



Sentencing Act 2020

2020 CHAPTER 17

SECOND GROUP OF PARTS Provisions applying to sentencing courts generally

PART 3

PROCEDURE

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).

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);
- (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).

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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).

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
 - (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.

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.

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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.

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.

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(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.

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.

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