
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to fines and maximum fines which may be imposed on summary conviction, for the purpose of implementing section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“the Act”). Section 85(1) of the Act, which is commenced alongside these Regulations, provides that a relevant offence which is, on the commencement day, punishable on summary conviction by a fine or maximum fine of £5,000 or more (however expressed) becomes punishable on summary conviction by a fine of any amount. An offence is relevant if, immediately before the commencement of section 85(1), it is a common law offence or it is contained in an Act or an instrument made under an Act (whether or not the offence is in force at that time).

These Regulations only apply to England and Wales and nothing in these Regulations affect a fine imposed on conviction in Scotland and Northern Ireland.

Regulation 2(1) provides that section 85(1) of the Act does not apply in relation to the offences specified in Schedule 1; and regulation 2(2) introduces Schedule 2, which makes provision for the offences in Schedule 1 to be punishable on summary conviction by a fine or maximum fine of an amount specified or described in the amendments.

Regulation 3 makes provision pursuant to section 85(8) of the Act, to ensure that provisions for maximum fines which are expressed as proportions of an amount of £5,000 or more (however expressed) continue to work. Regulation 3 introduces Schedule 3, which makes amendments to provide for certain offences punishable on summary conviction by a fine or maximum fine expressed as a proportion of £5,000 or more (however expressed) to be instead punishable on summary conviction by a fine or maximum fine expressed as a proportion of the amount specified or described in the amendments.

Regulation 4 introduces Schedules 4 and 5, which make amendments consequential on section 85 of the Act. Schedule 4 contains amendments to legislation which makes provision for offences to be punishable on summary conviction by a fine or maximum fine expressed as a numerical amount of £5000 or more. In order to assist users of legislation, the Schedule amends the text of the legislation to reflect the provision made by section 85(1) and (2) by changing the references to fines of a numerical amount to references to “a fine”.

Schedule 5 contains amendments which (among other things) make alternative provision for non-criminal penalties which are calculated by reference to the maximum penalty on summary conviction in circumstances where that maximum penalty no longer applies (by virtue of section 85(1) or (2) of the Act).

Regulation 5 sets out restrictions on the effect of the amendments in these Regulations and reflects the limitations mentioned in section 85(9) of the Act.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.