
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the sixth commencement order made under the Crime and Courts Act 2013 (c.22) (“the Act”). This order commences a number of provisions of the Act on 11th December 2013 and 1st February 2014.

Article 2(a) commences section 27 of the Act on 11th December 2013. Section 27 amends Schedule 5 to the Courts Act 2003 (c.39) to enable the Secretary of State and a Northern Ireland Department and Her Majesty’s Revenue and Customs to share social security and financial information with Her Majesty’s Courts and Tribunals Service for the purpose of enforcing unpaid financial penalties.

Article 2(b) commences section 44 of the Act in so far as it relates to Parts 1 to 3 and 5 to 7 of Schedule 16 to the Act on 11th December 2013. Section 44 introduces Schedule 16, which makes changes to the non-custodial sentencing framework in England and Wales. Article 2(d) commences Parts 1 to 3 and 5 to 7 of Schedule 16 on 11th December 2013. Part 1 of Schedule 16 amends the Criminal Justice Act 2003 (c.44) so as to require a court imposing a community order either to include a requirement that fulfils the purpose of punishment, or impose a fine (or do both) unless there are exceptional circumstances that would make that unjust. Part 2 of Schedule 16 amends the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) to make it explicit that courts can use their existing powers to defer sentence to allow for a restorative justice activity to take place. Part 3 of Schedule 16 amends the Powers of Criminal Courts (Sentencing) Act 2000 to remove the limit of £5,000 on a compensation order made by a magistrates’ court. Part 5 of Schedule 16 removes uncommenced provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) relating to breach of a community order and corrects a technical error in that Act that prevented the imposition of a youth rehabilitation order for offences of threatening with an article with a blade or point or offensive weapon created by section 142 of that Act. Part 6 of Schedule 16 makes changes to the courts’ powers to order offenders to provide statements of their financial circumstances in various contexts. Part 7 of Schedule 16 creates a new data sharing gateway to enable the Secretary of State and a Northern Ireland Department and Her Majesty’s Revenue and Customs to share social security information and financial information on defendants with Her Majesty’s Courts and Tribunals Service.

Article 2(c) commences section 44, so far as it relates to Part 8 of Schedule 16 to the Act, except paragraph 37, but only so far as it extends to the United Kingdom, on 11th December 2013. Article 2(e) commences Part 8 of Schedule 16, except paragraph 37, but only so far as it extends to the United Kingdom, on 11th December 2013. Part 8 makes provision equivalent to or consequential on, the amendments to Parts 1, 3 and 6 in respect of the sentencing powers of service courts under the Armed Forces Act 2006 (c. 52). The effect of the commencement provisions is that the relevant service courts will be able to rely on the new provisions wherever they sit in the world, without amending the law of the Isle of Man or the British overseas territories.

Article 3 commences section 57 of the Act on 1st February 2014. Section 57 amends section 5 of the Public Order Act 1986 (c.64), to decriminalise the use of insulting words or behaviour within the hearing or sight of someone likely to be caused harassment, alarm or distress.