

Status: Point in time view as at 06/04/2022.

Changes to legislation: Sentencing Act 2020, PART 5 is up to date with all changes known to be in force on or before 13 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 27

TRANSITIONAL PROVISIONS AND SAVINGS

PART 5

MISCELLANEOUS

Validity of provision deriving from secondary legislation

- 20 Any question as to the validity of paragraph 30 of Schedule 25, which derives from paragraphs 7 and 9 of Schedule 2 to the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), is to be determined as if that paragraph were contained in a statutory instrument made under the powers under which that order was made.

Commencement Information

- 11** Sch. 27 para. 20 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Powers to make consequential etc provision

- 21 On and after the commencement date, any power (however expressed) that was exercisable immediately before that date—
- (a) to make consequential, supplementary or incidental provision in relation to a provision that is restated in the Sentencing Code (a “restated provision”), or
 - (b) to make transitional, transitory or saving provision in relation to a restated provision,
- is exercisable instead in relation to the corresponding provision of the Code.

Commencement Information

- 12** Sch. 27 para. 21 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Exercise of powers in relation to pre-commencement offences

- 22 (1) The following powers may, despite section 2, be exercised in relation to an offence of which the offender is convicted before the commencement date (a “pre-commencement offence”) as well as in relation to an offence of which the offender is convicted on or after that day—

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- (a) the power in section 91(5) (to make regulations specifying requirements for persons appointed as members of a youth offender panel);
 - (b) the power in section 194 (to make regulations about court reviews of youth rehabilitation orders);
 - (c) the power in section 217 (to make regulations about court reviews of community orders);
 - (d) the power in section 248(1)(f) (to make regulations specifying accommodation as “youth detention accommodation”);
 - (e) the power in section 394 (to make rules relating to community orders and suspended sentence orders);
 - (f) the power in section 395 (to issue a code of practice about the processing of data from electronic monitoring).
- (2) Anything done under a power referred to in a paragraph of sub-paragraph (1) in relation to a pre-commencement offence has effect as if done under the provision repealed by this Act that corresponds to the provision mentioned in that paragraph.

Commencement Information

I3 Sch. 27 para. 22 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Exercise of powers to amend amounts

- 23 (1) A reference in sub-paragraph (4) of paragraph 5 or 7 of Schedule 23 to regulations previously made under that paragraph includes a reference to an order previously made under the corresponding provision of section 143 of the Magistrates' Courts Act 1980.
- (2) Sub-paragraph (3) applies to regulations under paragraph 5, 6, 7, 10, 14 or 17 of Schedule 23 to amend an amount specified in a provision of the Sentencing Code so as to specify a different amount that, immediately before ^{F1}December 2020, is specified in the corresponding provision repealed by this Act by virtue of an order made under a provision repealed by this Act.
- (3) The regulations are to be treated for the purposes of that paragraph of Schedule 23 as being made and coming into force on the dates on which the order was made and came into force.

Textual Amendments

F1 Words in Sch. 27 para. 23(2) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), [regs. 1, 4\(8\)\(h\)](#)

Commencement Information

I4 Sch. 27 para. 23 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Saving for list of offences applied for other purposes

- 24 The repeal by Schedule 28 of section 224 of the Criminal Justice Act 2003 does not affect Schedule 15 to that Act (certain specified offences) so far as it continues to apply for any purpose on and after the commencement date.

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I5 Sch. 27 para. 24 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Enforcement of High Court and Court of Appeal fines

- 25 Anything done before the commencement date under a provision of sections 139 and 140 of the Powers of Criminal Courts (Sentencing) Act 2000 as they apply by virtue of subsection (3) of section 140 of the Senior Courts Act 1981 (enforcement of fines and forfeited recognizances) has effect on and after that date as if done under a provision of sections 130 to 132 of the Sentencing Code as they apply by virtue of that subsection.

Commencement Information

I6 Sch. 27 para. 25 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Breach of restraining order made on acquittal

- 26 In relation to an offence under section 5A of the Protection from Harassment Act 1997 committed before 12 March 2015, the reference to a fine in paragraph (b) of subsection (2E) of that section (inserted by paragraph 144 of Schedule 24) is to be read as a reference to a fine not exceeding the statutory maximum.

Commencement Information

I7 Sch. 27 para. 26 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Commencement and alteration of Crown Court sentence: legal aid

- 27 (1) In paragraph (b) of the definition of “sentence” in sections 384(4) and 385(8), the reference to an order relating to a requirement to make a payment under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 includes, in relation to an old case, a reference to an order under section 17(2) of the Access to Justice Act 1999.
- (2) For this purpose “old case” means a pre-commencement case within the meaning of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534) (see regulation 2 of those regulations).

Commencement Information

I8 Sch. 27 para. 27 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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