



Sentencing (Pre-consolidation Amendments) Act 2020

2020 CHAPTER 9

1 Consolidation of sentencing legislation: amendment of law for old offences

(1) In this section—

“repealed provision” means—

- (a) an enactment, to the extent that it is to be repealed or revoked by the sentencing consolidation;
- (b) a provision made under such an enactment;

“transition time”, in relation to a repealed provision, means a time that is specified in, or determined in accordance with, an enactment relating to the coming into force of the repealed provision or any other enactment;

“trigger event”, in relation to an offence, means the commission of the offence or any event related to the commission of the offence, including any event—

- (a) connected with, or which constitutes any part of, the commission of the offence, or
- (b) related to the investigation of, or proceedings related to, the offence.

(2) Subsection (3) applies if a person is convicted of an offence on or after the consolidation date.

(3) Where—

- (a) the application to the offence of a repealed provision depends on the time at which a particular trigger event occurred in relation to a particular transition time, and
- (b) the transition time fell after the trigger event occurred,

the repealed provision has effect as if the transition time had instead fallen before the trigger event occurred.

(4) Subsection (3) does not operate so far as it would increase—

- (a) the maximum term of imprisonment or detention, or

Status: This is the original version (as it was originally enacted).

- (b) the maximum fine,
with which the offence is punishable.
- (5) Subsection (3) is also subject to—
- (a) Schedule 1 (exceptions);
 - (b) any provision made by regulations made by the Secretary of State for the purpose of securing that subsection (3) does not affect the application of particular repealed provisions.
- (6) Where a repealed provision has effect in accordance with subsection (3), any related enactment also has effect in accordance with that subsection.
- (7) The following have effect subject to subsections (3) to (6)—
- (a) a commencement or transitional provision relating to the coming into force of a repealed provision or any related enactment;
 - (b) a saving subject to which a repealed provision, or any related enactment, has previously been repealed or revoked.
- (8) For the purposes of this section—
- (a) “related enactment”, in relation to a repealed provision, means an enactment which—
 - (i) came into force subject to the same commencement or transitional provision as the repealed provision, or
 - (ii) has previously been repealed or revoked subject to the same saving as the repealed provision,so far as it is necessary for the repealed provision to have full effect;
 - (b) “repealed provision” and “related enactment” do not include a provision to the extent that it is not in force immediately before the consolidation date, except to the extent that it will come into force on or after that date by virtue of an enactment passed or made before that date;
 - (c) a reference to the application of a repealed provision includes a reference to whether or not it applies (or applies for a particular purpose), and to the form in which it applies (or applies for a particular purpose);
 - (d) references to a repealed provision or related enactment or to any commencement or transitional provision or saving include references to such a provision passed or made after the passing of this Act.