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STATUTORY INSTRUMENTS

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**2016 No. 389**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 2003  
(Surcharge) (Amendment) Order 2016**

<i>Made</i>	- - - -	<i>17th March 2016</i>
<i>Laid before Parliament</i>		<i>18th March 2016</i>
<i>Coming into force</i>	- -	<i>8th April 2016</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 161A(2), 161B and 330(4) of the Criminal Justice Act 2003(1):

**Citation and commencement**

1. This Order may be cited as the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2016 and comes into force on 8th April 2016.

**Amendments to the Criminal Justice Act 2003 (Surcharge) Order 2012**

2. For the Schedule to the Criminal Justice Act 2003 (Surcharge) Order 2012(2) substitute the Schedule to this Order.

**Transitional provision**

3. The amendments made by article 2 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 8th April 2016; or
- (b) more than one offence, at least one of which was committed before 8th April 2016.

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(1) [2003 c. 44](#). Sections 161A and 161B of the Criminal Justice Act 2003 were inserted by section 14(1) of the Domestic Violence, Crime and Victims Act [2004 \(c. 28\)](#). Section 161A was amended by section 10 of, and paragraph 30 of the Schedule to the Prevention of Social Housing Fraud Act [2013 \(c. 3\)](#) and by paragraph 25 of Schedule 5 to the Modern Slavery Act [2015 \(c. 30\)](#).

(2) [S.I. 2012/1696](#). The Schedule was amended by regulation 6 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential and Saving Provisions) Regulations 2012 ([S.I. 2012/2824](#)) and by article 2 of the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2014 ([S.I. 2014/2120](#)).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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17th March 2016

*Mike Penning*  
Minister of State  
Ministry of Justice

## SCHEDULE

Article 2

**Table 1**

<i>Column 1</i>	<i>Column 2</i>
An order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 <sup>(3)</sup> (conditional discharge)	£15
A fine	£20
An order under section 1 of the Criminal Justice and Immigration Act 2008 <sup>(4)</sup> (youth rehabilitation orders)	£20
An order under section 16(2) or 16(3) of the Powers of Criminal Courts (Sentencing) Act 2000 (referral orders)	£20
An order under section 177(1) of the Criminal Justice Act 2003 <sup>(5)</sup> (community orders)	£20
An order under section 189(1) of the Criminal Justice Act 2003 (suspended sentences of imprisonment)	£30
A sentence specified in section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 (meaning of custodial sentence)	£30

**Table 2**

<i>Column 1</i>	<i>Column 2</i>
An order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge)	£20
A fine	10 per cent of the value of the fine, rounded up or down to the nearest pound, which must be no less than £30 and no more than £170.
An order under section 177(1) of the Criminal Justice Act 2003 (community orders)	£85
An order under section 189(1) of the Criminal Justice Act 2003 (suspended sentences of imprisonment) where the sentence of imprisonment or detention in a young offender institution is for a period of 6 months or less	£115
An order under section 189(1) of the Criminal Justice Act 2003 (suspended sentences of imprisonment) where the sentence of imprisonment or detention in a young offender institution is for a determinate period of more than 6 months	£140
A sentence of imprisonment or detention in a young offender institution for a determinate period of up to and including 6 months	£115

(3) 2000 c. 6.

(4) 2008 c. 4.

(5) 2003 c. 44.

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<i>Column 1</i>	<i>Column 2</i>
A sentence of imprisonment or detention in a young offender institution for a determinate period of more than 6 months and up to and including 24 months	£140
A sentence of imprisonment or detention in a young offender institution for a determinate period exceeding 24 months	£170
A sentence of imprisonment or custody for life	£170

**Table 3**

<i>Column 1</i>	<i>Column 2</i>
An order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge)	£20
A fine	10 per cent of the value of the fine, rounded up or down to the nearest pound, which must be no less than £30 and no more than £170.

## EXPLANATORY NOTE

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

Section 161A(1) of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”) requires a court, when dealing with a person for one or more offences, to order the person to pay a surcharge. The amount of surcharge that is payable in particular circumstances is set out in the Schedule to the Criminal Justice Act 2003 (Surcharge) Order 2012 (S.I. 2012/1696) (“the 2012 Order”). This Order amends that Schedule to increase those amounts.

Article 3 provides that the amendments this Order makes to the 2012 Order do not apply where a court deals with a person for a single offence committed before 8th April 2016; nor do they apply where a court deals with a person for more than one offence where at least one of those offences was committed before 8th April 2016.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available at <https://legislation.gov.uk>