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STATUTORY INSTRUMENTS

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**2019 No. 1397**

**The Criminal Justice Act 1988 (Reviews of Sentencing) (Amendment) Order 2019**

**Amendment of the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006**

2.—(1) Schedule 1 to the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 (descriptions of cases to which Part IV of the Criminal Justice Act 1988 is to apply)(1) is amended as follows.

(2) In paragraph 2—

(a) after sub-paragraph (g) insert—

“(ga) an offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children)(2);”;

(b) after sub-paragraph (h) insert—

“(ha) an offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child)(3);

(hb) an offence under section 4 (putting people in fear of violence) or section 4A (stalking involving fear of violence or serious alarm or distress) of the Protection from Harassment Act 1997(4);”;

(c) in sub-paragraph (i) for “to” substitute “, 30, 31(a), 31(b) and”;

(d) after sub-paragraph (k) insert—

“(ka) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship)(5)

(3) In paragraph 3—

(a) after sub-paragraph (j) insert—

“(ja) section 16 (abuse of position of trust: sexual activity with a child);

(jb) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);

(jc) section 18 (abuse of position of trust: sexual activity in the presence of a child);

(jd) section 19 (abuse of position of trust: causing a child to watch a sexual act);”;

(b) after sub-paragraph (k) insert—

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(1) S.I. 2006/1116, amended by S.I. 2012/1833, 2013/862, 2014/1651, 2015/800, 2015/1472, 2017/751; there are other amending instruments but none is relevant.

(2) 1978 c. 37. Section 1 was amended by the section 139 of, and paragraph 24 of Schedule 6 to, the Sexual Offences Act 2003 (c.42); section 84(2), and section 168(3) of and Schedule 11 of the Criminal Justice and Public Order Act 1994 (c. 33), and section 160(4) of the Criminal Justice Act 1988.

(3) Section 160 was amended by the section 148(1) of, and paragraphs 22 and 24 of Part 2 of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c.4), and section 84(4), section 86(1), section 168(3), (4) and schedule 11 of the Criminal Justice and Public Order Act 1994.

(4) 1997 c.40. Section 4 was amended by section 175(1) of the Policing and Crime Act 2017 (c.3), section 115(1) of, and paragraph 143(1), (3) of Part 11 of Schedule 9 to, the Protection of Freedoms Act 2012 (c.9). Section 4A was inserted by section 111(2) of the Protection of Freedoms Act 2012, and section 175(1) of the Policing and Crime Act 2017.

(5) 2015 c.9.

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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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- “(ka) section 26 (inciting a child family member to engage in sexual activity);
  - (kb) section 30 (sexual activity with a person with a mental disorder impeding choice);
  - (kc) section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity);
  - (kd) section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice);
  - (ke) section 33 (causing a person, with a mental disorder impeding choice, to watch a sexual act);”.
- (4) In paragraph 4(2)—
- (a) for “(h)” substitute “(hb)”;
  - (b) for “(j) or (k)” substitute “(j), (k), (ka) or (l)”.