

*Status: Point in time view as at 01/12/2020.*

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## SCHEDULES

### SCHEDULE 1 **E+W**

Section 1

#### SECTION 1: EXCEPTIONS

Nothing in section 1 alters the effect of any of the following—

#### *Surcharge and criminal courts charge*

- 1 Paragraph 7 of Schedule 12 to the Domestic Violence, Crime and Victims Act 2004 (commencement of section 14 of that Act (surcharge)), which inserts sections 161A and 161B of the Criminal Justice Act 2003).

#### **Commencement Information**

- I1** Sch. 1 para. 1 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

- 2 Section 54(4) of the Criminal Justice and Courts Act 2015 (commencement of section 21A of the Prosecution of Offences Act 1985 (criminal courts charge)).

#### **Commencement Information**

- I2** Sch. 1 para. 2 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

- 3 Article 7(2) of the Criminal Justice Act 2003 (Surcharge) Order 2012 (S.I. 2012/1696).

#### **Commencement Information**

- I3** Sch. 1 para. 3 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

- 4 Article 3 of the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2014 (S.I. 2014/2120).

#### **Commencement Information**

- I4** Sch. 1 para. 4 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

- 5 Article 3 of the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2016 (S.I. 2016/389).

#### **Commencement Information**

- I5** Sch. 1 para. 5 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

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- 6 Article 3 of the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2019 (S.I. 2019/985), so far as it relates to article 2(b) of that order.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

*Compensation orders*

- 7 Paragraph 10 of Schedule 16 to the Crime and Courts Act 2013 (which relates to the commencement of amendments of section 131 of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on amount payable under magistrates' court compensation order) etc).

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

- 8 Paragraph 6A of Schedule 12 to the Criminal Justice Act 1991 (saving relating to changes made by section 17 of that Act) so far as it relates to section 17(3) of the Criminal Justice Act 1991 (increases in certain maxima) so far as it relates to the entry in Part 1 of Schedule 4 to the Criminal Justice Act 1991 relating to section 40(1) of the Magistrates' Courts Act 1980 (compensation orders).

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

- 9 Article 1(2) of the Criminal Penalties etc. (Increase) Order 1984 (S.I. 1984/447), as it has effect by virtue of paragraph 2 of Schedule 11 to the Powers of Criminal Courts (Sentencing) Act 2000 (general saving for old transitional provisions and savings), so far as it relates to article 2(1) of that order, so far as it relates to the entry in Schedule 1 to that order relating to section 40(1) of the Magistrates' Courts Act 1980.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

- 10 Paragraph 3(3) of Schedule 8 to the Magistrates' Courts Act 1980 (saving for changes in respect of compensation orders), as it has effect by virtue of paragraph 2 of Schedule 11 to the Powers of Criminal Courts (Sentencing) Act 2000.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

- 11 Article 2 of and Schedule 1 to the Criminal Law Act 1977 (Commencement No. 3) Order 1977 (S.I. 1977/1682), as it has effect by virtue of paragraph 3(3) of Schedule 8 to the Magistrates' Courts Act 1980 (saving for changes in respect of

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compensation orders) and paragraph 2 of Schedule 11 to the Powers of Criminal Courts (Sentencing) Act 2000, so far as relating to section 60(2) of the Criminal Law Act 1977 (increase in maximum amount of compensation which may be ordered by magistrates' court).

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*References to legal aid etc*

- 12 Regulation 6(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534) (savings), so far as it relates to paragraph (h) of article 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 6) Order 2013 (S.I. 2013/453), so far as that paragraph relates to the commencement of paragraphs 53, 54 and 69 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid: consequential amendments of provisions relating to legal representation).

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*Driving disqualification*

- 13 Paragraph 8(b) of Schedule 11 to the Powers of Criminal Courts (Sentencing) Act 2000 (driving disqualification for certain offences involving assault committed by driving a motor vehicle).

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

- 14 The words "committed after 31st December 1997" in section 146(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (driving disqualification for any offence).

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*Youth rehabilitation orders: curfew requirements*

- 15 Article 3(1)(d) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 4 and Saving Provisions) Order 2012 (S.I. 2012/2906) (saving for commencement of section 81 of the Legal Aid, Sentencing

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and Punishment of Offenders Act 2012 (youth rehabilitation order: curfew requirement)).

**Commencement Information**

**I15** Sch. 1 para. 15 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*References to remands of children*

- 16 Article 7(2)(h) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 4 and Saving Provisions) Order 2012 (S.I. 2012/2906), so far as it relates to paragraph 51 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (saving for reference in section 242 of the Criminal Justice Act 2003 to certain remands etc under section 23 of the Children and Young Persons Act 1969).

**Commencement Information**

**I16** Sch. 1 para. 16 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*Detention and training orders*

- 17 Section 106B(1)(c) of the Powers of Criminal Courts (Sentencing) Act 2000 (further supervision after end of term of detention and training order imposed in respect of offence committed on or after 1 February 2015).

**Commencement Information**

**I17** Sch. 1 para. 17 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*Detention of child for specified period*

- 18 Paragraph 8 of Schedule 2 to the Offensive Weapons Act 2019 (prohibition of certain firearms: application of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000).

**Commencement Information**

**I18** Sch. 1 para. 18 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*Life sentences other than the mandatory life sentence for murder etc*

- 19 Section 224A(1)(b) of the Criminal Justice Act 2003 (life sentence for second listed offence).

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**Commencement Information**

**I19** Sch. 1 para. 19 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

20 The words “committed after the commencement of this section” in section 225(1) (a) of the Criminal Justice Act 2003 (life sentence for serious offences).

**Commencement Information**

**I20** Sch. 1 para. 20 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

21 The words “committed after the commencement of this section” in section 226(1) (a) of the Criminal Justice Act 2003 (detention for life for serious offences committed by those under 18).

**Commencement Information**

**I21** Sch. 1 para. 21 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

22 Section 2(10) of the Criminal Justice and Courts Act 2015 (commencement of amendments of Schedule 15 to the Criminal Justice Act 2003).

**Commencement Information**

**I22** Sch. 1 para. 22 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

23 Section 3(9) of the Criminal Justice and Courts Act 2015 (commencement of amendments of Schedule 15B to the Criminal Justice Act 2003).

**Commencement Information**

**I23** Sch. 1 para. 23 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

24 In paragraph 5(2) of Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950) (saving provisions relating to Chapters 1 to 5 of Part 12 of the Criminal Justice Act 2003)—

- (a) the paragraph (aa) treated as inserted by paragraph 136 of Schedule 2 to this Act (saving on repeal of section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 (required life sentence for second serious offence));
- (b) paragraph (c)(xii), so far as it relates to the repeal of section 109 of the Powers of Criminal Courts (Sentencing) Act 2000.

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**Commencement Information**

**I24** Sch. 1 para. 24 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

- 25 In section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 (as it has effect by virtue of the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950), in subsection (1) (a), the words "committed after 30th September 1997".

**Commencement Information**

**I25** Sch. 1 para. 25 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

- 26 Paragraph 37 of Schedule 22 to the Coroners and Justice Act 2009 (which relates to the commencement of amendments to Schedule 15 to the Criminal Justice Act 2003 (specified offences)), so far as it relates to Schedule 15 to the Criminal Justice Act 2003 as it applies for the purposes of sections 225 and 226 of the Criminal Justice Act 2003 and sections 219 and 221 of the Armed Forces Act 2006.

**Commencement Information**

**I26** Sch. 1 para. 26 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*Mandatory life sentence for murder etc*

- 27 Section 27(4) of the Criminal Justice and Courts Act 2015 (term of imprisonment for murder of police or prison officer).

**Commencement Information**

**I27** Sch. 1 para. 27 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

- 28 Article 3 of the Criminal Justice Act 2003 (Mandatory Life Sentence: Determination of Minimum Term) Order 2010 (S.I. 2010/197) (commencement of amendments relating to starting point where offender took knife or other weapon to scene).

**Commencement Information**

**I28** Sch. 1 para. 28 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

- 29 Article 7(4) of the Coroners and Justice Act 2009 (Commencement No. 4, Transitional and Saving Provisions) Order 2010 (S.I. 2010/816) (commencement of amendments to Schedule 21 to the Criminal Justice Act 2003 (starting point for mandatory life sentence)).

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**Commencement Information**

**I29** Sch. 1 para. 29 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

30 Paragraph 9(b) of Schedule 22 to the Criminal Justice Act 2003 (restriction on powers of court where it passes mandatory life sentence for murder committed before 18 December 2003).

**Commencement Information**

**I30** Sch. 1 para. 30 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

31 Article 3(1)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 4 and Saving Provisions) Order 2012 (S.I. 2012/2906) so far as it relates to the commencement of section 65(9) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (amendments of aggravating factors for purposes of determining minimum term of mandatory life sentence).

**Commencement Information**

**I31** Sch. 1 para. 31 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

*Mandatory minimum sentences*

32 In section 51A of the Firearms Act 1968 (minimum sentence for certain offences under section 5 of that Act), in subsection (1)(b), the words "after the commencement of this section and".

**Commencement Information**

**I32** Sch. 1 para. 32 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

33 Section 54(8) of the Offensive Weapons Act 2019 (prohibition of certain firearms: application of minimum sentences under section 51A of the Firearms Act 1968).

**Commencement Information**

**I33** Sch. 1 para. 33 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

34 Section 30(5) of the Violent Crime Reduction Act 2006 (application of minimum sentences for certain firearms offences).

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**Commencement Information**

**I34** Sch. 1 para. 34 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

35 Paragraph 12 of Schedule 2 to the Offensive Weapons Act 2019 (prohibition of certain firearms: application of minimum sentences for certain offences).

**Commencement Information**

**I35** Sch. 1 para. 35 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

36 Paragraph 41(1) of Schedule 22 to the Coroners and Justice Act 2009 so far as it relates to amendments made by paragraph 10 of Schedule 17 to that Act (mandatory minimum sentences for certain repeat offences).

**Commencement Information**

**I36** Sch. 1 para. 36 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

37 In section 110 of the Powers of Criminal Courts (Sentencing) Act 2000 (minimum of 7 years for third class A drug trafficking offence)—  
 (a) in subsection (1)(a), the words “committed after 30th September 1997”;  
 (b) in subsection (2A)(a)(ii), the words “was committed after the relevant date”.

**Commencement Information**

**I37** Sch. 1 para. 37 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

38 In section 111 of the Powers of Criminal Courts (Sentencing) Act 2000 (minimum of 3 years for third domestic burglary offence)—  
 (a) in subsection (1)(a), the words “committed after 30th November 1999”;  
 (b) in subsection (1)(c), “and both of them were committed after the relevant date”.

**Commencement Information**

**I38** Sch. 1 para. 38 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

39 In section 114 of the Powers of Criminal Courts (Sentencing) Act 2000 (offences under service law), in subsection (1A)(a), the words “committed after the relevant date”.



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**Commencement Information**

**I39** Sch. 1 para. 39 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

40 Section 1(2A)(a) of the Prevention of Crime Act 1953 (application of minimum sentence for offence under section 1 of that Act).

**Commencement Information**

**I40** Sch. 1 para. 40 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

41 Section 139(6A)(b) of the Criminal Justice Act 1988 (application of minimum sentence for offence under section 139 of that Act).

**Commencement Information**

**I41** Sch. 1 para. 41 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

42 Section 139A(5A)(b) of the Criminal Justice Act 1988 (application of minimum sentence for offence under section 139A of that Act).

**Commencement Information**

**I42** Sch. 1 para. 42 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

43 Section 8(7) of the Offensive Weapons Act 2019 (application of minimum sentence for conviction of offence of having a corrosive substance in a public place).

**Commencement Information**

**I43** Sch. 1 para. 43 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

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