Security) Order 1994

20 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Commencement Information

I793 Sch. 18 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Protection from Harassment Act 1997

21 An offence under section 4 or 4A of the Protection from Harassment Act 1997 (putting people in fear of violence and stalking involving fear of violence or serious alarm or distress).

Commencement Information

I794 Sch. 18 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Crime and Disorder Act 1998

22 (1) An offence under section 29 of the Crime and Disorder Act 1998 (racially or religiously aggravated assaults).

(2) An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

Commencement Information

I795 Sch. 18 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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International Criminal Court Act 2001

23 An offence under section 51 or 52 of the International Criminal Court Act 2001 (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

Commencement Information
I796 Sch. 18 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Female Genital Mutilation Act 2003

24 An offence under any of the following provisions of the Female Genital Mutilation Act 2003—

(a) section 1 (female genital mutilation);
(b) section 2 (assisting a girl to mutilate her own genitalia);
(c) section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

Commencement Information
I797 Sch. 18 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Domestic Violence, Crime and Victims Act 2004

25 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

Commencement Information
I798 Sch. 18 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modern Slavery Act 2015

26 (1) An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).

(2) An offence under section 2 of that Act (human trafficking) which is not within Part 2 of this Schedule.

Commencement Information
I799 Sch. 18 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Inchoate offences

27 An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I800 Sch. 18 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

28 An inchoate offence in relation to murder.

Commencement Information
I801 Sch. 18 para. 28 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

SPECIFIED SEXUAL OFFENCES

Sexual Offences Act 1956

29 An offence under any of the following provisions of the Sexual Offences Act 1956—

(a) section 1 (rape);
(b) section 2 (procurement of woman by threats);
(c) section 3 (procurement of woman by false pretences);
(d) section 4 (administering drugs to obtain or facilitate intercourse);
(e) section 5 (intercourse with girl under 13);
(f) section 6 (intercourse with girl under 16);
(g) section 7 (intercourse with a defective);
(h) section 9 (procurement of a defective);
(i) section 10 or 11 (incest);
(j) section 14 (indecent assault on a woman);
(k) section 15 (indecent assault on a man);
(l) section 16 (assault with intent to commit buggery);
(m) section 17 (abduction of woman by force or for the sake of her property);
(n) section 19 (abduction of unmarried girl under 18 from parent or guardian);
(o) section 20 (abduction of unmarried girl under 16 from parent or guardian);
(p) section 21 (abduction of defective from parent or guardian);
(q) section 22 (causing prostitution of women);
(r) section 23 (procuration of girl under 21);
(s) section 24 (detention of woman in brothel);
(t) section 25 (permitting girl under 13 to use premises for intercourse;
(u) section 26 (permitting girl under 16 to use premises for intercourse);
(v) section 27 (permitting defective to use premises for intercourse);
(w) section 28 (causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under 16);
(x) section 29 (causing or encouraging prostitution of defective);
(y) section 32 (soliciting by men);
(z) section 33A (keeping a brothel used for prostitution).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I802 Sch. 18 para. 29 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Mental Health Act 1959

30 An offence under section 128 of the Mental Health Act 1959 (sexual intercourse with patients).

Commencement Information
I803 Sch. 18 para. 30 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Indecency with Children Act 1960

31 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child).

Commencement Information
I804 Sch. 18 para. 31 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Sexual Offences Act 1967

32 An offence under either of the following provisions of the Sexual Offences Act 1967—

(a) section 4 (procuring others to commit homosexual acts);

(b) section 5 (living on earnings of male prostitution).

Commencement Information
I805 Sch. 18 para. 32 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Theft Act 1968

33 An offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape.

Commencement Information
I806 Sch. 18 para. 33 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Law Act 1977

34 An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to have incestuous sexual intercourse).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I807 Sch. 18 para. 34 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Protection of Children Act 1978

35 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).

Commencement Information
I808 Sch. 18 para. 35 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Customs and Excise Management Act 1979

36 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

Commencement Information
I809 Sch. 18 para. 36 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 1988

37 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).

Commencement Information
I810 Sch. 18 para. 37 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Sexual Offences Act 2003

38 An offence under any of the following provisions of the Sexual Offences Act 2003—

(a) section 1 (rape);
(b) section 2 (assault by penetration);
(c) section 3 (sexual assault);
(d) section 4 (causing a person to engage in sexual activity without consent);
(e) section 5 (rape of a child under 13);
(f) section 6 (assault of a child under 13 by penetration);
(g) section 7 (sexual assault of a child under 13);
(h) section 8 (causing or inciting a child under 13 to engage in sexual activity);
(i) section 9 (sexual activity with a child);
(j) section 10 (causing or inciting a child to engage in sexual activity);

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(k) section 11 (engaging in sexual activity in the presence of a child);
(l) section 12 (causing a child to watch a sexual act);
(m) section 13 (child sex offences committed by children or young persons);
(n) section 14 (arranging or facilitating commission of a child sex offence);
(o) section 15 (meeting a child following sexual grooming etc);
(p) section 15A (sexual communication with a child);
(q) section 16 (abuse of position of trust: sexual activity with a child);
(r) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
(s) section 18 (abuse of position of trust: sexual activity in the presence of a child);
(t) section 19 (abuse of position of trust: causing a child to watch a sexual act);
(u) section 25 (sexual activity with a child family member);
(v) section 26 (inciting a child family member to engage in sexual activity);
(w) section 30 (sexual activity with a person with a mental disorder impeding choice);
(x) section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity);
(y) section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice);
(z) section 33 (causing a person with a mental disorder impeding choice to watch a sexual act);
(aa) section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder);
(ab) section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception);
(ac) section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder);
(ad) section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception);
(ae) section 38 (care workers: sexual activity with a person with a mental disorder);
(af) section 39 (care workers: causing or inciting sexual activity);
(ag) section 40 (care workers: sexual activity in the presence of a person with a mental disorder);
(ah) section 41 (care workers: causing a person with a mental disorder to watch a sexual act);
(ai) section 47 (paying for sexual services of a child);
(aj) section 48 (causing or inciting sexual exploitation of a child);
(ak) section 49 (controlling a child in relation to sexual exploitation);
(al) section 50 (arranging or facilitating sexual exploitation of a child);
(am) section 52 (causing or inciting prostitution for gain);
(an) section 53 (controlling prostitution for gain);
(ao) section 57 (trafficking into the UK for sexual exploitation);
(ap) section 58 (trafficking within the UK for sexual exploitation);
(aq) section 59 (trafficking out of the UK for sexual exploitation);
(ar) section 59A (trafficking for sexual exploitation);

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(as) section 61 (administering a substance with intent);
(at) section 62 (committing an offence with intent to commit a sexual offence);
(au) section 63 (trespass with intent to commit a sexual offence);
(av) section 64 (sex with an adult relative: penetration);
(aw) section 65 (sex with an adult relative: consenting to penetration);
(ax) section 66 (exposure);
(ay) section 67 (voyeurism);
(az) section 69 (intercourse with an animal);
(ba) section 70 (sexual penetration of a corpse).

Commencement Information
I811 Sch. 18 para. 38 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modern Slavery Act 2015

39 An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).

Commencement Information
I812 Sch. 18 para. 39 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Inchoate offences

40 An inchoate offence (see section 398) in relation to any offence specified in this Part of this Schedule.

Commencement Information
I813 Sch. 18 para. 40 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

SPECIFIED TERRORISM OFFENCES

Terrorism Act 2000

41 An offence under any of the following provisions of the Terrorism Act 2000—
(a) section 11 (membership of a proscribed organisation);
(b) section 12 (inviting support for a proscribed organisation);
(c) section 54 (weapons training);
(d) section 56 (directing terrorist organisation);
(e) section 57 (possession of article for terrorist purposes);
(f) section 58 (collection of information likely to be of use to a terrorist);
(g) section 58A (publishing information about members of the armed forces);

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(h) section 58B (entering or remaining in a designated area);
(i) section 59 (inciting terrorism overseas).

Commencement Information
I814 Sch. 18 para. 41 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Anti-terrorism, Crime and Security Act 2001

42 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
(a) section 47 (use etc of nuclear weapons);
(b) section 50 (assisting or inducing certain weapons-related acts overseas);
(c) section 113 (use of noxious substance or thing to cause harm or intimidate).

Commencement Information
I815 Sch. 18 para. 42 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Terrorism Act 2006

43 An offence under any of the following provisions of the Terrorism Act 2006—
(a) section 1 (encouragement of terrorism);
(b) section 2 (dissemination of terrorist publications);
(c) section 5 (preparation of terrorist acts);
(d) section 6 (training for terrorism);
(e) section 8 (attendance at a place used for terrorist training);
(f) section 9 (making or possession of radioactive device or material);
(g) section 10 (misuse of radioactive device or material for terrorist purposes etc);
(h) section 11 (terrorist threats relating to radioactive devices etc).

Commencement Information
I816 Sch. 18 para. 43 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Inchoate offences

44 An inchoate offence (see section 398) in relation to any offence specified in this Part of this Schedule.

Commencement Information
I817 Sch. 18 para. 44 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULE 19

Section 307

SCHEDULE 19 OFFENCES

Common law offences

1 Manslaughter.

Commencement Information
I818 Sch. 19 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 Kidnapping.

Commencement Information
I819 Sch. 19 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 False imprisonment.

Commencement Information
I820 Sch. 19 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offences against the Person Act 1861

4 An offence under any of the following provisions of the Offences against the Person Act 1861—

(a) section 4 (soliciting murder);
(b) section 18 (wounding with intent to cause grievous bodily harm);
(c) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence);
(d) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence);
(e) section 28 (causing bodily injury by explosives);
(f) section 29 (using explosives etc with intent to do grievous bodily harm);
(g) section 32 (endangering the safety of railway passengers).

Commencement Information
I821 Sch. 19 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Explosive Substances Act 1883

5 An offence under either of the following provisions of the Explosive Substances Act 1883—

(a) section 2 (causing explosion likely to endanger life or property);
(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I822 Sch. 19 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 An offence under section 4 of that Act (making or possession of explosive under suspicious circumstances) committed on or after 13 April 2015.

Commencement Information
I823 Sch. 19 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Infant Life (Preservation) Act 1929

7 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Commencement Information
I824 Sch. 19 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Infanticide Act 1938

8 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Commencement Information
I825 Sch. 19 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Firearms Act 1968

9 An offence under any of the following provisions of the Firearms Act 1968—

(a) section 16 (possession of firearm with intent to endanger life);
(b) section 17(1) (use of firearm to resist arrest);
(c) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act);
(d) section 18 (carrying a firearm with criminal intent).

Commencement Information
I826 Sch. 19 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Theft Act 1968

10 An offence under either of the following provisions of the Theft Act 1968—

(a) section 8 (robbery or assault with intent to rob);
(b) section 10 (aggravated burglary).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I827 Sch. 19 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Damage Act 1971

11 An offence of arson under section 1 of the Criminal Damage Act 1971.

Commencement Information
I828 Sch. 19 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

12 An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.

Commencement Information
I829 Sch. 19 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Taking of Hostages Act 1982

13 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Commencement Information
I830 Sch. 19 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Aviation Security Act 1982

14 An offence under any of the following provisions of the Aviation Security Act 1982—

(a) section 1 (hijacking);
(b) section 2 (destroying, damaging or endangering safety of aircraft);
(c) section 3 (other acts endangering or likely to endanger safety of aircraft).

Commencement Information
I831 Sch. 19 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 1988

15 An offence under section 134 of the Criminal Justice Act 1988 (torture).

Commencement Information
I832 Sch. 19 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Aviation and Maritime Security Act 1990

16 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—

(a) section 1 (endangering safety at aerodromes);
(b) section 9 (hijacking of ships);
(c) section 10 (seizing or exercising control of fixed platforms);
(d) section 11 (destroying fixed platforms or endangering their safety);
(e) section 12 (other acts endangering or likely to endanger safe navigation);
(f) section 13 (offences involving threats).

Commencement Information
I833 Sch. 19 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Channel Tunnel (Security) Order 1994

17 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S. I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Commencement Information
I834 Sch. 19 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Terrorism Act 2000

18 An offence under any of the provisions of the Terrorism Act 2000 listed in column 1 of the following table that meets the condition listed in relation to it in column 2—

Provision of the Terrorism Act 2000	***Condition***
(a) Section 54 (weapons training)	The offence was committed on or after 13 April 2015
(b) Section 56 (directing terrorist organisation)	The offence was committed on or after 12 January 2010.
(c) Section 59 (inciting terrorism overseas)	The offence was committed on or after 12 January 2010 and the offender is liable on conviction on indictment to imprisonment for life.

Commencement Information
I835 Sch. 19 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Anti-terrorism, Crime and Security Act 2001

19 An offence under either of the following provisions of the Anti-terrorism, Crime and Security Act 2001 committed on or after 12 January 2010—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) section 47 (use etc of nuclear weapons);
(b) section 50 (assisting or inducing certain weapons-related acts overseas).

Commencement Information
I836 Sch. 19 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Sexual Offences Act 2003

20 An offence under any of the provisions of the Sexual Offences Act 2003 listed in column 1 of the following table that meets the condition (if any) listed in relation to it in column 2—

Provision of the Sexual Offences Act 2003	***Condition***
(a) Section 1 (rape)	
(b) Section 2 (assault by penetration)	
(c) Section 4 (causing a person to engage in sexual activity without consent)	The offender is liable on conviction on indictment to imprisonment for life
(d) Section 5 (rape of a child under 13)	
(e) Section 6 (assault of a child under 13 by penetration)	
(f) Section 8 (causing or inciting a child under 13 to engage in sexual activity)	The offender is liable on conviction on indictment to imprisonment for life
(g) Section 30 (sexual activity with a person with a mental disorder impeding choice)	The offender is liable on conviction on indictment to imprisonment for life
(h) Section 31 (causing or inciting a person with a mental disorder to engage in sexual activity)	The offender is liable on conviction on indictment to imprisonment for life
(i) Section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)	The offender is liable on conviction on indictment to imprisonment for life
(j) Section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc)	The offender is liable on conviction on indictment to imprisonment for life
(k) Section 47 (paying for sexual services of a child) against a person aged under 16	The offender is liable on conviction on indictment to imprisonment for life
(l) Section 62 (committing an offence with intent to commit a sexual offence)	The offender is liable on conviction on indictment to imprisonment for life.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I837 Sch. 19 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Terrorism Act 2006

21 An offence under any of the provisions of the Terrorism Act 2006 listed in column 1 of the following table that meets the condition listed in relation to it in column 2—

Provision of the Terrorism Act 2006	***Condition***
(a) Section 5 (preparation of terrorist acts)	The offence was committed on or after 12 January 2010
(b Section 6 (training for terrorism)	The offence was committed on or after 13 April 2015
(c) Section 9 (making or possession of radioactive device or material)	The offence was committed on or after 12 January 2010
(d) Section 10 (misuse of radioactive device or material for terrorist purposes etc)	The offence was committed on or after 12 January 2010
(e) Section 11 (terrorist threats relating to radioactive devices etc)	The offence was committed on or after 12 January 2010.

Commencement Information
I838 Sch. 19 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modern Slavery Act 2015

22 An offence under either of the following provisions of the Modern Slavery Act 2015—

(a) section 1 (slavery, servitude and forced or compulsory labour);

(b) section 2 of that Act (human trafficking).

Commencement Information
I839 Sch. 19 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Inchoate offences

23 An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Schedule.

Commencement Information
I840 Sch. 19 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

24 (1) An attempt to commit murder.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) Conspiracy to commit murder.

(3) An offence committed on or after 13 April 2015 under Part 2 of the Serious Crime Act 2007 related to murder.

Commencement Information
I841 Sch. 19 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 20

Sections 249 and 311

DETENTION UNDER SECTION 250 AND MINIMUM SENTENCES: FIREARMS OFFENCES

PART 1

OFFENCES

1 An offence under section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of the Firearms Act 1968 (offence of having in possession, purchasing or acquiring weapon or ammunition) committed on or after 22 January 2004.

Modifications etc. (not altering text)
C173 Sch. 20 para. 1: power to amend conferred by 1988 c. 45, s. 1(4A)(bb) (as amended) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 94(2)** (with Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information
I842 Sch. 20 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 An offence under section 5(1A)(a) of the Firearms Act 1968 (offence of having in possession, purchasing or acquiring firearm disguised as another object) committed on or after 22 January 2004.

Commencement Information
I843 Sch. 20 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 An offence under section 5(2A) of the Firearms Act 1968 (manufacture, sale or transfer of firearm or ammunition, or possession etc for sale or transfer) committed in respect of a relevant firearm or relevant ammunition.

Commencement Information
I844 Sch. 20 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

4 (1) An offence under any of the provisions of the Firearms Act 1968 listed in sub-paragraph (2) committed on or after 6 April 2007 in respect of a relevant firearm or relevant ammunition.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Those provisions are—

section 16 (possession of firearm or ammunition with intent to injure);
section 16A (possession of firearm with intent to cause fear or violence);
section 17 (use of firearm to resist arrest);
section 18 (carrying firearm with criminal intent);
section 19 (carrying a firearm in a public place);
section 20(1) (trespassing in a building with firearm).

Commencement Information
I845 Sch. 20 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 An offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon), where the dangerous weapon in respect of which the offence was committed was a relevant firearm.

Commencement Information
I846 Sch. 20 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

INTERPRETATION OF SCHEDULE

6 In this Schedule—

"relevant firearm" means a firearm specified in any of the following provisions of section 5 of the Firearms Act 1968 (weapons subject to general prohibition)—

(a) subsection (1)(a), (ab), (aba), (ac), (ad), (ae) or (af);

(b) subsection (1A)(a);

"relevant ammunition" means ammunition specified in subsection (1)(c) of that section.

For this purpose, "firearm" and "ammunition" have the same meanings as in the Firearms Act 1968.

Commencement Information
I847 Sch. 20 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULE 21

Section 322

DETERMINATION OF MINIMUM TERM IN RELATION TO MANDATORY LIFE SENTENCE FOR MURDER ETC

Interpretation

1 In this Schedule—

"child" means a person aged under 18;

"mandatory life sentence" means a mandatory life sentence passed in circumstances where the sentence is fixed by law.

Commencement Information
I848 Sch. 21 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Starting points

2 (1) If—

(a) the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is exceptionally high, and

(b) the offender was aged 21 or over when the offence was committed,

the appropriate starting point is a whole life order.

(2) Cases that would normally fall within sub-paragraph (1)(a) include—

(a) the murder of two or more persons, where each murder involves any of the following—

(i) a substantial degree of premeditation or planning,

(ii) the abduction of the victim, or

(iii) sexual or sadistic conduct,

(b) the murder of a child if involving the abduction of the child or sexual or sadistic motivation,

(c) the murder of a police officer or prison officer in the course of his or her duty, where the offence was committed on or after 13 April 2015,

(d) a murder done for the purpose of advancing a political, religious, racial or ideological cause, or

(e) a murder by an offender previously convicted of murder.

Commencement Information
I849 Sch. 21 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 (1) If—

(a) the case does not fall within paragraph 2(1) but the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is particularly high, and

(b) the offender was aged 18 or over when the offence was committed,

the appropriate starting point, in determining the minimum term, is 30 years.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) Cases that (if not falling within paragraph 2(1)) would normally fall within sub-paragraph (1)(a) include—

(a) in the case of a offence committed before 13 April 2015, the murder of a police officer or prison officer in the course of his or her duty,

(b) a murder involving the use of a firearm or explosive,

(c) a murder done for gain (such as a murder done in the course or furtherance of robbery or burglary, done for payment or done in the expectation of gain as a result of the death),

(d) a murder intended to obstruct or interfere with the course of justice,

(e) a murder involving sexual or sadistic conduct,

(f) the murder of two or more persons,

(g) a murder that is aggravated by racial or religious hostility or by hostility related to sexual orientation,

(h) a murder that is aggravated by hostility related to disability or transgender identity, where the offence was committed on or after 3 December 2012 (or over a period, or at some time during a period, ending on or after that date),

(i) a murder falling within paragraph 2(2) committed by an offender who was aged under 21 when the offence was committed.

(3) An offence is aggravated in any of the ways mentioned in sub-paragraph (2)(g) or (h) if section 66 requires the court to treat the fact that it is so aggravated as an aggravating factor.

Commencement Information
I850 Sch. 21 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

4 (1) If—

(a) the case does not fall within paragraph 2(1) or 3(1),

(b) the offence falls within sub-paragraph (2), and

(c) the offender was aged 18 or over when the offence was committed,

(d) the offence was committed on or after 2 March 2010,

the offence is normally to be regarded as sufficiently serious for the appropriate starting point, in determining the minimum term, to be 25 years.

(2) The offence falls within this sub-paragraph if the offender took a knife or other weapon to the scene intending to—

(a) commit any offence, or

(b) have it available to use as a weapon,

and used that knife or other weapon in committing the murder.

Commencement Information
I851 Sch. 21 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 If the offender was aged 18 or over when the offence was committed and the case does not fall within paragraph 2(1), 3(1) or 4(1), the appropriate starting point, in determining the minimum term, is 15 years.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I852 Sch. 21 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 If the offender was aged under 18 when the offence was committed, the appropriate starting point, in determining the minimum term, is 12 years.

Commencement Information
I853 Sch. 21 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Aggravating and mitigating factors

7 Having chosen a starting point, the court should take into account any aggravating or mitigating factors, to the extent that it has not allowed for them in its choice of starting point.

Commencement Information
I854 Sch. 21 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

8 Detailed consideration of aggravating or mitigating factors may result in a minimum term of any length (whatever the starting point), or in the making of a whole life order.

Commencement Information
I855 Sch. 21 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

9 Aggravating factors (additional to those mentioned in paragraphs 2(2), 3(2) and 4(2)) that may be relevant to the offence of murder include—

(a) a significant degree of planning or premeditation,

(b) the fact that the victim was particularly vulnerable because of age or disability,

(c) mental or physical suffering inflicted on the victim before death,

(d) the abuse of a position of trust,

(e) the use of duress or threats against another person to facilitate the commission of the offence,

(f) the fact that victim was providing a public service or performing a public duty, and

(g) concealment, destruction or dismemberment of the body.

Commencement Information
I856 Sch. 21 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

10 Mitigating factors that may be relevant to the offence of murder include—

(a) an intention to cause serious bodily harm rather than to kill,

(b) lack of premeditation,

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(c) the fact that the offender suffered from any mental disorder or mental disability which (although not falling within section 2(1) of the Homicide Act 1957) lowered the offender's degree of culpability,

(d) the fact that the offender was provoked (for example, by prolonged stress) but, in the case of a murder committed before 4 October 2010, in a way not amounting to a defence of provocation,

(e) the fact that the offender acted to any extent in self-defence or, in the case of a murder committed on or after 4 October 2010, in fear of violence,

(f) a belief by the offender that the murder was an act of mercy, and

(g) the age of the offender.

Commencement Information
I857 Sch. 21 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

11 Nothing in this Schedule restricts the application of—

(a) section 65 (previous convictions),

(b) section 64 (bail), or

(c) section 73 (guilty plea),

or of section 238(1)(b) or (c) or 239 of the Armed Forces Act 2006.

Commencement Information
I858 Sch. 21 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offences committed before 18 December 2003

12 (1) This paragraph applies where the offence was committed before 18 December 2003.

(2) If the court makes a minimum term order, the minimum term must, in the opinion of the court, be no be greater than the period which, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to notify to the offender as the minimum period which in the view of the Secretary of State should be served before the prisoner's release on licence.

(3) The court may not make a whole life order unless it is of the opinion that, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to notify the prisoner that the Secretary of State did not intend that the prisoner should ever be released on licence.

Commencement Information
I859 Sch. 21 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 31/12/2020

SCHEDULE 22

Section 408

AMENDMENTS OF THE SENTENCING CODE AND RELATED AMENDMENTS OF OTHER LEGISLATION

. . . . . .

SCHEDULE 23

Section 409

POWERS TO AMEND THE SENTENCING CODE

PART 1

GENERAL PROVISIONS

Seriousness: list of offences in which terrorist connection to be considered

1 (1) The Secretary of State may by regulations amend Schedule 1 (offences where terrorist connection to be considered).

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

(3) Subsection (6)(b) of section 407 (power to make different provision for different areas) does not apply to the power conferred by this paragraph.

Commencement Information
I863 Sch. 23 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

ORDERS FOR CONDITIONAL DISCHARGE

2 (1) The Secretary of State may by regulations amend subsection (5) of section 80 by substituting such period as may be specified in the regulations for the maximum period for the time being specified in that subsection.

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

(3) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

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Commencement Information
I864 Sch. 23 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

REFERRAL ORDERS

Power to amend descriptions of offender for certain purposes connected with referral orders

3 (1) The Secretary of State may by regulations amend any provision of sections 84 and 85, other than paragraphs (a) to (e) of section 84(1), to alter in any way the descriptions of offenders in whose case a referral order must or may be made.

(2) The Secretary of State may by regulations amend any provision of paragraphs 14 to 16 of Schedule 4 to alter in any way the description of the offenders in the case of which an order extending the compliance period may be made.

(3) Any description of offender having effect by virtue of regulations under this paragraph may be framed by reference to such matters as the Secretary of State considers appropriate, including (in particular) one or more of the following—

(a) the offender's age,

(b) how the offender has pleaded,

(c) the offence (or offences) of which the offender has been convicted,

(d) the offender's previous convictions (if any),

(e) how (if at all) the offender has been previously punished or otherwise dealt with by any court, and

(f) any characteristics or behaviour of, or circumstances relating to, any person who has at any time been charged in the same proceedings as the offender (whether or not in respect of the same offence).

(4) Regulations under this paragraph are subject to the affirmative resolution procedure.

Commencement Information
I865 Sch. 23 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power to alter amount of fine in respect of referral order on referral back to court

4 (1) The Secretary of State may by regulations amend any sum for the time being specified in paragraph 9(3) of Schedule 4 (power to impose fine where offender fails to comply with youth offender contract).

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

(3) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

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Commencement Information
I866 Sch. 23 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

FINES AND COMPENSATION ORDERS

Standard scale

5 (1) The Secretary of State may by regulations amend section 122 so as to provide for such sum as appears to the Secretary of State justified by a change in the value of money since the relevant date to have effect in place of any sum for the time being specified as a level on the standard scale, in relation to offences committed after the regulations come into force.

(2) In sub-paragraph (1), the "relevant date" means—

(a) 1 October 1992, or

(b) if the sum for the time being specified has effect by virtue of regulations under this paragraph or paragraph 6, the date of those regulations.

(3) Regulations under this paragraph are subject to the negative resolution procedure.

(4) The power to make regulations under this paragraph includes power to make regulations reversing the effect of regulations previously made under it.

(5) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

Commencement Information
I867 Sch. 23 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 (1) The Secretary of State may by regulations amend section 122 so as to provide for such sums as the Secretary of State considers appropriate to have effect in place of the sums for the time being specified as levels 1 to 4 on the standard scale in relation to offences committed after the regulations come into force.

(2) Regulations under this paragraph may not alter the ratio of one of those levels to another.

(3) Regulations under this paragraph are subject to the affirmative resolution procedure.

(4) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

Commencement Information
I868 Sch. 23 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Power to alter limits on fines and compensation orders etc in magistrates' court

7 (1) The Secretary of State may by regulations substitute, for a sum for the time being specified in any of the following provisions, such sum as appears to the Secretary of State justified by a change in the value of money since the relevant date, in relation to offences committed after the regulations come into force—

section 123	limit on magistrates' court fine for young offender
section 129	limit on term in default of payment of fine
section 139	limit on magistrates' court compensation order for young offender
section 376(2)(b) or (8)	limits on recognizance for parent or guardian of young offender, or fine for unreasonable refusal to enter into recognizance
paragraph 2(2)(a) of Schedule 5	limit on fine on breach of requirement of reparation order

(2) In sub-paragraph (1), the "relevant date" means—

(a) 1 October 1992, or

(b) if the sum for the time being specified has effect by virtue of regulations under this paragraph, the date of those regulations.

(3) Regulations under this paragraph are subject to the negative resolution procedure.

(4) The power to make regulations under this paragraph includes power to make regulations reversing the effect of regulations previously made under it.

(5) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

Commencement Information
I869 Sch. 23 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 5

YOUTH REHABILITATION ORDERS

Responsible officer

8 (1) The Secretary of State may by regulations—

(a) amend section 191 (meaning of "the responsible officer"), and

(b) make any other amendments of—

(i) Chapter 1 of Part 9 (youth rehabilitation orders), or

(ii) any provision of this Act derived from Chapter 1 of Part 12 of the Criminal Justice Act 2003 (general provisions about sentencing),

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that appear to be necessary or expedient in consequence of any amendment made by virtue of paragraph (a).

(2) Regulations under sub-paragraph (1) may, in particular, provide for the court to determine which of two or more descriptions of responsible officer is to apply in relation to any youth rehabilitation order.

(3) Regulations under this paragraph are subject to the affirmative resolution procedure.

Commencement Information
I870 Sch. 23 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power to amend limits

9 (1) The Secretary of State may by regulations substitute a maximum number of hours, or a period, for the time being specified in either of the following provisions of Schedule 6 (youth rehabilitation order: requirements)—

(a) paragraph 10(3) (unpaid work requirement), or

(b) paragraph 18(4) (curfew requirement).

(2) The Secretary of State may by regulations substitute a period for the time being specified in any of the following provisions of Schedule 6 (youth rehabilitation order: requirements)—

(a) paragraph 18(5) (curfew requirement);

(b) paragraph 20(3) (exclusion requirement);

(c) paragraph 24(4)(a) (local authority residence requirement);

(d) paragraph 26(3)(a) (fostering requirement).

(3) Regulations under this paragraph which amend paragraph 26(3)(a) of Schedule 6 may also make consequential amendments of paragraphs 10(9) and (10) and 17(5) and (6) of Schedule 7.

(4) Regulations under this paragraph are subject to the affirmative resolution procedure.

Modifications etc. (not altering text)
C174 Sch. 23 para. 9 applied (with modifications) by 2008 c. 4, s. 39(6)(e), Sch 7 (as amended) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information
I871 Sch. 23 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power to amend fines for breach of youth rehabilitation order

10 (1) The Secretary of State may by regulations amend any sum for the time being specified in paragraph 6(5)(a) or 7(2)(a) of Schedule 7 (fine on breach of youth rehabilitation order).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.

(3) In sub-paragraph (2), "the relevant date" means—

(a) 3 December 2012, or

(b) if the sum specified in paragraph 6(5)(a) or 7(2)(a) (as the case may be) of Schedule 7 has been substituted by regulations under sub-paragraph (1), the date on which the sum was last so substituted.

(4) Regulations under this paragraph are subject to the negative resolution procedure.

Commencement Information
I872 Sch. 23 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Maximum period of fostering requirement where imposed by virtue of Schedule 7

11 (1) The Secretary of State may by regulations amend paragraph 10(10) or 17(6) of Schedule 7 by substituting, for—

(a) the period of 18 months specified in the provision, or

(b) any other period which may be so specified by virtue of previous regulations under this paragraph,

such other period as may be specified in the regulations.

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

Commencement Information
I873 Sch. 23 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power to amend provisions of Schedule 8 in consequence of changes to the law in Northern Ireland

12 (1) This paragraph applies where a change is made to the law in Northern Ireland adding further descriptions of orders to the kinds of orders which a court in that jurisdiction may impose in dealing with an offender aged under 18 at the time of conviction.

(2) The Secretary of State may by regulations make such amendments to Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland) as appear expedient in consequence of the change.

(3) Regulations under this paragraph are subject to the negative resolution procedure.

Commencement Information
I874 Sch. 23 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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PART 6

COMMUNITY REQUIREMENTS

Power to amend limits

13 (1) The Secretary of State may by regulations substitute the maximum number of hours for the time being specified in—

(a) paragraph 2(1) of Schedule 9 (unpaid work requirement), or

(b) paragraph 9(4) of that Schedule (curfew requirement).

(2) The Secretary of State may by regulations substitute any period of time for the time being specified in—

(a) paragraph 9(5) of Schedule 9 (curfew requirement);

(b) paragraph 11(4) of that Schedule (exclusion requirement);

(c) paragraph 25(4)(b) of that Schedule (alcohol abstinence and monitoring requirement).

(3) Regulations under this paragraph are subject to the affirmative resolution procedure.

Modifications etc. (not altering text)

C175 Sch. 23 para. 13 extended by 2006 c. 52, Sch. 6 para. 8 (as amended) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 11(9)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information

I875 Sch. 23 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 7

COMMUNITY ORDERS

Breach of community order: power to amend amounts of fines

14 (1) The Secretary of State may by regulations amend any sum for the time being specified in paragraph 10(5)(a) or 11(2)(a) of Schedule 10 to the Code (breach etc of community order).

(2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.

(3) In sub-paragraph (2), "the relevant date" means—

(a) if the sum specified in paragraph 10(5)(a) or 11(2)(a) of Schedule 10 to the Code (as the case may be) has been substituted by regulations under sub-paragraph (1), the date on which the sum was last so substituted;

(b) otherwise, 3 December 2012.

(4) Regulations under this paragraph are subject to the negative resolution procedure.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I876 Sch. 23 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 8

CUSTODIAL SENTENCES

Detention and training orders: end of period of supervision

15 (1) Subject to sub-paragraphs (2) and (3), the Secretary of State may by regulations amend section 242 (detention and training order: period of supervision) as it has effect for the time being so as to alter the point at which the period of supervision of a detention and training order is to end.

(2) The period of supervision must end no later than the end of the term of the order.

(3) Regulations under this paragraph may not include provision about cases in which—

(a) the offender is aged 18 or over at the half-way point of the term of the detention and training order, and

(b) the order was made in respect of an offence committed on or after 1 February 2015.

(4) Expressions used in this paragraph and sections 233 to 237 have the same meanings in this paragraph as in those sections.

(5) For the purposes of sub-paragraph (3)(b), where an offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is to be taken to have been committed on the last of those days.

(6) Regulations under this paragraph are subject to the affirmative resolution procedure.

(7) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

Commencement Information
I877 Sch. 23 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offenders of particular concern: listed offences

16 (1) The Secretary of State may by regulations amend Schedule 13 by—

(a) adding offences, or

(b) varying or omitting offences listed in the Schedule.

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

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Commencement Information
I878 Sch. 23 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Suspended sentence order: power to amend amounts of fines

17 (1) The Secretary of State may by regulations amend any sum for the time being specified in paragraph 13(1)(c) of Schedule 16 to the Code (breach etc of community requirement of suspended sentence order or conviction of further offence).

(2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.

(3) In sub-paragraph (2), "the relevant date" means—

(a) if the sum specified in paragraph 13(1)(c) of Schedule 16 to the Code has been substituted by regulations under sub-paragraph (1), the date on which the sum was last so substituted;

(b) otherwise, 3 December 2012.

(4) Regulations under this paragraph are subject to the negative resolution procedure.

Commencement Information
I879 Sch. 23 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Power to exclude application of minimum sentences to those under 18

18 (1) The Secretary of State may by regulations—

(a) amend section 311(1)(b) (minimum sentence for certain offences involving firearms that are prohibited weapons) by substituting for the word "16" the word "18";

(b) repeal section 252(1)(b) (maximum sentence of detention in case where minimum sentence required under section 311).

(2) Regulations under this paragraph may make such other provision as the Secretary of State considers necessary or expedient in consequence of, or in connection with, the provision made by virtue of sub-paragraph (1).

The provision that may be made by virtue of this sub-paragraph includes, in particular, provision amending or repealing any provision of an Act (whenever passed) including any provision of the Sentencing Code.

(3) Regulations under this paragraph may make provision in relation to offences even if committed, or the offender was convicted, before the regulations come into force.

(4) Regulations under this paragraph are subject to the affirmative resolution procedure.

Commencement Information
I880 Sch. 23 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Determining minimum term of mandatory life sentence

19 (1) The Lord Chancellor may by regulations amend Schedule 21.

(2) Before making regulations under sub-paragraph (1), the Lord Chancellor must consult the Sentencing Council for England and Wales.

(3) Regulations under this paragraph may not have effect in relation to any offence committed before the regulations come into force.

(4) Regulations under this paragraph are subject to the affirmative resolution procedure.

Commencement Information
I881 Sch. 23 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 24

Section 410

CONSEQUENTIAL AMENDMENTS

PART 1

ACTS OF PARLIAMENT

Children and Young Persons Act 1933 (c. 12)

1 In section 34(7B) of the Children and Young Persons Act 1933—

(a) for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " section 173 of the Sentencing Code ";

(b) for "section 4 of that Act" substitute " section 191 of that Code ".

Commencement Information
I882 Sch. 24 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 (1) Section 49 of that Act is amended as follows.

(2) In subsection (2)(c), for "Schedule 2 to the Criminal Justice and Immigration Act 2008" substitute " Schedule 7 to the Sentencing Code ".

(3) In subsection (4A)—

(a) in paragraph (d), for "section 222(1)(d) or (e) of the Criminal Justice Act 2003" substitute " section 394(1)(d) or (e) of the Sentencing Code ";

(b) in paragraph (e), for "section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 242(4)(b) of the Sentencing Code ".

(4) In subsection (10), for "Schedule 2 to the Criminal Justice and Immigration Act 2008" substitute " Schedule 7 to the Sentencing Code ".

(5) In subsection (11)—

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(a) in the definition of "sexual offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ";

(b) in the definition of "terrorism offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ";

(c) in the definition of "violent offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ".

Commencement Information
I883 Sch. 24 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 (1) Section 58 of that Act is amended as follows.

(2) After the first paragraph (a) insert—

"(aa) a child or young person sentenced to be detained under section 250 of the Sentencing Code with respect to whom the Secretary of State is authorised to give directions under section 260 of that Code; or".

(3) In the second paragraph (a), before "section 91" insert " section 250 or ".

Commencement Information
I884 Sch. 24 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Prison Act 1952 (c. 52)

4 In section 13(2) of the Prison Act 1952, after "or section 95, 98, 99 or 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 271, 276 or 329 of the Sentencing Code ".

Commencement Information
I885 Sch. 24 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 In section 49(5)(c) of that Act, for "section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 248(1) of the Sentencing Code ".

Commencement Information
I886 Sch. 24 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Prevention of Crime Act 1953 (c. 14)

6 In section 1 of the Prevention of Crime Act 1953, after subsection (2) insert—

"(2ZA) See section 315 of the Sentencing Code for provision about the sentence which the court may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section."

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Commencement Information
I887 Sch. 24 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

7 In section 1A of that Act, after subsection (4) insert—

"(4A) For provision about the sentence which the court may be required to impose where a person aged 16 or over is convicted of an offence under this section, see section 312 of the Sentencing Code."

Commencement Information
I888 Sch. 24 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Copyright Act 1956 (c. 74)

8 In section 21 of the Copyright Act 1956, for subsection (7C) substitute—

"(7C) In subsection (7A) of this section "the standard scale"—

(a) in relation to England and Wales and Northern Ireland, has the meaning given by section 122 of the Sentencing Code;

(b) in relation to Scotland, has the meaning given by section 225(1) of the Criminal Procedure (Scotland) Act 1995.

For the purposes of paragraph (a), section 122 of the Sentencing Code, and regulations under paragraph 5 of Schedule 23 to the Sentencing Act 2020 which alter the sums specified in that section, shall extend to Northern Ireland."

Commencement Information
I889 Sch. 24 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Appeal Act 1968 (c. 19)

9 In section 9(1A) of the Criminal Appeal Act 1968—

(a) for "subsection (2) or (4) of section 269 of the Criminal Justice Act 2003" substitute " section 321 of the Sentencing Code ";

(b) for "section 277 of that Act" substitute " section 324 of that Code ".

Commencement Information
I890 Sch. 24 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

10 In section 10(2)(b) of that Act—

(a) in sub-paragraph (ii), for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of the Sentencing Code ";

(b) in sub-paragraph (iii), for "the meaning of Part 12 of the Criminal Justice Act 2003" substitute " the meaning given by section 200 of that Code ".

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Commencement Information
I891 Sch. 24 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

11 After section 30A of that Act insert—

"**30B Criminal courts charge**

The criminal courts charge duty (see section 46 of the Sentencing Code) applies to the Court of Appeal—

(a) when dismissing an appeal under this Part of this Act by a person convicted of an offence against the person's conviction or sentence for the offence;

(b) when dismissing an application for leave to bring such an appeal."

Commencement Information
I892 Sch. 24 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

12 In section 50(1A) of that Act, for "Section 14 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Section 82 of the Sentencing Code ".

Commencement Information
I893 Sch. 24 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

13 In Schedule 2 to that Act, in paragraph 2(4), after "Sections 240ZA and 240A of the Criminal Justice Act 2003" insert " and section 325 of the Sentencing Code ".

Commencement Information
I894 Sch. 24 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Court Martial Appeals Act 1968 (c. 20)

14 In section 8(1ZA) of the Court Martial Appeals Act 1968—

(a) for "subsection (2) or (4) of section 269 of the Criminal Justice Act 2003" substitute " section 321 of the Sentencing Code ";

(b) for "section 277 of that Act" substitute " section 324 of that Code ".

Commencement Information
I895 Sch. 24 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Firearms Act 1968 (c. 27)

15 (1) Section 21 of the Firearms Act 1968 is amended as follows.

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(2) In subsection (2A)(c)(ii), after "section 104 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or paragraph 3 of Schedule 12 to the Sentencing Code ".

(3) In subsection (2C)(b), after "section 189 of the Criminal Justice Act 2003" insert " or section 264 or 277 of the Sentencing Code ".

(4) In subsection (3ZA)(a)—

(a) for "the meaning of Part 12 of the Criminal Justice Act 2003" substitute " the meaning given by section 200 of the Sentencing Code ";

(b) for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of that Code ".

Commencement Information
I896 Sch. 24 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

16 (1) Section 51A of that Act is amended as follows.

(2) In subsection (1)—

(a) for "This section applies" substitute " Subsections (2) to (5) apply ";

(b) in paragraph (a), after "convicted" insert " in Scotland ".

(3) After subsection (5) insert—

"(6) For the minimum sentence for certain offences under this Act where an individual is convicted in England and Wales, see section 311 of the Sentencing Code."

Commencement Information
I897 Sch. 24 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

17 In section 52(1A)(a) of that Act—

(a) for "the meaning of Part 12 of the Criminal Justice Act 2003" substitute " the meaning given by section 200 of the Sentencing Code ";

(b) for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of that Code ".

Commencement Information
I898 Sch. 24 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Health Services and Public Health Act 1968 (c. 46)

18 In section 64(3)(a) of the Health Services and Public Health Act 1968—

(a) in sub-paragraph (xxi), before "section 92 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " section 260 of the Sentencing Code or ";

(b) in sub-paragraph (xxii), before "Part 1 of the Criminal Justice and Immigration Act 2008" insert " Chapter 1 of Part 9 of the Sentencing Code or ".

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Commencement Information
I899 Sch. 24 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

19 In section 65(3)(b)(xxii) of that Act, before "Part 1 of the Criminal Justice and Immigration Act 2008" insert " Chapter 1 of Part 9 of the Sentencing Code or ".

Commencement Information
I900 Sch. 24 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Civil Evidence Act 1968 (c. 64)

20 In section 11(5)(a) of the Civil Evidence Act 1968, for "section 14 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82 of the Sentencing Code ".

Commencement Information
I901 Sch. 24 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Social Work (Scotland) Act 1968 (c. 49)

21 In section 94(1) of the Social Work (Scotland) Act 1968, in the definition of "youth rehabilitation order", for "section 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

Commencement Information
I902 Sch. 24 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70)

22 In section 10(5)(a) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, for "section 14 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82 of the Sentencing Code ".

Commencement Information
I903 Sch. 24 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Children and Young Persons Act 1969 (c. 54)

23 In section 30(1) of the Children and Young Persons Act 1969, after "section 92 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 260 of the Sentencing Code ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I904 Sch. 24 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

24 (1) Section 32 of that Act is amended as follows.

(2) In subsection (1A)—

(a) in paragraph (a), for the words after "has been taken under" substitute " paragraph 4(2)(a) of Schedule 4, paragraph 7(2)(a) of Schedule 5 or paragraph 24(2)(a) of Schedule 7 to the Sentencing Code; or ";

(b) in paragraph (b)(i), for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of the Sentencing Code ";

(c) in paragraph (b)(ii), for the words after "has been remanded under" substitute " paragraph 5 of Schedule 4, paragraph 8 of Schedule 5 or paragraph 25 of Schedule 7 to the Sentencing Code; or ".

(3) In subsection (1C)—

(a) in paragraph (a), for the words after "made the arrangements under" substitute " paragraph 4(2)(a) of Schedule 4, paragraph 7(2)(a) of Schedule 5 or paragraph 24(2)(a) of Schedule 7 to the Sentencing Code; ";

(b) in paragraph (b), for "paragraph 17(5) of Schedule 1 to the Criminal Justice and Immigration Act 2008" substitute " paragraph 24(3)(b) of Schedule 6 to the Sentencing Code ";

(c) in paragraph (c), for the words after "designated under" substitute " paragraph 5 of Schedule 4, paragraph 8 of Schedule 5 or paragraph 25 of Schedule 7 to the Sentencing Code; ".

(4) In subsection (1D)(b), for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 191 of the Sentencing Code ".

(5) In subsection (1E)(b), for "paragraph 18(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008" substitute " paragraph 26(2)(b) of Schedule 6 to the Sentencing Code ".

Commencement Information
I905 Sch. 24 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

25 In section 70(1) of that Act—

(a) in the definition of "local authority residence requirement", for "the same meaning as in Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by paragraph 24 of Schedule 6 to the Sentencing Code ";

(b) in the definition of "youth rehabilitation order" and "youth rehabilitation order with fostering", for "the same meanings as in Part 1 of the Criminal Justice and Immigration Act 2008 (see section 1 of that Act)" substitute " the meanings given by sections 173 and 176 of the Sentencing Code ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I906 Sch. 24 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Administration of Justice Act 1970 (c. 31)

26 (1) Schedule 9 to the Administration of Justice Act 1970 is amended as follows.

(2) In paragraph 9A, for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ".

(3) In paragraph 10, for "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 2 of Part 7 of the Sentencing Code ".

(4) In paragraph 12, for "section 137 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 380 of the Sentencing Code ".

(5) In paragraph 12A, for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

Commencement Information
I907 Sch. 24 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Misuse of Drugs Act 1971 (c. 38)

27 (1) Section 4A of the Misuse of Drugs Act 1971 is amended as follows.

(2) In subsection (1)—

(a) for "This section applies" substitute " Subsections (2) to (8) apply ";

(b) in paragraph (a), after "court" insert " in Scotland or Northern Ireland ".

(3) After subsection (8) insert—

"(9) For the requirement for a court in England and Wales considering the seriousness of an offence under section 4(3) of this Act to treat certain matters as aggravating factors, see section 71 of the Sentencing Code."

Commencement Information
I908 Sch. 24 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Juries Act 1974 (c. 23)

28 (1) Schedule 1 to the Juries Act 1974 is amended as follows.

(2) In paragraph 6(d), after "under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003" insert " or section 254, 266 or 279 of the Sentencing Code ".

(3) In paragraph 7(b), after "section 177 of the Criminal Justice Act 2003" insert " or Chapter 2 of Part 9 of the Sentencing Code ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I909 Sch. 24 para. 28 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Consumer Credit Act 1974 (c. 39)

29 In section 119(2) of the Consumer Credit Act 1974, for "section 148 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 3 of Part 7 of the Sentencing Code ".

Commencement Information
I910 Sch. 24 para. 29 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Solicitors Act 1974 (c. 47)

30 In section 43(7) of the Solicitors Act 1974, for "section 14 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82 of the Sentencing Code ".

Commencement Information
I911 Sch. 24 para. 30 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Rehabilitation of Offenders Act 1974 (c. 53)

31 (1) Section 1 of the Rehabilitation of Offenders Act 1974 is amended as follows.

(2) In subsection (3)—

(a) in paragraph (za), after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of the Sentencing Code ";

(b) in paragraph (c), after "section 21A of the Prosecution of Offences Act 1985" insert " or section 46 of the Sentencing Code ".

(3) In subsection (4), for "section 14 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82 of the Sentencing Code ".

Commencement Information
I912 Sch. 24 para. 31 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

32 (1) Section 5 of that Act, as it extends to England and Wales, is amended as follows.

(2) In subsection (1)(d)—

(a) after "under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " , under section 250 or 259 of the Sentencing Code ";

(b) after "under section 91 of the said Act of 2000" insert " or section 250 of that Code ".

(3) In subsection (1)(f), after "228 of that Act" insert " or section 254, 266 or 279 of the Sentencing Code ".

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(4) In subsection (7)(e), after "section 104(3) of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or paragraph 3(2) of Schedule 12 to the Sentencing Code ".

(5) In subsection (8)—

(a) in paragraph (a) of the definition of "community or youth rehabilitation order", for "section 177 of the Criminal Justice Act 2003" substitute " Chapter 2 of Part 9 of the Sentencing Code ";

(b) in paragraph (c) of that definition, for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ";

(c) in paragraph (f) of the definition of "custodial sentence", for "section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 250 of the Sentencing Code ";

(d) in paragraph (g) of that definition, for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " within the meaning given by section 233 of the Sentencing Code ";

(e) in paragraph (e) of the definition of "relevant order", for "section 16 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 1 of Part 6 of the Sentencing Code ";

(f) in the words after paragraph (g) of that definition, after "section 73 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 2 of Part 6 of the Sentencing Code ".

Commencement Information

I913 Sch. 24 para. 32 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

33 (1) Section 5 of that Act, as it extends to Scotland, is amended—

(a) if section 18 of the Management of Offenders (Scotland) Act 2019 (asp 14) (the "2019 Act") does not come into force on or before **[**[F69]1 December 2020**]**, as set out in sub-paragraphs (2) and (3);

(b) if section 19 of the 2019 Act does not come into force on or before that date, as set out in sub-paragraphs (4) to (10).

(2) In subsection (1)(d)—

(a) after "under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " , under section 250 or 259 of the Sentencing Code ";

(b) after "under section 91 of the said Act of 2000" insert " or section 250 of that Code ".

(3) In subsection (1)(f), after "228 of that Act" insert " or section 254, 266 or 279 of the Sentencing Code ".

(4) In subsection (2), in Table B, in the fourth entry, after "under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 250 of the Sentencing Code ".

(5) In subsection (4A), after "section 177 of the Criminal Justice Act 2003" insert " or Chapter 2 of Part 9 of the Sentencing Code ".

(6) In subsection (4B)—

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(a) in the opening words, after "the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 1 of Part 6 of the Sentencing Code ";

(b) in paragraph (a)—

(i) after "section 23 of that Act" insert " or section 96 of that Code ";

(ii) after "section 24 of that Act" insert " or section 97 of that Code ".

(7) In subsection (4C)—

(a) in the opening words, after "paragraph 11 or 12 of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000" insert " or paragraph 15 of Schedule 4 to the Sentencing Code ";

(b) in paragraph (a)—

(i) after "section 23 of that Act" insert " or section 96 of that Code ";

(ii) after "section 24 of that Act" insert " or section 97 of that Code ".

(8) In subsection (5)(da), after "Part 1 of the Criminal Justice and Immigration Act 2008" insert " or Chapter 1 of Part 9 of the Sentencing Code ".

(9) In subsection (6A), after "section 100 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 233 of the Sentencing Code, ".

(10) In subsection (9)(b), after "section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 250 of the Sentencing Code ".

Textual Amendments

F69 Words in Sch. 24 para. 33(1)(a) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(7)(a)**

Commencement Information

I914 Sch. 24 para. 33 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

34 In section 7(2)(d) of that Act, for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

Commencement Information

I915 Sch. 24 para. 34 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Bail Act 1976 (c. 63)

35 In section 2(2) of the Bail Act 1976—

(a) in the definition of "custodial sentence", for "section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 222(1) of the Sentencing Code ";

(b) in the definition of "probation hostel", for "by a community order under section 177 of the Criminal Justice Act 2003" substitute " by a community order under Chapter 2 of Part 9 of the Sentencing Code ";

(c) in the definition of "sexual offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ";

(d) in the definition of "terrorism offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ";

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(e) in the definition of "violent offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ".

Commencement Information
I916 Sch. 24 para. 35 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

36 In section 4(3) of that Act—

(a) in paragraph (za), for "Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Schedule 4 to the Sentencing Code ";

(b) in paragraph (zb), for "Schedule 8 to that Act" substitute " Schedule 5 to that Code ";

(c) in paragraph (a), for "Schedule 2 to the Criminal Justice and Immigration Act 2008" substitute " Schedule 7 to that Code ";

(d) in paragraph (b), for "Schedule 8 to the Criminal Justice Act 2003" substitute " Schedule 10 to that Code ".

Commencement Information
I917 Sch. 24 para. 36 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

37 (1) Schedule 1 to that Act is amended as follows.

(2) In paragraph 6B(1)(b) of Part 1, for sub-paragraph (ii) substitute—

"(ii) under section 34A of the Sentencing Code (pre-sentence drug testing),".

(3) In paragraph 4 of Part 3, in the definition of "default", for "Schedule 8 to the Criminal Justice Act 2003" substitute " Schedule 10 to the Sentencing Code ".

Commencement Information
I918 Sch. 24 para. 37 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Law Act 1977 (c. 45)

38 In section 3(1) of the Criminal Law Act 1977, for "section 163 of the Criminal Justice Act 2003" substitute " section 120 of the Sentencing Code ".

Commencement Information
I919 Sch. 24 para. 38 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Interpretation Act 1978 (c. 30)

39 (1) Schedule 1 to the Interpretation Act 1978 is amended as follows.

(2) At the appropriate place insert—

""The Sentencing Code" means the code contained in the Sentencing Act 2020 (see section 1 of that Act)."

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(3) In paragraph (a) of the definition of "The standard scale", for "has the meaning given by section 37 of the Criminal Justice Act 1982" substitute " has the meaning given by section 122 of the Sentencing Code (or, in the case of an offence of which the offender was convicted before that Act came into force, section 37 of the Criminal Justice Act 1982) ".

Commencement Information
I920 Sch. 24 para. 39 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

40 In section 5(2)(a) of the Ancient Monuments and Archaeological Areas Act 1979, after "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 2 of Part 7 of the Sentencing Code ".

Commencement Information
I921 Sch. 24 para. 40 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

41 In section 29 of that Act, for "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 2 of Part 7 of the Sentencing Code ".

Commencement Information
I922 Sch. 24 para. 41 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)

42 In section 1(2)(b) of the Licensed Premises (Exclusion of Certain Persons) Act 1980, for "sections 12 and 14 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 79, 80 and 82 of the Sentencing Code ".

Commencement Information
I923 Sch. 24 para. 42 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Magistrates' Courts Act 1980 (c. 43)

43 In section 11(3) of the Magistrates' Courts Act 1980 ("the MCA 1980"), for "paragraph 8(2)(a) or (b) of Schedule 12 to the Criminal Justice Act 2003" substitute " paragraph 13(1)(a) or (b) of Schedule 16 to the Sentencing Code ".

Commencement Information
I924 Sch. 24 para. 43 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

44 In section 17A(4)(b) of the MCA 1980—

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(a) for "section 3 or (if applicable) 3A of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 14 or (if applicable) 15 of the Sentencing Code ";

(b) for "subsection (2)" substitute " subsection (1)(b) ".

Commencement Information
I925 Sch. 24 para. 44 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

45 In section 17D(2)(b) of the MCA 1980, for "sections 3 and 4 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 14 and 18 of the Sentencing Code ".

Commencement Information
I926 Sch. 24 para. 45 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

46 In section 20(2)(c) of the MCA 1980—

(a) for "section 3 or (if applicable) 3A of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 14 or (if applicable) 15 of the Sentencing Code ";

(b) for "subsection (2)" substitute " subsection (1)(b) ".

Commencement Information
I927 Sch. 24 para. 46 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

47 (1) Section 20A of the MCA 1980 is amended as follows.

(2) In subsection (2), for "sections 3A(4), 4(8) and 5(3) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 15(4), 18(8) and 21(6) of the Sentencing Code ".

(3) In subsection (6), for "the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " the meaning given by section 222 of the Sentencing Code ".

Commencement Information
I928 Sch. 24 para. 47 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

48 In section 24(3) of the MCA 1980, for "section 89(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 227(1) of the Sentencing Code ".

Commencement Information
I929 Sch. 24 para. 48 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

49 In section 24A(5)(b) of the MCA 1980—

(a) for "section 91(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 249(1)(a) or (b) of the Sentencing Code ";

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(b) for "under section 3B or (if applicable) 3C of that Act if the court is of such opinion as is mentioned in subsection (2) of the applicable section" substitute " under section 16 or 17 of that Act if the court is of such opinion as is mentioned in section 16(1)(c) or (if applicable) section 17(1)(b) ".

Commencement Information
I930 Sch. 24 para. 49 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

50 (1) Section 81 of the MCA 1980 is amended as follows.

(2) In subsection (1), for "section 89 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 227 of the Sentencing Code ".

(3) In subsection (8), in the definition of "sum adjudged to be paid by a conviction", for "an order under section 130 of the said Act of 2000 (compensation orders)" substitute " a compensation order (within the meaning given by section 133 of the Sentencing Code) ".

Commencement Information
I931 Sch. 24 para. 50 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

51 In section 82(1A) of the MCA 1980—

(a) in paragraph (a), for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ";

(b) in paragraph (b), for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of that Code ".

Commencement Information
I932 Sch. 24 para. 51 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

52 In section 85(3A)(b) of the MCA 1980, for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

Commencement Information
I933 Sch. 24 para. 52 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

53 In section 91(3) of the MCA 1980, for "section 140(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 132(1) of the Sentencing Code ".

Commencement Information
I934 Sch. 24 para. 53 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

54 (1) Section 108 of the MCA 1980 is amended as follows.

(2) In subsection (1A), for "Section 14 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Section 82 of the Sentencing Code ".

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(3) In subsection (4), for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

(4) In subsection (5), for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ".

Commencement Information
I935 Sch. 24 para. 54 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

55 In section 113(3) of the MCA 1980 as amended by the Sentencing (Pre-consolidation Amendments) Act 2020, for "section 3, 3A, 3B or 3C of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 14, 15, 16 or 17 of the Sentencing Code ".

Commencement Information
I936 Sch. 24 para. 55 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

56 In section 121(5A) of the MCA 1980—

(a) in paragraph (d), for "section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 2 of Part 7 of the Sentencing Code ";

(b) in paragraph (e), for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ";

(c) in paragraph (h), for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ".

Commencement Information
I937 Sch. 24 para. 56 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

57 In section 125D(3)(f) of the MCA 1980, for "Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Schedule 4 to the Sentencing Code ".

Commencement Information
I938 Sch. 24 para. 57 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

58 In section 126(f) of the MCA 1980, for "Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Schedule 4 to the Sentencing Code ".

Commencement Information
I939 Sch. 24 para. 58 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

59 In section 133(1) of the MCA 1980, for "section 265 of the Criminal Justice Act 2003" substitute " section 225 of the Sentencing Code ".

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Commencement Information
I940 Sch. 24 para. 59 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

60 In section 139(aa) of the MCA 1980, for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

Commencement Information
I941 Sch. 24 para. 60 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

61 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in paragraph (bb)(v) of Part 2, after "within the meaning of section 177 of the Criminal Justice Act 2003" insert " or imposed under Chapter 2 of Part 9 of the Sentencing Code ".

Commencement Information
I942 Sch. 24 para. 61 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Imprisonment (Temporary Provisions) Act 1980 (c. 57)

62 In section 6(1) of the Imprisonment (Temporary Provisions) Act 1980, for "section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 248(1) of the Sentencing Code ".

Commencement Information
I943 Sch. 24 para. 62 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Public Passenger Vehicles Act 1981 (c. 14)

63 In Schedule 3 to the Public Passenger Vehicles Act 1981, in paragraph 1(6), after "section 177 of the Criminal Justice Act 2003" insert " or Chapter 2 of Part 9 of the Sentencing Code ".

Commencement Information
I944 Sch. 24 para. 63 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Attempts Act 1981 (c. 47)

64 In section 4(5)(b) of the Criminal Attempts Act 1981, for sub-paragraph (ii) substitute—

"(ii) in section 224(1) and (2) (general limit on magistrates' court's powers to impose imprisonment etc) of the Sentencing Code."

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Commencement Information
I945 Sch. 24 para. 64 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Contempt of Court Act 1981 (c. 49)

65 In section 12(5) of the Contempt of Court Act 1981, for "Section 135 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Section 123 of the Sentencing Code ".

Commencement Information
I946 Sch. 24 para. 65 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

66 In section 16(3) of that Act, for "sections 139 and 140 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 130 to 132 of the Sentencing Code ".

Commencement Information
I947 Sch. 24 para. 66 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

67 In Schedule 1 to that Act, in paragraph 6, for "section 1 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 1 of Part 2 of the Sentencing Code ".

Commencement Information
I948 Sch. 24 para. 67 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Senior Courts Act 1981 (c. 54)

68 After section 52 of the Senior Courts Act 1981 insert—

"**52A Appeals to Crown Court: criminal courts charge**

The criminal courts charge duty (see section 46 of the Sentencing Code) applies to the Crown Court when dismissing an appeal by a person convicted of an offence against conviction or sentence for the offence."

Commencement Information
I949 Sch. 24 para. 68 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

69 (1) Section 140 of that Act is amended as follows.

(2) In subsection (3), for "sections 139 and 140 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 130 to 132 of the Sentencing Code ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(3) In subsection (5), for "sections 139 and 140 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 130 to 132 of the Sentencing Code ".

Commencement Information
I950 Sch. 24 para. 69 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 1982 (c. 48)

70 In section 32(1A) of the Criminal Justice Act 1982—

(a) in paragraph (d), after "under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003" insert " or under section 254, 266 or 279 of the Sentencing Code ";

(b) in paragraph (e), for "section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 248 of the Sentencing Code ".

Commencement Information
I951 Sch. 24 para. 70 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

71 In section 46(3) of that Act—

(a) for "an order under section 143 of the Magistrates' Courts Act 1980 alters the sums specified in section 37(2) above" substitute " regulations under paragraph 5 of Schedule 23 to the Sentencing Act 2020 alter the sums specified in section 122(1) of the Sentencing Code ";

(b) for "the order" substitute " the regulations ".

Commencement Information
I952 Sch. 24 para. 71 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

72 (1) Schedule 13 to that Act is amended as follows.

(2) In paragraph 7—

(a) in sub-paragraph (1), in sub-paragraph (b) of the substituted text—

(i) for "section 177 of the Criminal Justice Act 2003" substitute " Chapter 2 of Part 9 of the Sentencing Code ";

(ii) for "section 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of that Part ";

(b) in sub-paragraph (3)(b), for "Part 12 of the Criminal Justice Act 2003" substitute " Chapter 2 of Part 9 of the Sentencing Code ";

(c) in sub-paragraph (4)(b), for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of that Part 9 ".

(3) In paragraph 9—

(a) in sub-paragraph (3)(a), for "Part 12 of the Criminal Justice Act 2003 (so far as relating to such orders)" substitute " Chapter 2 of Part 9 of the Sentencing Code ";

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(b) in sub-paragraph (3)(aa), for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of that Part ";

(c) in sub-paragraph (6)(b)(i)—

(i) for "Part 12 of the Criminal Justice Act 2003" substitute " Chapter 2 of Part 9 of the Sentencing Code ";

(ii) for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

(4) In paragraph 10—

(a) in the definition of "community order", for "section 177 of the Criminal Justice Act 2003" substitute " Chapter 2 of Part 9 of the Sentencing Code ";

(b) in the definition of "youth rehabilitation order", for "section 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

Commencement Information

I953 Sch. 24 para. 72 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Mental Health Act 1983 (c. 20)

73 (1) Section 37 of the Mental Health Act 1983 is amended as follows.

(2) In subsection (1A), for the words from "imposed" to "nothing" substitute " imposed under section 258, 273, 274, 283 or 285 of the Sentencing Code or under Chapter 7 of Part 10 of that Code, nothing ".

(3) For subsection (1B) substitute—

"(1B) For the purposes of subsection (1A) above—

(a) a sentence falls to be imposed under section 258 of the Sentencing Code if the court is obliged by that section to pass a sentence of detention for life under section 250 of that Code;

(b) a sentence falls to be imposed under section 273 or 274 of that Code if the court is obliged by that section to pass a sentence of custody for life;

(c) a sentence falls to be imposed under section 283 or 285 of that Code if the court is obliged by that section to pass a sentence of imprisonment for life;

(d) a sentence falls to be imposed under Chapter 7 of Part 10 of that Code if it is required by section 311(2), 312(2), 313(2), 314(2) or 315(2) of that Code and the court is not of the opinion there mentioned."

(4) In subsection (8)(a)—

(a) for "the meaning of Part 12 of the Criminal Justice Act 2003" substitute " the meaning given by section 200 of the Sentencing Code ";

(b) for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of that Code ".

(5) In subsection (8)(b), for "the meaning of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " the meaning given by section 83 of that Code ".

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(6) In subsection (8)(c), for "section 150 of that Act" substitute " section 376 of that Code ".

Commencement Information
I954 Sch. 24 para. 73 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

74 In section 43(4) of that Act, for "section 3 or 3B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 14 or 16 of the Sentencing Code ".

Commencement Information
I955 Sch. 24 para. 74 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Child Abduction Act 1984 (c. 37)

75 In the Schedule to the Child Abduction Act 1984, in paragraph 2(1)—

(a) for paragraph (a) substitute—

"(a) detained in a place of safety under paragraph 4(2)(a) of Schedule 4, paragraph 7(2)(a) of Schedule 5 or paragraph 24(2)(a) of Schedule 7 to the Sentencing Code;";

(b) for paragraph (b) substitute—

"(b) remanded to local authority accommodation under paragraph 5 of Schedule 4, paragraph 8 of Schedule 5 or paragraph 25 of Schedule 7 to the Sentencing Code;".

Commencement Information
I956 Sch. 24 para. 75 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Police and Criminal Evidence Act 1984 (c. 60)

76 In section 17(1)(cb)(ii) of the Police and Criminal Evidence Act 1984, after "section 92 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 260 of the Sentencing Code ".

Commencement Information
I957 Sch. 24 para. 76 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

77 In section 38(6A) of that Act, in the definition of "sexual offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ".

Commencement Information
I958 Sch. 24 para. 77 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

78 In section 63A(3B) of that Act, after "section 92 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 260 of the Sentencing Code, ".

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Commencement Information
I959 Sch. 24 para. 78 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

79 In section 63K(6)(a) of that Act, after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 222 of the Sentencing Code ".

Commencement Information
I960 Sch. 24 para. 79 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

80 In section 75(3)(a) of that Act—

(a) after "section 14 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 82 of the Sentencing Code ";

(b) omit "probation or".

Commencement Information
I961 Sch. 24 para. 80 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Prosecution of Offences Act 1985 (c. 23)

81 In section 3(2) of the Prosecution of Offences Act 1985—

(a) in paragraph (fa), for "section 22 of the Anti-social Behaviour, Crime and Policing Act 2014" substitute " Chapter 1 of Part 11 of the Sentencing Code ";

(b) in paragraph (fb)—

(i) for "applications under section 27 of the Anti-social Behaviour, Crime and Policing Act 2014" substitute " applications under section 336 of the Sentencing Code ";

(ii) for "section 22 of that Act" substitute " Chapter 1 of Part 11 of that Code ".

Commencement Information
I962 Sch. 24 para. 81 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

82 In section 7A(5) of that Act, in the definition of "preventative civil orders"—

(a) in paragraph (b), for "section 5 or" substitute " section 360 of the Sentencing Code or section ";

(b) in paragraph (c), after "section 8 of the Crime and Disorder Act 1998" insert " or section 366 or 369 of the Sentencing Code ".

Commencement Information
I963 Sch. 24 para. 82 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

83 (1) Section 19(3C) of that Act is amended as follows.

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(2) For the definition of "community order" substitute—

""community order" has the meaning given by section 200 of the Sentencing Code;".

(3) In the definition of "mental health treatment requirement"—

(a) in paragraph (a), for "under section 207 of the Criminal Justice Act 2003" substitute " within the meaning given by paragraph 16 of Schedule 9 to the Sentencing Code ";

(b) in paragraph (b), for "under paragraph 20 of Schedule 1 to the Criminal Justice and Immigration Act 2008" substitute " within the meaning given by paragraph 28 of Schedule 6 to that Code ".

(4) In the definition of "youth rehabilitation order", for "the same meaning as in Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of the Sentencing Code ".

Commencement Information
I964 Sch. 24 para. 83 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Housing Act 1985 (c. 68)

84 In section 84A(5) of the Housing Act 1985, after "section 30 of the Anti-social Behaviour, Crime and Policing Act 2014" insert " or section 339 of the Sentencing Code ".

Commencement Information
I965 Sch. 24 para. 84 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

85 In Schedule 3 to that Act, under Ground 2A, in the definition of "relevant order", for "an order under section 22 of that Act" substitute " a criminal behaviour order within the meaning given by section 330 of the Sentencing Code ".

Commencement Information
I966 Sch. 24 para. 85 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Surrey Act 1985 (c. iii)

86 In section 2(1) of the Surrey Act 1985, in the definition of "the standard scale", for "section 37 (3) of the Criminal Justice Act 1982" substitute " section 122 of the Sentencing Code ".

Commencement Information
I967 Sch. 24 para. 86 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Clwyd County Council Act 1985 (c. xliv)

87 In section 2(1) of the Clwyd County Council Act 1985, in the definition of "the standard scale", for "section 37 of the Criminal Justice Act 1982" substitute " section 122 of the Sentencing Code ".

Commencement Information
I968 Sch. 24 para. 87 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Insolvency Act 1986 (c. 45)

88 In section 281(4A) of the Insolvency Act 1986, for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ".

Commencement Information
I969 Sch. 24 para. 88 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 1988 (c. 33)

89 (1) Section 36 of the Criminal Justice Act 1988 is amended as follows.

(2) In subsection (2), for paragraph (b) substitute—

"(b) failed to comply with a mandatory sentence requirement that applied as mentioned in section 399(b) or (c) of the Sentencing Code."

(3) In subsection (3A), for "an order under subsection (2) of section 269 of the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence)" substitute " a minimum term order made under section 321 of the Sentencing Code in respect of an offence the sentence for which is fixed by law ".

(4) In subsection (9)—

(a) for paragraphs (aa) to (ac) substitute—

"(aa) subsection (2)(b) shall have effect as if for the words after "failed to" there were substituted

"impose a sentence required by—

(i) Article 70(2) of the Firearms (Northern Ireland) Order 2004,

(ii) paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006,

(iii) Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008, or

(iv) section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;""

(b) in paragraph (c), for "an order specified in subsection (3B)" substitute " a minimum term order made under section 321 of the Sentencing Code ";

(c) omit paragraph (d) and the preceding "and".

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I970 Sch. 24 para. 89 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

90 In section 139 of that Act, after subsection (6) insert—

"(6ZA) See section 315 of the Sentencing Code for provision about the sentence which a court in England and Wales may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section."

Commencement Information
I971 Sch. 24 para. 90 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

91 In section 139A of that Act, before subsection (6) insert—

"(5ZB) See section 315 of the Sentencing Code for provision about the sentence which a court in England and Wales may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section."

Commencement Information
I972 Sch. 24 para. 91 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

92 In section 139AA of that Act, after subsection (6) insert—

"(6A) For provision about the sentence which the court may be required to impose where a person aged 16 or over is convicted of an offence under this section, see section 312 of the Sentencing Code."

Commencement Information
I973 Sch. 24 para. 92 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

93 In section 159(1)(aa) of that Act, after "by the Crown Court under" insert " section 39(7) or (8) of the Sentencing Code or ".

Commencement Information
I974 Sch. 24 para. 93 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Firearms (Amendment) Act 1988 (c. 45)

94 (1) Section 1 of the Firearms (Amendment) Act 1988 is amended as follows.

(2) In subsection (4A)(bb), for "subsection (1A)(a) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " paragraph 1 of Schedule 20 to the Sentencing Code ".

(3) After subsection (4A) insert—

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"(4B) An order under subsection (4) which, by virtue of subsection (4A)(bb), amends paragraph 1 of Schedule 20 to the Sentencing Code may also—

(a) provide for section 311 to apply with modifications or exceptions, or

(b) provide for section 249 not to apply,

in relation to any provision added by the order to section 5(1) of the principal Act."

Commencement Information
I975 Sch. 24 para. 94 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Copyright, Designs and Patents Act 1988 (c. 48)

95 In section 108(6) of the Copyright, Designs and Patents Act 1988, for "section 143 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 153 of the Sentencing Code ".

Commencement Information
I976 Sch. 24 para. 95 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

96 In section 199(6) of that Act, for "section 143 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 153 of the Sentencing Code ".

Commencement Information
I977 Sch. 24 para. 96 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Housing Act 1988 (c. 50)

97 In Schedule 2 to the Housing Act 1988, under Condition 3 of Ground 7A, after "section 30 of the Anti-social Behaviour, Crime and Policing Act 2014" insert or " section 339 of the Sentencing Code ".

Commencement Information
I978 Sch. 24 para. 97 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Road Traffic Act 1988 (c. 52)

98 In section 164(5) of the Road Traffic Act 1988, for "section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 168 of the Sentencing Code ".

Commencement Information
I979 Sch. 24 para. 98 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Road Traffic Offenders Act 1988 (c. 53)

99 (1) Section 26 of the Road Traffic Offenders Act 1988 is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for "section 6 of the Powers of Criminal Courts (Sentencing) Act 2000 or any enactment mentioned in subsection (4) of that section" substitute " section 20 of the Sentencing Code or any enactment mentioned in subsection (1) of that section ";

(b) in paragraph (b), for "section 10 of that Act" substitute " section 28 of that Code ".

(3) In subsection (2)(a), for "section 1" substitute " Chapter 1 of Part 2 ".

Commencement Information
I980 Sch. 24 para. 99 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

100 (1) Section 34 of that Act is amended as follows.

(2) In subsection (4A), after "or section 147 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 164 of the Sentencing Code ".

(3) In subsection (4AA), in paragraph (c) insert at the end " or section 166 of the Sentencing Code ".

Commencement Information
I981 Sch. 24 para. 100 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

101 (1) Section 35 of that Act is amended as follows.

(2) In subsection (2A), in paragraph (c) insert at the end " or section 166 of the Sentencing Code ".

(3) In subsection (5), after "or section 147 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 164 of the Sentencing Code ".

Commencement Information
I982 Sch. 24 para. 101 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

102 (1) Section 35A of that Act is amended as follows.

(2) In subsection (4)—

(a) in paragraph (a), for "section 82A(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (life sentence: determination of tariffs)" substitute " section 321(2) of the Sentencing Code (life sentence: minimum term order) ";

(b) in paragraph (b), for "under section 100 of that Act" substitute " within the meaning given by section 233 of that Code ";

(c) in paragraph (e)—

(i) for "section 226A of the Criminal Justice Act 2003" substitute " section 266 or 279 of that Code ";

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(ii) for "section 226A(5)(a) of that Act" substitute " section 266(a) or 279(a) of that Code ";

(d) in paragraph (f)—

(i) for "section 226B of that Act" substitute " section 254 of that Code ";

(ii) for "section 226B(3)(a) of that Act" substitute " section 254(a) of that Code ";

(e) in paragraph (fa)—

(i) for "section 236A of that Act" substitute " section 265 or 278 of that Code ";

(ii) for "section 236A(2)(a) of that Act" substitute " section 265(2)(a) or 278(2)(a) of that Code ";

(f) omit paragraph (g).

(3) In subsection (7)—

(a) at the end of paragraph (a) insert " or ";

(b) for paragraphs (b) and (c) substitute—

"(b) the court has made a whole life order under section 321(3) of the Sentencing Code in relation to the custodial sentence."

(4) In subsection (11)—

(a) in the definition of "custodial sentence", for "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 222 of the Sentencing Code ";

(b) in the definition of "suspended sentence", for "section 189 of the Criminal Justice Act 2003" substitute " section 286 of the Sentencing Code ".

Commencement Information
I983 Sch. 24 para. 102 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

103 In section 37(1B) of that Act, in paragraph (c) insert at the end " or section 166 of the Sentencing Code ".

Commencement Information
I984 Sch. 24 para. 103 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

104 In section 42(3B) of that Act, in paragraph (c) insert at the end " or section 166 of the Sentencing Code ".

Commencement Information
I985 Sch. 24 para. 104 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

105 (1) Section 46 of that Act is amended as follows.

(2) In subsection (1), for "section 14(3) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82(4) of the Sentencing Code ".

(3) In subsection (2), for "section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82(2) of the Sentencing Code ".

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Commencement Information
I986 Sch. 24 para. 105 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

106 In section 47(2ZA) of that Act, for paragraph (c) substitute—

"(c) section 166 of the Sentencing Code."

Commencement Information
I987 Sch. 24 para. 106 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Football Spectators Act 1989 (c. 37)

107 In section 14A(5) of the Football Spectators Act 1989, for "sections 12 and 14 of the Powers of the Criminal Courts (Sentencing) Act 2000" substitute " sections 79, 80 and 82 of the Sentencing Code ".

Commencement Information
I988 Sch. 24 para. 107 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Children Act 1989 (c. 41)

108 (1) Section 21 of the Children Act 1989 is amended as follows.

(2) In subsection (2)(c)—

(a) in sub-paragraph (ia), for "paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " paragraph 5 of Schedule 4 or paragraph 7 of Schedule 5 to the Sentencing Code ";

(b) in sub-paragraph (ii), for "paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008" substitute " paragraph 25 of Schedule 7 to that Code ".

(3) For subsection (2A) substitute—

"(2A) In subsection (2)(c)(iii)—

"local authority residence requirement" has the meaning given by paragraph 24 of Schedule 6 to the Sentencing Code;

"youth rehabilitation order" has the meaning given by section 173 of that Code;

"youth rehabilitation order with fostering" has the meaning given by section 176 of that Code."

Commencement Information
I989 Sch. 24 para. 108 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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109 In section 31(7)(b)(ii) of that Act, for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of the Sentencing Code ".

Commencement Information
I990 Sch. 24 para. 109 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

110 In section 104 of that Act—

(a) in subsection (3A), after "(3BA)" insert " , (3BB) ".

(b) after subsection (3BA) insert—

"(3BB) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by paragraph 3B(4) of Schedule A1."

Commencement Information
I991 Sch. 24 para. 110 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

111 In section 105(6)(ba) of that Act, for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

Commencement Information
I992 Sch. 24 para. 111 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

112 (1) Schedule A1 to that Act is amended as follows.

(2) For Part 1 substitute—

"**PART 1**

UNPAID WORK REQUIREMENT

The responsible officer etc

1 (1) For the purposes of this Part of this Schedule—

"the responsible officer", in relation to a relevant person, means the person who is for the time being responsible for discharging the functions conferred by this Part of this Schedule on the responsible officer in accordance with arrangements made by the Secretary of State;

"relevant person", in relation to an enforcement order, means a person subject to the order.

(2) The responsible officer must be an officer of a provider of probation services.

Obligations of responsible officer

2 (1) This paragraph applies where an enforcement order is in force.

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(2) The responsible officer must—

(a) make any arrangements that are necessary in connection with the requirements imposed by the order, and

(b) promote the relevant person's compliance with those requirements.

(3) Sub-paragraph (4) applies where—

(a) an enforcement order is in force, and

(b) an officer of the Children and Family Court Advisory and Support Service or a Welsh family proceedings officer (as defined in section 35 of the Children Act 2004) is required under section 11M to report on matters relating to the order.

(4) The officer of the Service or the Welsh family proceedings officer ("the family officer") may request the responsible officer to report to the family officer on such matters relating to the order as the family officer may require for the purpose of making a report under section 11M(1)(c) or (d); and it shall be the duty of the responsible officer to comply with such a request.

Enforcement order to specify relevant person's home local justice area

3 (1) An enforcement order must specify which local justice area is the relevant person's home local justice area.

(2) The area specified must be the local justice area in which the relevant person resides or will reside.

Requirement and obligation of relevant person

3A (1) In this Part of this Schedule "unpaid work requirement", in relation to an enforcement order, means a requirement that the relevant person must perform unpaid work in accordance with the instructions of the responsible officer as to—

(a) the work to be performed, and

(b) the times, during a period of 12 months, at which the person is to perform it.

(2) Sub-paragraph (1)(b) is subject to paragraphs 7 and 9.

(3) But the period of 12 months is not to run while the enforcement order is suspended under section 11J(9).

Number of hours of unpaid work to be specified in order

3B (1) The number of hours which a person may be required to work under an unpaid work requirement—

(a) must be specified in the relevant order, and

(b) must, in aggregate, be—

(i) not less than 40, and

(ii) not more than 200.

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(2) Sub-paragraph (3) applies where on the same occasion and in relation to the same person the court makes more than one enforcement order imposing an unpaid work requirement.

(3) The court may direct that the hours of work specified in any of those requirements is to be—

(a) concurrent with, or

(b) additional to,

those specified in any other of those orders.

But the total number of hours which are not concurrent must not exceed the maximum number (see sub-paragraph (1)(b)(ii)).

(4) The Secretary of State may by regulations substitute the maximum number of hours for the time being specified in sub-paragraph (1)(b).

Duty to keep in touch with responsible officer

3C (1) This paragraph applies where an enforcement order is in force.

(2) The relevant person—

(a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the relevant person from time to time, and

(b) must notify the responsible officer of any change of address.

(3) An obligation imposed by sub-paragraph (2) is enforceable as if it were a requirement of the enforcement order.

Rules relating to enforcement orders

3D The power of the Secretary of State to make rules under section 394 of the Sentencing Code in relation to persons subject to community orders or suspended sentence orders may also be exercised in relation to persons subject to enforcement orders."

(3) In paragraph 6(2), for "section 199(2)(a) of the Criminal Justice Act 2003" substitute " paragraph 3B(1)(b)(i) ".

(4) In paragraph 7(2), for "section 200(2) of the Criminal Justice Act 2003 (as substituted by paragraph 3)" substitute " paragraph 3A(1)(b) ".

(5) In paragraph 8(8), "the same meaning as in section 197 of the Criminal Justice Act 2003 (as modified by paragraph 2)" substitute " the meaning given by paragraph 1 ".

(6) In paragraph 9(9)—

(a) for "section 199(2)(b) of the Criminal Justice Act 2003, as substituted by paragraph 3" substitute " paragraph 3B(1)(b)(ii) ";

(b) for "section 200(2) of the Criminal Justice Act 2003 (as substituted by paragraph 3)" substitute " paragraph 3A(1)(b) ".

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Commencement Information
I993 Sch. 24 para. 112 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

113 In Schedule 2 to that Act, in paragraph 21(7), at the end of paragraph (c) insert " or section 260 of the Sentencing Code ".

Commencement Information
I994 Sch. 24 para. 113 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

114 (1) Schedule 3 to that Act is amended as follows.

(2) In paragraph 13(2)(c), for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

(3) In paragraph 14(1), for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of the Sentencing Code ".

Commencement Information
I995 Sch. 24 para. 114 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

115 In Schedule 8 to that Act, in paragraph 3(a), for "section 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

Commencement Information
I996 Sch. 24 para. 115 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Environmental Protection Act 1990 (c. 43)

116 (1) Section 33B of the Environmental Protection Act 1990 is amended as follows.

(2) In subsection (2), for "section 130(1)(a) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 133(a) of the Sentencing Code ".

(3) In subsection (5), for "the reference in section 131(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " a reference in section 139(2) or (3) of the Sentencing Code ".

Commencement Information
I997 Sch. 24 para. 116 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

117 In section 33C(8) of that Act, for "section 143 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 153 of the Sentencing Code ".

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Commencement Information
I998 Sch. 24 para. 117 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

118 In section 59(8A), for "a compensation order has been made under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " a compensation order (within the meaning given by section 133 of the Sentencing Code) has been made ".

Commencement Information
I999 Sch. 24 para. 118 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

119 In section 59ZB(10), for "a compensation order has been made under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " a compensation order (within the meaning given by section 133 of the Sentencing Code) has been made ".

Commencement Information
I1000 Sch. 24 para. 119 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 1991 (c. 53)

120 (1) Section 24 of the Criminal Justice Act 1991 is amended as follows.

(2) In subsection (3)(a), for "section 140 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 132 of the Sentencing Code ".

(3) In subsection (3A), for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

(4) In subsection (4), in paragraph (ba) of the definition of "fine", for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ".

Commencement Information
I1001 Sch. 24 para. 120 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

121 (1) In Schedule 3 to that Act, paragraph 11 is amended as follows.

(2) In sub-paragraph (2)(b), for "Part 12 of the Criminal Justice Act 2003 (so far as relating to such orders)" substitute " Chapter 2 of Part 9 of the Sentencing Code ".

(3) In sub-paragraph (2A)(b), for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

(4) In sub-paragraph (4)—

(a) for "paragraph 9(1)(b) or (c) or 13(2) of Schedule 8 to the Criminal Justice Act 2003" substitute " paragraph 10(5)(c) or (d) or 14(5) of Schedule 10 to the Sentencing Code ";

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(b) for "paragraph 6(2)(c) or 11(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008" substitute " paragraph 6(5)(c) or 12(5) of Schedule 7 to that Code ".

(5) In sub-paragraph (5)—

(a) for "Part 12 of the Criminal Justice Act 2003" substitute " Chapter 2 of Part 9 of the Sentencing Code ";

(b) for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of that Part ";

(c) in paragraph (a), for "that Act" substitute " that Part ".

(6) In sub-paragraph (8)—

(a) for the definition of "community order" substitute—

""community order" has the meaning given by section 200 of the Sentencing Code;";

(b) for the definition of "youth rehabilitation order" substitute—

""youth rehabilitation order" has the meaning given by section 173 of the Sentencing Code."

Commencement Information
I1002 Sch. 24 para. 121 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Social Security Administration Act 1992 (c. 5)

122 In section 121(2) of the Social Security Administration Act 1992, for "section 12 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 79 or 80 of the Sentencing Code ".

Commencement Information
I1003 Sch. 24 para. 122 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Aggravated Vehicle-Taking Act 1992 (c. 11)

123 In section 1(2)(a) of the Aggravated Vehicle-Taking Act 1992, for "section 163 of the Criminal Justice Act 2003" substitute " section 120 of the Sentencing Code ".

Commencement Information
I1004 Sch. 24 para. 123 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

124 In section 1AB(2) of the Prisoners and Criminal Proceedings (Scotland) Act 1993—

(a) in paragraph (b)—

(i) after "section 31" insert " of the Counter-Terrorism Act 2008 ";

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(ii) for "the Counter-Terrorism Act 2008" substitute " that Act or section 69 of the Sentencing Code ";

(b) in paragraph (c), after "that Act" insert " or section 69 of that Code (as applied by section 238(6) of the Armed Forces Act 2006) ".

Commencement Information
I1005 Sch. 24 para. 124 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

125 (1) Section 10 of that Act is amended as follows.

(2) In subsection (1), at the end of paragraph (a) insert "or

(iv) a minimum term order made under section 321 of the Sentencing Code applies;".

(3) In subsection (5)(b), after "the Criminal Justice Act 2003," insert " section 321(2) of the Sentencing Code or ".

Commencement Information
I1006 Sch. 24 para. 125 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Vehicle Excise and Registration Act 1994 (c. 22)

126 In section 32(1)(a) of the Vehicle Excise and Registration Act 1994, for "section 12 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 79 or 80 of the Sentencing Code ".

Commencement Information
I1007 Sch. 24 para. 126 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

127 In section 41(1)(a) of that Act, for "section 12 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 79 or 80 of the Sentencing Code ".

Commencement Information
I1008 Sch. 24 para. 127 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice and Public Order Act 1994 (c. 33)

128 In section 15 of the Criminal Justice and Public Order Act 1994, in the definition of "youth detention accommodation", for "section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000)" substitute " section 248(1) of the Sentencing Code ".

Commencement Information
I1009 Sch. 24 para. 128 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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129 In section 25(5) of that Act, in paragraph (a) of the definition of "the relevant enactments", after "section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 250 of the Sentencing Code ".

Commencement Information
I1010 Sch. 24 para. 129 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

130 In section 136(7A) of that Act—

(a) for "Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Schedule 4 to the Sentencing Code ";

(b) for "Schedule 2 to the Criminal Justice and Immigration Act 2008" substitute " Schedule 7 to that Code ".

Commencement Information
I1011 Sch. 24 para. 130 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)

131 In Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995, in paragraph 3(3)(b), after "under section 177 of the Criminal Justice Act 2003" insert " or Chapter 2 of Part 9 of the Sentencing Code ".

Commencement Information
I1012 Sch. 24 para. 131 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Procedure (Scotland) Act 1995 (c. 46)

132 In section 222(8) of the Criminal Procedure (Scotland) Act 1995, for "section 139 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 129 of the Sentencing Code ".

Commencement Information
I1013 Sch. 24 para. 132 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

133 (1) Schedule 13 to that Act is amended as follows.

(2) In paragraph 5(3), for "an order made by the Secretary of State by virtue of section 215(3) of the 2003 Act" substitute " regulations made by the Secretary of State by virtue of paragraph 31(2) of Schedule 9 to the Sentencing Code ".

(3) In paragraph 7(1)—

(a) omit the definitions of "the 2003 Act" and "the 2008 Act";

(b) in paragraph (a) of the definition of "corresponding order", for "the meaning of Part 1 of the 2008 Act" substitute " the meaning given by section 173 of the Sentencing Code ";

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(c) in paragraph (b) of that definition, for "the meaning of Part 12 of the 2003 Act" substitute " the meaning given by section 200 of that Code ";

(d) in paragraph (a) of the definition of "relevant area" omit "(within the meaning given by section 7(1) of the 2008 Act)";

(e) in paragraph (a) of the definition of "relevant service", for "a youth offending team within the meaning given by section 7(1) of the 2008 Act" substitute " a team established under section 39 of the Crime and Disorder Act 1998 (youth offending teams) ";

(f) in paragraph (a) of the definition of "responsible officer", for "section 4 of the 2008 Act" substitute " section 191 of the Sentencing Code ";

(g) in paragraph (b) of that definition, for "section 197 of the 2003 Act" substitute " section 213 of that Code ".

(4) After sub-paragraph (1) of paragraph 7 insert—

"(1A) For the purposes of the definition of "relevant area" in sub-paragraph (1), "local authority" means—

(a) in relation to England—

(i) a county council,

(ii) a district council whose district does not form part of an area that has a county council,

(iii) a London borough council, or

(iv) the Common Council of the City of London in its capacity as a local authority, and

(b) in relation to Wales—

(i) a county council, or

(ii) a county borough council."

Commencement Information
I1014 Sch. 24 para. 133 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

London Local Authorities Act 1995 (c. x)

134 In section 26(1) of the London Local Authorities Act 1995, for "section 143 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 153 of the Sentencing Code ".

Commencement Information
I1015 Sch. 24 para. 134 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Procedure and Investigations Act 1996 (c. 25)

135 In the Criminal Procedure and Investigations Act 1996, in the italic heading before section 58, at the end insert " (Northern Ireland) ".

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Commencement Information
I1016 Sch. 24 para. 135 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

136 (1) Section 58 of that Act is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), after "a court" insert " in Northern Ireland ";

(b) omit paragraph (b) and the preceding "or".

(3) In subsection (2), in paragraphs (a) and (b), after "a court" insert " in Northern Ireland ".

(4) In subsection (9) omit paragraph (b).

Commencement Information
I1017 Sch. 24 para. 136 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

137 In section 59(1) of that Act, in paragraphs (a) and (b), for "Great Britain" substitute " Northern Ireland ".

Commencement Information
I1018 Sch. 24 para. 137 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

138 In section 79 of that Act, after subsection (3) insert—

"(3A) Sections 58 to 60 and section 61(1) to (3) extend only to Northern Ireland."

Commencement Information
I1019 Sch. 24 para. 138 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

139 Omit sections 58 to 60 and section 61(1) to (3) of that Act except so far as they extend to Northern Ireland.

Commencement Information
I1020 Sch. 24 para. 139 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

140 In Schedule 4 to that Act omit paragraphs 23 and 24.

Commencement Information
I1021 Sch. 24 para. 140 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Housing Act 1996 (c. 52)

141 In section 179(5) of the Housing Act 1996, in paragraph (g) of the definition of "youth detention accommodation", for "by order under section 107(1)(e) of the

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Powers of Criminal Courts (Sentencing) Act 2000)" substitute " by regulations under section 248(1)(f) of the Sentencing Code ".

Commencement Information
I1022 Sch. 24 para. 141 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Education Act 1996 (c. 56)

142 (1) Section 562 of the Education Act 1996 is amended as follows.

(2) In subsection (1A)(b)(i), for "section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000)" substitute " section 248(1) of the Sentencing Code ".

(3) In subsection (2)(b), for "section 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

Commencement Information
I1023 Sch. 24 para. 142 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Social Security (Recovery of Benefits) Act 1997 (c. 27)

143 In Schedule 1 to the Social Security (Recovery of Benefits) Act 1997, in paragraph 2, after "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000," insert " or Chapter 2 of Part 7 of the Sentencing Code, ".

Commencement Information
I1024 Sch. 24 para. 143 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Protection from Harassment Act 1997 (c. 40)

144 In section 5A of the Protection from Harassment Act 1997, for subsection (2) substitute—

"(2) The order may have effect for a specified period or until further order.

(2A) In proceedings under this section both the prosecution and the defence may lead, as further evidence, any evidence that would be admissible in proceedings for an injunction under section 3.

(2B) The prosecutor, the defendant or any other person mentioned in the order may apply to the court that made the order for it to be varied or discharged by a further order.

(2C) Any person mentioned in the order is entitled to be heard on the hearing of an application under subsection (2B).

(2D) It is an offence for the defendant, without reasonable excuse, to do anything that the defendant is prohibited from doing by an order under this section.

(2E) A person guilty of an offence under this section is liable—

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(a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, or a fine, or both.

(2F) A court dealing with a person for an offence under this section may vary or discharge the order in question by a further order."

Commencement Information
I1025 Sch. 24 para. 144 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Crime (Sentences) Act 1997 (c. 43)

145 In section 28(8A) of the Crime (Sentences) Act 1997, at the end insert ", or

(c) subsection (2) of section 321 of the Sentencing Code (life sentence: minimum term order etc)."

Commencement Information
I1026 Sch. 24 para. 145 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

146 In section 34(2) of that Act—

(a) in paragraph (b), after "under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 250 or 259 of the Sentencing Code ";

(b) in paragraph (c), for the words after "custody for life" substitute " under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000, under section 272 or 275 of the Sentencing Code (including a sentence passed as a result of section 217 of the Armed Forces Act 2006) or under section 210A of the Armed Forces Act 2006 ".

Commencement Information
I1027 Sch. 24 para. 146 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

147 In section 35(1)(b) of that Act, for "section 89 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 227 of the Sentencing Code ".

Commencement Information
I1028 Sch. 24 para. 147 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

148 In section 40(1)(b) of that Act, for "section 89 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 227 of the Sentencing Code ".

Commencement Information
I1029 Sch. 24 para. 148 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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149 (1) Schedule 1 to that Act is amended as follows.

(2) In paragraph 6(3)(aa), for "section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 242(2)(b) of the Sentencing Code ".

(3) In paragraph 8—

(a) in sub-paragraph (2)(a), for "sections 102 to 104 and 106B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 241, 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code ";

(b) in sub-paragraph (4)(a), for "sections 103 and 104 and 106B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code ";

(c) in sub-paragraph (6)—

(i) for "sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 241 and 242 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code ";

(ii) in paragraph (b) omit "except in section 103(2),";

(iii) in paragraph (e), for "section 103" substitute " section 242 ";

(iv) omit paragraph (ea);

(v) in paragraph (f), for "in section 103(3), for paragraph (c)" substitute " in section 242(2)(a), for sub-paragraph (ii) ";

(vi) in paragraph (fa), for "section 103(4)" substitute " section 242(6) ";

(vii) in paragraph (g), for "section 103(5)" substitute " section 242(7) ";

(viii) in paragraph (h), for "in section 104, for subsection (1)" substitute " in paragraph 2 of Schedule 12, for sub-paragraphs (1) and (2) ";

(ix) in the substituted text set out in paragraph (h), for " section 103(6)(b) " substitute "section 242(4)(b)";

(x) for paragraph (i) substitute—

"(i) paragraph 2(3) of Schedule 12 were omitted,";

(xi) in paragraph (j), for "section 104(6)" substitute " paragraph 3(11) of that Schedule ";

(xii) at the end of that paragraph insert " , and ";

(xiii) after that paragraph insert—

"(k) paragraph 3(12)(a)(ii) and (b)(ii) of that Schedule were omitted.";

(d) in sub-paragraph (8)(c), for "section 106B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 247 of the Sentencing Code ";

(e) in sub-paragraph (9), for paragraph (c) substitute—

"(c) section 247 of the Sentencing Code.";

(f) in sub-paragraph (12), for "section 106B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 247 of the Sentencing Code ".

(4) In paragraph 9—

(a) in sub-paragraph (2)(a), for "sections 102 to 104 and 106B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 241, 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code ";

(b) in sub-paragraph (4)(a), for "sections 103 and 104 and 106B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " sections 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code ";

(c) in sub-paragraph (10), for paragraph (b) substitute—

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"(b) section 247 of the Sentencing Code."

(5) In paragraph 20(1)—

(a) in the definition of "prison", for "section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 248(1) of the Sentencing Code ";

(b) in the definition of "sentence of imprisonment", after "section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000)" insert " or section 272 or 275 of the Sentencing Code ";

(c) in paragraph (d) of the definition of "supervision", for "section 106B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 247 of the Sentencing Code ".

Commencement Information
I1030 Sch. 24 para. 149 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Police Act 1997 (c. 50)

150 In section 113CA(2)(fa) of the Police Act 1997—

(a) after "under section 103A of the Sexual Offences Act 2003" insert " or Chapter 2 of Part 11 of the Sentencing Code ";

(b) in sub-paragraph (iii), for "of that Act" substitute " of the Sexual Offences Act 2003 or section 347(2) or 348(1) of the Sentencing Code ";

(c) in sub-paragraph (iv), for "of that Act" substitute " of the Sexual Offences Act 2003 or section 350(6) of the Sentencing Code ".

Commencement Information
I1031 Sch. 24 para. 150 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

151 In section 113CB(2)(fa) of that Act—

(a) after "under section 103A of the Sexual Offences Act 2003" insert " or Chapter 2 of Part 11 of the Sentencing Code ";

(b) in sub-paragraph (iii), for "of that Act" substitute " of the Sexual Offences Act 2003 or section 347(2) or 348(1) of the Sentencing Code ";

(c) in sub-paragraph (iv), for "of that Act" substitute " of the Sexual Offences Act 2003 or section 350(6) of the Sentencing Code ".

Commencement Information
I1032 Sch. 24 para. 151 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Crime and Disorder Act 1998 (c. 37)

152 (1) Section 8 of the Crime and Disorder Act 1998 ("the CDA 1998") is amended as follows.

(2) In subsection (1)—

(a) at the end of paragraph (aa), insert " or ";

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(b) in paragraph (b), for ", an order is made under section 22 of that Act or a" substitute " or a criminal behaviour order or ".

(3) For subsection (9) substitute—

"(9) In this section—

"criminal behaviour order" has the meaning given by section 330 of the Sentencing Code;

"sexual harm prevention order" means an order under section 103A of the Sexual Offences Act 2003 or Chapter 2 of Part 11 of the Sentencing Code."

Commencement Information
I1033 Sch. 24 para. 152 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

153 (1) Section 9 of the CDA 1998 is amended as follows.

(2) In subsection (1B), for "an order is made under section 22 of that Act" substitute " a criminal behaviour order ".

(3) After subsection (7) insert—

"(7ZA) In this section "criminal behaviour order" has the meaning given by section 330 of the Sentencing Code."

Commencement Information
I1034 Sch. 24 para. 153 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

154 In section 38(4) of the CDA 1998—

(a) in paragraph (fa), for "(within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008)" substitute " under Chapter 1 of Part 9 of the Sentencing Code ";

(b) in paragraph (fb), for "that Part", in both places, substitute " that Chapter ".

(c) in paragraph (ha), for "section 106B of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 247 of the Sentencing Code ";

(d) in paragraph (i), after "section 226, 226B or 228 of the Criminal Justice Act 2003" insert " , section 250, 254 or 259 of the Sentencing Code ";

(e) in paragraph (ib), after "section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " , section 250 of the Sentencing Code ";

(f) in paragraph (j), for "section 102 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 241 of the Sentencing Code ";

(g) in paragraph (k), for "the meaning of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " the meaning given by section 83(1) of the Sentencing Code ".

Commencement Information
I1035 Sch. 24 para. 154 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

155 (1) Section 41(5) of the CDA 1998 is amended as follows.

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(2) In paragraph (i)(i)—

(a) for "section 107 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 248 of the Sentencing Code ";

(b) for "that Act or" substitute " the Powers of Criminal Courts (Sentencing) Act 2000, detention and training orders within the meaning given by section 233 of the Sentencing Code, orders under paragraph 3(2)(a) or 7(2) of Schedule 12 to that Code or orders under ".

(3) In paragraph (i)(ii), after "sentenced under" insert " section 250, 254 or 259 of the Sentencing Code, ".

(4) In paragraph (j)(i)—

(a) for "section 107 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 248 of the Sentencing Code ";

(b) after "a determination under" insert " section 241(1) of that Code, paragraph 3(2)(a) or 7(2) of Schedule 12 to that Code, ";

(c) for "that Act" substitute " the Powers of Criminal Courts (Sentencing) Act 2000 ".

(5) In paragraph (j)(ii), after "a direction by the Secretary of State under" insert " section 260 of the Sentencing Code or ".

(6) In paragraph (ja), for "section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 248(1) of the Sentencing Code ".

Commencement Information
I1036 Sch. 24 para. 155 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

156 (1) Section 51A of the CDA 1998 is amended as follows.

(2) In subsection (3)(b)—

(a) for "subsection (1) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 249(1)(a) or (b) of the Sentencing Code ";

(b) for "subsection (3) of that section" substitute " section 251(2) of that Code ".

(3) In subsection (3)(d)—

(a) for "of section 224 of the Criminal Justice Act 2003" substitute " given by section 306 of the Sentencing Code ";

(b) for "the criteria for the imposition of a sentence under section 226B of that Act" substitute " the criteria in section 255(1) of that Code for the imposition of an extended sentence of detention ".

(4) In subsection (12)(b), for "section 51A(1) of the Firearms Act 1968" substitute " section 311(1) of the Sentencing Code ".

Commencement Information
I1037 Sch. 24 para. 156 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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157 In section 66ZB(6)(a) of the CDA 1998, for "section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 80 of the Sentencing Code ".

Commencement Information
I1038 Sch. 24 para. 157 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

158 In section 66F(a) of the CDA 1998, for "section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 80 of the Sentencing Code ".

Commencement Information
I1039 Sch. 24 para. 158 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

159 In section 117(1) of the CDA 1998, in the definition of "custodial sentence", for "the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000" substitute " the meaning given by section 222 of the Sentencing Code ".

Commencement Information
I1040 Sch. 24 para. 159 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

160 (1) Schedule 3 to the CDA 1998 is amended as follows.

(2) In paragraph (b) of paragraph 10(2) as it has effect without the amendment made by paragraph 20(10)(a) of Schedule 3 to the Criminal Justice Act 2003—

(a) for "section 3 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 14 of the Sentencing Code ";

(b) for "subsection (2)" substitute " subsection (1)(b) ".

(3) In paragraph (c) of paragraph 10(2) as substituted by paragraph 20(10)(a) of Schedule 3 to the Criminal Justice Act 2003—

(a) for "section 224 of the Criminal Justice Act 2003" substitute " section 306 of the Sentencing Code ";

(b) for "section 3A of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 15 of the Sentencing Code ";

(c) for "subsection (2)" substitute " subsection (1)(b) ".

Commencement Information
I1041 Sch. 24 para. 160 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Youth Justice and Criminal Evidence Act 1999 (c. 23)

161 In Schedule 2 to the Youth Justice and Criminal Evidence Act 1999, in paragraph 3(9), in the inserted subsection (13)—

(a) in paragraph (c)(i), for "section 62(3) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 394(1)(d) or (e) of the Sentencing Code ";

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(b) in paragraph (c)(ii), for "section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 242(4)(b) of the Sentencing Code ";

(c) in paragraph (g)(ii), for the words before "there were substituted" substitute " for the references to Part 1 or 2 of Schedule 18 to the Sentencing Code ".

Commencement Information
I1042 Sch. 24 para. 161 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

162 In section 60(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000, for "section 89 below (restrictions on imprisonment of young offenders and defaulters)" substitute " section 227 of the Sentencing Code (restriction on imposing imprisonment on persons under 21) ".

Commencement Information
I1043 Sch. 24 para. 162 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

163 In section 108(1) of that Act, for "section 89(1) above" substitute " section 227(2) of the Sentencing Code ".

Commencement Information
I1044 Sch. 24 para. 163 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

164 In the italic heading before section 139 of that Act, for "fines" substitute " recognizances ".

Commencement Information
I1045 Sch. 24 para. 164 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

165 (1) Section 139 of that Act is amended as follows.

(2) In the heading omit "fines and".

(3) In subsection (1)—

(a) for "imposes a fine on any person or forfeits his recognizance" substitute " forfeits a person's recognizance ";

(b) in paragraph (a) omit "the amount of the fine or";

(c) in paragraph (c) omit "in the case of a recognizance,".

(4) In subsection (2)—

(a) for "imposes a fine on any person or forfeits his recognizance" substitute " forfeits a person's recognizance ";

(b) omit "(but this subsection does not apply where the court imposes a fine on an offender who was aged under 18 at the time of conviction)".

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(5) In subsection (3) omit "a fine is imposed on him or".

(6) In subsection (5) omit "a fine or".

(7) Omit subsections (8) and (9).

Commencement Information
I1046 Sch. 24 para. 165 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

166 (1) Section 140 of that Act is amended as follows.

(2) In the heading omit "fines imposed and".

(3) In subsection (1)—
(a) omit "a fine imposed or";
(b) omit "fine or other";
(c) omit "imposed or";
(d) omit the words after paragraph (b).

(4) In subsection (2) omit paragraph (a).

(5) In subsection (3) omit the words after paragraph (b).

(6) In subsection (4) omit "fine imposed or" in both places.

(7) In subsection (5)—
(a) omit "fine imposed by, or";
(b) omit "85(1) or".

(8) In subsection (6)—
(a) omit "fine or other";
(b) omit "as having been imposed by a magistrates' court, or";
(c) for "such a court" substitute "a magistrates' court".

Commencement Information
I1047 Sch. 24 para. 166 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

167 (1) Section 142(1) of that Act is amended as follows.

(2) In paragraph (za), for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

(3) In paragraph (ba), for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ".

(4) In paragraph (c), for "a compensation order" substitute " an order under Chapter 2 of Part 7 of the Sentencing Code (compensation orders) ".

(5) In paragraph (d), for "section 137 above" substitute " section 380(1) of the Sentencing Code ".

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I1048 Sch. 24 para. 167 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

168 (1) Section 163 of that Act is amended as follows.

(2) In subsection (1) omit the definitions of the following expressions—

"associated";
"child";
"community order";
"compensation order";
"detention and training order";
"guardian";
"local authority accommodation";
"local probation board";
"offence punishable with imprisonment";
"order for conditional discharge";
"period of conditional discharge";
"referral order";
"reparation order";
"responsible officer";
"sentence of imprisonment";
"suspended sentence"
"young person";
"youth offending team";
"youth rehabilitation order".

(3) Omit subsection (2).

Commencement Information
I1049 Sch. 24 para. 168 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

169 In section 164 omit subsection (3).

Commencement Information
I1050 Sch. 24 para. 169 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

170 (1) Schedule 5 to that Act is amended as follows.

(2) In paragraph 1(1)(b), for "section 222(1)(d) or (e) of the Criminal Justice Act 2003" substitute " section 394(1)(d) or (e) of the Sentencing Code ".

(3) In paragraph 2, after sub-paragraph (3) insert—

"(3A) Where—

(a) the offender is aged under 18, and

(b) but for this sub-paragraph, the court would impose a fine on the offender under sub-paragraph (1)(a) above,

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section 380 of the Sentencing Code (order for payment by parent or guardian) applies to the fine."

(4) In paragraphs 2(5)(b) and 3(3)(b), for "section 152(2) of the Criminal Justice Act 2003" substitute " section 230(2) of the Sentencing Code ".

Commencement Information
I1051 Sch. 24 para. 170 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Terrorism Act 2000 (c. 11)

171 In section 23A(4) of the Terrorism Act 2000—

(a) after "Counter-Terrorism Act 2008" insert " or Schedule 1 to the Sentencing Code ";

(b) in paragraph (a), after "that Act" insert " or section 69 of the Sentencing Code ".

Commencement Information
I1052 Sch. 24 para. 171 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

172 In Schedule 4 to that Act—

(a) in paragraph 1, in the definition of "relevant offence", in paragraph (c), for "Schedule 2 to the Counter-Terrorism Act 2008" substitute " Schedule 1 to the Sentencing Code ";

(b) in paragraph 4A(3), for "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 2 of Part 7 of the Sentencing Code ".

Commencement Information
I1053 Sch. 24 para. 172 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice and Court Services Act 2000 (c. 43)

173 In section 62(5) of the Criminal Justice and Court Services Act 2000—

(a) in paragraph (c), after "section 90 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 259 of the Sentencing Code ";

(b) in paragraph (d), after "that Act" insert " or section 250 of that Code ";

(c) in paragraph (e), after "that Act" insert " or section 272 or 275 of that Code (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006) ";

(d) in paragraph (f), after "section 226, 226B or 228 of the Criminal Justice Act 2003" insert " or section 254 of the Sentencing Code ".

Commencement Information
I1054 Sch. 24 para. 173 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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174 In section 62A(4)(b) of that Act, after "section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 250 of the Sentencing Code ".

Commencement Information
I1055 Sch. 24 para. 174 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

175 In section 64(5) of that Act—

(a) in paragraph (c), after "section 90 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 259 of the Sentencing Code ";

(b) in paragraph (d), after "that Act" insert " or section 250 of that Code ";

(c) in paragraph (e), after "that Act" insert " or section 272 or 275 of that Code ".

Commencement Information
I1056 Sch. 24 para. 175 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

176 In section 64A(8) of that Act, in the definition of "sentence of imprisonment"—

(a) in paragraph (b), after "section 90 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 259 of the Sentencing Code ";

(b) in paragraph (c), after "that Act" insert " or section 250 of that Code ";

(c) in paragraph (d), after "that Act" insert " or section 272 or 275 of that Code (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006) ";

(d) in paragraph (e), after "section 226, 226B or 228 of the Criminal Justice Act 2003" insert " or section 254 of the Sentencing Code ".

Commencement Information
I1057 Sch. 24 para. 176 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Social Security Fraud Act 2001 (c. 11)

177 In section 6B(14)(b)(ii) of the Social Security Fraud Act 2001, for "section 189(7)(b) of the Criminal Justice Act 2003" substitute " section 286(6) of the Sentencing Code ".

Commencement Information
I1058 Sch. 24 para. 177 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice and Police Act 2001 (c. 16)

178 In section 3(2A) of the Criminal Justice and Police Act 2001, for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

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Commencement Information
I1059 Sch. 24 para. 178 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

International Criminal Court Act 2001 (c. 17)

179 In Schedule 7 to the International Criminal Court Act 2001, in paragraph 2(1)(d), after "sections 240ZA and 240A of the Criminal Justice Act 2003" insert " and section 325 of the Sentencing Code ".

Commencement Information
I1060 Sch. 24 para. 179 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Anti-terrorism, Crime and Security Act 2001 (c. 24)

180 (1) In Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, paragraph 16 is amended as follows.

(2) In sub-paragraph (3)(a), for "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " Chapter 2 of Part 7 of the Sentencing Code ".

(3) In sub-paragraph (4)(a), for "or section 148(2) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " or a restitution order within the meaning given by section 147 of the Sentencing Code ".

Commencement Information
I1061 Sch. 24 para. 180 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Proceeds of Crime Act 2002 (c. 29)

181 In section 6(2)(b) of the Proceeds of Crime Act 2002 ("the POCA 2002"), for "section 3, 3A, 3B, 3C, 4, 4A or 6 of the Sentencing Act" substitute " any provision of sections 14 to 20 of the Sentencing Code ".

Commencement Information
I1062 Sch. 24 para. 181 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

182 (1) Section 13 of the POCA 2002 is amended as follows.

(2) In subsection (3)—

(a) in paragraph (a), for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ";

(b) in paragraph (c), for "section 143 of the Sentencing Act" substitute " Chapter 4 of Part 7 of the Sentencing Code ".

(3) In subsection (3A)—

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(a) in paragraph (a), for "section 130 of the Sentencing Act" substitute " Chapter 2 of Part 7 of the Sentencing Code ";

(b) in paragraph (b), for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

Commencement Information
I1063 Sch. 24 para. 182 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

183 In section 14(12) of the POCA 2002—

(a) in paragraph (c), for "section 130 of the Sentencing Act" substitute " Chapter 2 of Part 7 of the Sentencing Code ";

(b) in paragraph (ca), for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

Commencement Information
I1064 Sch. 24 para. 183 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

184 In section 15(2) and (3) of the POCA 2002—

(a) in paragraph (c), for "section 130 of the Sentencing Act" substitute " Chapter 2 of Part 7 of the Sentencing Code ";

(b) in paragraph (ca), for "section 161A of the Criminal Justice Act 2003" substitute " section 42 of the Sentencing Code ".

Commencement Information
I1065 Sch. 24 para. 184 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

185 (1) Section 19 of the POCA 2002 is amended as follows.

(2) In subsection (7)—

(a) in paragraph (d), for "of the Sentencing Act" substitute " of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ";

(b) in paragraph (da), after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of the Sentencing Code ".

(3) In subsection (8)—

(a) for "of the Sentencing Act" substitute " of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ";

(b) after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of the Sentencing Code ".

Commencement Information
I1066 Sch. 24 para. 185 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

186 (1) Section 20 of the POCA 2002 is amended as follows.

(2) In subsection (11)—

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(a) in paragraph (d), for "section 130 of the Sentencing Act" substitute " section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ";

(b) in paragraph (da), after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of that Code ".

(3) In subsection (12)—

(a) for "section 130 of the Sentencing Act" substitute " section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ";

(b) after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of the Sentencing Code ".

Commencement Information
I1067 Sch. 24 para. 186 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

187 In section 21(9) of the POCA 2002—

(a) in paragraph (c), for "section 130 of the Sentencing Act" substitute " section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ";

(b) in paragraph (ca), after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of the Sentencing Code ".

Commencement Information
I1068 Sch. 24 para. 187 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

188 In section 22(5) of the POCA 2002—

(a) in paragraph (c), for "section 130 of the Sentencing Act" substitute " section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ";

(b) in paragraph (d), after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of the Sentencing Code ".

Commencement Information
I1069 Sch. 24 para. 188 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

189 In section 27(2)(b) of the POCA 2002, for "section 3, 3A, 3B, 3C, 4, 4A or 6 of the Sentencing Act" substitute " any provision of sections 14 to 20 of the Sentencing Code ".

Commencement Information
I1070 Sch. 24 para. 189 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

190 In section 32(7) of the POCA 2002—

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(a) for "section 130 of the Sentencing Act" substitute " section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ";

(b) after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of the Sentencing Code ".

Commencement Information
I1071 Sch. 24 para. 190 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

191 In section 33(9) of the POCA 2002—

(a) for "section 130 of the Sentencing Act" substitute " section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ";

(b) after "section 161A of the Criminal Justice Act 2003" insert " or section 42 of the Sentencing Code ".

Commencement Information
I1072 Sch. 24 para. 191 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

192 (1) Section 35 of the POCA 2002 is amended as follows.

(2) In subsection (2), for "Sections 139(2), (3) and (9) and 140(1) to (4) of the Sentencing Act" substitute " Sections 129(1) to (3) and (5) and 132(1) to (4) of the Sentencing Code ".

(3) In subsection (2A), for "section 139(2) of the Sentencing Act" substitute " section 129(3) of the Sentencing Code ".

(4) In subsection (2B)—

(a) for "subsection (9) of section 139 of the Sentencing Act" substitute " subsection (2) of section 129 of the Sentencing Code ";

(b) for "subsections (2) to (4)" substitute " subsections (3) to (5) ";

(c) in paragraph (a), for "subsections (2) and (3)" substitute " subsections (3) and (5) ".

(5) In subsection (2C)(a), for "section 139(2) of the Sentencing Act" substitute " section 129(3) of the Sentencing Code ".

Commencement Information
I1073 Sch. 24 para. 192 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

193 (1) Section 38 of the POCA 2002 is amended as follows.

(2) In subsection (2), for "the Sentencing Act" substitute " the Powers of Criminal Courts (Sentencing) Act 2000 ".

(3) In subsection (4)—

(a) in paragraph (a), for "section 189(1) of the Criminal Justice Act 2003" substitute " section 264 or 277 of the Sentencing Code ";

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(b) in paragraph (c), for "section 139(2) of the Sentencing Act" substitute " section 129(3) of the Sentencing Code ".

Commencement Information
I1074 Sch. 24 para. 193 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

194 (1) Section 39 of the POCA 2002 is amended as follows.

(2) In subsections (1)(c), (2) and (4), for "section 139(2) of the Sentencing Act" substitute " section 129(3) of the Sentencing Code ".

(3) In subsection (5), for "section 139(2) of the Sentencing Act" substitute " section 129(3) of that Code ".

Commencement Information
I1075 Sch. 24 para. 194 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

195 In section 70(5) of the POCA 2002—

(a) for "section 3(2) of the Sentencing Act" substitute " section 14(2) of the Sentencing Code ";

(b) for "section 3B(2) of that Act" substitute " section 16(2) of that Code ".

Commencement Information
I1076 Sch. 24 para. 195 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

196 In section 82(2)(d) of the POCA 2002, for "the Sentencing Act" substitute " the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 4 of Part 7 of the Sentencing Code ".

Commencement Information
I1077 Sch. 24 para. 196 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

197 In section 118(2C) and (2D)(b) of the POCA 2002, for "139 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " 129 of the Sentencing Code ".

Commencement Information
I1078 Sch. 24 para. 197 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

198 In section 148(2)(d) of the POCA 2002, after "section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or Chapter 4 of Part 7 of the Sentencing Code ".

Commencement Information
I1079 Sch. 24 para. 198 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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199 In section 230(2)(d) of the POCA 2002, after "section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or Chapter 4 of Part 7 of the Sentencing Code ".

Commencement Information
I1080 Sch. 24 para. 199 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

200 (1) Section 308 of the POCA 2002 is amended as follows.

(2) In subsection (4)(a), for "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 2 of Part 7 of the Sentencing Code ".

(3) In subsection (5)(a), for "section 148(2) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 3 of Part 7 of the Sentencing Code ".

Commencement Information
I1081 Sch. 24 para. 200 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Railways and Transport Safety Act 2003 (c. 20)

201 In section 11(4)(a) of the Railways and Transport Safety Act 2003, for "section 78 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 224 of the Sentencing Code ".

Commencement Information
I1082 Sch. 24 para. 201 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Crime (International Co-operation) Act 2003 (c. 32)

202 In section 54(3A)(c) of the Crime (International Co-operation) Act 2003, after "section 147A of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 166 of the Sentencing Code ".

Commencement Information
I1083 Sch. 24 para. 202 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Courts Act 2003 (c. 39)

203 In Schedule 5 to the Courts Act 2003, in paragraph 2(2), in the definition of "a sum required to be paid by a compensation order", after "section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 2 of Part 7 of the Sentencing Code ".

Commencement Information
I1084 Sch. 24 para. 203 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Extradition Act 2003 (c. 41)

204 In section 153(4) of the Extradition Act 2000, for paragraph (a) substitute—

"(a) section 79 or 80 of the Sentencing Code;".

Commencement Information
I1085 Sch. 24 para. 204 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Sexual Offences Act 2003 (c. 42)

205 In section 88(4)(c) of the Sexual Offences Act 2003 ("the SOA 2003"), at the end insert " , or an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction) ".

Commencement Information
I1086 Sch. 24 para. 205 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

206 In section 89(1) of the SOA 2003, in the entry in column 1 of the table beginning "A person who is the subject", at the end insert " , or an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction) ".

Commencement Information
I1087 Sch. 24 para. 206 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

207 In section 91A(2)(b) of the SOA 2003, at the end insert " , or an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction) ".

Commencement Information
I1088 Sch. 24 para. 207 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

208 In section 103C(6) of the SOA 2003, after "another)," insert " or an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction), ".

Commencement Information
I1089 Sch. 24 para. 208 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

209 In section 113(1ZA) of the SOA 2003, at the end of paragraph (a) insert " or an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction) ".

Commencement Information
I1090 Sch. 24 para. 209 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

210 In section 131 of the SOA 2003—

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(a) in paragraph (h), after "section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)," insert " section 250 or 259 of the Sentencing Code, ";

(b) in paragraph (i), after "section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or section 272 or 275 of the Sentencing Code (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006) ";

(c) in paragraph (l), after "section 226B or 228 of the Criminal Justice Act 2003" insert " or section 254 of the Sentencing Code ".

Commencement Information
I1091 Sch. 24 para. 210 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

211 In section 133(1) of the SOA 2003—

(a) in the definition of "order for conditional discharge", for paragraph (a) substitute—

"(a) section 80 of the Sentencing Code;";

(b) in the definition of "the period of conditional discharge", for paragraph (a) substitute—

"(a) section 80(1) of the Sentencing Code;".

Commencement Information
I1092 Sch. 24 para. 211 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

212 In section 134(1)(a) of the SOA 2003, for "section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 82(2) of the Sentencing Code ".

Commencement Information
I1093 Sch. 24 para. 212 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

213 In section 136ZA(1)(a) of the SOA 2003, after "order" insert " or an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction) ".

Commencement Information
I1094 Sch. 24 para. 213 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

214 In section 136ZB of the SOA 2003, after subsection (2) insert—

"(2A) References in subsection (2) to a sexual harm prevention order include references to an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction)."

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Commencement Information
I1095 Sch. 24 para. 214 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

215 (1) Section 137 of the SOA 2003 is amended as follows.

(2) In subsection (1), after "In this Act" insert " and in sections 343 to 354 of the Sentencing Code (sexual harm prevention orders on conviction) ".

(3) In subsection (2), after "103A(1)" insert " of this Act, and section 345 of the Sentencing Code, ".

(4) In subsection (3)(a), after "103J" insert " of this Act, and sections 355 to 357 of the Sentencing Code, ".

(5) In subsection (3)(b), after "103I" insert " of this Act, and sections 343 to 354 and 358 of the Sentencing Code, ".

(6) In subsection (3)(c)—

(a) after "103E" insert " of this Act, or an application under section 350 of the Sentencing Code, ";

(b) in sub-paragraph (ii), after "103E(7)" insert " of this Act, or section 350(7) of the Sentencing Code, ";

(c) in sub-paragraph (iii), after "103E" insert " of this Act or section 350 of the Sentencing Code ".

(7) In subsection (3)(d)—

(a) after "103E" insert " of this Act, or an application under section 350 of the Sentencing Code, ";

(b) in sub-paragraph (ii), after "103E" insert " of this Act or section 350 of the Sentencing Code ".

Commencement Information
I1096 Sch. 24 para. 215 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

216 In Schedule 3 to the SOA 2003, in paragraph 96(a), for "the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " the Sentencing Code ".

Commencement Information
I1097 Sch. 24 para. 216 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 2003 (c. 44)

217 In section 221(2) of the Criminal Justice Act 2003 ("the CJA 2003")—

(a) in paragraph (aa), for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008" substitute " the meaning given by section 173 of the Sentencing Code ";

(b) in paragraph (b), for "the Sentencing Act" substitute " the PCC(S)A 2000 ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I1098 Sch. 24 para. 217 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

218 (1) Section 237 of the CJA 2003 is amended as follows.

(2) In subsection (1)(b)—

(a) for "the Sentencing Act or under" substitute " the PCC(S)A 2000, under ";

(b) after "of this Act" insert " or under section 250, 254, 262, 265, 266, 278 or 279 of the Sentencing Code ".

(3) In subsection (1B)—

(a) in paragraph (b), for "section 91 of the Sentencing Act" substitute " section 91 of the PCC(S)A 2000 or section 250 of the Sentencing Code ";

(b) in paragraph (ba), after "section 226A of this Act" insert " or section 266 or 279 of the Sentencing Code ";

(c) in paragraph (bb), after "section 226B of this Act" insert " or section 254 of the Sentencing Code ";

(d) in paragraph (e), after "section 236A of this Act" insert " or section 265 or 278 of the Sentencing Code ".

(4) In subsection (1C), after "section 240ZA or 265" insert " of this Act or section 225 of the Sentencing Code ".

(5) In subsection (3)—

(a) for "the Sentencing Act or" substitute " the PCC(S)A 2000, under ";

(b) after "of this Act" insert " or under section 262, 265 or 266 of the Sentencing Code ".

Commencement Information
I1099 Sch. 24 para. 218 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

219 (1) Section 240ZA of the CJA 2003 is amended as follows.

(2) After subsection (6) insert—

"(6A) Where a court has made a declaration under section 327 of the Sentencing Code in relation to the offender in respect of the offence, this section applies to days specified under subsection (3) of that section as if they were days for which the offender was remanded in custody in connection with the offence or a related offence."

(3) In subsection (7)(a), for "paragraph 8(2)(a) or (b) of Schedule 12" substitute " paragraph 13(1)(a) or (b) of Schedule 16 to the Sentencing Code ".

(4) In subsection (11), for "of the Sentencing Act or" substitute " of the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code or under ".

Commencement Information
I1100 Sch. 24 para. 219 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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220 (1) Section 240A of the CJA 2003 is amended as follows.

(2) In subsection (1)—

(a) for "This section applies" substitute " Subsection (2) applies ";

(b) in paragraph (a), after "in respect of an offence" insert " of which the offender was convicted before **[**F70 1 December 2020**]** ".

(3) After subsection (3) insert—

"(3ZA) Subsection (3ZB) applies where—

(a) an offender is serving a term of imprisonment in respect of an offence, and

(b) the court has made a declaration under section 325 of the Sentencing Code specifying a credit period in relation to the sentence.

(3ZB) Subject to subsections (3A) and (3B), the credit period is to count as time served by the offender as part of the sentence."

(4) In subsection (11)(a)(i) and (ii), for "the Sentencing Act" substitute " the PCC(S)A 2000 ".

(5) In subsection (11)(b), for "subsection (2)" substitute " subsections (2) and (3ZB) ".

Textual Amendments

F70 Words in Sch. 24 para. 220(2)(b) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(7)(b)**

Commencement Information

I1101 Sch. 24 para. 220 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

221 (1) Section 241 of the CJA 2003 is amended as follows.

(2) In the heading, after "section 240A" insert " or under section 325 of the Sentencing Code ".

(3) In subsection (1)—

(a) after "a direction under section 240A" insert " or under section 325 of the Sentencing Code ";

(b) after "the direction under section 240A" insert " or under section 325 of the Sentencing Code ".

Commencement Information

I1102 Sch. 24 para. 221 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

222 (1) Section 243 of the CJA 2003 is amended as follows.

(2) At the end of subsection (1) insert ", and

(c) the court has specified under section 327(3) of the Sentencing Code the number of days for which the prisoner was so kept in custody."

(3) Omit subsection (2).

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(4) In subsection (2A), for "subsection (2)" substitute " section 327(3) of the Sentencing Code ".

Commencement Information
I1103 Sch. 24 para. 222 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

223 (1) Section 244A of the CJA 2003 is amended as follows.

(2) In the heading, for "section 236A" substitute " section 278 of the Sentencing Code etc ".

(3) In subsection (1), after "under section 236A" insert " or under section 265 or 278 of the Sentencing Code ".

(4) In subsection (6), in the definition of "the appropriate custodial term", after "under section 236A" insert " or under section 265 or 278 of the Sentencing Code ".

Commencement Information
I1104 Sch. 24 para. 223 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

224 (1) Section 246 of the CJA 2003 is amended as follows.

(2) In subsection (4)—

(a) in paragraph (a), after "under section 226A, 227, 228 or 236A" insert " or under section 265, 266, 278 or 279 of the Sentencing Code ";

(b) in paragraph (d), after "paragraph 9(1)(b) or (c) or 10(1)(b) or (c) of Schedule 8" insert " , or paragraph 10(5)(c) or (d) or 11(2)(c) or (d) of Schedule 10 to the Sentencing Code, ";

(c) in paragraph (ha), for "the Sentencing Act" substitute " the PCC(S)A 2000 ";

(d) in paragraph (i), after "section 240A" insert " or under section 325 of the Sentencing Code ".

(3) In subsection (6), in the definition of "term of imprisonment", for "the Sentencing Act" substitute " the PCC(S)A 2000, under section 250, 254, 262, 265, 266, 278 or 279 of the Sentencing Code ".

Commencement Information
I1105 Sch. 24 para. 224 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

225 (1) Section 246A of the CJA 2003 is amended as follows.

(2) In the heading, for "section 226A or 226B" substitute " section 254, 266 or 279 of the Sentencing Code etc ".

(3) In subsection (1), after "under section 226A or 226B" insert " or under section 254, 266 or 279 of the Sentencing Code ".

(4) In subsection (8), in the definition of "appropriate custodial term", after "under section 226A or 226B" insert " or under section 254, 266 or 279 of the Sentencing Code ".

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Commencement Information
I1106 Sch. 24 para. 225 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

226 (1) Section 247A of the CJA 2003 (inserted by section 1 of the Terrorist Offenders (Restriction of Early Release) Act 2020) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (b)—

(i) after "section 30" insert " of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code ";

(ii) for "the Counter-Terrorism Act 2008" substitute " that Act ";

(b) in paragraph (c), after "that Act" insert " or section 69 of the Sentencing Code as applied by section 238(6) of the Armed Forces Act 2006 ".

(3) In subsection (6), after "under section 226A, 226B, 227, 228 or 236A" insert " or under section 254, 265, 266, 278 or 279 of the Sentencing Code ".

(4) In subsection (8), in the definition of "the appropriate custodial term" and in paragraph (a) of the definition of "the requisite custodial period", after "under section 226A, 226B, 227, 228 or 236A," insert " or under section 254, 265, 266, 278 or 279 of the Sentencing Code, ".

Commencement Information
I1107 Sch. 24 para. 226 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

227 (1) Section 250 of the CJA 2003 is amended as follows.

(2) In subsection (4)—

(a) after "a sentence imposed under section 226A, 227 or 236A" insert " or under section 278 or 279 of the Sentencing Code ";

(b) for "the Sentencing Act or" substitute " the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code or under ".

(3) After that subsection insert—

"(4A) In exercising any power under subsection (4)(b) in respect of an offender, the Secretary of State must have regard to any recommendation under section 328 of the Sentencing Code (power of court to recommend licence conditions where adult is sentenced to term of 12 months or more)."

(4) In subsection (5A)—

(a) in paragraph (a), after "under section 226A or 226B" insert " or under section 254, 266 or 279 of the Sentencing Code ";

(b) in paragraph (b), after "under section 236A" insert " or under section 265 or 278 of the Sentencing Code ".

Commencement Information
I1108 Sch. 24 para. 227 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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228 In section 255A(7) of the CJA 2003—

(a) omit "or" at the end of paragraph (a);

(b) after that paragraph insert—

"(aa) section 254, 266 or 279 of the Sentencing Code, or";

(c) for "the Sentencing Act", in both places, substitute " the PCC(S)A 2000 ".

Commencement Information
I1109 Sch. 24 para. 228 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

229 (1) Section 256AA of the CJA 2003 is amended as follows.

(2) In subsection (1)—

(a) in paragraph (b), for "section 226A or 226B" substitute " section 254, 266 or 279 of the Sentencing Code ";

(b) in paragraph (ba), for "section 236A" substitute " section 265 or 278 of that Code ".

(3) In subsection (9), for "section 91 of the Sentencing Act" substitute " section 250 of the Sentencing Code ".

(4) In subsection (11)(b), for "section 104(3)(aa) of the Powers of Criminal Courts (Sentencing) Act 2002" substitute " paragraph 3(2)(b) of Schedule 12 to the Sentencing Code ".

Commencement Information
I1110 Sch. 24 para. 229 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

230 In section 256AB(2) of the CJA 2003, for "section 200A(5) to (10) apply" substitute " paragraph 5(4) to (9) of Schedule 9 to the Sentencing Code applies ".

Commencement Information
I1111 Sch. 24 para. 230 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

231 (1) Section 256AC of the CJA 2003 is amended as follows.

(2) In subsection (4)(c)—

(a) in sub-paragraph (i), for "section 199" substitute " paragraph 1 of Schedule 9 to the Sentencing Code ";

(b) in sub-paragraph (ii), for "section 204" substitute " paragraph 9 of that Schedule ".

(3) In subsection (5), for "Section 177(3)" substitute " Paragraph 10(3) of Schedule 9 to the Sentencing Code ".

(4) After subsection (10) insert—

"(10A) Where a court deals with a person under this section, the criminal courts charge duty (see section 46 of the Sentencing Code) applies to the court."

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(5) In subsection (11)(b), for "section 21A of the Prosecution of Offences Act 1985" substitute " section 46 of the Sentencing Code ".

Commencement Information
I1112 Sch. 24 para. 231 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

232 (1) Section 256B of the CJA 2003 is amended as follows.

(2) In subsection (1)(a), for "section 91 of the Sentencing Act" substitute " section 250 of the Sentencing Code ".

(3) In subsection (1A)(a), for "section 91 or 96 of the Sentencing Act" substitute " section 250 or 262 of the Sentencing Code ".

Commencement Information
I1113 Sch. 24 para. 232 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

233 In section 258(3A) of the CJA 2003, for "the Sentencing Act" substitute " the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code ".

Commencement Information
I1114 Sch. 24 para. 233 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

234 In section 260(2A) of the CJA 2003—

(a) after "under section 226A or 226B" insert " or under section 254, 266 or 279 of the Sentencing Code, ";

(b) after "under section 236A" insert " or under section 265 or 278 of the Sentencing Code ".

Commencement Information
I1115 Sch. 24 para. 234 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

235 In section 263(4) of the CJA 2003, for "the Sentencing Act" substitute " the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code ".

Commencement Information
I1116 Sch. 24 para. 235 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

236 (1) Section 264 of the CJA 2003 is amended as follows.

(2) In subsection (6)—

(a) in paragraph (a), after "under section 226A or 226B" insert " or under section 254, 266 or 279 of the Sentencing Code ";

(b) in paragraph (c), after "under section 236A" insert " or under section 265 or 278 of the Sentencing Code ".

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(3) In subsection (6A)(a)—

(a) for "228," substitute " 228 of this Act or section 254, 266 or 279 of the Sentencing Code, ";

(b) for "236A," substitute " 236A of this Act or section 265 or 278 of that Code, ".

(4) In subsection (7), for "the Sentencing Act" substitute " the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code ".

Commencement Information
I1117 Sch. 24 para. 236 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

237 Before section 264B of the CJA 2003 insert—

Consecutive terms: detention and training orders

"264AA(1) This section applies where, by virtue of section 237(4) of the Sentencing Code or section 106A(3)(b) of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order made in the case of a person ("the offender") who is subject to a relevant sentence of detention is to take effect at the time when the offender would otherwise be released under this Chapter.

(2) Any direction in respect of the offender by the Parole Board under—

(a) subsection (5)(b) of section 246A,

(b) subsection (4)(b) of section 247A, or

(c) sub-paragraph (3) of paragraph 15 of Schedule 20B,

is to be expressed as a direction that the Board would, but for the detention and training order, have directed the offender's release under that section.

(3) In this section—

(a) references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006, and

(b) "relevant sentence of detention" has the meaning given by section 248(4) of the Sentencing Code."

Commencement Information
I1118 Sch. 24 para. 237 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

238 In section 268(1A) of the CJA 2003—

(a) in paragraph (a), after "under section 226A or 226B" insert " or under section 254, 266 or 279 of the Sentencing Code ";

(b) in paragraph (c), after "under section 236A" insert " or under section 265 or 278 of the Sentencing Code ".

Commencement Information
I1119 Sch. 24 para. 238 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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239 In section 273(3) of the CJA 2003, for paragraphs (a) and (b) substitute " a minimum term order or a whole life order under section 321 of the Sentencing Code ".

Commencement Information
I1120 Sch. 24 para. 239 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

240 In section 274(2) of the CJA 2003, for the words from "in subsections" to "the Sentencing Act" substitute " in sections 321 to 323 of the Sentencing Code ".

Commencement Information
I1121 Sch. 24 para. 240 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

241 (1) Section 300 of the CJA 2003 is amended as follows.

(2) In subsection (1)(b), for "section 89 of the Sentencing Act" substitute " section 227 of the Sentencing Code ".

(3) In subsection (2)—

(a) in paragraph (a), for "section 199" substitute " paragraph 1 of Schedule 9 to the Sentencing Code ";

(b) in paragraph (b), for "section 204" substitute " paragraph 9 of that Schedule ";

(c) in paragraph (c), for "section 214" substitute " paragraph 27 of that Schedule ".

(4) In subsection (4), for "Subsections (3) and (4) of section 177" substitute " Section 207(5) and (6) of the Sentencing Code and paragraph 10(3) of Schedule 9 to that Code ".

(5) For subsection (6) substitute—

"(6) The following provisions of the Sentencing Code have effect in relation to default orders as they have effect in relation to community orders, but subject to the modifications contained in Schedule 31 to this Act—

sections 208(13), 210, 212 to 216, 394 and 395 (further provisions about community orders);

Schedule 9 (community orders and suspended sentence orders: requirements);

Schedule 10 (breach, revocation or amendment of community order);

Schedule 11 (transfer of community orders to Scotland or Northern Ireland)."

Commencement Information
I1122 Sch. 24 para. 241 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

242 In section 301(1)(b) of the CJA 2003, for "section 89 of the Sentencing Act" substitute " section 227 of the Sentencing Code ".

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Commencement Information
I1123 Sch. 24 para. 242 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

243 (1) Section 305(1) of the CJA 2003 is amended as follows.

(2) Omit the definitions of the following expressions—

"accredited programme";
"alcohol abstinence and monitoring requirement";
"alcohol treatment requirement";
"the appropriate officer of the court";
"attendance centre requirement";
"community requirement"
"community sentence";
"compensation order";
"drug rehabilitation requirement";
"electronic monitoring requirement";
"exclusion requirement";
"foreign travel prohibition requirement";
"guardian";
"local probation board";
"mental health treatment requirement";
"pre-sentence report";
"programme requirement";
"prohibited activity requirement";
"rehabilitation activity requirement";
"residence requirement";
"responsible officer";
"unpaid work requirement".

(3) In the definition of "associated", for "section 161(1) of the Sentencing Act" substitute " section 400 of the Sentencing Code ".

(4) In the definition of "community order", for "section 177(1)" substitute " section 200 of the Sentencing Code ".

(5) In the definition of "curfew requirement", for "section 204" substitute " paragraph 9(1) of Schedule 9 to the Sentencing Code ".

(6) In the definition of "custodial sentence", for "section 76 of the Sentencing Act" substitute " section 222 of the Sentencing Code ".

(7) In the definition of "suspended sentence" and "suspended sentence order", for "section 189(7)" substitute " section 286 of the Sentencing Code ".

(8) Insert at the appropriate place—

""the PCC(S)A 2000" means the Powers of Criminal Courts (Sentencing) Act 2000;".

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Commencement Information
I1124 Sch. 24 para. 243 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

244 In section 327(3)(b) of the CJA 2003—

(a) in sub-paragraph (v), for "the Sentencing Act" substitute " the Powers of Criminal Courts (Sentencing) Act 2000 or under section 250 of the Sentencing Code ";

(b) in sub-paragraph (vi), after "section 226B or 228" insert " or under section 254 of the Sentencing Code ".

Commencement Information
I1125 Sch. 24 para. 244 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

245 (1) Schedule 15 to the CJA 2003 is amended as follows.

(2) In the section reference, for "Section 224" substitute " Section 327(3)(a) ".

(3) In the Schedule heading, for "Chapter 5 of Part 12" substitute " section 325 ".

Commencement Information
I1126 Sch. 24 para. 245 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

246 (1) Schedule 15B to the CJA 2003 is amended as follows.

(2) In the section reference, for "Sections 224A, 226A and 246A" substitute " Section 246A ".

(3) In the Schedule heading, for "sections 224A, 226A and 246A" substitute " section 246A ".

(4) In the heading of Part 1, for "sections 224A(1), 224A(4), 226A and 246A" substitute " section 246A ".

(5) In the heading of Part 2, for "sections 224A(4), 226A and 246A" substitute " section 246A ".

(6) In the heading of Part 3, for "sections 224A(4), 226A and 246A" substitute " section 246A ".

Commencement Information
I1127 Sch. 24 para. 246 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

247 In Schedule 19ZA to the CJA 2003, in the heading of Part 2, after "Counter-Terrorism Act 2008" insert " or Sentencing Code ".

Commencement Information
I1128 Sch. 24 para. 247 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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248 (1) Schedule 19A to the CJA 2003 is amended as follows.

(2) For Part 1 substitute—

"**PART 1**

REQUIREMENTS ETC

Application of provisions of the Sentencing Code

1 The provisions of the Sentencing Code listed in paragraph 2 apply in relation to a supervision default order as they apply in relation to a community order but with the modifications listed in paragraph 3.

2 Those provisions are—

(a) sections 208(13) and 214(4) (requirement to avoid conflict with religious beliefs);

(b) section 210 (local justice area to be specified in order);

(c) section 212(2)(a) and (b) and (3) (provision of copies);

(d) section 220(1)(b), (2) and (3) (completion of unpaid work requirement);

(e) section 395 (data from electronic monitoring: code of practice);

(f) paragraphs 1(1), 2(1) and 3 of Schedule 9 (unpaid work requirement);

(g) paragraph 34(1) and (2) of that Schedule (availability of arrangements in local area);

(h) paragraphs 9(1) to (4) and 10(1) and (2) of that Schedule (curfew requirement);

(i) paragraphs 29(1) and 31 to 33 of that Schedule (electronic monitoring requirement).

3 (1) The modifications mentioned in paragraph 1 are as follows.

(2) Section 212(2)(b) applies as if the reference to the responsible officer were to the supervisor.

(3) Section 214(4) applies as if the reference to the responsible officer were to the supervisor.

(4) Paragraph 1(1) of Schedule 9 applies—

(a) as if the reference to the responsible officer were to the supervisor, and

(b) as if, in paragraph (b), for "during a period of 12 months" there were substituted " before the end of the supervision period. "

(5) Paragraph 2(1) of that Schedule applies as if for sub-paragraphs (i) and (ii) of paragraph (b) (limit on number of hours of unpaid work) there were substituted—

"(i) not less than 20 hours, and

(ii) not more than 60 hours."

(6) Paragraph 9 of that Schedule applies as if for sub-paragraph (4) there were substituted—

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"(4) The order—

(a) may not specify periods which amount to less than 2 hours or more than 16 hours in any day,

(b) may not specify periods which fall outside the supervision period, and

(c) must require the person to remain at the specified place or places on at least 20 days."

(7) Paragraph 29(1) of that Schedule applies as if paragraph (b) were omitted.

(8) Paragraph 32 of that Schedule applies as if the references to the responsible officer were to the supervisor.

Powers of Secretary of State in relation to provisions of the Sentencing Code

4 The Secretary of State's power to make regulations under subsection (4) of section 214 of the Sentencing Code (requirement to avoid conflict with religious beliefs etc) includes power to provide for that subsection, as applied by this Schedule, to have effect with additional restrictions specified in the regulations.

5 (1) The Secretary of State's power to make rules under section 394 of the Sentencing Code (rules regulating the supervision of persons subject to community orders etc) may be exercised in relation to persons subject to supervision default orders.

(2) For the purpose of sub-paragraph (1), section 394(1)(b) of the Sentencing Code has effect as if the reference to responsible officers were to supervisors.

6 The Secretary of State may by regulations amend paragraph 3(5) or (6) by changing the number of hours or days for the time being specified there."

(3) In paragraph 10(2)(b), for "section 199(2) or 204(2)" substitute " paragraph 2(1) or 9(4) of Schedule 9 to the Sentencing Code ".

Commencement Information
I1129 Sch. 24 para. 248 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

249 (1) Schedule 31 to the CJA 2003 is amended as follows.

(2) In paragraph 2—

(a) in sub-paragraph (1), for "section 199" substitute " paragraph 2 of Schedule 9 to the Sentencing Code ";

(b) in sub-paragraph (2), for the words from the beginning to "in the case" substitute—

"In sub-paragraph (1)(b), for sub-paragraphs (i) and (ii) there is substituted—

"(i) not less than 20 hours, and

(ii) in the case""

(c) for sub-paragraph (3) substitute—

"(3) Sub-paragraphs (3) and (4) are omitted."

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In paragraph 3—

(a) in sub-paragraph (1), for "section 204" substitute " paragraph 9 of Schedule 9 to the Sentencing Code ";

(b) in sub-paragraph (2)—

(i) for "subsection (2)" substitute " sub-paragraph (4) ";

(ii) for "(2A)" substitute " (4A) ".

(4) In paragraph 3A, for the words from the beginning to "be—" substitute "In its application to a default order, paragraph 27(3) of Schedule 9 to the Sentencing Code (attendance centre requirement) is modified by the substitution for the words after "must" of "be—".

(5) In paragraph 3B—

(a) in sub-paragraph (1), for "section 220(1)" substitute " section 215 of the Sentencing Code ";

(b) for sub-paragraph (2) substitute—

"(2) At the end of subsection (2) there is inserted ", and must notify the responsible officer of any change of address.""

(6) In paragraph 3C, for "Section 220A" substitute " Section 216 of the Sentencing Code ".

(7) In paragraph 4—

(a) in sub-paragraph (1), for "Schedule 8 (breach, revocation or amendment of community orders)" substitute " Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order) ";

(b) in sub-paragraph (3), for "and deal with the offender" substitute " and re-sentence the offender ";

(c) in sub-paragraph (4), for "paragraph 4" substitute " paragraph 5 ";

(d) in sub-paragraph (4A), for "paragraphs 16 and 16A" substitute " paragraphs 16 and 17 ".

(e) for sub-paragraph (5) substitute—

"(5) The following provisions are omitted—

(a) paragraph 10(5)(d) (in relation to any time after the coming into force of paragraph 21(2) of Schedule 22 to the Sentencing Act 2020);

(b) paragraph 10(11);

(c) paragraph 14(8);

(d) paragraph 16(3) (in relation to any time after the coming into force of paragraph 23 of Schedule 22 to that Act);

(e) paragraph 23(6);

(f) paragraph 25(2)(b)."

(8) In paragraph 6, for "Schedule 9" substitute " Schedule 11 to the Sentencing Code ".

(9) For paragraph 7 substitute—

"7 After paragraph 20 there is inserted—

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"20A Nothing in paragraph 20 affects the application of section 300(7) of the Criminal Justice Act 2003 to a default order made or amended in accordance with Part 1 or 2.""

(10) For paragraph 8 substitute—

"8 In paragraph 21, after sub-paragraph (5) there is inserted—

"(5A) The home court may not impose a fine on the offender.""

Commencement Information
I1130 Sch. 24 para. 249 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

250 In Schedule 10 to the Health and Social Care (Community Health and Standards) Act 2003, in paragraph 1(a), for "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " Chapter 2 of Part 7 of the Sentencing Code ".

Commencement Information
I1131 Sch. 24 para. 250 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Domestic Violence, Crime and Victims Act 2004 (c. 28)

251 In section 6(5) of the Domestic Violence, Crime and Victims Act 2004, for "section 8 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 25 of the Sentencing Code ".

Commencement Information
I1132 Sch. 24 para. 251 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

252 (1) Section 45 of that Act is amended as follows.

(2) In subsection (1)—

(a) in paragraph (c) of the definition of "relevant sentence", for "section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 250 of the Sentencing Code ";

(b) in the definition of "supervision requirements", for "section 103(6) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 242(4) of the Sentencing Code ".

(3) In subsection (2)(a), for "Schedule 15 to the Criminal Justice Act 2003 (c. 44)" substitute " Schedule 18 to the Sentencing Code ".

Commencement Information
I1133 Sch. 24 para. 252 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Constitutional Reform Act 2005 (c. 4)

253 In Schedule 7 to the Constitutional Reform Act 2005, in paragraph 4, under the heading "A: GENERAL"—

(a) omit the entry for the Criminal Justice Act 2003;

(b) at the appropriate place insert—

"Sentencing Act 2020 (c. 17)

Schedule 23, paragraph 19"

Commencement Information
I1134 Sch. 24 para. 253 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Serious Organised Crime and Police Act 2005 (c. 15)

254 In section 73(1) of the Serious Organised Crime and Police Act 2005, after "This section applies if" insert " in Northern Ireland ".

Commencement Information
I1135 Sch. 24 para. 254 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

255 In section 74(1) of that Act, after "This section applies if" insert " in Northern Ireland ".

Commencement Information
I1136 Sch. 24 para. 255 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Government of Wales Act 2006 (c. 32)

256 In Schedule 1A to the Government of Wales Act 2006, in paragraph 7—

(a) the words following "subject to" become paragraph (a);

(b) at the end insert "or

(b) an order under Chapter 2 of Part 11 of the Sentencing Code".

Commencement Information
I1137 Sch. 24 para. 256 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Wireless Telegraphy Act 2006 (c. 36)

257 In Schedule 5 to the Wireless Telegraphy Act 2006, in paragraph 7, for paragraph (a) substitute—

"(a) section 153 of the Sentencing Code;".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I1138 Sch. 24 para. 257 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Violent Crime Reduction Act 2006 (c. 38)

258 (1) Section 29 of the Violent Crime Reduction Act 2006 is amended as follows.

(2) After subsection (3) insert—

"(3A) For the minimum sentence which applies where a person is convicted in England and Wales of an offence under section 28, see section 311 of the Sentencing Code."

(3) In subsection (11)(a), after "court" insert " in Scotland ".

(4) After subsection (12) insert—

"(12A) For the requirement for a court in England and Wales considering for the purposes of sentencing the seriousness of an offence under section 28 to treat certain matters as aggravating factors, see section 70 of the Sentencing Code."

Commencement Information
I1139 Sch. 24 para. 258 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

259 In section 47(11) of that Act, in the definition of "relevant person"—

(a) in paragraph (a), for "the meaning of section 196 of the Criminal Justice Act 2003 (c. 44)" substitute " the meaning given by section 397(1) of the Sentencing Code ";

(b) in paragraph (b), for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of that Code ".

Commencement Information
I1140 Sch. 24 para. 259 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Safeguarding Vulnerable Groups Act 2006 (c. 47)

260 In Schedule 3 to the Safeguarding Vulnerable Groups Act 2006, in paragraph 18(6)(c), after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or section 222 of the Sentencing Code ".

Commencement Information
I1141 Sch. 24 para. 260 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offender Management Act 2007 (c. 21)

261 (1) Section 1(4) of the Offender Management Act 2007 is amended as follows.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) For the definition of "community order" substitute—

""community order" means—

(a) a community order within the meaning given by section 200 of the Sentencing Code;

(b) a youth rehabilitation order within the meaning given by section 173 of the Sentencing Code;".

(3) For the definition of "suspended sentence order" substitute—

""suspended sentence order" has the meaning given by section 286 of the Sentencing Code;".

Commencement Information
I1142 Sch. 24 para. 261 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

262 In section 4(3) of that Act—

(a) in paragraph (a), for "paragraph 13, 14, 17, 19A or 20 of Schedule 8 to the Criminal Justice Act 2003" substitute " paragraph 14, 15, 18, 20 or 21 of Schedule 10 to the Sentencing Code ";

(b) in paragraph (b), for "paragraph 13, 15, 17 or 18 of Schedule 12 to that Act" substitute " paragraph 22, 25 or 27 of Schedule 16 to that Code ";

(c) in paragraph (c), for "that Act" substitute " the Criminal Justice Act 2003 ".

Commencement Information
I1143 Sch. 24 para. 262 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

263 In section 28(3) of that Act—

(a) in paragraph (a), after "section 226A or 227 of the Criminal Justice Act 2003 (c. 44)" insert " or under section 279 of the Sentencing Code ";

(b) in paragraph (c), after "under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or under section 259 of the Sentencing Code ";

(c) in paragraph (d), after "under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " , or under section 250 of the Sentencing Code, ";

(d) in paragraph (e), after "under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or under section 272 or 275 of the Sentencing Code ";

(e) in paragraph (f), after "section 226, 226B or 228 of the Criminal Justice Act 2003 (c. 44)" insert " or under section 254 or 258 of the Sentencing Code ".

Commencement Information
I1144 Sch. 24 para. 263 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Serious Crime Act 2007 (c. 27)

264 In section 36(5) of the Serious Crime Act 2007, for "sections 12 and 14 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " sections 79, 80 and 82 of the Sentencing Code ".

Commencement Information
I1145 Sch. 24 para. 264 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

London Local Authorities Act 2007 (c. ii)

265 In section 8 of the London Local Authorities Act 2007, for subsection (8) substitute—

"(8) Section 316 of the Sentencing Code (appeals where previous convictions set aside) shall apply in Greater London as if the following words were inserted in subsection (1) at the end of paragraph (a)—

"or under section 8(1) of the London Local Authorities Act 2007 (c. ii) (automatic minimum fine on third conviction for fly posting or shroud advertisement offence),""

Commencement Information
I1146 Sch. 24 para. 265 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice and Immigration Act 2008 (c. 4)

266 (1) Section 39 of the Criminal Justice and Immigration Act 2008 is amended as follows.

(2) In subsection (1), for "section 89 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 227 of the Sentencing Code ".

(3) In subsection (2)—

(a) in paragraph (a), for "paragraph 10 of Schedule 1" substitute " Part 3 of Schedule 6 to the Sentencing Code ";

(b) in paragraph (b), for "paragraph 12" substitute " Part 5 ";

(c) in paragraph (c), for "paragraph 14" substitute " Part 7 ".

(4) For subsection (4) substitute—

"(4) A youth default order—

(a) may, in addition to any other requirement that it imposes, impose an electronic monitoring requirement (see sections 173 and 174 of the Sentencing Code), and

(b) must do so where, in the case of a youth rehabilitation order, such a requirement would be required by paragraph 19(3) of Schedule 6 to the Sentencing Code."

(5) For subsection (6) substitute—

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"(6) The following provisions of the Sentencing Code have effect in relation to youth default orders as they have effect in relation to youth rehabilitation orders, but subject to the modifications contained in Schedule 7 to this Act—

(a) sections 186(2), (10) and (11), 188, 190 to 192, 197, 198(3) to (5), 397(1), 400 and 403 to 405 (youth rehabilitation orders: responsible officer, interpretation and further provisions),

(b) Parts 3, 5, 7 and 17 of Schedule 6 (youth rehabilitation orders: requirements),

(c) Schedule 7 (breach, revocation or amendment of youth rehabilitation order),

(d) Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland), and

(e) paragraph 9 of Schedule 23 (power to amend limits)."

Commencement Information
I1147 Sch. 24 para. 266 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

267 In section 46 of that Act, for subsection (2) substitute—

"(2) In subsection (3A) (as amended by paragraph 89(3) of Schedule 24 to the Sentencing Act 2020) omit "in respect of an offence the sentence for which is fixed by law".

Commencement Information
I1148 Sch. 24 para. 267 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

268 In section 80(5) of that Act—

(a) in paragraph (b), for "(within the meaning of section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6))" substitute " made under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code (compensation orders) ";

(b) in paragraph (c), at the end insert " or section 42 of the Sentencing Code ";

(c) for paragraph (e) substitute—

"(e) any sum payable under an order made under section 137(1) or (1A) of the Powers of Criminal Courts (Sentencing) Act 2000 or section 380(1) of the Sentencing Code;".

Commencement Information
I1149 Sch. 24 para. 268 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

269 In section 117(1) of that Act, in paragraph (a) of the definition of "custodial sentence"—

(a) for "section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 222(1) of the Sentencing Code ";

(b) for "any earlier enactment" substitute " any enactment passed before that section came into force ".

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Commencement Information

I1150 Sch. 24 para. 269 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

270 (1) Schedule 7 to that Act is amended as follows.

(2) In paragraph 2—

(a) omit sub-paragraph (1);

(b) in sub-paragraph (2), for "Sub-paragraph (2) has effect as if for paragraphs (a) and (b)" substitute " In its application to a youth default order, paragraph 10 (unpaid work requirement) of Schedule 6 to the Sentencing Code has effect as if for paragraphs (a) and (b) of sub-paragraph (3) ";

(c) for sub-paragraph (3) substitute—

"(3) In its application to a youth default order, subsection (3) of section 198 of the Sentencing Code (when a youth rehabilitation order is in force) has effect subject to section 39(7)(a) of the Criminal Justice and Immigration Act 2008."

(3) In paragraph 3—

(a) in sub-paragraph (1), for "paragraph 12 of Schedule 1" substitute " paragraph 14 of Schedule 6 to the Sentencing Code ";

(b) in sub-paragraph (2)—

(i) for "Sub-paragraph (2)" substitute " Sub-paragraph (3) ";

(ii) in paragraphs (a), (b) and (c) omit "must be,".

(4) In paragraph 4—

(a) in sub-paragraph (1), for "paragraph 14 of Schedule 1" substitute " paragraph 18 of Schedule 6 to the Sentencing Code ";

(b) in sub-paragraph (2)—

(i) for "sub-paragraph (2)" substitute " sub-paragraph (4) ";

(ii) for "(2A)" substitute " (4A) ".

(5) In paragraph 5—

(a) in sub-paragraph (1), for "Schedule 2 (breach, revocation or amendment of youth rehabilitation orders)" substitute " Schedule 7 to the Sentencing Code (breach, revocation or amendment of youth rehabilitation order) ";

(b) in sub-paragraph (4), for "Paragraph 2" substitute " Paragraph 3 ";

(c) for sub-paragraph (5) substitute—

"(5) The following provisions are omitted—

(a) in paragraph 6—

(i) sub-paragraph (5)(a),

(ii) the words "add or" in sub-paragraph (5)(b), and

(iii) sub-paragraph (11);

(b) paragraph 9;

(c) paragraph 11;

(d) paragraph 12(8);

(e) paragraph 21(6);

(f) paragraph 23(2)(b)."

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(6) In paragraph 7—

(a) in sub-paragraph (1), for "Schedule 3" substitute " Schedule 8 to the Sentencing Code (transfer of youth rehabilitation orders to Northern Ireland) ";

(b) in sub-paragraph (2)—

(i) for "Paragraph 9" substitute " Paragraph 15 ";

(ii) after "section 39(7)" insert " of the Criminal Justice and Immigration Act 2008 ";

(iii) for "paragraphs 1 or 2" substitute " Part 1 of this Schedule ";

(c) for sub-paragraph (3) substitute—

"(3) Paragraph 16 has effect as if after sub-paragraph (5) there were inserted—

"(5A) The home court may not impose a fine on the offender.""

Commencement Information
I1151 Sch. 24 para. 270 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Education and Skills Act 2008 (c. 25)

271 In section 55(1) of the Education and Skills Act 2008, in paragraph (b) of the definition of "the relevant sum", for "section 161A of the Criminal Justice Act 2003 (c. 44)" substitute " section 42 of the Sentencing Code ".

Commencement Information
I1152 Sch. 24 para. 271 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

272 In section 56(7)(b)(ii) of that Act, for "section 137(1) or (1A) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 380(1) of the Sentencing Code ".

Commencement Information
I1153 Sch. 24 para. 272 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Counter-Terrorism Act 2008 (c. 28)

273 (1) Section 30 of the Counter-Terrorism Act 2008 is amended as follows.

(2) In the heading omit "England and Wales and".

(3) In subsection (1), for "in England and Wales, or in Northern Ireland," substitute " in Northern Ireland ".

Commencement Information
I1154 Sch. 24 para. 273 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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274 (1) Section 42 of that Act is amended as follows.

(2) In subsection (1)—

(a) before paragraph (a) insert—

"(za) an offence as to which a court has determined under section 69 of the Sentencing Code (sentences for offences with a terrorist connection: England and Wales) that the offence has a terrorist connection,";

(b) in paragraph (a) omit "England and Wales and".

(3) In subsection (2), for "(1)(a)" substitute " (1)(za) or (a) ".

(4) In subsection (4)—

(a) after "Schedule 2," insert " or regulations are made under paragraph 1 of Schedule 23 to the Sentencing Act 2020 removing an offence from the list in Schedule 1 to the Sentencing Code, ";

(b) after "comes" insert " , or the regulations come, ".

Commencement Information
I1155 Sch. 24 para. 274 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

275 In section 45(1)(a) of that Act—

(a) in sub-paragraph (iv), after "under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or section 250 of the Sentencing Code ";

(b) in sub-paragraph (v), for "of that Act" substitute " of the Powers of Criminal Courts (Sentencing) Act 2000 or under Chapter 2 of Part 10 of the Sentencing Code ";

(c) in sub-paragraph (via), after "section 226B of that Act" insert " or under section 254 of the Sentencing Code ".

Commencement Information
I1156 Sch. 24 para. 275 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

276 In Schedule 6 to that Act—

(a) in paragraph 2(1), for "section 32" substitute " section 69 of the Sentencing Code (as applied by section 238(6) of the Armed Forces Act 2006) ";

(b) in paragraph 5(1)(a)(via), after "section 226B of that Act" insert " or section 254 of the Sentencing Code ".

Commencement Information
I1157 Sch. 24 para. 276 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Coroners and Justice Act 2009 (c. 25)

277 In section 120(3)(a) of the Coroners and Justice Act 2009, for "section 144 of the Criminal Justice Act 2003 (c. 44)" substitute " section 73 of the Sentencing Code ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I1158 Sch. 24 para. 277 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

278 In section 121(7) of that Act—

(a) in paragraph (a), for "section 144 of the Criminal Justice Act 2003 (c. 44)" substitute " section 73 of the Sentencing Code ";

(b) in paragraph (b), for "sections 73 and 74 of the Serious Organised Crime and Police Act 2005" substitute " sections 74, 387 and 388 of the Sentencing Code ".

Commencement Information
I1159 Sch. 24 para. 278 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

279 In section 131(5) of that Act—

(a) in paragraph (a), for "the meaning of section 177 of the Criminal Justice Act 2003 (c. 44)" substitute " the meaning given by section 200 of the Sentencing Code ";

(b) in paragraph (b), for "the meaning of section 189(7) of that Act" substitute " the meaning given by section 286 of that Code ";

(c) in paragraph (c), for "the meaning of Part 1 of the Criminal Justice and Immigration Act 2008 (c. 4)" substitute " the meaning given by section 173 of that Code ".

Commencement Information
I1160 Sch. 24 para. 279 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

280 In section 136 of that Act, in the definition of "prison", for "section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 248(1) of the Sentencing Code ".

Commencement Information
I1161 Sch. 24 para. 280 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

281 In section 158(3)(a) of that Act, for "section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" substitute " section 82(2) of the Sentencing Code ".

Commencement Information
I1162 Sch. 24 para. 281 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

282 In section 164(3)(d) of that Act, after "section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or Chapter 4 of Part 7 of the Sentencing Code ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I1163 Sch. 24 para. 282 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Localism Act 2011 (c. 20)

283 In Schedule 14 to the Localism Act 2011, in paragraph 6(4), for paragraph (g) substitute—

"(g) a criminal behaviour order within the meaning given by section 330 of the Sentencing Code;".

Commencement Information
I1164 Sch. 24 para. 283 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Terrorism Prevention and Investigation Measures Act 2011 (c. 23)

284 In section 23(5)(a) of the Terrorism Prevention and Investigation Measures Act 2011, for "section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 80 of the Sentencing Code ".

Commencement Information
I1165 Sch. 24 para. 284 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

285 In section 94(8) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012—

(a) in the definition of "sexual offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ";

(b) in the definition of "terrorism offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ";

(c) in the definition of "violent offence", for "Schedule 15 to the Criminal Justice Act 2003" substitute " Schedule 18 to the Sentencing Code ".

Commencement Information
I1166 Sch. 24 para. 285 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

286 In section 99(10) of that Act, for "section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 222(1) of the Sentencing Code ".

Commencement Information
I1167 Sch. 24 para. 286 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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287 In section 102(2)(d) of that Act, for "order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " regulations under section 248(1)(f) of the Sentencing Code ".

Commencement Information
I1168 Sch. 24 para. 287 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

288 (1) Section 128(6) of that Act is amended as follows.

(2) In the definition of "extended sentence prisoner", after "under section 226A or 226B of the Criminal Justice Act 2003" insert " or section 254, 266 or 279 of the Sentencing Code ".

(3) In the definition of "section 236A prisoner", after "under section 236A of the Criminal Justice Act 2003" insert " or section 265 or 278 of the Sentencing Code ".

Commencement Information
I1169 Sch. 24 para. 288 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

289 (1) Schedule 1 to that Act is amended as follows.

(2) In Part 1, in paragraph 1(1), at the end of paragraph (e) insert " or section 366 or 369 of the Sentencing Code ".

(3) In Part 3, in paragraphs 6(a) and 8(c), for "section 5 or" substitute " section 360 of the Sentencing Code or section ".

Commencement Information
I1170 Sch. 24 para. 289 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Prevention of Social Housing Fraud Act 2013 (c. 3)

290 In section 4(12) of the Prevention of Social Housing Fraud Act 2013—

(a) for "Sections 131 to 133 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Sections 141 to 143 of the Sentencing Code ";

(b) for paragraphs (c) and (d) substitute—

"(c) section 143(3)(a) and (b) were omitted, and

(d) the reference in section 143(5)(b)(ii) to an unlawful profit order under section 4 were to a compensation order under Chapter 2 of Part 7 of the Sentencing Code."

Commencement Information
I1171 Sch. 24 para. 290 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Counter-Terrorism and Security Act 2015 (c. 6)

291 In section 10(6)(a) of the Counter-Terrorism and Security Act 2015, for "section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 80 of the Sentencing Code ".

Commencement Information
I1172 Sch. 24 para. 291 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

292 In section 44(2) of that Act, at the end insert—

"(e) section 69 of the Sentencing Code (including as it is applied by section 238(6) of the Armed Forces Act 2006), and Schedule 1 to that Code (terrorist connection)."

Commencement Information
I1173 Sch. 24 para. 292 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Modern Slavery Act 2015 (c. 30)

293 (1) Section 10 of the Modern Slavery Act 2015 is amended as follows.

(2) In subsection (1), for "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 2 of Part 7 of the Sentencing Code ".

(3) In subsection (3)—

(a) for "Sections 132 to 134 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Sections 141, 143 and 144 of the Sentencing Code ";

(b) for paragraph (d) substitute—

"(d) the reference in section 143(5)(b)(iii) to a slavery and trafficking reparation order under section 8 above were to a compensation order under Chapter 2 of Part 7 of the Sentencing Code.";

(c) omit paragraph (e).

Commencement Information
I1174 Sch. 24 para. 293 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

294 In section 34(3)(a) of that Act, for "section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82(2) of the Sentencing Code ".

Commencement Information
I1175 Sch. 24 para. 294 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Psychoactive Substances Act 2016 (c. 2)

295 (1) Section 6 of the Psychoactive Substances Act 2016 is amended as follows.

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(2) In subsection (1)—

(a) for "This section applies" substitute " Subsections (2) to (10) apply ";

(b) in paragraph (a), after "court" insert " in Scotland or Northern Ireland ".

(3) After subsection (10) insert—

"(11) For the requirement for a court in England and Wales considering the seriousness of an offence under section 5 to treat certain matters as aggravating factors, see section 72 of the Sentencing Code."

Commencement Information
I1176 Sch. 24 para. 295 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

296 In section 32(6)(a) of that Act, for paragraph (a) substitute—

"(a) sections 79, 80 and 82 of the Sentencing Code,".

Commencement Information
I1177 Sch. 24 para. 296 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Data Protection Act 2018 (c. 12)

297 In Schedule 18 to the Data Protection Act 2018, in paragraph 4(3)(a), after sub-paragraph (i) insert—

"(ia) section 260 of the Sentencing Code,".

Commencement Information
I1178 Sch. 24 para. 297 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Stalking Protection Act 2019 (c. 9)

298 In section 8(4) of the Stalking Protection Act 2019, for "subsection (1)(b) of section 12 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 80 of the Sentencing Code ".

Commencement Information
I1179 Sch. 24 para. 298 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offensive Weapons Act 2019 (c. 17)

299 In section 8(9) of the Offensive Weapons Act 2019, for "paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000" substitute " paragraph 40 of Schedule 22 to the Sentencing Act 2020 ".

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Commencement Information
I1180 Sch. 24 para. 299 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

300 In section 23(10) of that Act, for "2003" substitute " 2000 or section 222 of the Sentencing Code ".

Commencement Information
I1181 Sch. 24 para. 300 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Coronavirus Act 2020 (c. 7)

301 (1) Schedule 23 to the Coronavirus Act 2020 is amended as follows.

(2) In paragraph 2(3)(i), after "section 155 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 385 of the Sentencing Code ".

(3) In paragraph 8, in paragraph 2(9) of the Schedule 3A treated as inserted into the Criminal Justice Act 2003, after "section 155 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 385 of the Sentencing Code ".

Commencement Information
I1182 Sch. 24 para. 301 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

302 In Schedule 24 to that Act, after paragraph 13 insert—

"Sentencing Code

14 The Sentencing Code has effect as if section 391 were omitted."

Commencement Information
I1183 Sch. 24 para. 302 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

ACTS OF SENEDD CYMRU

Social Services and Well-being (Wales) Act 2014 (anaw 4)

303 (1) Section 77 of the Social Services and Well-being (Wales) Act 2014 is amended as follows.

(2) In subsection (2)(c) of the English language text—

(a) in sub-paragraph (i), for "paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " paragraph 5 of Schedule 4 or paragraph 7 of Schedule 5 to the Sentencing Code ";

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(b) in sub-paragraph (ii), for "paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008" substitute " paragraph 25 of Schedule 7 to that Code ".

(3) In subsection (2)(c) of the Welsh language text—

(a) in sub-paragraph (i), for "paragraff 4 o Atodlen 1 neu baragraff 6 o Atodlen 8 i Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000" substitute "paragraff 5 o Atodlen 4 neu baragraff 7 o Atodlen 5 i'r Cod Dedfrydu";

(b) in sub-paragraph (ii), for "paragraff 21 o Atodlen 2 i Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008" substitute "paragraff 25 o Atodlen 7 i'r Cod hwnnw".

(4) For subsection (3) of the English language text substitute—

"(3) In subsection (2)—

"local authority residence requirement" has the meaning given by paragraph 24 of Schedule 6 to the Sentencing Code;

"youth rehabilitation order" has the meaning given by section 173 of that Code;

"youth rehabilitation order with fostering" has the meaning given by section 176 of that Code."

(5) For subsection (3) of the Welsh language text substitute—

"(3) Yn is-adran (2)—

mae i "gofyniad preswylio awdurdod lleol" ("*local authority residence requirement*") yr ystyr a roddir gan baragraff 24 o Atodlen 6 i'r Cod Dedfrydu;

mae i "gorchymyn adsefydlu ieuenctid" ("*youth rehabilitation order*") yr ystyr a roddir gan adran 173 o'r Cod hwnnw;

mae i "gorchymyn adsefydlu ieuenctid â maethu" ("*youth rehabilitation order with fostering*") yr ystyr a roddir gan adran 176 o'r Cod hwnnw.""

Commencement Information
I1184 Sch. 24 para. 303 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

304 (1) In section 188(1) of the English language text of that Act, in paragraph (e) of the definition of "youth detention accommodation", for "by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " by regulations under section 248(1)(f) of the Sentencing Code ".

(2) In section 188(1) of the Welsh language text of that Act, in paragraph (e) of the definition of "llety cadw ieuenctid" ("youth detention accommodation"), for "drwy orchymyn o dan adran 107(1)(e) o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000" substitute "drwy reoliadau o dan adran 248(1)(f) o'r Cod Dedfrydu".

Commencement Information
I1185 Sch. 24 para. 304 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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305 (1) In section 194(6)(c) of the English language text of that Act, for "Part 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

(2) In section 194(6)(c) of the Welsh language text of that Act, for "o dan Ran 1 o Ddeddf Cyfiawnder a Mewnfudo 2008" substitute "ym Mhennod 1 o Ran 9 o'r Cod Dedfrydu".

Commencement Information
I1186 Sch. 24 para. 305 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

306 (1) In Schedule 1 to the English language text of that Act, in paragraph 1(8), for paragraph (c) substitute—

"(c) section 260 of the Sentencing Code."

(2) In Schedule 1 to the Welsh language text of that Act, in paragraph 1(8), for paragraph (c) substitute—

"(c) adran 260 o'r Cod Dedfrydu."

Commencement Information
I1187 Sch. 24 para. 306 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Housing (Wales) Act 2014 (anaw 7)

307 (1) In section 70(1)(j)(i) of the English language text of the Housing (Wales) Act 2014, after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or section 222 of the Sentencing Code ".

(2) In section 70(1)(j)(i) of the Welsh language text of that Act, after "adran 76 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000" insert "neu adran 222 o'r Cod Dedfrydu".

Commencement Information
I1188 Sch. 24 para. 307 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

308 (1) In section 99 of the English language text of that Act, in paragraph (e) of the definition of "youth detention accommodation", for "by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " by regulations under section 248(1)(f) of the Sentencing Code ".

(2) In section 99 of the Welsh language text of that Act, in paragraph (e) of the definition of "llety cadw ieuenctid" ("youth detention accommodation"), for "gan orchymyn o dan adran 107(1)(e) o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000" substitute "drwy reoliadau o dan adran 248(1)(f) o'r Cod Dedfrydu".

Commencement Information
I1189 Sch. 24 para. 308 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)

309 (1) In section 120(6) of the English language text of the Regulation and Inspection of Social Care (Wales) Act 2016, after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or section 222 of the Sentencing Code ".

(2) In section 120(6) of the Welsh language text of that Act, after "adran 76 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000 (p.6)" insert "neu adran 222 o'r Cod Dedfrydu".

Commencement Information
I1190 Sch. 24 para. 309 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

ACTS OF THE SCOTTISH PARLIAMENT

Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)

310 In section 34(2)(b)(i) of the Human Trafficking and Exploitation (Scotland) Act 2015, for "section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82 of the Sentencing Code ".

Commencement Information
I1191 Sch. 24 para. 310 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22)

311 In section 37(5) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, at the end of paragraph (a) insert " or Chapter 2 of Part 11 of the Sentencing Code ".

Commencement Information
I1192 Sch. 24 para. 311 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Management of Offenders (Scotland) Act 2019 (asp 14)

312 If section 18 of the Management of Offenders (Scotland) Act 2019 does not come into force on or before **[**F71 1 December 2020**]**, subsection (2)(b) of that section is amended as follows—

(a) in sub-paragraph (i), for "third" substitute " fourth ";

(b) in sub-paragraph (iii), after "2000" insert " or section 250 of that Code ".

Textual Amendments
F71 Words in Sch. 24 para. 312 substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(7)(c)**

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Commencement Information
I1193 Sch. 24 para. 312 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

NORTHERN IRELAND LEGISLATION

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

313 In Article 6(1)(g)(iii) of the Rehabilitation of Offenders (Northern Ireland) Order 1978, at the end insert " or section 254, 266 or 279 of the Sentencing Code ".

Commencement Information
I1194 Sch. 24 para. 313 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Recovery of Health Services Charges (Northern Ireland) Order 2006 (S.I. 2006/1944 (N.I. 13))

314 In Schedule 1 to the Recovery of Health Services Charges (Northern Ireland) Order 2006, in paragraph 1(b), after "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)" insert " or Chapter 2 of Part 7 of the Sentencing Code ".

Commencement Information
I1195 Sch. 24 para. 314 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.))

315 In Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, in paragraph 23(3)(b), for "section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 82 of the Sentencing Code ".

Commencement Information
I1196 Sch. 24 para. 315 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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PART 5

SECONDARY LEGISLATION

Costs in Criminal Cases (General) Regulations 1986 (S.I. 1986/1335)

316 (1) Regulation 14 of the Costs in Criminal Cases (General) Regulations 1986 is amended as follows.

(2) In paragraph (1)(a), for "section 42 of the Powers of Criminal Courts Act 1973" substitute " section 21 of the Sentencing Code as it applies by virtue of subsection (1)(a) or (c) of that section ".

(3) Omit paragraph (3)(a)(i) to (iv), (vi) and (vii).

(4) Omit paragraph (3)(b)(i) and (ii).

(5) After sub-paragraph (b) of paragraph (3) insert—

"(c) under any of the following provisions of the Sentencing Code—

(i) Schedule 2 (commission of further offence by person conditionally discharged);

(ii) paragraph 7 of Schedule 4 (power of court on referral back from panel);

(iii) Part 1 of Schedule 5 (breach of reparation order);

(iv) Part 2 of Schedule 10 (breach of requirement of community order);

(v) Part 2 of Schedule 16 (breach of community requirement of suspended sentence order or conviction of further offence)."

Commencement Information
I1197 Sch. 24 para. 316 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)

317 In regulation 5(1) of the Children (Secure Accommodation) Regulations 1991, after "section 90 or 91 of the Powers of the Criminal Courts (Sentencing) Act 2000" insert or " section 250 or 259 of the Sentencing Code ".

Commencement Information
I1198 Sch. 24 para. 317 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Jobseeker's Allowance Regulations 1996 (S.I. 1996/207)

318 In regulation 13(3A)(a) of the Jobseeker's Allowance Regulations 1996, after "("the 2003 Act")" insert " or Chapter 4 of Part 11 of the Sentencing Code ".

Commencement Information
I1199 Sch. 24 para. 318 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Police (Property) Regulations 1997 (S.I. 1997/1908)

319 In regulation 5(1) of the Police (Property) Regulations 1997, for "section 143 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 153 of the Sentencing Code ".

Commencement Information
I1200 Sch. 24 para. 319 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

320 In regulation 7(3) of those Regulations, for "section 145 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 159 of the Sentencing Code ".

Commencement Information
I1201 Sch. 24 para. 320 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Merchant Shipping (Oil Pollution) (South Georgia and the South Sandwich Islands) Order 1997 (S.I. 1997/2588)

321 In article 3(b) of the Merchant Shipping (Oil Pollution) (South Georgia and the South Sandwich Islands) Order 1997, for "section 37(2) of the Criminal Justice Act 1982" substitute " section 122(1) of the Sentencing Code ".

Commencement Information
I1202 Sch. 24 para. 321 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Prison Rules 1999 (S.I. 1999/728)

322 In rule 57(2) of the Prison Rules 1999, after "section 99 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 276 of the Sentencing Code ".

Commencement Information
I1203 Sch. 24 para. 322 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Youth Justice Board for England and Wales Order 2000 (S.I. 2000/1160)

323 In article 2 of the Youth Justice Board for England and Wales Order 2000 omit " "the 2000 Act" means the Powers of Criminal Courts (Sentencing) Act 2000;".

Commencement Information
I1204 Sch. 24 para. 323 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

324 (1) Article 4(2) of that Order is amended as follows.

(2) In paragraph (a), for "section 90 or 91 of the 2000 Act" substitute " section 250 or 259 of the Sentencing Code ".

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(3) In paragraph (m)(i), for "section 102(1) of the 2000 Act" substitute " section 241(1) of the Sentencing Code ".

(4) In paragraph (m)(ii)—

(a) for "section 92(1) of the 2000 Act" substitute " section 260(1) of the Sentencing Code ";

(b) for "section 90 or 91 of that Act" substitute " section 250 or 259 of that Code ".

(5) In paragraph (n)(i), for "section 103(3) of the 2000 Act" substitute " section 242(3) of the Sentencing Code ".

(6) In paragraph (n)(ii), for "section 103(6) of that Act" substitute " section 242(4) of that Code ".

(7) In paragraph (n)(iii), for "section 104(3)(a) of that Act" substitute " paragraph 3(8)(b) of Schedule 12 to that Code ".

(8) In paragraph (n)(iv), for "section 105(2) of that Act" substitute " paragraph 7(5) of that Schedule ".

Commencement Information
I1205 Sch. 24 para. 324 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Magistrates' Courts Warrants (Specification of Provisions) Order 2000 (S.I. 2000/3278)

325 In Article 2 of the Magistrates' Courts Warrants (Specification of Provisions) Order 2000, after paragraph (g) insert—

"(ga) in the Sentencing Code—

(i) sections 6(4) and 93(4)(b);

(ii) paragraph 3(2)(b) of Schedule 4;

(iii) paragraph 6(3) of Schedule 5;

(iv) paragraphs 5(2)(b), 12(4)(b), 13(3)(b), 17(2), 18(2)(b), 19(3)(b), 21(4), 22(7) and 23(4) of Schedule 7;

(v) paragraphs 8(2)(b) and (4), 9(2)(b) and (4), 14(4), 18(5), 20(2), 21(4), 23(4), 24(4) and 25(4) of Schedule 10;

(vi) paragraph 2(2)(b) of Schedule 12;

(vii) paragraphs 8(2)(b) and 25(6) of Schedule 16;".

Commencement Information
I1206 Sch. 24 para. 325 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Young Offender Institution Rules 2000 (S.I. 2000/3371)

326 In rule 5(7)(a) of the Young Offender Institution Rules 2000, after "the 2003 Act" insert " or by virtue of section 233 of the Sentencing Code ".

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Commencement Information
I1207 Sch. 24 para. 326 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

327 In rule 5A(2)(b)(iii) of those rules, after "section 100 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 233 of the Sentencing Code ".

Commencement Information
I1208 Sch. 24 para. 327 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

328 In rule 60(1)(f) of those Rules, after "section 100 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 233 of the Sentencing Code ".

Commencement Information
I1209 Sch. 24 para. 328 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341)

329 In regulation 31I(3)(c) of the Representation of the People (England and Wales) Regulations 2001, after "section 5(1) of the Protection from Harassment Act 1997" insert " or section 360 of the Sentencing Code ".

Commencement Information
I1210 Sch. 24 para. 329 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497)

330 In regulation 31I(3)(c) of the Representation of the People (Scotland) Regulations 2001, after "section 5(1) of the Protection from Harassment Act 1997" insert " or section 360 of the Sentencing Code ".

Commencement Information
I1211 Sch. 24 para. 330 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Child Tax Credit Regulations 2002 (S.I. 2002/2007)

331 In regulation 2(1) of the Child Tax Credit Regulations 2002, in paragraph (a) of the definition of "custodial sentence", after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 222 of the Sentencing Code ".

Commencement Information
I1212 Sch. 24 para. 331 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Homelessness (Priority Need for Accommodation) (England) Order 2002 (S.I. 2002/2051)

332 In article 5(3) of the Homelessness (Priority Need for Accommodation) (England) Order 2002—

(a) in paragraph (a), after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 222 of the Sentencing Code ";

(b) in paragraph (c), for "that Act" substitute " the Powers of Criminal Courts (Sentencing) Act 2000 ".

Commencement Information
I1213 Sch. 24 para. 332 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Proceeds of Crime Act 2002 (Exemptions from Civil Recovery) Order 2003 (S.I. 2003/336)

333 In the Schedule to the Proceeds of Crime Act 2002 (Exemptions from Civil Recovery) Order 2003, in Part 2, after the entry referring to the Powers of Criminal Courts (Sentencing) Act 2000 insert— " Section 153 of the Sentencing Code (powers to deprive offender of property used etc for purposes of crime), in the circumstances where no order is made under the Police (Property) Act 1987, as applied by section 158 of the Sentencing Code, for the delivery of the property to a person appearing to be the owner of the property. "

Commencement Information
I1214 Sch. 24 para. 333 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Guardian's Allowance (General) Regulations 2003 (S.I. 2003/495)

334 In regulation 7(1)(a) of the Guardian's Allowance (General) Regulations 2003, after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000," insert " section 222 of the Sentencing Code or ".

Commencement Information
I1215 Sch. 24 para. 334 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Magistrates' Courts (Parenting Orders) Rules 2004 (S.I. 2004/247)

335 In rule 7 of the Magistrates' Courts (Parenting Orders) Rules 2004, after "section 8 of the Crime and Disorder Act 1998" insert " or section 366 or 369 of the Sentencing Code ".

Commencement Information
I1216 Sch. 24 para. 335 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

336 In rule 8 of those Rules, for "paragraph 9D of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 368 of the Sentencing Code ".

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Commencement Information
I1217 Sch. 24 para. 336 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

337 In rule 9 of those Rules, for "paragraph 9D of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 368 of the Sentencing Code, ".

Commencement Information
I1218 Sch. 24 para. 337 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950)

338 In Schedule 2 to the Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005, in paragraph 5, at the end of sub-paragraph (1) insert—

"This is subject to section 1 of the Sentencing (Pre-consolidation) Amendments Act 2020 (and see also the exceptions in Schedule 1 to that Act)."

Commencement Information
I1219 Sch. 24 para. 338 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 (S.I. 2005/3181)

339 (1) Article 141F of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 is amended as follows.

(2) In paragraph (4)(a), after "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 2 of Part 7 of the Sentencing Code ".

(3) In paragraph (5)(a), after "section 148(2) of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 3 of Part 7 of the Sentencing Code ".

Commencement Information
I1220 Sch. 24 para. 339 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

340 (1) Article 141ZE of that Order is amended as follows.

(2) In paragraph (4)(a), after "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 2 of Part 7 of the Sentencing Code ".

(3) In paragraph (5)(a), after "section 148(2) of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 3 of Part 7 of the Sentencing Code ".

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Commencement Information
I1221 Sch. 24 para. 340 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

341 (1) Article 205 of that Order is amended as follows.

(2) In paragraph (4)(a), for "or section 130 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " , section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code ".

(3) In paragraph (5)(a), for "or section 148(2) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " , section 148(2) of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 3 of Part 7 of the Sentencing Code ".

Commencement Information
I1222 Sch. 24 para. 341 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

342 In Schedule 5 to that Order, after the entry referring to the Powers of Criminal Courts (Sentencing) Act 2000 insert— " Section 153 of the Sentencing Code (powers to deprive offender of property used etc for purposes of crime), in the circumstances where no order is made under the Police (Property) Act 1897, as applied by section 158 of the Sentencing Code, for the delivery of the property to a person appearing to be the owner of the property. "

Commencement Information
I1223 Sch. 24 para. 342 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (General Dental Services Contracts) Regulations 2005 (S.I. 2005/3361)

343 In regulation 2(1) of the National Health Service (General Dental Services Contracts) Regulations 2005, in paragraph (a) of the definition of "prison", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

Commencement Information
I1224 Sch. 24 para. 343 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (Personal Dental Services Agreements) Regulations 2005 (S.I. 2005/3373)

344 In regulation 2(1) of the National Health Service (Personal Dental Services Agreements) Regulations 2005, in paragraph (a) of the definition of "prison", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

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Commencement Information
I1225 Sch. 24 para. 344 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (Dental Charges) Regulations 2005 (S.I. 2005/3477)

345 In regulation 2(1) of the National Health Service (Dental Charges) Regulations 2005, in paragraph (a) of the definition of "prison", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

Commencement Information
I1226 Sch. 24 para. 345 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Child Benefit (General) Regulations 2006 (S.I. 2006/223)

346 In regulation 1(3) of the Child Benefit (General) Regulations 2006, in paragraph (a) of the definition of "penalty"—

(a) after "section 100 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or Chapter 2 of Part 10 of the Sentencing Code ";

(b) after "sections 90, 91, 92 and 93 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or sections 250, 259 and 260 of the Sentencing Code ".

Commencement Information
I1227 Sch. 24 para. 346 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 (S.I. 2006/489 (W.58))

347 In regulation 2(1) of the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006, in paragraph (a) of the definition of "prison", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

Commencement Information
I1228 Sch. 24 para. 347 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (General Dental Services Contracts) (Wales) Regulations 2006 (S.I. 2006/490 (W.59))

348 In regulation 2(1) of the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006, in paragraph (a) of the definition of "prison", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000

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(offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

Commencement Information
I1229 Sch. 24 para. 348 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (Dental Charges) (Wales) Regulations 2006 (S.I. 2006/491 (W.60))

349 In regulation 2(1) of the National Health Service (Dental Charges) (Wales) Regulations 2006, in paragraph (a) of the definition of "prison", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

Commencement Information
I1230 Sch. 24 para. 349 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 (S.I. 2006/1116)

350 In Schedule 1 to the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006, in paragraph 3A(3), for "section 30 of the Counter-Terrorism Act 2008" substitute " section 69 of the Sentencing Code ".

Commencement Information
I1231 Sch. 24 para. 350 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Serious Organised Crime and Police Act 2005 (Appeals under Section 74) Order 2006 (S.I. 2006/2135)

351 In article 2(b) of the Serious Organised Crime and Police Act 2005 (Appeals under Section 74) Order 2006, for "section 74(3) of the Act" substitute " section 387(2) of the Sentencing Code ".

Commencement Information
I1232 Sch. 24 para. 351 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

352 In article 3(4) of that Order, for "section 74(8) of the Act" substitute " section 389(1) of the Sentencing Code ".

Commencement Information
I1233 Sch. 24 para. 352 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

353 (1) Article 4 of that Order is amended as follows.

(2) In paragraph (1)—

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(a) for "section 74(8) of the Act" substitute " section 389(1) of the Sentencing Code ";

(b) in paragraph (a), for "section 74(5) or (6) of the Act" substitute " section 387(4) or 388(5) of that Code ";

(c) in paragraph (b), for "section 74(3) of the Act" substitute " section 387(2) of that Code ".

(3) In paragraph (3)—

(a) for "the offender falls within section 74(2)(c) of the Act and" substitute " on a referral under section 388 of the Sentencing Code ";

(b) for "section 74(6)" substitute " subsection (5) of that section ";

(c) for "the referral under section 74(3) of the Act" substitute " the referral ".

Commencement Information
I1234 Sch. 24 para. 353 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

354 In article 5(2) of that Order, for "section 74 of the Act" substitute " section 387 or 388 of the Sentencing Code ".

Commencement Information
I1235 Sch. 24 para. 354 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

355 In article 9 of that Order—

(a) in paragraph (1)(b), for "section 74 of the Act" substitute " section 387 or 388 of the Sentencing Code ";

(b) in paragraph (1)(c), for "section 74 of the Act" substitute " section 387 or 388 of that Code ";

(c) in paragraph (2)(c), for "section 74 of the Act" substitute " section 387 or 388 of the Sentencing Code ".

Commencement Information
I1236 Sch. 24 para. 355 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

356 In article 11(1)(b) of that Order, for "section 74(8) of the Act" substitute " section 389(1) of the Sentencing Code ".

Commencement Information
I1237 Sch. 24 para. 356 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

357 In article 15(1) of that Order, for "section 74(8) of the Act" substitute " section 389(1) of the Sentencing Code ".

Commencement Information
I1238 Sch. 24 para. 357 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 (S.I. 2007/121 (W.11))

358 (1) In regulation 2(1) of the English language text of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007, in the definition of "secure training centre" ("canolfan hyfforddi diogel"), for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

(2) In regulation 2(1) of the Welsh language text of those Regulations, in the definition of "canolfan hyfforddi ddiogel" ("secure training centre"), for "o dan adran 100 o Ddeddf Pwerau'r Llysoedd Troseddol (Dedfrydu) 2000 (tramgwyddwyr o dan 18 oed: gorchmynion dal gafael a hyfforddi)" substitute "o fewn yr ystyr a roddir gan adran 233 o'r Cod Dedfrydu".

Commencement Information
I1239 Sch. 24 para. 358 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Defence Service (Funding) Order 2007 (S.I. 2007/1174)

359 In Schedule 1 to the Criminal Defence Service (Funding) Order 2007, in paragraph 12(1), for "section 1 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 1 of Part 2 of the Sentencing Code ".

Commencement Information
I1240 Sch. 24 para. 359 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

360 (1) Schedule 2 to that Order is amended as follows.

(2) In paragraph 2(1)(d), for "section 1 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 1 of Part 2 of the Sentencing Code ".

(3) In paragraph 12A(2)—

(a) in paragraph (b), for "section 155 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 385 of the Sentencing Code ";

(b) in paragraph (c), for "section 74 of the Serious Organised Crime and Police Act 2005" substitute " section 387 or 388 of the Sentencing Code ".

Commencement Information
I1241 Sch. 24 para. 360 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

361 In Schedule 5 to that Order, in paragraph 1(4)(e), for "section 1 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 1 of Part 2 of the Sentencing Code ".

Commencement Information
I1242 Sch. 24 para. 361 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Community Order (Review by Specified Courts) Order 2007 (S.I. 2007/2162)

362 In article 1 of the Community Order (Review by Specified Courts) Order 2007 omit paragraph (2).

Commencement Information
I1243 Sch. 24 para. 362 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

363 In article 3(2) of that Order—

(a) for "under section 177(1)(i) of the 2003 Act," substitute " , within the meaning given by paragraph 19(1) of Schedule 9 to the Sentencing Code, ";

(b) for "section 210 of that Act" substitute " paragraph 21 of that Schedule ".

Commencement Information
I1244 Sch. 24 para. 363 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

364 (1) Article 4 of that Order is amended as follows.

(2) In paragraph (2)(d)—

(a) for "Chapter 4 of Part 12 of the 2003 Act" substitute " Schedule 9 to the Sentencing Code ";

(b) for "section 177(5) of the 2003 Act" substitute " section 209(1) of the Sentencing Code ".

(3) For paragraph (3) substitute—

"(3) For the purposes of paragraph (2)(a) a requirement falling within any Part of Schedule 9 to the Sentencing Code is of the same kind as any other requirement falling within that Schedule."

(4) In paragraph (6), for "paragraph 9 or 10 of Schedule 8 to the 2003 Act" substitute " paragraph 10 or 11 of Schedule 10 to the Sentencing Code ".

Commencement Information
I1245 Sch. 24 para. 364 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Immigration (Disposal of Property) Regulations 2008 (S.I. 2008/786)

365 In regulation 4(1)(a) and (b) of the Immigration (Disposal of Property) Regulations 2008, before "or section 25 of the 2007 Act" insert " , section 156 of the Sentencing Code ".

Commencement Information
I1246 Sch. 24 para. 365 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Employment and Support Allowance Regulations 2008 (S.I. 2008/794)

366 In regulation 160(5) of the Employment and Support Allowance Regulations 2008, in the definition of "penalty"—

(a) after "section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 250 or 259 of the Sentencing Code ";

(b) for "section 100 of that Act" substitute " section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 10 of the Sentencing Code ".

Commencement Information
I1247 Sch. 24 para. 366 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Primary Ophthalmic Services Regulations 2008 (S.I. 2008/1186)

367 In regulation 2(1) of the Primary Ophthalmic Services Regulations 2008, in the definition of "secure training centre", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

Commencement Information
I1248 Sch. 24 para. 367 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741)

368 In regulation 38C(3)(c) of the Representation of the People (Northern Ireland) Regulations 2008, after "section 5(1) of the Protection from Harassment Act 1997" insert " or section 360 of the Sentencing Code ".

Commencement Information
I1249 Sch. 24 para. 368 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)

369 In the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, after article 102 insert—

"Seriousness of offence with terrorist connection

102A In section 238(6) of AFA 2006 (seriousness of offence with terrorist connection) the references—

(a) to an offence under section 42 of that Act include an SDA civil offence, and

(b) to the corresponding offence under the law of England and Wales include the corresponding civil offence."

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Commencement Information
I1250 Sch. 24 para. 369 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

370 In Schedule 1 to that Order, in paragraph 45—

(a) in sub-paragraph (2), after "2000" insert " and section 245 of the Sentencing Code ";

(b) omit sub-paragraph (3);

(c) in sub-paragraph (4), for "section 134(1) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 177A of the Armed Forces Act 2006 ";

(d) in the heading to the paragraph, at the end insert " and related provisions ".

Commencement Information
I1251 Sch. 24 para. 370 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

371 In Schedule 2 to that Order, in paragraph 8(2), for "section 94 of PCC(S)A 2000" substitute " section 272(2)(a) of the Sentencing Code, as applied by section 210A of AFA 2006 ".

Commencement Information
I1252 Sch. 24 para. 371 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Armed Forces (Service Civilian Court) Rules 2009 (S.I. 2009/1209)

372 In rule 31(3) of the Armed Forces (Service Civilian Court) Rules 2009, for "paragraph 21 of Schedule 8 to the 2003 Act" substitute " paragraph 23(2) of Schedule 10 to the Sentencing Code ".

Commencement Information
I1253 Sch. 24 para. 372 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

373 In rule 96(3)(b) of those Rules, for "paragraph 21 of Schedule 8 to the 2003 Act" substitute " under paragraph 23(2) of Schedule 10 to the Sentencing Code ".

Commencement Information
I1254 Sch. 24 para. 373 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

374 (1) Rule 101 of those Rules is amended as follows.

(2) In paragraph (1)—

(a) for "paragraph 8 of Schedule 8 to the 2003 Act" substitute " paragraph 8A of Schedule 10 to the Sentencing Code (as inserted by paragraph 5 of Schedule 6A to the Act) ";

(b) in sub-paragraph (c) for "paragraph 5 of Schedule 8 to the 2003 Act" substitute " paragraph 6 of Schedule 10 to the Sentencing Code ".

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(3) In paragraph (3)(a)—

(a) for "paragraph 8 of Schedule 8 to the 2003 Act" substitute " paragraph 8A of Schedule 10 to the Sentencing Code ";

(b) for "paragraph 10" substitute " paragraph 11 ".

(4) In paragraph (3)(b), for "paragraph 8" substitute " paragraph 8A ".

Commencement Information
I1255 Sch. 24 para. 374 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

375 (1) Rule 102 of those Rules is amended as follows.

(2) In paragraph (1), for "paragraph 8 of Schedule 8 to the 2003 Act" substitute " paragraph 8A of Schedule 10 to the Sentencing Code (as inserted by paragraph 5 of Schedule 6A to the Act) ".

(3) In paragraph (7)(a), for "paragraph 10 of Schedule 8 to the 2003 Act" substitute " paragraph 11 of Schedule 10 to the Sentencing Code ".

Commencement Information
I1256 Sch. 24 para. 375 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

376 (1) Rule 104 of those Rules is amended as follows.

(2) In paragraph (1), for "paragraph 14 of Schedule 8 to the 2003 Act" substitute " paragraph 15 of Schedule 10 to the Sentencing Code ".

(3) In paragraph (4)(b), for "paragraph 14(5) of Schedule 8 to the 2003 Act" substitute " paragraph 15(3)(a) of Schedule 10 to the Sentencing Code ".

(4) In paragraph (6)—

(a) for "paragraph 14(5) of Schedule 8 to the 2003 Act" substitute " paragraph 15(3)(b) of Schedule 10 to the Sentencing Code ";

(b) in sub-paragraph (b), for "paragraph 14(5) of Schedule 8 to the 2003 Act" substitute " paragraph 15(3)(a) of Schedule 10 to the Sentencing Code ".

Commencement Information
I1257 Sch. 24 para. 376 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

377 (1) Rule 105 of those Rules is amended as follows.

(2) In paragraph (1), for "paragraph 17 of Schedule 8 to the 2003 Act" substitute " paragraph 18 of Schedule 10 to the Sentencing Code ".

(3) In paragraph (3)(a), for "paragraph 17(2) of Schedule 8 to the 2003 Act" substitute " paragraph 18(7) of Schedule 10 to the Sentencing Code ".

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Commencement Information
I1258 Sch. 24 para. 377 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

378 (1) Rule 106 of those Rules is amended as follows.

(2) In paragraph (1)—

(a) for "paragraph 20 of Schedule 8 to the 2003 Act" substitute " paragraph 21 of Schedule 10 to the Sentencing Code ";

(b) in sub-paragraph (a), for "section 200(2) of that Act" substitute " paragraph 1(1)(b) of Schedule 9 to that Code ".

(3) In paragraph (3)(b), for "section 200(2) of the 2003 Act" substitute " paragraph 1(1)(b) of Schedule 9 to the Sentencing Code ".

Commencement Information
I1259 Sch. 24 para. 378 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

379 In Schedule 2 to those Rules, in paragraph 15(2), for "paragraph 21 of Schedule 8 to the 2003 Act" substitute " paragraph 23(2) of Schedule 10 to the Sentencing Code ".

Commencement Information
I1260 Sch. 24 para. 379 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Armed Forces (Financial Penalty Enforcement Orders) Regulations 2009 (S.I. 2009/1212)

380 In regulation 3A of the Armed Forces (Financial Penalty Enforcement Orders) Regulations 2009, in paragraphs (2)(b) and (3)(b), for "section 139(2) of the Sentencing Act" substitute " section 129(3) of the Sentencing Code ".

Commencement Information
I1261 Sch. 24 para. 380 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009 (S.I. 2009/1887)

381 (1) Schedule 1 to the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009 is amended as follows.

(2) In paragraph (a)—

(a) after "section 209 of the Criminal Justice Act 2003" insert " or paragraph 19 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(3) In paragraph (b)—

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) after "section 212 of the Criminal Justice Act 2003" insert " or paragraph 23 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

Commencement Information
I1262 Sch. 24 para. 381 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

382 In Schedule 2 to those Regulations, in paragraph (e)—

(a) for "section 177 or 189 of the Criminal Justice Act 2003 insofar as those sections" substitute " Chapter 2 of Part 9 of the Sentencing Code or Chapter 5 of Part 10 of that Code insofar as those Chapters ";

(b) for "section 207 of that Act" substitute " paragraph 16 of Schedule 9 to that Code ".

Commencement Information
I1263 Sch. 24 para. 382 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009 (S.I. 2009/1922)

383 In article 15F(6)(a) of the Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009, for "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 222 of the Sentencing Code ".

Commencement Information
I1264 Sch. 24 para. 383 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Armed Forces (Court Martial) Rules 2009 (S.I. 2009/2041)

384 In rule 2(2) of the Armed Forces (Court Martial) Rules 2009, in paragraph (a) of the definition of "activation order", for "paragraph 8(2)(a) or (b) of Schedule 12 to the 2003 Act" substitute " paragraph 13(1)(a) or (b) of Schedule 16 to the Sentencing Code ".

Commencement Information
I1265 Sch. 24 para. 384 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

385 (1) Rule 3 of those Rules is amended as follows.

(2) In paragraph (2), in the definition of "suspended sentence order"—

(a) after "means an order under" insert " section 264 or 277 of the Sentencing Code or ";

(b) for "section 196(2)" substitute " section 207 ".

(3) For paragraph (3) substitute—

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"(3) Any reference in these Rules to Schedule 10 to the Sentencing Code is to that Schedule as modified by section 181 of the 2006 Act and Schedule 6A to that Act."

Commencement Information
I1266 Sch. 24 para. 385 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

386 In rule 44(3) of those Rules, for "paragraph 23 of Schedule 8 to the 2003 Act" substitute " paragraph 25 of Schedule 10 to the Sentencing Code ".

Commencement Information
I1267 Sch. 24 para. 386 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

387 In rule 114(5)(b) of those Rules, for "paragraph 23 of Schedule 8 to the 2003 Act" substitute " paragraph 25 of Schedule 10 to the Sentencing Code ".

Commencement Information
I1268 Sch. 24 para. 387 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

388 (1) Rule 131 of those Rules is amended as follows.

(2) In paragraph (1), for "paragraph 12(2A)(a) and (b) of Schedule 12 to the 2003 Act, as substituted by paragraph 8(1)" substitute " paragraph 19(1)(a) and (b) of Schedule 16 to the Sentencing Code, as modified by paragraph 12 ".

(3) In sub-paragraph (2)—

(a) in the definition of "the relevant facts", for "mentioned in those paragraphs, as so substituted" substitute " referred to in paragraph (1) above ";

(b) in the definition of "the original sentence", after "means" insert " the suspended sentence order mentioned in paragraph 19(1)(a) of Schedule 16 to the Sentencing Code, as modified by paragraph 12 of Schedule 7 to the 2006 Act, or ";

(c) in the definition of "the new offence", for "in that sub-paragraph, as so substituted" substitute " paragraph 19(1)(a) of Schedule 16 to the Sentencing Code, as modified by paragraph 12 of Schedule 7 to the 2006 Act ";

(d) in the definition of "summons", for "in that sub-paragraph, as so substituted" substitute " paragraph 19(2)(a) of Schedule 16 to the Sentencing Code, as so modified ";

(e) in the definition of "warrant", for "in that sub-paragraph, as so substituted" substitute " paragraph 19(2)(b) of Schedule 16 to the Sentencing Code, as so modified ";

(f) in the definition of "relevant order", for "paragraph 8(2) of Schedule 12 to the 2003 Act" substitute " paragraph 13(1) of Schedule 16 to the Sentencing Code ".

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Commencement Information
I1269 Sch. 24 para. 388 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

389 In rule 134(2)(c)(ii) of those Rules, for "section 105(2) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " paragraph 7(2) of Schedule 12 to the Sentencing Code ".

Commencement Information
I1270 Sch. 24 para. 389 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

390 (1) Rule 140 of those Rules is amended as follows.

(2) In paragraph (1)—

(a) for "paragraph 8 of Schedule 8 to the 2003 Act" substitute " paragraph 8A of Schedule 10 to the Sentencing Code (as inserted by paragraph 5 of Schedule 6A to the 2006 Act) ";

(b) in sub-paragraph (c) for "paragraph 5 of Schedule 8 to the 2003 Act" substitute " paragraph 6 of Schedule 10 to the Sentencing Code ".

(3) In paragraph (3)—

(a) in sub-paragraph (a)—

(i) for "paragraph 8 of Schedule 8 to the 2003 Act" substitute " paragraph 8A of Schedule 10 to the Sentencing Code ";

(ii) for "paragraph 10" substitute " paragraph 11 ";

(b) in sub-paragraph (b), for "paragraph 8" substitute " paragraph 8A ".

Commencement Information
I1271 Sch. 24 para. 390 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

391 (1) Rule 141 of those Rules is amended as follows.

(2) In paragraph (1), for "paragraph 8 of Schedule 8 to the 2003 Act" substitute " paragraph 8A of Schedule 10 to the Sentencing Code (as inserted by paragraph 5 of Schedule 6A to the 2006 Act) ".

(3) In paragraph (8)(a), for "paragraph 10 of Schedule 8 to the 2003 Act" substitute " paragraph 11 of Schedule 10 to the Sentencing Code ".

Commencement Information
I1272 Sch. 24 para. 391 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

392 (1) Rule 142 of those Rules is amended as follows.

(2) In paragraph (1), for "paragraph 14 of Schedule 8 to the 2003 Act" substitute " paragraph 15 of Schedule 10 to the Sentencing Code ".

(3) In paragraph (4)(b), for "paragraph 14(5) of Schedule 8 to the 2003 Act" substitute " paragraph 15(3) of Schedule 10 to the Sentencing Code ".

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(4) In paragraph (6), in the opening words and in sub-paragraph (b), for "paragraph 14(5) of Schedule 8 to the 2003 Act" substitute " paragraph 15(3) of Schedule 10 to the Sentencing Code ".

Commencement Information
I1273 Sch. 24 para. 392 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

393 (1) Rule 143 of those Rules is amended as follows.

(2) In paragraph (1), for "paragraph 17 of Schedule 8 to the 2003 Act" substitute " paragraph 18 of Schedule 10 to the Sentencing Code ".

(3) In paragraph (3)(a), for "paragraph 17(2) of Schedule 8 to the 2003 Act" substitute " paragraph 18(7) of Schedule 10 to the Sentencing Code ".

Commencement Information
I1274 Sch. 24 para. 393 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

394 (1) Rule 144 of those Rules is amended as follows.

(2) In paragraph (1)—

(a) for "paragraph 20 of Schedule 8 to the 2003 Act" substitute " paragraph 21 of Schedule 10 to the Sentencing Code ";

(b) in sub-paragraph (a), for "section 200(2) of that Act" substitute " paragraph 1(1)(b) of Schedule 9 to that Code ".

(3) In paragraph (3)(b), for "section 200(2) of the 2003 Act" substitute " paragraph 1(1)(b) of Schedule 9 to the Sentencing Code ".

Commencement Information
I1275 Sch. 24 para. 394 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

395 In Schedule 2 to those Rules, in paragraph 17(2), for "paragraph 23 of Schedule 8 to the 2003 Act" substitute " paragraph 25 of Schedule 10 to the Sentencing Code ".

Commencement Information
I1276 Sch. 24 para. 395 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Armed Forces (Civilian Courts Dealing with Service Offences) (Modification of the Criminal Justice Act 2003) Regulations 2009 (S.I. 2009/2042)

396 In regulation 3 of the Armed Forces (Civilian Courts Dealing with Service Offences) (Modification of the Criminal Justice Act 2003) Regulations 2009, for "as follows" substitute " as set out in regulations 5 to 9 ".

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Commencement Information
I1277 Sch. 24 para. 396 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

397 Omit regulation 4 of those Regulations.

Commencement Information
I1278 Sch. 24 para. 397 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

398 After regulation 9 insert—

" Modification of section 64 of the Sentencing Code (seriousness of offence: aggravating factor)

9A In its application to a civilian court dealing with an offender for a service offence, section 64 of the Sentencing Code (aggravating factor: offence committed on bail) is modified as if after the words "on bail" there were inserted " or charged with a service offence and released from service custody "".

Commencement Information
I1279 Sch. 24 para. 398 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

399 (1) Regulation 10 is amended as follows.

(2) In paragraph (1)—

(a) after "Part 12 of CJA 2003" insert " and section 64 of the Sentencing Code ";

(b) for "regulations 4 to 9" substitute " regulations 5 to 9A ".

(3) In paragraph (2), for "regulation 4" substitute " regulation 9A ".

(4) In paragraph (3), for "regulations 4 to 9" substitute " regulations 5 to 9A ".

Commencement Information
I1280 Sch. 24 para. 399 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice and Immigration Act 2008 (Commencement No.13 and Transitory Provision) Order 2009 (S.I. 2009/3074)

400 In article 4 of the Criminal Justice and Immigration Act 2008 (Commencement No.13 and Transitory Provision) Order 2009, for "Part 1 of the Criminal Justice and Immigration Act 2008 (c.4)" substitute " Chapter 1 of Part 9 of the Sentencing Code ".

Commencement Information
I1281 Sch. 24 para. 400 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Child Minding and Day Care (Disqualification) (Wales) Regulations 2010 (S.I. 2010/1703 (W.163))

401 (1) In regulation 3(9)(d) of the English language text of the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010, after "section 12 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 79 or 80 of the Sentencing Code ".

(2) In regulation 3(9)(ch) of the Welsh language text of those Regulations, after "adran 12 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000" insert "neu adran 79 neu 80 o'r Cod Dedfrydu".

Commencement Information
I1282 Sch. 24 para. 401 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Visits to Former Looked After Children in Detention (England) Regulations 2010 (S.I. 2010/2797)

402 In regulation 3(d) of the Visits to Former Looked After Children in Detention (England) Regulations 2010, for "by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " by regulations under section 248(1)(f) of the Sentencing Code ".

Commencement Information
I1283 Sch. 24 para. 402 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Disabled People's Right to Control (Pilot Scheme) (England) Regulations 2010 (S.I. 2010/2862)

403 (1) Schedule 1 to the Disabled People's Right to Control (Pilot Scheme) (England) Regulations 2010 is amended as follows.

(2) In paragraph (a)—

(a) after "section 209 of the Criminal Justice Act 2003" insert " or paragraph 19 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(3) In paragraph (b)—

(a) after "section 212 of the Criminal Justice Act 2003" insert " or paragraph 23 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

Commencement Information
I1284 Sch. 24 para. 403 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Criminal Justice Act 2003 (Surcharge) Order 2012 (S.I. 2012/1696)

404 In article 1 of the Criminal Justice Act 2003 (Surcharge) Order 2012 omit paragraph (2).

Commencement Information
I1285 Sch. 24 para. 404 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

405 In article 2 of that Order, for "Section 161A(1) of the 2003 Act" substitute " Section 42(1) of the Sentencing Code ".

Commencement Information
I1286 Sch. 24 para. 405 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

406 In the following provisions of that Order, for "section 161A of the 2003 Act" substitute " section 42 of the Sentencing Code "

(a) article 3(1) and (2);
(b) article 4(1) and (2);
(c) article 5(1) and (2);
(d) article 6(1) and (2).

Commencement Information
I1287 Sch. 24 para. 406 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

407 (1) The Schedule to that Order is amended as follows.

(2) In Table 1—

(a) for "section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 80 of the Sentencing Code ";
(b) for "section 1 of the Criminal Justice and Immigration Act 2008" substitute " Chapter 1 of Part 9 of the Sentencing Code ";
(c) for "section 16(2) or 16(3) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 85(1)(a) or (b) of the Sentencing Code ";
(d) for "section 177(1) of the Criminal Justice Act 2003" substitute " Chapter 2 of Part 9 of the Sentencing Code ";
(e) for "section 189(1) of the Criminal Justice Act 2003" substitute " section 264 or 277 of the Sentencing Code ";
(f) for "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 222(1) of the Sentencing Code ".

(3) In Table 2—

(a) for "section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 80 of the Sentencing Code ";
(b) for "section 177(1) of the Criminal Justice Act 2003" substitute " Chapter 2 of Part 9 of the Sentencing Code ";
(c) for "section 189(1) of the Criminal Justice Act 2003" (in both places) substitute " section 264 or 277 of the Sentencing Code ".

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(4) In Table 3, for "section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 80 of the Sentencing Code ".

Commencement Information
I1288 Sch. 24 para. 407 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Child Support Maintenance Calculation Regulations 2012 (S.I. 2012/2677)

408 In regulation 64(4)(a) of the Child Support Maintenance Calculation Regulations 2012—

(a) after "section 163 of the Powers of Criminal Courts (Sentencing) Act 2000" insert" " or section 397 of the Sentencing Code ";

(b) for "section 96 of that Act" substitute " section 96 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 262 of the Sentencing Code ".

Commencement Information
I1289 Sch. 24 para. 408 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996)

409 In regulation 2(1) of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012, in the definition of "secure training centre", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

Commencement Information
I1290 Sch. 24 para. 409 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9)

410 (1) Regulation 9 of the Criminal Legal Aid (General) Regulations 2013 is amended as follows.

(2) In paragraph (f)—

(a) for "section 22 of the Anti-social Behaviour, Crime and Policing Act 2014" substitute " section 330 of the Sentencing Code ";

(b) after "section 103A of the Sexual Offences Act 2003" insert " or Chapter 2 of Part 11 of the Sentencing Code ".

(3) In paragraph (g), for "section 8(1)(c) of the Crime and Disorder Act 1998" substitute " section 366 of the Sentencing Code ".

(4) In paragraph (h), after "section 9(5) of the Crime and Disorder Act 1998" insert " or section 374 of the Sentencing Code ".

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(5) In paragraph (i), for "section 10 of the Crime and Disorder Act 1998" substitute " section 366(10) of the Sentencing Code ".

(6) In paragraph (j)—

(a) for "Part 1A of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 368 of the Sentencing Code ";

(b) for "section 20 of that Act" substitute " section 90 of that Code ".

(7) In paragraph (n), after "sections 103A, 103E, 103F and 103H of the Sexual Offences Act 2003" insert " or sections 345, 350 and 353 of the Sentencing Code ".

Commencement Information
I1291 Sch. 24 para. 410 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

411 In regulation 12(2)(d)(ii) of those Regulations, after "Chapter 2 of Part 5 of the Powers of Criminal Courts (Sentencing) Act 2000," insert " or in section 241 of the Sentencing Code, ".

Commencement Information
I1292 Sch. 24 para. 411 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (Clinical Commissioning Groups—Disapplication of Responsibility) Regulations 2013 (S.I. 2013/350)

412 In regulation 1(2) of the National Health Service (Clinical Commissioning Groups—Disapplication of Responsibility) Regulations 2013, in the definition of "secure training centre", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

Commencement Information
I1293 Sch. 24 para. 412 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Employment and Support Allowance Regulations 2013 (S.I. 2013/379)

413 In regulation 96(6)(c) of the Employment and Support Allowance Regulations 2013—

(a) after "section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 250 or 259 of the Sentencing Code ";

(b) for "section 100 of that Act" substitute " section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 10 of the Sentencing Code ".

Commencement Information
I1294 Sch. 24 para. 413 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Criminal Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/435)

414 In Schedule 1 to the Criminal Legal Aid (Remuneration) Regulations 2013, in paragraph 15(2), for "section 1 (deferment of sentence) of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 1 of Part 2 of the Sentencing Code (deferment of sentence) ".

Commencement Information
I1295 Sch. 24 para. 414 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

415 (1) Schedule 2 to those Regulations is amended as follows.

(2) In paragraph 2(1)(c), for "section 1 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 1 of Part 2 of the Sentencing Code ".

(3) In paragraph 16(2)—

(a) in paragraph (b), for "section 155 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 385 of the Sentencing Code ";

(b) in paragraph (c), for "section 74 of the Serious Organised Crime and Police Act 2005" substitute " section 387 or 388 of the Sentencing Code ".

(4) In the table in Part 7, under Class H—

(a) in the entry for Breach of a sexual harm prevention order or interim sexual harm prevention order, in the second column, after "Sexual Offences Act 2003, s.103I" insert " or Sentencing Code, s.354 ";

(b) in the entry for Breach of restraining order, in the second column, for "Protection from Harassment Act 1997, s.5(5)" substitute " Sentencing Code, s.363(1) ".

Commencement Information
I1296 Sch. 24 para. 415 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

416 In Schedule 4 to those Regulations, in paragraph 5(3)(b)(v), for "section 1 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " Chapter 1 of Part 2 of the Sentencing Code ".

Commencement Information
I1297 Sch. 24 para. 416 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (Optical Charges and Payments) Regulations 2013 (S.I. 2013/461)

417 In regulation 1(2) of the National Health Service (Optical Charges and Payments) Regulations 2013, in paragraph (a) of the definition of "prisoner", for "under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)" substitute " within the meaning given by section 233 of the Sentencing Code ".

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Commencement Information
I1298 Sch. 24 para. 417 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (Direct Payments) Regulations 2013 (S.I. 2013/1617)

418 (1) The Schedule to the National Health Service (Direct Payments) Regulations 2013 is amended as follows.

(2) In paragraph (a)—

(a) after "section 209 of the Criminal Justice Act 2003" insert " or paragraph 19 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(3) In paragraph (b)—

(a) after "section 212 of the Criminal Justice Act 2003" insert " or paragraph 23 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(4) In paragraph (f), for "paragraph 22 (drug treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 ("the Criminal Justice Act 2008")" substitute " paragraph 22 of Schedule 1 to the Criminal Justice and Immigration Act 2008 ("the Criminal Justice Act 2008") or Part 13 of Schedule 6 to the Sentencing Code (drug treatment requirement) ".

(5) In paragraph (g), after "paragraph 23 of Schedule 1 to the Criminal Justice Act 2008" insert " or Part 14 of Schedule 6 to the Sentencing Code ".

(6) In paragraph (h), after "paragraph 24 of Schedule 1 to the Criminal Justice Act 2008" insert " or Part 15 of Schedule 6 to the Sentencing Code ".

Commencement Information
I1299 Sch. 24 para. 418 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2) Order 2014 (S.I. 2014/669)

419 In article 3 of the Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2) Order 2014, for "section 215(3) of the 2003 Act" substitute " paragraph 31(2) of Schedule 9 to the Sentencing Code ".

Commencement Information
I1300 Sch. 24 para. 419 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

420 In article 5 of that Order, for "paragraph 26(5) of Schedule 1 to the Criminal Justice and Immigration Act 2008" substitute " paragraph 42(2) of Schedule 6 to the Sentencing Code ".

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Commencement Information
I1301 Sch. 24 para. 420 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Offender Management Act 2007 (Approved Premises) Regulations 2014 (S.I. 2014/1198)

421 In regulation 4 of the Offender Management Act 2007 (Approved Premises) Regulations 2014—

(a) in the definition of "community sentence", for "section 147 of the Criminal Justice Act 2003" substitute " section 397(1) of the Sentencing Code ";

(b) in the definition of "suspended sentence order", for "section 189 of the Criminal Justice Act 2003" substitute " section 286(6) of the Sentencing Code ".

Commencement Information
I1302 Sch. 24 para. 421 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Special Educational Needs (Personal Budgets) Regulations 2014 (S.I. 2014/1652)

422 (1) The Schedule to the Special Educational Needs (Personal Budgets) Regulations 2014 is amended as follows.

(2) In paragraph (a)—

(a) after "section 209 of the Criminal Justice Act 2003" insert " or paragraph 19 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(3) In paragraph (b)—

(a) after "section 212 of the Criminal Justice Act 2003" insert " or paragraph 23 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(4) In paragraph (f), for "paragraph 22 (drug treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008" substitute " paragraph 22 of Schedule 1 to the Criminal Justice and Immigration Act 2008 or Part 13 of Schedule 6 to the Sentencing Code (drug treatment requirement) ".

(5) In paragraph (g), after "paragraph 23 of Schedule 1 to the Criminal Justice and Immigration Act 2008" insert " or Part 14 of Schedule 6 to the Sentencing Code ".

(6) In paragraph (h), for "paragraph 24 (intoxicating substance treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008" substitute " paragraph 24 of Schedule 1 to the Criminal Justice and Immigration Act 2008 or Part 15 of Schedule 6 to the Sentencing Code (intoxicating substance treatment requirement) ".

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Commencement Information
I1303 Sch. 24 para. 422 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014 (S.I. 2014/1977)

423 In regulation 2(3)(a) of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014, for the words following "a conviction of an offence" substitute " falling within section 308(3)(a) of the Sentencing Code ".

Commencement Information
I1304 Sch. 24 para. 423 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Care and Support (Direct Payments) Regulations 2014 (S.I. 2014/2871)

424 (1) Schedule 1 to the Care and Support (Direct Payments) Regulations 2014 is amended as follows.

(2) In paragraph (a)—

(a) for "section 209 (drug rehabilitation requirement) of the Criminal Justice Act 2003 ("the 2003 Act")" substitute " section 209 of the Criminal Justice Act 2003 ("the 2003 Act") or paragraph 19 of Schedule 9 to the Sentencing Code (drug rehabilitation requirement) ";

(b) for "section 177 (community orders) of that Act" substitute " section 177 of the 2003 Act or section 200 of the Sentencing Code (community order) ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(3) In paragraph (b)—

(a) for "section 212 of the Criminal Justice Act 2003" substitute " section 212 of the 2003 Act or paragraph 23 of Schedule 9 to the Sentencing Code ";

(b) after "section 177 of that Act" insert " or section 200 of that Code ";

(c) after "section 189 of that Act" insert " or section 286 of that Code ".

Commencement Information
I1305 Sch. 24 para. 424 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 (S.I. 2014/3300)

425 In regulation 13(2) of the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014, for paragraph (2) substitute—

"(2) The magistrates' court must give effect to the order by making a restraining order under section 360 of the Sentencing Code; and Chapter 3 of Part 11 of that Code has effect for the purposes of this regulation as if—

(a) for subsection (2) of that section there were substituted—

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"(2) The court may, subject to subsection (2A), make a restraining order under this section against a person causing danger for the purpose of protecting a protected person under the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 ("the 2014 Regulations").

(2A) The prohibitions or restrictions imposed on a person under subsection (2) must correspond as far as possible to those contained in the European protection order made by the competent authority of the issuing State.";

(b) after subsection (3) of that section there were inserted—

"(4) In this section—

"European protection order", "person causing danger" and "protected person" have the meaning given by regulation 11(1) of the 2014 Regulations;

"issuing State" is to be construed in accordance with regulation 12(1) of those Regulations.";

(c) sections 361 and 362 of the Sentencing Code were omitted."

Commencement Information
I1306 Sch. 24 para. 425 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

426 (1) Regulation 17 of those regulations is amended as follows.

(2) In paragraph (6), for "section 5 of the Protection from Harassment Act 1997" substitute " section 360 of the Sentencing Code ".

(3) In paragraph (7), for "section 5 of the Protection from Harassment Act 1997" substitute " section 361 of the Sentencing Code ".

Commencement Information
I1307 Sch. 24 para. 426 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

State Pension Regulations 2015 (S.I. 2015/173)

427 In regulation 3(2)(c) of the State Pension Regulations 2015, for "section 189 of the Criminal Justice Act 2003" substitute " section 286 of the Sentencing Code ".

Commencement Information
I1308 Sch. 24 para. 427 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

National Health Service (Charges for Drugs and Appliances) Regulations 2015 (S.I. 2015/570)

428 In regulation 11(3) of the National Health Service (Charges for Drugs and Appliances) Regulations 2015, in paragraph (b) of the definition of "other secure

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accommodation", for "detention and training orders have been made under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detentions and training orders)" substitute " detention and training orders (within the meaning given by section 233 of the Sentencing Code) have been made ".

Commencement Information
I1309 Sch. 24 para. 428 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Prosecution of Offences Act 1985 (Criminal Courts Charge) Regulations 2015 (S.I. 2015/796)

429 In regulation 1(2) of the Prosecution of Offences Act 1985 (Criminal Courts Charge) Regulations 2015 omit the definition of "the POA 1985".

Commencement Information
I1310 Sch. 24 para. 429 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

430 (1) Regulation 2 of those regulations is amended as follows.

(2) In paragraph (1)—

(a) for "section 21A(1) of the POA 1985" substitute " section 46(1) of the Sentencing Code ";

(b) in sub-paragraph (a), for "section 12 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute " section 79 of the Sentencing Code ".

(3) In paragraph (2), for sub-paragraph (b) substitute—

"(b) for a relevant failure."

(4) After paragraph (2) insert—

"(2A) In this regulation "relevant failure" means a failure to comply with—

(a) a requirement of a community order (within the meaning given by section 200 of the Sentencing Code),

(b) a community requirement of a suspended sentence order (within the meaning given by section 286 of the Sentencing Code), or

(c) a supervision requirement imposed under section 256AA of the Criminal Justice Act 2003."

(5) In paragraph (3)—

(a) for "section 21A(1) of the POA 1985" substitute " section 46(1) of the Sentencing Code ";

(b) for the words after "in respect of" substitute " the relevant failure ".

(6) In paragraph (4), for the words after "in the same proceedings" substitute " two or more different kinds of relevant failure ".

(7) In paragraph (5)(a)—

(a) for "section 21B(1)(b), (c) and (d) of the POA 1985" substitute " paragraph (2A)(a), (b) and (c) ";

(b) for "section 21B(1)(c) or (d)" substitute " paragraph (2A)(b) or (c) ".

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(8) In paragraph (5)(b)—

(a) for "section 21B(1)(b) and (c) of the POA 1985" substitute " paragraph (2A)(a) and (b) ";

(b) for "section 21B(1)(c)" substitute " paragraph (2A)(b) ".

(9) In paragraph (5)(c)—

(a) for "section 21B(1)(b) and (d) of the POA 1985" substitute " paragraph (2A)(a) and (c) ";

(b) for "section 21B(1)(d)" substitute " paragraph (2A)(c) ".

(10) In paragraph (5)(d)—

(a) for "section 21B(1)(c) and (d) of the POA 1985" substitute " paragraph (2A)(b) and (c) ";

(b) for "section 21B(1)(d)" substitute " paragraph (2A)(c) ".

(11) Omit sub-paragraph (e) of paragraph (5).

Commencement Information
I1311 Sch. 24 para. 430 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

431 In regulation 4 of those Regulations, for "section 21E(4) of the POA 1985" substitute " section 50(4) of the Sentencing Code ".

Commencement Information
I1312 Sch. 24 para. 431 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Homelessness (Intentionality) (Specified Categories) (Wales) Regulations 2015 (S.I. 2015/1265 (W.85))

432 (1) In regulation 2(j)(i) of the English language text of the Homelessness (Intentionality) (Specified Categories) (Wales) Regulations 2015, after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 222 of the Sentencing Code ".

(2) In regulation 2(j)(i) of the Welsh language text of those Regulations, after "adran 76 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000" insert "neu adran 222 o'r Cod Dedfrydu".

Commencement Information
I1313 Sch. 24 para. 432 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Care and Support (Direct Payments) (Wales) Regulations 2015 (S.I. 2015/1815 (W.260))

433 (1) The Schedule to the Care and Support (Direct Payments) (Wales) Regulations 2015 is amended as follows.

(2) In paragraph (a) of the English language text—

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(a) after "section 209 of the Criminal Justice Act 2003 insert " or paragraph 19 of Schedule 9 to the Sentencing Code ";
(b) after "section 177 of that Act" insert " or section 200 of that Code ";
(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(3) In paragraph (a) of the Welsh language text—
(a) after "adran 209 o Ddeddf Cyfiawnder Troseddol 2003" insert "neu baragraff 19 o Atodlen 9 i'r Cod Dedfrydu";
(b) after "adran 177 o'r Ddeddf honno" insert "neu adran 200 o'r Cod hwnnw";
(c) after "adran 189 o'r Ddeddf honno" insert "neu adran 286 o'r Cod hwnnw".

(4) In paragraph (b) of the English language text—
(a) after "section 212 of the Criminal Justice Act 2003" insert " or paragraph 23 of Schedule 9 to the Sentencing Code ";
(b) after "section 177 of that Act" insert " or section 200 of that Code ";
(c) after "section 189 of that Act" insert " or section 286 of that Code ".

(5) In paragraph (b) of the Welsh language text—
(a) after "adran 212 o Ddeddf Cyfiawnder Troseddol 2003" insert "neu baragraff 23 o Atodlen 9 i'r Cod Dedfrydu";
(b) after "adran 177 o'r Ddeddf honno" insert "neu adran 200 o'r Cod hwnnw";
(c) after "adran 189 o'r Ddeddf honno" insert "neu adran 286 o'r Cod hwnnw".

Commencement Information
I1314 Sch. 24 para. 433 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Children (Secure Accommodation) (Wales) Regulations 2015 (S.I. 2015/1988 (W.298))

434 (1) In regulation 14(a) of the English language text of the Children (Secure Accommodation) (Wales) Regulations 2015, after "section 90 or 91 of the Powers of the Criminal Courts (Sentencing) Act 2000" insert " or section 250 or 259 of the Sentencing Code ".

(2) In regulation 14(a) of the Welsh language text of those Regulations, after "adran 90 neu 91 o Ddeddf Pwerau'r Llysoedd Troseddol (Dedfrydu) 2000" insert "neu adran 250 neu 259 o'r Cod Dedfrydu".

Commencement Information
I1315 Sch. 24 para. 434 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2) Order 2016 (S.I. 2016/961)

435 In article 3 of the Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2) Order 2016, for "section 215(3) of the Criminal Justice Act 2003" substitute " paragraph 31(2) of Schedule 9 to the Sentencing Code ".

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Commencement Information
I1316 Sch. 24 para. 435 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice (Electronic Monitoring) (Responsible Person) Order 2017 (S.I. 2017/235)

436 In article 3 of the Criminal Justice (Electronic Monitoring) (Responsible Person) Order 2017, for "section 215(3) of the Criminal Justice Act 2003" substitute " paragraph 31(2) of Schedule 9 to the Sentencing Code ".

Commencement Information
I1317 Sch. 24 para. 436 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Bereavement Support Payment Regulations 2017 (S.I. 2017/410)

437 In regulation 7(2)(c) of the Bereavement Support Payment Regulations 2017, after "section 189 of the Criminal Justice Act 2003" insert " or section 286 of the Sentencing Code ".

Commencement Information
I1318 Sch. 24 para. 437 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2018 (S.I. 2018/210)

438 In article 3 of the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2018, for "section 212A(6) of the Criminal Justice Act 2003" substitute " paragraph 25(7)(c) of Schedule 9 to the Sentencing Code ".

Commencement Information
I1319 Sch. 24 para. 438 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (S.I. 2018/794)

439 In Schedule 1 to the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, in paragraph 8, for "or paragraph 17 of Schedule 1 to the Criminal Justice and Immigration Act 2008" substitute " , paragraph 17 of Schedule 1 to the Criminal Justice and Immigration Act 2008 or paragraph 24 of Schedule 6 to the Sentencing Code ".

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Commencement Information
I1320 Sch. 24 para. 439 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Social Workers Regulations 2018 (S.I. 2018/893)

440 In regulation 2(1) of the Social Workers Regulations 2018, in the definition of "custodial sentence", after "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000" insert " or section 222 of the Sentencing Code ".

Commencement Information
I1321 Sch. 24 para. 440 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020 (S.I. 2020/158)

441 In article 5(c) of the Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020, after "section 236A of the 2003 Act" insert " or section 265 or 278 of the Sentencing Code ".

Commencement Information
I1322 Sch. 24 para. 441 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 6

AMENDMENT OF PROVISIONS REFERRING TO SECTION 154 OF CRIMINAL JUSTICE ACT 2003

Primary legislation

442 In section 255ZA(6) of the Criminal Justice Act 2003, for "section 154(1)" substitute " paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 ".

Commencement Information
I1323 Sch. 24 para. 442 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

443 (1) In the following provisions, for "section 154(1) of the Criminal Justice Act 2003" or "section 154(1) of the Criminal Justice Act 2003 (c. 44)" substitute " paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 "

section 1A(8) of the Prevention of Crime Act 1953;
sections 1(10), 4(13), 5(13) and 22(6) of the Nuclear Installations Act 1965;
section 4A(2)(a)(i) of the Firearms Act 1968;
paragraph 2(2) of Schedule 3A to the Health and Safety at Work etc. Act 1974;
section 44BC(5) of the Solicitors Act 1974;
section 88G(7) of the Alcoholic Liquor Duties Act 1979;

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section 20AAC(4)(a)(i) of the Hydrocarbon Oil Duties Act 1979;
section 430(4A) of the Insolvency Act 1986;
section 29L(4) of the Public Order Act 1986;
section 1(5) of the Malicious Communications Act 1988;
sections 139A(5ZA) (as to be inserted by section 45(5) of the Offensive Weapons Act 2019) and 139AA(10) of the Criminal Justice Act 1988;
section 63B(8) of the Local Government Finance Act 1988;
section 8A(11)(a)(i) of the Firearms (Amendment) Act 1988;
section 196D(6) of the Town and Country Planning Act 1990;
in the Local Government Finance Act 1992—

(a) section 14B(5);
(b) paragraph 15D(7) of Schedule 2;

section 1(7) of the Prisoners (Return to Custody) Act 1995;
section 110(5H) of the Environment Act 1995;
section 4A(6) of the Protection from Harassment Act 1997;
section 32ZA(6) of the Crime (Sentences) Act 1997;
section 23(1G)(a) of the Financial Services and Markets Act 2000;
section 4A(9)(a) of the Private Security Industry Act 2001 (as to be inserted by section 42 of the Crime and Security Act 2010);
in the Anti-terrorism, Crime and Security Act 2001—

(a) section 77(3A);
(b) paragraph 7(6)(a)(i) and (7)(a)(i) of Schedule 3;

section 35(9) of the Tax Credits Act 2002;
paragraph 9B(6) of Schedule 5 to the Courts Act 2003;
section 67A(5) of the Sexual Offences Act 2003;
section 12(3)(a) of the Gangmasters (Licensing) Act 2004;
section 131C(6)(a) of the Energy Act 2004;
section 34(9) of the Fire and Rescue Services Act 2004;
in the Companies (Audit, Investigations and Community Enterprise) Act 2004—

(a) sections 15A(6), 15C(6) and 25(2)(a);
(b) paragraph 5(3) of Schedule 7;

paragraph 1(2) of Schedule 12 to the Domestic Violence, Crime and Victims Act 2004;
section 58(1) of the Human Tissue Act 2004;
section 210(7) of the Housing Act 2004;
section 51E(3)(a) of the Constitutional Reform Act 2005;
section 175(2) of the Serious Organised Crime and Police Act 2005;
sections 41(3) and 105(2) of the Clean Neighbourhoods and Environment Act 2005;
sections 109(4) and 111(5) of the Education Act 2005;
sections 1(8), 2(12), 6(6) and 8(5) of the Terrorism Act 2006;
section 21(4) of the Immigration, Asylum and Nationality Act 2006;
section 12(6) of the Children and Adoption Act 2006;
section 13B(5) of the Childcare Act 2006;
section 78(2) of the Health Act 2006;

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paragraph 1 of Schedule 2 to the Fraud Act 2006;
in the National Health Service Act 2006—
(a) section 208(1);
(b) paragraph 8(4) of Schedule 10;
section 156(1) of the National Health Service (Wales) Act 2006;
sections 1131(2), 1186(3), 1191(3) and 1250(5) of the Companies Act 2006;
section 38(6) of the Police and Justice Act 2006;
section 61(5) of the Road Safety Act 2006;
paragraph 16 of Schedule 10 to the Charities Act 2006;
section 6(5) of the Legislative and Regulatory Reform Act 2006;
section 3(8)(a) of the Digital Switchover (Disclosure of Information) Act 2007;
in the Tribunals, Courts and Enforcement Act 2007—
(a) sections 92(3) and 105(2);
(b) paragraph 15(4) of Schedule 20;
section 39(11)(a) of the Statistics and Registration Service Act 2007;
sections 14(5), 16(7), 17(3) and 181(3) of the Legal Services Act 2007;
paragraphs 23 and 31 of Schedule 27 to the Criminal Justice and Immigration Act 2008;
section 49(2)(a) of the Regulatory Enforcement and Sanctions Act 2008;
sections 10(5) and 76(4) of the Health and Social Care Act 2008;
paragraph 30(6)(a) of Schedule 2 to the Climate Change Act 2008;
in the Counter-Terrorism Act 2008—
(a) section 54(3)(a);
(b) section 76(2);
(c) paragraph 15(3)(a) of Schedule 5;
(d) paragraphs 30(4A)(a)(i), 30A(1A)(a)(i) and 31(2)(a)(i) of Schedule 7;
paragraph 10(2) of Schedule A1 to the English language text of the Learner Travel (Wales) Measure 2008 (nawm 2);
section 40 of the Political Parties and Elections Act 2009;
section 10(3)(a) of the Parliamentary Standards Act 2009;
paragraphs 12(1), 13 and 14 of Schedule 22 to the Coroners and Justice Act 2009;
section 11(4)(a) of the Bribery Act 2010;
section 32(3)(a) of the Terrorist Asset-Freezing etc. Act 2010;
section 6(4) of the Identity Documents Act 2010;
paragraph 5(5)(a) of Schedule 25 to the Finance Act 2011;
section 23(4) of the Terrorism Prevention and Investigation Measures Act 2011;
paragraphs 14 and 24 of Schedule 9 to the Charities Act 2011;
sections 129(9) and 132(9) of the Welfare Reform Act 2012;
in the Legal Aid, Sentencing and Punishment of Offenders Act 2012—
(a) section 33(7);
(b) section 143(6);
(c) paragraph 2(7) of Schedule 6;
paragraph 37(4)(a) of Schedule 24 to the Finance Act 2012;
section 92(2)(a) of the Financial Services Act 2012;
section 13(3) of the Electoral Registration and Administration Act 2013;

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in the Crime and Courts Act 2013—

(a) section 28(8)(a);

(b) paragraph 30(4)(a) of Schedule 16;

paragraph 66(2) of Schedule 19 to the Enterprise and Regulatory Reform Act 2013;

in the Energy Act 2013—

(a) sections 75(3)(a)(i), 102(4), 103(3) and 105(8);

(b) paragraphs 7(3) and 17(4) of Schedule 8;

(c) paragraph 6(2) of Schedule 9;

(d) paragraph 13(8) of Schedule 10;

in the Financial Services (Banking Reform) Act 2013—

(a) sections 36(4)(a)(i) and 90(7)(a)(i);

(b) paragraph 14(2)(a)(i) of Schedule 5;

paragraph 9 of Schedule 5 to the English language text of the Mobile Homes (Wales) Act 2013 (anaw 6);

section 9(7) of the Mesothelioma Act 2014;

sections 120(7) and 121(10) of the Anti-social Behaviour, Crime and Policing Act 2014;

paragraphs 2(4)(a) and 6(2)(a) of Schedule 5 to the Defence Reform Act 2014;

paragraph 37(5)(a) of Schedule 8 to the Water Act 2014;

section 33C(2) of the Immigration Act 2014;

section 174(4)(a) of the Finance Act 2014;

in the Criminal Justice and Courts Act 2015—

(a) sections 20(9), 29(3)(a) and 33(11);

(b) paragraphs 15(4) and 25(4) of Schedule 10;

section 49(1) of the Counter-Terrorism and Security Act 2015;

section 86(14) of the Serious Crime Act 2015;

paragraph 21(2)(a) of Schedule 4 to the Recall of MPs Act 2015;

section 5(4) of the Modern Slavery Act 2015;

sections 10(1)(a)(i) and (2)(a)(i) and 26(2)(a)(i) of the Psychoactive Substances Act 2016;

section 27(3) of the Immigration Act 2016;

sections 11(4)(a)(i), 43(7)(a)(i), 59(2)(a)(i), 82(3)(a)(i), 134(2)(a)(i), 155(2)(a)(i), 173(2)(a)(i), 174(3)(a)(i), 196(2)(a)(i) and 224(4)(a)(i) of the Investigatory Powers Act 2016;

sections 68(4)(a) and 153(8)(b)(i) of the Policing and Crime Act 2017;

sections 50(6) and 51(7) of the Finance Act 2017;

sections 41(7), 50(7), 58(7), 66(13) and 68(11) of the Digital Economy Act 2017;

section 53(6) of the Finance (No. 2) Act 2017;

sections 1(5) and 2(5) of the Laser Misuse (Vehicles) Act 2018;

section 17(5)(b)(i) of the Sanctions and Anti-Money Laundering Act 2018;

section 1(4) of the Assaults on Emergency Workers (Offences) Act 2018;

section 12(5) of the Ivory Act 2018;

sections 8(3) and 11(7) of the Stalking Protection Act 2019;

sections 6(8), 25(3), 29(3) and 52(7) of the Offensive Weapons Act 2019.

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(2) In the Welsh language text of paragraph 10(2) of Schedule A1 to the Learner Travel (Wales) Measure 2008 (nawm 2), for "adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003" substitute " paragraff 24(2) o Atodlen 22 i Ddeddf Dedfrydu 2020 ".

(3) In the Welsh language text of paragraph 9 of Schedule 5 to the Mobile Homes (Wales) Act 2013 (anaw 6), for "adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003" substitute " baragraff 24(2) o Atodlen 22 i Ddeddf Dedfrydu 2020 ".

Commencement Information
I1324 Sch. 24 para. 443 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

444 In the following provisions, for "section 154(1) of that Act" substitute " paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 "

(a) paragraph 52(2) of Schedule 11 to the Government of Wales Act 2006;

(b) section 22(4)(b) of the Public Bodies Act 2011.

Commencement Information
I1325 Sch. 24 para. 444 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

445 In the following provisions, for "section 154 of the Criminal Justice Act 2003" or "section 154 of the Criminal Justice Act 2003 (c. 44)" substitute " paragraph 24 of Schedule 22 to the Sentencing Act 2020 "

section 63(2) of the Children Act 2004;

sections 2(15), 5(11) and 35(9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

Commencement Information
I1326 Sch. 24 para. 445 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Secondary legislation

446 (1) In the following provisions, for "section 154(1) of the Criminal Justice Act 2003"substitute " paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 "

regulation 3(5)(a) of the Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007 (S.I. 2007/1550);

articles 34(8), 35(9) and 36(8) of the Export Control Order 2008 (S.I. 2008/3231);

regulation 6(7) of the English language text of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848 (W.177));

regulation 13(3)(a) of the Zimbabwe (Financial Sanctions) Regulations 2009 (S.I. 2009/847);

article 12(14) of the Iran (United Nations Sanctions) Order 2009 (S.I. 2009/886);

regulation 32A(4) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (S.I. 2009/1348);

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

article 14(14) of the North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749);

paragraph 6(2) of Schedule 3 to the Environmental Civil Sanctions (England) Order 2010 (S.I. 2010/1157);

paragraph 6(2) of Schedule 3 to the English language text of the Environmental Civil Sanctions (Wales) Order 2010 (S.I. 2010/1821 (W.178));

paragraph 5(4) of Schedule 4 to the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 (S.I. 2010/2837);

regulation 15(3)(a) of the Somalia (Asset-Freezing) Regulations 2010 (S.I. 2010/2956);

article 4(5) of the Export Control (Somalia) Order (S.I. 2011/146);

regulation 14(3)(a) of the Egypt (Asset-Freezing) Regulations 2011 (S.I. 2011/887);

regulation 14(3)(a) of the Tunisia (Asset-Freezing) Regulations 2011 (S.I. 2011/888);

regulation 14(3)(a) of the Iran (Asset-Freezing) Regulations 2011 (S.I. 2011/1129);

regulation 6(8) of the Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011 (S.I. 2011/1830);

regulation 14(3)(a) of the Afghanistan (Asset-Freezing) Regulations 2011 (S.I. 2011/1893);

article 6(2) of the Export Control (Belarus) and (Syria Amendment) Order 2011 (S.I. 2011/2010);

regulation 14(3)(a) of the ISIL (Da'esh) and Al-Qaida (Asset-Freezing) Regulations 2011 (S.I. 2011/2742);

regulation 18(3)(a) of the Syria (European Union Financial Sanctions) Regulations 2012 (S.I. 2012/129);

regulation 6(7) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323);

regulation 12(7) of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444);

regulation 13(3)(a) of the Guinea-Bissau (Asset-Freezing) Regulations 2012 (S.I. 2012/1301);

regulation 13(3)(a) of the Iraq (Asset-Freezing) Regulations 2012 (S.I. 2012/1489);

regulation 13(3)(a) of the Republic of Guinea (Asset-Freezing) Regulations 2012 (S.I. 2012/1508);

regulation 13(3)(a) of the Democratic Republic of the Congo (Asset-Freezing) Regulations 2012 (S.I. 2012/1511);

regulation 13(3)(a) of the Eritrea (Asset-Freezing) Regulations 2012 (S.I. 2012/1515);

regulation 13(3)(a) of the Lebanon and Syria (Asset-Freezing) Regulations 2012 (S.I. 2012/1517);

regulation 6(6) of the Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031);

regulation 13(3)(a) of the Belarus (Asset-Freezing) Regulations 2013 (S.I. 2013/164);

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article 17(2) of the Export Control (Syria Sanctions) Order 2013 (S.I. 2013/2012);

regulation 12(3)(a) of the Ukraine (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/507);

regulation 12(3)(a) of the Central African Republic (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/587);

regulation 12(3)(a) of the Ukraine (European Union Financial Sanctions) (No. 2) Regulations 2014 (S.I. 2014/693);

regulation 12(3)(a) of the Sudan (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/1826);

regulation 6(3)(a) of the Ukraine (European Union Financial Sanctions) (No. 3) Regulations 2014 (S.I. 2014/2054);

article 11(2) of the Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014 (S.I. 2014/2357);

regulation 12(3)(a) of the Yemen (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/3349);

regulation 11(6) of the Electricity and Gas (Market Integrity and Transparency) (Criminal Sanctions) Regulations 2015 (S.I. 2015/979);

regulation 12(3)(a) of the South Sudan (European Union Financial Sanctions) (No. 2) Regulations 2015 (S.I. 2015/1361);

article 7(2) of the Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 (S.I. 2015/1546);

regulation 12(3)(a) of the Burundi (European Union Financial Sanctions) Regulations 2015 (S.I. 2015/1740);

regulation 14(1)(f)(i) of the Payment Card Interchange Fee Regulations 2015 (S.I. 2015/1911);

regulation 13(3)(a) of the Iran (European Union Financial Sanctions) Regulations 2016 (S.I. 2016/36);

regulation 12(3)(a) of the Libya (European Union Financial Sanctions) Regulations 2016 (S.I. 2016/45);

article 15(2) of the Export Control (Iran Sanctions) Order 2016 (S.I. 2016/503);

article 9(2) of the Export Control (Libya Sanctions) Order 2016 (S.I. 2016/787);

regulation 39(3) of the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154);

regulation 19(5) of the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016 (S.I. 2016/1257);

regulation 26(3)(a) of the Democratic People's Republic of Korea (European Union Financial Sanctions) Regulations 2017 (S.I. 2017/218);

regulation 135(1)(g)(i) of the Payment Services Regulations 2017 (S.I. 2017/752);

regulation 12(3)(a) of the Republic of Mali (European Union Financial Sanctions) Regulations 2017 (S.I. 2017/972);

regulation 12(3)(a) of the Venezuela (European Union Financial Sanctions) Regulations 2017 (S.I. 2017/1094);

paragraph 16(2) of the Schedule to the Environmental Protection (Microbeads) (England) Regulations 2017 (S.I. 2017/1312);

article 8(5) of the Export Control (Venezuela Sanctions) Order 2018 (S.I. 2018/108);

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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article 22(4) of the Export Control (North Korea Sanctions) Order 2018 (S.I. 2018/200);

regulation 11(3) of the Nuclear Security (Secretary of State Security Directions) Regulations 2018 (S.I. 2018/408);

regulation 12(3)(a) of the Burma (European Union Financial Sanctions) Regulations 2018 (S.I. 2018/539);

paragraph 16(2) of the Schedule to the English language text of the Environmental Protection (Microbeads) (Wales) Regulations 2018 (S.I. 2018/760 (W.151));

regulation 12(3)(a) of the Republic of Maldives (Asset-Freezing) Regulations 2018 (S.I. 2018/861);

article 8(4) of the Export Control (Burma Sanctions) (No. 2) Order 2018 (S.I. 2018/894);

regulation 12(3)(a) of the Chemical Weapons (Asset-Freezing) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/1090);

regulation 51(5) of the Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019 (S.I. 2019/134);

regulation 51(5) of the Venezuela (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/135);

regulation 51(5) of the Burma (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/136);

regulation 110(5) of the Democratic People's Republic of Korea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/411);

regulation 49(5) of the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433);

regulation 49(5) of the South Sudan (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/438);

regulation 56(5) of the Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019 (S.I. 2019/461);

regulation 39(4) of the ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/466);

regulation 31(4) of the Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/554);

regulation 42(5) of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/573);

regulation 28(4) of the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/577);

regulation 48(5) of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/600);

regulation 49(5) of the Zimbabwe (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/604);

regulation 31(4) of the Chemical Weapons (Sanctions) (EU Exit) Regulations 2019 (S.I. 2109/618);

regulation 79(5) of the Syria (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/792);

regulation 80(5) of the Russia (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/855);

regulation 12(3)(a) of the Cyber-Attacks (Asset-Freezing) Regulations 2019 (S.I. 2019/956);

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regulation 30(4) of the Burundi (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/1142);

regulation 30(4) of the Guinea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/1145);

regulation 12(3)(a) of the Nicaragua (Asset-Freezing) Regulations 2019 (S.I. 2019/1353);

regulation 12(3)(a) of the Turkey (Asset-Freezing) Regulations 2019 (S.I. 2019/1512).

article 9(1)(b)(i) and (2)(b)(i) of the Andrey Lugovoy and Dmitri Kovtun Freezing Order 2020 (S.I. 2020/36);

regulation 30(4) of the Cyber (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/597);

regulation 31(4) of the Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/608);

regulation 30(4) of the Nicaragua (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/610);

regulation 24(3) of the Lebanon (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/612);

regulation 49(5) of the Central African Republic (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/616);

regulation 25(3) of the Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020 (S.I. 2020/617);

regulation 63(5) of the Somalia (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/642);

regulation 32(4) of the Global Human Rights Sanctions Regulations 2020 (S.I. 2020/680).

(2) In the Welsh language text of regulation 6(7) of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848 (W.177)), for "adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003" substitute " paragraff 24(2) o Atodlen 22 i Ddeddf Dedfrydu 2020 ".

(3) In the Welsh language text of the following provisions, for "adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003" substitute " baragraff 24(2) o Atodlen 22 i Ddeddf Dedfrydu 2020 "

paragraph 6(2) of Schedule 3 to the Environmental Civil Sanctions (Wales) Order 2010 (S.I. 2010/1821 (W.178));

paragraph 16(2) of the Schedule to the Environmental Protection (Microbeads) (Wales) Regulations 2018 (S.I. 2018/760 (W.151)).

Commencement Information

I1327 Sch. 24 para. 446 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 7

COMMENCEMENT

447 The following provisions of this Schedule, which relate to dealing with a person for an offence or in relation to a sentence for an offence, have effect only where the offender is convicted of the offence on or after **[**F72 1 December 2020**]**—

paragraphs 6 and 7 (amendments of the Prevention of Crime Act 1953);

paragraph 8 (amendment of section 21 of the Copyright Act 1956);

paragraphs 9 to 13 (amendments of the Criminal Appeal Act 1968);

paragraph 14 (amendments of section 8(1ZA) of the Criminal Appeal Act 1968);

paragraphs 16 and 17 (amendments of the Firearms Act 1968);

paragraph 26 (amendments of Schedule 9 to the Administration of Justice Act 1970);

paragraph 27 (amendments of section 4A of the Misuse of Drugs Act 1971);

paragraph 29 (amendment of section 119(2) of the Consumer Credit Act 1974);

paragraph 30 (amendment of section 43(7) of the Solicitors Act 1974);

paragraph 34 (amendment of section 7(2)(d) of the Rehabilitation of Offenders Act 1974);

paragraphs 36 and 37 (amendments of the Bail Act 1976);

paragraph 38 (amendment of section 3(1) of the Criminal Law Act 1977);

paragraph 41 (amendment of section 29 of the Ancient Monuments and Archaeological Areas Act 1979);

paragraph 42 (amendment of section 1(2)(b) of the Licensed Premises (Exclusion of Certain Persons) Act 1980);

paragraphs 43, 45, 47, 48 and 50 to 59 (amendments of the Magistrates' Courts Act 1980);

paragraph 64 (amendment of section 4(5)(b) of the Criminal Attempts Act 1981);

paragraph 68 (amendment of section 52 of the Senior Courts Act 1981);

paragraph 71 (amendment of section 46(3) of the Criminal Justice Act 1982);

paragraphs 73 and 74 (amendments of the Mental Health Act 1983);

paragraphs 81 to 83 (amendments of the Prosecution of Offences Act 1985);

paragraph 86 (amendment of section 2(1) of the Surrey Act 1985);

paragraph 87 (amendment of section 2(1) the Clwyd County Council Act 1985);

paragraphs 89 to 93 (amendments of the Criminal Justice Act 1988);

paragraphs 95 and 96 (amendments of the Copyright, Designs and Patents Act 1988);

paragraph 98 (amendment of section 164(5) of the Road Traffic Act 1988);

paragraphs 99, 102, 105(2) and 106 (amendments of the Road Traffic Offenders Act 1988);

paragraph 107 (amendment of section 14A(5) of the Football Spectators Act 1989);

paragraph 114(2) (amendment of paragraph 13(2)(c) of Schedule 3 to the Children Act 1989);

paragraphs 116 and 117 (amendments of the Environmental Protection Act 1990);

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paragraph 122 (amendment of section 121(2) of the Social Security Administration Act 1992);

paragraph 123 (amendment of section 1(2)(a) of the Aggravated Vehicle-Taking Act 1992);

paragraphs 126 and 127 (amendments of the Vehicle Excise and Registration Act 1994);

paragraph 130 (amendment of section 136(7A) of the Criminal Justice and Public Order Act 1994);

paragraphs 135 to 140 (amendments of the Criminal Procedure and Investigations Act 1996);

paragraph 144 (amendment of section 5A of the Protection from Harassment Act 1997);

paragraphs 147 and 148 (amendments of the Crime (Sentences) Act 1997);

paragraphs 152, 153, 157 and 158 (amendments of the Crime and Disorder Act 1998);

paragraphs 164 to 167 and 170 (amendments of the Powers of Criminal Courts (Sentencing) Act 2000);

paragraphs 171 and 172 (amendments of the Terrorism Act 2000);

paragraphs 181 to 184, 189, 192, 193, 195 and 198 (amendments of the Proceeds of Crime Act 2002);

paragraphs 229 to 232, 241, 242, 248 and 249 (amendments of the Criminal Justice Act 2003);

paragraphs 251 and 252 (amendments of the Domestic Violence, Crime and Victims Act 2004);

paragraphs 254 and 255 (amendments of the Serious Organised Crime and Police Act 2005);

paragraph 257 (amendment of paragraph 7 of Schedule 5 to the Wireless Telegraphy Act 2006);

paragraph 258 (amendments of section 29 of the Violent Crime Reduction Act 2006);

paragraph 264 (amendment of section 36(5) of the Serious Crime Act 2007);

paragraph 265 (amendment of section 8 of the London Local Authorities Act 2007);

paragraphs 266, 267 and 270 (amendments of the Criminal Justice and Immigration Act 2008);

paragraphs 271 and 272 (amendments of the Education and Skills Act 2008);

paragraphs 273, 274 and 276(a) (amendments of sections 30 and 42 of, and paragraph 2(1) of Schedule 6 to, the Counter-Terrorism Act 2008);

paragraphs 277 and 278 (amendments of the Coroners and Justice Act 2009);

paragraph 284 (amendment of section 23(5)(a) of the Terrorism Prevention and Investigation Measures Act 2011);

paragraph 290 (amendments of section 4(12) of the Prevention of Social Housing Fraud Act 2013);

paragraph 291 (amendment of section 10(6)(a) of the Counter-Terrorism and Security Act 2015);

paragraphs 293 and 294 (amendments of the Modern Slavery Act 2015);

paragraphs 295 and 296 (amendments of the Psychoactive Substances Act 2016);

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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paragraph 298 (amendment of section 8(4) of the Stalking Protection Act 2019);

paragraph 316 (amendments of regulation 14 of the Costs in Criminal Cases (General) Regulations 1986);

paragraph 321 (amendment of article 3(b) of the Merchant Shipping (Oil Pollution) (South Georgia and the South Sandwich Islands) Order 1997);

paragraph 350 (amendment of paragraph 3A(3) of Schedule 1 to the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006);

paragraphs 351 to 357 (amendments of the Serious Organised Crime and Police Act 2005 (Appeals under Section 74) Order 2006);

paragraphs 359 to 361 (amendments of the Criminal Defence Service (Funding) Order 2007);

paragraphs 362 to 364 (amendments of the Community Order (Review by Specified Courts) Order 2007);

paragraphs 373 to 379 (amendments of the Armed Forces (Service Civilian Court) Rules 2009);

paragraph 380 (amendment of regulation 3A of the Armed Forces (Financial Penalty Enforcement Orders) Regulations 2009);

paragraphs 387 and 390 to 395 (amendments of the Armed Forces (Court Martial) Rules 2009);

paragraphs 396 to 399 (amendments of the Armed Forces (Civilian Courts Dealing with Service Offences) (Modification of the Criminal Justice Act 2003) Regulations 2009);

paragraphs 404 to 407 (amendments of the Criminal Justice Act 2003 (Surcharge) Order 2012);

paragraph 410 (amendments of regulation 9 of the Criminal Legal Aid (General) Regulations 2013);

paragraphs 414 to 416 (amendments of the Criminal Legal Aid (Remuneration) Regulations 2013);

paragraphs 419 and 420 (amendments of the Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2) Order 2014);

paragraphs 429 to 431 (amendments of the Prosecution of Offences Act 1985 (Criminal Courts Charge) Regulations 2015);

paragraph 435 (amendment of article 3 of the Criminal Justice (Electronic Monitoring) (Responsible Person) (No. 2) Order 2016);

paragraph 436 (amendment of article 3 of the Criminal Justice (Electronic Monitoring) (Responsible Person) Order 2017);

paragraph 438 (amendment of article 3 of the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2018;

Part 6 (amendment of provisions referring to section 154 of the Criminal Justice Act 2003).

Textual Amendments

F72 Words in Sch. 24 para. 447 substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(7)(d)**

Commencement Information

I1328 Sch. 24 para. 447 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULE 25

Section 411

AMENDMENTS TO THE ARMED FORCES ACT 2006

PART 1

AMENDMENTS TO CHAPTER 1 OF PART 8: SERVICE COMPENSATION ORDERS, SERVICE COMMUNITY ORDERS ETC.

1 Chapter 1 of Part 8 of the Armed Forces Act 2006 is amended as follows.

Commencement Information
I1329 Sch. 25 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

2 After section 177 insert—

"**177A Effect of service compensation order on subsequent award of damages in civil proceedings**

(1) This section has effect where—

(a) a service compensation order has been made in favour of any person in respect of any injury, loss or damage, and

(b) a claim by the person in civil proceedings for damages in respect of the injury, loss or damage subsequently falls to be decided by a court in England and Wales.

(2) The damages in the civil proceedings must be assessed without regard to the order.

(3) But the claimant may recover only an amount equal to the aggregate of—

(a) any amount by which the damages assessed exceed the compensation, and

(b) a sum equal to any portion of the compensation which the person fails to recover ("unrecovered compensation").

(4) The claimant may not enforce the judgment, so far as it relates to unrecovered compensation, without the leave of the court."

Commencement Information
I1330 Sch. 25 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

3 (1) Section 178 (service community orders) is amended as follows.

(2) In subsection (1), in paragraph (a), for the words from "mentioned" to "Act)" substitute " listed in column 1 of the community order requirements table in section 201 of the Sentencing Code ".

(3) For subsections (2) to (4) substitute—

"(2) The following provisions of the Sentencing Code apply in relation to a service community order under this Act—

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(a) section 203 (restriction on making both community order and suspended sentence order);
(b) sections 206 and 207 (community order: available requirements);
(c) section 208(2) and Schedule 9 (requirements relating to community orders), other than paragraph 17(2)(c) of that Schedule (condition for mental health treatment requirement) (see also the modifications to Schedule 9 made by section 179 of this Act);
(d) section 208(10) to (14) (further requirements);
(e) section 209 (end date);
(f) section 210 (specification of local justice area);
(g) section 217 (power to provide for court review);
(h) section 212(1) to (3) and (5) (provision of copies);
(i) sections 213 to 216 (obligations of responsible officer and offender);
(j) section 218 and Schedule 10 (breach, revocation or amendment of community order) (see also the modifications to Schedule 10 made by section 181 of this Act);
(k) section 219 and Schedule 11 (transfer of community order to Scotland or Northern Ireland) (see also the modifications to Schedule 11 made by section 180 of this Act);
(l) section 220 (when order ceases to be in force);
(m) section 394 (rules relating to community orders);
(n) section 395 (data from electronic monitoring code).

(3) In the application of those provisions, other than Schedule 10, references to a community order include a service community order.

See section 181(1) of this Act as regards references to a community order in Schedule 10.

(4) In the application of those provisions, other than in Schedules 10 and 11, references to a court include a relevant service court.

See section 180 of this Act as regards references to a court in Schedule 11."

(4) Omit subsection (5).

Commencement Information
I1331 Sch. 25 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

4 For section 179 (periodic review etc of service community orders) substitute—

"**179 Review of service community order imposing drug rehabilitation requirement**

(1) In their application to a service community order, paragraphs 21 and 22 of Schedule 9 to the Sentencing Code are modified as follows.

(2) Paragraph 21 (court review of drug rehabilitation requirement) has effect as if for paragraphs (4) to (6) there were substituted—

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"(4) In this paragraph "the responsible court", in relation to a service community order imposing a drug rehabilitation requirement, means the Crown Court."

(3) Paragraph 22 (periodic review of drug rehabilitation requirement) has effect as if after sub-paragraph (5) there were inserted—

"(5A) In a case where the order was made by the Service Civilian Court, a term of imprisonment or detention in a young offender institution or fine imposed under sub-paragraph (4)(b) must not exceed—

(a) in the case of a term of imprisonment or detention in a young offender institution, 6 months;

(b) in the case of a fine, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980.

(5B) Where a sentence is passed under sub-paragraph (4)(b), section 9 of the Criminal Appeal Act 1968 (appeal against sentence) applies as if the offender had been convicted on indictment of the offence for which the sentence was passed.""

Commencement Information
I1332 Sch. 25 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

5 For section 180 (transfer of service community order to Scotland or Northern Ireland) substitute—

"**180 Transfer of service community order to Scotland or Northern Ireland**

(1) In its application to service community orders, Schedule 11 to the Sentencing Code (transfer of community orders to Scotland or Northern Ireland) applies with the following modifications.

(2) In paragraphs 1, 3, 5, 6, 7, 9, 11, 12, 13, 15 and 17 the references to a court are to be read as including a relevant service court.

(3) In paragraph 14, the reference to a court in England and Wales is to be read as including a relevant service court.

(4) In paragraph 15(d), the reference to the powers of the court making or amending the community order is to be read as a reference to the powers of the Crown Court.

(5) In paragraph 21(6) to (8), the references to the court which made the order are to be read as including a relevant service court.

(6) In paragraph 22(1), the reference to the court which made the order or which last amended the order in England and Wales is to be read as a reference to the Crown Court.

(7) In paragraphs 23 to 26, the references to a court in England and Wales are to be read as references to the Crown Court.

(8) In this section "relevant service court" has the same meaning as in section 178."

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I1333 Sch. 25 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

6 For section 181 (breach, revocation or amendment of service community order) substitute—

"**181 Breach, revocation or amendment of service community order**

(1) Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order) applies to a service community order as it applies to a Crown Court community order (within the meaning of that Schedule) with the following modifications.

(2) Paragraph 1(1) has effect as if, for the definition of "appropriate court" there were substituted—

""appropriate court" means the Crown Court;".

(3) Part 1 has effect as if, after paragraph 5, the following paragraph were inserted—

"Re-sentencing powers

5A (1) Sub-paragraphs (2) and (3) apply where—

(a) this Schedule provides the court with a power to re-sentence an offender for the offence in respect of which a service community order was made, and

(b) the service community order was made by the Service Civilian Court.

(2) A term of imprisonment or detention in a young offender institution imposed under the power to re-sentence the offender must not exceed 6 months.

(3) A fine imposed under the power to re-sentence the offender must not exceed the prescribed sum (within the meaning of section 32 of the Magistrates' Courts Act 1980).

(4) Where a sentence is passed by virtue of a power in this Schedule for a court to re-sentence an offender, section 9 of the Criminal Appeal Act 1968 (appeal against sentence) applies as if the offender had been convicted on indictment of the offence for which the sentence was passed."

(4) Paragraph 11 has effect as if sub-paragraph (3) were omitted.

(5) Paragraph 27 has effect as if sub-paragraphs (3)(b), (5) and (6) were omitted."

Commencement Information
I1334 Sch. 25 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

7 (1) Section 182 (overseas community orders) is amended as follows.

(2) In subsection (1), in paragraph (a), for the words from "mentioned" to "Act)" substitute " listed in column 1 of the community order requirements table in section 201 of the Sentencing Code ".

(3) In subsection (1A), for the words from "a requirement" to the end, substitute "any of the following—

(a) a foreign travel prohibition requirement;
(b) an alcohol abstinence and monitoring requirement;
(c) an electronic compliance monitoring requirement;
(d) an electronic whereabouts monitoring requirement."

(4) In subsection (2), omit "mentioned in section 177(1) of the 2003 Act".

(5) For subsections (3) to (5) substitute—

"(3) The following provisions of the Sentencing Code apply in relation to an overseas community order under this Act—

(a) section 203 (restriction on making both community order and suspended sentence order);
(b) sections 206 and 207(3) (community order: available requirements);
(c) section 208(2) and Schedule 9 (requirements relating to community orders), other than the following provisions of that Schedule—
(i) paragraph 3(1)(b) (unpaid work requirement: availability of arrangements);
(ii) paragraph 10(3) (requirement to impose electronic monitoring requirement when imposing curfew requirement);
(iii) paragraph 12 (requirement to impose electronic monitoring requirement when imposing exclusion requirement);
(iv) paragraph 15 (foreign travel prohibition requirement);
(v) paragraph 17(2)(c) (condition for mental health treatment requirement);
(vi) paragraphs 21 and 22 (periodic review of drug rehabilitation requirement);
(vii) paragraphs 25 and 26 (alcohol abstinence and monitoring requirement);
(viii) paragraph 28(a) (availability of attendance centre);
(ix) paragraphs 29 to 35 (electronic monitoring);
(d) section 208(10) to (14) (further requirements) (see also the modifications to section 208(11) made by section 183(2) of this Act);
(e) section 209 (end date);
(f) section 212(1) to (3) and (5) (provision of copies) (see also the modifications made to section 212 by section 183(3) of this Act);
(g) sections 213 to 216 (obligations of responsible officer and offender) (see also the modifications made to sections 214 and 216 by section 183(4) and (5) of this Act);

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Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(h) section 218 and Schedule 10 (breach, revocation or amendment of community order) (see also the modifications to Schedule 10 made by Schedule 6A to this Act);

(i) section 220 (when order ceases to be in force);

(j) section 394 (rules relating to community orders).

(4) In the application of those provisions to an overseas community order, references to a community order include an overseas community order.

(5) In the application of those provisions to an overseas community order, other than in Schedule 10, references to a court include a relevant service court.

See Schedule 6A to this Act as regards references to a court in Schedule 10."

Commencement Information
I1335 Sch. 25 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

8 For section 183 (overseas community orders: modifications of 2003 Act) substitute—

"**183 Overseas community orders: modifications of the Sentencing Code**

(1) The provisions of the Sentencing Code mentioned in section 182(3) apply in relation to an overseas community order with the modifications set out in subsections (2) to (5).

(2) Section 208(11) has effect as if, before paragraph (a) there were inserted—

"(za) the offender is aged under 18 when convicted of the offence in respect of which the order is made;".

(3) Section 212 (provision of copies of community order and related documents) has effect as if, in subsection (2), for paragraphs (a) to (d) there were substituted—

"(a) to the offender,

(b) to the offender's commanding officer,

(c) if the offender is aged under 14, to the offender's parent or guardian,

(d) if the order imposes an education requirement under Schedule 6 to the Armed Forces Act 2006, to Service Children's Education,

(e) to the responsible officer, and

(f) to an officer of a provider of probation services that is a public sector provider who is acting at the court."

(4) Section 214 (obligations of responsible officer) has effect as if, at the end of subsection (2) there were inserted ", and

(c) where appropriate, to take steps to enforce those requirements."

(5) Section 216 (duty of offender to obtain permission before changing residence) has effect as if, in subsection (4), for the words from "has the same

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meaning" to the end, there were substituted " means the court that made the order ".

(6) Schedule 6 makes provision about the application of the provisions of the Sentencing Code mentioned in section 182(3) where an overseas community order relates to a young offender."

Commencement Information
I1336 Sch. 25 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

9 In section 184 (breach, revocation or amendment of overseas community order), for the words from the beginning to "2003 Act" substitute " Schedule 6A (application of Schedule 10 to the Sentencing Code ".

Commencement Information
I1337 Sch. 25 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

10 Omit Schedule 5 (breach, revocation and amendment of community punishments).

Commencement Information
I1338 Sch. 25 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

11 (1) Schedule 6 (overseas community orders) is amended as follows.

(2) In the shoulder reference, for "section 182" substitute " section 183(6) ".

(3) In paragraph 1 (unpaid work requirement), for "section 199 of the 2003 Act" substitute " paragraph 1(1) of Schedule 9 to the Sentencing Code ".

(4) In paragraph 2 (exclusion requirement), for "section 205 of the 2003 Act" substitute " paragraph 11(1) of Schedule 9 to the Sentencing Code ".

(5) In paragraph 3 (residence requirement)—

(a) for sub-paragraph (1) substitute—

"(1) In relation to an overseas community order made in respect of an offender aged under 18 on conviction, paragraph 13 of Schedule 9 to the Sentencing Code has effect as if—

(a) in sub-paragraph (1)(a), after "place")" there were inserted " or with a particular individual ("the required individual") ";

(b) in sub-paragraph (2)(a)(i), after "place" there were inserted " or individual ".";

(b) in sub-paragraph (3), for "Nothing in section 206(2) to (4) of the 2003 Act applies" substitute " Paragraph 14 of Schedule 9 to the Sentencing Code (requirement to consider home surroundings of offender) " does not apply";

(c) in sub-paragraph (4), for "specified" substitute " particular ";

(d) omit sub-paragraph (5).

(6) In paragraph 4 (mental health requirement)—

(a) in sub-paragraph (1)—

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(i) for "section 207(3) of the 2003 Act" substitute " paragraph 17(1) of Schedule 9 to the Sentencing Code ";

(ii) for "of offender to mental health requirement" substitute " condition ";

(b) in sub-paragraph (2)—

(i) for "section 208(1) of the 2003 Act" substitute " paragraph 18 of Schedule 9 to the Sentencing Code ";

(ii) for "the words "with the consent of the offender" do" substitute " sub-paragraph (3) (expression of willingness of offender necessary before alternative arrangements may be made) does ".

(7) In paragraph 5 (drug rehabilitation requirement)—

(a) in sub-paragraph (1), for "section 209(1) of the 2003 Act" substitute " paragraph 19(1) of Schedule 9 to the Sentencing Code ";

(b) in sub-paragraph (2)(b), for "section 209(1)(b) of the 2003 Act" substitute " paragraph 19(1)(b) of Schedule 9 to the Sentencing Code ";

(c) in sub-paragraph (3)—

(i) for "section 209(2) of the 2003 Act" substitute " paragraph 20(1) of Schedule 9 to the Sentencing Code ";

(ii) for "of offender to drug rehabilitation requirement" substitute " condition ".

(8) In paragraph 6 (alcohol treatment requirement), for "section 212 of the 2003 Act" substitute " paragraph 23(1) of Schedule 9 to the Sentencing Code ".

(9) In paragraph 8 (power to amend) for "section 223 of the 2003 Act" substitute " paragraph 13 of Schedule 23 to the Sentencing Act 2020 ".

Commencement Information
I1339 Sch. 25 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

12 After Schedule 6, insert—

"SCHEDULE 6A

Section 184

BREACH, REVOCATION AND AMENDMENT OF OVERSEAS COMMUNITY ORDERS

1 Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order) applies to an overseas community order as it applies to a community order, with the modifications set out in this Schedule.

Preliminary

2 Part 1 (preliminary) has effect as if—

(a) in paragraph 1(1), for the definition of "appropriate court" there were substituted—

""appropriate court" means the court that made the overseas community order;";

(b) paragraphs 2 to 4 were omitted;

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(c) in paragraph 5 (orders made on appeal), for "Crown Court" there were substituted " Court Martial ".

Breach of requirement of order

3 Part 2 (breach of requirement of order) has effect as if—

(a) paragraph 6 were modified as set out in paragraph 4 of this Schedule;

(b) paragraph 7 were omitted;

(c) for paragraphs 8 and 9 there were substituted the paragraph 8A set out in paragraph 5 of this Schedule;

(d) paragraph 10 were omitted;

(e) paragraph 11 were modified as set out in paragraph 6 of this Schedule;

(f) after paragraph 11 there was inserted the paragraph 11A set out in paragraph 7 of this Schedule.

4 Paragraph 6 (duty to give warning or refer matter to enforcement officer) has effect as if—

(a) in sub-paragraph (2), for the words "refer the matter to an enforcement officer" there were substituted " apply to the court that made the order for the exercise of its powers in relation to the breach in question ";

(b) in sub-paragraph (3), for paragraph (b) there were substituted—

"(b) apply to the court that made the order for the exercise of its powers in relation to the breach."

5 The paragraph 8A (substituted for paragraphs 8 and 9) is as follows—

"Issue of summons or warrant

8A (1) This paragraph applies where—

(a) an overseas community order under the Armed Forces Act 2006 is in force, and

(b) it appears to the court that made the order, on an application by the responsible officer, that the offender has breached a requirement of the order.

(2) The court may—

(a) issue a summons requiring the offender to appear at the place and time specified in it, or

(b) issue a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court issuing the summons or warrant.

(4) Where—

(a) a summons is issued under this paragraph, and

(b) the offender does not appear in answer to the summons,

the court may issue a warrant for the arrest of the offender."

6 Paragraph 11 (powers of Crown Court) has effect as if—

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(a) for the heading, there were substituted " Powers of court that made the order ";

(b) in sub-paragraph (1)(a), for "Crown Court under paragraph 9 or by virtue of paragraph 10(3)" there were substituted " court under paragraph 8A ";

(c) in sub-paragraph (2), for "Crown Court" there were substituted " court " (in both places);

(d) sub-paragraph (3) were omitted;

(e) in sub-paragraph (4), for "Crown Court" there were substituted " court ";

(f) in sub-paragraph (6)—

(i) after "custodial sentence" there were inserted " within the meaning of the Armed Forces Act 2006 ", and

(ii) for "230(2)" there were substituted " 260(2) of that Act ";

(g) in sub-paragraph (7), for "Crown Court" there were substituted " court ";

(h) sub-paragraph (8) were omitted.

7 The paragraph 11A to be inserted after paragraph 11 is as follows—

"Further provision about fines imposed under paragraph 11

11A (1) Section 251 of the Armed Forces Act 2006 (power to order payment of fine by instalments) applies to a fine imposed under paragraph 11(2)(a) as it applies to a fine imposed by a court for a service offence.

(2) Sub-paragraph (3) applies where a court imposes a fine under paragraph 11(2)(a) on an offender who—

(a) is aged under 18 when the fine is imposed, and

(b) has a service parent or service guardian (within the meaning of section 268 of the Armed Forces Act 2006).

(3) Subsections (2) to (4) of section 268 of the Armed Forces Act 2006 (payment of fine by service parent or service guardian) apply in relation to the fine imposed under paragraph 11(2)(a) as they apply in relation to a fine in the circumstances mentioned in subsection (1) that section, but with the reference in subsection (2) of section 268 to the time of conviction being read as a reference to the time the fine is imposed.

(4) Section 269(2) of the Armed Forces Act 2006 (power of court to make financial statement order before making order under section 268) does not apply in relation to an order under section 268 which is made by virtue of sub-paragraph (3)."

Revocation of order

8 Part 3 (revocation of order with or without re-sentencing) has effect as if—

(a) paragraph 14 were omitted;

(b) in paragraph 15—

(i) for the heading there were substituted " Overseas community order ";

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(ii) in sub-paragraph (1), for "a Crown Court" there were substituted " an overseas ";

(iii) in sub-paragraph (1), in the words after paragraph (b), for "Crown Court" there were substituted " court that made the order ";

(iv) in sub-paragraphs (3), (4) and (6), for "Crown Court" there were substituted " court ".

Amendment of order

9 Part 4 (amendment of order) has effect as if—

(a) paragraphs 16 and 17 were omitted;

(b) in paragraph 18—

(i) in sub-paragraph (2), paragraph (b) were omitted;

(ii) in sub-paragraph (9)(b)—

(a) after "custodial sentence" there were inserted " within the meaning of the Armed Forces Act 2006 ", and

(b) for "230(2)" there were substituted " 260(2) of that Act ";

(c) paragraph 19 were omitted.

Conviction of further offence

10 Part 5 (conviction of further offence) has effect as if—

(a) in the heading above paragraph 22, for "magistrates' court" there were substituted " Service Civilian Court ";

(b) in paragraph 22—

(i) for "Paragraphs 23 and 24 apply" there were substituted " Paragraph 23 applies ";

(ii) after sub-paragraph (a) (but before the "and") there were inserted—

"(aa) the existing community order was made by the Service Civilian Court,";

(iii) in sub-paragraph (b), for "a magistrates' court" there were substituted " the Service Civilian Court ";

(c) in paragraph 23, sub-paragraphs (1) and (6) were omitted;

(d) paragraph 24 were omitted;

(e) in the heading above paragraph 25, for "Crown Court" there were substituted " Court Martial ";

(f) in paragraph 25—

(i) in sub-paragraphs (1)(a), (2), (3), (4) and (5), for "Crown Court" there were substituted " Court Martial ";

(ii) sub-paragraph (1)(b) were omitted.

Supplementary

11 Part 6 (supplementary) has effect as if—

(a) paragraph 26 were omitted;

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(b) paragraph 27 were modified as set out in paragraph 12 of this Schedule.

12 Paragraph 27 (provision of copies of orders etc) has effect as if—

(a) for sub-paragraph (2) there were substituted—

"(2) The court administration officer (within the meaning of the Armed Forces Act 2006) must provide copies of the revoking or amending order to—

(a) the offender,

(b) the responsible officer,

(c) the offender's commanding officer, and

(d) if the offender is aged under 14, the offender's parent or guardian.";";

(b) sub-paragraph (3) were omitted;

(c) in the opening words of sub-paragraph (4), for "the court" there were substituted " the court administration officer (within the meaning of the Armed Forces Act 2006) ";

(d) in the table in sub-paragraph (4), at the end there were inserted—

"An education requirement	Service Children's Education";

(e) sub-paragraphs (5) to (7) were omitted.

Court Martial Rules

13 If Court Martial Rules provide that powers of the Court Martial under Schedule 10 to the Sentencing Code as applied by this Schedule are to be exercised by a judge advocate, the rules may also disapply section 160 of this Act in relation to sentences passed under that Schedule.

Appeals

14 A person who—

(a) is sentenced by the Court Martial under paragraph 25(2)(b)(ii) of Schedule 10 to the Sentencing Code as applied by this Schedule, and

(b) was not convicted by the Court Martial of the offence in respect of which the sentence is passed,

is to be treated, for the purpose of enabling an appeal under the Court Martial Appeals Act 1968 against the sentence, as if he or she had been so convicted."

Commencement Information

I1340 Sch. 25 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

13 In section 185 (conditional or absolute discharge), in subsection (2)(b), for "section 12(1)(b) of the Sentencing Act" substitute " section 80(5) of the Sentencing Code ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I1341 Sch. 25 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

AMENDMENTS TO CHAPTER 2 OF PART 8: CONSECUTIVE SENTENCES

14 Chapter 2 of Part 8 of the Armed Forces Act 2006 is amended as follows.

Commencement Information
I1342 Sch. 25 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

15 (1) Section 188 (consecutive sentences) is amended as follows.

(2) In subsection (2)—

(a) after paragraph (a) insert—

"(aa) a determinate sentence of detention in a young offender institution;";

(b) in paragraph (c), for "section 226B of the 2003 Act" substitute " section 254 of the Sentencing Code ".

(3) In subsection (4)—

(a) after paragraph (a) insert—

"(aa) a determinate sentence of detention in a young offender institution passed in respect of a service offence or by a civilian court in England and Wales;";

(b) in paragraph (b), for "section 91 of the Sentencing Act" substitute " section 250 of the Sentencing Code ";

(c) after paragraph (b) insert—

"(ba) a sentence of detention under section 254 of the Sentencing Code (whether or not passed as a result of section 221A of this Act);";

(d) in paragraph (c)—

(i) omit "226B or";

(ii) omit "221A or".

(4) After subsection (4) insert—

"(4A) The sentences referred to in subsection (4)(a) and (aa) are to be taken to include a custodial order under—

(a) section 71AA of the Army Act 1955 or the Air Force Act 1955 or section 43AA of the Naval Discipline Act 1957, or

(b) paragraph 10 of Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or paragraph 10 of Schedule 4A to the Naval Discipline Act 1957."

(5) In subsection (5)—

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(a) in paragraph (a), for "not falling within paragraph (a)" substitute " or detention in a young offender institution not falling within paragraph (a) or (aa) ";

(b) in paragraph (b), after "(b)" insert " , (ba) ".

Commencement Information
I1343 Sch. 25 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

AMENDMENTS TO CHAPTER 4 OF PART 8: SUSPENDED SENTENCE ORDERS

16 Chapter 4 of Part 8 of the Armed Forces Act 2006 is amended as follows.

Commencement Information
I1344 Sch. 25 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

17 In the Chapter heading, for "under 12 Months" substitute " two years or less ".

Commencement Information
I1345 Sch. 25 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

18 Omit section 196 (and the italic heading before it).

Commencement Information
I1346 Sch. 25 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

19 For section 200 substitute—

"**200 Suspended sentence orders**

(1) In the following provisions of the Sentencing Code, "court" includes a relevant service court—

(a) section 264 (suspended sentence order for offender under 21: availability);

(b) section 277 (suspended sentence order for person aged 21 or over: availability);

(c) in Chapter 5 of Part 10 (suspended sentences)—

(i) section 286 (suspended sentence order);

(ii) section 292 (power to impose requirements);

(iii) section 298 (provision of copies of order etc);

(iv) section 302 (duty to obtain permission before changing residence);

(d) Schedule 9 (community requirements), other than paragraphs 21 and 22 (review of drug rehabilitation requirement);

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(e) in Schedule 17 (transfer of suspended sentence orders to Scotland and Northern Ireland)—

(i) paragraph 1 (restriction on making relevant suspended sentence order where offender resides in Scotland);

(ii) paragraph 4 (restriction on making relevant suspended sentence order where offender resides in Northern Ireland);

(iii) Part 3 (making of orders);

and the provisions of the Sentencing Code relating to suspended sentence orders apply accordingly to suspended sentence orders made by a relevant service court.

(2) In their application to a suspended sentence order made by a relevant service court, the provisions of the Sentencing Code relating to suspended sentence orders are modified as set out in—

(a) sections 200A to 204, and

(b) Schedule 7 (modifications of Schedule 16 to the Sentencing Code (breach or amendment of suspended sentence order and effect of further conviction)).

200A Modifications of section 286 of the Sentencing Code

Section 286 of the Sentencing Code has effect in relation to a suspended sentence order made by a relevant service court as if—

(a) after subsection (2) there were inserted—

"(2A) But a court may not specify a requirement to be complied with outside the United Kingdom.";

(b) in subsection (3), for paragraph (a) (but not the "or" after it) there were substituted—

"(a) commits during the operational period—

(i) another service offence (within the meaning of the Armed Forces Act 2006), or

(ii) an offence under the law of any part of the British Islands,"."

Commencement Information
I1347 Sch. 25 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

20 In section 202 (order with community requirements: disapplication of certain provisions)—

(a) for "Chapter 4 of Part 12 of the 2003 Act" substitute " the Sentencing Code ";

(b) for "section 207(3)(a)(ii)" substitute " paragraph 17(2)(c) of Schedule 9 ";

(c) for "section 219(3)" substitute " section 298(4) ".

Commencement Information
I1348 Sch. 25 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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21 For section 203 (review of order with community requirements), substitute—

"**203 Review of order with community requirements**

(1) Section 293 of the Sentencing Code (power to provide for review of suspended sentence order) has effect in relation to a suspended sentence order made by a relevant service court as if for subsections (4) to (6) there were substituted—

"(4) In this section "the responsible court" in relation to a suspended sentence order means the Crown Court."

(2) In their application to a suspended sentence order made by a relevant service court, paragraphs 21 and 22 of Schedule 9 to the Sentencing Code are modified as follows.

(3) Paragraph 21 (court review of drug rehabilitation requirement) has effect as if for sub-paragraphs (4) to (6) there were substituted—

"(4) In this paragraph "the responsible court", in relation to a suspended sentence order made by a relevant service court imposing a drug rehabilitation requirement, means the Crown Court."

(4) Paragraph 22 (periodic review of drug rehabilitation requirement) has effect as if after sub-paragraph (5) there were inserted—

"(5A) In a case where the order was made by the Service Civilian Court, a term of imprisonment or detention in a young offender institution or fine imposed under sub-paragraph (4)(b) must not exceed—

(a) in the case of a term of imprisonment or detention in a young offender institution, 6 months;

(b) in the case of a fine, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980.

(5B) Where a sentence is passed under sub-paragraph (4)(b), section 9 of the Criminal Appeal Act 1968 (appeal against sentence) applies as if the offender had been convicted on indictment of the offence for which the sentence was passed."."

Commencement Information
I1349 Sch. 25 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

22 For section 204 (transfer to Scotland or Northern Ireland of order with community requirements) substitute—

"**204 Transfer to Scotland or Northern Ireland of order with community requirements**

Schedule 17 to the Sentencing Code (transfer of suspended sentence orders to Scotland or Northern Ireland) has effect in relation to a suspended sentence order made by a relevant service court as if—

(a) in paragraph 23, sub-paragraph (1)(b) and (c) were omitted;

(b) in paragraph 25, sub-paragraphs (b) and (c) were omitted;

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) in paragraph 38, sub-paragraph (3)(b) were omitted;

(d) in paragraph 41(1), for the definition of "original court" there were substituted—

""original court", in relation to an SSSO or an NISSO, means the Crown Court;"."

Commencement Information
I1350 Sch. 25 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

23 Omit section 205.

Commencement Information
I1351 Sch. 25 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

24 Omit section 206.

Commencement Information
I1352 Sch. 25 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

25 For section 207 (definitions for purposes of Chapter) substitute—

"**207 Definitions for purposes of Chapter**

In this Chapter—

"relevant service court" means any of the following—

(a) the Court Martial;

(b) the Service Civilian Court;

(c) the Court Martial Appeal Court;

(d) the Supreme Court on an appeal brought from the Court Martial Appeal Court;

"suspended sentence order" has the same meaning as in the Sentencing Code (see section 286(6) of that Code);

"suspended sentence order with community requirements" means a suspended sentence order that specifies one or more community requirements (see section 286(2) of that Code)."

Commencement Information
I1353 Sch. 25 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

26 For Schedule 7 (suspended prison sentence: further conviction or breach of requirement) substitute—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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"SCHEDULE 7 Section 200(2)(b)

SUSPENDED SENTENCE ORDERS: BREACH OR AMENDMENT; EFFECT OF FURTHER CONVICTION

1 Schedule 16 to the Sentencing Code (breach or amendment of suspended sentence order, and effect of further conviction) applies to a suspended sentence order made by a relevant service court with the following modifications.

Preliminary

2 Part 1 (preliminary) has effect as if—

(a) in paragraph 1(1), for the definition of "the appropriate court" there were substituted—

""the appropriate court" means the Crown Court;";

(b) at the end of paragraph 1(1) there were inserted—

""relevant service court" has the same meaning as in Chapter 4 of Part 8 of the Armed Forces Act 2006 (see section 207 of that Act);

"service offence" has the same meaning as in the Armed Forces Act 2006 (see section 50 of that Act).";

(c) paragraphs 3 to 5 were omitted.

Breach of community requirement or conviction of further offence

3 Part 2 (breach of community requirement or conviction of further offence) has effect as if—

(a) in paragraph 6(4)(c), for "a court" there were substituted " the Crown Court ";

(b) in paragraph 7, for paragraph (b) there were substituted—

"(b) where appropriate, cause an information to be laid before the Crown Court in respect of the offender's breach of the requirement.";

(c) paragraph 8 were omitted;

(d) in paragraph 9—

(i) in the heading, the words "Crown Court order:" were omitted;

(ii) in sub-paragraph (1), for "Crown Court order" there were substituted " suspended sentence order made by a relevant service court ";

(e) paragraph 10 were omitted;

(f) paragraphs 11 to 15 were modified as set out in paragraphs 4 to 8 of this Schedule;

(g) after paragraph 15 there were inserted the paragraph 15A set out in paragraph 9 of this Schedule;

(h) paragraphs 17 to 19 were modified as set out in paragraphs 10 to 12 of this Schedule;

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(i) paragraph 20 were omitted.

4 Paragraph 11 (offender before magistrates' court: further conviction) has effect as if—

(a) sub-paragraph (1) were omitted;

(b) in sub-paragraph (2), for the words from "made" to the end, there were substituted "made by a relevant service court, the magistrates' court must notify the appropriate officer of the Court Martial of the conviction.";

(c) sub-paragraphs (3) and (4) were omitted.

5 Paragraph 12 (offender before Crown Court: breach of community requirement or further conviction) has effect as if—

(a) in the heading, after "Crown Court" there were inserted " , Court Martial or Service Civilian Court ";

(b) in sub-paragraph (1)(b), the words "or (3)" were omitted;

(c) in sub-paragraph (2), paragraph (a)(iii) (but not the "and" following it) were omitted;

(d) for sub-paragraph (3) there were substituted—

"(3) Where—

(a) an offender to whom a suspended sentence order relates is convicted of a service offence or an offence under the law of any part of the British Islands that was committed during the operational period of the order,

(b) the suspended sentence order has not taken effect, and

(c) either—

(i) the offender is so convicted by the Crown Court, the Court Martial or the Service Civilian Court, or

(ii) the offender subsequently appears or is brought before the Court Martial,

the court must deal with the case under paragraph 13.

(3A) Anything that under section 376(1) and (2) of the Armed Forces Act 2006 is treated as a conviction for the purposes of that Act is also to be treated as a conviction for the purposes of sub-paragraph (3)."

6 Paragraph 13 (powers of court to deal with offender on breach of requirement or subsequent conviction) has effect as if—

(a) in sub-paragraph (1)—

(i) in the opening words, for "a court" there were substituted " the Crown Court, the Court Martial or the Service Civilian Court ";

(ii) in paragraph (c), at the beginning there were inserted "where the court dealing with the offender is the Crown Court,";

(b) sub-paragraph (2) were omitted.

7 Paragraph 14 (exercise of power in paragraph 13: duty to make activation order where not unjust) has effect as if—

(a) in sub-paragraph (1), for "The court" there were substituted " The Crown Court, the Court Martial or the Service Civilian Court ";

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(b) in sub-paragraph (2)(b), the words "11 or" were omitted.

8 Paragraph 15 (activation orders: further provision) has effect as if—

(a) in the heading, after "orders" there were inserted " made by the Crown Court ";

(b) in sub-paragraph (1), for "a court" there were substituted " the Crown Court ";

(c) for sub-paragraph (3) there were substituted—

"(3) For the purpose of any enactment conferring rights of appeal against sentence in criminal cases—

(a) the activation order is to be treated as a sentence passed on the offender by the Crown Court for the offence for which the suspended sentence was passed, and

(b) the offender is to be treated as if he or she had been convicted on indictment of that offence.";

(d) in sub-paragraph (4) at the end there were inserted "and a custodial sentence within the meaning of the Armed Forces Act 2006 (see section 374 of that Act)".

9 The paragraph 15A to be inserted after paragraph 15 is as follows—

"Activation orders made by the Court Martial or the Service Civilian Court: further provision

15A(1) This paragraph applies where the Court Martial or the Service Civilian Court makes an activation order relating to a suspended sentence.

(2) The activation order may provide for—

(a) the sentence to take effect immediately, or

(b) the term of the sentence to begin on the expiry of another custodial sentence passed on the offender.

(3) The reference in sub-paragraph (2) to another custodial sentence does not include a sentence from which the offender has been released early under Chapter 6 of Part 12 of the Criminal Justice Act 2003 or Part 2 of the Criminal Justice Act 1991.

(4) For the purposes of sections 285 to 287 of the Armed Forces Act 2006 (appeals from Service Civilian Court) or, as the case may be, the Court Martial Appeals Act 1968—

(a) an activation order made by the Court Martial or the Service Civilian Court is to be treated as a sentence passed on the offender, by the court that made the order, for the offence for which the suspended sentence was passed, and

(b) if the offender was not convicted of that offence by that court, he or she is to be treated for the purpose of enabling an appeal against the order as if he or she had been so convicted.

(5) For the purposes of any appeal against the order, references in section 16A of the Court Martial Appeals Act 1968 to passing a sentence include making an order.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(6) In this paragraph "custodial sentence" includes a pre-Code custodial sentence (see section 222(4)) and a custodial sentence within the meaning of the Armed Forces Act 2006 (see section 374 of that Act)."

10 Paragraph 17 (treatment requirement: reasonable refusal to undergo certain treatment) has effect as if, in sub-paragraph (2), the words "10(1)(b) or" were omitted.

11 Paragraph 18 (duty of court in Scotland or Northern Ireland when informed of suspended sentence) has effect as if—

(a) in sub-paragraph (b), for "in England or Wales" there were substituted " (anywhere) by a relevant service court ";

(b) in the words following sub-paragraph (b), for "the court by which the suspended sentence was passed" there were substituted " the Court Martial ".

12 Paragraph 19 (issue of summons or warrant where court convicting of further offence does not deal with suspended sentence) has effect as if—

(a) in sub-paragraph (1)—

(i) in the opening words, for "the Crown Court" there were substituted " the Court Martial ";

(ii) in paragraph (a), for the words from "United Kingdom" to "Court" there were substituted " British Islands of an offence committed during the operational period of a suspended sentence order passed by a relevant service court, or has been convicted of a service offence committed during that period ";

(b) in sub-paragraph (2), for "Crown Court" there were substituted " Court Martial ";

(c) in sub-paragraph (3), for "Crown Court" there were substituted " Court Martial ".

Amendment of order

13 Part 3 (amendment of order) has effect as if in paragraph 25 (amendment of community requirements of suspended sentence order), after sub-paragraph (8) there were inserted—

"(8A) In a case where the order was made by the Service Civilian Court, a term of imprisonment or detention in a young offender institution or fine imposed under sub-paragraph (7)(b) must not exceed—

(a) in the case of a term of imprisonment or detention in a young offender institution, 6 months;

(b) in the case of a fine, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980.

(8B) Where a sentence is passed under sub-paragraph (7)(b), section 9 of the Criminal Appeal Act 1968 (appeal against sentence) applies as if the offender had been convicted on indictment of the offence for which the sentence was passed."

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Supplementary

14 Part 4 (supplementary) has effect as if in paragraph 28 (provision of copies of orders etc)—

(a) in sub-paragraph (1) for "a court" there were substituted " the Crown Court or a relevant service court ";

(b) in sub-paragraph (3), paragraph (b) were omitted;

(c) sub-paragraphs (5) and (6) were omitted."

Commencement Information
I1354 Sch. 25 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

AMENDMENTS TO CHAPTER 5 OF PART 8: CUSTODIAL SENTENCES FOR YOUNG OFFENDERS

27 Chapter 5 of Part 8 of the Armed Forces Act 2006 is amended as follows.

Commencement Information
I1355 Sch. 25 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

28 In section 208 (prohibition on imposing imprisonment on people under a certain age)—

(a) for "18" substitute " 21 ";

(b) in the heading, for "18" substitute " 21 ".

Commencement Information
I1356 Sch. 25 para. 28 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

29 (1) Section 209 (offenders under 18 convicted of certain serious offences: power to detain for specified period) is amended as follows.

(2) In subsection (2)(a), for "18" substitute " 21 ".

(3) In subsection (6), for "18" substitute " 21 ".

Commencement Information
I1357 Sch. 25 para. 29 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

30 After section 210 insert—

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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"**210A Offenders under 21: offences other than murder; discretionary custody for life**

(1) This section applies where a person aged at least 18 but under 21 is convicted by the Court Martial of an offence—

(a) for which the sentence is not fixed by law, but

(b) which is punishable in the case of a person aged 21 or over with imprisonment for life.

(2) If the court considers that a sentence for life would be appropriate, it is to sentence the offender to custody for life under section 272(2)(a) of the Sentencing Code.

(3) Sections 260 (threshold for imposing discretionary custodial sentence) and 261 (length of discretionary custodial sentence: general provision), in particular, apply for the purposes of subsection (2).

210B Offenders under 21: power to impose detention in a young offender institution

(1) A sentence of detention in a young offender institution is available to the Court Martial or the Service Civilian Court dealing with an offender for an offence where—

(a) the offender is aged at least 18 but under 21 when convicted,

(b) the offence is punishable with imprisonment in the case of a person aged 21 or over, and

(c) the court is not required to pass a sentence of—

(i) detention at Her Majesty's pleasure, or

(ii) custody for life.

(2) The maximum term of detention in a young offender institution that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for the offence in the case of a person aged 21 or over.

(3) The minimum term of a sentence of detention in a young offender institution is 21 days."

Commencement Information
I1358 Sch. 25 para. 30 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

31 In section 211 (offenders under 18: detention and training orders)—

(a) in subsection (1)(a), for "18 or over" substitute " 21 or over ";

(b) in subsection (3)(c), for the words from "on" to the end substitute " after paragraph (aa) of section 234(1) of the Sentencing Code comes into force (see paragraph 27(1)(b) of Schedule 22 to the Sentencing Act 2020). "

Commencement Information
I1359 Sch. 25 para. 31 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

32 (1) Section 212 (term of detention and training order: general) is amended as follows.

(2) In subsections (1)(b) and (2)(c), for "18" substitute " 21 ".

(3) In subsection (3), for "provides otherwise under section 101(3) of the Sentencing Act" substitute " orders otherwise under section 237 of the Sentencing Code ".

Commencement Information
I1360 Sch. 25 para. 32 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

33 (1) Section 213 (application of provisions relating to civilian detention and training orders) is amended as follows.

(2) For subsections (1) to (3) substitute—

"(1) In the following provisions of the Sentencing Code, references to a detention and training order include an order under section 211 of this Act—

(a) sections 237 to 248;

(b) Schedule 12.

(2) In the following provisions of the Sentencing Code, "court" includes a relevant service court—

(a) sections 237 to 240;

(b) section 246;

(c) sections 253 and 257;

(d) section 270.

(3) In its application to an order under section 211, section 239 of the Sentencing Code has effect as if—

(a) references to an offender's being remanded in custody were references to an offender's being kept in service custody, and

(b) subsection (5) were omitted.

(3A) In its application to a relevant service court, section 253 of the Sentencing Code has effect as if the references to a sentence of detention under section 250 were references to a sentence of detention under 209 of this Act.

(3B) In its application to a relevant service court, section 257 of the Sentencing Code has effect as if the references to an extended sentence of detention under section 254 were references to an extended sentence of detention under that section imposed as a result of section 221A of this Act."

(3) In subsection (4), for "section 104(3) (further period of detention or supervision) of the Sentencing Act" substitute " paragraph 3(2)(a) of Schedule 12 to the Sentencing Code (further period of detention) ".

(4) For subsection (5) substitute—

"(5) Paragraph 5(2) of Schedule 12 to the Sentencing Code has effect as if, in the closing words, after "Schedule" there were inserted " and section 214 of the Armed Forces Act 2006 "."

(5) In subsection (6)—

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(a) in the definition of "further period of supervision" for "section 104(3)(aa) of the Sentencing Act" substitute " paragraph 3(2)(b) of Schedule 12 to the Sentencing Code ";

(b) for the definition of "supervision requirements" substitute—

""supervision requirement" has the meaning given in paragraph 1 of Schedule 12 to the Sentencing Code".

(6) Omit subsection (7).

(7) At the end insert—

"(8) In this section, "relevant service court" has the same meaning as in Chapter 4 of Part 8 (see section 207)."

Commencement Information
I1361 Sch. 25 para. 33 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

34 (1) Section 214 (offences during currency of detention and training order) is amended as follows.

(2) After subsection (1) insert—

"(1A) This section also applies to a person in respect of whom a service FSO has been made if—

(a) before the date on which the period of further supervision under the service FSO ends, he commits an offence within subsection (2) ("the new offence"); and

(b) whether before or after that date, he is convicted of the new offence.

(1B) A service FSO is an order under paragraph 3(2)(b) of Schedule 12 to the Sentencing Code subjecting the offender to a further period of supervision as a result of breach of supervision requirements—

(a) during a period of supervision under an order under section 211 of this Act,

(b) during a further period of supervision imposed for breach of supervision requirements during a period within paragraph (a), or

(c) during one of a series of further periods of supervision—

(i) each of which apart from the first was imposed for breach of supervision requirements during the previous further period of supervision, and

(ii) the first of which was imposed for breach of supervision requirements during a period within paragraph (a).

Terms used in this subsection have the same meaning as in section 213(4) (see section 213(6))."

(3) In subsection (3)(b), at the end insert " or (1A) (as the case may be) ".

(4) In subsection (7)(c), for "section 105 of the Sentencing Act" substitute " paragraph 7 of Schedule 12 to the Sentencing Code ".

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information
I1362 Sch. 25 para. 34 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

35 In section 215 (section 214: definitions etc)—

(a) in subsection (1), for "Section 101(13) of the Sentencing Act" substitute " Section 238(3) of the Sentencing Code ";

(b) in subsection (3), for "section 107 of the Sentencing Act" substitute " section 248 of the Sentencing Code ".

Commencement Information
I1363 Sch. 25 para. 35 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 5

AMENDMENTS TO CHAPTER 6 OF PART 8: SENTENCES FOR CERTAIN OFFENCES

36 Chapter 6 of Part 8 of the Armed Forces Act 2006 is amended as follows.

Commencement Information
I1364 Sch. 25 para. 36 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

37 In section 217 (mandatory life imprisonment), for subsection (2) substitute—

"(2) Where on conviction the offender is 21 or over, the court must sentence the offender to imprisonment for life.

(3) Where on conviction the offender is aged under 21, the court must pass on the offender a sentence of custody for life under section 275 of the Sentencing Code.

(4) Subsection (3) does not apply where the offender is liable to be detained under section 218 (detention at Her Majesty's pleasure for offender under 18)."

Commencement Information
I1365 Sch. 25 para. 37 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

38 (1) Section 218A (life sentence for second listed offence) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (b), for "Part 1 of Schedule 15B to the 2003 Act" substitute " Part 1 of Schedule 15 to the Sentencing Code ";

(b) in paragraph (c), for "after this section comes into force" substitute " on or after the relevant date ".

(3) After subsection (1) insert—

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"(1A) In subsection (1)(c), "relevant date", in relation to an offence, means the date specified for the corresponding offence (as mentioned in subsection (1)(b)) in Part 1 of Schedule 15 to the Sentencing Code.

(1B) Where the offender is under 21 when convicted of the offence under section 42, section 273(3) of the Sentencing Code (duty of court to impose custody for life except in exceptional circumstances) applies in relation to the offender."

(4) In subsection (2), for "Section 224A(2) of the 2003 Act" substitute " Where the offender is 21 or over when convicted of the offence under section 42, section 283(3) of the Sentencing Code (duty of court to impose imprisonment for life except in exceptional circumstances) ".

(5) In subsection (3)—

(a) in the opening words—

(i) for "section 224A(2)(a) of that Act" substitute " sections 273(3)(a) and 283(3)(a) of that Code ";

(ii) for "subsection (2)" substitute " subsections (1B) and (2) ";

(b) in paragraph (a), for " "the offence"" substitute " "the index offence" ";

(c) in paragraph (b), for "subsection (4)" substitute " subsection (5) ".

(6) In subsection (4)—

(a) after "more," insert " or, in the case of an offender aged under 21 on conviction, a sentence of detention in a young offender institution for 10 years or more, ";

(b) for "section 226A of the 2003 Act" substitute " section 266 or 279 of the Sentencing Code ".

(7) In subsection (5)(a), for "Schedule 15B to the 2003 Act" substitute " Schedule 15 to the Sentencing Code ".

(8) After subsection (5) insert—

"(5A) For the purposes of subsection (5), Schedule 15 is to be read as if Part 1 did not include any offence for which the date specified in that Part is after the date on which the offence under section 42 was committed."

(9) In subsection (6), for "section 224A(4)(b) of the 2003 Act (see subsections (5) to (10) of that section)" substitute " section 273(5)(b) of the Sentencing Code (see subsections (7) to (12) of that section) or section 283(5)(b) of that Code (see subsections (7) to (12) of that section) ".

(10) In subsection (7), for "section 224A(2) of that Act" substitute " section 273(3) or 283(3) of the Sentencing Code ".

(11) In subsection (8), for "and (5)(a)" substitute " , (5)(a) and (5A) ".

Commencement Information
I1366 Sch. 25 para. 38 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

39 (1) Section 219 (life sentence for certain dangerous offenders aged 18 or over) is amended as follows.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) In subsection (1)(b), for "serious offence" substitute " Schedule 19 offence within the meaning of Part 10 of the Sentencing Code (see section 307 of that Code) ".

(3) After subsection (1) insert—

"(1A) Where the offender is under 21 when convicted of the offence under section 42, section 274(3) of the Sentencing Code (duty to impose custody for life) applies in relation to the offender."

(4) In subsection (2) for "Section 225(2) of the 2003 Act" substitute " Where the offender is 21 or over when convicted of the offence under section 42, section 285(3) of the Sentencing Code (duty to impose imprisonment for life) ".

(5) In subsection (3) for "section 225(2) of the 2003 Act (as applied by subsection (2))" substitute " sections 274(3) and 285(3) of the Sentencing Code (as applied by subsections (1A) and (2)) ".

(6) Omit subsection (4).

(7) In subsection (5), for "section 225 of the 2003 Act" substitute " section 274 or 285 of the Sentencing Code ".

Commencement Information
I1367 Sch. 25 para. 39 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

40 (1) Section 219A (extended sentences for certain violent, sexual or terrorism offenders aged 18 or over) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (b), at the end insert " within the meaning of the Sentencing Code (see section 306 of that Code) ";

(b) for paragraph (d) (but not the "and" following it) substitute—

"(d) the court is not required—

(i) by section 273(3) of the Sentencing Code (as applied by section 218A(1B) of this Act) to impose a sentence of custody for life;

(ii) by section 283(3) of the Sentencing Code (as applied by section 218A(2) of this Act) to impose a sentence of imprisonment for life;

(iii) by section 274(3) of the Sentencing Code (as applied by section 219(1A) of this Act) to impose a sentence of custody for life;

(iv) by section 285(3) of the Sentencing Code (as applied by section 219(2) of this Act) to impose a sentence of imprisonment for life;".

(3) In subsection (2), for "Schedule 15B to the 2003 Act" substitute " Schedule 14 to the Sentencing Code ".

(4) In subsection (3), for "extended sentence of imprisonment under section 226A of the 2003 Act" substitute " extended sentence of detention in a young offender institution or an extended sentence of imprisonment ".

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(5) For subsections (4) to (6) substitute—

"(4) Where the offender is under 21 when convicted of the offence under section 42, an extended sentence of detention in a young offender institution under section 266 of the Sentencing Code is available in respect of the offence.

(5) Subsections (2) to (5) of section 268 of the Sentencing Code apply where a court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of detention in a young offender institution under section 266 of the Sentencing Code by virtue of this section.

(6) In their application to an offender by virtue of subsection (5), subsections (2) to (5) of section 268 of the Sentencing Code are modified as follows—

(a) subsection (2) has effect as if, for "section 231(2)" there were substituted " section 261(2) of the Armed Forces Act 2006 ";

(b) subsection (3) has effect as if, after "offences" there were inserted " or further acts or omissions that would be specified offences if committed in England and Wales ";

(c) in subsection (4)(b), sub-paragraphs (i) and (ii) both have effect as if for "in the case of" there were substituted " if the offence under section 42 was one for which the corresponding offence under the law of England and Wales was ".

(7) Where the offender is 21 or over when convicted of the offence under section 42, an extended sentence of imprisonment under section 279 of the Sentencing Code is available in respect of the offence.

(8) Subsections (2) to (5) of section 281 of the Sentencing Code apply where a court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of imprisonment under section 279 of the Sentencing Code by virtue of this section.

(9) In their application to an offender by virtue of subsection (8), subsections (2) to (5) of section 281 of the Sentencing Code are modified as follows—

(a) subsection (2) has effect as if, for "section 231(2)" there were substituted " section 261(2) of the Armed Forces Act 2006 ";

(b) subsection (3) has effect as if, after "offences" there were inserted " or further acts or omissions that would be specified offences if committed in England and Wales ";

(c) in subsection (4)(b), sub-paragraphs (i) and (ii) both have effect as if for "in the case of" there were substituted " if the offence under section 42 was one for which the corresponding offence under the law of England and Wales was ".".

Commencement Information
I1368 Sch. 25 para. 40 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

41 (1) Section 221 (life sentence for certain dangerous offenders aged under 18) is amended as follows.

(2) In subsection (1)—

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(a) in paragraph (a), after "conduct)" insert " which was committed on or after 4 April 2005 ";

(b) in paragraph (b), for "serious offence" substitute " Schedule 19 offence within the meaning of Part 10 of the Sentencing Code (see section 307 of that Code) ";

(c) after paragraph (b) (but before the word "and" following it) insert—

"(ba) the court considers that the seriousness of—

(i) the offence under section 42, or

(ii) that offence and one or more offences associated with it,

is such as to justify the imposition of a sentence of detention for life,".

(3) In subsection (2), for "Section 226(2) of the 2003 Act" substitute " Section 258(2) of the Sentencing Code (duty to impose detention for life) ".

(4) For subsection (3) substitute—

"(3) In section 258(2) of the Sentencing Code (as applied by subsection (2)), the reference to section 250 of that Code is to be read as a reference to section 209 of this Act."

(5) Omit subsection (5).

(6) In subsection (6), for "section 226 of the 2003 Act" substitute " section 258(2) of the Sentencing Code ".

Commencement Information

I1369 Sch. 25 para. 41 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

42 (1) Section 221A (extended sentence for certain violent, sexual or terrorism offenders aged under 18) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (b), at the end insert " within the meaning of the Sentencing Code (see section 306 of that Code) ";

(b) in paragraph (d), for "section 226(2) of the 2003 Act" substitute " section 258(2) of the Sentencing Code ";

(c) in paragraph (e), omit "under section 226B of the 2003 Act".

(3) For subsections (2) to (4) substitute—

"(2) An extended sentence of detention under section 254 of the Sentencing Code is available in respect of the offence.

(3) Subsections (2) to (5) of section 256 of the Sentencing Code apply where a court is determining—

(a) the appropriate custodial term, and

(b) the extension period,

of an extended sentence of detention to be imposed on an offender under section 254 of the Sentencing Code by virtue of this section.

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(4) In their application to an offender by virtue of subsection (3), subsections (2) to (5) of section 256 of the Sentencing Code are modified as follows—

(a) subsection (2) has effect as if, for "section 231(2)" there were substituted " section 261(2) of the Armed Forces Act 2006 ";

(b) subsection (3) has effect as if, after "offences" there were inserted " or further acts or omissions that would be specified offences if committed in England and Wales ";

(c) in subsection (4)(b), sub-paragraphs (i) and (ii) both have effect as if for "in the case of" there were substituted " if the offence under section 42 was one for which the corresponding offence under the law of England and Wales was ".

Commencement Information
I1370 Sch. 25 para. 42 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

43 (1) Section 223 (the "required opinion" for the purposes of sections 219 to 221A) is amended as follows.

(2) In subsection (2)—

(a) for "section 229(2) and (2A) of the 2003 Act" substitute " subsections (2) and (3) of section 308 of the Sentencing Code ";

(b) for "section 229(1) of that Act" substitute " subsection (1) of that section ".

(3) For subsection (3) substitute—

"(3) In section 308(2)(a) of the Sentencing Code as applied by this section, the reference to the offence is to be read as a reference to the offence under section 42 of this Act."

(4) In subsection (4), in the definition of "serious harm", for "section 224 of the 2003 Act" substitute " section 306 of the Sentencing Code ".

Commencement Information
I1371 Sch. 25 para. 43 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

44 For section 224 (place of detention under certain sentences), substitute—

"**224 Place of detention for extended sentences for offenders aged under 18**

Section 261 of the Sentencing Code (detention in pursuance of extended sentence) applies to detention imposed by virtue of section 221A of this Act as it applies to detention under section 254 of that Code."

Commencement Information
I1372 Sch. 25 para. 44 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

45 (1) Section 224A (special custodial sentence for certain offenders of particular concern) is amended as follows.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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(2) In subsection (1)—

(a) in paragraph (b), for "Schedule 18A to the 2003 Act" substitute " Schedule 13 to the Sentencing Code ";

(b) in paragraph (d)—

(i) in sub-paragraph (i), after "imprisonment" insert " or custody ";

(ii) in sub-paragraph (ii), for "imprisonment under section 226A of the 2003 Act" substitute " detention or imprisonment under section 266 or 279 of the Sentencing Code ".

(3) For subsection (2) substitute—

"(2) If—

(a) the court imposes a sentence of detention in a young offender institution for the offence, and

(b) the offender is aged under 21 when convicted of the offence,

subsections (2) and (3) of section 265 of the Sentencing Code (term of special sentence) apply in relation to the term of the sentence.

(2A) If—

(a) the court imposes a sentence of imprisonment for the offence, and

(b) the offender is aged 21 or over when convicted of the offence,

subsections (2) and (3) of section 278 of the Sentencing Code (term of special sentence) apply in relation to the term of the sentence."

(4) In subsection (3), for "and (2)" substitute " , (2) and (2A) ".

(5) For subsection (4) substitute—

"(4) In Schedule 13 to the Sentencing Code, as applied by subsection (1)(b), the reference in paragraph 10 to section 69 of that Code is to be read as a reference to that section as applied by section 238(6) of this Act."

Commencement Information
I1373 Sch. 25 para. 45 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

46 In section 225 (third drug trafficking offence)—

(a) in subsection (1)(b), for "section 110 of the Sentencing Act" substitute " section 313 of the Sentencing Code ";

(b) in subsection (2), for "section 110(2) of that Act" substitute " section 313(2) of that Code ".

Commencement Information
I1374 Sch. 25 para. 46 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

47 In section 226 (third domestic burglary)—

(a) in subsection (1)(b), for "section 111 of the Sentencing Act" substitute " section 314 of the Sentencing Code ";

(b) in subsection (2), for "section 111(2) of that Act" substitute " section 314(2) of that Code ".

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Commencement Information
I1375 Sch. 25 para. 47 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

48 (1) Section 227 (firearms offences) is amended as follows.

(2) In subsection (1)—

(a) after paragraph (a) (but before the "and") insert—

"(aa) the corresponding offence under the law of England and Wales is an offence listed in any of paragraphs 1 to 4 of Schedule 20 to the Sentencing Code;";

(b) in paragraph (b), for "the corresponding offence under the law of England and Wales, section 51A of the Firearms Act 1968 (c.27)" substitute " that corresponding offence, section 311 of the Sentencing Code ".

(3) In subsection (2), for "section 51A(2) of that Act" substitute " section 311(2) of the Sentencing Code ".

(4) In subsection (3)—

(a) for "section 51A(4)(a)(ii) of that Act (interpretation of section 51A(2))" substitute " section 311(3)(a) of that Code ";

(b) for "section 91 of the Sentencing Act" substitute " section 250 of that Code ".

Commencement Information
I1376 Sch. 25 para. 48 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

49 (1) Section 227A (offences of threatening with a weapon on public or on school premises) is amended as follows.

(2) After subsection (1), insert—

"(1A) Where the offender is aged under 21 at the time of conviction, the court must impose a sentence of detention in a young offender institution for a term of at least 6 months unless the court is of the opinion that there are particular circumstances which—

(a) relate to the offence or to the offender, and

(b) would make it unjust to do so in all the circumstances."

(3) In subsection (2), at the beginning insert " Where the offender is aged 21 or over at the time of conviction, ".

(4) Omit subsection (3).

Commencement Information
I1377 Sch. 25 para. 49 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

50 (1) Section 228 (appeals where previous convictions set aside) is amended as follows.

(2) In subsection (1B)(a), for "section 224A of the 2003 Act (as applied by section 218A of this Act)" substitute " section 273(3) or 283(3) of the Sentencing Code (life sentence for second listed offence) as applied by section 218A of this Act ".

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(3) In subsection (1D)(a), for "section 226A of the 2003 Act (as applied by section 219A of this Act)" substitute " section 266 or 279 of the Sentencing Code (extended sentence for certain violent, sexual or terrorism offenders aged 18 or over) as applied by section 219A of this Act ".

(4) In subsection (3A)(a), for "section 224A of the 2003 Act (as applied by section 218A of this Act)" substitute " section 273(3) or 283(3) of the Sentencing Code (life sentence for second listed offence) as applied by section 218A of this Act ".

Commencement Information
I1378 Sch. 25 para. 50 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 6

AMENDMENTS TO PART 9: SENTENCING: PRINCIPLES AND PROCEDURES

51 Part 9 of the Armed Forces Act 2006 is amended as follows.

Commencement Information
I1379 Sch. 25 para. 51 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

52 In section 237 (duty to have regard to purposes of sentencing etc), in subsection (3) —

(a) for paragraph (b) substitute—

"(b) an offence the sentence for which falls to be imposed under section 273(3) or 283(3) of the Sentencing Code as a result of section 218A(1B) or (2) (life sentence for second listed offence);

(ba) an offence the sentence for which falls to be imposed under section 274(3) or 285(3) of the Sentencing Code as a result of section 219(1A) or (2) (life sentence for certain dangerous offenders aged 18 or over);

(bb) an offence the sentence for which falls to be imposed under section 258(2) of the Sentencing Code as a result of section 221(2) (life sentence for certain dangerous offenders aged under 18);

(bc) an offence the sentence for which falls to be imposed under section 313(2) of the Sentencing Code as a result of section 225(2) (third drug trafficking offence);

(bd) an offence the sentence for which falls to be imposed under section 314(2) of the Sentencing Code as a result of section 226(2) (third domestic burglary);

(be) an offence the sentence for which falls to be imposed under section 311(2) of the Sentencing Code as a result of section 227(2) (firearms offences);";

(b) in paragraph (c), for "227A(2)" substitute " 227A(1A) or (2) (threatening with a weapon in public or on school premises) ".

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Commencement Information
I1380 Sch. 25 para. 52 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

53 In section 238 (deciding the seriousness of an offence), at the end insert—

"(6) In section 69 of the Sentencing Code (seriousness of offence with terrorist connection)—

(a) the references to a court are to be read as including a court dealing with an offender for an offence under section 42, and

(b) the reference in subsection (1) to an offence specified in Schedule 1 to that Code is to be read as a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is an offence specified in Schedule 1."

Commencement Information
I1381 Sch. 25 para. 53 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

54 In section 239 (reduction in sentences for guilty pleas)—

(a) in subsection (4), for "110(2) or 111(2) of the Sentencing Act" substitute " 313(2) or 314(2) of the Sentencing Code ";

(b) in subsection (5), for "110(2) or 111(2) of that Act" substitute " 313(2) or 314(2) of that Code " in both places it occurs;

(c) in subsection (6), for "227A(2)" substitute " 227A(1A) or (2) " in both places it occurs.

Commencement Information
I1382 Sch. 25 para. 54 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

55 In section 246 (crediting of time in service custody: terms of imprisonment and detention), in subsection (6), after paragraph (b) (but before the "and") insert—

"(ba) an extended sentence of detention under section 254 of the Sentencing Code passed as a result of section 221A of this Act,".

Commencement Information
I1383 Sch. 25 para. 55 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

56 In section 247 (crediting of time in service custody: supplementary), in subsection (7), for "any sentence within paragraph (a), (b) or (c)" substitute " a sentence within any of paragraphs (a) to (c) ".

Commencement Information
I1384 Sch. 25 para. 56 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

57 In section 257 (pre-sentence reports: supplementary)—

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(a) in subsection (1), for "section 158(1) of the 2003 Act" substitute " section 31(1) of the Sentencing Code ";

(b) in subsection (2)—

(i) for "section 158(1) of that Act" substitute " section 31(1) of that Code ", and

(ii) for "section 158(2) of that Act" substitute " section 31(2) of that Code ";

(c) in subsection (4)—

(i) for "Section 159(1) to (3) and (5) of the 2003 Act" substitute " Section 32(1) to (4) and (6) of the Sentencing Code ", and

(ii) for "section 156 of that Act" substitute " section 30 of that Code ".

Commencement Information

I1385 Sch. 25 para. 57 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

58 In section 260 (discretionary custodial sentences: general restrictions)—

(a) in subsection (1), for paragraph (b) (and the "or" preceding it) substitute—

"(b) falls to be imposed under section 273(3) or 283(3) of the Sentencing Code as a result of section 218A(1B) or (2) (life sentence for second listed offence);

(c) falls to be imposed under section 274(3) or 285(3) of the Sentencing Code as a result of section 219(1A) or (2) (life sentence for certain dangerous offenders aged 18 or over);

(d) falls to be imposed under section 258(2) of the Sentencing Code as a result of section 221(2) (life sentence for certain dangerous offenders aged under 18);

(e) falls to be imposed under section 313(2) of the Sentencing Code as a result of section 225(2) (third drug trafficking offence);

(f) falls to be imposed under section 314(2) of the Sentencing Code as a result of section 226(2) (third domestic burglary);

(g) falls to be imposed under section 311(2) of the Sentencing Code as a result of section 227(2) (firearms offences); or

(h) falls to be imposed under section 227A(1A) or (2) (threatening with a weapon in public or on school premises).";

(b) in subsection (4B), for the words from "section 226A(6)" to the end substitute "—

(a) section 268(2) or 281(2) of the Sentencing Code, as applied by section 219A of this Act (extended sentences for offenders aged 18 or over), or

(b) section 256(2) of the Sentencing Code, as applied by section 221A of this Act (extended sentences for offenders aged under 18)."

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Commencement Information
I1386 Sch. 25 para. 58 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

59 In section 261 (length of discretionary custodial sentences: general provision), in subsection (1), for the words from "section 224A" to the end substitute "—

(a) section 273(3) or 283(3) of the Sentencing Code as a result of section 218A(1B) or (2) (life sentence for second listed offence),

(b) section 274(3) or 285(3) of the Sentencing Code as a result of section 219(1A) or (2) (life sentence for certain dangerous offenders aged 18 or over), or

(c) section 258(2) of the Sentencing Code as a result of section 221(2) (life sentence for certain dangerous offenders aged under 18)."

Commencement Information
I1387 Sch. 25 para. 59 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

60 After section 261, insert—

"**261A Life sentences: further provision**

(1) In Chapter 8 of Part 10 of the Sentencing Code (sections 321 to 324: effect of life sentences), references to a court include the Court Martial.

(2) In section 322 of that Code as it applies in relation to a life sentence passed by the Court Martial—

(a) subsection (2)(b)(i) has effect as if, for "section 240ZA of the Criminal Justice Act 2003" there were substituted " section 246 of the Armed Forces Act 2006 ";

(b) subsection (4) has effect as if, for "section 52(2)" there were substituted " section 252(1)(a) of the Armed Forces Act 2006 ".

(3) In section 323 of that Code as it applies in relation to a life sentence passed by the Court Martial, subsection (2)(c)(i) has effect as if, for "section 240ZA of the Criminal Justice Act 2003" there were substituted " section 246 of the Armed Forces Act 2006 ".

(4) Section 324, as it applies in relation to a sentence passed by the Court Martial, has effect as if for the definition of "life sentence" there were substituted—

""life sentence" means any of the following sentences imposed under or by virtue of the Armed Forces Act 2006—

(a) a sentence of imprisonment for life,

(b) a sentence of detention for life or during Her Majesty's pleasure, or

(c) a sentence of custody for life;"."

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Commencement Information
I1388 Sch. 25 para. 60 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

61 In section 262 (power to recommend licence conditions), for "section 238(1) of the 2003 Act" substitute " section 328 of the Sentencing Code ".

Commencement Information
I1389 Sch. 25 para. 61 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

62 After section 262, insert—

"**262A Conversion of sentence of detention to sentence of imprisonment**

(1) In section 329 of the Sentencing Code (conversion of sentence of detention to sentence of imprisonment), "court" includes a court dealing with an offender for a service offence.

(2) In its application to a court dealing with an offender for a service offence, that section has effect with the following modifications.

(3) In subsection (5)—

(a) paragraph (a) has effect as if, after "254," there were inserted " passed as a result of section 221A of the Armed Forces Act 2006 ";

(b) the words following paragraph (b) have effect as if, after "279" there were inserted " passed as a result of section 219A(7) of the Armed Forces Act 2006 ".

(4) Subsection (7) has effect as if, for paragraphs (a) to (f) there were substituted—

"(a) a sentence of detention under section 209 of the Armed Forces Act 2006 (including one imposed under section 221 of that Act (detention for life));

(b) an extended sentence of detention under section 254 passed as a result of section 221A of the Armed Forces Act 2006;

(c) a sentence of detention during Her Majesty's pleasure (see section 218 of the Armed Forces Act 2006);

(d) a sentence of detention in a young offender institution;

(e) an extended sentence of detention in a young offender institution (see section 219A(4) of the Armed Forces Act 2006);

(f) a sentence of custody for life (see sections 210A, 217, 218A(1B) and 219(1A) of the Armed Forces Act 2006).""

Commencement Information
I1390 Sch. 25 para. 62 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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63 In section 263 (restriction on imposing custodial sentence or service detention on unrepresented offender), in subsection (3), for paragraph (a) (including the "or" at the end) substitute—

"(a) pass a custodial sentence on an offender who is aged under 21 on conviction, or".

Commencement Information
I1391 Sch. 25 para. 63 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

64 In section 269A (fines: fixing of term of imprisonment for default), in subsection (2), for "section 139(4) of the Sentencing Act" substitute " section 129(4) of the Sentencing Code ".

Commencement Information
I1392 Sch. 25 para. 64 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

65 In section 269B (service compensation orders: power to set maximum term of imprisonment for default), in subsection (4), for "section 139(4) of the Sentencing Act" substitute " section 129(4) of the Sentencing Code ".

Commencement Information
I1393 Sch. 25 para. 65 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

66 In section 270 (community punishments: general restrictions), in subsection (2A)—

(a) for "section 177(2A) of the 2003 Act" substitute " section 208(10) and (11) of the Sentencing Code ";

(b) for "section 178(3) and section 182(3A)" substitute " section 178(2) and 182(3) ".

Commencement Information
I1394 Sch. 25 para. 66 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

67 In section 270A (exception to restrictions on community punishments), in subsection (6)—

(a) in paragraph (b), for sub-paragraph (i) substitute—

"(i) section 133 of the Sentencing Code (or section 130 of the Powers of Criminal Courts (Sentencing) Act 2000);";

(b) in paragraph (c), for "section 161A of the 2003 Act" substitute " section 42 of the Sentencing Code (or section 161A of the 2003 Act) ".

Commencement Information
I1395 Sch. 25 para. 67 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

68 In section 271 (civilian courts dealing with service offences), in subsection (2)—

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(a) omit paragraph (a), and
(b) in paragraph (b), omit "other".

Commencement Information
I1396 Sch. 25 para. 68 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 7

MISCELLANEOUS FURTHER AMENDMENTS

Amendment to Part 7 (trial by Court Martial)

69 In section 164(3), for "under 12 months" substitute " two years or less ".

Commencement Information
I1397 Sch. 25 para. 69 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendments to Part 10 (Court Martial decisions: appeal and review)

70 In section 273 (review of unduly lenient sentence by Court Martial Appeal Court)—

(a) in subsection (6)(b), for the words from "section 224A" to the end substitute "—

(i) section 273(3) or 283(3) of the Sentencing Code as a result of section 218A(1B) or (2) (life sentence for second listed offence);
(ii) section 274(3) or 285(3) of the Sentencing Code as a result of section 219(1A) or (2) (life sentence for certain dangerous offenders aged 18 or over);
(iii) section 258(2) of the Sentencing Code as a result of section 221(2) (life sentence for certain dangerous offenders aged under 18);
(iv) section 313(2) of the Sentencing Code as a result of section 225(2) (third drug trafficking offence);
(v) section 314(2) of the Sentencing Code as a result of section 226(2) (third domestic burglary);
(vi) section 311(2) of the Sentencing Code as a result of section 227(2) (firearms offences); or
(vii) section 227A(1A) or (2) (threatening with a weapon in public or on school premises);";

(b) in subsection (7), for "an order specified in subsection (7A)" substitute " a minimum term order under section 321 of the Sentencing Code ";
(c) omit subsection (7A).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I1398 Sch. 25 para. 70 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendments to Part 11 (The Service Civilian Court)

71 (1) Section 283 (imprisonment: maximum term) is amended as follows.

(2) In subsection (1), for "12 months" substitute " 6 months ".

(3) In subsection (2), for "65 weeks" substitute " 12 months ".

(4) At the end insert—

"(3) In this section, references to imprisonment include detention in a young offender institution."

Commencement Information
I1399 Sch. 25 para. 71 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

72 In section 284 (fines and compensation: maximum amounts), in subsection (3), for "section 131(1) of the Sentencing Act" substitute " section 139(2) of the Sentencing Code ".

Commencement Information
I1400 Sch. 25 para. 72 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendments to Part 12 (service and effect of certain sentences)

73 In section 294 (rank or rate of WOs and NCOs while in custody pursuant to custodial sentence etc), in subsection (3)(b), for "section 104 of the Sentencing Act" substitute " paragraph 3 of Schedule 12 to the Sentencing Code ".

Commencement Information
I1401 Sch. 25 para. 73 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

74 In section 302 (remission of certain sentences on passing of custodial sentence etc), in subsection (3)(b), for "section 104 of the Sentencing Act" substitute " paragraph 3 of Schedule 12 to the Sentencing Code ".

Commencement Information
I1402 Sch. 25 para. 74 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

75 In section 304 (sentences passed by civilian courts), in subsection (1), for "a sentence of imprisonment" substitute " any sentence ".

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Commencement Information
I1403 Sch. 25 para. 75 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendments to Part 13 (discipline: miscellaneous and supplementary)

76 In section 305 (random drug testing), in subsection (5), for "51 weeks" substitute " six months ".

Commencement Information
I1404 Sch. 25 para. 76 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

77 In section 322 (financial penalty enforcement orders), in subsection (4), in the definition of "financial penalty", in paragraph (a), for "paragraph 10(1)(aa) of Schedule 8 to the 2003 Act by virtue of section 184 and Part 2 of Schedule 5" substitute " paragraph 11(2)(a) of Schedule 10 to the Sentencing Code by virtue of section 184 and Schedule 6A ".

Commencement Information
I1405 Sch. 25 para. 77 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Amendments to Part 19 (supplementary)

78 (1) Section 374 (definitions applying for purposes of whole Act) is amended as follows.

(2) In the definition of "associated", for "section 161(1) of the Sentencing Act" substitute " section 400 of the Sentencing Code ".

(3) In the definition of "custodial sentence"—

(a) in paragraph (b), for "(certain young offenders)" substitute " , 221 or 221A (detention of offenders under 18) ";

(b) omit paragraph (ea);

(c) after paragraph (f) insert—

"(g) a sentence of detention in a young offender institution imposed under or as a result of this Act;

(h) a sentence of custody for life imposed under or as a result of this Act;".

(4) In the definition of "suspended sentence of imprisonment", for "section 189(1) of the 2003 Act" substitute " section 286 of the Sentencing Code ".

Commencement Information
I1406 Sch. 25 para. 78 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 31/12/2020

SCHEDULE 26

Section 411

FURTHER AMENDMENTS OF THE ARMED FORCES ACT 2006

PROSPECTIVE

1 The Armed Forces Act 2006 is amended as follows.

PROSPECTIVE

2 In section 179(3) (review of service community order imposing drug rehabilitation requirement), in the sub-paragraph (5A) treated as inserted into paragraph 22 of Schedule 9 to the Sentencing Code—

(a) omit "or detention in a young offender institution" (in both places where it occurs);

(b) in paragraph (a) for "6 months" substitute " 12 months ".

PROSPECTIVE

3 In section 181(3) (breach, revocation or amendment of service community order), in the paragraph 5A treated as inserted into Schedule 10 to the Sentencing Code, in sub-paragraph (2)—

(a) omit "or detention in a young offender institution";

(b) for "6 months" substitute " 12 months ".

PROSPECTIVE

4 In section 203(4) (review of suspended sentence order with community requirements), in the sub-paragraph (5A) treated as inserted into paragraph 22 of Schedule 9 to the Sentencing Code—

(a) omit "or detention in a young offender institution" (in both places where it occurs);

(b) in paragraph (a) for "6 months" substitute " 12 months ".

PROSPECTIVE

5 In paragraph 13 of Schedule 7 (suspended sentence orders: breach or amendment; effect of further conviction), in the sub-paragraph (8A) treated as inserted into paragraph 25 of Schedule 16 to the Sentencing Code—

(a) omit "or detention in a young offender institution" (in both places where it occurs);

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Sentencing Act 2020 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) in paragraph (a) for "6 months" substitute " 12 months ".

PROSPECTIVE

6 In section 208 (prohibition on imposing imprisonment on people under a certain age)—

(a) for "21" substitute " 18 ";

(b) in the heading for "21" substitute " 18 ".

PROSPECTIVE

7 In section 209 (offenders under 18 convicted of certain serious offences: power to detain for specified period), in subsections (2)(a) and (6), for "21" substitute " 18 ".

PROSPECTIVE

8 Omit sections 210A and 210B.

PROSPECTIVE

9 In section 211 (offenders under 18: detention and training orders), in subsection (1)(a), for "21 or over" substitute " 18 or over ".

PROSPECTIVE

10 In section 212 (term of detention and training order: general), in subsections (1)(b) and (2)(c), for "21" substitute " 18 ".

PROSPECTIVE

11 In section 217 (mandatory life imprisonment), for subsections (2) to (4) substitute—

"(2) The court must sentence the offender to imprisonment for life unless they are liable to be detained under section 218 (offences committed when offender aged under 18)."

PROSPECTIVE

12 **[**F73(1)**]** In section 218A (life sentence for second listed offence)—

(a) omit subsection (1B);

(b) in subsection (2), omit "Where the offender is 21 or over when convicted of the offence under section 42,";

(c) in subsection (3), in the opening words—

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(i) for "sections 273(3)(a) and 283(3)(a)" substitute " section 283(3)(a) ";

(ii) for "subsections (1B) and (2)" substitute " subsection (2) ";

(d) in subsection (4), omit "or, in the case of an offender aged under 21 on conviction, a sentence of detention in a young offender institution for 10 years or more,";

[F74(da) in subsection (6), for "(12)" in each place substitute "(12A)";

(db) after that subsection insert—

"(6A) In sections 273 and 283 of that Code as applied for the purpose of this section, subsection (12A) has effect as if—

(a) for "index offence" there were substituted "offence under section 42";

(b) for "section 397(5)" there were substituted "section 377(8) of the Armed Forces Act 2006"."

(dc) in subsection (6A) (as to be inserted by paragraph (db)), omit "section 273 and";**]**

(e) in subsection (6), omit "section 273(5)(b) of the Sentencing Code (see subsections (7) to (12) of that section) or";

(f) in subsection (7), omit "273(3) or".

[F75(2) In sub-paragraph (1)—

(a) in paragraph (da), if it has not already come into force, omit "in each place";

(b) in paragraph (e), for "(12)" substitute "(12A)".**]**

Textual Amendments

F73 Sch. 26 para. 12 renumbered as Sch. 26 para. 12(1) (31.12.2020 immediately before IP completion day) by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **6(2)(a)**

F74 Sch. 26 para. 12(1)(da)-(dc) inserted (31.12.2020 immediately before IP completion day) by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **6(2)(b)**

F75 Sch. 26 para. 12(2) inserted (31.12.2020 immediately before IP completion day) by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **6(2)(c)**

PROSPECTIVE

13 In section 219 (life sentence for certain dangerous offenders aged 18 or over)—

(a) omit subsection (1A);

(b) in subsection (2), omit "Where the offender is 21 or over when convicted of the offence under section 42,";

(c) in subsection (3), for "sections 274(3) and 285(3) of the Sentencing Code (as applied by subsections (1A) and (2))" substitute " section 285(3) of the Sentencing Code (as applied by subsection (2)) ";

(d) in subsection (5), omit "section 274 or".

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PROSPECTIVE

14 In section 219A (extended sentence for certain violent or sexual offenders aged 18 or over)—

(a) in subsection (1), in paragraph (d), omit sub-paragraphs (i) and (iii);

[[F76](aa) in subsection (2), for "Schedule 14 to the Sentencing Code" substitute "Part 1, 2, or 3 of Schedule 14 to the Sentencing Code";

(bb) after that subsection insert—

"(2A) But if the proceedings for the offence under section 42 were instituted before IP completion day (see section 377(8)), Condition A is that, when the offence was committed, the offender had been convicted of an offence listed in Part 1, 2, 3, or 3A of Schedule 14 to the Sentencing Code."

(b) in subsection (3), omit "an extended sentence of detention in a young offender institution or";

(c) omit subsections (4) to (6);

(d) in subsection (7), omit "Where the offender is 21 or over when convicted of the offence under section 42,".**]**

Textual Amendments

F76 Sch. 26 para. 14(aa)(bb) inserted (31.12.2020 immediately before IP completion day) by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **6(3)**

PROSPECTIVE

15 In section 224A (special custodial sentence for certain offenders of particular concern)—

(a) in subsection (1)(d)—

(i) in sub-paragraph (i), omit "or custody";

(ii) in sub-paragraph (ii), for "detention or imprisonment under section 266 or 279" substitute " imprisonment under section 279 ";

(b) omit subsection (2);

(c) in subsection (2A), omit paragraph (b) (and the word "and" preceding it);

(d) in subsection (3), omit ", (2)".

PROSPECTIVE

[[F77]15A. In section 225 (third drug trafficking offence), after subsection (1) insert—

"(1A) For this purpose, section 313 of that Code has effect as if the reference in subsection (3A) to section 397(5) of that Code were to section 377(8) of this Act.".**]**

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Textual Amendments

F77 Sch. 26 paras. 15A, 15B inserted (31.12.2020 immediately before IP completion day) by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **6(4)**

PROSPECTIVE

[[F77]15B. In section 226 (third domestic burglary), after subsection (1) insert—

"(1A) For this purpose, section 314 of that Code has effect as if the reference in subsection (3A) to section 397(5) of that Code were to section 377(8) of this Act.".**]**

Textual Amendments

F77 Sch. 26 paras. 15A, 15B inserted (31.12.2020 immediately before IP completion day) by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **6(4)**

PROSPECTIVE

16 In section 227A (offences of threatening with a weapon in public or on school premises)—

(a) omit subsection (1A);

(b) in subsection (2), omit "Where the offender is aged 21 or over at the time of conviction,".

PROSPECTIVE

17 In section 237 (duty to have regard to purposes of sentencing etc), in subsection (3)—

(a) in paragraph (b)—

(i) omit "273(3) or", and

(ii) omit "(1B) or";

(b) in paragraph (ba)—

(i) omit "274(3) or", and

(ii) omit "(1A) or";

(c) in paragraph (c), omit "(1A) or".

PROSPECTIVE

18 In section 239 (reduction in sentences for guilty pleas), in subsection (6), omit "(1A) or" in both places it occurs.

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PROSPECTIVE

19 In section 260 (discretionary custodial sentences: general restrictions)—

(a) in subsection (1)—

(i) in paragraph (b)—

(a) omit "273(3) or", and

(b) omit "(1B) or";

(ii) in paragraph (c)—

(a) omit "274(3) or", and

(b) omit "(1A) or";

(iii) in paragraph (h), omit "(1A) or";

(b) in subsection (4B), in paragraph (a), omit "268(2) or".

PROSPECTIVE

20 In section 261 (length of discretionary custodial sentences: general provision), in subsection (1)—

(a) in paragraph (a)—

(i) omit "273(3) or", and

(ii) omit "(1B) or";

(b) in paragraph (b)—

(i) omit "274(3) or", and

(ii) omit "(1A) or".

PROSPECTIVE

21 In section 262A (conversion of sentence of detention to sentence of imprisonment), in subsection (4) omit the paragraphs (d), (e) and (f) treated as substituted in subsection (7) of section 329 of the Sentencing Code.

PROSPECTIVE

22 In section 263 (restriction on imposing custodial sentence or service detention on unrepresented offender), in subsection (3), for paragraph (a) (including the "or" at the end) substitute—

"(a) pass a sentence of detention under section 209 or 218 (young offenders' detention), or".

PROSPECTIVE

23 In section 273 (review of unduly lenient sentence by Court Martial Appeal Court), in subsection (6)(b)—

(a) in sub-paragraph (i)—

(i) omit "273(3) or", and

(ii) omit "(1B) or";

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(b) in sub-paragraph (ii)—
(i) omit "274(3) or", and
(ii) omit "(1A) or";
(c) in sub-paragraph (vii), omit "(1A) or".

PROSPECTIVE

24 In section 283 (imprisonment: maximum term)—
(a) in subsection (1), for "6 months" substitute " 12 months ";
(b) in subsection (2), for "12 months" substitute " 65 weeks ";
(c) omit subsection (3).

PROSPECTIVE

25 In section 305 (random drug testing), in subsection (5), for "six months" substitute " 51 weeks ".

PROSPECTIVE

[F78 26. In section 377, at the end insert—

"(8) A reference to the institution of proceedings in, or in a provision applied by, section 218A, 219A, 225 or 226 is to a charge being brought under Chapter 2 of Part 5.".**]**

Textual Amendments

F78 Sch. 26 para. 26 inserted (31.12.2020 immediately before IP completion day) by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **6(5)**

SCHEDULE 27

Section 412

TRANSITIONAL PROVISIONS AND SAVINGS

PART 1

CONTINUITY OF THE LAW

Continuity of the law: general

1 The substitution of the Sentencing Code for the provisions repealed by this Act does not affect the continuity of the law.

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Commencement Information
I1407 Sch. 27 para. 1 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Subordinate legislation etc

2 Any subordinate legislation, code of practice, guidance, accreditation, arrangement, notice or notification that—

(a) is made, issued or given, or has effect as if made, issued or given, under a provision repealed by this Act, and

(b) is in force or effective immediately before the commencement date,

has effect on and after that date, so far as it relates (by reason of paragraph 4 or an amendment made by this Act) to an offence of which the offender is convicted on or after that date, as if made, issued or given under the corresponding provision of the Sentencing Code.

Commencement Information
I1408 Sch. 27 para. 2 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

References to provisions of the Sentencing Code

3 (1) A reference (express or implied) to a provision of the Sentencing Code, if contained in—

(a) a document, or

(b) a statutory provision that is amended by a specified paragraph of Schedule 24 (see sub-paragraph (2)),

is to be read (so far as the context permits) as including, as respects times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference to that corresponding provision.

(2) The specified paragraphs of Schedule 24 are paragraphs 1, 2, 5, 15(4), 20 to 22, 24, 25, 31(3), 32(5)(a) to (e), 35, 60, 62, 65 to 67, 70(b), 72, 75, 77, 85, 88, 105(3), 108, 109, 111, 114(3), 115, 118 to 121, 128, 132 to 134, 141, 142, 149, 154, 155(2), (4)(a) and (6), 159, 161 to 163, 172(a), 177, 180, 194, 197, 200, 204, 211, 212, 216, 217, 219(3), 222, 243, 250, 259, 261, 262, 268, 279 to 281, 283, 285 to 287, 289(3), 303 to 306, 308, 310, 315, 319, 320, 324, 337, 343 to 345, 347 to 349, 358, 367, 371, 382 to 384, 385(3), 388, 389, 400, 402, 409, 412, 417, 421, 423, 426 and 428.

Commencement Information
I1409 Sch. 27 para. 3 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

References to provisions repealed by this Act

4 A reference (express or implied) to a provision repealed by this Act, if contained in—

(a) a document, or

(b) a statutory provision that is not amended by this Act,

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is to be read (so far as the context permits), as respects an offence of which the offender is convicted on or after the commencement date, as being or (according to the context) including a reference to the corresponding provision of the Sentencing Code.

Commencement Information
I1410 Sch. 27 para. 4 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Relationship with Interpretation Act 1978

5 Paragraphs 1 to 4 have effect instead of section 17(2) of the Interpretation Act 1978 (but do not affect the application of any other provision of that Act).

Commencement Information
I1411 Sch. 27 para. 5 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Interpretation

6 In this Part—

"document" means any document whenever made, served or issued;
"enactment" includes an enactment contained in subordinate legislation;
"repeal" includes revoke (where the context permits);
"statutory provision" means a provision of an enactment;
"subordinate legislation" means orders, regulations or rules.

Commencement Information
I1412 Sch. 27 para. 6 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 2

REFERRAL ORDERS

7 (1) This paragraph applies where—

(a) a court makes a referral order in respect of an offence (the "Code offence"), and

(b) the offender has been convicted before **[**F79 1 December 2020**]** of another offence (the "pre-Code offence") for which he or she is to be dealt with at the same time.

In this paragraph "referral order" has the meaning given by section 83(1).

(2) In subsections (2) to (4) of section 89 (making of referral order: effect on court's other sentencing powers) a reference to an order under the Sentencing Code is to be read, in relation to the pre-Code offence, as a reference to the corresponding order applicable to that offence.

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(3) In subsections (3) to (5) of section 19 of the Powers of Criminal Courts (Sentencing) Act 2000 (making of orders under section 16 of that Act: effect on court's other sentencing powers) a reference to a way of dealing with the offender is to be read, in relation to the Code offence, as a reference to the corresponding way of dealing with the offender under the Sentencing Code.

(4) If the court makes an order under section 16 of the Powers of Criminal Courts (Sentencing) Act 2000 (duty and power to refer certain young offenders to youth offender panels) in respect of the pre-Code offence—

(a) the order is to be treated as if it were a referral order, and

(b) accordingly, section 88 (making of referral order: connected offences) applies in relation to the order.

Textual Amendments

F79 Words in Sch. 27 para. 7(1)(b) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(a)**

Commencement Information

I1413 Sch. 27 para. 7 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 3

YOUTH REHABILITATION ORDERS

Requirements

8 In relation to an offence committed before 3 December 2012, paragraph 18 of Schedule 6 (youth rehabilitation orders: requirements) is to be read as if—

(a) in sub-paragraph (4)(b), the reference to 16 hours were to 12 hours, and

(b) in sub-paragraph (5), the reference to 12 months were to 6 months.

Commencement Information

I1414 Sch. 27 para. 8 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing local authority residence or fostering requirement without legal representation

9 In relation to a pre-commencement case (within the meaning of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534)), the references to representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in—

(a) paragraph C of paragraph 25 of Schedule 6 (restrictions on including local authority residence requirement in youth rehabilitation order), or

(b) paragraph D of paragraph 27 of that Schedule (restrictions on including fostering requirement in youth rehabilitation order),

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include representation referred to in paragraph 19(2)(a) of Schedule 1 to the Criminal Justice and Immigration Act 2008 as it had effect immediately before 13 April 2013 (representation funded by the Legal Services Commission as part of the Criminal Defence Service).

Commencement Information
I1415 Sch. 27 para. 9 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Associated offences: offender convicted before and on or after commencement date

10 (1) This paragraph applies where—

(a) a court imposes a youth rehabilitation order on an offender, and

(b) at the same time the court imposes an order under section 1 of the Criminal Justice and Immigration Act 2008 (a "2008 Act order"), in respect of an offence of which the offender was convicted before **[**F80 1 December 2020**]**.

In this paragraph "youth rehabilitation order" has the meaning given by section 173.

(2) In section 183—

(a) a reference to a youth rehabilitation order includes a reference to a 2008 Act order;

(b) a reference to a particular kind of youth rehabilitation order includes a reference to the corresponding kind of 2008 Act order;

(c) a reference to a particular kind of requirement of a youth rehabilitation order includes a reference to the corresponding kind of requirement of a 2008 Act order.

Textual Amendments
F80 Words in Sch. 27 para. 10(1)(b) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(b)**

Commencement Information
I1416 Sch. 27 para. 10 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

PART 4

CUSTODIAL SENTENCES

Detention for breaching DTO supervision requirement

11 (1) Section 104B (interaction of orders under section 104(3)(a) with other orders) of the Powers of Criminal Courts (Sentencing) Act 2000 ("the 2000 Act") (as it applies, despite its repeal by this Act, where a court is dealing with an offender in respect of an offence of which he or she was convicted before **[**F81 1 December 2020**]**) has effect as follows.

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(2) In subsection (1), a reference to a period of detention under section 104(3)(a) of the 2000 Act includes a reference to a period of detention under paragraph 3(2)(a) of Schedule 12 to the Sentencing Code.

(3) In subsection (2)—

(a) a reference to a detention and training order includes a reference to a detention and training order under section 233 of the Sentencing Code;

(b) a reference to section 102(2), (3), (4) or (5) of the 2000 Act includes a reference to section 241(2), (3), (4) or (5) of the Sentencing Code.

Textual Amendments

F81 Words in Sch. 27 para. 11(1) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(c)**

Commencement Information

I1417 Sch. 27 para. 11 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on making community order etc and suspended sentence order

12 (1) In section 203 (restriction on making community order and suspended sentence order)—

(a) a reference to an offence in paragraph (b) or (c) includes a reference to an offence of which the offender was convicted before **[**F82 1 December 2020**]**;

(b) in relation to such an offence, the reference to a suspended sentence order is to be read as a reference to an order under section 189(1) of the Criminal Justice Act 2003.

(2) In section 181(6) (restriction on making youth rehabilitation order and suspended sentence order), the reference to a suspended sentence order includes a reference to an order under section 189(1) of the Criminal Justice Act 2003.

(3) A court may not impose a community sentence, within the meaning given by section 147(1) of the Criminal Justice Act 2003, in respect of an offence if it makes a suspended sentence order in respect of—

(a) any other offence of which the offender is convicted by or before it, or

(b) any other offence for which it deals with the offender.

In this sub-paragraph "suspended sentence order" has the meaning given by section 286(1).

Textual Amendments

F82 Words in Sch. 27 para. 12(1)(a) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(d)**

Commencement Information

I1418 Sch. 27 para. 12 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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Making detention and training order where offender subject to other order

13 (1) In section 237 (making detention and training order where offender subject to other order etc), the second reference in subsection (2) to a detention and training order includes a reference to a detention and training order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000.

(2) In section 101 of that Act (detention and training order: consecutive terms etc), the second reference in subsection (3) to a detention and training order includes a reference to a detention and training order under section 233 of the Sentencing Code.

Commencement Information
I1419 Sch. 27 para. 13 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Period on remand etc: effect on term of detention and training order

14 In section 239 (period on remand etc: effect on term of detention and training order), the reference in subsection (3) to two or more offences includes a reference to—

(a) one or more offences of which the offender was convicted before **[**F83 1 December 2020**]**, and

(b) one or more offences of which the offender was convicted on or after that date.

Accordingly, a reference in that subsection to a detention and training order includes a reference to a detention and training order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000.

Textual Amendments
F83 Words in Sch. 27 para. 14(a) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(e)**

Commencement Information
I1420 Sch. 27 para. 14 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Special custodial sentences for offenders of particular concern

15 (1) This paragraph applies where—

(a) a court is dealing with an offender for two or more associated offences, within the meaning given by section 400,

(b) the offences include one that is listed in Schedule 13 (or Schedule 18A to the Criminal Justice Act 2003) (a "listed offence"), and

(c) the offender was convicted of at least one of the offences before **[**F84 1 December 2020**]** and convicted of at least one of them on or after that date.

(2) Where the offender was convicted of the listed offence on or after **[**F85 1 December 2020**]**—

(a) the reference in section 265(1)(c)(i) to an extended sentence under section 266 includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003;

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(b) the reference in section 265(1)(c)(ii) to a sentence of custody for life includes a reference to a sentence under section 94 of the Powers of Criminal Courts (Sentencing) Act 2000;

(c) the reference in section 278(1)(c)(i) to an extended sentence under section 279 includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003.

(3) Where the offender was convicted of the listed offence before **[**F86 1 December 2020**]**, the reference in section 236A(1)(c)(ii) of the Criminal Justice Act 2003 (read with section 236A(5) of that Act) to an extended sentence under section 226A of that Act includes a reference to an extended sentence under section 266 or 279 of the Sentencing Code.

Textual Amendments

F84 Words in Sch. 27 para. 15(1)(c) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(f)**

F85 Words in Sch. 27 para. 15(2) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(f)**

F86 Words in Sch. 27 para. 15(3) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(f)**

Commencement Information

I1421 Sch. 27 para. 15 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Special custodial sentences for offenders of particular concern: armed forces

16 (1) This paragraph applies where—

(a) the Court Martial is dealing with an offender for two or more associated offences, within the meaning given by section 400,

(b) the offences include one that corresponds to an offence that is listed in Schedule 13 (or Schedule 18A to the Criminal Justice Act 2003) (a "listed offence"), and

(c) the offender was convicted of at least one of the offences before **[**F87 1 December 2020**]** and convicted of at least one of them on or after that date.

(2) Where the offender was convicted of the listed offence on or after **[**F88 1 December 2020**]**, the reference in section 224A(1)(d)(ii) of the Armed Forces Act 2006 to an extended sentence under section 266 or 279 of the Sentencing Code includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003.

(3) Where the offender was convicted of the listed offence before **[**F89 1 December 2020**]**, the reference in section 224A(1)(d)(ii) of the Armed Forces Act 2006 to an extended sentence under section 226A of the 2003 Act includes a reference to an extended sentence under section 266 or 279 of the Sentencing Code.

Textual Amendments

F87 Words in Sch. 27 para. 16(1)(c) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(g)**

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F88 Words in Sch. 27 para. 16(2) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(g)**

F89 Words in Sch. 27 para. 16(3) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(g)**

Commencement Information

I1422 Sch. 27 para. 16 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Certificates

17 A certificate given in accordance with subsection (1), (1A), (2) or (2A) of section 113 of the Powers of Criminal Courts (Sentencing) Act 2000 (certificates of conviction) is evidence, for the purposes of section 313 or 314, of the facts certified by it.

Commencement Information

I1423 Sch. 27 para. 17 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

18 A certificate by a court under section 232A of the Criminal Justice Act 2003 that a person was convicted in England and Wales of an offence listed in Schedule 15B to that Act is evidence, for the purposes of section 267, 273, 279 or 283, of the fact certified by it.

Commencement Information

I1424 Sch. 27 para. 18 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Restriction on imposing custodial sentence without legal representation

19 In relation to a pre-commencement case (within the meaning of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534)), the reference in section 226(7) to representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 includes representation referred to in section 83(3)(a) of the Powers of Criminal Courts (Sentencing) Act 2000 as it had effect immediately before 1 April 2013 (representation funded by the Legal Services Commission as part of the Criminal Defence Service).

Commencement Information

I1425 Sch. 27 para. 19 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

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PART 5

MISCELLANEOUS

Validity of provision deriving from secondary legislation

20 Any question as to the validity of paragraph 30 of Schedule 25, which derives from paragraphs 7 and 9 of Schedule 2 to the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), is to be determined as if that paragraph were contained in a statutory instrument made under the powers under which that order was made.

Commencement Information
I1426 Sch. 27 para. 20 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Powers to make consequential etc provision

21 On and after the commencement date, any power (however expressed) that was exercisable immediately before that date—

(a) to make consequential, supplementary or incidental provision in relation to a provision that is restated in the Sentencing Code (a "restated provision"), or

(b) to make transitional, transitory or saving provision in relation to a restated provision,

is exercisable instead in relation to the corresponding provision of the Code.

Commencement Information
I1427 Sch. 27 para. 21 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of powers in relation to pre-commencement offences

22 (1) The following powers may, despite section 2, be exercised in relation to an offence of which the offender is convicted before the commencement date (a "pre-commencement offence") as well as in relation to an offence of which the offender is convicted on or after that day—

(a) the power in section 91(5) (to make regulations specifying requirements for persons appointed as members of a youth offender panel);

(b) the power in section 194 (to make regulations about court reviews of youth rehabilitation orders);

(c) the power in section 217 (to make regulations about court reviews of community orders);

(d) the power in section 248(1)(f) (to make regulations specifying accommodation as "youth detention accommodation");

(e) the power in section 394 (to make rules relating to community orders and suspended sentence orders);

(f) the power in section 395 (to issue a code of practice about the processing of data from electronic monitoring).

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(2) Anything done under a power referred to in a paragraph of sub-paragraph (1) in relation to a pre-commencement offence has effect as if done under the provision repealed by this Act that corresponds to the provision mentioned in that paragraph.

Commencement Information
I1428 Sch. 27 para. 22 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Exercise of powers to amend amounts

23 (1) A reference in sub-paragraph (4) of paragraph 5 or 7 of Schedule 23 to regulations previously made under that paragraph includes a reference to an order previously made under the corresponding provision of section 143 of the Magistrates' Courts Act 1980.

(2) Sub-paragraph (3) applies to regulations under paragraph 5, 6, 7, 10, 14 or 17 of Schedule 23 to amend an amount specified in a provision of the Sentencing Code so as to specify a different amount that, immediately before **[**F90**]**1 December 2020**]**, is specified in the corresponding provision repealed by this Act by virtue of an order made under a provision repealed by this Act.

(3) The regulations are to be treated for the purposes of that paragraph of Schedule 23 as being made and coming into force on the dates on which the order was made and came into force.

Textual Amendments
F90 Words in Sch. 27 para. 23(2) substituted (1.12.2020) by The Sentencing Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/1236), regs. 1, **4(8)(h)**

Commencement Information
I1429 Sch. 27 para. 23 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Saving for list of offences applied for other purposes

24 The repeal by Schedule 28 of section 224 of the Criminal Justice Act 2003 does not affect Schedule 15 to that Act (certain specified offences) so far as it continues to apply for any purpose on and after the commencement date.

Commencement Information
I1430 Sch. 27 para. 24 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Enforcement of High Court and Court of Appeal fines

25 Anything done before the commencement date under a provision of sections 139 and 140 of the Powers of Criminal Courts (Sentencing) Act 2000 as they apply by virtue of subsection (3) of section 140 of the Senior Courts Act 1981 (enforcement of fines and forfeited recognizances) has effect on and after that date as if done

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under a provision of sections 130 to 132 of the Sentencing Code as they apply by virtue of that subsection.

Commencement Information
I1431 Sch. 27 para. 25 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Breach of restraining order made on acquittal

26 In relation to an offence under section 5A of the Protection from Harassment Act 1997 committed before 12 March 2015, the reference to a fine in paragraph (b) of subsection (2E) of that section (inserted by paragraph 144 of Schedule 24) is to be read as a reference to a fine not exceeding the statutory maximum.

Commencement Information
I1432 Sch. 27 para. 26 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Commencement and alteration of Crown Court sentence: legal aid

27 (1) In paragraph (b) of the definition of "sentence" in sections 384(4) and 385(8), the reference to an order relating to a requirement to make a payment under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 includes, in relation to an old case, a reference to an order under section 17(2) of the Access to Justice Act 1999.

(2) For this purpose "old case" means a pre-commencement case within the meaning of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534) (see regulation 2 of those regulations).

Commencement Information
I1433 Sch. 27 para. 27 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

SCHEDULE 28

Section 413

REPEALS AND REVOCATIONS

Commencement Information
I1434 Sch. 28 in force at 1.12.2020 (except for the repeal of 2000 c. 6, s. 159 for specified purposes, see s. 416(9)) by S.I. 2020/1236, **reg. 2**

Provision	***Extent of repeal or revocation***
As to the repeal of the Powers of Criminal Courts (Sentencing) Act 2000, see further section 413.	

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Prevention of Crime Act 1953 (c. 14)	In section 1, subsections (2A) to (2G). Section 1ZA. In section 1A, subsections (5), (6), (7) and (9).
Firearms Act 1968 (c. 27)	In section 51A— (a) subsection (4)(a), and (b) subsection (5)(a) (together with the final "and").
Magistrates' Courts Act 1980 (c. 43)	Section 34. In section 143— (a) in subsection (2), paragraphs (ca), (cb), (d), (o) and (p), and (b) in subsection (3)(b), the words "or section 87 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012". In Schedule 6A, the entry relating to Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000.
Prosecution of Offences Act 1985 (c. 23)	Sections 21A to 21F.
Criminal Justice Act 1988 (c. 33)	In section 139, subsections (6A) to (6G). In section 139A, subsections (5A) to (5G). Section 139AZA. In section 139AA, subsections (7), (8), (9) and (11).
Road Traffic Offenders Act 1988 (c. 53)	Section 25(4).
Criminal Justice Act 1991 (c. 53)	In Schedule 11, paragraph 27(1).
Protection from Harassment Act 1997 (c. 40)	Section 5.
Crime and Disorder Act 1998 (c. 37)	In section 8— (a) in subsection (1), paragraphs (c) and (d); (b) in subsection (2), the words "or, as the case may be, the person convicted of the offence under section 443 or 444"; (c) in subsection (6), paragraphs (b) and (c); (d) in subsection (7), the words "or, as the case may be, the commission of any such further offence". In section 9— (a) subsections (1) and (1A); (b) in subsection (2)— (i) in paragraph (b), the words "or (c)"; (ii) paragraph (c); (c) subsections (2A), (2B), (5A) and (7A). In section 10, subsections (4) and (5). In section 18(1), the definition of "serious harm".

As to the repeal of the Powers of Criminal Courts (Sentencing) Act 2000, see further section 413.

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Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	The whole Act, apart from— (a) section 11; (b) sections 33, 36B, 60 and 61; (c) section 108; (d) sections 139 and 140 (except so far as repealed by Schedule 24 to this Act); (e) section 142; (f) sections 163 to 168; (g) Schedule 5; (h) in Schedule 9, paragraphs 3, 4, 5(1) and (3), 9, 10, 12, 14, 15, 17, 19, 20, 22, 26(1), 27, 31, 32, 35, 40, 43(1) and (2), 45, 46, 48, 50, 51, 53, 54(1) and (2), 56 to 58, 66, 67(1) and (3), 68, 70, 72, 75, 77, 78, 79(b), 80(2), 83, 84, 87, 89(1) and (3), 90(1), (2), (4) and (6), 93, 95, 97 to 99, 102, 104 to 114, 117, 119 to 122, 124, 126, 130, 133 to 135, 146, 147(1) and (2)(a), 148, 149, 152, 160, 163 to 175, 181, 183(1) and (2), 184(1), (3), (4) and (5), 185(1) and (3), 186(1) and (5) and 197(a); (i) in Schedule 11, Part 1.
Criminal Justice and Court Services Act 2000 (c. 43)	Section 60. Section 61(7). In Schedule 7— (a) paragraphs 176 to 178; (b) paragraphs 180 to 182; (c) paragraphs 184 to 187; (d) paragraphs 190 and 191; (e) paragraph 203(5). In Schedule 8, the entry relating to sections 93 to 98 of the Powers of Criminal Courts (Sentencing) Act 2000.
Criminal Justice and Police Act 2001 (c. 16)	Section 133.
Proceeds of Crime Act 2002 (c. 29)	Section 88(5). In Schedule 11, paragraph 37.
Police Reform Act 2002 (c. 30)	Section 56(6).
Crime (International Co-operation) Act 2003 (c. 32)	In Schedule 5, paragraphs 72 to 74.
Sexual Offences Act 2003 (c. 42)	Section 103A(2)(a)(i). Section 103H(1)(a). In Schedule 6, paragraph 43(2).
Criminal Justice Act 2003 (c. 44)	Sections 142 to 154. Sections 156 to 166. Section 172.

As to the repeal of the Powers of Criminal Courts (Sentencing) Act 2000, see further section 413.

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Section 174.

Sections 176 and 177.

Sections 178 to 180.

Sections 189 to 220A.

Sections 222 to 229.

Sections 231 to 236A.

Section 238.

In section 240A, subsections (3) and (8).

Section 265.

Sections 269 and 270.

Sections 277 and 278.

Section 289.

Section 291(1)(b).

Section 298.

In section 302, the words from "paragraph 7(2)" to "Schedule 12,".

Section 305(4).

Section 324.

In section 330—

(a) in subsection (5)(a), the entries relating to—
  (i) section 178,
  (ii) section 223,
  (iii) section 236A(6), and
  (iv) section 269(6);
(b) in subsection (7), the entries relating to—
  (a) section 202(3)(b), and
  (b) section 215(3).

In section 337(2)—

(a) the entries relating to sections 180 and 194 and Schedules 9 and 13;
(b) the entry relating to paragraph 12(3) of Schedule 12.

In Schedule 3—

(a) paragraphs 21 to 28;
(b) in paragraph 74, sub-paragraphs (2), (3), and (5).

Schedule 8.

Schedule 9.

Schedule 12.

Schedule 13.

As to the repeal of the Powers of Criminal Courts (Sentencing) Act 2000, see further section 413.

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	Schedule 14.
	Schedule 15B.
	Schedule 18A.
	Schedule 21.
	In Schedule 22, paragraphs 9 and 10.
	Schedule 23.
	In Schedule 32— (a) paragraphs 21(3), 24, 26, 33, 54, 64(6), 65 and 88; (b) paragraphs 90 to 94; (c) paragraph 106; (d) paragraphs 108 to 121; (e) in paragraph 123, sub-paragraphs (4), (6) and (7); (f) paragraphs 124 to 126; (g) paragraph 141.
	Schedule 34.
	In Schedule 36, paragraph 98.
Domestic Violence, Crime and Victims Act 2004 (c. 28)	In section 12, subsections (2) to (4).
	In section 14, subsections (1) and (2).
	In Schedule 5, paragraphs 2, 7, 8 and 9.
	In Schedule 10, paragraphs 43, 49, 50, 51, 52, 63 and 64.
	In Schedule 12, paragraph 7.
Serious Organised Crime and Police Act 2005 (c. 15)	In section 73— (a) subsections (5A), (6A) and (7); (b) in subsection (8)(b), the words "section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) or"; (c) subsection (8A).
	In section 74, subsections (9), (12)(a), (14) and (16).
	Section 75(6).
	Section 75A.
	Section 125(6)
Criminal Defence Service Act 2006 (c. 9)	In section 4, subsection (2)(c).
Fraud Act 2006 (c. 35)	In Schedule 1, paragraph 29.
Violent Crime Reduction Act 2006 (c. 38)	In section 29, subsections (4) to (6).
	In Schedule 1, paragraph 7 and paragraph 9(3) and (8).
Police and Justice Act 2006 (c. 48)	In Schedule 13, paragraph 32.

As to the repeal of the Powers of Criminal Courts (Sentencing) Act 2000, see further section 413.

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	In Schedule 14, paragraph 62.
Road Safety Act 2006 (c. 49)	In Schedule 3, paragraphs 71 to 73.
Armed Forces Act 2006 (c. 52)	In Schedule 16— (a) paragraphs 163 to 166; (b) paragraphs 216 and 217; (c) paragraph 236.
Tribunals, Courts and Enforcement Act 2007 (c. 15)	In Schedule 13, paragraphs 132, 133 and 154.
Offender Management Act 2007 (c. 21)	Section 31.
	Section 33.
	Section 34.
	In Schedule 3, paragraph 9.
Serious Crime Act 2007 (c. 27)	In Schedule 6, paragraph 39.
Legal Services Act 2007 (c. 29)	In Schedule 21, paragraphs 147 and 148.
UK Borders Act 2007 (c. 30)	Section 25(3)(a).
Criminal Justice and Immigration Act 2008 (c. 4)	Sections 1 to 5.
	Sections 7 and 8.
	In section 9, subsections (1) and (2).
	Sections 10 to 12.
	Sections 17 to 20.
	In section 22, subsections (5) and (6).
	Sections 35 to 38.
	In section 147— (a) subsection (4)(b); (b) in subsection (5), paragraphs (a), (i) and (j).
	Schedule 1.
	Schedule 2.
	Schedule 3.
	In Schedule 4— (a) paragraphs 51 to 58 and 60; (b) paragraphs 62 to 64; (c) paragraphs 72 to 91; (d) paragraphs 93, 96, 100 and 103; (e) paragraphs 106 to 109.
	In Schedule 8, paragraph 28.
	In Schedule 13, paragraphs 8 to 10.
	In Schedule 26— (a) paragraphs 40 to 49; (b) paragraphs 64 to 70;

As to the repeal of the Powers of Criminal Courts (Sentencing) Act 2000, see further section 413.

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	(c) paragraph 72.
Children and Young Persons Act 2008 (c. 23)	In Schedule 1, paragraph 21.
Counter-Terrorism Act 2008 (c. 28)	Section 32.
	Section 75(2)(c).
Coroners and Justice Act 2009 (c. 25)	Section 125.
	Section 126.
	In Schedule 16, paragraph 5.
	In Schedule 17, paragraphs 6, 8, 10 and 12.
	In Schedule 21, paragraphs 52, 85, 86, 94, 95 and 98.
Policing and Crime Act 2009 (c. 26)	In Schedule 7, paragraph 22.
Health and Social Care Act 2012 (c. 7)	Section 38(5)(d).
Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)	In section 64, subsections (1) to (3).
	In section 65, subsections (1) to (9).
	Sections 66 and 67.
	In section 68, subsections (1) to (5).
	Sections 69 to 74.
	Section 76.
	Section 77.
	In section 79, subsections (1) and (2).
	In section 80, subsections (1) to (8).
	Sections 81 to 84.
	In section 87, subsections (1) and (2) and (5) to (7).
	In section 109, subsections (4) and (7).
	Section 110(10).
	Section 117(9).
	In section 122, subsections (1) and (2).
	Section 124.
	In Schedule 5— (a) paragraphs 52 to 54; (b) paragraph 69.
	In Schedule 9— (a) paragraphs 2 to 12; (b) paragraph 20.
	In Schedule 10, paragraph 38(2)(b).

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	In Schedule 12, paragraphs 42 to 44.
	In Schedule 13, paragraphs 9 to 11.
	In Schedule 14 paragraph 3.
	Schedule 18.
	In Schedule 19— (a) paragraphs 3 to 7; (b) paragraphs 10 to 24.
	In Schedule 20, paragraphs 3 and 13.
	In Schedule 21— (a) paragraphs 7 to 15; (b) paragraphs 21 to 28; (c) paragraphs 34 and 36.
	In Schedule 22, paragraphs 14 to 16.
	In Schedule 24, paragraphs 18 to 20.
	In Schedule 26— (a) paragraphs 9 to 14; (b) paragraphs 16 to 22; (c) paragraph 31.
Prevention of Social Housing Fraud Act 2013 (c. 3)	In the Schedule, paragraphs 8 and 28 to 30.
Crime and Courts Act 2013 (c. 22)	In Schedule 16, paragraphs 1 to 8, 10, 12, 13 and 16 to 24.
Offender Rehabilitation Act 2014 (c. 11)	Section 6.
	Section 8.
	Section 14(1).
	Sections 15 to 17.
	In section 18, subsections (1) to (9) and (12).
	In Schedule 3, paragraphs 10 to 12.
	In Schedule 4, paragraphs 2 to 7 and 11 to 15.
	Schedule 5.
	In Schedule 6, paragraphs 8 to 11.
	In Schedule 7, paragraph 7.
Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	Sections 22 to 33.
	Section 179(3).
Criminal Justice and Courts Act 2015 (c. 2)	Section 3.
	Section 5(1) and (2).
	Section 15(1) to (3).
	Section 27.

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	In section 28, subsections (1) to (7).
	Sections 43 to 45.
	Section 53.
	In section 54, subsections (1) and (4).
	Section 83(1).
	In Schedule 1, paragraphs 2 to 4, 10, 13 and 24.
	In Schedule 5— (a) paragraphs 3 to 8; (b) paragraphs 10 to 17.
	In Schedule 9, paragraph 12.
	In Schedule 11, paragraph 23.
	In Schedule 12, paragraphs 9, 13, 15 and 16.
Serious Crime Act 2015 (c. 9)	In Schedule 4, paragraph 69.
Modern Slavery Act 2015 (c. 30)	Section 6(4).
	In Schedule 5, paragraphs 14, 24 and 25.
Policing and Crime Act 2017 (c. 3)	Section 79(3).
Children and Social Work Act 2017 (c. 16)	In Schedule 5, paragraph 48(b).
Assaults on Emergency Workers (Offences) Act 2018 (c. 23)	Section 2.
Counter-Terrorism and Border Security Act 2019 (c. 3)	Section 9(3) and (4).
	In Schedule 4, paragraphs 7 and 9(3).
Offensive Weapons Act 2019 (c. 17)	Sections 8 and 9.
	In section 13, subsections (1), (4), (6) and (7).
	In Schedule 2, paragraphs 7, 8, 10 and 12.
Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3)	Section 7(1).
Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9)	Schedule 2, apart from paragraphs 45, 114, 115, 121, 123(1), (2), (3), (4), (5) and (7) and 136.
Referral Orders (Amendment of Referral Conditions) Regulations 2003 (S.I. 2003/1605)	The whole Regulations.
Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035)	In the Schedule, paragraphs 40 to 43.
Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 (S.I. 2005/643)	Article 2.
	In article 3, paragraphs (2), (3), (4), (6), (8) and (16).

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Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886)	In the Schedule— (a) paragraphs 62 to 65, 67 to 71, 73 to 79, 81, 82, 84 and 85; (b) paragraph 103 to 107; (c) paragraphs 110 and 111; (d) paragraph 113(a), (e) and (f).
Criminal Justice 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950)	In Schedule 2, paragraphs 4, 5(2)(a) and 7 to 13.
Firearms (Sentencing) (Transitory Provisions) Order 2007 (S.I. 2007/1324)	The whole Order.
Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912)	In Schedule 1— (a) paragraph 13(4); (b) paragraph 14; (c) in paragraph 19, sub-paragraphs (2), (3), (5) to (13), (17), (20) and (21).
Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)	In Schedule 1, paragraph 53(5), (6) and (7). In Schedule 2, paragraphs 2 to 7 and 9 to 16.
Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182)	In Schedule 5, paragraphs 7 and 10.
Criminal Justice Act 2003 (Mandatory Life Sentence: Determination of Minimum Term) Order 2010 (S.I. 2010/197)	The whole Order.
Health and Social Care Act 2008 (Consequential Amendments No. 2) Order 2010 (S.I. 2010/813)	Articles 10, 14 and 20.
Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158)	In Schedule 2, paragraphs 45 and 63.
Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298)	In the Schedule, paragraph 14.
Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential and Saving Provisions) Regulations 2012 (S.I. 2012/2824)	Regulation 5.

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Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664)	In Schedule 5, paragraph 3.
Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413 (W. 131))	Regulations 165 to 169, 211, 259 and 260.
Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195 (W. 44))	Regulations 24 and 40.
Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/780)	Regulations 21, 25, 26, 27 and 30.

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SCHEDULE 29

Section 413

REPEALS AND REVOCATIONS FOR ENGLAND AND WALES

Commencement Information
I1435 Sch. 29 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Provision	***Extent of repeal or revocation***
Firearms Act 1968 (c. 27)	In section 51A— (a) subsections (1) to (3), (b) subsections (4) and (5), so far as not repealed by Schedule 28.
Misuse of Drugs Act 1971 (c. 38)	In section 4A, subsections (1) to (7).
Criminal Justice Act 1982 (c. 48)	Section 37.
Criminal Justice Act 1991 (c. 53)	Section 17(1).
Criminal Justice Act 2003 (c. 44)	Section 291(1)(a).
Serious Organised Crime and Police Act 2005 (c. 15).	Sections 73 to 75, so far as not repealed by Schedule 28.
Drugs Act 2005 (c. 17)	Section 1.
Violent Crime Reduction Act 2006 (c. 38)	In section 29, subsections (11) and (12). In section 30, subsections (2) and (3).
UK Borders Act 2007 (c. 30)	Section 25, so far as not repealed by Schedule 28.
Counter-Terrorism Act 2008 (c. 28)	Sections 30 and 33.

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	Schedule 2.
Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	Section 108(6).
Psychoactive Substances Act 2016 (c. 2)	In section 6, subsections (1) to (4) and (6) to (10).
Space Industry Act 2018 (c. 5)	In Schedule 12, paragraph 29.
Counter-Terrorism and Border Security Act 2019 (c. 3)	Section 8(6)(a).
Offensive Weapons Act 2019 (c. 17)	Section 54(6).

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