



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 3

#### SENTENCING AND PUNISHMENT OF OFFENDERS

#### CHAPTER 1

#### SENTENCING

#### *Suspended sentence orders*

### **68 Changes to powers to make suspended sentence order**

(1) In section 189 of the Criminal Justice Act 2003 (suspended sentences of imprisonment), for subsection (1) substitute—

“(1) If a court passes a sentence of imprisonment for a term of least 14 days but not more than 2 years, it may make an order providing that the sentence of imprisonment is not to take effect unless—

- (a) during a period specified in the order for the purposes of this paragraph (“the operational period”) the offender commits another offence in the United Kingdom (whether or not punishable with imprisonment), and
- (b) a court having power to do so subsequently orders under paragraph 8 of Schedule 12 that the original sentence is to take effect.

(1A) An order under subsection (1) may also provide that the offender must comply during a period specified in the order for the purposes of this subsection (“the supervision period”) with one or more requirements falling within section 190(1) and specified in the order.

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*Status: Point in time view as at 17/10/2016.*

*Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Cross Heading: Suspended sentence orders is up to date with all changes known to be in force on or before 31 August 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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- (1B) Where an order under subsection (1) contains provision under subsection (1A), it must provide that the sentence of imprisonment will also take effect if—
- (a) during the supervision period the offender fails to comply with a requirement imposed under subsection (1A), and
  - (b) a court having power to do so subsequently orders under paragraph 8 of Schedule 12 that the original sentence is to take effect.”
- (2) In subsection (2) of that section (application of subsection (1) where consecutive sentences imposed), for the words from “does not exceed” to the end of the subsection substitute “ does not exceed 2 years ”.
- (3) In subsection (3) of that section (length of supervision period and operational period), after “supervision period” insert “ (if any) ”.
- (4) In subsection (4) of that section (supervision period not to end later than operational period), at the beginning insert “ Where an order under subsection (1) imposes one or more community requirements, ”.
- (5) In subsection (7)(c) of that section (meaning of “community requirement”), for “(1 (a))” substitute “ (1A) ”.
- (6) Schedule 9 (changes to powers to make suspended sentence orders: consequential and transitory provision) has effect.
- (7) The amendments and modifications made by this section and that Schedule apply in relation to offences committed before or after the coming into force of any provision of this section or that Schedule.

## **69 Fine for breach of suspended sentence order**

- (1) Schedule 12 to the Criminal Justice Act 2003 (breach or amendment of suspended sentence order, and effect of further conviction) is amended as follows.
- (2) In paragraph 8 (powers of court in case of breach or conviction)—
- (a) in sub-paragraph (2), after paragraph (b) insert—
    - “(ba) the court may order the offender to pay a fine of an amount not exceeding £2,500,”,
  - (b) after sub-paragraph (4) insert—
    - “(4ZA) A fine imposed under sub-paragraph (2)(ba) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.”, and
  - (c) in sub-paragraph (6), after “(b)” insert “ , (ba) ”.
- (3) After paragraph 12 insert—

### **12A “Power to amend amount of fine**

- (1) The Secretary of State may by order amend the sum for the time being specified in paragraph 8(2)(ba).

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- (2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.
- (3) In sub-paragraph (2), “the relevant date” means—
  - (a) if the sum specified in paragraph 8(2)(ba) has been substituted by an order under sub-paragraph (1), the date on which the sum was last so substituted;
  - (b) otherwise, the date on which section 69 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (which inserted this paragraph) came into force.
- (4) An order under sub-paragraph (1) (a “fine amendment order”) must not have effect in relation to any suspended sentence order made in respect of an offence committed before the fine amendment order comes into force.”

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**Commencement Information**

**II** S. 69 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(a) (with art. 4)

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