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## SCHEDULES

### SCHEDULE 22

Section 408

#### AMENDMENTS OF THE SENTENCING CODE AND RELATED AMENDMENTS OF OTHER LEGISLATION

PROSPECTIVE

#### PART 1

##### GENERAL PROVISIONS

##### *Pre-sentence drug testing*

1 After section 34 insert—

##### *“Pre-sentence drug testing*

#### **34A Pre-sentence drug testing**

- (1) This section applies where—
  - (a) a person is convicted of an offence, and
  - (b) the court is considering passing—
    - (i) a community sentence, or
    - (ii) a suspended sentence.
- (2) The court may make an order requiring the offender to provide samples for the purpose of ascertaining whether the offender has any specified Class A drug in his or her body.
- (3) An order under this section—
  - (a) must specify the descriptions of samples to be provided,
  - (b) if the offender is aged under 17, must provide for the samples to be provided in the presence of an appropriate adult, and
  - (c) may include further provision about how the samples are to be provided.
- (4) If it is proved to the satisfaction of the court that the offender has, without reasonable excuse, failed to comply with the order it may impose on the offender a fine of an amount not exceeding level 4.
- (5) In subsection (4) “level 4” means the amount which, in relation to a fine for a summary offence, is level 4 on the standard scale.

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(6) The court may not make an order under subsection (2) unless it has been notified by the Secretary of State that the power to make such orders is exercisable by the court (and the notice has not been withdrawn).

(7) In this section—

“appropriate adult” in relation to a person aged under 17, means—

- (a) the person's parent or guardian or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,
- (b) a social worker of a local authority, or
- (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes;

“police purposes” has the meaning given by section 101(2) of the Police Act 1996;

“specified Class A drug” has the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000 (see section 70 of that Act).”

2 In section 230 (threshold for imposing discretionary custodial sentence), after subsection (3) insert—

“Exception to subsection (2) relating to pre-sentence drug testing

(3A) Nothing in subsection (2) prevents the court from passing a custodial sentence on the offender if the offender fails to comply with an order under section 34A (pre-sentence drug testing).”

#### *Purposes of sentencing*

3 (1) For section 58 substitute—

#### “58 Purposes etc of sentencing: offenders under 18

(1) This section applies where a court is dealing with an offender aged under 18 for an offence.

(2) The court must have regard to—

- (a) the principal aim of the youth justice system (which is to prevent offending (or re-offending) by persons aged under 18: see section 37(1) of the Crime and Disorder Act 1998);
- (b) in accordance with section 44 of the Children and Young Persons Act 1933, the welfare of the offender, and
- (c) the purposes of sentencing mentioned in subsection (3) (so far as it is not required to do so by paragraph (a)).

(3) Those purposes of sentencing are—

- (a) the punishment of offenders,
- (b) the reform and rehabilitation of offenders,
- (c) the protection of the public, and

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(d) the making of reparation by offenders to persons affected by their offences.

(4) This section does not apply—

- (a) to an offence in relation to which a mandatory sentence requirement applies;
- (b) in relation to making any of the following orders under Part 3 of the Mental Health Act 1983—
  - (i) a hospital order (with or without a restriction order);
  - (ii) an interim hospital order;
  - (iii) a hospital direction;
  - (iv) a limitation direction.”

(2) In section 57 (purposes of sentencing: adults), in subsection (1)(b), omit “when convicted”.

*[<sup>F1</sup>Seriousness]*

#### Textual Amendments

**F1** Sch. 22 para. 4 and cross-heading repealed in part (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v)(3)(h), [Sch. 13 para. 6\(4\)](#)

4 *[<sup>F1</sup>In Schedule 1 (offences where terrorist connection to be considered)—*

(a) after paragraph 13 insert—

“13A An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018—

- (a) paragraph 1 (hijacking of spacecraft);
- (b) paragraph 2 (destroying, damaging or endangering safety of spacecraft);
- (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
- (d) paragraph 4 (endangering safety at spaceports);
- (e) paragraph 5 (offences in relation to certain dangerous articles).”;

(b) in paragraph 14, for “13” substitute “ 13A ”.]

PROSPECTIVE

## PART 2

### REFERRAL ORDERS

*Referral orders consecutive to earlier referral orders*

5 In section 87 (referral order consecutive to earlier referral order), omit subsection (2).

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PROSPECTIVE

### PART 3

#### FINES ETC: ABOLITION OF DETENTION IN DEFAULT OF PAYMENT

- 6 In section 119 (power of magistrates' court to fine where only imprisonment etc specified), in subsection (4)—
- (a) for paragraph (b) substitute—
- “(b) the term of imprisonment to which the offender would be subject in default of payment of the fine must not be longer than the term of imprisonment to which the offender is liable on conviction of the offence.”;
- (b) omit the words following paragraph (b).
- 7 In section 127 (remission of fines following determination under section 126), in subsection (3), omit “, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,”.
- 8 In section 129 (fine imposed on offender by Crown Court: duty to make term in default order)—
- (a) in subsection (3), for paragraphs (a) and (b) substitute “ of imprisonment ”;
- (b) in subsection (4), omit “or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000”;
- (c) in subsection (5), in the opening words omit “or detained”;
- (d) in subsection (6), in the words following paragraph (c), omit “or detention”.
- 9 In section 132 (enforcement of fines imposed on offenders by Crown Court), in subsection (3) omit “, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,”.
- 10 In section 382 (power to determine financial circumstances of offender's parent or guardian), in subsection (4), for paragraphs (a) and (b) substitute “ imprisonment ”.

PROSPECTIVE

### PART 4

#### COMMUNITY SENTENCES

##### *Youth rehabilitation orders with intensive supervision and surveillance*

- 11 (1) In section 179 (exercise of power to impose youth rehabilitation order: general considerations), after subsection (4) insert—
- “(4A) Nothing in subsection (2) prevents a court from making a youth rehabilitation order with intensive supervision and surveillance in respect

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of an offender who fails to comply with an order under section 34A (pre-sentence drug testing).”

- (2) In section 180 (exercise of powers to make orders with intensive supervision and surveillance or fostering), after subsection (4) insert—

“(5) Nothing in subsection (2) prevents a court from making a youth rehabilitation order with intensive supervision and surveillance in respect of an offender who fails to comply with an order under section 34A (pre-sentence drug testing).”

- (3) In section 186 (youth rehabilitation order: exercise of power to impose particular requirements), after subsection (8) insert—

“(8A) Nothing in subsection (6) prevents a court from making a youth rehabilitation order with intensive supervision and surveillance in respect of an offender who fails to comply with an order under section 34A (pre-sentence drug testing).”

*Youth rehabilitation order for offender previously fined*

- 12 (1) In section 179 (exercise of power to impose youth rehabilitation order: general considerations), in subsection (2), at the end insert—

“This is subject to section 179A (persistent offender previously fined).”

- (2) After section 179 insert—

**“179A Exercise of power to make youth rehabilitation order: persistent offender previously fined**

- (1) This section applies where—

- (a) the offender is aged 16 or 17 when convicted of the offence,
- (b) on three or more previous occasions a sentence consisting only of a fine has been passed on the offender on conviction by a court in the United Kingdom of an offence committed by the offender after reaching the age of 16, and
- (c) despite the effect of section 65 (effect of previous convictions in determining seriousness), the court would not (apart from this section) regard—
  - (i) the current offence, or
  - (ii) the combination of the current offence and one or more associated offences,

as being serious enough to warrant a youth rehabilitation order.

Paragraph (b) must be read with section 397A (offenders fined at least three times: interpretation).

- (2) The court may make a youth rehabilitation order in respect of the current offence instead of imposing a fine if it considers that, having regard to all the circumstances including the matters mentioned in subsection (3), it would be in the interests of justice to make a youth rehabilitation order.
- (3) Those matters are—

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- (a) the nature of the offences to which the previous convictions mentioned in subsection (1)(b) relate and their relevance to the current conviction;
- (b) the time that has elapsed since the offender's conviction of each of those offences.

(4) Nothing in this section limits the extent to which a court may, in accordance with section 65, treat any previous convictions of the offender as increasing the seriousness of an offence.”

*Availability etc of community order*

13

In section 202 (availability of community order)—

- (a) in subsection (1), for paragraph (b) substitute—  
 “(b) the seriousness condition is met.”
- (b) after that subsection insert—

“(1A) The seriousness condition is that—

- (a) the offence is punishable with imprisonment by that court, or
- (b) on three or more previous occasions a sentence consisting only of a fine has been passed on the offender on conviction by a court in the United Kingdom of an offence committed by the offender after reaching the age of 16.

(1B) Subsection (1A)(b) must be read with section 397A.”

14

(1) In section 204 (exercise of power to impose community order: general considerations), in subsection (2), at the end insert—

“This is subject to section 204A (persistent offender previously fined).”

(2) After that section insert—

**“204A Exercise of power to impose community order: persistent offender previously fined**

- (1) Subsection (2) applies (in addition to section 204(2)) where—
  - (a) a community order is available to a court dealing with an offender by virtue of section 202(1A)(b) (offender fined at least three times), and
  - (b) the offence is not punishable with imprisonment by that court.
- (2) The court may not make a community order unless it also considers that, having regard to all the circumstances including the matters mentioned in subsection (5), it would be in the interests of justice to make a community order.
- (3) Subsection (4) applies where—
  - (a) a community order is available to a court dealing with an offender,
  - (b) the offence is punishable with imprisonment,
  - (c) on three or more previous occasions a sentence consisting only of a fine has been passed on the offender on conviction by a court in

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- the United Kingdom of an offence committed by the offender after reaching the age of 16, and
- (d) despite the effect of section 65 (effect of previous convictions in determining seriousness), the court would not (apart from this section) regard—
- (i) the current offence, or
  - (ii) the combination of the current offence and one or more associated offences,
- as being serious enough to warrant a community sentence.
- (4) The court may make a community order in respect of the current offence instead of imposing a fine if it considers that, having regard to all the circumstances including the matters mentioned in subsection (5) it would be in the interests of justice to make a community order.
- (5) The matters referred to in subsections (2) and (4) are—
- (a) the nature of the offences to which the previous convictions mentioned in—
    - (i) section 202(1A)(b), or
    - (ii) as the case may be, subsection (3)(c),relate and their relevance to the current offence, and
  - (b) the time that has elapsed since the offender's conviction of each of those offences.
- (6) Nothing in this section limits the extent to which a court may, in accordance with section 65, treat any previous convictions of the offender as increasing the seriousness of an offence.”

*Youth rehabilitation orders and community sentences: references to previous convictions*

15 After section 397 insert—

**“397A Offenders fined at least three times: interpretation**

- (1) This section applies for the purposes of the following provisions (the “relevant provisions”)—
- (a) section 179A(1)(b) (exercise of power to make youth rehabilitation order: persistent offender previously fined),
  - (b) section 202(1A)(b) (availability of community order: seriousness condition), and
  - (c) section 204A(3)(c) (exercise of power to impose community order: persistent offender previously fined).
- (2) For those purposes, the following do not form part of an offender's sentence—
- (a) a criminal courts charge order (or an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge));
  - (b) a compensation order (or an order under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders));
  - (c) a service compensation order awarded in service disciplinary proceedings;

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- (d) a surcharge under section 42 (or an order under section 161A of the Criminal Justice Act 2003 (surcharge));
  - (e) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;
  - (f) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.
- (3) For those purposes, it is immaterial whether on other previous occasions a court has passed on the offender a sentence not consisting only of a fine.
- [<sup>F2</sup>(3A) Where the court is dealing with the offender for an offence for which the proceedings were instituted before IP completion day (see section 397(5)), the reference in each of the relevant provisions to conviction by a court in the United Kingdom of an offence includes a reference to conviction by a court in a member State of a relevant offence.]
- (4) In each of the relevant provisions, the reference to conviction by a court in the United Kingdom includes a reference to—
- (a) a conviction in proceedings (whether or not before a court) in respect of—
    - (i) a service offence within the meaning of the Armed Forces Act 2006, or
    - (ii) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), or
  - (b) a finding of guilt in—
    - (i) proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence); or
    - (ii) proceedings before a Standing Civilian Court established under section 6 of the Armed Forces Act 1976.
- (5) For the purposes of the relevant provisions and this section, any reference to conviction or sentence, in the context of proceedings mentioned in subsection (4), includes anything that under section 376(1) to (3) of the Armed Forces Act 2006 is to be treated as a conviction or sentence.”

#### Textual Amendments

- F2** Words in Sch. 22 para. 15 inserted by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 19\(1A\)](#) (as inserted by [2020 c. 17](#), [Sch. 22 para. 97A](#) (as amended by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), [regs. 1\(1\)](#), [5\(16\)](#)))

*Community orders and youth rehabilitation orders for persistent offenders: amendments relating to offences in other member States*



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**Textual Amendments**

**F3** Sch. 22 paras. 16-18 omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 97](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520](#), regs. 1(1), **5(15)**)

<sup>F3</sup>17 .....

**Textual Amendments**

**F3** Sch. 22 paras. 16-18 omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 97](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520](#), regs. 1(1), **5(15)**)

<sup>F3</sup>18 .....

**Textual Amendments**

**F3** Sch. 22 paras. 16-18 omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 97](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520](#), regs. 1(1), **5(15)**)

19 (1) Section 397A (offenders fined at least three times: interpretation), inserted by paragraph 15, is amended as follows.

[<sup>F4</sup>(1A) After subsection (3) insert—

“(3A) Where the court is dealing with the offender for an offence for which the proceedings were instituted before IP completion day (see section 397(5)), the reference in each of the relevant provisions to conviction by a court in the United Kingdom of an offence includes a reference to conviction by a court in a member State of a relevant offence.”]

(2) In subsection (4)(a)—

- (a) in sub-paragraph (i), omit “within the meaning of the Armed Forces Act 2006”;
- (b) after that sub-paragraph (but before the “or” at the end of it) insert—  
“(ia) a member State service offence.”.

(3) In subsection (5), after “subsection (4)” insert “(other than proceedings for a member State service offence) ”.

(4) After subsection (5) insert—

“(6) For the purposes of the relevant provisions, an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done there at the time of the conviction of the offender for the current offence.

(7) In subsections (4) and (5)—

- “member State service offence” means an offence which—
- (a) was the subject of proceedings under the service law of a member State other than the United Kingdom, and

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(b) would constitute an offence under the law of any part of the United Kingdom, or a service offence, if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the offender for the current offence;

“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006;

“service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State;

“service offence” has the same meaning as in the Armed Forces Act 2006.”

#### Textual Amendments

**F4** Sch. 22 para. 19(1A) inserted by Sch. 22 para. 97A of this Act (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(16)**)

#### *Consequential amendment of section 77 (basis of opinion provisions)*

20 (1) In section 77, subsection (5) is amended as follows.

(2) In paragraph (c), after “179,” insert “ 179A, ”.

(3) In paragraph (d), for “204” substitute “ 202(1A)(b), 204, 204A ”.

#### *Community orders: powers to imprison offender for wilful or persistent breach*

21 (1) Schedule 10 (breach etc of community order) is amended as follows.

(2) In paragraph 10 (powers of magistrates' court on breach)—

(a) in sub-paragraph (5), after paragraph (c) insert—

“(d) where—

(i) the community order was made by a magistrates' court,

[<sup>F5</sup>(ia) the order does not qualify for special procedures for the purposes of paragraph (ba);]

(ii) the offence in respect of which the order was made was not an offence punishable by imprisonment,

(iii) the offender has wilfully and persistently failed to comply with the requirements of the order,

by dealing with the offender, in respect of that offence, by imposing a relevant custodial sentence for a term not exceeding 6 months.”

(b) in sub-paragraph (9), after “custodial sentence” insert “ (where the order was made in respect of an offence punishable with such a sentence) ”;

(c) after that sub-paragraph insert—

“(9A) In sub-paragraph (5)(d), “relevant custodial sentence” means—

(a) in the case of an offender who is aged under 21, a sentence of detention in a young offender institution;

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- (b) in any other case, a sentence of imprisonment.”;
  - (d) in sub-paragraph (10), after “(5)(c)” insert “ or (d) ”;
  - (e) in sub-paragraph (11), after “(5)(c)” insert “ or (d) ”.
- (3) In paragraph 11 (powers of Crown Court on breach)—
- (a) in sub-paragraph (2), after paragraph (c) insert—
    - “(d) where—
      - [<sup>F6</sup>(ai) the community order does not qualify for special procedures for the purposes of paragraph (ba),]
      - (i) the offence in respect of which the order was made was not an offence punishable by imprisonment, and
      - (ii) the offender has wilfully and persistently failed to comply with the requirements of the order, by dealing with the offender, in respect of that offence, by imposing a relevant custodial sentence for a term not exceeding 6 months.”;
  - (b) in sub-paragraph (6), after “custodial sentence” insert “ (where the order was made in respect of an offence punishable with such a sentence) ”;
  - (c) after that sub-paragraph insert—
    - “(6A) In sub-paragraph (2)(d), “relevant custodial sentence” means—
      - (a) in the case of an offender who is aged under 21, a sentence of detention in a young offender institution;
      - (b) in any other case, a sentence of imprisonment.”;
  - (d) in sub-paragraph (7), after “(2)(c)” insert “ or (d) ”.

#### Textual Amendments

- F5** Words in Sch. 22 para. 21(2)(a) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), Sch. 14 para. 14(2)(a)
- F6** Words in Sch. 22 para. 21(3)(a) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), Sch. 14 para. 14(2)(b)

#### *Exceptions to threshold for custodial sentence where offender fails to express willingness to comply with amended requirement*

- 22 (1) In Schedule 9 (community orders and suspended sentence orders: requirements), in paragraph 22(5)(b) (power to impose custodial sentence where offender on review of drug rehabilitation requirement where offender fails to express willingness to comply with amended requirement), after “custodial sentence” insert “ (where the order was made in respect of an offence punishable with such a sentence) ”.
- (2) In Schedule 10 (breach, revocation or amendment of community order), in paragraph 18(9)(b) (power of court to re-sentence offender where offender fails to express willingness to comply with treatment requirement as proposed to be amended), after “custodial sentence” insert “ (where the offence is punishable with such a sentence) ”.

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*Change of residence: duty of responsible officer to apply to court for amendment of order*

23 In Schedule 10 (breach, revocation and amendment of community order), in paragraph 16, at the end insert—

“(3) If the permission is given by the responsible officer—

(a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and

(b) the court must make that amendment.”

**PART 5**

CUSTODIAL SENTENCES

*Increase in magistrates' court's power to impose imprisonment*

F724 .....

**Textual Amendments**

F7 Sch. 22 para. 24 omitted (14.7.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 21\(a\)](#) (with s. 51(8)); S.I. 2022/816, regs. 1(2), 3(d)

PROSPECTIVE

[F824A In section 224(1A)(a) (general limit on custodial sentence for summary offence in magistrates’ court), for “6 months” substitute “12 months”.]

**Textual Amendments**

F8 Sch. 22 para. 24A inserted (14.7.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 21\(b\)](#) (with s. 51(8)); S.I. 2022/816, regs. 1(2), 3(d)

PROSPECTIVE

25 In—

(a) paragraph 10(5)(d) of Schedule 10 (magistrates' court's powers on breach etc of community order), as inserted by paragraph 21(2) of this Schedule, or

(b) the paragraph (d) to be inserted into paragraph 10(5) of Schedule 10 by paragraph 21(2) of this Schedule (if that paragraph 21(2) is not in force when this paragraph comes into force),

in the words following sub-paragraph (iii), for “6 months” substitute “51 weeks”.

PROSPECTIVE

26 In—

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- (a) paragraph 11(2)(d) of Schedule 10 (Crown Court's powers on breach etc of community order), as inserted by paragraph 21(3) of this Schedule, or
  - (b) the paragraph (d) to be inserted into paragraph 11(2) of Schedule 10 by paragraph 21(3) of this Schedule (if that paragraph 21(3) is not in force when this paragraph comes into force),
- in the words following sub-paragraph (ii), for “6 months” substitute “ 51 weeks ”.

PROSPECTIVE

*Detention and training orders: offenders aged under 12*

- 27 (1) In section 234 (detention and training order: availability)—
- (a) in subsection (1), in paragraph (a), omit “, but at least 12,”;
  - (b) after that paragraph insert—
    - “(aa) in a case where the offender is aged under 12 at that time, the offence was committed on or after the date on which paragraph 27 of Schedule 22 comes into force,”.
- (2) In section 235 (exercise of power to make of detention and training order), after subsection (3) insert—
- “(3A) If the offender is aged under 12 when convicted the court may not make a detention and training order unless it is of the opinion that only a custodial sentence would be adequate to protect the public from further offending by the offender.”
- (3) In section 180 (exercise of powers to make orders with intensive supervision and surveillance or fostering), in subsection (2)(a)(ii) (appropriateness of custodial sentence to be assessed in case of offender aged under 12 as if offender were 12), after “convicted” insert “ and the offence was committed before the date on which paragraph 27 of Schedule 22 comes into force ”.

PROSPECTIVE

*Repeal of temporary provision resulting from paragraph 27*

- 28 (1) In section 234, omit subsection (1)(aa).
- (2) In section 180, omit subsection (2)(a)(ii) (and the word “or” immediately before it, but not the word “and” immediately after it).

PROSPECTIVE

*Detention and training orders: summary offences*

- 29 (1) Section 236 is amended as follows.
- (2) In subsection (2), at the end insert—

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“This is subject to subsection (2A).”

(3) After that subsection insert—

“(2A) Where—

- (a) the offence is a summary offence, and
  - (b) the maximum term of imprisonment that a court could impose for the offence (in the case of an offender aged 21 or over) is 51 weeks,
- the term of a detention and training order in respect of the offence may not exceed 6 months.”

PROSPECTIVE

*Custodial sentences where offender already subject to sentence following conviction before commencement*

- 30 In section 244 (offender subject concurrently to detention and training order and sentence of detention in a young offender institution), omit subsection (5).
- 31 In section 245 (offender subject concurrently to detention and training order and other sentence of detention), omit subsection (4).
- 32 In section 248 (detention and training orders: interpretation)—
- (a) in subsection (3)—
    - (i) at the end of paragraph (a), insert “ or ”;
    - (ii) omit paragraph (c) (and the word “or” immediately before it);
  - (b) in subsection (4) omit—
    - (i) paragraph (b);
    - (ii) in paragraph (c) the words “(whether passed before or after this Code comes into force)”;
    - (iii) paragraph (e) (and the word “or” immediately before it);
 and insert “ or ” immediately after paragraph (c).
- 33 In section 253 (sentence of detention passed on offender subject to detention and training order), in subsection (4)—
- (a) at the end of paragraph (a), insert “ or ”;
  - (b) omit paragraph (c) (and the word “or” immediately before it).
- 34 In section 257 (extended sentence under section 254 where offender subject to detention and training order), [F9]in subsection (4)—
- (a) in paragraph (a), at the end insert “ or ”;
  - (b) omit paragraph (c) (and the word “or” immediately before it).

#### Textual Amendments

- F9** Word in [Sch. 22 para. 34](#) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 10\(3\)](#)

- 35 In section 270 (sentence of detention in a young offender institution where offender subject to detention and training order), in subsection (4)—

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- (a) in paragraph (a), at the end insert “ or ”;
- (b) omit paragraph (c) (and the word “or” immediately before it).

### *Age limit for imposing imprisonment*

PROSPECTIVE

- [<sup>F10</sup>36 In section 15 (committal for sentence of dangerous adult offenders)—
- (a) in subsection (1)(b), omit—
    - (i) “of detention in a young offender institution or”;
    - (ii) “266 or”;
  - (b) in subsection (1A), omit “268A or”.]

#### Textual Amendments

**F10** Sch. 22 para. 36 substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(a\)](#)

PROSPECTIVE

- 37 In section [<sup>F11</sup>59(2)] (sentencing guidelines: general duty of court)[<sup>F12</sup>—
- (a) in paragraph (ga), for “sections 268B and” substitute “ section ”;
  - (b) in paragraph (h),] for “sections 273 and” substitute “ section ”.

#### Textual Amendments

**F11** Word in Sch. 22 para. 37 substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(b\)\(i\)](#)

**F12** Words in Sch. 22 para. 37 inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(b\)\(ii\)](#)

PROSPECTIVE

- 38 In section 61 (sentencing guidelines: extended sentences and life sentences)—
- (a) in subsection (2), omit “, 268(2)”;
  - [<sup>F13</sup>(aa) in subsection (2B), omit “268C(2)(b) or”;
  - (b) in subsection (3), omit “273 or”;
  - (c) in subsection (4), omit “273(4) or”;
  - (d) in subsection (8)—
    - (i) in paragraph (a), at the end insert “ or ”;
    - (ii) omit paragraph (c) (and the word “or” immediately before it).

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**Textual Amendments**

**F13** Sch. 22 para. 38(aa) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(c\)](#)

PROSPECTIVE

**[<sup>F14</sup>38A** In section 73(2A) (reduction in serious terrorism sentence for guilty plea), omit “268C(2) or, as the case may be,”.

**Textual Amendments**

**F14** Sch. 22 paras. 38A, 38B inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(d\)](#)

PROSPECTIVE

**38B** In section 74(4A) (reduction in serious terrorism sentence for assistance to prosecution), omit “268C(2) or”.]

**Textual Amendments**

**F14** Sch. 22 paras. 38A, 38B inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(d\)](#)

PROSPECTIVE

**39** In section 129(5)(c) (fine imposed on offender by Crown Court: duty to make term in default order), omit “, custody for life or detention in a young offender institution”.

PROSPECTIVE

**40** In section 166(5) (extension of disqualification where custodial sentence also imposed), in the table, omit [<sup>F15</sup>entries 3, 4 and 4A].

**Textual Amendments**

**F15** Words in Sch. 22 para. 40 substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(e\)](#)



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PROSPECTIVE

[<sup>F16</sup>40A In section 166(5A) (adaptation of disqualification period in certain terrorist cases), in paragraph (a), omit “, 4”];]

**Textual Amendments**

**F16** Sch. 22 para. 40A inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [140\(4\)\(b\)](#), [208\(4\)\(q\)](#)

PROSPECTIVE

41 In section 221 (overview of Part 10)—  
(a) omit subsection (3);  
(b) in subsection (4), omit “aged at least 21 at the time of conviction”.

PROSPECTIVE

42 In section 224 (general limit on magistrates' court's power to impose imprisonment or detention in a young offender institution)—  
(a) in subsection (1), for paragraphs (a) and (b) substitute “imprisonment”;  
(b) in subsection (2), omit “or detention in a young offender institution”;  
(c) in the heading, omit “or detention in a young offender institution”.

PROSPECTIVE

43 In section 226 (custodial sentence: restriction in certain cases where offender not legally represented)  
[<sup>F17</sup>(a)] , in subsection (2), for paragraphs (c) and (d) substitute “or  
(ba) if the offender was aged at least 18 but under 21 when convicted, pass a sentence of imprisonment,”  
[<sup>F18</sup>(b) in subsection (3), at the beginning insert “If the offender was aged 21 or over when convicted.”.]

**Textual Amendments**

**F17** Words in [Sch. 22 para. 43](#) renumbered as [Sch. 22 para. 43\(a\)](#) (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. [208\(5\)\(aa\)](#), [Sch. 21 para. 10\(4\)\(a\)](#)

**F18** [Sch. 22 para. 43\(b\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. [208\(5\)\(aa\)](#), [Sch. 21 para. 10\(4\)\(b\)](#)

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PROSPECTIVE

- 44 In section 227 (restriction on imposing imprisonment on person under 21) in each of the following places, and in the heading to that section, for “under 21” substitute “under 18 ” in each of the following—
- (a) subsection (1);
  - (b) subsection (2);
  - (c) subsection (3).

PROSPECTIVE

- 45 In section 230(3) (threshold for imposing discretionary custodial sentence), for “sections 273(4) and” substitute “ section ”.

PROSPECTIVE

- 46 In section 231 (length of discretionary custodial sentences: general provision)—
- (a) in subsection (3), for “sections 273(4) and” substitute “ section ”;
  - (b) in subsection (4), omit paragraph (b) (but not the word “or” immediately after it);
  - (c) in subsection (6), omit “, 268(2)”.
  - [<sup>F19</sup>(d) in subsection (6A), for “sections 268C(2)(b) and” substitute “ section ”.]

**Textual Amendments**

**F19** Sch. 22 para. 46(d) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(f\)](#)

PROSPECTIVE

- 47 In section 236 (term of order, consecutive terms and taking account of remands)—
- (a) in subsection (2)(a) and (b), and
  - (b) in subsection (2A)(b) (to be inserted by paragraph 29 of this Schedule),
- for “21” substitute “ 18 ” (in each place).

PROSPECTIVE

- 48 In section 244 (interaction with sentences of detention in a young offender institution), in subsection (2), for paragraph (b) substitute—
- “(b) section 61 of the Criminal Justice and Court Services Act 2000 (place of detention);”.

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PROSPECTIVE

49 In section 246 (effect of detention and training order made where offender has reached 18), in subsection (2), for “detention in a young offender institution” substitute “imprisonment”.

PROSPECTIVE

50 In section 249 (sentence of detention under section 250: availability), in paragraph (a) of the table in subsection (1), for “21” substitute “18”.

PROSPECTIVE

51 In section 252 (maximum sentence), in subsection (2), in paragraphs (a) and (b), for “21” substitute “18”.

PROSPECTIVE

[<sup>F20</sup>51A In section 252A (special sentence of detention for terrorist offenders of particular concern aged under 18), in subsection (4), for “21” substitute “18”.]

**Textual Amendments**

**F20** Sch. 22 para. 51A inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 26(27)(a)

PROSPECTIVE

52 In section 256 (term of extended sentence of detention under section 254), in subsection (5), for “21” substitute “18”.

PROSPECTIVE

53 (1) Omit Chapter 3 of Part 10 (custodial sentences for adults aged under 21).  
(2) In the heading for Chapter 4 of that Part, omit “aged 21 and over”.  
(3) The repeal by sub-paragraph (1) of section 270 does not affect the validity of any order made under subsection (2) of that section.

PROSPECTIVE

54 In section 277 (suspended sentence order for person aged 21 or over: availability), in the heading, for “person aged 21 or over” substitute “adult”.

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PROSPECTIVE

55 In section 278 (required special custodial sentence for certain offenders of particular concern), omit subsection (1)(b)(ii) (and the word “and” immediately after it).

PROSPECTIVE

56 In section 279 (extended sentence of imprisonment for certain violent or sexual offences: persons 21 or over), in the heading omit “persons 21 or over”.

PROSPECTIVE

57 In section 280 (extended sentence of imprisonment: availability), in subsection (1) (b), for “21” substitute “ 18 ”.

PROSPECTIVE

[<sup>F21</sup>57A In section 282A (serious terrorism sentence of imprisonment: persons 21 or over), in the heading omit “: persons 21 or over”.

**Textual Amendments**

**F21** Sch. 22 paras. 57A, 57B inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(g\)](#)

PROSPECTIVE

57B In section 282B (serious terrorism sentence of imprisonment: circumstances in which required), omit subsection (1)(c).]

**Textual Amendments**

**F21** Sch. 22 paras. 57A, 57B inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(g\)](#)

PROSPECTIVE

58 In section 283 (life sentence for second listed offence), in subsection (1)(c), for “21” substitute “ 18 ”.

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PROSPECTIVE

59 In section 285 (required life sentence for offence carrying life sentence), in subsection (1)(a), for “21” substitute “ 18 ”.

PROSPECTIVE

[<sup>F22</sup>59A In section 285A (required life sentence for manslaughter of emergency worker), in subsection (1)(a), for “21” substitute “18”.]

**Textual Amendments**

**F22** Sch. 22 para. 59A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [3\(15\)\(a\)](#), [208\(5\)\(b\)](#)

PROSPECTIVE

60 In section 286 (suspended sentence order), in subsection (1), omit “or detention in a young offender institution”.

PROSPECTIVE

61 In section 289 (suspended sentence to be treated generally as sentence of imprisonment etc)—  
(a) in subsection (1), for paragraphs (a) and (b) substitute “ a sentence of imprisonment ”;  
(b) in the heading, omit “etc”.

PROSPECTIVE

62 In section 308(1) (the assessment of dangerousness)—  
(a) in paragraph (a), omit “, 267”;  
[<sup>F23</sup>(aa) in paragraph (aa), omit “268B or”];  
(b) in paragraph (b), omit “, 274”.

**Textual Amendments**

**F23** Sch. 22 para. 62(aa) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2) (v), [Sch. 13 para. 11\(20\)\(h\)](#)

PROSPECTIVE

63 In section 310 (certificates of conviction), in the words following paragraph (c), omit “267, 273”.

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PROSPECTIVE

- 64 In section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons), in subsection (3)—
- (a) omit paragraph (b);
  - (b) in paragraph (c), for “21” substitute “ 18 ”.

PROSPECTIVE

- 65 In section 312 (mandatory minimum sentence for offences of threatening with weapon or bladed article), in subsection (3)—
- (a) omit paragraph (b);
  - (b) in paragraph (c), for “21” substitute “ 18 ”.

PROSPECTIVE

- 66 In section 313 (minimum sentence for third drug trafficking offence)—
- (a) in subsection (2), for “an appropriate custodial sentence” substitute “ a sentence of imprisonment ”;
  - [<sup>F24</sup>(aa) in subsection (2A), for “an appropriate custodial sentence” substitute “a sentence of imprisonment”];
  - (b) omit subsection (6).

**Textual Amendments**

**F24** Sch. 22 para. 66(aa) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(9\)\(a\)](#), 208(5)(k)

PROSPECTIVE

- 67 In section 314 (minimum sentence for third domestic burglary offence)—
- (a) in subsection (2), for “an appropriate custodial sentence” substitute “ a sentence of imprisonment ”;
  - [<sup>F25</sup>(aa) in subsection (2A), for “an appropriate custodial sentence” substitute “a sentence of imprisonment”];
  - (b) omit subsection (6).

**Textual Amendments**

**F25** Sch. 22 para. 67(aa) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(9\)\(b\)](#), 208(5)(k)

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PROSPECTIVE

- 68 In section 315 (minimum sentence for repeat offence involving weapon or bladed article), in subsection (3)—
- (a) omit paragraph (b);
  - (b) in paragraph (c), for “21” substitute “ 18 ”.

PROSPECTIVE

- [<sup>F26</sup>68A In section 323 (minimum term order: other life sentences)—
- [ in subsection (1C)(b), omit “265, 266,”]
- <sup>F27</sup>(za)
- (a) in subsection (4), omit “268B(2) or” in both places;
  - (b) in subsection (6)(b), omit “268B(2) or”.]

**Textual Amendments**

- F26** Sch. 22 para. 68A inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(i\)](#)
- F27** Sch. 22 para. 68A(za) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(3\)\(c\)\(i\)](#), 208(1); S.I. 2022/520, reg. 5(n)

PROSPECTIVE

- 69 In section 324 (interpretation of sections 321 and 322), in the definition of “life sentence”—
- (a) at the end of paragraph (a) insert “ or ”;
  - (b) omit paragraph (c) (and the word “or” immediately before it).

PROSPECTIVE

- 70 In section 329 (conversion of sentence of detention to sentence of imprisonment)—
- [<sup>F28</sup>(za) in subsection (3), for “(4) to (5A)” substitute “ (4), (4A) and (5) ”;]
  - [<sup>F29</sup>(zb) in subsection (4A), omit paragraph (b) (and the word “or” immediately before it);]
  - (a) in subsection (5), omit paragraph (b) (and the word “or” immediately before it);
  - [<sup>F30</sup>(aa) omit subsection (5A);]
  - (b) in subsection (7), omit paragraphs (d), (e) [<sup>F31</sup>, (ea)] and (f).

**Textual Amendments**

- F28** Sch. 22 para. 70(za) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(j\)\(i\)](#)

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- F29** Sch. 22 para. 70(zb) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1) (i), **Sch. 13 para. 26(27)(b)**
- F30** Sch. 22 para. 70(aa) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2) (v), **Sch. 13 para. 11(20)(j)(ii)**
- F31** Word in Sch. 22 para. 70(b) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(20)(j)(iii)**

PROSPECTIVE

- 71 (1) In section 384(3)(b) (commencement of sentence), for “, 257 and 270” substitute “and 257”.
- (2) The amendment made by sub-paragraph (1) does not affect the validity of any order made under section 270(2).

PROSPECTIVE

- 72 <sup>F32</sup>(a) In section 397(1) (interpretation: general), in the definition of “extended sentence”, omit paragraph (b) (but not the word “or” immediately after that paragraph).
- <sup>F33</sup>(b) in the definition of “serious terrorism sentence”, omit paragraph (a) (including the word “or” immediately after that paragraph).]

**Textual Amendments**

- F32** Words in Sch. 22 para. 72 renumbered as Sch. 22 para. 72(a) (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(20)(k)(i)**
- F33** Sch. 22 para. 72(b) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2) (v), **Sch. 13 para. 11(20)(k)(ii)**

PROSPECTIVE

- <sup>F34</sup>73 In section 399 (mandatory sentences)—
- (a) in paragraph (b)—
- (i) in the opening words, omit “, custody for life”;
- (ii) in sub-paragraph (i), omit “, 274 <sup>F35</sup>, 274A]”;
- (iii) in sub-paragraph (ii), omit “273 or”;
- (b) in paragraph (ba), omit “268B or”.]

**Textual Amendments**

- F34** Sch. 22 para. 73 substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2) (v), **Sch. 13 para. 11(20)(l)**
- F35** Word in Sch. 22 para. 73(a)(ii) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 3(15)(b), 208(5)(b)**



*Status:* This version of this schedule contains provisions that are prospective.

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PROSPECTIVE

- 74 (1) In paragraph 10 of Schedule 10 (magistrates' court's powers on breach etc of community order), as amended by paragraph 21(2) of this Schedule—
- (a) in sub-paragraph (5)(d), in the words following sub-paragraph (iii), for “relevant custodial sentence” substitute “ sentence of imprisonment ”;
  - (b) omit sub-paragraph (9A).
- (2) But, if paragraph 21(2) of this Schedule is not in force when this paragraph comes into force, in that paragraph—
- (a) in the paragraph (d) to be inserted by it into paragraph 10(5) of Schedule 10 (magistrates' court's powers on breach etc of community order), in the words following sub-paragraph (iii), for “relevant custodial sentence” substitute “ sentence of imprisonment ”;
  - (b) omit paragraph (c) (which inserts sub-paragraph (9A) into paragraph 10 of Schedule 10).

PROSPECTIVE

- 75 (1) In paragraph 11 of Schedule 10 (Crown Court's powers on breach etc of community order), as amended by paragraph 21(3) of this Schedule—
- (a) in sub-paragraph (2)(d), in the words following sub-paragraph (ii), for “relevant custodial sentence” substitute “ sentence of imprisonment ”;
  - (b) omit sub-paragraph (6A).
- (2) But if paragraph 21(3) of this Schedule is not in force when this paragraph comes into force, in that paragraph—
- (a) in the paragraph (d) to be inserted by it into paragraph 11(2) of Schedule 10 (Crown Court's powers on breach etc of community order), in the words following sub-paragraph (ii), for “relevant custodial sentence” substitute “ sentence of imprisonment ”;
  - (b) omit paragraph (c) (which inserts sub-paragraph (6A) into paragraph 11 of Schedule 10).

PROSPECTIVE

- [<sup>F36</sup>75A In paragraph 13A of Schedule 10 (detention following breach of community order)—
- (a) omit sub-paragraph (1);
  - (b) in sub-paragraph (2), omit “or a young offender institution”.]

**Textual Amendments**

**F36** Sch. 22 para. 75A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 14\(3\)](#)

*Status: This version of this schedule contains provisions that are prospective.*

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PROSPECTIVE

76 In Schedule 12, in paragraph 3 (breach of requirement of detention and training order), in sub-paragraph (8), for “21” substitute “ 18 ”.

PROSPECTIVE

77 In Schedule 14 (extended sentences: the earlier offence condition: offences), in paragraph 15(b), for “section 267(1)(a) or 280(1)(a) (as appropriate)” substitute “ section 280(1)(a) ”.

PROSPECTIVE

78 In Schedule 15 (life sentence for second offence: listed offences), in paragraph 24(1), omit the definition of “index offence”.

PROSPECTIVE

[<sup>F37</sup>78A In paragraph 16A of Schedule 16 (detention following breach of suspended sentence order)—  
 (a) omit sub-paragraph (1);  
 (b) in sub-paragraph (2), omit “or a young offender institution”.]

**Textual Amendments**

**F37** Sch. 22 para. 78A inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), Sch. 14 para. 14(4)

PROSPECTIVE

*Change of residence: duty of responsible officer to apply for amendment of suspended sentence order*

79 In Schedule 16 (breach or amendment of suspended sentence order, and effect of further conviction), in paragraph 23, at the end insert—

- “(3) If the permission is given by the responsible officer—  
 (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and  
 (b) the court must make that amendment.”

*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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

PROSPECTIVE

*Dangerous offenders*

[<sup>F38</sup>79A In Schedule 17A (serious terrorism offences), after paragraph 24 insert—

*“Space Industry Act 2018*

- 24A An offence under any of the following provisions of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
  - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
  - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
  - (d) paragraph 4 (endangering safety at spaceports).”]

**Textual Amendments**

**F38** Sch. 22 para. 79A inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2) (v), [Sch. 13 para. 11\(20\)\(m\)](#)

80 In Schedule 18 (specified violent offences), after paragraph 26 insert—

*“Space Industry Act 2018*

- 26A An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
  - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
  - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
  - (d) paragraph 4 (endangering safety at spaceports);
  - (e) paragraph 5 (offences in relation to certain dangerous articles).”

*Minimum sentences: firearms and corrosive substances*

81 (1) Schedule 20 (detention under section 250 and minimum sentences: firearms offences) is amended as follows.

(2) After paragraph 1 insert—

“1A An offence under section 5(1)(ag) or (ba) of the Firearms Act 1968 committed on or after the amendment date (as defined by paragraph 81(6) of Schedule 22).”

(3) In paragraph 3, for “committed in respect of a relevant firearm or relevant ammunition” substitute—

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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

- “(a) committed in respect of a relevant firearm or relevant ammunition, or
  - (b) committed on or after the amendment date (as defined by paragraph 81(6) of Schedule 22) in respect of a firearm specified in section 5(1)(ag) or (ba) of the Firearms Act 1968.”
- (4) In paragraph 4(1), for “committed on or after 6 April 2007 in respect of a relevant firearm or relevant ammunition” substitute “—
- (a) committed on or after 6 April 2007 in respect of a relevant firearm or relevant ammunition, or
  - (b) committed on or after the amendment date (as defined by paragraph 81(6) of Schedule 22) in respect of a firearm specified in section 5(1)(ag) or (ba) of the Firearms Act 1968.”
- (5) In paragraph 5, for the words following “where” substitute “—
- (a) the dangerous weapon in respect of which the offence was committed was a relevant firearm, or
  - (b) the offence was committed on or after the amendment date (as defined by paragraph 81(8) of Schedule 22) in respect of a dangerous weapon which was a firearm specified in section 5(1)(ag) or (ba) of the Firearms Act 1968.”
- (6) For the purposes of the amendments of Schedule 20 made by sub-paragraphs (2) to (4), the “amendment date” means—
- (a) the date on which those sub-paragraphs come into force, or
  - (b) if earlier, the 2019 Act commencement date.
- (7) The 2019 Act commencement date is the date on which section 54(6) of the Offensive Weapons Act 2019 comes into force.
- But if paragraph 7 of Schedule 2 to that Act comes into force on a different date, that date is the 2019 Act commencement date for the purposes of Schedule 20 as it applies for the purposes of section 250.
- (8) For the purposes of the amendment of Schedule 20 made by sub-paragraph (5), the “amendment date” means—
- (a) the date on which that sub-paragraph comes into force, or
  - (b) if earlier, the date on which paragraph 10 of Schedule 2 to the Offensive Weapons Act 2019 comes into force.

#### Commencement Information

**II** Sch. 22 para. 81 in force at 6.4.2022 by S.I. 2022/415, reg. 2

- 82 (1) Section 315 (minimum sentence for repeat offence involving weapon) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)—
    - (i) omit “or” at the end of sub-paragraph (ii);
    - (ii) after sub-paragraph (iii) insert “or

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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

- (iv) section 6(1) of the Offensive Weapons Act 2019 (offence of having a corrosive substance in a public place);”;
- (b) in paragraph (b), for “17 July 2015” substitute “ the relevant date ”.
- (3) After subsection (1) insert—
- “(1A) In subsection (1)(b), “the relevant date” means—
- (a) in relation to an offence under section 6(1) of the Offensive Weapons Act 2019, the date on which paragraph 82 of Schedule 22 comes into force (or, if earlier, the date on which section 8 of the Offensive Weapons Act 2019 comes into force);
- (b) in any other case, 17 July 2015.”
- (4) In subsection (5)—
- (a) omit “or” at the end of paragraph (a);
- (b) at the end of paragraph (b) insert “or
- (c) section 6 of the Offensive Weapons Act 2019 (offence of having corrosive substance in a public place)”.
- (5) In the title, at the end insert “ or corrosive substance ”.

#### Commencement Information

**I2** Sch. 22 para. 82 in force at 6.4.2022 by S.I. 2022/415, reg. 2

- 83 In each of the following provisions, after “weapon” insert “ or corrosive substance ”
- (a) section 73(4) (reduction in sentences for guilty pleas);
- (b) section 234(2)(b) (detention and training order: availability);
- (c) section 399(c)(v) (mandatory sentences).

#### Commencement Information

**I3** Sch. 22 para. 83 in force at 6.4.2022 by S.I. 2022/415, reg. 2

PROSPECTIVE

#### *Life imprisonment*

- 84 In Schedule 19 (Schedule 19 offences), after paragraph 22 insert—
- “*Space Industry Act 2018*
- 22A An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
- (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
- (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);

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(d) paragraph 4 (endangering safety at spaceports).”

F39 85

#### Textual Amendments

**F39** Sch. 22 para. 85 omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [129\(3\)\(c\)\(ii\)](#), [208\(1\)](#); S.I. 2022/520, reg. 5(n)

## PART 6

### EU EXIT

86 (1) Section 65 (previous convictions) is amended as follows.

(2) In subsection (4)—

- (a) at the end of paragraph (a) insert “ or ”;
- (b) omit paragraph (b);
- (c) omit paragraph (d) (and the word “or” immediately before it).

[F40(3) After subsection (4) insert—

“(4A) If the proceedings for the current offence were instituted before IP completion day (see section 397(5)), “relevant previous conviction” in subsections (1) to (3) also includes—

- (a) a previous conviction of a relevant offence under the law of a member State by a court in that State, and
- (b) a finding of guilt in respect of a member State service offence (see subsection (6)).”

(3A) In subsection (6), for “(4)(d)” substitute “(4A)(b)].

#### Textual Amendments

**F40** Sch. 22 para. 86(3)(3A) substituted for Sch. 22 para. 86(3) (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. [1\(1\)](#), [5\(2\)](#)

#### Commencement Information

**I4** Sch. 22 para. 86 in force at 31.12.2020, see s. [417\(9\)](#)

87[F41(1)] In section 85 (duty and power to make referral order), in subsection (2)(c) omit subparagraph (ii) (and the word “or” immediately before it).

[F42(2) After subsection (2) insert—

“(2A) But the compulsory referral conditions are not met if—

- (a) the proceedings for the offence were instituted before IP completion day (see section 397(5)) and,
- (b) the offender has previously been convicted by or before a court in a member State of any offence”.]

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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

### Textual Amendments

- F41** Sch. 22 para. 87 renumbered as Sch. 22 para. 87(1) (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(3)(a)**
- F42** Sch. 22 para. 87(2) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(3)(b)**

### Commencement Information

- I5** Sch. 22 para. 87 in force at 31.12.2020, see s. 417(9)

[<sup>F43</sup>87A. Section 267 (extended sentence of detention in a young offender institution: availability) is amended as follows—

- (a) in subsection (3), after “listed in” insert “Part 1, 2 or 3 of”;
- (b) after that subsection insert—

“(3A) But if the proceedings for the offence were instituted before IP completion day (see section 397(5)), the earlier offence condition is that, when the offence was committed, the offender had been convicted of an offence listed in Part 1, 2, 3 or 3A of Schedule 14.”.]

### Textual Amendments

- F43** Sch. 22 para. 87A inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(4)**

### Commencement Information

- I6** Sch. 22 para. 87A in force at 31.12.2020, see s. 417(9)

88[<sup>F44</sup>(1)] In section 273 (custody for life for second listed offence) in subsection (12)—

- (a) in the definition of “extended sentence”, in the words following paragraph (b), for the words following “Scotland” substitute “ or Northern Ireland ”;
- (b) in the definition of “life sentence”, in the words following paragraph (c), for the words following “Scotland” substitute “ or Northern Ireland ”.

[<sup>F45</sup>(2) After subsection (12) insert—

“(12A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), the references to “an equivalent sentence” in the definitions of the following are to be read as also including an equivalent sentence imposed under the law of a member State—

- (a) “extended sentence”, and
- (b) “life sentence”.”.]

### Textual Amendments

- F44** Sch. 22 para. 88 renumbered as Sch. 22 para. 88(1) (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(5)(a)**

*Status: This version of this schedule contains provisions that are prospective.*

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**F45** Sch. 22 para. 88(2) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(5)(b)**

#### Commencement Information

**I7** Sch. 22 para. 88 in force at 31.12.2020, see s. 417(9)

[<sup>F46</sup>88A. Section 280 (extended sentence of imprisonment: availability) is amended as follows—

- (a) in subsection (3), after “listed in” insert “Part 1, 2 or 3 of”;
- (b) after that subsection insert—

“(3A) But if the proceedings for the offence were instituted before IP completion day (see section 397(5)), the earlier offence condition is that, when the offence was committed, the offender had been convicted of an offence listed in Part 1, 2, 3 or 3A of Schedule 14”.]

#### Textual Amendments

**F46** Sch. 22 para. 88A inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(6)**

#### Commencement Information

**I8** Sch. 22 para. 88A in force at 31.12.2020, see s. 417(9)

89[<sup>F47</sup>(1)] In section 283 (life sentence for second listed offence) in subsection (12)—

- (a) in the definition of “extended sentence”, in the words following paragraph (c), for the words following “Scotland” substitute “ or Northern Ireland ”;
- (b) in the definition of “life sentence”, in the words following paragraph (f), for the words following “Scotland” substitute “ or Northern Ireland ”.

[<sup>F48</sup>(2) after subsection (12) insert—

“(12A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), the references to “an equivalent sentence” in the definitions of the following are to be read as also including an equivalent sentence imposed under the law of a member State—

- (a) “extended sentence”, and
- (b) “life sentence”.”.]

#### Textual Amendments

**F47** Sch. 22 para. 89 renumbered as Sch. 22 para. 89(1) (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(7)(a)**

**F48** Sch. 22 para. 89(2) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(7)(b)**

#### Commencement Information

**I9** Sch. 22 para. 89 in force at 31.12.2020, see s. 417(9)



*Status: This version of this schedule contains provisions that are prospective.*

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90<sup>[F49]</sup>(1) In section 313 (minimum sentence of 7 years for third class A drug trafficking offence), in subsection (3)—

- (a) omit paragraph (b);
- (b) at the end of paragraph (c) insert “ or ”;
- (c) omit paragraph (e) (and the word “or” immediately before it).

<sup>[F50]</sup>(2) After subsection (3) insert—

“(3A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), for the purposes of subsection (1) “relevant drug conviction” also includes—

- (a) a conviction in a member State of an offence committed on or after 16 August 2010 which would, if committed in the United Kingdom at the time of the conviction, have constituted a class A drug trafficking offence, and
- (b) a conviction of a member State service offence committed on or after 16 August 2010 which would have constituted a class A drug offence if committed in England and Wales at the time of conviction.”.]

#### Textual Amendments

**F49** Sch. 22 para. 90 renumbered as Sch. 22 para. 90(1) (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(8)(a)**

**F50** Sch. 22 para. 90(2) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(8)(b)**

#### Commencement Information

**I10** Sch. 22 para. 90 in force at 31.12.2020, see s. 417(9)

91<sup>[F51]</sup>(1) In section 314 (minimum sentence of 3 years for third domestic burglary), in subsection (3)—

- (a) in paragraph (b) omit “or another member State”;
- (b) at the end of paragraph (c) insert “ or ”;
- (c) omit paragraph (e) (and the word “or” immediately before it).

<sup>[F52]</sup>(2) After subsection (3) insert—

“(3A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), for the purposes of subsection (1) “relevant domestic burglary conviction” also includes—

- (a) a conviction in a member State of an offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary, if committed in England and Wales at the time of the conviction, and
- (b) a conviction of a member State service offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary if committed in England and Wales at the time of conviction.”.]

*Status: This version of this schedule contains provisions that are prospective.*

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### Textual Amendments

- F51** Sch. 22 para. 91 renumbered as Sch. 22 para. 91(1) (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(9)(a)**
- F52** Sch. 22 para. 91(2) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(9)(b)**

### Commencement Information

- I11** Sch. 22 para. 91 in force at 31.12.2020, see s. 417(9)

92<sup>[F53(1)]</sup> In section 315 (minimum sentence for repeat offence involving weapon), in subsection (4)—

- (a) in paragraph (b) omit “or another member State”;
- (b) at the end of paragraph (c) insert “ or ”;
- (c) omit paragraph (e) (and the word “or” immediately before it).

<sup>[F54(2)]</sup> After subsection (4) insert—

“(4A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), for the purposes of this section “relevant conviction” also includes—

- (a) a conviction in a member State of a civilian offence which would have constituted a relevant offence if committed in England and Wales at the time of the conviction (whenever the offence was in fact committed), and
- (b) a conviction of a member State service offence which would have constituted a relevant offence if committed in England and Wales at the time of conviction (whenever the offence was in fact committed).”.]

### Textual Amendments

- F53** Sch. 22 para. 92 renumbered as Sch. 22 para. 92(1) (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(10)(a)**
- F54** Sch. 22 para. 92(2) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(10)(b)**

### Commencement Information

- I12** Sch. 22 para. 92 in force at 31.12.2020, see s. 417(9)

93 (1) Section 317 (certificates of conviction for purposes of sections 313 and 314) is amended as follows.

<sup>[F55(2)]</sup> In subsection (1)—

- (a) for the words before “applies” substitute “Subsection (2)”;
- (b) omit paragraph (c) (but not the word “or” at the end of it);
- (c) in paragraph (d) omit “, or in any other member State.”.]

<sup>[F56(2A)]</sup> after subsection (2) insert—

*Status: This version of this schedule contains provisions that are prospective.*

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- “(2A) Subsection (2B) applies where an offender has been convicted—
- (a) in any member State of a corresponding drug trafficking offence, or
  - (b) in any member State of a corresponding domestic burglary offence.

(2B) For the purposes of section 313 or 314 as it applies where the proceedings were instituted before IP completion day (see section 397(5)), a certificate given in accordance with subsection (3) of either or both of the following is evidence of the facts so certified—

- (a) that the offender was convicted of that offence on the date of the conviction;
- (b) that the offence was committed on a particular day, or over, or at some time during, a particular period.”.]

<sup>F57</sup>(3) . . . . .

[<sup>F58</sup>(4) In subsection (4)—

- (a) in the definition of “corresponding drug trafficking offence”, after “313(3)(b)” insert “or (3A)(a)”;
- (b) in the definition of “corresponding domestic burglary offence”, after “314(3)(b)” insert “or (3A)(a)”.]

**Textual Amendments**

- F55** Sch. 22 para. 93(2) substituted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(11)(a)**
- F56** Sch. 22 para. 93(2A) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(11)(b)**
- F57** Sch. 22 para. 93(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(11)(c)**
- F58** Sch. 22 para. 93(4) substituted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(11)(d)**

**Commencement Information**

- I13** Sch. 22 para. 93 in force at 31.12.2020, see s. 417(9)

[<sup>F59</sup>94 (1) Section 318 (offences under service law) is amended as follows.

- (2) In subsection (2) for “and (e)” substitute “and (3A)(b)”;
- (3) In subsection (3)(a) for “and (e)” substitute “and (3A)(b)”.]

**Textual Amendments**

- F59** Sch. 22 para. 94 substituted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(12)**

**Commencement Information**

- I14** Sch. 22 para. 94 in force at 31.12.2020, see s. 417(9)

95 (1) <sup>F60</sup>... Schedule 14 (extended sentences: the earlier offence condition: offences) <sup>F60</sup>... is amended as follows.

*Status: This version of this schedule contains provisions that are prospective.*

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- [<sup>F61</sup>(2) In paragraph 18, for “, Northern Ireland or a member State other than the United Kingdom” substitute “or Northern Ireland”];
- (3) Omit paragraphs 19 and 20.
- (4) In the heading [<sup>F62</sup>of Part 3], for the words following “Scotland” substitute “ or Northern Ireland. ”
- [<sup>F63</sup>(5) After Part 3 insert—

### “PART 3A

#### PROCEEDINGS INSTITUTED BEFORE IP COMPLETION DAY: OFFENCES UNDER THE LAW OF A MEMBER STATE

- 20A. A civilian offence for which the person was convicted in a member State and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.
- 20B. A member State service offence which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.”
- (6) In Part 4, after paragraph 21 insert—
- “22. In this Schedule—
- “civilian offence” means an offence other than an offence described in Part 2 of this Schedule or a member state service offence;
- “member State service offence” means an offence which was the subject of proceedings under the law of a member State governing all or any of the naval, military or air forces of that state.”].

#### Textual Amendments

- F60** Words in Sch. 22 para. 95(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(13)(a)**
- F61** Sch. 22 para. 95(2) substituted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(13)(b)**
- F62** Words in Sch. 22 para. 95(4) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(13)(c)**
- F63** Sch. 22 para. 95(5)(6) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(13)(d)**

#### Commencement Information

- I15** Sch. 22 para. 95 in force at 31.12.2020, see s. 417(9)

- 96 (1) Schedule 15 (life sentence for second offence: listed offences), <sup>F64</sup>... is amended as follows.

- [<sup>F65</sup>(2) In paragraph 20—
- (a) for “, Northern Ireland or a member State other than the United Kingdom” substitute “or Northern Ireland”;

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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

- (b) omit “This is subject to paragraph 23”.]
- (3) Omit paragraphs 21 to 23.
- (4) In the heading [F66 of Part 4], for the words following “Scotland” substitute “ or Northern Ireland. ”
- [F67(5) After Part 4 insert—

#### “PART 4A

##### PROCEEDINGS INSTITUTED BEFORE IP COMPLETION DAY: OFFENCES UNDER THE LAW OF A MEMBER STATE

- 23A. If the proceedings for the index offence were instituted before IP completion day (see section 397(5))—
- (a) a civilian offence for which the person was convicted in a member State and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 or 2 of this Schedule;
  - (b) a member State service offence which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 or 2 of this Schedule.

This is subject to paragraph 23C.

- 23B. Where the index offence was committed before 13 April 2015, this Part of this Schedule has effect—
- (a) as if, in paragraph 23A, the reference to a civilian offence were to an offence, and
  - (b) with the omission of paragraphs 23A(b).”

- (6) In paragraph 24(1) of Part 5 insert—
- ““civilian offence” means an offence other than an offence described in Part 2 of this Schedule or a member state service offence;
  - “member State service offence” means an offence which was the subject of proceedings under the law of a member State governing all or any of the naval, military or air forces of that state.”].

#### Textual Amendments

- F64** Words in Sch. 22 para. 96(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(14)(a)**
- F65** Sch. 22 para. 96(2) substituted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(14)(b)**
- F66** Words in Sch. 22 para. 96(4) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(14)(c)**
- F67** Sch. 22 para. 96(5)(6) inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(14)(d)**

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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

#### Commencement Information

**I16** Sch. 22 para. 96 in force at 31.12.2020, see s. 417(9)

97 Omit paragraphs 16 to [F68 18] of this Schedule (which make amendments relating to offences in other member States).

#### Textual Amendments

**F68** Word in Sch. 22 para. 97 substituted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(15)**

#### Commencement Information

**I17** Sch. 22 para. 97 in force at 31.12.2020, see s. 417(9)

[F69 97A. In paragraph 19 of this Schedule (which makes amendments to section 397A (offenders fined at least three times: interpretation)), after sub-paragraph (1) insert—

“(1A) After subsection (3) insert—

(3A) Where the court is dealing with the offender for an offence for which the proceedings were instituted before IP completion day (see section 397(5)), the reference in each of the relevant provisions to conviction by a court in the United Kingdom of an offence includes a reference to conviction by a court in a member State of a relevant offence.”.]

#### Textual Amendments

**F69** Sch. 22 para. 97A inserted (31.12.2020 immediately before IP completion day) by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(16)**

#### Commencement Information

**I18** Sch. 22 para. 97A in force at 31.12.2020, see s. 417(9)

PROSPECTIVE

## PART 7

### MISCELLANEOUS

98 In section 354 (offence: breach of sexual harm prevention order), for subsection (2) substitute—

“(2) See the following provisions for offences in Scotland and Northern Ireland of [F70 breaching such an order]—

- (a) section 37 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22);
- (b) section 113 of the Sexual Offences Act 2003.”

*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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

### Textual Amendments

**F70** Words in Sch. 22 para. 98 substituted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 175\(7\)](#), 208(1); S.I. 2022/1227, reg. 3(h)

99 In section 379 (other behaviour orders), in subsection (1), at the end insert—

#### “Offensive Weapons Act 2019

section 19 knife crime prevention order any offence.”

100 In section 396 (execution of process between England and Wales and Scotland), at the appropriate place insert— “ section 93(4) (failure of parent or guardian to comply with order under section 90); ”.

PROSPECTIVE

## PART 8

### AMENDMENTS OF OTHER ACTS CONSEQUENTIAL ON PROSPECTIVE CHANGE TO AGE LIMIT FOR IMPOSING IMPRISONMENT

#### *Mental Health Act 1983 (c. 20)*

101 (1) Section 37 of the Mental Health Act 1983 <sup>F71</sup>..., is further amended as follows.

(2) In subsection (1A) omit “ [<sup>F72</sup>268A, 273], 274, [<sup>F73</sup>274A,] ”.

(3) In subsection (1B) [<sup>F74</sup>—

(a) in paragraph (aa), omit “section 268A or” and “282B(2) or”;

(b)] omit paragraph (b).

### Textual Amendments

**F71** Words in Sch. 22 para. 101(1) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(n\)\(i\)](#)

**F72** Words in Sch. 22 para. 101(2) substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(n\)\(ii\)](#)

**F73** Word in Sch. 22 para. 101(2) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 3\(15\)\(c\)](#), 208(5)(b)

**F74** Words in Sch. 22 para. 101(3) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(n\)\(iii\)](#)

#### *Road Traffic Offenders Act 1988 (c. 53)*

102 In section 35A(4) of the Road Traffic Offenders Act 1988 <sup>F75</sup>...—

(a) in paragraph (e) omit “266 or” and “266(a) or”;

[<sup>F76</sup>(aa) in paragraph (fza) omit “266(a) or”;

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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

- (b) in paragraph (fa) omit “265 or” and “265(2)(a) or”.
- [<sup>F77</sup>(c) in paragraph (fb) omit “268A or” and “268C(2) or”.]

#### Textual Amendments

- F75** Words in Sch. 22 para. 102 omitted (28.4.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 140(4)(c)(i)**, 208(4)(q)
- F76** Sch. 22 para. 102(aa) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 140(4)(c)(ii)**, 208(4)(q)
- F77** Sch. 22 para. 102(c) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 140(4)(c)(iii)**, 208(4)(q)



**Status:**

This version of this schedule contains provisions that are prospective.

**Changes to legislation:**

Sentencing Act 2020, SCHEDULE 22 is up to date with all changes known to be in force on or before 21 April 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.

[View outstanding changes](#)

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

- Sch. 22 para. 21(2)(c) omitted by 2020 c. 17 Sch. 22 para. 74(2)(b)
- Sch. 22 para. 21(3)(c) omitted by 2020 c. 17 Sch. 22 para. 75(2)(b)
- Sch. 22 para. 27(1)(b) words inserted by 2022 c. 32 Sch. 21 para. 10(2)(a)
- Sch. 22 para. 27(3) words inserted by 2022 c. 32 Sch. 21 para. 10(2)(b)
- Sch. 22 para. 21(2)(a) words substituted by 2020 c. 17 Sch. 22 para. 25(b)
- Sch. 22 para. 21(2)(a) words substituted by 2020 c. 17 Sch. 22 para. 74(2)(a)
- Sch. 22 para. 21(3)(a) words substituted by 2020 c. 17 Sch. 22 para. 26(b)
- Sch. 22 para. 21(3)(a) words substituted by 2020 c. 17 Sch. 22 para. 75(2)(a)

**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. 34A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 1
- s. 80(3)(f) inserted by 2021 c. 17 s. 54(2)
- s. 179(4A) inserted by 2020 c. 17 Sch. 22 para. 11(1)
- s. 179A inserted by 2020 c. 17 Sch. 22 para. 12(2)
- s. 179A(1)(b)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 16(2)
- s. 180(5) inserted by 2020 c. 17 Sch. 22 para. 11(2)
- s. 186(8A) inserted by 2020 c. 17 Sch. 22 para. 11(3)
- s. 202(1A)(1B) inserted by 2020 c. 17 Sch. 22 para. 13(b)
- s. 202(1A)(b)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 17(2)
- s. 204A inserted by 2020 c. 17 Sch. 22 para. 14(2)
- s. 204A(3)(c)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 18(2)
- s. 215(1A)(1B) inserted by 2022 c. 32 s. 149(2)(a)
- s. 215(2A) inserted by 2022 c. 32 s. 149(2)(c)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by 2020 c. 17 Sch. 22 para. 43
- s. 230(3A) and words inserted by 2020 c. 17 Sch. 22 para. 2
- s. 234(1)(aa) inserted by 2020 c. 17 Sch. 22 para. 27(1)(b)
- s. 234(1)(aa) omitted by 2020 c. 17 Sch. 22 para. 28(1)
- s. 235(3A) inserted by 2020 c. 17 Sch. 22 para. 27(2)
- s. 236(2A) inserted by 2020 c. 17 Sch. 22 para. 29(3)
- s. 236(2A)(b) word substituted by 2020 c. 17 Sch. 22 para. 47(b)
- s. 301(1A)(1B) inserted by 2022 c. 32 s. 149(3)(a)
- s. 301(2A) inserted by 2022 c. 32 s. 149(3)(c)
- s. 323(2A)-(2C) inserted by 2020 c. 17 Sch. 22 para. 85(3)
- s. 343(4) inserted by 2022 c. 32 s. 178(2)
- s. 348A348B inserted by 2022 c. 32 s. 178(4)
- s. 350(6C)(6D) inserted by 2022 c. 32 s. 178(5)
- s. 387A inserted by 2021 c. 17 s. 54(3)
- s. 397A inserted by 2020 c. 17 Sch. 22 para. 15
- s. 397A(4)(a)(ia) inserted by 2020 c. 17 Sch. 22 para. 19(2)(b)
- s. 397A(4)(a)(i) words omitted by 2020 c. 17 Sch. 22 para. 19(2)(a)
- s. 397A(5) words inserted by 2020 c. 17 Sch. 22 para. 19(3)
- s. 397A(6)(7) inserted by 2020 c. 17 Sch. 22 para. 19(4)

- s. 418(2A) inserted by 2021 c. 11 Sch. 13 para. 43(5)
- Sch. 1 para. 13A inserted by 2020 c. 17 Sch. 22 para. 4(a)
- Sch. 10 para. 10(5)(d) inserted by 2020 c. 17 Sch. 22 para. 21(2)(a)
- Sch. 10 para. 10(9A) inserted by 2020 c. 17 Sch. 22 para. 21(2)(c)
- Sch. 10 para. 11(2)(d) inserted by 2020 c. 17 Sch. 22 para. 21(3)(a)
- Sch. 10 para. 11(6A) inserted by 2020 c. 17 Sch. 22 para. 21(3)(c)
- Sch. 10 para. 10(9A) omitted by 2020 c. 17 Sch. 22 para. 74(1)(b)
- Sch. 10 para. 11(6A) omitted by 2020 c. 17 Sch. 22 para. 75(1)(b)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 25(a)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 74(1)(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 26(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 75(1)(a)
- Sch. 17A para. 24A inserted by 2020 c. 17, Sch. 22 para. 79A (as inserted) by 2021 c. 11 Sch. 13 para. 11(20)(m)
- Sch. 18 para. 26A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 80
- Sch. 19 para. 22A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 84
- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)