

**Criminal Procedure Rules 2020
Sentencing Act 2020**

Notes to the Criminal Procedure Rules, and some rules, contain references to legislation replaced by the Sentencing Act 2020 with effect from 1st December, 2020. This table lists the references in Parts 9, 24, 25, 28, 29, 30, 31, 32 and 39 of the Criminal Procedure Rules where new provisions apply in place of the old.

The following abbreviations are used in the table –

POA 1985	Prosecution of Offences Act 1985 (c. 23)
PHA 1997	Protection from Harassment Act 1997 (c. 40)
CDA 1998	Crime and Disorder Act 1998 (c. 37)
PCC(S)A 2000	Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
SOA 2003	Sexual Offences Act 2003 (c. 42)
CJA 2003	Criminal Justice Act 2003 (c. 44)
SOCPA 2005	Serious Organised Crime and Police Act 2005 (c. 15)
CJIA 2008	Criminal Justice and Immigration Act 2008 (c. 4)
CJA 2009	Coroners and Justice Act 2009 (c. 25)
ABCPA 2014	Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

Rule or note to rule (n)	Topic	Old provision(s)	Sentencing Act provision(s)
9.8(n)	When a magistrates' court may / must commit a defendant to the Crown Court for sentence after they indicate an intention to plead guilty	Section 4, PCC(S)A 2000	Section 18
		Section 6, PCC(S)A 2000	Section 20
9.11(n)	When a magistrates' court may / must commit a defendant to the Crown Court for sentence after they have been convicted at a magistrates' court trial	Section 3, PCC(S)A 2000	Section 14
		Section 3A, PCC(S)A 2000	Section 15
		Section 3C, PCC(S)A 2000	Section 17
		Section 6, PCC(S)A 2000	Section 20

Rule or note to rule (n)	Topic	Old provision(s)	Sentencing Act provision(s)
9.13(n)	When a magistrates' court may / must commit a defendant aged under 18 to the Crown Court for sentence after they have indicated a guilty plea	Section 3B, PCC(S)A 2000	Section 16
		Section 3C, PCC(S)A 2000	Section 17
		Section 4A, PCC(S)A 2000	Section 19
		Section 6, PCC(S)A 2000	Section 20
24.1(n)	Youth court's power to remit defendant who reaches the age of 18 to a magistrates' court other than a youth court for sentence	Section 9, PCC(S)A 2000	Section 27
24.11(n)	Assessing the seriousness of an offence; statutory aggravating and mitigating factors	Section 143, CJA 2003	Section 63
24.11(n)	Meaning of "pre-sentence report"	Section 158, CJA 2003	Section 31
24.11(n)	Fixing of fines	Section 164, CJA 2003	Sections 124 – 126
24.11(n)	Court's duty to follow relevant sentencing guidelines	Section 172, CJA 2003	Section 59
24.11(n)	Court's duties to give reasons for and explain the effect of a sentence	Section 174, CJA 2003	Section 52
24.11(n)	Court's power to make a financial circumstances order	Section 162, CJA 2003	Section 35
24.11(n)	When a court must obtain and consider a pre-sentence report	Section 156, CJA 2003	Section 30
24.11(n)	Court's power to direct that information in a pre-sentence report be withheld, where the report is about a defendant aged under 18 and disclosure would likely create a risk of significant harm to the defendant	Section 159, CJA 2003	Section 32(3)
24.11(n)	When a magistrates' court may / must remit a defendant to a youth court for sentence	Section 8, PCC(S)A 2000	Section 25
24.11(n)	Ability for Criminal Procedure Rules to prescribe cases in which the court's duties to give reasons for and explain the effect of a sentence do not apply	Section 174(4), CJA 2003	Section 52(4)
24.11(n)	When a magistrates' court may / must commit a defendant to the Crown Court for sentence	Section 3, PCC(S)A 2000	Section 14
		Section 3A, PCC(S)A 2000	Section 15

Rule or note to rule (n)	Topic	Old provision(s)	Sentencing Act provision(s)
		Section 3B, PCC(S)A 2000	Section 16
		Section 3C, PCC(S)A 2000	Section 17
		Section 4, PCC(S)A 2000	Section 18
		Section 4A, PCC(S)A 2000	Section 19
		Section 6, PCC(S)A 2000	Section 20
24.11(n)	Deferment orders	Section 1, PCC(S)A 2000	Section 3
25.2; 25.2(n)	Failure or ineligibility to benefit from representation under legal aid	Section 83(3), PCC(S)A 2000	Section 226(7) and (8)
25.16(n)	Assessing the seriousness of an offence; statutory aggravating and mitigating factors	Section 143, CJA 2003	Section 63
25.16(n)	Meaning of “pre-sentence report”	Section 158, CJA 2003	Section 31
25.16(n)	Fixing of fines	Section 164, CJA 2003	Sections 124 – 126
25.16(n)	Court’s duty to follow relevant sentencing guidelines	Section 172, CJA 2003	Section 59
25.16(n)	Court’s duties to give reasons for and explain the effect of a sentence	Section 174, CJA 2003	Section 52
25.16(n)	When a court must obtain and consider a pre-sentence report	Section 156, CJA 2003	Section 30
25.16(n)	Court’s power to direct that information in a pre-sentence report be withheld, where the report is about a defendant aged under 18 and disclosure would likely create a risk of significant harm to the defendant	Section 159, CJA 2003	Section 32(3)
25.16(n)	Court’s power to make a financial circumstances order	Section 162, CJA 2003	Sections 35 and 36
25.16(n)	Deferment order	Section 1, PCC(S)A 2000	Section 3
28.1(n)	Court’s duties to give reasons for and explain the effect of a sentence	Section 174, CJA 2003	Section 52
28.1(n)	Court’s duty to give reasons if it does not make a reparation order in a case where it has the power to do so	Section 73(8), PCC(S)A 2000	Section 54

Rule or note to rule (n)	Topic	Old provision(s)	Sentencing Act provision(s)
28.1(n)	Court's duty to give reasons if it does not make a compensation order in a case where it has the power to do so	Section 130(3), PCC(S)A 2000	Section 55
28.1(n)	Court's duty to order that a suspended sentence is to take effect	Paragraph 8(3) of Schedule 12, CJA 2003	Paragraph 14(1) of Schedule 16
28.1(n)	Reduction in sentence where an offender has assisted or offered to assist an investigator or prosecutor in relation to an offence	Section 73, SOCPA 2005	Section 74
28.1(n)	Court's duty to follow relevant sentencing guidelines	Section 125, CJA 2009	Section 59
28.1(n)	Reparation order	Section 73, PCC(S)A 2000	Section 109
28.1(n)	Compensation order	Section 130, PCC(S)A 2000	Section 133
28.2(n)	Court's duty to provide copies of community orders and suspended sentence orders which impose community requirements	Section 219(1), CJA 2003	Sections 212(2) and 298(2)
28.2(n)	Court's duty to provide copies of youth rehabilitation orders	Paragraph 34(1) of Schedule 1, CJIA 2008	Section 190(2)
28.2(n)	Suspended sentence order	Section 189, CJA 2003	Sections 264, 277 and 286
28.2(n)	Community order	Section 177, CJA 2003; Part 12, CJA 2003	Section 200; Part 9, Chapter 2
28.2(n)	Youth rehabilitation order	Section 7, CJIA 2008; Part 1, CJIA 2008	Section 173; Part 9, Chapter 1
28.2(n)	Orders under which an electronic monitoring requirement may be imposed	Sections 190 and 215, CJA 2003; Section 1(2) CJIA 2008	Sections 174, 201 and 287; Schedule 6, Part 17; Schedule 9, Part 14
28.4(n)	Alternation of Crown Court sentence (56-day slip rule)	Section 155, PCC(S)A 2000	Section 385
28.5(n)	Compensation order	Section 130, PCC(S)A 2000	Section 133
28.5(n)	Review of compensation orders	Section 133, PCC(S)A 2000	Section 143
28.7(n)	Restitution order	Section 148, PCC(S)A 2000	Section 147
28.7(n)	Restitution order: offender to provide victim of the theft with goods	Section 148(2)(b), PCC(S)A	Section 147(1)(b)

Rule or note to rule (n)	Topic	Old provision(s)	Sentencing Act provision(s)
	that are not themselves the stolen goods but which represent their proceeds	2000	
28.8(n)	Court's duty to obtain and consider a medical report before passing a custodial sentence if defendant is, or appears to be, mentally disordered	Section 157, CJA 2003	Section 232
28.8(n)	Mental health treatment requirement (community orders and suspended sentence orders)	Section 207, CJA 2003	Paragraphs 16 and 17 of Schedule 9
28.8(n)	Mental health treatment requirement (youth rehabilitation orders)	Section 1(1)(k), CJIA 2008	Paragraphs 28 and 29 of Schedule 6
28.10(n)	When a magistrates' court may / must commit a defendant to the Crown Court for sentence	Section 3, PCC(S)A 2000	Section 14
		Section 3A, PCC(S)A 2000	Section 15
		Section 3B, PCC(S)A 2000	Section 16
		Section 3C, PCC(S)A 2000	Section 17
		Section 4, PCC(S)A 2000	Section 18
		Section 4A, PCC(S)A 2000	Section 19
	Section 6, PCC(S)A 2000	Section 20	
28.10(n)	Magistrates court's power to remit a case to another magistrates' court for sentence	Section 10, PCC(S)A 2000	Section 28
28.10(n)	When a magistrates' court or the Crown Court may / must adjourn a case to a youth court for sentence	Section 8, PCC(S)A 2000	Sections 25 and 26
28.10(n)	When a youth court may adjourn a case to a magistrates' court for sentence	Section 9, PCC(S)A 2000	Section 27
28.10(n)	Court's powers where it convicts a defendant who is subject to a deferred sentence	Section 1C, PCC(S)A 2000	Section 10
28.10(n)	Court's powers where it convicts a defendant who is subject to a conditional discharge	Section 13, PCC(S)A 2000	Schedule 2

Rule or note to rule (n)	Topic	Old provision(s)	Sentencing Act provision(s)
28.10(n)	Court's powers where it convicts a defendant who is subject to a suspended sentence	Section 189 and Schedule 12, CJA 2003	Schedule 16
28.10(n)	Fine imposed or other sum ordered to be paid in the Crown Court to be enforceable by a magistrates' court specified in the order, or from which the case was committed or sent to the Crown Court	Section 140, PCC(S)A 2000	Section 132
28.10(n)	Court's duty to provide the magistrates' court acting in the offender's home local justice area with a copy of the relevant order and any relevant documents and information, where the court makes an order which specifies a local justice area in which it does not act (community orders and suspended sentence orders)	Section 219(3), CJA 2003	Sections 212(4) and 298(4)
28.10(n)	Court's duty to provide the magistrates' court acting in the offender's home local justice area with a copy of the relevant order and any relevant documents and information, where the court makes an order which specifies a local justice area in which it does not act (youth rehabilitation orders)	Paragraph 34(3) of Schedule 1, CJIA 2008	Section 190(4)
28.11(n)	Reduction in sentence where an offender has assisted or offered to assist an investigator or prosecutor in relation to an offence	Section 73, SOCPA 2005	Section 74
28.11(n)	Ability for a specified prosecutor to refer certain cases back to the Crown Court where an offender has agreed to assist in the investigation or prosecution of an offence	Section 74, SOCPA 2005	Sections 387 and 388
29.3(n)	Court's power to order a defendant to produce a driving licence where a driving disqualification order is made	Sections 146(4) and 147(5), PCC(S)A 2000	Section 168
29.3(n)	Driving disqualification order	Sections 146 and 147, PCC(S)A 2000	Sections 163 and 164
30.5; 30.5(n)	Magistrates' court's power to remit criminal courts charge	Section 21E, POA 1985	Section 50
30.5(n)	Court's power to remit the whole or part of a fine following	Section 165, CJA 2003	Section 127

Rule or note to rule (n)	Topic	Old provision(s)	Sentencing Act provision(s)
	determination of the offender's financial circumstances		
30.5(n)	Criminal courts charge	Section 21A, POA 1985	Section 46
30.5(n)	Circumstances where a court must order a defendant to pay criminal courts charge	Section 21B, POA 1985	Sections 44 and 45; Paragraphs 10(6) and 11(3) of Schedule 10; Paragraph 13(2) of Schedule 16; Paragraphs 11, 68 and 231 of Schedule 24
31.1(n)	Restraining order (insofar as order available post-conviction)	Section 5, PHA 1997	Section 360
31.1(n)	Parenting order (insofar as order available post-conviction)	Sections 8 and 9, CDA 1998	Section 366
31.1(n)	Sexual harm prevention order (insofar as order available where a court deals with an offender who has been convicted of an offence listed in Schedule 3 or 5 to the Sexual Offences Act 2003)	Section 103A, SOA 2003	Section 345
31.1(n)	Criminal behaviour order	Section 22, ABCPA 2014	Section 331
31.2(n)	Court's duty to make a parenting order where it convicts an offender aged under 16 of an offence if it is satisfied that the order is desirable in the interests of preventing further offending	Section 9(1), CDA 1998	Section 366
31.3(n)	Court's power to give a special measures direction under the Youth Justice and Criminal Evidence Act 1999 on an application for a criminal behaviour order	Section 31, ABCPA 2014	Section 340
32.1; 32.1(n)	Breach, revocation or amendment of reparation order	Schedule 8, PCC(S)A 2000	Schedule 5
32.1; 32.1(n)	Breach, revocation or amendment of community order	Schedule 8, CJA 2003	Schedule 10

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32.1; 32.1(n)	Breach or amendment of suspended sentence order	Schedule 12, CJA 2003	Schedule 16
32.1; 32.1(n)	Breach, revocation or amendment of youth rehabilitation order	Schedule 2, CJIA 2008	Schedule 7
39.1; 39.1(n)	Ability for offender or specified prosecutor to appeal against a review by a Crown Court judge of a sentence that was reduced because the defendant assisted an investigator or prosecutor	Section 74(8), SOCPA 2005	Section 389(1)
39.1(n)	Life sentence: determination of minimum term	Section 82A, PCC(S)A 2000; Section 269, CJA 2003	Section 321