



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 1

#### GENERAL PROVISIONS ABOUT SENTENCING

#### *[<sup>F1</sup>Surcharges*

VALID FROM 01/04/2007

#### **[<sup>F1</sup>161A Court's duty to order payment of surcharge**

- (1) A court when dealing with a person for one or more offences must also (subject to subsections (2) and (3)) order him to pay a surcharge.
- (2) Subsection (1) does not apply in such cases as may be prescribed by an order made by the Secretary of State.
- (3) Where a court dealing with an offender considers—
  - (a) that it would be appropriate to make a compensation order, but
  - (b) that he has insufficient means to pay both the surcharge and appropriate compensation,the court must reduce the surcharge accordingly (if necessary to nil).
- (4) For the purposes of this section a court does not “deal with” a person if it—
  - (a) discharges him absolutely, or
  - (b) makes an order under the Mental Health Act 1983 in respect of him.]

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*Status: Point in time view as at 04/04/2005. This version of this provision is not valid for this point in time.*

*Changes to legislation: Criminal Justice Act 2003, Section 161A is up to date with all changes known to be in force on or before 24 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)*

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**Textual Amendments**

- F1** Ss. 161A, 161B and cross-heading inserted (1.4.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 14\(1\)](#), 59, 60 (with [Sch. 12 para. 7](#)); [S.I. 2007/602](#), [art. 2\(a\)](#)

**Modifications etc. (not altering text)**

- C1** S. 161A(1) excluded (1.4.2007) by [The Criminal Justice Act 2003 \(Surcharge\) Order 2007 \(S.I. 2007/707\)](#), [art. 2](#)
- C2** S. 161A(1) excluded (1.4.2007) by [The Criminal Justice Act 2003 \(Surcharge\)\(No 2\) Order 2007 \(S.I. 2007/1079\)](#), {art. 3}

**Status:**

Point in time view as at 04/04/2005. This version of this provision is not valid for this point in time.

**Changes to legislation:**

Criminal Justice Act 2003, Section 161A is up to date with all changes known to be in force on or before 24 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.