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STATUTORY INSTRUMENTS

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**2023 No. 149**

**The Judicial Review and Courts Act 2022 (Magistrates’  
Court Sentencing Powers) Regulations 2023**

**Part 3 – Specific amendments to primary legislation**

**Amendment of the Nuclear Installations Act 1965**

**3.—**(1) The Nuclear Installations Act 1965<sup>(1)</sup> is amended as follows.

(2) In section 1—

(a) After subsection (7) insert—

“(7A) A person convicted of an offence under subsection (7) in England and Wales is liable—

(a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;

(b) on summary conviction to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine, or both.”

(b) in subsection (8) omit “England and Wales or”.

(c) in subsection (8)(b) omit “or a fine (in England and Wales)” and “(in Scotland)”.

(d) in subsection (10), for “(8)(b)” substitute “(7A)(b)”.

(3) In section 4—

(a) After subsection (10) insert—

“(10A) person convicted of an offence under subsection (7) in England and Wales is liable—

(a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;

(b) on summary conviction to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine, or both.”

(b) in subsection (11) omit “England and Wales or”.

(c) in subsection (11)(b) omit “or a fine (in England and Wales)” and “(in Scotland)”.

(d) in subsection (13), for “(11)(b)” substitute “(10A)(b)”.

(4) In section 5—

(a) After subsection (9) insert—

“(9A) A person convicted of an offence under subsection (8) in England and Wales is liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
  - (b) on summary conviction to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine, or both.”.
  - (b) in subsection (10) omit “England and Wales or”.
  - (c) in subsection (10)(b) omit “or a fine (in England and Wales)” and “(in Scotland)”.
  - (d) in subsection (13), for “(10)(b)” substitute “(9A)(b)”.
- (5) In section 22—
- (a) After subsection (3) insert—
    - “(3A) person convicted of an offence under subsection (3) in England and Wales is liable—
    - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
    - (b) on summary conviction to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both.”.
  - (b) in subsection (4) omit “England and Wales”.
  - (c) in subsection (4)(b) omit “or a fine (in England and Wales)” and “(in Scotland)”.
  - (d) in subsection (6), for “(4)(b)” substitute “(3A)(b)”.

#### **Amendment of the Hydrocarbon Oil Duties Act 1979**

- 4.—(1) The Hydrocarbon Oil Duties Act 1979(2) is amended as follows.
- (2) In section 14D, omit subsection (6)(a).
  - (3) After subsection (6) insert—
    - “(7) In this section as it extends to England and Wales, subsection (5)(a)(ii) has effect as if the reference there to 12 months were to the general limit in a magistrates' court (or, in relation to offences committed before 2 May 2022, to 6 months).”.

#### **Amendment of the Representation of the People Act 1983**

- 5.—(1) The Representation of the People Act 1983(3) is amended as follows.
- (2) In paragraph 13(1ZD)(a)(i) of Schedule 2 omit “England and Wales or”.
  - (3) In paragraph 13(1ZD)(a)(i) omit “;” and substitute “and”.
  - (4) After paragraph 13(1ZD)(a)(ii) insert—
    - “(iii) in England and Wales, the general limit in a magistrates' court.”.

#### **Amendment of the Insolvency Act 1986**

- 6.—(1) The Insolvency Act 1986(4) is amended as follows.
- (2) In column 4 of the table in Schedule 10 for “On conviction in England and Wales: 12 months” substitute “On conviction in England and Wales: the general limit in a magistrates' court” in relation to the following offences listed in column 1:
    - (a) section A8(4);

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(2) 1979 c. 5.

(3) 1983 c. 2.

(4) 1986 c. 45.

- (b) section A17(6);
- (c) section A24(4);
- (d) section A25(3)(b);
- (e) section A26(4)(b);
- (f) section A27(1)(b);
- (g) section A28(5)(b);
- (h) section A29(6)(b);
- (i) section A30(2)(b);
- (j) section A31(10)(b);
- (k) section A32(4)(b);
- (l) section A46(1);
- (m) section A46(4);
- (n) section A47(1) and
- (o) section A49(5).

#### **Amendment of the Road Traffic Offenders Act 1988**

7.—(1) The Road Traffic Offenders Act 1988<sup>(5)</sup> is amended as follows.

(2) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988, in the entry relating to section 1A of the Road Traffic Act 1988, in the fourth column, in paragraph (a), at the end insert “; but in the application of this paragraph to England and Wales the reference to 12 months is to be read as a reference to the general limit in a magistrates’ court”.

(3) In Part 1 of Schedule 2, in the entries relating to sections 2B, 2C and 3ZB of the Road Traffic Act 1988, in the fourth column, for “12 months (in England and Wales)” substitute “the general limit in a magistrates’ court (in England and Wales)”.

(4) In Part 1 of Schedule 2 in the entries relating to section 3ZD of the Road Traffic Act 1988, in the fourth column, for “England and Wales: 12 months” substitute “England and Wales: the general limit in a magistrates’ court”.

#### **Amendment of the Political Parties, Elections and Referendums Act 2000**

8.—(1) The Political Parties, Elections and Referendums Act 2000<sup>(6)</sup> is amended as follows.

(2) In the table in Schedule 20 in relation to the following provisions: paragraph 17(4) of Schedule 7, paragraphs 6(2) and 6(3) of Schedule 19A and 13(3) of Schedule 19B for “12 months” substitute “the general limit in a magistrates’ court (in England and Wales) or 12 months (in Scotland)”.

(3) In the table in Schedule 20 in relation to paragraph 14 of Schedule 19C for “On summary conviction in England and Wales: fine or 12 months” substitute “On summary conviction in England and Wales: fine or the general limit in a magistrates’ court”.

#### **Amendment of the Terrorism Act 2000**

9.—(1) The Terrorism Act 2000<sup>(7)</sup> is amended as follows.

(2) In section 58A after subsection (3) insert—

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(5) 1988 c. 53.

(6) 2000 c. 41.

(7) 2000 c. 11.

“(3A) In subsection (3)(b)(i), in its application to England and Wales, the reference to 12 months is to be read as a reference to the general limit in a magistrates’ court.”.

#### **Amendment of the Anti-terrorism, Crime and Security Act 2001**

**10.**—(1) The Anti-terrorism, Crime and Security Act 2001<sup>(8)</sup> is amended as follows.

(2) In section 77(3)—

- (a) omit “England and Wales” in the first place those words occur, and
- (b) after “Scotland)” insert “or the general limit in a magistrates’ court (in England and Wales)”.

#### **Amendment of the Energy Act 2004**

**11.**—(1) The Energy Act 2004<sup>(9)</sup> is amended as follows.

(2) In section 131C after subsection (5) insert—

“(5A) In the application of this section in England and Wales the reference in subsection (4)(b) to twelve months is to be read as a reference to the general limit in a magistrates’ court (or in relation to an offence committed before 2 May 2022, to six months).”.

(3) In subsection (6) omit paragraph (a) (and the “or” at the end of paragraph (a)).

#### **Amendment of the Companies (Audit, Investigations and Community Enterprise) Act 2004**

**12.**—(1) The Companies (Audit, Investigations and Community Enterprise) Act 2004<sup>(10)</sup> is amended as follows.

(2) In subsection (6) of section 15A for the words “in the” to the end substitute “the reference to twelve months is to be read as a reference to the general limit in a magistrates’ court (or to six months in the case of an offence committed before 2 May 2022).”.

(3) In subsection (6) of section 15C, for the words “in the” to the end substitute “the reference to twelve months is to be read as a reference to the general limit in a magistrates’ court (or to six months in the case of an offence committed before 2 May 2022).”.

(4) In paragraph 5(3) of Schedule 7 for “six” substitute “six months”.

#### **Amendment of the Digital Switchover (Disclosure of Information) Act 2007**

**13.**—(1) The Digital Switchover (Disclosure of Information) Act 2007<sup>(11)</sup> is amended as follows.

(2) After subsection (7) insert—

“(7A) In the application of this section in England and Wales, the reference in subsection (7)(b) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(3) In section 3 omit subsection (8)(a).

<sup>(8)</sup> 2001 c. 24.

<sup>(9)</sup> 2004 c. 20.

<sup>(10)</sup> 2004 c. 20.

<sup>(11)</sup> 2007 c. 8.

### **Amendment of the Serious Crime Act 2007**

**14.**—(1) The Serious Crime Act 2007(**12**) is amended as follows.

(2) In section 25 after subsection (3) insert—

“(3A) In the application of subsection (2)(a) in England and Wales, the reference to 12 months is to be read as a reference to the general limit in a magistrates’ court subject to paragraph 4 of Schedule 13.”.

(3) In section 70 after subsection (5) insert—

“(5A) In the application of subsection (1)(a) in England and Wales, the reference to 12 months is to be read as a reference to the general limit in a magistrates’ court subject to paragraph 8 of Schedule 13.”.

### **Amendment of the Statistics and Registration Service Act 2007**

**15.**—(1) The Statistics and Registration Act 2007(**13**) is amended as follows.

(2) After section 39(9) insert—

“(9A) In the application of this section in England and Wales the reference in subsection (9)(b) is to be read as a reference to the general limit in a magistrates’ court (but this is subject to subsection (11)).”.

### **Amendment of the Criminal Justice and Immigration Act 2008**

**16.**—(1) The Criminal Justice and Immigration Act 2008(**14**) is amended as follows.

(2) In section 113(7)(a) omit “England and Wales and”.

(3) In subsection (7) insert after (b)—

“(c) in relation to England and Wales, the general limit in a magistrates’ court.”.

(4) In paragraph 31 of Schedule 27, for “In section 113(7)(a) in its application in relation to England and Wales the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before 2 May 2022”, substitute, “In section 113(7)(c) the reference to the general limit in a magistrates’ court is to be read as a reference to 6 months in relation to an offence committed before 2 May 2022.”.

### **Amendment of the Counter-Terrorism Act 2008**

**17.**—(1) The Counter-Terrorism Act 2008(**15**) is amended as follows.

(2) In section 54, after subsection (2) insert—

“(2A) In the application of this section in England and Wales, the reference in subsection (2)(a) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(3) Omit subsection (3)(a).

(4) In paragraph 15 of Schedule 5 after sub-paragraph (2) insert—

“(2A) In the application of this paragraph in England and Wales, the reference in sub-paragraph (2)(a) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

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(12) 2007 c. 27.

(13) 2007 c. 18.

(14) 2008 c. 4.

(15) 2008 c. 28.

- (5) Omit sub-paragraph (3)(a).

#### **Amendment of the Regulatory Enforcement and Sanctions Act 2008**

**18.**—(1) The Regulatory Enforcement and Sanctions Act 2008<sup>(16)</sup> is amended as follows.

(2) In section 49 omit subsection (2)(a).

(3) After subsection (1) insert—

“(1A) In the application of this section in England and Wales, the reference in subsection (1)(a) to twelve months is to be read as a reference to the general limit in a magistrates’ court (or to six months in relation to an offence committed before 2 May 2022).”.

#### **Amendment of the Learner Travel (Wales) Measure 2008**

**19.**—(1) The Learner Travel (Wales) Measure 2008<sup>(17)</sup> is amended as follows.

(2) In paragraph 10(1)(a) of Schedule A1 of the Welsh language text for “hwy na deuddeng mis” substitute “hwy na’r terfyn cyffredinol yn y llys ynadon (yng Nghymru a Lloegr)”.

(3) In paragraph 10(2) of Schedule A1 of the Welsh language text for “ddeuddeng mis” substitute “y terfyn cyffredinol yn y llys ynadon (yng Nghymru a Lloegr)”.

#### **Amendment of the Corporation Tax Act 2009**

**20.**—(1) The Corporation Tax Act 2009<sup>(18)</sup> is amended as follows.

(2) Section 1207 is amended as follows.

(a) After subsection (3) insert—

(a) “(3) In the application of this section in England and Wales, the reference in subsection (3)(b) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(b) Omit subsection (6)(a).

(3) Section 1216CN is amended as follows.

(a) After subsection (3) insert—

(a) “(3) In the application of this section in England and Wales, the reference in subsection (3)(b) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(b) Omit subsection (6)(a).

(4) Subsection 1217CN is amended as follows.

(a) After subsection (3) insert—

(a) “(3) In the application of this section in England and Wales, the reference in subsection (3)(b) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(b) Omit subsection (6)(a).

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<sup>(16)</sup> 2008 c. 13.

<sup>(17)</sup> 2008 nawm 2.

<sup>(18)</sup> 2009 c. 4.

### **Amendment of the Parliamentary Standards Act 2009**

**21.**—(1) The Parliamentary Standards Act 2009(**19**) is amended as follows.

(2) After section 10(2) insert—

“(2A) In the application of this section in England and Wales, the reference in subsection (2)(a) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(3) Omit subsection (3)(a).

### **Amendment of the Bribery Act 2010**

**22.**—(1) The Bribery Act 2010(**20**) is amended as follows.

(2) After section 11(1) insert—

“(1A) In the application of this section in England and Wales, the reference in subsection (1)(a) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(3) Omit subsection (4)(a).

### **Amendment of the Identity Documents Act 2010**

**23.**—(1) The Identity Documents Act 2010(**21**) is amended as follows.

(2) In section 6(3)(a) omit “England and Wales or”.

(3) In subsection (3), after paragraph (b) insert—

“(c) in England and Wales, the general limit in a magistrates’ court.”.

(4) In subsection (4) for “(3)(a)” substitute “(3)(c)”.

### **Amendment of the Charities Act 2011**

**24.**—(1) The Charities Act 2011(**22**) is amended as follows.

(2) In section 57 after subsection (6) insert—

“(6A) In the application of this section to England and Wales, the reference in subsection (4)(a) to 12 months is to be read as a reference to the general limit in a magistrates’ court” (but this is subject to paragraph 14 of Schedule 9).”.

### **Amendment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**

**25.**—(1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012(**23**) is amended as follows.

(2) In section 143(6) for the words from ““12 months” to “6 months” substitute ““the general limit in a magistrates’ court” is to be read as “6 months””.

### **Amendment of the Energy Act 2013**

**26.**—(1) The Energy Act 2013(**24**) is amended as follows.

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(19) 2009 c. 13.  
(20) 2010 c. 23.  
(21) 2010 c. 40.  
(22) 2011 c. 25.  
(23) 2012 c. 10.  
(24) 2013 c. 32.

(2) For section 102(4) substitute—

“(4) In the application of this section in England and Wales, the reference in subsection (3)(a)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(3) For section 103(3) substitute—

“(3) In the application of this section in England and Wales, the reference in subsection (2)(a)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(4) For section 105(8) substitute—

“(8) In the application of this section in England and Wales, the reference in subsection (7)(a)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(5) For paragraph 7(3) of Schedule 8 substitute—

“(3) In the application of this paragraph in England and Wales, the reference in subparagraph (2)(a)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(6) For paragraph 17(4) of Schedule 8 substitute—

“(4) In the application of this paragraph in England and Wales, the reference in subparagraph (3)(a)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(7) For paragraph 6(2) of Schedule 9 substitute—

“(2) In the application of this paragraph in England and Wales, the reference in subparagraph (1)(a)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(8) For paragraph 13(8) of Schedule 10 substitute—

“(8) In the application of this paragraph in England and Wales, the reference in subparagraph (7)(a)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

### **Amendment of the Crime and Courts Act 2013**

**27.**—(1) The Crime and Courts Act 2013(**25**) is amended as follows.

(2) After section 28(7) insert—

“(7A) In the application of this section in England and Wales, the reference in subsection (7)(b)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(3) Omit subsection (8)(a).

(4) In paragraph 30(3)(b)(i) and 30(4) of Schedule 16, after “12 months” insert “or the general limit in a magistrates’ court”.

### **Amendment of the Mobile Homes (Wales) Act 2013**

**28.**—(1) The Mobile Homes (Wales) Act 2013(**26**) is amended as follows.

(25) 2013 c. 22.

(26) 2013 anaw 6.



(2) In section 43(3)(a) of the Welsh language text for “fwy na 12 mis” substitute “fwy na’r terfyn cyffredinol yn y llys ynadon (yng Nghymru a Lloegr)”.

(3) In paragraph 9 of Schedule 5 of the Welsh language text for “12 mis” substitute “y terfyn cyffredinol yn y llys ynadon (yng Nghymru a Lloegr)”.

#### **Amendment of the Defence Reform Act 2014**

**29.**—(1) The Defence Reform Act 2014(**27**) is amended as follows.

(2) In paragraph 2 of Schedule 5 after sub-paragraph (3) insert—

“(3A) In the application of this paragraph in England and Wales, the reference in sub-paragraph (3)(a) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(3) Omit sub-paragraph (4)(a).

(4) In paragraph 6 of Schedule 5 after sub-paragraph (6)(1) insert—

“(1A) In the application of this paragraph in England and Wales, the reference in sub-paragraph (1)(c)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(5) Omit sub-paragraph (2)(a).

#### **Amendment of the Finance Act 2014**

**30.**—(1) The Finance Act 2014(**28**) is amended as follows.

(2) In section 174 after subsection (3) insert—

“(3A) In the application of this section in England and Wales, the reference in subsection (2)(a) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).”.

(3) Omit subsection (4)(a).

#### **Amendment of the Tax Collection and Management (Wales) Act 2016**

**31.**—(1) The Tax Collection and Management (Wales) Act 2016(**29**) is amended as follows.

(2) In section 20(3)(a) of the Welsh language text substitute “hwy na 12 mis” for “hwy na’r terfyn cyffredinol yn y llys ynadon (yng Nghymru a Lloegr)”.

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(27) 2014 c. 20.

(28) 2014 c. 26.

(29) 2016 anaw 6.