



# Sentencing (Pre-consolidation Amendments) Act 2020

## CHAPTER 9

### SENTENCING (PRE-CONSOLIDATION AMENDMENTS) ACT 2020

- 1 Consolidation of sentencing legislation: amendment of law for old offences
- 2 Pre-consolidation amendments relating to sentencing
- 3 Interpretation
- 4 Regulations
- 5 Commencement, extent and short title

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#### SCHEDULES

##### SCHEDULE 1 — Section 1: exceptions

- 1 Surcharge and criminal courts charge
- 2 Section 54(4) of the Criminal Justice and Courts Act 2015...
- 3 Article 7(2) of the Criminal Justice Act 2003 (Surcharge) Order...
- 4 Article 3 of the Criminal Justice Act 2003 (Surcharge) (Amendment)...
- 5 Article 3 of the Criminal Justice Act 2003 (Surcharge) (Amendment)...
- 6 Article 3 of the Criminal Justice Act 2003 (Surcharge) (Amendment)...
- 7 Compensation orders
- 8 Paragraph 6A of Schedule 12 to the Criminal Justice Act...
- 9 Article 1(2) of the Criminal Penalties etc. (Increase) Order 1984...
- 10 Paragraph 3(3) of Schedule 8 to the Magistrates' Courts Act...
- 11 Article 2 of and Schedule 1 to the Criminal Law...
- 12 References to legal aid etc
- 13 Driving disqualification
- 14 The words “committed after 31st December 1997” in section 146(1)...

- 15 Youth rehabilitation orders: curfew requirements
- 16 References to remands of children
- 17 Detention and training orders
- 18 Detention of child for specified period
- 19 Life sentences other than the mandatory life sentence for murder etc
- 20 The words “committed after the commencement of this section” in...
- 21 The words “committed after the commencement of this section” in...
- 22 Section 2(10) of the Criminal Justice and Courts Act 2015...
- 23 Section 3(9) of the Criminal Justice and Courts Act 2015...
- 24 In paragraph 5(2) of Schedule 2 to the Criminal Justice...
- 25 In section 109 of the Powers of Criminal Courts (Sentencing)...
- 26 Paragraph 37 of Schedule 22 to the Coroners and Justice...
- 27 Mandatory life sentence for murder etc
- 28 Article 3 of the Criminal Justice Act 2003 (Mandatory Life...
- 29 Article 7(4) of the Coroners and Justice Act 2009 (Commencement...
- 30 Paragraph 9(b) of Schedule 22 to the Criminal Justice Act...
- 31 Article 3(1)(a) of the Legal Aid, Sentencing and Punishment of...
- 32 Mandatory minimum sentences
- 33 Section 54(8) of the Offensive Weapons Act 2019 (prohibition of...
- 34 Section 30(5) of the Violent Crime Reduction Act 2006 (application...
- 35 Paragraph 12 of Schedule 2 to the Offensive Weapons Act...
- 36 Paragraph 41(1) of Schedule 22 to the Coroners and Justice...
- 37 In section 110 of the Powers of Criminal Courts (Sentencing)...
- 38 In section 111 of the Powers of Criminal Courts (Sentencing)...
- 39 In section 114 of the Powers of Criminal Courts (Sentencing)...
- 40 Section 1(2A)(a) of the Prevention of Crime Act 1953 (application...
- 41 Section 139(6A)(b) of the Criminal Justice Act 1988 (application of...
- 42 Section 139A(5A)(b) of the Criminal Justice Act 1988 (application of...
- 43 Section 8(7) of the Offensive Weapons Act 2019 (application of...

## SCHEDULE 2 — Sentencing consolidation: pre-consolidation amendments

### PART 1 — AMENDMENTS OF THE POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000

- 1 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
- 2 In section 1ZA (undertakings to participate in restorative justice activities),...
- 3 In section 1D (deferment of sentence: supplementary), at the end...
- 4 In section 3 (committal for sentence on summary trial of...
- 5 (1) Section 3A (committal for sentence of dangerous adult offenders)...
- 6 In section 3B (committal for sentence of young offenders on...
- 7 (1) Section 3C (committal for sentence of dangerous young offenders)...
- 8 (1) Section 4 (committal for sentence on indication of guilty...
- 9 (1) Section 4A (committal for sentence on indication of guilty...
- 10 In section 5 (power of Crown Court on committal for...
- 11 In section 5A (power of Crown Court on committal for...
- 12 In section 6 (committal for sentence in certain cases where...
- 13 (1) Section 7 (power of Crown Court on committal for...
- 14 (1) Section 8 (power and duty to remit young offenders...
- 15 In section 9 (power of youth court to remit offender...
- 16 (1) Section 10 (power of magistrates’ court to remit case...
- 17 In section 12 (absolute and conditional discharge), in subsection (1)  
(b),...
- 18 (1) Section 13 (commission of further offence by person conditionally...

- 19 (1) Section 15 (discharge: supplementary) is amended as follows.  
20 In section 16 (duty and power to refer certain young...  
21 In section 17 (the referral conditions), after subsection (4) insert—...  
22 In section 24 (first meeting: duration of contract), in subsection...  
23 In section 30 (regulations under Part 3), in subsection (4),...  
24 (1) Section 73 (reparation orders) is amended as follows.  
25 (1) Section 74 (requirements and provisions of reparation order, and...  
26 (1) Section 83 (restriction on imposing custodial sentences on persons...  
27 In section 91 (offenders under 18 convicted of certain serious...  
28 In section 96 (detention in a young offender institution for...  
29 In section 97 (term of detention in a young offender...  
30 (1) Section 100 (offenders under 18: detention and training orders)...  
31 (1) Section 101 (term of detention and training order, consecutive...  
32 (1) Section 103 (detention and training orders: the period of...  
33 (1) Section 104 (breach of supervision requirements) is amended as...  
34 In section 104B (interaction of orders under section 104(3)(a) with...  
35 In section 105 (offences during currency of detention and training...  
36 (1) Section 106 (interaction with sentences of detention in a...  
37 In section 106B (further supervision after end of term of...  
38 In section 110 (minimum of 7 years for third class...  
39 (1) Section 130 (compensation orders against convicted persons) is  
amended...  
40 (1) Section 132 (compensation orders: appeals etc) is amended as...  
41 (1) Section 133 (review of compensation orders) is amended as...  
42 In section 134 (effect of compensation order on subsequent award...  
43 In section 137 (power to order parent or guardian to...  
44 In section 139 (powers and duties of Crown Court in...  
45 In section 140 (enforcement of fines imposed and recognizances  
forfeited...  
46 (1) Section 144 (forfeited property which is in police possession)...  
47 (1) Section 146 (driving disqualification for any offence) is amended...  
48 In section 147 (driving disqualification where vehicle used for  
purposes...  
49 (1) Section 149 (restitution orders: supplementary) is amended as  
follows...  
50 (1) Section 150 (binding over of parent or guardian) is...  
51 In section 154 (commencement of Crown Court sentence), in  
subsection...  
52 (1) Schedule 1 (youth offender panels: further court proceedings) is...  
53 (1) Schedule 8 (breach, revocation and amendment of reparation  
orders)...  
PART 2 — AMENDMENTS OF THE CRIMINAL JUSTICE ACT 2003  
54 The Criminal Justice Act 2003 is amended as follows.  
55 In section 142 (purposes of sentencing), in subsection (2A), at...  
56 In section 142A (purposes of sentencing: offender under 18), in...  
57 (1) Section 143 (determining the seriousness of an offence) is...  
58 Section 146 (increase in sentences for aggravation related to disability,...  
59 (1) Section 150 (community sentence not available where sentence  
fixed...  
60 Section 152 (general restrictions on imposing discretionary custodial  
sentences), in...  
61 In section 153 (length of discretionary custodial sentences: general  
provision),...

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- 62 (1) Section 154 (general limit on magistrates’ court’s power to...  
63 In section 163 (general power of Crown Court to fine...  
64 In section 164 (fixing of fines), in subsection (3), for...  
65 In section 166 (savings for powers to mitigate sentences and...  
66 (1) Section 177 (community orders) is amended as follows.  
67 In section 178 (power to provide for court review of...  
68 (1) Section 190 (imposition of requirements by suspended sentence  
order)...  
69 (1) Section 191 (power to provide for review of suspended...  
70 In section 196 (meaning of “relevant order” etc), after subsection...  
71 In section 198 (duties of responsible officer), in subsection (1),...  
72 In section 199 (unpaid work requirement), in subsection (3) omit...  
73 In section 200A (rehabilitation activity requirement), in subsection (2),  
for...  
74 In section 203 (prohibited activity requirement), in subsection (2),  
omit...  
75 In section 204 (curfew requirement), in subsection (3), for “it...  
76 In section 205 (exclusion requirement), in subsection (2), at the...  
77 In section 206 (residence requirement), in subsection (4), omit “an...  
78 In section 206A (foreign travel prohibition requirement) in subsections  
(2)...  
79 (1) Section 207 (mental health treatment requirement) is amended as...  
80 (1) Section 208 (mental health treatment at place other than...  
81 (1) Section 209 (drug rehabilitation requirement) is amended as  
follows...  
82 (1) Section 210 (drug rehabilitation requirement: provision for review  
by...  
83 (1) Section 211 (periodic review of drug rehabilitation requirement) is...  
84 In section 212 (alcohol treatment requirement), in subsection (5)—  
85 In section 212A (alcohol abstinence and monitoring requirement), in  
subsection...  
86 (1) Section 217 (requirement to avoid conflict with other orders...  
87 (1) Section 218 (availability of arrangements in local area) is...  
88 In section 219 (provision of copies of relevant orders), in...  
89 In section 220A (duty to obtain permission before changing  
residence),...  
90 In section 222 (rules), in subsection (1)(c), omit “local probation...  
91 In section 223 (power to amend limits), at the end...  
92 In section 225 (life sentence for serious offences), in subsection...  
93 In section 226A (extended sentence for certain violent, sexual or...  
94 In section 236A (special custodial sentence for certain offenders of...  
95 In section 238 (power of court to recommend licence conditions...  
96 In section 269 (determination of minimum term in relation to...  
97 In section 270 (duty to give reasons), at the end...  
98 In section 298 (term of detention and training order), in...  
99 In section 305 (interpretation of Part 12), in subsection (4),...  
100 (1) Schedule 8 (breach, revocation or amendment of community  
order)...  
101 (1) Schedule 9 (transfer of community orders to Scotland or...  
102 (1) Schedule 12 (breach or amendment of suspended sentence order,...  
103 (1) Schedule 13 (transfer of suspended sentence orders to Scotland...  
PART 3 — AMENDMENTS OF THE CRIMINAL JUSTICE AND IMMIGRATION  
ACT 2008

- 104 The Criminal Justice and Immigration Act 2008 is amended as...  
105 In section 1 (youth rehabilitation orders), in subsection (4)(b), after...  
106 (1) Section 4 (meaning of “responsible officer”) is amended as...  
107 (1) Section 5 (responsible officer and offender: duties in relation...  
108 (1) Section 7 (youth rehabilitation orders: interpretation) is amended  
as...  
109 (1) Section 11 (restriction on power to make a community...  
110 (1) Schedule 1 (further provision about youth rehabilitation orders) is...  
111 (1) Schedule 2 (breach, revocation or amendment of youth  
rehabilitation...  
112 (1) Schedule 3 (transfer of youth rehabilitation orders to Northern...  
113 (1) Schedule 4 (youth rehabilitation orders: consequential amendments)  
is amended...  
PART 4 — AMENDMENTS OF OTHER ACTS  
114 Criminal Procedure (Insanity) Act 1964  
115 Firearms Act 1968  
116 Magistrates’ Courts Act 1980  
117 Protection of Military Remains Act 1986  
118 Protection from Harassment Act 1997  
119 Crime and Disorder Act 1998  
120 Criminal Justice and Court Services Act 2000  
121 Proceeds of Crime Act 2002  
122 Constitutional Reform Act 2005  
123 Armed Forces Act 2006  
124 Tribunals, Courts and Enforcement Act 2007  
125 Education and Skills Act 2008  
126 Coroners and Justice Act 2009  
127 Anti-social Behaviour, Crime and Policing Act 2014  
PART 5 — MODIFICATIONS OF ACTS  
128 For the purposes of the application of the Police (Property)...  
129 Section 160(6) of the Powers of Criminal Courts (Sentencing) Act...  
130 Section 291 of the Criminal Justice Act 2003 (power by...  
131 (1) In the Serious Organised Crime and Police Act 2005,...  
132 Section 33 of the Counter-Terrorism Act 2008 (power to amend...  
133 (1) This paragraph applies in relation to any provision of...  
134 (1) The Secretary of State may, in connection with the...  
PART 6 — AMENDMENTS AND MODIFICATIONS OF STATUTORY  
INSTRUMENTS  
135 In the Courts Act 2003 (Consequential Provisions) Order 2005 (S.I....  
136 Schedule 2 to the Criminal Justice Act 2003 (Commencement No....  
137 In the Firearms (Sentencing) (Transitory Provisions) Order 2007 (S.I.  
2007/1324),...  
138 (1) This paragraph has effect for the purposes of paragraph...  
PART 7 — TRANSITORY AMENDMENTS FOR OFFENDERS AGED AT LEAST 18  
BUT UNDER 21  
139 (1) The Criminal Justice Act 2003 (Sentencing) (Transitory Provisions)  
Order...  
140 In relation to any time before the coming into force...  
141 In relation to any time before the repeal by Part...