

## STATUTORY INSTRUMENTS

# 2022 No. 500

## The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022

### Citation, commencement and extent **E+W**

1.—(1) These Regulations may be cited as the Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022.

(2) Subject to paragraph (3), these Regulations come into force when they are made.

(3) Regulation 6 (amendment of the 2020 Act to state the effect of regulation 4) comes into force at 12.01am on 2nd May 2022.

(4) Subject to paragraph (5), these Regulations extend to England and Wales only.

(5) An amendment made by these Regulations has the same extent as the provision amended.

#### Commencement Information

**I1** Reg. 1 in force at made date, see [reg. 1\(2\)](#)

### Interpretation **E+W**

2. In these Regulations—

“the 2003 Act” means the Criminal Justice Act 2003; and

“the 2020 Act” means the Sentencing Act 2020.

#### Commencement Information

**I2** Reg. 2 in force at made date, see [reg. 1\(2\)](#)

### Commencement of provisions in the 2003 Act **E+W**

3. The following provisions of the 2003 Act come into force on 2nd May 2022—

(a) section 282 (increase in maximum term that may be imposed on summary conviction of offence triable either way); and

(b) in section 283 (maximum terms that may be provided for under enabling powers)—

(i) subsections (1)(b) and (3); and

(ii) subsections (4) and (7), insofar as they relate to paragraphs 6 and 7 of Schedule 27 (enabling powers: alteration of maximum penalties etc.).

#### Commencement Information

**I3** Reg. 3 in force at made date, see [reg. 1\(2\)](#)

### Commencement of provisions in the 2020 Act **E+W**

4. Paragraph 24 of Schedule 22 to the 2020 Act (amendments to the general limit on magistrates' court's power to impose imprisonment or detention in a young offender institution) comes into force on 2nd May 2022 but only for the purposes of offences which are triable either way.

#### Commencement Information

**I4** Reg. 4 in force at made date, see [reg. 1\(2\)](#)

### Amendment of provisions expressed by reference to commencement **E+W**

5.—(1) In a provision listed in column 1 of the table in Part 1 of the Schedule, for the words in the corresponding entry in column 2 of the table substitute “2 May 2022”.

(2) In a provision listed in column 1 of the table in Part 2 of the Schedule, for the words in the corresponding entry in column 2 of the table substitute “2nd May 2022”.

(3) In a provision listed in column 1 of the table in Part 3 of the Schedule, for the words in the corresponding entry in column 2 of the table substitute “2 Mai 2022”.

#### Commencement Information

**I5** Reg. 5 in force at made date, see [reg. 1\(2\)](#)

### Amendment of the 2020 Act to state the effect of regulation 4 **E+W**

6.—(1) In section 224 of the 2020 Act (general limit on magistrates' court's power to impose imprisonment or detention in a young offender institution)—

- (a) in subsection (1), for the words after “more than” substitute “6 months in the case of any one summary offence or 12 months in respect of any one offence triable either way”; and
- (b) in subsection (2), for the words after “more than” substitute “6 months or (as the case may be) 12 months”.

(2) In paragraph 24 of Schedule 22 to the 2020 Act (amendments to the general limit on magistrates' court's power to impose imprisonment or detention in a young offender institution), after “institution)” insert “, as amended by the Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022.”.

#### Commencement Information

**I6** Reg. 6 in force at 2.5.2022 at 12.01am, see [reg. 1\(3\)](#)

### Amendment of the Environmental Protection Act 1990 **E+W**

7.—(1) The Environmental Protection Act 1990(1) is amended as follows.

(2) In section 141 (power to regulate the importation or exportation of waste or the transit of waste for export) after subsection (5A) there is inserted—

“(5AA) Regulations under this section that—

(1) 1990 c. 43.

- (a) make provision for a summary offence under the law of England and Wales to be punishable with imprisonment for more than 6 months (“the relevant provision”), and
- (b) are made—
  - (i) on or after 2 May 2022, but
  - (ii) before the day on which section 281(5) of the Criminal Justice Act 2003 comes into force,

must also provide that, in relation to an offence committed before the day referred to in paragraph (b) (ii), any reference in the relevant provision to a term of imprisonment of more than 6 months is to be read as a reference to a term of imprisonment of 6 months.”.

**Commencement Information**

**I7** Reg. 7 in force at made date, see [reg. 1\(2\)](#)

**Amendment of the Scotland Act 1998** **E+W**

**8.**—(1) The Scotland Act 1998(2) is amended as follows.

(2) In section 113 (subordinate legislation: scope of powers) after subsection (10A) there is inserted—

“(10AA) If a power—

- (a) is exercised so as to make provision for a summary offence under the law of England and Wales to be punishable with imprisonment for more than 6 months (“the relevant provision”) and
- (b) is so exercised—
  - (i) on or after 2 May 2022, but
  - (ii) before the day on which section 281(5) of the Criminal Justice Act 2003 comes into force,

the power must also be exercised so as to provide that, in relation to an offence committed before the day referred to in paragraph (b)(ii), any reference in the relevant provision to a term of imprisonment of more than 6 months is to be read as a reference to a term of imprisonment of 6 months.”.

**Commencement Information**

**I8** Reg. 8 in force at made date, see [reg. 1\(2\)](#)

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**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022.