

2023 No. 298

CRIMINAL LAW, ENGLAND AND WALES

The Sentencing Act 2020 (Magistrates' Court Sentencing Powers) (Amendment) Regulations 2023

Made - - - - at 12.45 p.m. on 9th March 2023

Laid before Parliament at 4.15 p.m. on 9th March 2023

Coming into force - - 30th March 2023

The Secretary of State makes the following Regulations in exercise of the power conferred by paragraph 14A(1) of Schedule 23 to the Sentencing Act 2020(a).

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Sentencing Act 2020 (Magistrates' Court Sentencing Powers) (Amendment) Regulations 2023.
- (2) These Regulations extend to England and Wales.
- (3) These Regulations come into force on 30th March 2023.

Amendment of section 224(1A)(b) of the Sentencing Act 2020

2. In section 224(1A)(b) of the Sentencing Act 2020(b) for “12 months” substitute “6 months”.

At 12.45 p.m. on 9th March 2023

Mike Freer
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 224 of the Sentencing Act 2020 (c. 17) specifies the general limit on a magistrates' court's power to impose imprisonment or detention in a young offender institution in respect of any one offence. Section 224(1A)(b) provides for the “applicable limit” that may be imposed in respect of triable either way offences. Paragraph 14A of Schedule 23 to that Act gives the Secretary of State powers to alter that applicable limit in specified ways, by Regulations.

(a) 2020 c. 17. Paragraph 14A of Schedule 23 was inserted by section 13(2) of the Judicial Review and Courts Act 2022 (c. 35).
(b) 2020 c. 17. Section 224(1A) was inserted by section 13(1)(b) of the Judicial Review and Courts Act 2022 (c. 35).

Regulation 2 reduces the applicable limit for a triable either way offence to one of 6 months from 12 months.

A full impact assessment of the effect of changes in magistrates' court's sentencing powers on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ and is published alongside the Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 on www.legislation.gov.uk. The effect of this instrument is Option 0 in that impact assessment.

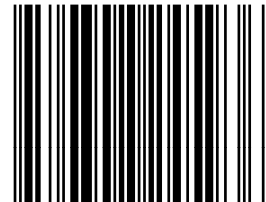
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