

2017 No. 751

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 1988 (Reviews of Sentencing)
(Amendment) Order 2017**

Made - - - - - *11th July 2017*

Laid before Parliament *17th July 2017*

Coming into force in accordance with article 1(1)

The Secretary of State makes the following Order in exercise of the power conferred by section 35(4) of the Criminal Justice Act 1988(a).

Citation, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice Act 1988 (Reviews of Sentencing) (Amendment) Order 2017 and comes into force on the twenty-first day after the date on which it is laid before Parliament.

(2) This Order extends to England and Wales.

Amendment of the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006

2.—(1) Schedule 1 to the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 (descriptions of cases to which Part 4 of the Criminal Justice Act 1988 is to apply)(b) is amended as follows.

(2) After paragraph 3, insert—

“**3A.**—(1) Any case in which sentence is passed on a person for an offence under one of the following—

- (a) section 11 or 12 of the Terrorism Act 2000 (“the 2000 Act”) (offences relating to proscribed organisations)(c);
- (b) sections 15 to 18 of the 2000 Act (offences relating to terrorist property)(d);
- (c) section 38B of the 2000 Act (failure to disclose information about acts of terrorism)(e);

(a) 1988 c. 33; section 35(4) was amended by section 168(1) of, and paragraph 34(b) of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33).
(b) S.I. 2006/1116 was amended by S.I. 2012/1833; there are other amending instruments which are not relevant.
(c) 2000 c. 11.
(d) Section 17A was inserted into the Terrorism Act 2000 by section 42(1) of the Counter-Terrorism and Security Act 2015 (c. 6).
(e) Section 38B was inserted into the Terrorism Act 2000 by section 117(1) and (2) of the Anti-Terrorism, Crime and Security Act 2001 (c. 24).

- (d) section 54 of the 2000 Act (weapons training)(a);
 - (e) sections 57 to 58A of the 2000 Act (possessing things, collecting information and eliciting, publishing or communicating information about members of the armed forces etc for the purposes of terrorism)(b);
 - (f) section 113 of the Anti-Terrorism, Crime and Security Act 2001 (use of noxious substances or things to cause harm or intimidate)(c);
 - (g) section 1 or 2 of the Terrorism Act 2006 (encouragement of terrorism)(d);
 - (h) section 6 or 8 of the Terrorism Act 2006 (training for terrorism)(e).
- (2) Any case in which sentence is passed on a person for one of the following—
- (a) an offence under section 20 of the Offences Against the Person Act 1861 (inflicting bodily harm)(f);
 - (b) an offence under the following provisions of the Criminal Damage Act 1971(g)
 - (i) section 1(1) (destroying or damaging property);
 - (ii) section 1(1) and (3) (arson);
 - (iii) section 2 (threats to destroy or damage property);
 - (c) an offence under sections 1 to 5 of the Forgery and Counterfeiting Act 1981(h);
- where there is jurisdiction in England and Wales by virtue of any of sections 63B to 63D of the 2000 Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc)(i).”.
- (3) In paragraph 4(2), for “paragraph 3” substitute “paragraphs 3 or 3A”.

11th July 2017

Dominic Raab
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 (S.I. 2006/1116) (“the 2006 Order”).

Schedule 1 to the 2006 Order describes cases to which Part 4 of the Criminal Justice Act 1988 (c. 33) is to apply. That Part allows the Attorney General, with leave from the Court of Appeal, to refer certain cases to the Court of Appeal where he considers that a sentence imposed in the Crown Court in that case was unduly lenient.

This Order adds either way offences which trigger the terrorism notification requirements in Part 4 of the Counter-Terrorism Act 2008 (c. 28) to Schedule 1 to the 2006 Order.

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- (a) Section 54 was amended by section 120(1) of the Anti-Terrorism, Crime and Security Act 2001 and sections 39, 99 of, and paragraph 2 of Schedule 3 and Part 3 of Schedule 9 to, the Counter-Terrorism Act 2008 (c. 28).
 - (b) Section 57 was amended by section 13(1) of the Terrorism Act 2006 (c. 11). Section 58 was amended by sections 39, 99 of, and paragraph 3 of Schedule 3 and Part 3 of Schedule 9 to, the Counter-Terrorism Act 2008. Section 58A was inserted into the Terrorism Act 2000 by section 76(1) of the Counter-Terrorism Act 2008.
 - (c) 2001 c. 24.
 - (d) 2006 c. 11.
 - (e) Section 6 was amended by section 1(3) of the Criminal Justice and Courts Act 2015 (c. 2).
 - (f) 1861 c. 100.
 - (g) 1971 c. 48.
 - (h) 1981 c. 45. Section 5 was amended by section 88 of the Crime (International Co-operation) Act 2003 (c. 32), section 261 of, and paragraph 67 of Schedule 27 to, the Civil Partnership Act 2004 (c.33), section 44(2) and Schedule 2 to the Identity Cards Act 2006 (c. 15) and article 2 of, and paragraph 10 of the Schedule to, S.I. 2014/3168.
 - (i) Sections 63B to 63D were inserted into the Terrorism Act 2000 by section 52 of the Crime (International Co-operation) Act 2003. Section 63C was amended by S.I. 2004/3224 and S.I. 2012/1809.

No impact assessment has been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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