

2022 No. 584

CRIMINAL LAW, ENGLAND AND WALES

**The Sentencing Act 2020 (Surcharge) (Amendment) Regulations
2022**

Made - - - - 25th May 2022
Laid before Parliament 26th May 2022
Coming into force - - 16th June 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 42(2), 43(1) and (2) and 407(5) and (6) of the Sentencing Act 2020(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sentencing Act 2020 (Surcharge) (Amendment) Regulations 2022 and come into force on 16th June 2022.

(2) These Regulations extend to England and Wales.

Amendment of the Criminal Justice Act 2003 (Surcharge) Order 2012

2. In the Criminal Justice Act 2003 (Surcharge) Order 2012(b), for the Schedule substitute—

“SCHEDULE

Articles 2 to 6

Table 1

<i>Column 1</i>	<i>Column 2</i>
An order for conditional discharge as defined in section 80 of the Sentencing Act 2020(c)	£20
A fine	£26

(a) 2020 c. 17.

(b) S.I. 2012/1696, relevant amendments made by paragraph 407 of Schedule 24 to the Sentencing Act 2020 (c. 17) and S.I. 2012/2824, 2014/2120, 2016/389, 2019/985 and 2020/310.

(c) 2020 c. 17, section 80 was amended by section 54(1) and (2) of the Domestic Abuse Act 2021 (c. 17).

<i>Column 1</i>	<i>Column 2</i>
A youth rehabilitation order as defined in section 173 of the Sentencing Act 2020(a)	£26
A referral order as defined in section 83 of the Sentencing Act 2020	£26
A community order as defined in section 200 of the Sentencing Act 2020	£26
A custodial sentence as defined in section 222 of the Sentencing Act 2020	£41

Table 2

<i>Column 1</i>	<i>Column 2</i>
An order for conditional discharge as defined in section 80 of the Sentencing Act 2020.	£26
A fine	40 per cent of the value of the fine, rounded up or down to the nearest pound, subject to a maximum of £2,000.
A community order as defined in section 200 of the Sentencing Act 2020	£114
A suspended sentence of imprisonment, as defined in section 286 of the Sentencing Act 2020, where the sentence of imprisonment or detention in a young offender institution is for a period of up to and including 6 months	£154
A suspended sentence of imprisonment, as defined in section 286 of the Sentencing Act 2020 where the sentence of imprisonment or detention in a young offender institution is for a determinate period of more than 6 months	£187
A sentence of imprisonment, or detention in a young offender institution, for a determinate period of up to and including 6 months	£154
A sentence of imprisonment, or detention in a young offender institution, for a determinate period of more than 6 months and up to and including 24 months	£187
A sentence of imprisonment, or detention in a young offender institution, for a determinate period exceeding 24 months	£228

(a) 2020 c. 17.

<i>Column 1</i>	<i>Column 2</i>
A sentence of imprisonment or custody for life	£228

Table 3

<i>Column 1</i>	<i>Column 2</i>
An order for conditional discharge, as defined in section 80 of the Sentencing Act 2020	£26
A fine	40 per cent of the value of the fine, rounded up or down to the nearest pound, subject to a maximum of £2,000.”

Transitional provision

3. The amendments made by Regulation 2 do not apply where, after the coming into force of these Regulations, a court deals with a person for—

- (a) a single offence committed before the coming into force of these Regulations, or
- (b) more than one offence, at least one of which was committed before the coming into force of these Regulations.

Tom Pursglove
Parliamentary Under Secretary of State
Ministry of Justice

25th May 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 43 of the Sentencing Act 2020 (c.17) requires a court, when dealing with a person for one or more offences, to order that person to pay a surcharge. The amount of the surcharge that is payable in particular circumstances is set out in the Schedule to the Criminal Justice Act 2003 (Surcharge) (Order) 2012 (S.I. 2012/1696) (“the 2012 Order”). Regulation 2 of these Regulations substitutes the Schedule to the 2012 Order to provide for an increase in those amounts and reflects the changes made by the Sentencing Act 2020.

Regulation 3 provides that the increased amounts do not apply where a court deals with a person for a single offence committed before the date on which these Regulations come into force, or where it deals with a person for more than one offence and at least one of those offences was committed before that date.

A full impact assessment has been produced in respect of these Regulations and is available on www.legislation.gov.uk.

£4.90

<http://www.legislation.gov.uk/id/uksi/2022/584>

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