



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 7 **E+W**

FINANCIAL ORDERS AND ORDERS RELATING TO PROPERTY

CHAPTER 2 **E+W**

COMPENSATION ORDERS

Compensation orders

133 Compensation order **E+W**

In this Code “compensation order” means an order under this Chapter made in respect of an offender for an offence that requires the offender—

- (a) to pay compensation for any personal injury, loss or damage resulting from—
 - (i) the offence, or
 - (ii) any other offence which is taken into consideration by the court in determining the sentence for the offence, or
- (b) to make payments for—
 - (i) funeral expenses, or
 - (ii) bereavement,

in respect of a death resulting from any such offence.

Commencement Information

II S. 133 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Changes to legislation: Sentencing Act 2020, CHAPTER 2 is up to date with all changes known to be in force on or before 13 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) View outstanding changes

Making a compensation order

134 Compensation order: availability E+W

- (1) A compensation order is available to a court by or before which an offender is convicted of an offence.

This is subject to section 136 (road accidents).

- (2) Where a compensation order is available, the court may make such an order whether or not it also deals with the offender for the offence in any other way.

Commencement Information

I2 S. 134 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

135 Making a compensation order E+W

- (1) A compensation order must specify the amount to be paid under it.
- (2) That amount must be the amount that the court considers appropriate, having regard to any evidence and any representations that are made by or on behalf of the offender or the prosecution.

But see also sections 136 to 139.

- (3) In determining—
- (a) whether to make a compensation order against an offender, or
 - (b) the amount to be paid under such an order,
- the court must have regard to the offender's means, so far as they appear or are known to the court.
- (4) Where the court considers—
- (a) that it would be appropriate both to impose a fine and to make a compensation order, but
 - (b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation,
- the court must give preference to compensation (though it may impose a fine as well).
- (5) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 140.
- (6) For the effect of proceedings in relation to confiscation orders on the court's powers in relation to compensation orders, see the following provisions of the Proceeds of Crime Act 2002—
- (a) section 13(4) (where confiscation order has been made);
 - (b) section 15 (where proceedings on a confiscation order have been postponed).

Commencement Information

I3 S. 135 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Changes to legislation: Sentencing Act 2020, CHAPTER 2 is up to date with all changes known to be in force on or before 13 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) View outstanding changes

Particular cases

136 Road accidents **E+W**

- (1) A compensation order may not be made in respect of funeral expenses or bereavement in respect of a death due to a road accident.
- (2) A compensation order may be made in respect of injury, loss or damage due to a road accident only if it is in respect of—
 - (a) loss suffered by a person's dependants in consequence of the person's death,
 - (b) damage which is treated by section 137 as resulting from an offence under the Theft Act 1968 or Fraud Act 2006, or
 - (c) uninsured harm.
- (3) In subsection (2), “uninsured harm” means injury, loss or damage as respects which—
 - (a) the offender was uninsured in relation to the use of the vehicle in question, and
 - (b) compensation is not payable under any arrangements to which the Secretary of State is a party.

An offender is not uninsured in relation to the use of a vehicle for this purpose if that use of it is exempted from insurance by section 144 of the Road Traffic Act 1988.

- (4) Where a compensation order is made in respect of injury, loss or damage due to a road accident, the amount to be paid may include an amount representing all or part of any loss of, or reduction in, preferential rates of insurance attributable to the accident.
- (5) In this Chapter, “road accident” means an accident arising out of the presence of a motor vehicle on a road.

Commencement Information

14 S. 136 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

137 Damage to property and clean-up costs resulting from certain offences **E+W**

- (1) Subsection (2) applies in the case of an offence under the Theft Act 1968 or Fraud Act 2006, where the property in question is recovered.
- (2) Any damage to the property occurring while it was out of the owner's possession is to be treated for the purposes of section 133 as having resulted from the offence.

This applies regardless of how the damage was caused and who caused it.
- (3) Section 29 of the Ancient Monuments and Archaeological Areas Act 1979 makes provision about the person in whose favour a compensation order relating to certain offences involving damage to monuments is to be made.
- (4) Section 33B of the Environmental Protection Act 1990 (clean-up costs) provides for certain costs connected with certain offences relating to waste to be loss or damage resulting from those offences for the purposes of section 133.

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Commencement Information

I5 S. 137 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

138 Funeral expenses and bereavement: cases other than road accidents **E+W**

- (1) A compensation order in respect of funeral expenses may be made for the benefit of anyone who incurred the expenses.
- (2) A compensation order in respect of bereavement may be made only for the benefit of a person for whose benefit a claim for damages for bereavement could be made under section 1A of the Fatal Accidents Act 1976.
- (3) The amount to be paid in respect of bereavement under a compensation order must not exceed the amount for the time being specified in section 1A(3) of that Act.
- (4) This section is subject to section 136(1) (compensation order not available in respect of bereavement or funeral expenses in respect of a death due to a road accident).

Commencement Information

I6 S. 138 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Compensation orders made in respect of young offenders

139 Limit on compensation payable under compensation order of magistrates' court in case of young offender **E+W**

- (1) This section applies where—
 - (a) a magistrates' court is dealing with an offender for one or more offences (each, a “main offence”) of which the offender was convicted when aged under 18, and
 - (b) the court makes a compensation order in respect of—
 - (i) a main offence, or
 - (ii) any offence taken into consideration by the court in determining sentence for a main offence (a “TIC offence”).
- (2) The compensation in respect of a main offence must not exceed £5,000.
- (3) The total compensation in respect of main offences and TIC offences must not exceed £5,000 multiplied by the number of main offences.
- (4) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

Commencement Information

I7 S. 139 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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140 Compensation order: order for payment by parent or guardian **E+W**

- (1) This section applies where—
 - (a) a court makes or is proposing to make a compensation order in respect of an offence, and
 - (b) the offender is aged under 18 when convicted.
- (2) Section 380 (order for payment by parent or guardian) applies to the amount to be paid under any such compensation order.
- (3) Subsection (4) applies for the purposes of any order made under section 380 against the offender's parent or guardian.
- (4) The references in subsections (3) and (4) of section 135 (taking account of offender's means in determining amount of compensation) to the offender's means are to be read as references to the means of the offender's parent or guardian.

This is subject to subsection (5).
- (5) For the purposes of any order made under section 380 against a local authority, section 135(3) does not apply.

Commencement Information

18 S. 140 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Compensation orders: supplementary

141 Compensation orders: suspension of entitlement and appeals etc **E+W**

- (1) A person in whose favour a compensation order is made is not entitled to receive the amount due to the person until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).
- (2) Criminal Procedure Rules may make provision about the way in which the appropriate court is to deal with money paid in satisfaction of a compensation order where the entitlement of the person in whose favour it was made is suspended under subsection (1).
- (3) The Court of Appeal may by order annul or vary any compensation order made by the Crown Court, even if the conviction is not quashed.
- (4) Where a compensation order is annulled or varied under subsection (3)—
 - (a) the compensation order—
 - (i) if annulled, is not to take effect;
 - (ii) if varied, is to take effect as varied;
 - (b) the Court of Appeal must also vary any order previously made under section 42 (court's duty to order payment of surcharge) so as to secure that the offender's liability under that order is the same as it would have been if the offender were being dealt with by the Crown Court.
- (5) Where the Supreme Court restores a conviction, it may make any compensation order which the court of trial could have made.

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- (6) Where the Supreme Court makes an order under subsection (5), it must also—
- (a) make an order under section 42, or
 - (b) vary any order previously made under that section,
- so as to secure that the offender's liability under the order under that section is the same as it would have been if the offender were being dealt with by the Crown Court.
- (7) Where, in any proceedings in which an offender is convicted of one or more offences (each, a “main offence”), a compensation order is made against the offender in respect of an offence taken into consideration in determining sentence—
- (a) the order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences;
 - (b) the offender may appeal against the order as if it were part of the sentence imposed in respect of the main offence or, if more than one, any of the main offences.

Modifications etc. (not altering text)

- C1** S. 141 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 293\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C2** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 290](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I9** S. 141 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

142 Limit on compensation payable under compensation order of magistrates' court: offences committed before 11 December 2013 E+W

- (1) This section applies where—
- (a) a magistrates' court is dealing with an offender for—
 - (i) an offence which was committed before 11 December 2013 (a “relevant offence”), or
 - (ii) one or more relevant offences, and
 - (b) the court makes a compensation order in respect of—
 - (i) any relevant offence,
 - (ii) any offence taken into consideration by the court in determining sentence for a relevant offence.
- (2) The compensation in respect of a relevant offence must not exceed the maximum amount.
- (3) The total compensation in respect of the offences taken into account in determining sentence for the relevant offence or relevant offences must not exceed the difference between—
- (a) the relevant limit, and
 - (b) the total compensation in respect of the relevant offences.
- (4) In this section—

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- (a) the relevant limit is the aggregate of the maximum amounts for each relevant offence;
- (b) “the maximum amount” in relation to a relevant offence means the amount specified in column 2 of the following table for an offence committed on the date of the relevant offence—

<i>Date of commission of main offence</i>	<i>Maximum amount</i>
Before 1 December 1977	£400
On or after 1 December 1977 but before 1 May 1984	£1,000
On or after 1 May 1984 but before 1 October 1992	£2,000
On or after 1 October 1992 but before 11 December 2013	£5,000.

- (5) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

Modifications etc. (not altering text)

- C2** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 290](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

- I10** S. 142 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

143 Review of compensation orders **E+W**

- (1) This section applies where—
 - (a) a compensation order has been made,
 - (b) there is no further possibility of the compensation order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time), and
 - (c) the person against whom it was made has not paid into court the whole of the amount required to be paid under the order.
- (2) The appropriate court may, on the application of the person against whom the order was made—
 - (a) discharge the order, or
 - (b) reduce the amount which remains to be paid.

This is subject to subsection (3).

- (3) The appropriate court may exercise that power only—
 - (a) if it appears to the court that the injury, loss or damage in respect of which the compensation order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order,
 - (b) if, in the case of a compensation order in respect of the loss of any property, it appears to the court that the property has been recovered by the person in whose favour the order was made, or
 - (c) if—

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- (i) it appears to the court that the means of the person against whom the order was made are insufficient or have been reduced (see subsections (5) and (6)), and
 - (ii) where the compensation order was made by the Crown Court, the appropriate court has obtained the consent of the Crown Court.
- (4) Subsections (5) to (7) apply for the purposes of subsection (3)(c).
- (5) The person's means are “insufficient” if they are not sufficient to satisfy in full—
- (a) the compensation order, and
 - (b) every order of any of the following kinds made against the person in the same proceedings—
 - (i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;
 - (ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;
 - (iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.
- (6) The person's means “have been reduced” if they—
- (a) have unexpectedly been substantially reduced since the compensation order was made, and
 - (b) seem unlikely to increase for a considerable period.
- (7) If the compensation order was made on appeal it is to be treated—
- (a) if made on an appeal from a magistrates' court, as if made by that magistrates' court;
 - (b) if made on an appeal—
 - (i) from the Crown Court, or
 - (ii) from the Court of Appeal,
 as if made by the Crown Court.

Modifications etc. (not altering text)

- C2** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 290](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C3** S. 143 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 293\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I11** S. 143 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

144 Effect of compensation order on subsequent award of damages in civil proceedings E+W

- (1) This section has effect where—
- (a) a compensation order has been made in favour of any person in respect of any injury, loss or damage, and

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- (b) a claim by the person in civil proceedings for damages in respect of the injury, loss or damage subsequently falls to be determined.
- (2) The damages in the civil proceedings must be assessed without regard to the order.
- (3) But the claimant may recover only an amount equal to the aggregate of—
- (a) any amount by which the damages assessed exceed the compensation, and
 - (b) a sum equal to any portion of the compensation which the person fails to recover (“unrecovered compensation”).
- (4) The claimant may not enforce the judgment, so far as it relates to unrecovered compensation, without the leave of the court.

Modifications etc. (not altering text)

C4 S. 144 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 293\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

I12 S. 144 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

145 Compensation orders: interpretation **E+W**

- (1) In this Chapter—
- “appropriate court”, in relation to a compensation order, means the magistrates' court which, by virtue of section 41(1) of the Administration of Justice Act 1970, for the time being has functions in relation to collection and enforcement of the order;
 - “road accident” has the meaning given by section 136.
- (2) For the purposes of this Chapter a compensation order is made in respect of an offence if it relates to personal injury, loss, damage or death resulting from that offence.

For this purpose, “offence” includes an offence taken into consideration by a court when sentencing an offender for an offence of which the offender has been convicted.

Commencement Information

I13 S. 145 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Compensation etc under other Acts

146 Compensation etc under other Acts **E+W**

For provision about other orders requiring payment of compensation etc that are available to courts dealing with offenders for particular offences, see—

Power to make order

Description of order

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section 8 of the Modern Slavery Act 2015	slavery and trafficking reparation order where person convicted of offence under section 1, 2 or 4 of that Act
section 4 of the Prevention of Social Housing Fraud Act 2013	unlawful profit order on conviction of offence under section 1 or 2 of that Act or certain associated offences.

Commencement Information

I14 S. 146 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)–(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)

- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)