



Circular No. 2019/02

TITLE	The Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2019
From:	Victim and Witness Policy Unit
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Broad Subject	Criminal Justice
Sub Category	Legislation
This circular is of interest to:	<p>Lord Chief Justice, Justices of the Supreme Court, Master of the Rolls, President of the Queen's Bench Division, Justices of Appeal, Senior Presiding Judge, High Court Judges, Crown Court Judges, District Judges (Magistrates' Courts), Bench Chairmen, Clerks to the Justices, Chief Officers of Police, Chief Crown Prosecutors.</p> <p>Judicial College, Sentencing Council, Council of Circuit Judges, Magistrates' Association, Justices' Clerks' Society, Registrar of Criminal Appeals, HMCTS Delivery Directors, Crown Court Managers, HM Chief Inspector of Constabulary, National Police Chiefs' Council, Chairpersons of Police Authorities, Association of Police Authorities, The Law Society, the Bar Council, the Criminal Bar Association, Legal Services Commission, Bar Council, Law Centres, Citizens Advice Bureaux</p>

The Purpose of this Circular

The purpose of this circular is to communicate changes to the Victim Surcharge which will come into effect for offences committed on or after 28 June 2019. The changes come into effect through The Criminal Justice Act 2003 (Surcharge) Order 2019 (“the 2019 Order”).

Background

The Victim Surcharge was introduced in 2007 as a flat rate of £15 for only those who received a fine. It has since then been expanded to apply to all sentences offenders receive from the courts, the amount varying depending on the severity of the sentence. Its purpose is to ensure that offenders hold some responsibility towards the cost of supporting victims and witnesses.

Income from the Surcharge contributes to the Ministry of Justice’s Victim and Witness Budget (“the Budget”). The Budget grant funds PCCs who commission local support services for victims in their communities. It also funds nationally commissioned support such as: 79 Rape Support centres across England and Wales, the Court Based Witness Service and the National Homicide Service.

Summary of Changes

The purpose of this instrument is to increase the Victim Surcharge in-line with inflation for 2018/19 and expected inflation for 2019/20 – 2020/21; increasing the Surcharge for each sentence by up to a maximum of £11. The inflationary increase for each surcharge level has been rounded to the nearest £1, rather than the nearest £5 as was previously the case. This ensures that in most sentences the Surcharge will increase and not be rounded down to its original value.

This Order will correct a technical error in article 4 of the 2012 Order, which concerns the surcharge applied to adult offenders. While the heading to article 4 states that the provision applies to offences committed by an individual aged 18 or over, the text of article 4(1) and (2) refers to an individual aged “over 18” at the time of the offence. This Order will amend article 4 so that it reflects the policy intent, which was to apply the adult surcharge levels to offenders aged 18 or over at the time of the offence.

The new Surcharge levels are provided in the table below:

Sentence	New surcharge levels, as specified in the 2019 Order		
	Adults (18 +)	Youth (under 18 at time of offence)	Organisations
Conditional discharge	£21	£16	£21
Fine	10% of fine value, min £32 max £181	£21	10% of fine value, min £32 max £181
Community order	£90	£21	

Suspended sentence of imprisonment (6 months or less)	£122	£32	
Suspended sentence of imprisonment (over 6 months)	£149	£32	
Immediate custodial sentence (6 months or less)	£122	£32	
Immediate custodial sentence (more than 6 months – up to and including 2 years)	£149	£32	
Immediate custodial sentence (over 2 years – life)	£181	£32	
Youth rehabilitation order or referral order		£21	

Useful links

The Criminal Justice Act (Surcharge) (Amendment) Order 2012

www.legislation.gov.uk/uksi/2012/1696/contents/made

The Criminal Justice Act (Surcharge) (Amendment) Order 2016

www.legislation.gov.uk/uksi/2016/389/article/2/made