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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 161A(1) of the Criminal Justice Act 2003 (“the 2003 Act”), which was brought into force by the Domestic Violence, Crime and Victims Act 2004 (Commencement No. 8) Order 2007 ([S.I. 2007/602 \(C.26\)](#)) on the same day as this Order comes into force, requires a court when dealing with a person for one or more offences to order the person to pay a surcharge. Section 161A(2) of the 2003 Act allows the Secretary of State, by Order, to prescribe cases in which the court’s duty to order the payment of the surcharge does not apply. The effect of Article 2 of this Order is that the duty to order the offender to pay a surcharge will apply only in those cases where the offender is ordered to pay a fine (whether or not any other penalty is imposed).

Section 161B(1) of the 2003 Act, which was also brought into force by the Domestic Violence, Crime and Victims Act 2004 (Commencement No. 8) Order 2007 on the same day as this Order comes into force, provides that the amount of the surcharge payable under section 161A(1) is such amount as the Secretary of State may specify by Order. Article 3 of this Order sets the amount of the surcharge at £15.

This Order supersedes the Criminal Justice Act 2003 (Surcharge) Order 2007 and is being issued free of charge to all known recipients of that Order.