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STATUTORY INSTRUMENTS

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**2007 No. 707**

**CRIMINAL LAW**

**The Criminal Justice Act 2003 (Surcharge) Order 2007**

<i>Made</i>	- - - -	<i>5th March 2007</i>
<i>Laid before Parliament</i>		<i>8th March 2007</i>
<i>Coming into force</i>	- -	<i>1st April 2007</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 161A(2) and 161B of the Criminal Justice Act 2003 (1):

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Surcharge) Order 2007 and shall come into force on 1st April 2007.

(2) In this Order—

“the 2003 Act” means the Criminal Justice Act 2003, and

“costs order” means a costs order made under section 18 of the Prosecution of Offences Act 1985 (2) (award of costs against accused).

**Cases in which the duty to order payment of the surcharge does not apply**

2.—(1) Section 161A(1) of the 2003 Act (court’s duty to order payment of surcharge) does not apply in the cases prescribed in paragraph (2).

(2) The cases referred to in paragraph (1) are those in which a court deals with a person for one or more offences other than only by—

(a) imposing a fine, whether or not in addition to a costs order, or

(b) imposing a fine and making a compensation order under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (3) (compensation orders against convicted persons), whether or not in addition to a costs order.

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(1) 2003 c. 44; sections 161A and 161B of the Criminal Justice Act 2003 were inserted by section 14(1) of the Domestic Violence, Crime and Victims Act 2004 (c. 28) which was brought into force on 1 April 2007 by the Domestic Violence, Crime and Victims Act 2004 (Commencement No. 8) Order 2007 (S.I.2007/602 (C.26)).

(2) 1985 c. 23.

(3) 2000 c. 6.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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**Amount of surcharge**

3. The amount specified for the purposes of section 161B(1) of the 2003 Act as the surcharge payable under section 161A of that Act is £15.

Home Office  
5th March 2007

*Gerry Sutcliffe*  
Parliamentary Under Secretary of State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 161A(1) of the Criminal Justice Act 2003 (“the 2003 Act”), which was brought into force by the Domestic Violence, Crime and Victims Act 2004 (Commencement No. 8) Order 2007 ([S.I. 2007/602 \(C.26\)](#)) on the same day as this Order comes into force, requires a court when dealing with a person for one or more offences to order the person to pay a surcharge. Section 161A(2) of the 2003 Act allows the Secretary of State, by Order, to prescribe cases in which the court’s duty to order the payment of the surcharge does not apply. The effect of Article 2 of this Order is that the duty to order the offender to pay a surcharge will apply only in those cases where the offender is ordered to pay a fine, or ordered to pay a fine and compensation, in either case with or without costs. It will not apply where a court deals with a person in any other way.

Section 161B(1) of the 2003 Act, which was also brought into force by the Domestic Violence, Crime and Victims Act 2004 (Commencement No. 8) Order 2007 on the same day as this Order comes into force, provides that the amount of the surcharge payable under section 161A(1) is such amount as the Secretary of State may specify by Order. Article 3 of this Order sets the amount of the surcharge at £15.