
STATUTORY INSTRUMENTS

2012 No. 1696

The Criminal Justice Act 2003 (Surcharge) Order 2012

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Surcharge) Order 2012 and comes into force on 1st October 2012.

(2) In this Order “the 2003 Act” means the Criminal Justice Act 2003.

(3) A reference in this Order to a table is a reference to a table in the Schedule.

Cases in which the duty to order payment of the surcharge does not apply

2. Section 161A(1) of the 2003 Act (court’s duty to order payment of surcharge) does not apply in cases in which a court deals with a person for one or more offences and does not impose any disposal described in the Schedule.

Amount of surcharge: offences committed by an individual aged under 18

3.—(1) Where a court deals with an individual for one or more offences by way of a single disposal described in column 1 of table 1, and every one of those offences was committed when that individual was aged under 18, the surcharge payable under section 161A of the 2003 Act is the amount specified in the corresponding entry in column 2 of that table.

(2) Where a court deals with an individual for one or more offences by way of more than one disposal described in column 1 of table 1, and every one of those offences was committed when that individual was aged under 18, the surcharge payable under section 161A of the 2003 Act is—

- (a) where the amount in column 2 of that table corresponding to each of those disposals is the same, that amount;
- (b) where the amount in column 2 of that table corresponding to each of those disposals is not the same, the highest such amount.

Amount of surcharge: offences committed by an individual aged 18 or over

4.—(1) Where a court deals with an individual for one or more offences by way of a single disposal described in column 1 of table 2, and every one of those offences was committed when that individual was aged over 18, the surcharge payable under section 161A of the 2003 Act is the amount specified in the corresponding entry in column 2 of that table.

(2) Where a court deals with an individual for one or more offences by way of more than one disposal described in column 1 of table 2, and every one of those offences was committed when that individual was aged over 18, the surcharge payable under section 161A of the 2003 Act is—

- (a) where the amount in column 2 of that table corresponding to each of those disposals is the same, that amount;
- (b) where the amount in column 2 of that table corresponding to each of those disposals is not the same, the highest such amount.

Amount of surcharge: other cases involving offences committed by an individual

5.—(1) Where a court deals with an individual for more than one offence by way of a single disposal described in column 1 of table 1, and the condition in paragraph (3) is satisfied in relation to those offences, the surcharge payable under section 161A of the 2003 Act is the amount specified in the corresponding entry in column 2 of that table.

(2) Where a court deals with an individual for more than one offence by way of more than one disposal described in column 1 of table 1, and the condition in paragraph (3) is satisfied in relation to those offences, the surcharge payable under section 161A of the 2003 Act is—

- (a) where the amount in column 2 of that table corresponding to each of those disposals is the same, that amount;
- (b) where the amount in column 2 of that table corresponding to each of those disposals is not the same, the highest such amount.

(3) The condition in this paragraph is satisfied in relation to the offences for which a court is dealing with an individual if at least one of those offences was committed when the individual was under 18 and at least one of those offences was committed when the individual was aged 18 or over.

Amount of Surcharge: offences committed by a person who is not an individual

6.—(1) Where a court deals with a person who is not an individual for one or more offences by way of a single disposal described in column 1 of table 3, the surcharge payable under section 161A of the 2003 Act is the amount in column 2 of that table corresponding to that disposal.

(2) Where a court deals with a person who is not an individual for one or more offences by way of more than one disposal described in column 1 of table 3, the surcharge payable under section 161A of the 2003 Act is the highest amount in column 2 of that table corresponding to each of those disposals.

Revocation and transitional and saving provision

7.—(1) The Criminal Justice Act 2003 (Surcharge) (No. 2) Order 2007(1) (“the 2007 Order”) is revoked.

(2) Notwithstanding its revocation by paragraph (1), the 2007 Order continues to apply, and Articles 2 to 6 of this Order do not apply, where after the coming into force of this Order a court deals with a person for—

- (a) a single offence committed before 1st October 2012; or
- (b) more than one offence, at least one of which was committed before 1st October 2012.

Signed by the authority of the Secretary of State

28th June 2012

Crispin Blunt
Parliamentary Under Secretary of State
Ministry of Justice