



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 9

SUPPLEMENTARY

302 Execution of process between England and Wales and Scotland

Section 4 of the Summary Jurisdiction (Process) Act 1881 (c. 24) (execution of process of English and Welsh courts in Scotland) applies to any process issued by a magistrates' court under—

[^{F1}section 256AC(1) or (3),
section 256C(1) or (3),]

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[^{F3}paragraph 8(1) or 10(5) of Schedule 19A,]

as it applies to process issued under the Magistrates' Courts Act 1980 by a magistrates' court.

Textual Amendments

F1 Words in s. 302 inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 24\(2\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(u)

F2 Words in s. 302 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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F3 Words in s. 302 inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 24\(4\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(u)

Modifications etc. (not altering text)

C1 S. 302 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#); [S.I. 2012/1236](#), [reg. 2](#)

Commencement Information

II S. 302 wholly in force at 4.4.2005; s. 302 not in force at Royal Assent, see s. 336(3); s. 302 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 302 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 21](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

303 Sentencing: repeals

The following enactments (which are superseded by the provisions of this Part) shall cease to have effect—

- (a) Part 2 of the Criminal Justice Act 1991 (c. 53) (early release of prisoners),
- (b) in the Crime (Sentences) Act 1997 (c. 43)—
 - (i) section 29 (power of Secretary of State to release life prisoners to whom section 28 of that Act does not apply),
 - (ii) section 33 (transferred prisoners), and
 - (iii) sections 35 and 40 (fine defaulters),
- (c) sections 80 and 81 of the Crime and Disorder Act 1998 (c. 37) (sentencing guidelines), and
- (d) in the Sentencing Act—
 - (i) Chapter 3 of Part 4 (community orders available only where offender 16 or over),
 - (ii) section 85 (sexual or violent offences: extension of custodial term for licence purposes),
 - (iii) sections 87 and 88 (remand in custody),
 - (iv) section 109 (life sentence for second serious offence), and
 - (v) Chapter 5 of Part 5 (suspended sentences).

Commencement Information

I2 S. 303 partly in force; s. 303(b)(i)(ii) in force at 18.12.2003 see s. 336(2); s. 303(a)(c)(d) in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 22](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

304 Amendments relating to sentencing

Schedule 32 (which contains amendments related to the provisions of this Part) shall have effect.

Commencement Information

I3 S. 304 partly in force; s. 304 in force for certain purposes at 18.12.2003, see s. 336(2); s. 304 in force for certain purposes at 22.1.2004 by [S.I. 2004/81](#), [art. 3](#); s. 304 in force for certain purposes

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at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.; s. 304 in force for certain purposes at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 23 (subject to art. 2(2), Sch. 2)

305 Interpretation of Part 12

(1) In this Part, except where the contrary intention appears—

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“associated”, in relation to offences, is to be read in accordance with [F6 section 400 of the Sentencing Code];

“attendance centre” has the meaning given by section 221(2);
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...

“community order” has the meaning given by [F7 section 200 of the Sentencing Code];

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...
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...

“court” (without more), except in Chapter 7, does not include a service court [F8, but this does not apply where a contrary intention appears from any provision of the Armed Forces Act 2006;]

“curfew requirement”, in relation to a community order, F9 ... or suspended sentence order, has the meaning given by [F10 paragraph 9(1) of Schedule 9 to the Sentencing Code];

“custodial sentence” has the meaning given by [F11 section 222 of the Sentencing Code];

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“default order” has the meaning given by section 300(3);

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“licence” means a licence under Chapter 6;

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[F14 “ the PCC(S)A 2000 ” means the Powers of Criminal Courts (Sentencing) Act 2000;]

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“sentence of imprisonment” does not include a committal—

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- (a) in default of payment of any sum of money,
- (b) for want of sufficient distress to satisfy any sum of money, or
- (c) for failure to do or abstain from doing anything required to be done or left undone ,

and references to sentencing an offender to imprisonment are to be read accordingly;

“the Sentencing Act” means the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6);

[^{F15}“service court” means—

- (a) the Court Martial;
- (b) the Summary Appeal Court;
- (c) the Service Civilian Court;
- (d) the Court Martial Appeal Court; or
- (e) the Supreme Court on an appeal brought from the Court Martial Appeal Court;]

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...

“suspended sentence” and “suspended sentence order” have the meaning given by [^{F16}section 286 of the Sentencing Code];

^{F4}
...

“youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998 (c. 37).

[^{F17}(1A) In this Part any reference to want of sufficient distress to satisfy a sum includes a reference to circumstances where—

- (a) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the sum from a person, but
- (b) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (as defined by paragraph 50(3) of that Schedule).]

(2) For the purposes of any provision of this Part which requires the determination of the age of a person by the court or the Secretary of State, his age is to be taken to be that which it appears to the court or (as the case may be) the Secretary of State to be after considering any available evidence.

(3) Any reference in this Part to an offence punishable with imprisonment is to be read without regard to any prohibition or restriction imposed by or under any Act on the imprisonment of young offenders.

^{F18}(4)

Textual Amendments

- F4** Words in s. 305(1) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 243\(2\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F5** Words in s. 305(1) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 5 para. 6\(3\)](#) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(v)
- F6** Words in s. 305(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 243\(3\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F7** Words in s. 305(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 243\(4\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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- F8** S. 305(1): words in definition of "court" inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52)**, ss. 378(1), 383, **Sch. 16 para. 231(a)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F9** Words in s. 305(1) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)**, s. 151(1), **Sch. 10 para. 37(c)**; S.I. 2012/2906, art. 2(h)
- F10** Words in s. 305(1) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 24 para. 243(5)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F11** Words in s. 305(1) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 24 para. 243(6)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F12** Words in s. 305(1) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)**, s. 151(1), **Sch. 10 para. 37(a)**; S.I. 2012/2906, art. 2(h)
- F13** Words in s. 305(1) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)**, s. 151(1), **Sch. 10 para. 37(b)**; S.I. 2012/2906, art. 2(h)
- F14** Words in s. 305(1) inserted (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 24 para. 243(8)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F15** S. 305(1): definition of "service court" substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) for definitions of "service court" and "service disciplinary proceedings" by **Armed Forces Act 2006 (c. 52)**, ss. 378(1), 383, **Sch. 16 para. 231(b)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F16** Words in s. 305(1) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 24 para. 243(7)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F17** S. 305(1A) inserted (6.4.2014) by **Tribunals, Courts and Enforcement Act 2007 (c. 15)**, s. 148, **Sch. 13 para. 155** (with s. 89) (as amended (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)**, ss. 110(11), 151(1) (with **Sch. 15**); S.I. 2012/2906, **art. 2(d)**); S.I. 2014/768, **art. 2(1)(b)**
- F18** S. 305(4) repealed (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C2** S. 305 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by **Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9)**, **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

Commencement Information

- I4** S. 305 wholly in force at 4.4.2005; s. 305 not in force at Royal Assent, see s. 336(3); s. 305(1)-(3) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, **Sch.**; s. 305 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, **Sch. 1 para. 24** (subject to **art. 2(2)**, **Sch. 2**)

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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](#)