
STATUTORY INSTRUMENTS

2021 No. 40

The Criminal Procedure (Amendment) Rules 2021

Amendments to the Criminal Procedure Rules

14. In Part 28 (Sentencing procedures in special cases)—

- (a) in the note to rule 28.1 (Reasons for not following usual sentencing requirements)—
- (i) for “section 174 of the Criminal Justice Act 2003⁽¹⁾; section 73(8) of the Powers of Criminal Courts (Sentencing) Act 2000⁽²⁾; section 130(3) of the 2000 Act⁽³⁾” substitute “sections 52, 54 and 55 of the Sentencing Act 2020⁽⁴⁾”;
 - (ii) for “paragraph 8(3) of Schedule 12 to the 2003 Act⁽⁵⁾” substitute “paragraph 14(1) of Schedule 16 to the 2020 Act”;
 - (iii) for “section 73 of the Serious Organised Crime and Police Act 2005⁽⁶⁾” substitute “section 74 of the 2020 Act”;
 - (iv) for “section 174(1) of the 2003 Act” substitute “section 52(1) of the 2020 Act”;
 - (v) for “section 125 of the Coroners and Justice Act 2009⁽⁷⁾” substitute “section 59 of the 2020 Act”, and
 - (vi) for “sections 73 and 130 of the 2000 Act⁽⁸⁾” substitute “sections 110 and 134 of the 2020 Act”;
- (b) in the note to rule 28.2 (Notice of requirements of suspended sentence and community, etc. orders)—
- (i) in the first paragraph, for “section 219(1) of the Criminal Justice Act 2003⁽⁹⁾” substitute “sections 212(2) and 298(2) of the Sentencing Act 2020” and for “paragraph 34(1) of Schedule 1 to the Criminal Justice and Immigration Act 2008⁽¹⁰⁾” substitute “section 190(2) of the 2020 Act”;
 - (ii) in the second paragraph, in sub-paragraph (a), for “section 189 of the 2003 Act⁽¹¹⁾” substitute “sections 264, 277, 286 and 288 of the 2020 Act”;
 - (iii) in the second paragraph, for sub-paragraph (b) substitute—
 - “(b) *make a community order (defined by section 200 of the 2020 Act), or a youth rehabilitation order (defined by section 173(1) of that Act), and for the identity and duties of responsible officers and qualifying officers, see generally Chapters 1 and 2 of Part 9 of the 2020 Act;*”, and

(1) 2003 c. 44; section 174 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(2) 2000 c. 6; section 73 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(3) 2000 c. 6; section 130 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(4) 2020 c. 17.

(5) 2003 c. 44; Schedule 12 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(6) 2005 c. 15; section 73 was repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(7) 2009 c. 25; section 125 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(8) 2000 c. 6; sections 73 and 130 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(9) 2003 c. 44; section 219 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(10) 2008 c. 4; Schedule 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(11) 2003 c. 44; section 189 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

- (iv) in the third paragraph, for “sections 190 or 215 of the 2003 Act(**12**), or section 1(2) of the 2008 Act(**13**)” substitute “sections 174, 201 or 287 of the 2020 Act”;
- (c) in the note to rule 28.4 (Variation of sentence), for “section 155 of the Powers of Criminal Courts (Sentencing) Act 2000(**14**)” substitute “section 385 of the Sentencing Act 2020” and for “section 155(7)” substitute “section 385(7) of that Act”;
- (d) in the note to rule 28.5 (Application to vary or discharge a compensation, etc. order)—
 - (i) in sub-paragraph (a), for “section 130 of the Powers of Criminal Courts (Sentencing) Act 2000(**15**)” substitute “section 133 of the Sentencing Act 2020”, and
 - (ii) in sub-paragraph (c), for “the 2000 Act, see section 133” substitute “the 2020 Act, see section 143” and for “section 133(4)” substitute “section 143(3)”;
- (e) in the note to rule 28.7 (Application for a restitution order by the victim of a theft)—
 - (i) for “section 148 of the Powers of Criminal Courts (Sentencing) Act 2000(**16**)” substitute “section 147 of the Sentencing Act 2020”, and
 - (ii) for “section 148(2)(b) of the 2000 Act” substitute “section 147(1)(b) of the 2020 Act”;
- (f) in the note to rule 28.8 (Directions for commissioning medical reports for sentencing purposes), in the second paragraph—
 - (i) in sub-paragraph (e), for “section 157 of the Criminal Justice Act 2003(**17**)” substitute “section 232 of the Sentencing Act 2020”, and
 - (ii) in sub-paragraph (f), for “section 207 of the 2003 Act(**18**)” substitute “paragraphs 16 and 17 of Schedule 9 to the 2020 Act” and for “section 1(1)(k) of the Criminal Justice and Immigration Act 2008(**19**)” substitute “paragraphs 28 and 29 of Schedule 6 to that Act”;
- (g) in the note to rule 28.10 (Information to be supplied on committal for sentence, etc.)—
 - (i) in sub-paragraph (a) of the first paragraph, for “sections 3, 3A, 3B, 3C, 4, 4A and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(**20**)” substitute “sections 14, 15, 16, 17, 18, 19 and 20 of the Sentencing Act 2020”,
 - (ii) in sub-paragraph (b) of the first paragraph, for “section 10 of the 2000 Act(**21**)” substitute “section 28 of the 2020 Act”,
 - (iii) in sub-paragraph (c) of the first paragraph, for “section 8 of the 2000 Act(**22**)” substitute “sections 25 and 26 of the 2020 Act”,
 - (iv) in sub-paragraph (d) of the first paragraph, for “section 9 of the 2000 Act(**23**)” substitute “section 27 of the 2020 Act”,

(12) 2003 c. 44; sections 190 and 215 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(13) 2008 c. 4; section 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(14) 2000 c. 6; section 155 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(15) 2000 c. 6; section 130 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(16) 2000 c. 6; section 148 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(17) 2003 c. 44; section 157 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(18) 2003 c. 44; section 207 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(19) 2008 c. 4; section 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(20) 2000 c. 6; sections 3, 3A, 3B, 3C, 4, 4A and 6 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(21) 2000 c. 6; section 10 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(22) 2000 c. 6; section 8 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(23) 2000 c. 6; section 9 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

- (v) in the second paragraph, for “sections 1C and 13 of the 2000 Act(24) and section 189 of, and Schedule 12 to, the Criminal Justice Act 2003(25)” substitute “section 10 of, and Schedules 2 and 16 to, the 2020 Act”,
 - (vi) in the third paragraph, for “section 140 of the 2000 Act(26)” substitute “section 132 of the 2020 Act”, and
 - (vii) in the fourth paragraph, for “section 219(3) of the 2003 Act(27); paragraph 34(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008(28)” substitute “sections 212(4), 298(4) and 190(4) of the 2020 Act”; and
- (h) in the note to rule 28.11 (Application to review sentence because of assistance given or withheld)—
- (i) in the first paragraph, for “section 73 of the Serious Organised Crime and Police Act 2005(29)” substitute “section 74 of the Sentencing Act 2020”, and
 - (ii) in the second paragraph, for “section 74 of the 2005 Act(30)” substitute “sections 387 and 388 of the 2020 Act”.

(24) 2000 c. 6; sections 1C and 13 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(25) 2003 c. 44; section 189 and Schedule 12 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(26) 2000 c. 6; section 140 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(27) 2003 c. 44; section 219(3) was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(28) 2008 c. 4; Schedule 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(29) 2005 c. 15; section 73 was repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(30) 2005 c. 15; section 74 was repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).