

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, Cross Heading: Criminal Justice Act 2003 (c. 44) is up to date with all changes known to be in force on or before 22 June 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 24

CONSEQUENTIAL AMENDMENTS

PART 1

ACTS OF PARLIAMENT

Criminal Justice Act 2003 (c. 44)

- 217 In section 221(2) of the Criminal Justice Act 2003 (“the CJA 2003”)—
- (a) in paragraph (aa), for “the meaning of Part 1 of the Criminal Justice and Immigration Act 2008” substitute “ the meaning given by section 173 of the Sentencing Code ”;
 - (b) in paragraph (b), for “the Sentencing Act” substitute “ the PCC(S)A 2000 ”.

Commencement Information

- II** Sch. 24 para. 217 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 218 (1) Section 237 of the CJA 2003 is amended as follows.
- (2) In subsection (1)(b)—
 - (a) for “the Sentencing Act or under” substitute “ the PCC(S)A 2000, under ”;
 - (b) after “of this Act” insert “ or under section 250, 254, 262, 265, 266, 278 or 279 of the Sentencing Code ”.
 - (3) In subsection (1B)—
 - (a) in paragraph (b), for “section 91 of the Sentencing Act” substitute “ section 91 of the PCC(S)A 2000 or section 250 of the Sentencing Code ”;
 - (b) in paragraph (ba), after “section 226A of this Act” insert “ or section 266 or 279 of the Sentencing Code ”;
 - (c) in paragraph (bb), after “section 226B of this Act” insert “ or section 254 of the Sentencing Code ”;
 - (d) in paragraph (e), after “section 236A of this Act” insert “ or section 265 or 278 of the Sentencing Code ”.
 - (4) In subsection (1C), after “section 240ZA or 265” insert “ of this Act or section 225 of the Sentencing Code ”.
 - (5) In subsection (3)—
 - (a) for “the Sentencing Act or” substitute “ the PCC(S)A 2000, under ”;
 - (b) after “of this Act” insert “ or under section 262, 265 or 266 of the Sentencing Code ”.

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Commencement Information

I2 Sch. 24 para. 218 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

219 (1) Section 240ZA of the CJA 2003 is amended as follows.

(2) After subsection (6) insert—

“(6A) Where a court has made a declaration under section 327 of the Sentencing Code in relation to the offender in respect of the offence, this section applies to days specified under subsection (3) of that section as if they were days for which the offender was remanded in custody in connection with the offence or a related offence.”

(3) In subsection (7)(a), for “paragraph 8(2)(a) or (b) of Schedule 12” substitute “paragraph 13(1)(a) or (b) of Schedule 16 to the Sentencing Code”.

(4) In subsection (11), for “of the Sentencing Act or” substitute “of the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code or under”.

Commencement Information

I3 Sch. 24 para. 219 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

220 (1) Section 240A of the CJA 2003 is amended as follows.

(2) In subsection (1)—

(a) for “This section applies” substitute “Subsection (2) applies”;

(b) in paragraph (a), after “in respect of an offence” insert “of which the offender was convicted before [^{F1}1 December 2020]”.

(3) After subsection (3) insert—

“(3ZA) Subsection (3ZB) applies where—

(a) an offender is serving a term of imprisonment in respect of an offence, and

(b) the court has made a declaration under section 325 of the Sentencing Code specifying a credit period in relation to the sentence.

(3ZB) Subject to subsections (3A) and (3B), the credit period is to count as time served by the offender as part of the sentence.”

(4) In subsection (11)(a)(i) and (ii), for “the Sentencing Act” substitute “the PCC(S)A 2000”.

(5) In subsection (11)(b), for “subsection (2)” substitute “subsections (2) and (3ZB)”.

Textual Amendments

F1 Words in Sch. 24 para. 220(2)(b) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, [4\(7\)\(b\)](#)

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Commencement Information

I4 Sch. 24 para. 220 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 221 (1) Section 241 of the CJA 2003 is amended as follows.
- (2) In the heading, after “section 240A” insert “ or under section 325 of the Sentencing Code ”.
- (3) In subsection (1)—
- (a) after “a direction under section 240A” insert “ or under section 325 of the Sentencing Code ”;
- (b) after “the direction under section 240A” insert “ or under section 325 of the Sentencing Code ”.

Commencement Information

I5 Sch. 24 para. 221 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 222 (1) Section 243 of the CJA 2003 is amended as follows.
- (2) At the end of subsection (1) insert “, and
- (c) the court has specified under section 327(3) of the Sentencing Code the number of days for which the prisoner was so kept in custody.”
- (3) Omit subsection (2).
- (4) In subsection (2A), for “subsection (2)” substitute “ section 327(3) of the Sentencing Code ”.

Commencement Information

I6 Sch. 24 para. 222 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 223 (1) Section 244A of the CJA 2003 is amended as follows.
- (2) In the heading, for “section 236A” substitute “ section 278 of the Sentencing Code etc ”.
- (3) In subsection (1), after “under section 236A” insert “ or under section 265 or 278 of the Sentencing Code ”.
- (4) In subsection (6), in the definition of “the appropriate custodial term”, after “under section 236A” insert “ or under section 265 or 278 of the Sentencing Code ”.

Commencement Information

I7 Sch. 24 para. 223 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 224 (1) Section 246 of the CJA 2003 is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (a), after “under section 226A, 227, 228 or 236A” insert “ or under section 265, 266, 278 or 279 of the Sentencing Code ”;

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- (b) in paragraph (d), after “paragraph 9(1)(b) or (c) or 10(1)(b) or (c) of Schedule 8” insert “, or paragraph 10(5)(c) or (d) or 11(2)(c) or (d) of Schedule 10 to the Sentencing Code,”;
- (c) in paragraph (ha), for “the Sentencing Act” substitute “the PCC(S)A 2000”;
- (d) in paragraph (i), after “section 240A” insert “or under section 325 of the Sentencing Code”.

- (3) In subsection (6), in the definition of “term of imprisonment”, for “the Sentencing Act” substitute “the PCC(S)A 2000, under section 250, 254, 262, 265, 266, 278 or 279 of the Sentencing Code”.

Commencement Information

18 [Sch. 24 para. 224](#) in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 225 (1) Section 246A of the CJA 2003 is amended as follows.
- (2) In the heading, for “section 226A or 226B” substitute “section 254, 266 or 279 of the Sentencing Code etc”.
 - (3) In subsection (1), after “under section 226A or 226B” insert “or under section 254, 266 or 279 of the Sentencing Code”.
 - (4) In subsection (8), in the definition of “appropriate custodial term”, after “under section 226A or 226B” insert “or under section 254, 266 or 279 of the Sentencing Code”.

Commencement Information

19 [Sch. 24 para. 225](#) in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 226 (1) Section 247A of the CJA 2003 (inserted by section 1 of the Terrorist Offenders (Restriction of Early Release) Act 2020) is amended as follows.
- (2) In subsection (2)—
 - (a) in paragraph (b)—
 - (i) after “section 30” insert “of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code”;
 - (ii) for “the Counter-Terrorism Act 2008” substitute “that Act”;
 - (b) in paragraph (c), after “that Act” insert “or section 69 of the Sentencing Code as applied by section 238(6) of the Armed Forces Act 2006”.
 - (3) In subsection (6), after “under section 226A, 226B, 227, 228 or 236A” insert “or under section 254, 265, 266, 278 or 279 of the Sentencing Code”.
 - (4) In subsection (8), in the definition of “the appropriate custodial term” and in paragraph (a) of the definition of “the requisite custodial period”, after “under section 226A, 226B, 227, 228 or 236A,” insert “or under section 254, 265, 266, 278 or 279 of the Sentencing Code,”.

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Commencement Information

I10 Sch. 24 para. 226 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 227 (1) Section 250 of the CJA 2003 is amended as follows.
- (2) In subsection (4)—
- (a) after “a sentence imposed under section 226A, 227 or 236A” insert “ or under section 278 or 279 of the Sentencing Code ”;
 - (b) for “the Sentencing Act or” substitute “ the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code or under ”.
- (3) After that subsection insert—
- “(4A) In exercising any power under subsection (4)(b) in respect of an offender, the Secretary of State must have regard to any recommendation under section 328 of the Sentencing Code (power of court to recommend licence conditions where adult is sentenced to term of 12 months or more).”
- (4) In subsection (5A)—
- (a) in paragraph (a), after “under section 226A or 226B” insert “ or under section 254, 266 or 279 of the Sentencing Code ”;
 - (b) in paragraph (b), after “under section 236A” insert “ or under section 265 or 278 of the Sentencing Code ”.

Commencement Information

I11 Sch. 24 para. 227 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 228 In section 255A(7) of the CJA 2003—
- (a) omit “or” at the end of paragraph (a);
 - (b) after that paragraph insert—
 - “(aa) section 254, 266 or 279 of the Sentencing Code, or”;
 - (c) for “the Sentencing Act”, in both places, substitute “ the PCC(S)A 2000 ”.

Commencement Information

I12 Sch. 24 para. 228 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 229 (1) Section 256AA of the CJA 2003 is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), for “section 226A or 226B” substitute “ section 254, 266 or 279 of the Sentencing Code ”;
 - (b) in paragraph (ba), for “section 236A” substitute “ section 265 or 278 of that Code ”.
- (3) In subsection (9), for “section 91 of the Sentencing Act” substitute “ section 250 of the Sentencing Code ”.

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- (4) In subsection (11)(b), for “section 104(3)(aa) of the Powers of Criminal Courts (Sentencing) Act 2002” substitute “ paragraph 3(2)(b) of Schedule 12 to the Sentencing Code ”.

Commencement Information

I13 Sch. 24 para. 229 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 230 In section 256AB(2) of the CJA 2003, for “section 200A(5) to (10) apply” substitute “ paragraph 5(4) to (9) of Schedule 9 to the Sentencing Code applies ”.

Commencement Information

I14 Sch. 24 para. 230 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 231 (1) Section 256AC of the CJA 2003 is amended as follows.
- (2) In subsection (4)(c)—
- (a) in sub-paragraph (i), for “section 199” substitute “ paragraph 1 of Schedule 9 to the Sentencing Code ”;
 - (b) in sub-paragraph (ii), for “section 204” substitute “ paragraph 9 of that Schedule ”.
- (3) In subsection (5), for “Section 177(3)” substitute “ Paragraph 10(3) of Schedule 9 to the Sentencing Code ”.
- (4) After subsection (10) insert—
- “(10A) Where a court deals with a person under this section, the criminal courts charge duty (see section 46 of the Sentencing Code) applies to the court.”
- (5) In subsection (11)(b), for “section 21A of the Prosecution of Offences Act 1985” substitute “ section 46 of the Sentencing Code ”.

Commencement Information

I15 Sch. 24 para. 231 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 232 (1) Section 256B of the CJA 2003 is amended as follows.
- (2) In subsection (1)(a), for “section 91 of the Sentencing Act” substitute “ section 250 of the Sentencing Code ”.
- (3) In subsection (1A)(a), for “section 91 or 96 of the Sentencing Act” substitute “ section 250 or 262 of the Sentencing Code ”.

Commencement Information

I16 Sch. 24 para. 232 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 233 In section 258(3A) of the CJA 2003, for “the Sentencing Act” substitute “ the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code ”.

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Commencement Information

I17 Sch. 24 para. 233 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 234 In section 260(2A) of the CJA 2003—
- (a) after “under section 226A or 226B” insert “ or under section 254, 266 or 279 of the Sentencing Code, ”;
 - (b) after “under section 236A” insert “ or under section 265 or 278 of the Sentencing Code ”.

Commencement Information

I18 Sch. 24 para. 234 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 235 In section 263(4) of the CJA 2003, for “the Sentencing Act” substitute “ the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code ”.

Commencement Information

I19 Sch. 24 para. 235 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 236 (1) Section 264 of the CJA 2003 is amended as follows.
- (2) In subsection (6)—
- (a) in paragraph (a), after “under section 226A or 226B” insert “ or under section 254, 266 or 279 of the Sentencing Code ”;
 - (b) in paragraph (c), after “under section 236A” insert “ or under section 265 or 278 of the Sentencing Code ”.
- (3) In subsection (6A)(a)—
- (a) for “228,” substitute “ 228 of this Act or section 254, 266 or 279 of the Sentencing Code, ”;
 - (b) for “236A,” substitute “ 236A of this Act or section 265 or 278 of that Code, ”.
- (4) In subsection (7), for “the Sentencing Act” substitute “ the PCC(S)A 2000, under section 250, 254, 262, 265 or 266 of the Sentencing Code ”.

Commencement Information

I20 Sch. 24 para. 236 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 237 Before section 264B of the CJA 2003 insert—

Consecutive terms: detention and training orders

“264A(1) This section applies where, by virtue of section 237(4) of the Sentencing Code or section 106A(3)(b) of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order made in the case of a person (“the offender”) who is subject to a relevant sentence of detention is to take

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effect at the time when the offender would otherwise be released under this Chapter.

- (2) Any direction in respect of the offender by the Parole Board under—
- (a) subsection (5)(b) of section 246A,
 - (b) subsection (4)(b) of section 247A, or
 - (c) sub-paragraph (3) of paragraph 15 of Schedule 20B,
- is to be expressed as a direction that the Board would, but for the detention and training order, have directed the offender's release under that section.
- (3) In this section—
- (a) references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006, and
 - (b) “relevant sentence of detention” has the meaning given by section 248(4) of the Sentencing Code.”

Commencement Information

I21 Sch. 24 para. 237 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 238 In section 268(1A) of the CJA 2003—
- (a) in paragraph (a), after “under section 226A or 226B” insert “ or under section 254, 266 or 279 of the Sentencing Code ”;
 - (b) in paragraph (c), after “under section 236A” insert “ or under section 265 or 278 of the Sentencing Code ”.

Commencement Information

I22 Sch. 24 para. 238 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 239 In section 273(3) of the CJA 2003, for paragraphs (a) and (b) substitute “ a minimum term order or a whole life order under section 321 of the Sentencing Code ”.

Commencement Information

I23 Sch. 24 para. 239 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 240 In section 274(2) of the CJA 2003, for the words from “in subsections” to “the Sentencing Act” substitute “ in sections 321 to 323 of the Sentencing Code ”.

Commencement Information

I24 Sch. 24 para. 240 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 241 (1) Section 300 of the CJA 2003 is amended as follows.
- (2) In subsection (1)(b), for “section 89 of the Sentencing Act” substitute “ section 227 of the Sentencing Code ”.
 - (3) In subsection (2)—

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- (a) in paragraph (a), for “section 199” substitute “ paragraph 1 of Schedule 9 to the Sentencing Code ”;
 - (b) in paragraph (b), for “section 204” substitute “ paragraph 9 of that Schedule ”;
 - (c) in paragraph (c), for “section 214” substitute “ paragraph 27 of that Schedule ”.
- (4) In subsection (4), for “Subsections (3) and (4) of section 177” substitute “ Section 207(5) and (6) of the Sentencing Code and paragraph 10(3) of Schedule 9 to that Code ”.
- (5) For subsection (6) substitute—
- “(6) The following provisions of the Sentencing Code have effect in relation to default orders as they have effect in relation to community orders, but subject to the modifications contained in Schedule 31 to this Act—
- sections 208(13), 210, 212 to 216, 394 and 395 (further provisions about community orders);
 - Schedule 9 (community orders and suspended sentence orders: requirements);
 - Schedule 10 (breach, revocation or amendment of community order);
 - Schedule 11 (transfer of community orders to Scotland or Northern Ireland).”

Commencement Information

I25 Sch. 24 para. 241 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 242 In section 301(1)(b) of the CJA 2003, for “section 89 of the Sentencing Act” substitute “ section 227 of the Sentencing Code ”.

Commencement Information

I26 Sch. 24 para. 242 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 243 (1) Section 305(1) of the CJA 2003 is amended as follows.

- (2) Omit the definitions of the following expressions—
- “accredited programme”;
 - “alcohol abstinence and monitoring requirement”;
 - “alcohol treatment requirement”;
 - “the appropriate officer of the court”;
 - “attendance centre requirement”;
 - “community requirement”
 - “community sentence”;
 - “compensation order”;
 - “drug rehabilitation requirement”;
 - “electronic monitoring requirement”;
 - “exclusion requirement”;
 - “foreign travel prohibition requirement”;

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“guardian”;
“local probation board”;
“mental health treatment requirement”;
“pre-sentence report”;
“programme requirement”;
“prohibited activity requirement”;
“rehabilitation activity requirement”;
“residence requirement”;
“responsible officer”;
“unpaid work requirement”.

- (3) In the definition of “associated”, for “section 161(1) of the Sentencing Act” substitute “ section 400 of the Sentencing Code ”.
- (4) In the definition of “community order”, for “section 177(1)” substitute “ section 200 of the Sentencing Code ”.
- (5) In the definition of “curfew requirement”, for “section 204” substitute “ paragraph 9(1) of Schedule 9 to the Sentencing Code ”.
- (6) In the definition of “custodial sentence”, for “section 76 of the Sentencing Act” substitute “ section 222 of the Sentencing Code ”.
- (7) In the definition of “suspended sentence” and “suspended sentence order”, for “section 189(7)” substitute “ section 286 of the Sentencing Code ”.
- (8) Insert at the appropriate place—
- ““the PCC(S)A 2000” means the Powers of Criminal Courts (Sentencing) Act 2000;”.

Commencement Information

I27 Sch. 24 para. 243 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 244 In section 327(3)(b) of the CJA 2003—
- (a) in sub-paragraph (v), for “the Sentencing Act” substitute “ the Powers of Criminal Courts (Sentencing) Act 2000 or under section 250 of the Sentencing Code ”;
- (b) in sub-paragraph (vi), after “section 226B or 228” insert “ or under section 254 of the Sentencing Code ”.

Commencement Information

I28 Sch. 24 para. 244 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 245 (1) Schedule 15 to the CJA 2003 is amended as follows.
- (2) In the section reference, for “Section 224” substitute “ Section 327(3)(a) ”.
- (3) In the Schedule heading, for “Chapter 5 of Part 12” substitute “ section 325 ”.

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Commencement Information

I29 Sch. 24 para. 245 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 246 (1) Schedule 15B to the CJA 2003 is amended as follows.
- (2) In the section reference, for “Sections 224A, 226A and 246A” substitute “ Section 246A ”.
- (3) In the Schedule heading, for “sections 224A, 226A and 246A” substitute “ section 246A ”.
- (4) In the heading of Part 1, for “sections 224A(1), 224A(4), 226A and 246A” substitute “ section 246A ”.
- (5) In the heading of Part 2, for “sections 224A(4), 226A and 246A” substitute “ section 246A ”.
- (6) In the heading of Part 3, for “sections 224A(4), 226A and 246A” substitute “ section 246A ”.

Commencement Information

I30 Sch. 24 para. 246 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 247 In Schedule 19ZA to the CJA 2003, in the heading of Part 2, after “Counter-Terrorism Act 2008” insert “ or Sentencing Code ”.

Commencement Information

I31 Sch. 24 para. 247 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 248 (1) Schedule 19A to the CJA 2003 is amended as follows.
- (2) For Part 1 substitute—

“PART 1

REQUIREMENTS ETC

Application of provisions of the Sentencing Code

- 1 The provisions of the Sentencing Code listed in paragraph 2 apply in relation to a supervision default order as they apply in relation to a community order but with the modifications listed in paragraph 3.
- 2 Those provisions are—
- (a) sections 208(13) and 214(4) (requirement to avoid conflict with religious beliefs);
- (b) section 210 (local justice area to be specified in order);
- (c) section 212(2)(a) and (b) and (3) (provision of copies);

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- (d) section 220(1)(b), (2) and (3) (completion of unpaid work requirement);
 - (e) section 395 (data from electronic monitoring: code of practice);
 - (f) paragraphs 1(1), 2(1) and 3 of Schedule 9 (unpaid work requirement);
 - (g) paragraph 34(1) and (2) of that Schedule (availability of arrangements in local area);
 - (h) paragraphs 9(1) to (4) and 10(1) and (2) of that Schedule (curfew requirement);
 - (i) paragraphs 29(1) and 31 to 33 of that Schedule (electronic monitoring requirement).
- 3 (1) The modifications mentioned in paragraph 1 are as follows.
- (2) Section 212(2)(b) applies as if the reference to the responsible officer were to the supervisor.
- (3) Section 214(4) applies as if the reference to the responsible officer were to the supervisor.
- (4) Paragraph 1(1) of Schedule 9 applies—
- (a) as if the reference to the responsible officer were to the supervisor, and
 - (b) as if, in paragraph (b), for “during a period of 12 months” there were substituted “before the end of the supervision period.”
- (5) Paragraph 2(1) of that Schedule applies as if for sub-paragraphs (i) and (ii) of paragraph (b) (limit on number of hours of unpaid work) there were substituted—
- “(i) not less than 20 hours, and
 - (ii) not more than 60 hours.”
- (6) Paragraph 9 of that Schedule applies as if for sub-paragraph (4) there were substituted—
- “(4) The order—
- (a) may not specify periods which amount to less than 2 hours or more than 16 hours in any day,
 - (b) may not specify periods which fall outside the supervision period, and
 - (c) must require the person to remain at the specified place or places on at least 20 days.”
- (7) Paragraph 29(1) of that Schedule applies as if paragraph (b) were omitted.
- (8) Paragraph 32 of that Schedule applies as if the references to the responsible officer were to the supervisor.

Powers of Secretary of State in relation to provisions of the Sentencing Code

- 4 The Secretary of State's power to make regulations under subsection (4) of section 214 of the Sentencing Code (requirement to avoid conflict with religious beliefs etc) includes power to provide for that subsection, as applied

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by this Schedule, to have effect with additional restrictions specified in the regulations.

- 5 (1) The Secretary of State's power to make rules under section 394 of the Sentencing Code (rules regulating the supervision of persons subject to community orders etc) may be exercised in relation to persons subject to supervision default orders.
- (2) For the purpose of sub-paragraph (1), section 394(1)(b) of the Sentencing Code has effect as if the reference to responsible officers were to supervisors.
- 6 The Secretary of State may by regulations amend paragraph 3(5) or (6) by changing the number of hours or days for the time being specified there.”
- (3) In paragraph 10(2)(b), for “section 199(2) or 204(2)” substitute “ paragraph 2(1) or 9(4) of Schedule 9 to the Sentencing Code ”.

Commencement Information

I32 Sch. 24 para. 248 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

- 249 (1) Schedule 31 to the CJA 2003 is amended as follows.
- (2) In paragraph 2—
 - (a) in sub-paragraph (1), for “section 199” substitute “ paragraph 2 of Schedule 9 to the Sentencing Code ”;
 - (b) in sub-paragraph (2), for the words from the beginning to “in the case” substitute—

“In sub-paragraph (1)(b), for sub-paragraphs (i) and (ii) there is substituted—

“(i) not less than 20 hours, and
(ii) in the case””
 - (c) for sub-paragraph (3) substitute—

“(3) Sub-paragraphs (3) and (4) are omitted.”
 - (3) In paragraph 3—
 - (a) in sub-paragraph (1), for “section 204” substitute “ paragraph 9 of Schedule 9 to the Sentencing Code ”;
 - (b) in sub-paragraph (2)—
 - (i) for “subsection (2)” substitute “ sub-paragraph (4) ”;
 - (ii) for “(2A)” substitute “ (4A) ”.
 - (4) In paragraph 3A, for the words from the beginning to “be—” substitute “In its application to a default order, paragraph 27(3) of Schedule 9 to the Sentencing Code (attendance centre requirement) is modified by the substitution for the words after “must” of “be—”.
 - (5) In paragraph 3B—
 - (a) in sub-paragraph (1), for “section 220(1)” substitute “ section 215 of the Sentencing Code ”;
 - (b) for sub-paragraph (2) substitute—

Status: Point in time view as at 01/12/2020.

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“(2) At the end of subsection (2) there is inserted “, and must notify the responsible officer of any change of address.””

(6) In paragraph 3C, for “Section 220A” substitute “ Section 216 of the Sentencing Code ”.

(7) In paragraph 4—

- (a) in sub-paragraph (1), for “Schedule 8 (breach, revocation or amendment of community orders)” substitute “ Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order) ”;
- (b) in sub-paragraph (3), for “and deal with the offender” substitute “ and re-sentence the offender ”;
- (c) in sub-paragraph (4), for “paragraph 4” substitute “ paragraph 5 ”;
- (d) in sub-paragraph (4A), for “paragraphs 16 and 16A” substitute “ paragraphs 16 and 17 ”.
- (e) for sub-paragraph (5) substitute—

“(5) The following provisions are omitted—

- (a) paragraph 10(5)(d) (in relation to any time after the coming into force of paragraph 21(2) of Schedule 22 to the Sentencing Act 2020);
- (b) paragraph 10(11);
- (c) paragraph 14(8);
- (d) paragraph 16(3) (in relation to any time after the coming into force of paragraph 23 of Schedule 22 to that Act);
- (e) paragraph 23(6);
- (f) paragraph 25(2)(b).”

(8) In paragraph 6, for “Schedule 9” substitute “ Schedule 11 to the Sentencing Code ”.

(9) For paragraph 7 substitute—

“7 After paragraph 20 there is inserted—

“20A Nothing in paragraph 20 affects the application of section 300(7) of the Criminal Justice Act 2003 to a default order made or amended in accordance with Part 1 or 2.””

(10) For paragraph 8 substitute—

“8 In paragraph 21, after sub-paragraph (5) there is inserted—

“(5A) The home court may not impose a fine on the offender.””

Commencement Information

I33 Sch. 24 para. 249 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

Sentencing Act 2020, Cross Heading: Criminal Justice Act 2003 (c. 44) is up to date with all changes known to be in force on or before 22 June 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.