SCHEDULES

SCHEDULE 16 U.K.

Section 44

DEALING NON-CUSTODIALLY WITH OFFENDERS



COMMUNITY ORDERS: PUNITIVE ELEMENTS

^{F1}1

Textual Amendments

F1 Sch. 16 paras. 1-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F12

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Textual Amendments

F1 Sch. 16 paras. 1-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F13

Textual Amendments

F1 Sch. 16 paras. 1-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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Textual Amendments

F1 Sch. 16 paras. 1-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2



DEFERRING THE PASSING OF SENTENCE TO ALLOW FOR RESTORATIVE JUSTICE

^{F1}5

Textual Amendments

F1 Sch. 16 paras. 1-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F1}6

Textual Amendments

F1 Sch. 16 paras. 1-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F17

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Textual Amendments

F1 Sch. 16 paras. 1-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2



REMOVAL OF LIMITS ON COMPENSATION ORDERS MADE AGAINST ADULTS

^{F1}8

Textual Amendments

- F1 Sch. 16 paras. 1-8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- In section 33B(5) of the Environmental Protection Act 1990 (limit on compensation in relation to conviction for certain environmental offences) after "payable" insert "in case of young offender".

Commencement Information

II Sch. 16 para. 9 in force at 11.12.2013 by S.I. 2013/2981, art. 2(d)

^{F2}10

Textual Amendments

F2 Sch. 16 para. 10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2



ELECTRONIC MONITORING OF OFFENDERS

11 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

- I2 Sch. 16 para. 11 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, art. 2 (with arts. 3, 4)
- I3 Sch. 16 para. 11: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), art. 2
- I4 Sch. 16 para. 11 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, art. 2 (with arts. 3, 4)
- I5 Sch. 16 para. 11: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, 2
- I6 Sch. 16 para. 11 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, art. 2(b)

^{F3}12

Textual Amendments

F3 Sch. 16 para. 12 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F4}13

Textual Amendments

F4 Sch. 16 para. 13 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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- In section 192(3)(b) (reviews of suspended sentence order)—
 - (a) after "electronic monitoring requirement" insert " within section 215(1)(a) ", and
 - (b) for "190(1)" substitute " 190(1)(a) to (l) ".

Commencement Information

- Sch. 16 para. 14 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by
 S.I. 2016/962, art. 2 (with arts. 3, 4)
- I8 Sch. 16 para. 14: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), art. 2
- **I9** Sch. 16 para. 14 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)
- I10 Sch. 16 para. 14: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, 2

I11 Sch. 16 para. 14 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, art. 2(b)

- 15 In section 197(1)(a) (meaning of "the responsible officer" where curfew or exclusion requirement imposed)—
 - (a) in sub-paragraph (i)—
 - (i) for "177(1)" substitute "177(1)(a) to (l) ", and
 - (ii) for "190(1)" substitute " 190(1)(a) to (l) ", and
 - (b) in sub-paragraph (ii) after "requirement" insert " within section 215(1)(a)".

Commencement Information

- Sch. 16 para. 15 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, art. 2 (with arts. 3, 4)
- **I13** Sch. 16 para. 15: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), art. 2
- Sch. 16 para. 15 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, art. 2 (with arts. 3, 4)
- II5 Sch. 16 para. 15: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, 2
- II6 Sch. 16 para. 15 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, art. 2(b)
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Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F5}17

Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F5}18

Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F5}19

Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F5}20

Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2



COMMUNITY ORDERS: FURTHER PROVISION

Breaches of community orders

^{F5}22

Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Community order not to be made in case of knife etc offence attracting minimum sentence

^{F5}23

Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2



STATEMENTS OF ASSETS AND OTHER FINANCIAL CIRCUMSTANCES OF OFFENDERS ETC

Financial circumstances orders

^{F5}24

Textual Amendments

F5 Sch. 16 paras. 16-24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Further amendments

- 25 In section 84 of the Magistrates' Courts Act 1980 (court's power to require statement of means)—
 - (a) in subsection (1) (court may require statement of means before or on inquiring into means under section 82) for "means", in the second place, substitute "assets and other financial circumstances", and
 - (b) in the title for "means" substitute " assets and other financial circumstances ".

Commencement Information

II7 Sch. 16 para. 25 in force at 11.12.2013 by S.I. 2013/2981, art. 2(d)

- 26 In section 20A of the Criminal Justice Act 1991 (false statements as to financial circumstances)—
 - (a) in subsection (1) (person charged with offence commits further offence if person responds to official request by making false statement etc as to financial circumstances) for "his financial circumstances" substitute " financial circumstances (whether a statement of assets, of other financial circumstances or of both)", and
 - (b) in subsection (1A) (person charged with offence commits further offence if person fails to provide statement of financial circumstances in response to official request) for "his financial circumstances in response to" substitute "financial circumstances (whether a statement of assets, of other financial circumstances or of both) requested by ".

Commencement Information

I18 Sch. 16 para. 26 in force at 11.12.2013 by S.I. 2013/2981, art. 2(d)

- 27 In section 13B of the Crime and Disorder Act 1998 (parental compensation orders: the compensation)—
 - (a) in subsection (4) (provision by parent or guardian of statement of financial circumstances) after "statement of his" insert "assets and other", and
 - (b) in subsection (6) (provision of false statement) omit "of his financial circumstances".

Commencement Information

I19 Sch. 16 para. 27 in force at 11.12.2013 by S.I. 2013/2981, art. 2(d)

- 28 (1) The Courts Act 2003 is amended as follows.
 - (2) In paragraph 48 of Schedule 5 (offences relating to provision of information as to financial circumstances)—
 - (a) in sub-paragraph (1) (person commits offence if person responds to relevant request by making false statement etc as to financial circumstances) for "his financial circumstances" substitute "financial circumstances (whether a statement of assets, of other financial circumstances or of both)",
 - (b) in sub-paragraph (3) (person commits offence if person fails to provide statement of financial circumstances in response to relevant request) for "statement of his financial circumstances to a fines officer in response to" substitute "fines officer with a statement of financial circumstances (whether a statement of assets, of other financial circumstances or of both) requested by ", and
 - (c) in sub-paragraph (5) (meaning of "relevant request"), in the opening words, after "information about P's financial circumstances" insert " (whether about P's assets, P's other financial circumstances or both)".
 - (3) In paragraph 2 of Schedule 6 (cases in which work order may be made)—
 - (a) in sub-paragraph (3) (magistrates' court considering making work order may order person to give statement of means) for "means" substitute " assets and other financial circumstances ", and
 - (b) in sub-paragraph (4) (application of section 84(2) and (4) of the Magistrates' Courts Act 1980) for "means" substitute " assets and other financial circumstances".

Commencement Information

I20 Sch. 16 para. 28 in force at 11.12.2013 by S.I. 2013/2981, art. 2(d)



INFORMATION TO ENABLE A COURT TO DEAL WITH AN OFFENDER

Power to disclose information

- 29 (1) The Secretary of State or a Northern Ireland Department, or a person providing services to the Secretary of State or a Northern Ireland Department, may disclose social security information to a relevant person.
 - (2) Her Majesty's Revenue and Customs, or a person providing services to the Commissioners for Her Majesty's Revenue and Customs, may disclose finances information to a relevant person.
 - (3) The disclosure authorised by sub-paragraph (1) or (2) is disclosure of the information concerned for use by a court that, in connection with dealing with a person ("the

defendant") for an offence, is inquiring into or determining the defendant's financial circumstances.

- (4) Sub-paragraphs (1) and (2) do not authorise disclosure in a particular case at a time when the defendant is under 18.
- (5) Information disclosed to a relevant person under sub-paragraph (1) or (2) or paragraph (a)(ii)—
 - (a) must not be further disclosed by the relevant person except—
 - (i) to a court that, in connection with dealing with the defendant for the offence, is inquiring into or determining the defendant's financial circumstances, or
 - (ii) to another relevant person who wants social security information or finances information in order that it can be put before a court that, in connection with dealing with the defendant for the offence, is inquiring into or determining the defendant's financial circumstances, and
 - (b) must not be used by the relevant person otherwise than for the purpose of disclosing it as mentioned in paragraph (a)(i) or (ii).
- (6) Sub-paragraphs (1), (2) and (5)(a) not only authorise disclosure after conviction of the defendant but also authorise disclosure at any time after the defendant is first charged with the offence.
- (7) Sub-paragraph (5) does not prohibit—
 - (a) disclosure to the defendant, or to a person representing the defendant in any proceedings in connection with the offence;
 - (b) disclosure or use of information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it;
 - (c) disclosure or use of information which has previously been disclosed to the public with lawful authority;
 - (d) disclosure or use of information so far as necessary to comply with—
 - (i) an order of a court,
 - (ii) an order of a tribunal established by or under an Act, or
 - (iii) a duty imposed by or under an Act.
- (8) In sub-paragraph (7) "court" means any court, but elsewhere in this paragraph "court" means—
 - (a) a magistrates' court, or the Crown Court, in England and Wales,
 - (b) the Court Martial, the Service Civilian Court or the Summary Appeal Court, or
 - (c) any court hearing an appeal (including an appeal by case stated) from a court within paragraph (a) or (b).
- (9) In this paragraph—
 - "finances information" means information which-
 - (a) is about a person's income, gains or capital, and
 - (b) is held—

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(i) by Her Majesty's Revenue and Customs, or

> (ii) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs in connection with the provision of those services,

or information which is held with information so held;

"relevant person" means-

- (a) a person who is appointed by the Lord Chancellor under section 2(1) of the Courts Act 2003 or provided under a contract made by virtue of section 2(4) of that Act,
- (b) a person who is a member of or on the staff of the Service Prosecuting Authority, or
- (c) a person not within paragraph (b) who is, or who is assisting, a person engaged to represent the Service Prosecuting Authority in proceedings before a court;

"Service Prosecuting Authority" means-

- (a) the Director of Service Prosecutions, and
- (b) the persons appointed under section 365 of the Armed Forces Act 2006 (prosecuting officers);

"social security information" means information which is held for the purposes of functions relating to social security—

- (a) by the Secretary of State or a Northern Ireland Department, or
- (b) by a person providing services to the Secretary of State, or a Northern Ireland Department, in connection with the provision of those services,

or information which is held with information so held.

(10) The reference in sub-paragraph (9) to functions relating to social security includes a reference to functions relating to any of the matters listed in section 127(8) of the Welfare Reform Act 2012 (statutory payments and maternity allowances).

Commencement Information

I21 Sch. 16 para. 29 in force at 11.12.2013 by S.I. 2013/2981, art. 2(d)

Offence where information wrongly used or disclosed

- 30 (1) It is an offence for a person to disclose or use information in contravention of paragraph 29(5).
 - (2) It is a defence for a person charged with an offence under sub-paragraph (1) to prove that the person reasonably believed that the disclosure or use concerned was lawful.
 - (3) A person guilty of an offence under sub-paragraph (1) is liable—
 - (a) on conviction on indictment—
 - (i) to imprisonment for a term not exceeding 2 years, or
 - (ii) to a fine, or
 - (iii) to both;
 - (b) on summary conviction—
 - (i) to imprisonment for a period not exceeding 12 months [^{F6}or the general limit in a magistrates' court], or

(ii) to a fine not exceeding the statutory maximum, or (iii) to both.

(4) Sub-paragraph (3)(b) applies—

- (a) in England and Wales in relation to offences committed before [^{F7}2 May 2022], and
- (b) in Northern Ireland,

as if the reference to 12 months [^{F8} or the general limit in a magistrates' court] were a reference to 6 months.

(5) A prosecution for an offence under sub-paragraph (1)—

- (a) may be instituted in England and Wales only by or with the consent of the Director of Public Prosecutions, and
- (b) may be instituted in Northern Ireland only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Textual Amendments

- F6 Words in Sch. 16 para. 30(3)(b)(i) inserted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 27(4)
- F7 Words in Sch. 16 para. 30(4)(a) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), Sch. Pt. 1
- **F8** Words in Sch. 16 para. 30(4) inserted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **27(4**)

Commencement Information

I22 Sch. 16 para. 30 in force at 11.12.2013 by S.I. 2013/2981, art. 2(d)

PART 8 U.K.

RELATED AMENDMENTS IN ARMED FORCES ACT 2006

Community orders: punitive elements

Commencement Information

I23 Sch. 16 para. 31 in force at 11.12.2013 by S.I. 2013/2981, art. 2(e)

32 In section 178 (service community orders), in subsection (3) (provisions of the 2003 Act in which "community order" includes a service community order) for "177(3)" substitute "177(2A)".

Commencement Information

I24 Sch. 16 para. 32 in force at 11.12.2013 by S.I. 2013/2981, art. 2(e)

³¹ The Armed Forces Act 2006 is amended as follows.

- 33 (1) Section 182 (overseas community orders) is amended as follows.
 - (2) After subsection (3) insert—
 - "(3A) In section 177(2A) and (2B) of the 2003 Act (community orders: punitive elements) "community order" includes an overseas community order if the offender is aged 18 or over when convicted of the offence in respect of which the overseas community order is made."
 - (3) In subsection (5) (provisions of the 2003 Act in which "court" includes a relevant service court) for "those provisions" substitute " the provisions of the 2003 Act mentioned in subsections (3A) and (4)".

Commencement Information

I25 Sch. 16 para. 33 in force at 11.12.2013 by S.I. 2013/2981, art. 2(e)

- 34 In section 270 (restrictions on community punishments) after subsection (2) insert—
 - "(2A) Subsection (2) is subject to section 177(2A) of the 2003 Act (community orders: punitive elements) as applied by section 178(3) and section 182(3A)."

Commencement Information

I26 Sch. 16 para. 34 in force at 11.12.2013 by S.I. 2013/2981, art. 2(e)

35 An amendment made by any of paragraphs 32 to 34 does not affect orders in respect of offences committed before the amendment comes into force.

Commencement Information

I27 Sch. 16 para. 35 in force at 11.12.2013 by S.I. 2013/2981, art. 2(e)

Removal of limits on compensation orders made against adults

- 36 (1) Section 284 of the Armed Forces Act 2006 (Service Civilian Court compensation orders etc: maximum amounts) is amended as follows.
 - (2) After subsection (2) insert—
 - "(2A) The following subsections apply if (but only if) the Service Civilian Court has convicted a person aged under 18 ("the offender") of an offence or offences."
 - (3) In subsection (3) (compensation in respect of an offence not to exceed amount mentioned in section 131(1) of the Powers of Criminal Courts (Sentencing) Act 2000) for "any offence of which the court has convicted the offender" substitute " the offence, or any one of the offences, ".
 - (4) Nothing in this paragraph affects orders in respect of offences committed before the day on which this paragraph comes into force.

Commencement Information

I28 Sch. 16 para. 36 in force at 11.12.2013 by S.I. 2013/2981, art. 2(e)

PROSPECTIVE

Electronic monitoring of offenders

- 37 (1) The Armed Forces Act 2006 is amended as follows.
 - (2) In section 182(1A) (requirements which may not be included in overseas community orders) at the end insert " or (m) (an electronic monitoring requirement) ".
 - (3) In section 183(1) (provisions of Criminal Justice Act 2003 which do not apply to overseas community orders) for "section 215" substitute "sections 215 and 215A".

Statements of assets and other financial circumstances of offenders etc

38 In section 266(2) of the Armed Forces Act 2006 (meaning of "financial statement order") after "statement of his" insert " assets and other ".

Commencement Information

I29 Sch. 16 para. 38 in force at 11.12.2013 by S.I. 2013/2981, art. 2(e)

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 16.