

SCHEDULES

SCHEDULE 22

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART 4

SENTENCING

Sentencing Council for England and Wales

- 27 (1) Nothing in section 125 or 126 has effect in relation to the sentencing of persons for offences committed before the commencement of the section in question.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.
- 28 (1) Without prejudice to the generality of section 177, an order under subsection (3) of that section made by the Lord Chancellor may provide—
- (a) for the Sentencing Council for England and Wales to exercise any function conferred on the Sentencing Guidelines Council by any provision of Chapter 1 of Part 12 of the [Criminal Justice Act 2003 \(c. 44\)](#) pending the repeal of the provision in question by this Act;
 - (b) for existing guidelines which have effect immediately before the coming into force of section 125(1) to be treated as guidelines issued by the Sentencing Council for England and Wales under this Act;
 - (c) that, in relation to the sentencing of persons for offences committed before the coming into force of section 125(1), any provision of Chapter 1 of Part 12 of the [Criminal Justice Act 2003](#) repealed by this Act continues to have effect with such modifications as are specified in the order.
- (2) “Existing guidelines” means—
- (a) sentencing or allocation guidelines issued as definitive guidelines under section 170 of the [Criminal Justice Act 2003](#);
 - (b) guidelines with respect to sentencing which were included in any judgment of the Court of Appeal given before 27 February 2004 and have not been superseded by sentencing guidelines so issued.

Driving disqualification

- 29 (1) No provision of Schedule 16 applies in relation to, or has effect by reference to, offences committed wholly or partly before the commencement of the provision in question.
- (2) An offence is partly committed before the commencement of a provision if—

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- (a) a relevant event occurs before commencement, and
 - (b) another relevant event occurs on or after commencement.
- (3) “Relevant event” in relation to an offence means any act or other event (including any consequence of an act) proof of which is required for conviction of the offence.
- 30 (1) During the transitory period, the [Road Traffic Offenders Act 1988 \(c. 53\)](#) has effect with the amendments made by paragraphs 31 to 33.
- (2) The transitory period is—
- (a) in the case of paragraph 31 or 32, the period beginning with the coming into force of the paragraph and ending with the coming into force of section 35 of the [Road Safety Act 2006 \(c. 49\)](#) (which substitutes sections 34A to 34C of the [Road Traffic Offenders Act 1988 \(c. 53\)](#));
 - (b) in the case of paragraph 33, the period beginning with the coming into force of the paragraph and ending with the coming into force of paragraph 44(2) of Schedule 3 to the Road Safety Act 2006.
- 31 In section 34A (reduced disqualification period for attendance on courses)—
- (a) in subsection (1)(b), after “months” insert “(disregarding any extension period added pursuant to section 35A or 35C)”,
 - (b) in subsection (2), after “section 34” insert “(disregarding any extension period added pursuant to section 35A or 35C) (“the unreduced period)””,
 - (c) in subsection (3), after “section 34”, in both places it occurs, insert “(disregarding any extension period added pursuant to section 35A or 35C)”,
 - (d) after that subsection insert—
 - “(3A) The reduced period” is the period of disqualification imposed under section 34 of this Act (disregarding any extension period added pursuant to section 35A or 35C) as reduced by an order under this section.”, and
 - (e) in subsection (5), at the end insert “but including any extension period added pursuant to section 35A or 35C.”
- 32 In section 34B (certificates of completion of courses)—
- (a) in subsection (1), for “period of disqualification imposed under section 34” substitute “total unreduced period of disqualification”,
 - (b) in subsection (2)—
 - (i) for “period of disqualification imposed under section 34” substitute “total unreduced period of disqualification”,
 - (ii) for “end of the period as it would have been reduced by the order” substitute “total reduced period of disqualification”, and
 - (iii) for “reduced period” substitute “total reduced period of disqualification”, and
 - (c) after that subsection insert—
 - “(2A) For the purposes of this section—
 - “the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under section 34A;

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“the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”

- 33 In section 47(2) (supplementary provisions as to disqualification and endorsement) after “or more” insert “(disregarding any extension period)”.
- 34 (1) Sub-paragraph (2) applies where an order (“the amending order”) under section 49(1) (b) of the [Criminal Justice Act 1991 \(c. 53\)](#) (alteration by order of relevant proportions of sentences) provides that the proportion of a prisoner’s sentence is to be construed as a reference to another proportion (“the new proportion”).
- (2) The Secretary of State may by order provide that the proportion specified in section 35A(4)(h) of the [Road Traffic Offenders Act 1988 \(c. 53\)](#) (as inserted by Schedule 16) and section 147A(4)(h) of the [Powers of Criminal Courts \(Sentencing\) Act 2000 \(c. 6\)](#) (as inserted by that Schedule) is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.
- 35 (1) Sub-paragraph (2) applies where an order (“the amending order”) under section 27(2) (b) of the [Prisoners and Criminal Proceedings \(Scotland\) Act 1993 \(c. 9\)](#) (alteration by order of relevant proportions of sentences) provides that the proportion of a prisoner’s sentence is to be construed as a reference to another proportion (“the new proportion”).
- (2) The Secretary of State may by order provide that the proportion specified in section 35C(4)(d) of the [Road Traffic Offenders Act 1988](#) (as inserted by Schedule 16) and section 248D(4)(d) of the [Criminal Procedure \(Scotland\) Act 1995 \(c. 46\)](#) (as inserted by that Schedule) is to be read, in the case of a sentence of imprisonment to which the amending order applies, as a reference to the new proportion.
- 36 Until the coming into force of Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 ([asp 17](#)), paragraphs 2(3) and 3 of Schedule 16 have effect subject to such amendments as the Secretary of State may by order prescribe.

Dangerous offenders

- 37 (1) The amendments made by section 138 have effect in relation only to offences committed on or after the day that section comes into force.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.
- 38 (1) The amendments made by section 139 have effect in relation only to offences committed on or after the day that section comes into force.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.

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Confiscation orders

- 39 The amendments made by sections 140 and 141 (appeals against certain confiscation orders) apply to appeals which are pending when this Act is passed (as well as appeals made after that time).