



CRIMINAL COURTS CHARGE

Circular 2015/04: The Prosecution of Offences Act 1985 (Criminal Courts Charge) (Amendment) Regulations 2015 (S.I. 2015/1970)

From: Victim and Criminal Proceedings Policy Unit
Ministry of Justice

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This circular supersedes: **Paragraphs 166-167 of Circular No. 2015/01**

This circular is for:

Lord Chief Justice, Justices of the Supreme Court, President of the Queen's Bench Division, Master of the Rolls, Senior Presiding Judge, Lords Justices of Appeal, Chairman of the Judicial College, High Court Judges, Presiding Judges, Resident Judges, Crown Court Judges, District Judges (Magistrates' Courts), Chairmen of the Justices, Director of Public Prosecutions, HM Chief Inspector of Constabulary, Chief Officers of Police in England and Wales, Director General of the National Crime Agency, Director-General of HM Prison Service, Chief Executive of HM Courts and Tribunals Service, Chief Executive of the Youth Justice Board for England and Wales, Chief Crown Prosecutors, Heads of Division Revenue and Customs Prosecution Office, Chief Probation Officers, Director of Crime, Heads of Crime, Cluster Managers, Regional Support Units, Court Managers Crown Courts, Court Managers Magistrates' Courts, Clerks to the Justices

Background

1. The Criminal Courts Charge (“the charge”) was introduced by section 54 of the Criminal Justice and Courts Act 2015 and applies to all offences committed on or after 13 April 2015. The provisions in section 21A of the Prosecution of Offences Act 1985 require the Court to order a charge when dealing with an offender following conviction for a criminal offence or for failing to comply with a community requirement, suspended sentence order or supervision requirement or dismissing an appeal against conviction or sentence. This is subject to section 21C which enables the Lord Chancellor to set the amount of a charge in regulations.
2. The charging levels were set in the Prosecution of Offences Act 1985 (Criminal Courts Charge) Regulations 2015, which also exempted certain classes of case from the imposition of the charge and set the period of time that must have passed before the charge can be remitted.
3. The charging levels set in the Regulations range from £100 - £1,200 and where relevant offenders have the option to pay the charge in instalments, allowing them to manage their repayments. On the application of the offender, after two years the charge can be cancelled where a magistrates’ court is satisfied that the offender has made reasonable attempts to pay or that collection and enforcement is impracticable and the offender has not reoffended.

Changes

4. The Prosecution of Offences Act 1985 (Criminal Courts Charge) (Amendment) Regulations 2015 (S.I. 2015/1970) omits regulation 3 and the Schedule to the original instrument, which are the specific provisions which set out the charge levels. It comes into force on 24 December 2015.
5. Section 21C of the Prosecution of Offences Act 1985 provides that a charge ordered to be paid under section 21A must be of an amount specified by regulations. The effect of this change will be that the amount of the charge will no longer be specified. The practical effect of this is that Courts will not be able to apply the charge when dealing with an offender from the date the instrument comes into force, 24 December 2015.
6. Where a charge has been imposed on an offender before the coming into force of these new regulations, the offender will still be obliged to pay the charge and usual enforcement practices will be followed.
7. The remittal period will still apply where relevant.
8. The imposition of other court-ordered impositions (including court fines, prosecution costs, compensation and the victim surcharge) is not affected.