



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 8

#### OTHER PROVISIONS ABOUT SENTENCING

#### *Alteration of penalties for offences*

PROSPECTIVE

#### **280 Alteration of penalties for specified summary offences**

- (1) The summary offences listed in Schedule 25 are no longer punishable with imprisonment.
- (2) Schedule 26 (which contains amendments increasing the maximum term of imprisonment for certain summary offences from 4 months or less to 51 weeks) shall have effect.
- (3) This section does not affect the penalty for any offence committed before the commencement of this section.

#### **281 Alteration of penalties for other summary offences**

- (1) Subsection (2) applies to any summary offence which—
  - (a) is an offence under a relevant enactment,
  - (b) is punishable with a maximum term of imprisonment of five months or less,and

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- (c) is not listed in Schedule 25 or Schedule 26.
- (2) The Secretary of State may by order amend any relevant enactment so as to—
- (a) provide that any summary offence to which this subsection applies is no longer punishable with imprisonment, or
  - (b) increase to 51 weeks the maximum term of imprisonment to which a person is liable on conviction of the offence.
- (3) An order under subsection (2) may make such supplementary, incidental or consequential provision as the Secretary of State considers necessary or expedient, including provision amending any relevant enactment.
- (4) Subsection (5) applies to any summary offence which—
- (a) is an offence under a relevant enactment, and
  - (b) is punishable with a maximum term of imprisonment of six months.
- (5) The maximum term of imprisonment to which a person is liable on conviction of an offence to which this subsection applies is, by virtue of this subsection, 51 weeks (and the relevant enactment in question is to be read as if it had been amended accordingly).
- (6) Neither of the following—
- (a) an order under subsection (2), or
  - (b) subsection (5),
- affects the penalty for any offence committed before the commencement of that order or subsection (as the case may be).
- (7) In this section and section 282 “relevant enactment” means any enactment contained in—
- (a) an Act passed before or in the same Session as this Act, or
  - (b) any subordinate legislation made before the passing of this Act.
- (8) In subsection (7) “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

**Modifications etc. (not altering text)**

- C1** S. 281 applied (prosp.) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\)](#), **ss. 10(3)**, 40
- C2** S. 281(5) modified (16.12.2010) by [The National Assembly for Wales Referendum \(Assembly Act Provisions\) \(Referendum Question, Date of Referendum Etc.\) Order 2010 \(S.I. 2010/2837\)](#), arts. 1(2), **Sch. 4 para. 1(6)**

**Commencement Information**

- II** S. 281(7)(8) in force at 14.7.2022 for specified purposes by [S.I. 2022/816](#), regs. 1(2), **2(a)**

**282 Increase in maximum term that may be imposed on summary conviction of offence triable either way**

- (1) In section 32 of the Magistrates' Courts Act 1980 (c. 43) (penalties on summary conviction for offences triable either way) in subsection (1) (offences listed in Schedule 1 to that Act) for “not exceeding 6 months” there is substituted “ not exceeding 12 months ”.
- (2) Subsection (3) applies to any offence triable either way which—

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- (a) is an offence under a relevant enactment,
  - (b) is punishable with imprisonment on summary conviction, and
  - (c) is not listed in Schedule 1 to the Magistrates' Courts Act 1980.
- (3) The <sup>F1</sup>... term of imprisonment to which a person is liable on summary conviction of an offence to which this subsection applies is by virtue of this subsection [<sup>F2</sup>a term not exceeding the general limit in a magistrates' court] (and the relevant enactment in question is to be read as if it had been amended accordingly).
- (4) Nothing in this section affects the penalty for any offence committed before the commencement of this section.

**Textual Amendments**

**F1** Word in s. 282(3) omitted (14.7.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 13\(5\)\(a\)](#), 51(4); [S.I. 2022/816](#), regs. 1(2), 3(c)

**F2** Words in s. 282(3) substituted (14.7.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 13\(5\)\(b\)](#), 51(4); [S.I. 2022/816](#), regs. 1(2), 3(c)

**Modifications etc. (not altering text)**

**C3** S. 282 applied (prosp.) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\)](#), [ss. 10\(3\)](#), 60

**C4** S. 282(3) modified (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 56\(4\)](#), 66(2)(c)

**Commencement Information**

**I2** S. 282 in force at 2.5.2022 by [S.I. 2022/500](#), [reg. 3\(a\)](#)

**283 Enabling powers: power to alter maximum penalties**

- (1) The Secretary of State may by order, in accordance with subsection (2) <sup>F3</sup>..., amend any relevant enactment which confers a power (however framed or worded) by subordinate legislation to make a person—
- (a) as regards a summary offence, liable on conviction to a term of imprisonment;
  - <sup>F4</sup>(b) .....
- (2) An order made by virtue of paragraph (a) of subsection (1) may amend the relevant enactment in question so as to—
- (a) restrict the power so that a person may no longer be made liable on conviction of a summary offence to a term of imprisonment, or
  - (b) increase to 51 weeks the maximum term of imprisonment to which a person may be made liable on conviction of a summary offence under the power.
- <sup>F5</sup>(3) .....
- (4) Schedule 27 (which amends the maximum penalties which may be imposed by virtue of certain enabling powers) shall have effect.
- (5) The power conferred by subsection (1) shall not apply to the enactments amended under Schedule 27.
- (6) An order under subsection (1) may make such supplementary, incidental or consequential provision as the Secretary of State considers necessary or expedient, including provision amending any relevant enactment.

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- (7) None of the following—
- (a) an order under subsection (1), or
  - (b) Schedule 27,
- affects the penalty for any offence committed before the commencement of that order or Schedule (as the case may be).
- (8) In subsection (1) “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).
- (9) In this section “relevant enactment” means any enactment contained in an Act passed before or in the same Session as this Act.

#### Textual Amendments

- F3** Words in s. 283(1) omitted (14.7.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 19\(3\)\(a\)\(i\)](#); S.I. 2022/816, regs. 1(2), 3(d)
- F4** S. 283(1)(b) omitted (14.7.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 19\(3\)\(a\)\(ii\)](#); S.I. 2022/816, regs. 1(2), 3(d)
- F5** S. 283(3) omitted (14.7.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 19\(3\)\(b\)](#); S.I. 2022/816, regs. 1(2), 3(d)

#### Commencement Information

- I3** [S. 283\(4\)\(7\)](#) in force at 2.5.2022 for specified purposes by [S.I. 2022/500](#), [reg. 3\(b\)\(ii\)](#)

### 284 Increase in penalties for drug-related offences

- (1) Schedule 28 (increase in penalties for certain drug-related offences) shall have effect.
- (2) That Schedule does not affect the penalty for any offence committed before the commencement of that Schedule.

### 285 Increase in penalties for certain driving-related offences

- (1) In section 12A of the Theft Act 1968 (c. 60) (aggravated vehicle-taking), in subsection (4), for “five years” there is substituted “fourteen years”.
- (2) Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences) is amended in accordance with subsections (3) and (4).
- (3) In the entry relating to section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving), in column 4, for “10 years” there is substituted “14 years”.
- (4) In the entry relating to section 3A of that Act (causing death by careless driving when under influence of drink or drugs), in column 4, for “10 years” there is substituted “14 years”.
- (5) Part I of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10)) (prosecution and punishment of offences) is amended in accordance with subsections (6) and (7).
- (6) In the entry relating to Article 9 of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)) (causing death or grievous bodily injury by dangerous driving), in column 4, for “10 years” there is substituted “14 years”.

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- (7) In the entry relating to Article 14 of that Order (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs), in column 4, for “10 years” there is substituted “ 14 years ”.
- (8) This section does not affect the penalty for any offence committed before the commencement of this section.

## **286 Increase in penalties for offences under section 174 of Road Traffic Act 1988**

- (1) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences), in the entry relating to section 174 of the Road Traffic Act 1988 (c. 52) (false statements and withholding material information), for columns (3) and (4) there is substituted—

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|                   |   |
|-------------------|---|
| “(a) Summarily    | (a) 6 months or the statutory maximum or both |
| (b) On indictment | (b) 2 years or a fine or both.”               |

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- (2) Section 282(3) (increase in maximum term that may be imposed on summary conviction of offence triable either way) has effect in relation to the entry amended by subsection (1) as it has effect in relation to any other enactment contained in an Act passed before this Act.
- (3) This section does not apply in relation to any offence committed before the commencement of this section.

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)

- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))
- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)