



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 8

OTHER PROVISIONS ABOUT SENTENCING

Alteration of penalties for offences

283 Enabling powers: power to alter maximum penalties

- (1) The Secretary of State may by order, in accordance with subsection (2) or (3), amend any relevant enactment which confers a power (however framed or worded) by subordinate legislation to make a person—
 - (a) as regards a summary offence, liable on conviction to a term of imprisonment;
 - (b) as regards an offence triable either way, liable on summary conviction to a term of imprisonment.
- (2) An order made by virtue of paragraph (a) of subsection (1) may amend the relevant enactment in question so as to—
 - (a) restrict the power so that a person may no longer be made liable on conviction of a summary offence to a term of imprisonment, or
 - (b) increase to 51 weeks the maximum term of imprisonment to which a person may be made liable on conviction of a summary offence under the power.
- (3) An order made by virtue of paragraph (b) of that subsection may amend the relevant enactment in question so as to increase the maximum term of imprisonment to which a person may be made liable on summary conviction of an offence under the power to 12 months.

Status: This is the original version (as it was originally enacted).

- (4) Schedule 27 (which amends the maximum penalties which may be imposed by virtue of certain enabling powers) shall have effect.
- (5) The power conferred by subsection (1) shall not apply to the enactments amended under Schedule 27.
- (6) An order under subsection (1) may make such supplementary, incidental or consequential provision as the Secretary of State considers necessary or expedient, including provision amending any relevant enactment.
- (7) None of the following—
 - (a) an order under subsection (1), or
 - (b) Schedule 27,affects the penalty for any offence committed before the commencement of that order or Schedule (as the case may be).
- (8) In subsection (1) “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).
- (9) In this section “relevant enactment” means any enactment contained in an Act passed before or in the same Session as this Act.