STATUTORY INSTRUMENTS

# 2020 No. 310

# CRIMINAL LAW, ENGLAND AND WALES

## The Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2020

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| *Made - - - -* | *16th March 2020* |
| *Laid before Parliament* | *18th March 2020* |
| *Coming into force - -* | *14th April 2020* |

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 2020 and comes into force on 14th April 2020.

**Amendment of the Criminal Justice Act 2003 (Surcharge) Order 2012**

**2.** In the Criminal Justice Act 2003 (Surcharge) Order 2012(**b**), for the Schedule substitute—

"SCHEDULE Articles 2 to 6

**Table 1**

| *Column 1* | *Column 2* |
|---|---|
| An order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000(**c**) (conditional discharge) | £17 |
| A fine | £22 |
| An order under section 1 of the Criminal Justice and Immigration Act 2008(**d**) (youth rehabilitation orders) | £22 |
| An order under section 16(2) or 16(3) of the Powers of Criminal Courts (Sentencing) Act 2000(**e**) (referral orders) | £22 |

(**a**) 2003 c. 44. Sections 161A and 161B were inserted by section 14(1) of the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 161A was amended by 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, as amended by S.I. 2014/2120, 2016/389 and 2019/985.
(**c**) 2000 c. 6. Section 12(1) was amended by paragraph 4 of Schedule 5 to the Criminal Justice and Courts Act 2015 (c. 2).
(**d**) 2008 c. 4.
(**e**) Section 16 was amended by section 79(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) ("the 2012 Act").

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| An order under section 177(1) of the Criminal Justice Act 2003(**a**) (community orders) | £22 |
| An order under section 189(1) of the Criminal Justice Act 2003(**b**) (suspended sentences of imprisonment) | £34 |
| A sentence specified in section 76 of the Powers of Criminal Courts (Sentencing) Act 2000(**c**) (meaning of "custodial sentence") | £34 |

**Table 2**

| *Column 1* | *Column 2* |
|---|---|
| An order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge) | £22 |
| 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 £34 and no more than £190. |
| An order under section 177(1) of the Criminal Justice Act 2003 (community orders) | £95 |
| 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 up to and including 6 months | £128 |
| 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 | £156 |
| A sentence of imprisonment or detention in a young offender institution for a determinate period of up to and including 6 months | £128 |
| 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 | £156 |
| A sentence of imprisonment or detention in a young offender institution for a determinate period exceeding 24 months | £190 |
| A sentence of imprisonment or custody for life | £190 |

**Table 3**

| *Column 1* | *Column 2* |
|---|---|
| An order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge) | £22 |
| 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 |

(**a**) Section 177(1) was amended by paragraph 82 of Schedule 4 to the Criminal Justice and Immigration Act 2008, by sections 72 and 76(2) of the 2012 Act, by paragraph 12(2) of Schedule 16 to the Crime and Courts Act 2013 (c. 22), and by section 15 of the Offender Rehabilitation Act 2014 (c. 11).
(**b**) Section 189(1) was substituted by section 68(1) of the 2012 Act.
(**c**) Section 76 was amended by paragraph 108 of Schedule 32 to the Criminal Justice Act 2003, and by paragraph 10 of Schedule 21 to the 2012 Act.

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| | £34 and no more than £190.”. |

**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 the coming into force of this Order, or

(b) more than one offence, at least one of which was committed before the coming into force of this Order.

*Alex Chalk*
Parliamentary Under Secretary of State
Ministry of Justice

16th March 2020

**EXPLANATORY NOTE**

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

Section 161A of the Criminal Justice Act 2003 (c. 44) requires a court, when dealing with a person for one or more offences, to order that person to pay a surcharge. The amount of the 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”). Article 2 of this Order substitutes the Schedule to the 2012 Order to provide for an increase in those amounts.

Article 3 provides that the increased amounts do not apply where a court deals with a person for a single offence committed before the date on which this Order comes into force, or where it deals with a person for more than one offence and at least one of those offences was committed before that date.

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

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