

Status: Point in time view as at 30/04/2021.

Changes to legislation: Sentencing Act 2020, Cross Heading: Criminal Justice and Immigration Act 2008 (c. 4) is up to date with all changes known to be in force on or before 06 September 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 and Immigration Act 2008 (c. 4)

- 266 (1) Section 39 of the Criminal Justice and Immigration Act 2008 is amended as follows.
- (2) In subsection (1), for “section 89 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)” substitute “section 227 of the Sentencing Code”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “paragraph 10 of Schedule 1” substitute “Part 3 of Schedule 6 to the Sentencing Code”;
 - (b) in paragraph (b), for “paragraph 12” substitute “Part 5”;
 - (c) in paragraph (c), for “paragraph 14” substitute “Part 7”.
- (4) For subsection (4) substitute—
- “(4) A youth default order—
- (a) may, in addition to any other requirement that it imposes, impose an electronic monitoring requirement (see sections 173 and 174 of the Sentencing Code), and
 - (b) must do so where, in the case of a youth rehabilitation order, such a requirement would be required by paragraph 19(3) of Schedule 6 to the Sentencing Code.”
- (5) For subsection (6) substitute—
- “(6) The following provisions of the Sentencing Code have effect in relation to youth default orders as they have effect in relation to youth rehabilitation orders, but subject to the modifications contained in Schedule 7 to this Act—
- (a) sections 186(2), (10) and (11), 188, 190 to 192, 197, 198(3) to (5), 397(1), 400 and 403 to 405 (youth rehabilitation orders: responsible officer, interpretation and further provisions),
 - (b) Parts 3, 5, 7 and 17 of Schedule 6 (youth rehabilitation orders: requirements),
 - (c) Schedule 7 (breach, revocation or amendment of youth rehabilitation order),
 - (d) Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland), and

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(e) paragraph 9 of Schedule 23 (power to amend limits).”

Commencement Information

I1 Sch. 24 para. 266 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

267 In section 46 of that Act, for subsection (2) substitute—

“(2) In subsection (3A) (as amended by paragraph 89(3) of Schedule 24 to the Sentencing Act 2020) omit “in respect of an offence the sentence for which is fixed by law”.

Commencement Information

I2 Sch. 24 para. 267 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

268 In section 80(5) of that Act—

- (a) in paragraph (b), for “(within the meaning of section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6))” substitute “made under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 or Chapter 2 of Part 7 of the Sentencing Code (compensation orders) ”;
- (b) in paragraph (c), at the end insert “ or section 42 of the Sentencing Code ”;
- (c) for paragraph (e) substitute—
 - “(e) any sum payable under an order made under section 137(1) or (1A) of the Powers of Criminal Courts (Sentencing) Act 2000 or section 380(1) of the Sentencing Code;”.

Commencement Information

I3 Sch. 24 para. 268 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

269 In section 117(1) of that Act, in paragraph (a) of the definition of “custodial sentence”—

- (a) for “section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)” substitute “ section 222(1) of the Sentencing Code ”;
- (b) for “any earlier enactment” substitute “ any enactment passed before that section came into force ”.

Commencement Information

I4 Sch. 24 para. 269 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

270 (1) Schedule 7 to that Act is amended as follows.

(2) In paragraph 2—

- (a) omit sub-paragraph (1);
- (b) in sub-paragraph (2), for “Sub-paragraph (2) has effect as if for paragraphs (a) and (b)” substitute “ In its application to a youth default order, paragraph 10 (unpaid work requirement) of Schedule 6 to the Sentencing Code has effect as if for paragraphs (a) and (b) of sub-paragraph (3) ”;

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(c) for sub-paragraph (3) substitute—

“(3) In its application to a youth default order, subsection (3) of section 198 of the Sentencing Code (when a youth rehabilitation order is in force) has effect subject to section 39(7)(a) of the Criminal Justice and Immigration Act 2008.”

(3) In paragraph 3—

(a) in sub-paragraph (1), for “paragraph 12 of Schedule 1” substitute “ paragraph 14 of Schedule 6 to the Sentencing Code ”;

(b) in sub-paragraph (2)—

(i) for “Sub-paragraph (2)” substitute “ Sub-paragraph (3) ”;

(ii) in paragraphs (a), (b) and (c) omit “must be,”.

(4) In paragraph 4—

(a) in sub-paragraph (1), for “paragraph 14 of Schedule 1” substitute “ paragraph 18 of Schedule 6 to the Sentencing Code ”;

(b) in sub-paragraph (2)—

(i) for “sub-paragraph (2)” substitute “ sub-paragraph (4) ”;

(ii) for “(2A)” substitute “ (4A) ”.

(5) In paragraph 5—

(a) in sub-paragraph (1), for “Schedule 2 (breach, revocation or amendment of youth rehabilitation orders)” substitute “ Schedule 7 to the Sentencing Code (breach, revocation or amendment of youth rehabilitation order) ”;

(b) in sub-paragraph (4), for “Paragraph 2” substitute “ Paragraph 3 ”;

(c) for sub-paragraph (5) substitute—

“(5) The following provisions are omitted—

(a) in paragraph 6—

(i) sub-paragraph (5)(a),

(ii) the words “add or” in sub-paragraph (5)(b), and

(iii) sub-paragraph (11);

(b) paragraph 9;

(c) paragraph 11;

(d) paragraph 12(8);

(e) paragraph 21(6);

(f) paragraph 23(2)(b).”

(6) In paragraph 7—

(a) in sub-paragraph (1), for “Schedule 3” substitute “ Schedule 8 to the Sentencing Code (transfer of youth rehabilitation orders to Northern Ireland) ”;

(b) in sub-paragraph (2)—

(i) for “Paragraph 9” substitute “ Paragraph 15 ”;

(ii) after “section 39(7)” insert “ of the Criminal Justice and Immigration Act 2008 ”;

(iii) for “paragraphs 1 or 2” substitute “ Part 1 of this Schedule ”;

(c) for sub-paragraph (3) substitute—

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“(3) Paragraph 16 has effect as if after sub-paragraph (5) there were inserted—

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

Commencement Information

I5 Sch. 24 para. 270 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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