

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(a):

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(b) 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.

17th March 2016

Mike Penning
Minister of State
Ministry of Justice

(a) 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).

(b) 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).

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(a) (conditional discharge)	£15
A fine	£20
An order under section 1 of the Criminal Justice and Immigration Act 2008(b) (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(c) (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
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>
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- (a) 2000 c. 6.
 (b) 2008 c. 4.
 (c) 2003 c. 44.

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>

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£4.25

UK2016031718 03/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/389>

ISBN 978-0-11-114552-4



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