



Legislative and Regulatory Reform Act 2006

2006 CHAPTER 51

PART 1

ORDER-MAKING POWERS

Restrictions

6 Criminal penalties

- (1) An order under this Part may not make provision to create a new offence that is punishable, or increase the penalty for an existing offence so that it is punishable—
 - (a) on indictment, with imprisonment for a term exceeding two years; or
 - (b) on summary conviction, with—
 - (i) imprisonment for a term exceeding the normal maximum term; or
 - (ii) a fine exceeding level 5 on the standard scale.
- (2) In subsection (1)(b)(i), “the normal maximum term” means—
 - (a) in relation to England and Wales—
 - (i) in the case of a summary offence, 51 weeks; and
 - (ii) in the case of an offence triable either way, twelve months; and
 - (b) in relation to Scotland or Northern Ireland, six months.
- (3) In the case of an offence which, if committed by an adult, is triable either on indictment or summarily and is not an offence triable on indictment only by virtue of—
 - (a) Part 5 of the Criminal Justice Act 1988 (c. 33), or
 - (b) section 292(6) and (7) of the Criminal Procedure (Scotland) Act 1995 (c. 46),the reference in subsection (1)(b)(ii) to a fine exceeding level 5 on the standard scale is to be construed as a reference to the statutory maximum.

Changes to legislation: *Legislative and Regulatory Reform Act 2006, Section 6 is up to date with all changes known to be in force on or before 04 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) If an order under this Part making provision creating an offence, or altering the penalty for an offence, is made before the date on which section 281(5) of the Criminal Justice Act 2003 (c. 44) comes into force, the order must provide that, in relation to a summary offence committed before that date, any reference to a term of imprisonment of 51 weeks is to be read as a reference to six months.
- (5) If an order under this Part making provision creating an offence, or altering the penalty for an offence, is made before [^{F1}2 May 2022], the order must provide that, in relation to an offence triable either way committed before that date, any reference to a term of imprisonment of twelve months is to be read as a reference to six months.
- (6) Subsection (1) does not apply to provision which merely restates an enactment.

Textual Amendments

- F1** Words in s. 6(5) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

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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. 23A inserted by [2016 c. 12 s. 15](#)