
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions in the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”) and in the Judicial Review and Courts Act 2022 (c. 35) (“the 2022 Act”). The provisions come into force the day after the day on which these Regulations are made.

Regulation 2(a) brings into force subsections (7) and (8) of section 281 of the 2003 Act (alteration of penalties for other summary offences), but only in so far as they relate to section 282 of the 2003 Act (increase in maximum term that may be imposed on summary conviction of offence triable either way). Section 281(7) sets out the definition of “relevant enactment” and section 281(8) contains the definition of subordinate legislation for the purposes of section 281(7). Section 282(3) was commenced on 2 May 2022 (S.I. 2022/500).

Regulation 2(b) brings into force the repeal of consequential amendments in Schedule 8 to the Crime and Disorder Act 1998 (c. 37), which amend legislation in the Criminal Justice Act 1967 (c. 80), Criminal Appeal Act 1968 (c.19), Repatriation of Prisoners Act 1984 (c. 47), Criminal Justice Act 1991 (c. 53) and the Crime Sentences Act 1997 (c. 43), regarding repealed release provisions for prisoners.

Regulation 3(a) brings into force section 1 of the 2022 Act (quashing orders). Section 1 inserts new section 29A into the Senior Courts Act 1981 (c. 54) to provide the courts with new powers to delay, limit or remove the retrospective effect of quashing orders in judicial review cases. It also provides a list of factors for the courts to consider when making such orders.

Regulation 3(b) brings into force section 2 of the 2022 Act (exclusion of review of Upper Tribunal’s permission-to-appeal decisions). Section 2 inserts new section 11A into the Tribunals, Courts and Enforcement Act 2007 (c. 15) to prevent judicial review of permission-to-appeal decisions of the Upper Tribunal, subject to specified exemptions.

Regulation 3(c) brings into force section 13 of the 2022 Act (maximum term of imprisonment on summary conviction for either-way offence), in so far as it is not already in force. Section 13(3) came into force, upon the 2022 Act receiving Royal Assent.

Regulation 3(d) brings into force paragraphs 16 to 21 of Schedule 2 to the 2022 Act (criminal procedure: consequential and related amendments), which make amendments in connection with section 13.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.