
STATUTORY INSTRUMENTS

2019 No. 985

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 2003
(Surcharge) (Amendment) Order 2019**

| | | |
|-------------------------------|---------|-----------------------|
| <i>Made</i> | - - - - | <i>4th June 2019</i> |
| <i>Laid before Parliament</i> | | <i>7th June 2019</i> |
| <i>Coming into force</i> | - - | <i>28th June 2019</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(1).

Citation and commencement

1. This Order may be cited as the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2019 and comes into force on 28th June 2019.

Amendments to the Criminal Justice Act 2003 (Surcharge) Order 2012

2. In the Criminal Justice Act 2003 (Surcharge) Order 2012(2)—
- (a) in article 4 (amount of surcharge: offences committed by an individual aged 18 or over), in paragraphs (1) and (2), for “over 18” substitute “18 or over”;
 - (b) for the Schedule(3) substitute the Schedule set out in 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 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.

(1) [2003 c. 44](#) (“the 2003 Act”). 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).

(2) [S.I. 2012/1696](#).

(3) Substituted by [S.I. 2016/389](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4th June 2019

Edward Argar
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE

Article 2

“SCHEDULE

Articles 2 to 6

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(4) (conditional discharge) | £16 |
| A fine | £21 |
| An order under section 1 of the Criminal Justice and Immigration Act 2008(5) (youth rehabilitation orders) | £21 |
| An order under section 16(2) or 16(3) of the Powers of Criminal Courts (Sentencing) Act 2000 (referral orders) | £21 |
| An order under section 177(1) of the Criminal Justice Act 2003(6) (community orders) | £21 |
| An order under section 189(1) of the Criminal Justice Act 2003(7) (suspended sentences of imprisonment) | £32 |
| A sentence specified in section 76 of the Powers of Criminal Courts (Sentencing) Act 2000(8) (meaning of “custodial sentence”) | £32 |

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) | £21 |
| 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 £32 and no more than £181. |
| An order under section 177(1) of the Criminal Justice Act 2003 (community orders) | £90 |
| An order under section 189(1) of the Criminal Justice Act 2003 (suspended sentences of imprisonment) where the sentence of | £122 |

(4) 2000 c. 6. Section 12(1) was amended by paragraph 4 of Schedule 5 to the Criminal Justice and Courts Act 2015 (c. 2).

(5) 2008 c. 4.

(6) Section 177(1) was amended by paragraph 82 of Schedule 4 to the Criminal Justice and Immigration Act 2008 (c. 4), by section 72 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the 2012 Act”) and by section 15 of the Offender Rehabilitation Act 2014 (c. 11).

(7) Section 189(1) was amended by section 68 of the 2012 Act.

(8) Section 76 was amended by paragraphs 90 and 108 of Schedule 32 to the 2003 Act and by paragraphs 7 and 10 of Schedule 21 to the 2012 Act.

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| <i>Column 1</i> | <i>Column 2</i> |
|--|-----------------|
| imprisonment or detention in a young offender institution is for a period of up to and including 6 months | |
| 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 | £149 |
| A sentence of imprisonment or detention in a young offender institution for a determinate period of up to and including 6 months | £122 |
| 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 | £149 |
| A sentence of imprisonment or detention in a young offender institution for a determinate period exceeding 24 months | £181 |
| A sentence of imprisonment or custody for life | £181 |

Table 3

| <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) | £21 |
| 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 £32 and no more than £181.” |

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(b) of this Order substitutes the Schedule to the 2012 Order to provide for an increase in those amounts. Article 2(a) amends article 4 of the 2012 Order to clarify that article 4 also applies in respect of an offence or offences committed when a person was aged 18.

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Article 3 provides that the amendments made by this Order to the 2012 Order do not apply where a court deals with a person for a single offence committed before 28th June 2019 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.