
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitory modifications to Part 12 of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

Article 2 modifies section 189 of and Schedule 12 to that Act, both of which make provision for suspended sentences. Under section 189 the term of imprisonment which the court may impose and suspend is a period of at least 28 weeks but not more than 51 weeks. Until other provisions in the 2003 Act have been commenced, (namely the alteration of magistrates' courts sentencing powers), the maximum sentence available in a magistrates' court is six months. The modifications made reflect this fact. The article makes a similar modification to Schedule 8 of the 2003 Act, which deals with the breach, revocation or amendment of community orders.

Article 3 makes further modifications to Part 12 of the 2003 Act to ensure the Part can apply to offenders serving a sentence of either custody for life or detention in a young offender institution, until the coming into force of the repeal of those sentences by section 61 of the Criminal Justice and Court Services Act 2000 (c. 43).