

*Status: Point in time view as at 04/04/2005.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Magistrates' Courts Act 1980 (c. 43) is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

#### CONSEQUENTIAL AMENDMENTS

##### *Magistrates' Courts Act 1980 (c. 43)*

- 61 In section 11(3) of the Magistrates' Courts Act 1980 (non-appearance of accused), for "section 23 of the Powers of Criminal Courts Act 1973" there shall be substituted "section 119 of the Powers of Criminal Courts (Sentencing) Act 2000".
- 62 In section 17A(4) of the Magistrates' Courts Act 1980 (initial procedure: accused to indicate intention as to plea), for "section 38 below" there shall be substituted "section 3 of the Powers of Criminal Courts (Sentencing) Act 2000".
- 63 In section 20(2) of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable), for "section 38 below" there shall be substituted "section 3 of the Powers of Criminal Courts (Sentencing) Act 2000".
- 64 (1) Section 24 of the Magistrates' Courts Act 1980 (summary trial of information against child or young person for indictable offence) shall be amended as follows.
- (2) In subsection (1)(a), for "subsection (2) of section 53 of the Children and Young Persons Act 1933" there shall be substituted "subsection (1) or (2) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000".
- (3) In subsection (3), for "section 1(1) of the Criminal Justice Act 1982" there shall be substituted "section 89(1) of the said Act of 2000".
- 65 In section 33 of the Magistrates' Courts Act 1980 (maximum penalties on summary conviction in pursuance of section 22), in subsection (1)(b), for "section 38 below" there shall be substituted "section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 (committal to Crown Court for sentence)".
- 66 In section 77(2) of the Magistrates' Courts Act 1980 (postponement of issue of warrant of commitment)—
- (a) for "section 9 of the Criminal Justice Act 1982" there shall be substituted "section 108 of the Powers of Criminal Courts (Sentencing) Act 2000"; and
- (b) for "17" there shall be substituted "18".
- 67 (1) Section 81 of the Magistrates' Courts Act 1980 (enforcement of fines imposed on young offenders) shall be amended as follows.
- (2) In subsection (1), for "section 1 of the Criminal Justice Act 1982" there shall be substituted "section 89 of the Powers of Criminal Courts (Sentencing) Act 2000".
- (3) In subsection (3), for "section 17(1) of the Criminal Justice Act 1982" there shall be substituted "section 60(1) of the said Act of 2000".
- (4) in subsection (8), for "section 35 of the Powers of Criminal Courts Act 1973" there shall be substituted "section 130 of the said Act of 2000".

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- 68 In section 88(4) of the Magistrates' Courts Act 1980 (supervision pending payment), for "section 9 of the Criminal Justice Act 1982" there shall be substituted " section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ".
- 69 In section 91(3) of the Magistrates' Courts Act 1980 (transfer of fines from Scotland or Northern Ireland), for "section 32(1) of the Powers of Criminal Courts Act 1973" there shall be substituted " section 140(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ".
- 70 In section 96A of the Magistrates' Courts Act 1980 (application of Part III to persons aged 18 to 20), for "section 9 of the Criminal Justice Act 1982" there shall be substituted " section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ".
- 71 In section 108(1A) of the Magistrates' Courts Act 1980 (right of appeal where offender absolutely or conditionally discharged), for "Section 1C of the Powers of Criminal Courts Act 1973" there shall be substituted " Section 14 of the Powers of Criminal Courts (Sentencing) Act 2000 ".
- 72 In section 113 of the Magistrates' Courts Act 1980 (bail on appeal or case stated), in subsection (3), for "or 38 above" there shall be substituted " above or section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 ".
- 73 In section 125(4)(c) of the Magistrates' Courts Act 1980 (warrants which constable may execute when not in his possession), as amended by paragraph 8 of Schedule 4 to the <sup>M1</sup>Youth Justice and Criminal Evidence Act 1999, in sub-paragraph (v), for "the Youth Justice and Criminal Evidence Act 1999" there shall be substituted " the Powers of Criminal Courts (Sentencing) Act 2000 ".

**Marginal Citations**

**M1** 1999 c. 23.

- 74 In section 126 of the Magistrates' Courts Act 1980 (execution of certain warrants in Channel Islands and Isle of Man), as amended by paragraph 9 of Schedule 4 to the <sup>M2</sup>Youth Justice and Criminal Evidence Act 1999, in paragraph (f), for "the Youth Justice and Criminal Evidence Act 1999" there shall be substituted " the Powers of Criminal Courts (Sentencing) Act 2000 ".

**Marginal Citations**

**M2** 1999 c. 23.

- 75 In section 128(6) of the Magistrates' Courts Act 1980 (remand in custody or on bail), for "or 30 above" there shall be substituted " above or section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 ".
- 76 In section 133(1) of the Magistrates' Courts Act 1980 (consecutive terms of imprisonment and detention), for "Subject to section 102 of the Crime and Disorder Act 1998," there shall be substituted " Subject to section 84 of the Powers of Criminal Courts (Sentencing) Act 2000, ".
- 77 In section 135(3) of the Magistrates' Courts Act 1980 (detention of offender for one day in court-house or police station), for "section 9 of the Criminal Justice Act

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- 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 78 In section 136(4) of the Magistrates’ Courts Act 1980 (committal to custody overnight at police station), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 79 In section 143(2) of the Magistrates’ Courts Act 1980 (power to alter sums specified in certain provisions)—
- (a) for paragraphs (cb) and (d) there shall be substituted the following paragraphs—
    - “(cb) section 131(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on compensation order of magistrates’ court);
    - (d) section 135 of that Act; (limit on fine imposed on young offender by magistrates’ court);”;
  - (b) in paragraph (j), for “section 31(3A) of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 139(4) of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
  - (c) in paragraph (p), for “section 58(2) and (3) of the Criminal Justice Act 1991” there shall be substituted “ section 150(2) and (3) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 80 (1) In Schedule 6A to the Magistrates’ Courts Act 1980 (fines that may be altered under section 143), the entries relating to—
- (a) the Children and Young Persons Act 1969,
  - (b) the Powers of Criminal Courts Act 1973,
  - (c) the Criminal Justice Act 1982, and
  - (d) the Criminal Justice Act 1991,
- shall be omitted.
- (2) At the end of that Schedule there shall be inserted the following entry—

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**“POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000**

Section 123(3) (failure to comply with suspended sentence supervision order)	£1,000
In Schedule 3, paragraphs 4(1) and 5(1) (failure to comply with certain community orders)	£1,000
In Schedule 5, paragraph 2(1) (failure to comply with attendance centre order or attendance centre rules)	£1,000
In Schedule 7, paragraph 2(2) (failure to comply with supervision order)	£1,000”

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