



Legal Aid, Sentencing and Punishment of Offenders Act 2012

CHAPTER 10

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

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Status: Point in time view as at 06/04/2016.

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- 143 Offence of causing serious injury by dangerous driving
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- 153 Channel Islands, Isle of Man and British overseas territories
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Care, supervision and protection of children

- 1 (1) Civil legal services provided in relation to—

Special educational needs

- 2 (1) Civil legal services provided in relation to—

Abuse of child or vulnerable adult

- 3 (1) Civil legal services provided in relation to abuse of...

Working with children and vulnerable adults

- 4 (1) Civil legal services provided in relation to—

Mental health and mental capacity

- 5 (1) Civil legal services provided in relation to matters arising...

Community care

- 6 (1) Civil legal services provided in relation to community care...

Facilities for disabled persons

- 7 (1) Civil legal services provided in relation to grants under...

Appeals relating to welfare benefits

- 8 (1) Civil legal services provided in relation to an appeal...
Appeals relating to council tax reduction schemes
- 8A (1) Civil legal services provided in relation to an appeal...

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- Inherent jurisdiction of High Court in relation to children and vulnerable adults*
- 9 (1) Civil legal services provided in relation to the inherent...
- Unlawful removal of children*
- 10 (1) Civil legal services provided to an individual in relation...
- Family homes and domestic violence*
- 11 (1) Civil legal services provided in relation to home rights,...
- Victims of domestic violence and family matters*
- 12 (1) Civil legal services provided to an adult (“A”) in...
- Protection of children and family matters*
- 13 (1) Civil legal services provided to an adult (“A”) in...
- Mediation in family disputes*
- 14 (1) Mediation provided in relation to family disputes.
- Children who are parties to family proceedings*
- 15 (1) Civil legal services provided to a child in relation...
- Female genital mutilation protection orders*
- 15A (1) Civil legal services provided in relation to female genital...
- Forced marriage*
- 16 (1) Civil legal services provided in relation to forced marriage...
- EU and international agreements concerning children*
- 17 (1) Civil legal services provided in relation to—
- EU and international agreements concerning maintenance*
- 18 (1) Civil legal services provided in relation to an application...
- Judicial review*
- 19 (1) Civil legal services provided in relation to judicial review...
- Habeas corpus*
- 20 (1) Civil legal services provided in relation to a writ...
- Abuse of position or powers by public authority*
- 21 (1) Civil legal services provided in relation to abuse by...
- Breach of Convention rights by public authority*
- 22 (1) Civil legal services provided in relation to—

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Clinical negligence and severely disabled infants

- 23 (1) Civil legal services provided in relation to a claim...

Special Immigration Appeals Commission

- 24 (1) Civil legal services provided in relation to proceedings before...

Immigration: detention

- 25 (1) Civil legal services provided in relation to—

Immigration: temporary admission

- 26 (1) Civil legal services provided in relation to temporary admission...

Immigration: residence etc restrictions

- 27 (1) Civil legal services provided in relation to restrictions imposed...

Immigration: victims of domestic violence and indefinite leave to remain

- 28 (1) Civil legal services provided to an individual (“V”) in...

Immigration: victims of domestic violence and residence cards

- 29 (1) Civil legal services provided to an individual (“V”) in...

Immigration: rights to enter and remain

- 30 (1) Civil legal services provided in relation to rights to...

Immigration: accommodation for asylum-seekers etc

- 31 (1) Civil legal services provided in relation to the Secretary...

Victims of trafficking in human beings

- 32 (1) Civil legal services provided to an individual in relation...

Victims of slavery, servitude or forced or compulsory labour

- 32A (1) Civil legal services provided to an individual in relation...

Loss of home

- 33 (1) Civil legal services provided to an individual in relation...

Homelessness

- 34 (1) Civil legal services provided to an individual who is...

Risk to health or safety in rented home

- 35 (1) Civil legal services provided to an individual in relation...

Anti-social behaviour

- 36 (1) Civil legal services provided to an individual in relation...

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Protection from harassment

37 (1) Civil legal services provided in relation to—

Gang-related violence and drug-dealing activity

38 (1) Civil legal services provided in relation to injunctions under...

Sexual offences

39 (1) Civil legal services provided in relation to a sexual...

Proceeds of crime

40 (1) Civil legal services provided in relation to—

Inquests

41 (1) Civil legal services provided to an individual in relation...

Environmental pollution

42 (1) Civil legal services provided in relation to injunctions in...

Equality

43 (1) Civil legal services provided in relation to contravention of...

Cross-border disputes

44 (1) Civil legal services provided in relation to proceedings in...

Terrorism prevention and investigation measures etc

45 (1) Civil legal services provided to an individual in relation...

Extension of time for retention of travel documents

45A (1) Civil legal services provided in relation to proceedings under...

Connected matters

46 (1) Prescribed civil legal services provided, in prescribed circumstances, in...

Part 2 — EXCLUDED SERVICES

The services described in Part 1 of this Schedule do...

- 1 Civil legal services provided in relation to personal injury or...
- 2 Civil legal services provided in relation to a claim in...
- 3 Civil legal services provided in relation to a claim in...
- 4 Civil legal services provided in relation to a claim in...
- 5 Civil legal services provided in relation to a claim in...
- 6 Civil legal services provided in relation to damage to property...
- 7 Civil legal services provided in relation to defamation or malicious...
- 8 Civil legal services provided in relation to a claim in...
- 9 Civil legal services provided in relation to conveyancing.
- 10 Civil legal services provided in relation to the making of...
- 11 Civil legal services provided in relation to matters of trust...
- 12 (1) Civil legal services provided in relation to a claim...

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- 13 Civil legal services provided in relation to matters of company...
- 14 Civil legal services provided to an individual in relation to...
- 15 (1) Civil legal services provided in relation to a benefit,...
- 16 Civil legal services provided in relation to compensation under the...
- 17 Civil legal services provided in relation to changing an individual's...
- 18 (1) Civil legal services provided in relation to judicial review...

Part 3 — ADVOCACY: EXCLUSION AND EXCEPTIONS

The services described in Part 1 of this Schedule do...

Exceptions: courts

- 1 Advocacy in proceedings in the Supreme Court.
- 2 Advocacy in proceedings in the Court of Appeal.
- 3 Advocacy in proceedings in the High Court.
- 4 Advocacy in proceedings in the Court of Protection to the...
- 5 Advocacy in proceedings in the county court.
- 5A Advocacy in proceedings in the family court.
- 6 Advocacy in the following proceedings in the Crown Court—
- 7 Advocacy in a magistrates' court that falls within the description...
- 8 Advocacy in the following proceedings in a magistrates' court—

Exceptions: tribunals

- 9 Advocacy in proceedings in the First-tier Tribunal under—
- 10 Advocacy in proceedings in the Mental Health Review Tribunal for...
- 11 Advocacy in proceedings in the First-tier Tribunal under—
- 12 Advocacy in proceedings in the First-tier Tribunal under—
- 13 Advocacy in the First-tier Tribunal that falls within the description...
- 14 Advocacy in proceedings in the First-tier Tribunal under—
- 15 Advocacy in proceedings in the Upper Tribunal arising out of...
- 16 Advocacy in proceedings in the Upper Tribunal under section 4...
- 17 Advocacy in proceedings in the Upper Tribunal under section 11...
- 18 Advocacy in proceedings which are brought before the Upper Tribunal...
- 19 Advocacy where judicial review applications are transferred to the Upper...
- 20 Advocacy in proceedings in the Employment Appeal Tribunal, but only...

Other exceptions

- 21 Advocacy in proceedings in the Special Immigration Appeals Commission.
- 22 Advocacy in proceedings in the Proscribed Organisations Appeal Commission.
- 22A Advocacy in proceedings before a District Judge (Magistrates' Courts) under...
- 23 Advocacy in legal proceedings before any person to whom a...
- 24 Advocacy in bail proceedings before any court which are related...
- 25 Advocacy in proceedings before any person for the enforcement of...

Part 4 — INTERPRETATION

- 1 For the purposes of this Part of this Act, civil...
- 2 References in this Schedule to an Act or instrument, or...
- 3 References in this Schedule to services provided in relation to...

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- 4 References in this Schedule to services provided in relation to...
- 5 (1) Where a paragraph of Part 1 or 2 of...
- 6 For the purposes of this Schedule, regulations may make provision...
- 7 In this Schedule “enactment” includes— (a) an enactment contained in...

SCHEDULE 2 — Criminal legal aid: motor vehicle orders

Amounts payable in connection with criminal legal aid

- 1 (1) This Schedule makes provision about the recovery of—

Recovery by means of motor vehicle orders

- 2 (1) Regulations under section 24 may authorise a court to...

Motor vehicle orders

- 3 (1) In this Schedule “motor vehicle order” means—

Applications

- 4 MVO regulations must provide that a motor vehicle order may...

Matters of which court to be satisfied

- 5 (1) MVO regulations must provide that, before a court makes...

Ownership of motor vehicles

- 6 (1) MVO regulations must provide that a clamping order must...

Motor vehicles used by disabled persons

- 7 (1) MVO regulations must provide that an immobilisation device may...

Restrictions on making vehicle sale orders

- 8 MVO regulations must provide that, where a motor vehicle has...

SCHEDULE 3 — Legal aid for legal persons

Legal persons

- 1 In this Schedule “legal person” means a person other than...

Exceptional case determinations

- 2 (1) For the purposes of this Schedule, in relation to...

Civil legal aid

- 3 (1) Civil legal services are to be available to a...

Advice and assistance for criminal proceedings

- 4 (1) Regulations may provide that prescribed advice and assistance is...

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Representation for criminal proceedings

5 (1) Representation for the purposes of criminal proceedings is to...

Financial resources

6 Section 21 applies for the purposes of a determination under...

Contributions and costs

7 In sections 23, 24, 25 and 26 and Schedule 2,...

8 In Schedule 2, references to criminal legal aid include advice,...

Providers of services etc

9 (1) Section 27 applies in relation to the provision of...

Supplementary matters

10 In sections 34, 35 and 41(2), references to an individual...

SCHEDULE 4 — Transfer of employees and property etc of Legal Services
Commission

Part 1 — TRANSFER OF EMPLOYEES ETC

Transfer

1 (1) An individual who is an employee of the Legal...

Continuity of employment

2 A transfer under paragraph 1 does not break the continuity...

Right to object to transfer

3 (1) This paragraph has effect where, before the transfer day,...

Pension schemes and compensation schemes

4 (1) On and after the transfer day, the terms and...

Power to merge LSC occupational pension schemes

5 (1) The Lord Chancellor may make a scheme providing for...

Part 2 — TRANSFER OF PROPERTY ETC

Transfer of interests in land

6 (1) The LSC's interests in land are by virtue of...

Transfer of other property, rights and liabilities

7 (1) The property, rights, powers, duties and liabilities of the...

Part 3 — SUPPLEMENTARY

Disapplying restrictions on transfer

8 Paragraphs 1, 6 and 7 and schemes under paragraph 4...

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Certificate

- 9 A certificate issued by the Lord Chancellor stating that anything...

Validity

- 10 The transfer of property, rights, powers, duties or liabilities by...

Power to make further provision

- 11 (1) The Lord Chancellor may by regulations make consequential, supplementary,...

Interpretation

- 12 (1) In this Schedule— “the LSC” means the Legal Services...

SCHEDULE 5 — Legal aid: consequential amendments Part 1 — AMENDMENTS

Public Records Act 1958 (c. 51)

- 1 In Schedule 1 to the Public Records Act 1958 (definition...

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

Criminal Appeal Act 1968 (c. 19)

- 3 In section 50 of the Criminal Appeal Act 1968 (meaning...

Children and Young Persons Act 1969 (c. 54)

- 4 (1) Section 23(5A) of the Children and Young Persons Act...
5 (1) In section 23 of that Act as it has...

Attachment of Earnings Act 1971 (c. 32)

- 6 In section 1(3)(c) of the Attachment of Earnings Act 1971...

Solicitors Act 1974 (c. 47)

- 7 The Solicitors Act 1974 is amended as follows.
8 (1) Section 47 (jurisdiction and powers of Tribunal) is amended...
9 In section 49(3) (appeals from Tribunal) for “providing representation funded...

House of Commons Disqualification Act 1975 (c. 24)

- 10 In Part 2 of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 11 In Part 2 of Schedule 1 to the Northern Ireland...

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Magistrates' Courts Act 1980 (c. 43)

- 12 The Magistrates' Courts Act 1980 is amended as follows.
- 13 In section 8(4) (matters which may be contained in report...
- 14 In section 8A(5) (power to make ruling at pre-trial hearing)—...
- 15 In section 8C(7) (matters to which reporting restrictions do not...
- 16 In section 92(1)(b) (exception to restriction on power to impose...
- 17 In section 130(3) (powers of alternate court on transfer of...
- 18 In section 145A(4) (rules about costs orders against legal representatives)...

Senior Courts Act 1981 (c. 54)

- 19 The Senior Courts Act 1981 is amended as follows.
- 20 In section 28(4) (appeals from Crown Court and inferior courts)...
- 21 In section 29(6) (mandatory, prohibiting and quashing orders) for “orders...

Prosecution of Offences Act 1985 (c. 23)

- 22 Part 2 of the Prosecution of Offences Act 1985 (costs...
- 23 In section 19(2)(b) (matters of which account to be taken...
- 24 In section 20(2) (regulations) for “by the Legal Services Commission...
- 25 (1) Section 21 (interpretation) is amended as follows.

Child Abduction and Custody Act 1985 (c. 60)

- 26 In section 11 of the Child Abduction and Custody Act...

Administration of Justice Act 1985 (c. 61)

- 27 Part 3 of the Administration of Justice Act 1985 (legal...
- 28 In section 40(1) (legal aid complaints) for the words from...
- 29 In section 41(2) (reduction of fees payable where legal aid...
- 30 (1) Section 42 (exclusion of barristers from legal aid work)...
- 31 In section 43(3) (reduction of costs payable where legal aid...
- 32 In paragraph 20(1) of Schedule 2 (powers of Tribunal in...

Housing Act 1985 (c. 68)

- 33 In section 170(5) of the Housing Act 1985 (charges to...

Criminal Justice Act 1987 (c. 38)

- 34 The Criminal Justice Act 1987 is amended as follows.
- 35 In section 4(1) (notices of transfer to Crown Court) for...
- 36 In section 11(12) (matters to which reporting restrictions do not...

Housing Act 1988 (c. 50)

- 37 In section 82(4) of the Housing Act 1988 (charges to...

Children Act 1989 (c. 41)

- 38 In section 25(6) of the Children Act 1989 (child without...

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Courts and Legal Services Act 1990 (c. 41)

39 (1) Section 31B of the Courts and Legal Services Act...

Criminal Justice Act 1991 (c. 53)

40 In section 53(3) of the Criminal Justice Act 1991 (effect...

Social Security Administration Act 1992 (c. 5)

41 (1) Section 108(7) of the Social Security Administration Act 1992...

Criminal Procedure and Investigations Act 1996 (c. 25)

42 In section 37(9) of the Criminal Procedure and Investigations Act...

Family Law Act 1996 (c. 27)

43 The Family Law Act 1996 is amended as follows.

44 (1) Section 8 (attendance at information meetings) is amended as...

45 (1) Section 23 (provision of marriage counselling) is amended as...

Crime and Disorder Act 1998 (c. 37)

46 The Crime and Disorder Act 1998 is amended as follows....

47 (1) Section 50 (early administrative hearings) is amended as follows....

48 In section 51B(6)(b) (effect of notice given under section 51B...

49 In section 52A(7) (matters to which reporting restrictions do not...

50 In paragraph 3(8) of Schedule 3 (matters to which reporting...

Access to Justice Act 1999 (c. 22)

51 In the Access to Justice Act 1999 omit—

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

52 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...

53 (1) Section 83(3) (exception to restriction on imposition of custodial...

54 In section 155(8) (alteration of Crown Court sentence) for “under...

Freedom of Information Act 2000 (c. 36)

55 In Part 6 of Schedule 1 to the Freedom of...

International Criminal Court Act 2001 (c. 17)

56 In section 6(2)(c) of the International Criminal Court Act 2001...

Anti-terrorism, Crime and Security Act 2001 (c. 24)

57 In Schedule 4 to the Anti-terrorism, Crime and Security Act...

Proceeds of Crime Act 2002 (c. 29)

58 The Proceeds of Crime Act 2002 is amended as follows....

59 In section 245C(6)(b) (exclusion from property freezing order or prohibition...

60 In section 252(4A)(b) (exclusion from restriction on dealing with property)...

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Communications Act 2003 (c. 21)

61 In section 119(7)(a) of the Communications Act 2003 (charges to...

Extradition Act 2003 (c. 41)

62 The Extradition Act 2003 is amended as follows.
63 In section 45(7) (consent to extradition) for paragraph (a) substitute—...
64 In section 127(8) (consent to extradition: general) for paragraph (a)...

Criminal Justice Act 2003 (c. 44)

65 In section 71(8) of the Criminal Justice Act 2003 (matters...

Domestic Violence, Crime and Victims Act 2004 (c. 28)

66 In Schedule 9 to the Domestic Violence, Crime and Victims...

Equality Act 2006 (c. 3)

67 In section 29(3) of the Equality Act 2006 (costs of...

Legal Services Act 2007 (c. 29)

68 In section 194(6) of the Legal Services Act 2007 (payments...

Criminal Justice and Immigration Act 2008 (c. 4)

69 In paragraph 19(2) of Schedule 1 to the Criminal Justice...

Equality Act 2010 (c. 15)

70 In Part 1 of Schedule 19 to the Equality Act...

Terrorist Asset-Freezing etc Act 2010 (c. 38)

71 In section 23(1)(d) (general power to disclose information) omit “the...
Part 2 — REPEALS CONSEQUENTIAL ON PART 1 OF THIS SCHEDULE

SCHEDULE 6 — Northern Ireland: information about financial resources

Obtaining information

1 (1) The relevant authority may make an information request to—...

Restrictions on disclosing information

2 (1) A person to whom information is disclosed under paragraph...

Power to make consequential and supplementary provision etc

3 (1) The Department of Justice in Northern Ireland may by...

Regulations

4 (1) In this Schedule “prescribed” means prescribed by regulations made...

SCHEDULE 7 — Costs in criminal cases

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

Part 1 — PROSECUTION OF OFFENCES ACT 1985

Introduction

- 1 The Prosecution of Offences Act 1985 is amended as follows....

Defence costs

- 2 (1) Section 16 (defence costs) is amended as follows.

Legal costs

- 3 After section 16 insert— Legal costs (1) A defendant's costs order may not require the payment...

Prosecution costs

- 4 (1) Section 17 (prosecution costs) is amended as follows.

Costs of witnesses and appellants not in custody

- 5 (1) Section 19 (provision for orders as to costs in...

Regulations

- 6 (1) Section 20 (regulations) is amended as follows.

Interpretation

- 7 (1) Section 21 (interpretation) is amended as follows.

Supplementary

- 8 (1) Section 29 (regulations) is amended as follows.

Part 2 — ATTORNEY GENERAL'S REFERENCES

Reference of point of law following acquittal on indictment

- 9 (1) Section 36 of the Criminal Justice Act 1972 (reference...
10 In consequence of the amendments made by paragraph 9, omit...

Reference of sentence of Crown Court appearing to be unduly lenient

- 11 (1) Schedule 3 to the Criminal Justice Act 1988 (reference...
Part 3 — EXTRADITION ACT 2003

Introduction

- 12 The Extradition Act 2003 is amended as follows.

Extradition to Category 1 Territories

- 13 (1) Section 61 (costs where discharge ordered) is amended as...
14 In section 62 (supplementary provision about costs where discharge ordered)...
15 After section 62 insert— Appropriate amount: England and Wales (1)
For the purposes of an order under section 61(5),...

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

Extradition to Category 2 Territories

- 16 (1) Section 134 (costs where discharge ordered) is amended as...
- 17 In section 135 (supplementary provision about costs where discharge ordered)...
- 18 After section 135 insert— Appropriate amount: England and Wales (1)
For the purposes of an order under section 134(5),...

Regulations

- 19 In section 223(6) (orders and regulations subject to affirmative procedure),...
Part 4 — SAVINGS
- 20 The amendments made by paragraphs 2 to 5 do not...
- 21 The amendments made by paragraphs 9 to 11 do not...
- 22 The amendments made by paragraphs 12 to 19 do not...
- 23 In paragraphs 20 to 22 “the relevant day”, in relation...
- 24 For the purposes of paragraphs 20 and 22—

SCHEDULE 8 — Costs in criminal cases: service courts Part 1 — APPEALS FROM COURT MARTIAL

Introduction

- 1 Part 2 of the Court Martial Appeals Act 1968 (appeals...

Costs of successful appellant

- 2 (1) Section 31 (costs of successful appellant) is amended as...

Legal costs

- 3 After section 31 insert— Legal costs (1) The costs which the Appeal Court may direct the...

Witnesses' expenses

- 4 (1) Section 33 (witnesses' expenses) is amended as follows.

Expenses of appellant not in custody

- 5 (1) Section 33A (appellant's expenses) is amended as follows.

Further provision about costs

- 6 After section 33A insert— Further provision about costs (1) The Lord Chancellor may by regulations—

Regulations

- 7 After section 33B insert— Regulations (1) Regulations under sections 31, 31A, 33, 33A and 33B...

Consequential repeal

- 8 In consequence of the amendment made by paragraph 2(2), omit...
Part 2 — APPEALS FROM COURT MARTIAL APPEAL COURT

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

Introduction

- 9 Part 3 of the Court Martial Appeals Act 1968 (appeals...

Application to Appeal Court

- 10 Before section 47 insert— Costs: application to Appeal Court by...

Application to Supreme Court

- 11 (1) Section 47 (costs) is amended as follows.
12 Accordingly, in the heading of section 47, at the end...

Further provision about costs

- 13 After section 47 insert— Further provision about costs (1) The Lord Chancellor may by regulations—

Regulations

- 14 After section 47A insert— Regulations (1) Regulations under sections 46A, 47 and 47A may, in...
Part 3 — SAVINGS
15 The amendments made by this Schedule do not have effect...
16 For the purposes of paragraph 15— (a) “the relevant day”,...

SCHEDULE 9 — Changes to powers to make suspended sentence orders: consequential and transitory provision

Part 1 — CONSEQUENTIAL AMENDMENTS

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 1 In section 163(1) of the Powers of Criminal Courts (Sentencing)...

Criminal Justice Act 2003 (c. 44)

- 2 The Criminal Justice Act 2003 is amended as follows.
3 For the heading of Chapter 3 of Part 12 substitute...
4 In section 190(2) (limits on power to impose requirements by...
5 In section 191(1) (power to provide for review of suspended...
6 (1) Section 195 (interpretation of Chapter 3) is amended as...
7 (1) Section 196 (meaning of “relevant order”) is amended as...
8 In section 200(4) (supervision period and operational period where unpaid...
9 In section 213(3)(d) (supervision requirement: meaning of “relevant period”) for...
10 (1) Paragraph 8 of Schedule 12 (powers of court in...
11 In Part 3 of Schedule 12 (amendment of suspended sentence...
12 (1) Schedule 13 (transfer of suspended sentence orders to Scotland...

Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 (S.I. 2005/643)

- 13 In the Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order...

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

Armed Forces Act 2006 (c. 52)

- 14 The Armed Forces Act 2006 is amended as follows.
- 15 (1) Section 200 (suspended sentence orders with or without community...
- 16 Omit section 201 (provisions of the Criminal Justice Act 2003...
- 17 In section 207 (definitions for purposes of Chapter 4 of...
- 18 (1) Schedule 7 (suspended prison sentence: further conviction or breach...

Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (SI 2009/1059)

- 19 In Schedule 2 to the Armed Forces Act 2006 (Transitional...
Part 2 — TRANSITORY PROVISION
- 20 In relation to any time before the coming into force...

SCHEDULE 10 — Repeal of sections 181 to 188 of Criminal Justice Act 2003:
consequential amendments

Prison Act 1952 (c. 52)

- 1 Omit section 49(4A) of the Prison Act 1952 (persons unlawfully...

Criminal Justice Act 1961 (c. 39)

- 2 In section 23 of the Criminal Justice Act 1961 (prison...

Firearms Act 1968 (c. 27)

- 3 In section 21 of the Firearms Act 1968 (possession of...

Magistrates' Courts Act 1980 (c. 43)

- 4 Omit section 131(2A) of the Magistrates' Courts Act 1980 (remand...

Road Traffic Offenders Act 1988 (c. 53)

- 5 In section 35A of the Road Traffic Offenders Act 1988...

Football Spectators Act 1989 (c. 37)

- 6 In the Football Spectators Act 1989, omit—

Prisoners (Return to Custody) Act 1995 (c. 3)

- 7 Omit section 1(1A) of the Prisoners (Return to Custody) Act...

Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)

- 8 In Schedule 3 to the Goods Vehicles (Licensing of Operators)...

Crime (Sentences) Act 1997 (c. 43)

- 9 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfers...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 10 In section 147A of the Powers of Criminal Courts (Sentencing)...

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

Extradition Act 2003 (c. 41)

- 11 (1) The Extradition Act 2003 is amended as follows.

Criminal Justice Act 2003 (c. 44)

- 12 The Criminal Justice Act 2003 is amended as follows.
 13 In section 195 (interpretation of Chapter 3), omit the definitions...
 14 (1) Section 196 (meaning of “relevant order” in Chapter 4)...
 15 In section 197(1)(a)(i) (meaning of “responsible officer), omit “182(1)
 or”....
 16 In section 202(4)(b) (circumstances in which court must not include...
 17 Omit section 204(4) and (5) (restrictions on imposing curfew
 requirement)...
 18 In section 213(3) (definition of “relevant period” for supervision
 requirement),...
 19 Omit section 216(2) (requirement to specify area in which offender...
 20 In section 241 (effect of direction under section 240 or...
 21 (1) Section 244 (duty to release prisoners) is amended as...
 22 Omit section 245 (restrictions on duty to release intermittent custody...
 23 (1) Section 246 (power to release prisoners on licence early)...
 24 In section 249 (duration of licence)— (a) in subsection (1),...
 25 In section 250 (licence conditions)— (a) omit subsections (2), (2A),...
 26 Omit section 251 (licence conditions on re-release of those serving...
 27 In section 252(2) (duty to comply with licence conditions: overseas)—...
 28 Omit section 253(4) (curfew conditions for those subject to
 intermittent...
 29 In section 260(7) (early removal of persons liable to removal...
 30 In section 261(6) (re-entry to UK of offender removed early:...
 31 Omit section 263(3) (concurrent terms: requirements of licence).
 32 (1) Section 264 (consecutive terms) is amended as follows.
 33 Omit section 264A (consecutive terms: intermittent custody).
 34 Omit section 265(1B) (restriction on consecutive sentences: intermittent
 custody).
 35 In section 268 (interpretation of Chapter 6), omit the definitions...
 36 In section 302 (execution of process between England and Wales...
 37 In section 305(1) (interpretation of Part 12)—
 38 (1) Schedule 12 (breach or amendment of suspended sentence order...
 39 In Schedule 32 (amendments relating to sentencing), omit paragraphs
 12(2),...

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 40 (1) The Domestic Violence, Crime and Victims Act 2004 is...

Armed Forces Act 2006 (c. 52)

- 41 (1) The Armed Forces Act 2006 is amended as follows....

Criminal Justice and Immigration Act 2008 (c. 4)

- 42 Omit section 20(2) and (3) of the Criminal Justice and...

Policing and Crime Act 2009 (c. 26)

- 43 Omit section 71(10) of the Policing and Crime Act 2009....

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 (S.I. 2005/643)

44 Article 2(4) of the Criminal Justice Act 2003 (Sentencing) (Transitory...

SCHEDULE 11 — Amendment of enactments relating to bail

Bail Act 1976 (c. 63)

- 1 The Bail Act 1976 is amended as follows.
- 2 In section 2(2) (definitions)— (a) insert the following definitions at...
- 3 (1) Section 3 (general provisions) is amended as follows.
- 4 (1) Section 3AA (conditions for the imposition of electronic monitoring...
- 5 After section 3AA insert— Conditions for the imposition of electronic...
- 6 (1) Section 3AB (conditions for the imposition of electronic monitoring...
- 7 In section 3AC (electronic monitoring: general provisions) in each of...
- 8 (1) Section 7 (liability to arrest for absconding or breaking...
- 9 (1) Section 9A (bail decisions relating to persons aged under...
- 10 Part 1 of Schedule 1 (bail for defendants accused or...
- 11 For the heading immediately before paragraph 1 (defendants to whom...
- 12 In paragraph 1 (defendants to whom Part 1 applies) in...
- 13 After paragraph 1 insert— (1) The paragraphs of this Part of this Schedule mentioned...
- 14 In paragraph 2 (exceptions to bail where defendant may fail...
- 15 After paragraph 2 insert— (1) The defendant need not be granted bail if the...
- 16 For paragraph 2A (refusal of bail where defendant appears to...
- 17 For paragraph 6 (refusal of bail where defendant fails to...
- 18 In paragraph 6A (certain drug users to be refused bail...
- 19 In paragraph 9 (considerations to which the court must have...
- 20 In paragraph 9AA (court to give particular weight to the...
- 21 In paragraph 9AB (factors to be given particular weight by...
- 22 Part 1A of Schedule 1 (bail for defendants accused or...
- 23 For the heading immediately before paragraph 1 (defendants to whom...
- 24 In paragraph 1 (defendants to whom Part 1A applies) for...
- 25 After paragraph 1 insert— (1) The paragraphs of this Part of this Schedule mentioned...
- 26 (1) Paragraph 4 (refusal of bail to defendants who are...
- 27 Part 2 of Schedule 1 (bail for defendants accused or...
- 28 In paragraph 2 (refusal of bail for failure to surrender...
- 29 In paragraph 5 (refusal of bail in certain circumstances when...
- 30 After paragraph 5 insert— (1) The defendant need not be granted bail if —
- 31 (1) Paragraph 2 of Part 3 of Schedule 1 (references...

Bail (Amendment) Act 1993 (c. 26)

- 32 (1) Section 1 of the Bail (Amendment) Act 1993 (prosecution...

Criminal Justice and Public Order Act 1994 (c. 33)

- 33 In section 25 of the Criminal Justice and Public Order...

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

Consequential amendments

- 34 In section 38(2A) of the Police and Criminal Evidence Act...
- 35 In section 200 of the Extradition Act 2003 (amendments to...

SCHEDULE 12 — Remands of children otherwise than on bail: minor and consequential amendments

Criminal Justice Act 1948 (c. 58)

- 1 Section 27 of the Criminal Justice Act 1948 (remand of...
- 2 In the heading, for “17” substitute “ 18 ”.
- 3 In subsection (1) for “seventeen” substitute “ eighteen ”.

Prison Act 1952 (c. 52)

- 4 In section 43(1) of the Prison Act 1952 (power of...

Children and Young Persons Act 1969 (c. 54)

- 5 The Children and Young Persons Act 1969 is amended as...
- 6 Omit section 23 (remands and committals to local authority accommodation)....
- 7 Omit section 23AA (electronic monitoring of conditions of remand).
- 8 Omit section 23A (liability to arrest for breaking conditions of...
- 9 (1) Section 23B (report by local authority in certain cases...
- 10 (1) Section 32 (detention of absentees) is amended as follows...
- 11 In section 34(1) (transitional modifications of Part 1 for persons...
- 12 In section 69 (orders and regulations etc) omit subsection (4A)....

Local Authority Social Services Act 1970 (c. 42)

- 13 In Schedule 1 to the Local Authority Social Services Act...

Bail Act 1976 (c. 63)

- 14 The Bail Act 1976 is amended as follows.
- 15 (1) Section 3AA (conditions for the imposition of electronic monitoring...
- 16 In section 7(6) (arrest for absconding or breaking conditions of...
- 17 In Part 3 of Schedule 1 (supplementary provisions about persons...

Child Abduction Act 1984 (c. 37)

- 18 The Child Abduction Act 1984 is amended as follows.
- 19 In section 1(8) (offence of child abduction: modifications in relation...
- 20 In paragraph 2 of the Schedule (modifications of section 1...

Police and Criminal Evidence Act 1984 (c. 60)

- 21 In section 17(1)(ca) of the Police and Criminal Evidence Act...

Prosecution of Offences Act 1985 (c. 23)

- 22 In section 22(11) of the Prosecution of Offences Act 1985...

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

Children Act 1989 (c. 41)

- 23 The Children Act 1989 is amended as follows.
- 24 In section 21(2)(c) (duty to receive and provide accommodation for...
- 25 In Schedule 12 (minor amendments), omit paragraph 28(b).

Criminal Justice Act 1991 (c. 53)

- 26 The Criminal Justice Act 1991 is amended as follows.
- 27 Omit section 60(1).
- 28 In section 60(3) (applications under section 25 of the Children...
- 29 Omit section 61 (provision by local authorities of secure accommodation)....
- 30 Omit section 61A (cost of secure accommodation).
- 31 In section 92(3) (application of prisoner escort provisions to persons...

Bail (Amendment) Act 1993 (c. 26)

- 32 In section 1(10) of the Bail (Amendment) Act 1993 (prosecution...

Criminal Justice and Public Order Act 1994 (c. 33)

- 33 The Criminal Justice and Public Order Act 1994 is amended...
- 34 Omit sections 19(1) and (3), 21 and 23.
- 35 In Schedule 9 (minor amendments) omit paragraph 38.

Crime and Disorder Act 1998 (c. 37)

- 36 The Crime and Disorder Act 1998 is amended as follows....
- 37 In section 38(4)(d) (definition of “youth justice services”: placements pursuant...
- 38 In section 41(5) (functions of the Youth Justice Board for...
- 39 In section 57A(3) (use of live link for accused's attendance...
- 40 Omit sections 97 and 98.

Access to Justice Act 1999 (c. 22)

- 41 In Schedule 4 to the Access to Justice Act 1999...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 42 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
- 43 In section 101 (taking account of remands in relation to...
- 44 In Schedule 9 (consequential amendments), omit paragraphs 93 and 126....

Care Standards Act 2000 (c. 14)

- 45 In Schedule 4 to the Care Standards Act 2000 (minor...

Criminal Justice and Court Services Act 2000 (c. 43)

- 46 (1) Schedule 7 to the Criminal Justice and Court Services...

Criminal Justice and Police Act 2001 (c. 16)

- 47 In the Criminal Justice and Police Act 2001, omit sections...

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

Courts Act 2003 (c. 39)

48 In Schedule 8 to the Courts Act 2003 (minor and...

Extradition Act 2003 (c. 41)

49 In the Extradition Act 2003, omit section 201.

Criminal Justice Act 2003 (c. 44)

50 The Criminal Justice Act 2003 is amended as follows.
51 In section 242 (interpretation of provisions about crediting periods of...
52 In Schedule 32 (amendments relating to sentencing), omit paragraph
15....

Criminal Defence Service Act 2006 (c. 9)

53 In section 4(2) of the Criminal Defence Service Act 2006...

Violent Crime Reduction Act 2006 (c. 38)

54 In the Violent Crime Reduction Act 2006, omit section 61....

Criminal Justice and Immigration Act 2008 (c. 4)

55 In Schedule 26 to the Criminal Justice and Immigration Act...

Children and Young Persons Act 2008 (c. 23)

56 In Schedule 1 to the Children and Young Persons Act...

Offender Management Act 2007 (Consequential Amendments) Order 2008 (SI 2008/912)

57 In Schedule 1 to the Offender Management Act 2007 (Consequential...

Policing and Crime Act 2009 (c. 26)

58 In paragraph 14(3) of Schedule 5A to the Policing and...

SCHEDULE 13 — Crediting of time in custody

Part 1 — ARMED FORCES AMENDMENTS

1 The Armed Forces Act 2006 is amended as follows.
2 (1) Section 246 (crediting of time in service custody: terms...
3 (1) Section 247 (crediting of time in service custody: supplementary)...
4 In section 373(3) (orders, regulations and rules) in paragraph (g)...
5 In Schedule 16 (minor and consequential amendments), omit paragraph
228....

Part 2 — OTHER AMENDMENTS

Criminal Appeal Act 1968 (c. 19)

6 In Schedule 2 to the Criminal Appeal Act 1968 (procedural...

Immigration Act 1971 (c. 77)

7 In section 7 of the Immigration Act 1971 (exemption from...

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

Road Traffic Offenders Act 1988 (c. 53)

8 In section 35A of the Road Traffic Offenders Act 1988...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

9 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
10 In section 82A (determination of tariffs), in subsection (3)(b), for...
11 In section 101 (term of detention and training order), in...
12 In section 147A (extension of disqualification where custodial sentence also...

International Criminal Court Act 2001 (c. 17)

13 In Schedule 7 to the International Criminal Court Act 2001...

SCHEDULE 14 — Prisoners serving less than 12 months: consequential amendments

Road Traffic Offenders Act 1988 (c. 53)

1 In section 35A of the Road Traffic Offenders Act 1988...

Crime (Sentences) Act 1997 (c. 43)

2 In Schedule 1 to the Crime (Sentences) Act 1997 (transfer...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

3 In section 147A of the Powers of Criminal Courts (Sentencing)...

International Criminal Court Act 2001 (c. 17)

4 In Schedule 7 to the International Criminal Court Act 2001...

Criminal Justice Act 2003 (c. 44)

5 The Criminal Justice Act 2003 is amended as follows.
6 (1) Section 244 (duty to release prisoners on licence) is...
7 In section 246(6) (power to release prisoners early: definitions), in...
8 (1) Section 249 (duration of licence) is amended as follows...
9 In section 250(4) (licence conditions) omit “for a term of...
10 In section 253(3) (period for which curfew condition to remain...
11 In section 260 (early removal of prisoners liable to removal...
12 (1) Section 261 (re-entry to UK of offender removed early)...
13 In section 263(2) (concurrent terms)— (a) after paragraph (a) insert—...
14 In section 264 (consecutive terms)— (a) in subsection (2), omit...
15 In section 267 (alteration by order of proportion of sentence),...
16 The heading of Chapter 6 of Part 12 becomes “...

Commencement of repeal

17 The repeal by section 303(a) of the Criminal Justice Act...

SCHEDULE 15 — Application of sections 108 to 119 and transitional and transitory provision

1 In this Schedule— (a) “the commencement date”, in relation to...
2 (1) The following provisions apply in relation to any person...

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

- 3 The following provisions apply in relation to any person sentenced...
- 4 The amendments made by section 112 do not affect the...
- 5 Section 113 applies in relation to any person recalled under...
- 6 Section 114 applies in relation to any person recalled under...
- 7 Section 119 applies in relation to any person who, on...

SCHEDULE 16 — Amendments of Criminal Justice Act 2003: transitional and consequential provision

Part 1 — TRANSITIONAL PROVISION

- 1 The Criminal Justice Act 2003 is amended as follows.
- 2 After section 267 insert— Application of Chapter 6 to pre-4...
- 3 After Schedule 20 insert— SCHEDULE 20A Application of Chapter 6...

Part 2 — CONSEQUENTIAL AMENDMENTS

Repatriation of Prisoners Act 1984 (c. 47)

- 4 In section 2(4)(b)(i) of the Repatriation of Prisoners Act 1984...

Criminal Justice Act 1991 (c. 53)

- 5 In Schedule 12 to the Criminal Justice Act 1991, omit...

Crime (Sentences) Act 1997 (c. 43)

- 6 Schedule 1 to the Crime (Sentences) Act 1997 (transfer of...
- 7 In paragraph 8 (transfers to Scotland)— (a) in sub-paragraph (2)(a),...
- 8 In paragraph 9(2)(a) and (4)(a) (transfers to Northern Ireland), for...

Extradition Act 2003 (c. 41)

- 9 The Extradition Act 2003 is amended as follows.
- 10 In section 59 (return of person to serve remainder of...
- 11 In section 132 (return of person to serve remainder of...
- 12 In section 153B (return of person in pursuance of undertaking),...

Criminal Justice Act 2003 (c. 44)

- 13 The Criminal Justice Act 2003 is amended as follows.
- 14 In section 240A(1)(a) (crediting of periods of remand on bail),...
- 15 (1) The repeal by section 25 of the Criminal Justice...
- 16 Omit section 262 and Schedule 20 (prisoners liable to removal...
- 17 Omit section 265(1A) (restriction on consecutive sentences for released prisoners)...

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 18 Omit paragraph 46 of Schedule 10 to the Domestic Violence,...

Police and Justice Act 2006 (c. 48)

- 19 Omit paragraph 33 of Schedule 13 to the Police and...

Criminal Justice and Immigration Act 2008 (c. 4)

- 20 In the Criminal Justice and Immigration Act 2008, omit—

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

Coroners and Justice Act 2009 (c. 25)

21 In the Coroners and Justice Act 2009, omit—

*Criminal Justice and Immigration Act 2008 (Commencement
No.1 and Transitional Provisions) Order 2008 (S.I. 2008/1466)*

22 Article 3 of the Criminal Justice and Immigration Act 2008...

SCHEDULE 17 — Criminal Justice Act 2003: restatement of transitional provision

- 1 The Criminal Justice Act 2003 is amended as follows.
- 2 In section 244 (duty to release prisoners on licence), after...
- 3 In section 247 (release on licence of prisoner serving extended...
- 4 In section 249 (duration of licence), at the end insert—...
- 5 (1) Section 258 (early release of fine defaulters and contemnors)...
- 6 In section 260 (early removal of prisoners liable to removal...
- 7 In section 263 (concurrent terms), after subsection (4) insert—
- 8 In section 264 (consecutive terms), after subsection (7) insert—
- 9 After section 267A (inserted by Schedule 16) insert— Modification of...
- 10 After Schedule 20A (inserted by Schedule 16) insert— SCHEDULE
20B...

SCHEDULE 18 — Life sentence for second listed offence etc: new Schedule 15B to
Criminal Justice Act 2003

In the Criminal Justice Act 2003, after Schedule 15A insert—...

SCHEDULE 19 — Life sentence for second listed offence: consequential and
transitory provision

Part 1 — CONSEQUENTIAL PROVISION

Mental Health Act 1983 (c. 20)

1 In section 37 of the Mental Health Act 1983 (powers...

Criminal Justice Act 1988 (c. 33)

2 In section 36 of the Criminal Justice Act 1988 (reviews...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 3 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
- 4 In section 12 (absolute and conditional discharge), in subsection (1),...
- 5 In section 130 (compensation orders against convicted persons), in
subsection...
- 6 In section 146 (driving disqualification for any offence), in subsection...
- 7 In section 164 (interpretation), in subsection (3)(c), after “section”
insert...

Criminal Justice Act 2003 (c. 44)

- 8 The Criminal Justice Act 2003 is amended as follows.
- 9 In section 142 (purposes of sentencing: offenders aged 18 and...
- 10 In section 150 (community sentence not available where sentence
fixed...
- 11 In section 152 (general restrictions on imposing discretionary custodial
sentence),...

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

- 12 In section 153 (length of discretionary custodial sentences: general provision),...
- 13 In section 156 (pre-sentence reports and other requirements), after subsection...
- 14 In section 163 (general power of Crown Court to fine...
- 15 Before section 224 insert— “ Interpretation ”.
- 16 In section 224 (meaning of “specified offence” etc), in subsection...
- 17 After section 224 (and before section 224A) insert— “ Life...
- 18 After section 226 insert— “ Extended sentences ”.
- 19 Before section 231 insert— “ Supplementary ”.
- 20 (1) Section 231 (appeals where convictions set aside) is amended...
- 21 After section 232 insert— Certificates of conviction Where— (a) on any date after the commencement of Schedule...
- 22 In section 305(4) (interpretation of Part 12), after paragraph (ba)...

Coroners and Justice Act 2009 (c. 25)

- 23 In section 125(6) of the Coroners and Justice Act 2009...
Part 2 — TRANSITORY PROVISION
- 24 (1) In relation to any time before the coming into...

SCHEDULE 20 — Release of new extended sentence prisoners: consequential amendments of Chapter 6 of Part 12 of the Criminal Justice Act 2003

- 1 Chapter 6 of Part 12 of the Criminal Justice Act...
- 2 (1) Section 237 (meaning of “fixed-term prisoner” etc) is amended...
- 3 In section 238 (power of court to recommend licence conditions),...
- 4 In section 240ZA (time remanded in custody to count as...
- 5 (1) Section 246 (power to release prisoners on licence) is...
- 6 (1) Section 250 (licence conditions) is amended as follows.
- 7 In section 255A (further release after recall), in subsection (7)(a)...
- 8 In section 258 (early release of fine defaulters and contemnors),...
- 9 (1) Section 260 (early removal of prisoners liable to removal...
- 10 (1) Section 261 (re-entry to UK of offender removed early)...
- 11 In section 263 (concurrent terms), in subsection (4), before “227”...
- 12 (1) Section 264 (consecutive terms) is amended as follows.
- 13 In section 265 (restriction on consecutive sentences for released prisoners),...

SCHEDULE 21 — Abolition of certain sentences for dangerous offenders and new extended sentences: consequential and transitory provision
Part 1 — CONSEQUENTIAL PROVISION

Juries Act 1974 (c. 23)

- 1 In Part 2 of Schedule 1 to the Juries Act...

Rehabilitation of Offenders Act 1974 (c. 53)

- 2 In section 5 of the Rehabilitation of Offenders Act 1974...

Criminal Justice Act 1982 (c. 48)

- 3 In section 32 of the Criminal Justice Act 1982 (early...

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

Road Traffic Offenders Act 1988 (c. 53)

- 4 (1) Section 35A of the Road Traffic Offenders Act 1988...

Crime (Sentences) Act 1997 (c. 43)

- 5 In Schedule 1 to the Crime (Sentences) Act 1997 (transfer...

Crime and Disorder Act 1998 (c. 37)

- 6 In section 51A of the Crime and Disorder Act 1998...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 7 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
8 In section 3A (committal for sentence of dangerous adult offenders),...
9 In section 3C (committal for sentence of dangerous young offenders),...
10 In section 76 (meaning of “custodial sentence”), in subsection (1)(bc),...
11 (1) Section 82A (determination of tariffs of life prisoners) is...
12 (1) Section 99 (conversion of sentence of detention to sentence...
13 In section 100 (offenders under 18: detention and training orders),...
14 (1) Section 106A (interaction of detention and training orders with...
15 (1) Section 147A (extension of driving disqualification where custodial sentence...

Criminal Justice and Court Services Act 2000 (c. 43)

- 16 The Criminal Justice and Court Services Act 2000 is amended...
17 In section 62 (release on licence etc: conditions as to...
18 In section 64 (release on licence: drug testing requirements), in...

Sexual Offences Act 2003 (c. 42)

- 19 In section 131 of the Sexual Offences Act 2003 (young...

Criminal Justice Act 2003 (c. 44)

- 20 The Criminal Justice Act 2003 is amended as follows.
21 In section 153 (length of discretionary custodial sentences: general provision),...
22 (1) Section 156 (pre-sentence reports and other requirements) is amended...
23 In the heading of section 225 (life sentence or imprisonment...
24 In the heading of section 226 (detention for life or...
25 In section 231 (appeals where convictions set aside), in subsection...
26 Omit section 232 (certificates of convictions for the purposes of...
27 In section 235 (detention under sections 226 and 228) after...
28 In the heading of that section after “226” insert “...
29 In section 327 (arrangements for assessing etc risks posed by...
30 In section 330 (orders and rules), in subsection (5)(a), omit—...
31 Omit Schedule 15A (offences specified for the purposes of sections...

Offender Management Act 2007 (c. 21)

- 32 (1) Section 28 of the Offender Management Act 2007 (application...

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

Counter-Terrorism Act 2008 (c. 28)

- 33 In section 45(1)(a) of the Counter-Terrorism Act 2008 (sentences or...

Coroners and Justice Act 2009 (c. 25)

- 34 (1) Section 126 of the Coroners and Justice Act 2009...

Consequential repeals

- 35 In consequence of amendments made by section 123, 124 or...

Part 2 — TRANSITORY PROVISION

- 36 (1) In relation to any time before the coming into...

- 37 (1) In relation to any time before the repeal of...

SCHEDULE 22 — Dangerous offenders subject to service law etc

Part 1 — SENTENCES FOR DANGEROUS OFFENDERS SUBJECT TO SERVICE
LAW ETC

Armed Forces Act 2006 (c. 52)

- 1 The Armed Forces Act 2006 is amended as follows.
2 After section 218 and the italic heading “Required or discretionary...
3 (1) Section 219 (dangerous offenders aged 18 or over) is...
4 In the heading of that section for “Dangerous” substitute “...
5 After that section insert— Extended sentence for certain violent or...
6 Omit section 220 (certain violent or sexual offenders aged 18...
7 In section 221 (dangerous offenders aged under 18) for subsection...
8 In the heading of that section for “Dangerous” substitute “...
9 After that section insert— Extended sentence for certain violent or...
10 Omit section 222 (offenders aged under 18: certain violent or...

Part 2 — CONSEQUENTIAL PROVISION

Juries Act 1974 (c. 23)

- 11 In Part 2 of Schedule 1 to the Juries Act...

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 12 In article 6(1) of the Rehabilitation of Offenders (Northern Ireland)...

Criminal Justice Act 1982 (c. 48)

- 13 In section 32 of the Criminal Justice Act 1982 (early...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 14 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
15 In section 99 (conversion of sentence of detention to sentence...
16 In section 106A(1) (interaction with sentence of detention), in the...

Criminal Justice and Court Services Act 2000 (c. 43)

- 17 The Criminal Justice and Court Services Act 2000 is amended...
18 In section 62 (release on licence etc: conditions as to...
19 In section 64 (release on licence etc: drug testing requirements),...

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

Sexual Offences Act 2003 (c. 42)

20 In section 131 of the Sexual Offences Act 2003 (young...

Criminal Justice Act 2003 (c. 44)

21 In section 237 of the Criminal Justice Act 2003 (meaning...

Armed Forces Act 2006 (c. 52)

22 The Armed Forces Act 2006 is amended as follows.

23 (1) Section 188 (consecutive custodial sentences) is amended as follows....

24 In section 209 (offenders aged under 18 convicted of certain...

25 In section 211 (offenders aged under 18: detention and training...

26 In section 221(3) (dangerous offenders aged under 18), after “as...

27 In section 223 (the “required opinion” for the purposes of...

28 In the heading of that section for “222” substitute “...

29 For section 224 (place of detention under certain sentences) substitute
—...

30 (1) Section 228 (appeals where previous convictions set aside) is...

31 In section 237 (duty to have regard to the purposes...

32 In section 246 (crediting of time in service custody: terms...

33 (1) Section 256 (pre-sentence reports) is amended as follows.

34 (1) Section 260 (discretionary custodial sentences: general restrictions)
is amended...

35 (1) Section 261 (length of discretionary custodial sentences: general
provision)...

36 In section 273 (review of unduly lenient sentence by Court...

37 In section 374 (definitions applying for purposes of the whole...

Counter-Terrorism Act 2008 (c. 28)

38 In Schedule 6 to the Counter-Terrorism Act 2008 (notification
requirements:...

Part 3 — TRANSITORY PROVISION

39 (1) In relation to any time before the repeal of...

SCHEDULE 23 — Penalty notices for disorderly behaviour

Criminal Justice and Police Act 2001 (c. 16)

1 Chapter 1 of Part 1 of the Criminal Justice and...

2 In section 1 (offences leading to penalties on the spot)...

3 (1) Section 2 (penalty notices) is amended as follows

4 After section 2 (penalty notices) insert— Educational course schemes

(1) A chief officer of police may establish an educational...

5 (1) Section 3 (amount of penalty and form of penalty...

6 (1) Section 4 (effect of penalty notice) is amended as...

7 (1) Section 5 (general restriction on proceedings) is amended as...

8 In section 6 (Secretary of State's guidance) after paragraph (b)...

9 In section 8(4) (registration certificates) after “section 4(5)” insert “...

10 (1) Section 10 (enforcement of fines) is amended as follows....

11 After section 10 insert— Orders and regulations Orders and
regulations...

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

12 (1) Section 11 (interpretation of Chapter 1) is amended as...

Consequential amendments

13 In section 64A of the Police and Criminal Evidence Act...

14 (1) The Police Reform Act 2002 is amended as follows....

15 In consequence of the amendments made by paragraphs 3 and...

SCHEDULE 24 — Youth cautions: consequential amendments

Rehabilitation of Offenders Act 1974 (c. 53)

1 The Rehabilitation of Offenders Act 1974 is amended as follows....

2 In section 8A(2) (meaning of “caution”)— (a) omit paragraph (c),...

3 In Schedule 2 (protection for spent cautions) in paragraph 2(1)(e)...

Police and Criminal Evidence Act 1984 (c. 60)

4 The Police and Criminal Evidence Act 1984 is amended as...

5 In section 34(5)(b) (requirement to release without bail unless proceedings...

6 In section 37B(9)(b) (consultation with Director of Public Prosecutions: meaning...

7 (1) Section 61 (fingerprinting) is amended as follows.

8 (1) Section 63 (non-intimate samples) is amended as follows.

9 In section 64ZC(6)(a) (destruction of data relating to a person...

10 In section 64ZI(3) (persons to be treated as having been...

11 (1) Schedule 2A (fingerprinting and samples: power to require attendance...

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

12 In Article 64ZC(6)(a) of the Police and Criminal Evidence (Northern...

Jobseekers Act 1995 (c. 18)

13 In section 20D(6) of the Jobseekers Act 1995 (meaning of...

Crime and Disorder Act 1998 (c. 37)

14 The Crime and Disorder Act 1998 is amended as follows....

15 In section 38(4) (meaning of “youth justice services”)—

16 In section 66H (interpretation)— (a) in paragraph (a) (definition of...

17 In section 121(6) (provisions extending to Scotland) omit paragraph (c)....

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

18 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...

19 In section 12(2) (which makes the provision for conditional discharge...

20 In Schedule 9 (consequential amendments) omit paragraph 198.

Terrorism Act 2000 (c. 11)

21 Schedule 8 to the Terrorism Act 2000 (detention) is amended...

22 In paragraph 14F(3) (persons to be treated as having been...

23 In paragraph 20F(3) (persons to be treated as having been...

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

Criminal Justice and Court Services Act 2000 (c. 43)

24 In section 56 of the Criminal Justice and Court Services...

Sexual Offences Act 2003 (c. 42)

25 In section 133(1) of the Sexual Offences Act 2003 (interpretation...

Criminal Justice Act 2003 (c. 44)

26 In section 327B(9) of the Criminal Justice Act 2003 (meaning...

Childcare Act 2006 (c. 21)

27 In section 75(6) of the Childcare Act 2006 (disqualification from...

Criminal Justice and Immigration Act 2008 (c. 4)

28 The Criminal Justice and Immigration Act 2008 is amended as...

29 In section 48(1) (which introduces Schedule 9 to that Act)...

30 In Schedule 9 (alternatives to prosecution for persons under 18)...

Counter-Terrorism Act 2008 (c. 28)

31 In section 18A(4) of the Counter-Terrorism Act 2008 (persons to...

Terrorism Prevention and Investigation Measures Act 2011 (c. 23)

32 In Schedule 6 to the Terrorism Prevention and Investigation Measures...

SCHEDULE 25 — Rehabilitation of offenders: consequential provision

Part 1 — REHABILITATION OF OFFENDERS: GENERAL

Rehabilitation of Offenders Act 1974: England and Wales

- 1 The Rehabilitation of Offenders Act 1974 is amended as follows....
- 2 In section 1(4)(a) (references in Act to a conviction) for...
- 3 In section 2(5) (rehabilitation of persons dealt with in service...
- 4 Omit section 3 (special provision with respect to certain disposals...
- 5 In section 4(1)(a) (effect of rehabilitation) for “Great Britain” substitute...
- 6 (1) Section 7 (limitations on rehabilitation under the Act) is...
- 7 Omit section 8(8) (defamation actions: application of section to Scotland)...
- 8 In section 8A(2)(d) (definition of “caution”) after “Wales” insert “...
- 9 (1) Section 9 (unauthorised disclosure of spent convictions) is amended...
- 10 After section 10(1) (orders) insert— (1A) Any power of the...
- 11 Omit Schedule 1 (service disciplinary convictions referred to in section...

Rehabilitation of Offenders Act 1974: Scotland

- 12 The Rehabilitation of Offenders Act 1974 is amended as follows....
- 13 In section 1(4)(a) (references in Act to a conviction) for...
- 14 In section 2(5) (rehabilitation of persons dealt with in service...

Status: Point in time view as at 06/04/2016.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)

- 15 In section 4(1)(a) (effect of rehabilitation) for “Great Britain”
substitute...
- 16 (1) Section 7 (limitations on rehabilitation under the Act) is...
- 17 (1) Section 9 (unauthorised disclosure of spent convictions) is
amended...
- Part 2 — REHABILITATION OF OFFENDERS: CONSEQUENTIAL REPEALS

SCHEDULE 26 — Knives and offensive weapons: minor and consequential
amendments

Prevention of Crime Act 1953 (c. 14)

- 1 In section 2(3) of the Prevention of Crime Act 1953...

Mental Health Act 1983 (c. 20)

- 2 (1) Section 37(1A) of the Mental Health Act 1983 (powers...

Police and Criminal Evidence Act 1984 (c. 60)

- 3 In section 1(8A) of the Police and Criminal Evidence Act...

Criminal Justice Act 1988 (c. 33)

- 4 The Criminal Justice Act 1988 is amended as follows.
- 5 (1) Section 36(2)(b) (reviews of sentencing) is amended as follows....
- 6 (1) Section 139B (power of entry to search for articles...
- 7 In section 172(3) (provisions extending to Northern Ireland) for
“sections...

Youth Justice and Criminal Evidence Act 1999 (c. 23)

- 8 (1) Schedule 1A to the Youth Justice and Criminal Evidence...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 9 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
- 10 In section 12(1) (absolute and conditional discharge) for
“section 51A(2)...
- 11 In section 100 (offenders under 18: detention and training orders)...
- 12 In section 130(2) (compensation orders against convicted persons) for
“section...
- 13 In section 146(2) (driving disqualification for any offence) for
“section...
- 14 (1) Section 164(3) (further interpretative provisions) is amended as
follows....

Criminal Justice Act 2003 (c 44)

- 15 The Criminal Justice Act 2003 is amended as follows.
- 16 (1) Section 142(2)(c) (purposes of sentencing: offenders aged 18 or...
- 17 (1) Section 142A(4)(b) (purposes of sentencing: offenders under 18) is...
- 18 (1) Section 144 (reduction in sentences for early guilty pleas)...
- 19
- 20 In section 152(1)(b) (general restrictions on imposing discretionary
custodial sentences)...

Status: Point in time view as at 06/04/2016.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012 is up to date with all changes known to be in force on or before 28 June 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)*

- 21 In section 153(2) (length of discretionary custodial sentences: general provision)...
- 22 (1) Section 305(4) (interpretation of Part 12) is amended as...

Armed Forces Act 2006 (c. 52)

- 23 The Armed Forces Act 2006 is amended as follows.
- 24 After section 227 (firearms offences) insert— Offences of threatening with...
- 25 In section 237(3) (duty to have regard to purposes of...
- 26 In section 239 (reduction in sentences for guilty pleas) at...
- 27 In section 260(1)(b) (discretionary custodial sentences: general restrictions) for “227”...
- 28 In section 261(3) (length of discretionary custodial sentences: general provision)...
- 29 In section 273(6)(b) (review of unduly lenient sentence by Court...
- 30 (1) Paragraph 12 of Schedule 2 (“Schedule 2 offences”) is...

Coroners and Justice Act 2009 (c. 25)

- 31 (1) Section 125(6) of the Coroners and Justice Act 2009...

SCHEDULE 27 — Causing serious injury by dangerous driving: minor and consequential amendments

Road Traffic Act 1988 (c. 52)

- 1 In section 13A(1) of the Road Traffic Act 1988 (disapplication...

Road Traffic Offenders Act 1988 (c. 53)

- 2 The Road Traffic Offenders Act 1988 is amended as follows....
- 3 In section 23(1A) (alternative verdicts in Scotland) after paragraph (a)...
- 4 (1) Section 24 (alternative verdicts: general) is amended as follows....
- 5 In section 34(4) (disqualification for certain offences) after paragraph (a)(ii)...
- 6 In section 36(2)(b) (disqualification until test is passed) after “(causing...”
- 7 In section 45(6) (effect of endorsement of counterparts) (until its...
- 8 In section 45A(4) (effect of endorsement of driving records) as...
- 9 In the table in Schedule 1 (application of provisions including...

Crime (International Co-operation) Act 2003 (c. 32)

- 10 In paragraph 3 of Schedule 3 to the Crime (International...

Armed Forces Act 2006 (c. 52)

- 11 In paragraph 12(aj) of Schedule 2 to the Armed Forces...

Status:

Point in time view as at 06/04/2016.

Changes to legislation:

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