STATUTORY INSTRUMENTS

2015 No. 796

CRIMINAL LAW, ENGLAND AND WALES

The Prosecution of Offences Act 1985 (Criminal Courts Charge) Regulations 2015

Made - - - -	*19th March 2015*
Laid before Parliament	*23rd March 2015*
Coming into force - -	*13th April 2015*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 21A(3), 21C(1), 21E(4) and (7) and 29 of the Prosecution of Offences Act 1985(**1**):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Prosecution of Offences Act 1985 (Criminal Courts Charge) Regulations 2015 and come into force on 13th April 2015.

(2) In these Regulations—

"the CAA 1968" means the Criminal Appeal Act 1968(**2**);

"the MHA 1983" means the Mental Health Act 1983(**3**);

"the POA 1985" means the Prosecution of Offences Act 1985;

"the CAA 1995" means the Criminal Appeal Act 1995(**4**).

Cases in which the duty to order payment of the criminal courts charge does not apply

2.—(1) An order under section 21A(1) of the POA 1985 (criminal courts charge) must not be made against a person ("P") convicted of an offence in the following cases—

(a) where a court deals with P for the offence by making an order discharging P absolutely under section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 (absolute discharge)(**5**);

(**1**) 1985 c. 23; section 54 of the Criminal Justice and Courts Act 2015 (c. 2) inserted sections 21A to 21F of the Prosecution of Offences Act 1985.
(**2**) 1968 c. 19.
(**3**) 1983 c. 20.
(**4**) 1995 c. 35.
(**5**) 2000 c. 6.

(b) where a court deals with P for the offence by making in respect of P an order under section 37(1) of the MHA 1983 (power of courts to order hospital admission or guardianship)(**6**) or a direction under section 45A(3) of the MHA 1983 (power of higher courts to order hospital admission)(**7**);

(c) where the Crown Court dismisses an appeal against conviction or sentence for the offence following a reference by the Criminal Cases Review Commission under section 11(1) of the CAA 1995 (cases dealt with summarily in England and Wales);

(d) where the Court of Appeal dismisses an appeal for the offence under Part 1 of the CAA 1968 following a reference by the Criminal Cases Review Commission under section 9(1) of the CAA 1995 (cases dealt with on indictment in England and Wales).

(2) Paragraph (3) applies where a court deals with a person in the same proceedings—

(a) for an offence; and

(b) for a failure to comply with a requirement mentioned in section 21B of the POA 1985 (criminal courts charge: courts and times).

(3) An order under section 21A(1) of the POA 1985 must not be made in respect of a failure to comply with a requirement mentioned in section 21B of the POA 1985.

(4) Paragraph (5) applies where a court deals with a person in the same proceedings for a failure to comply with more than one of the requirements mentioned in section 21B of the POA 1985 and paragraph (3) does not apply.

(5) An order under section 21A(1) of the POA 1985 must not be made—

(a) where the court deals with the person for a failure to comply with requirements mentioned in section 21B(1)(b), (c) and (d) of the POA 1985, in respect of the failure to comply with requirements mentioned in section 21B(1)(c) or (d);

(b) where the court deals with the person for a failure to comply with requirements mentioned in section 21B(1)(b) and (c) of the POA 1985, in respect of the failure to comply with requirements mentioned in section 21B(1)(c);

(c) where the court deals with the person for a failure to comply with requirements mentioned in section 21B(1)(b) and (d) of the POA 1985, in respect of the failure to comply with requirements mentioned in section 21B(1)(d);

(d) where the court deals with the person for a failure to comply with requirements mentioned in section 21B(1)(c) and (d) of the POA 1985, in respect of the failure to comply with requirements mentioned in section 21B(1)(d);

(e) where the court deals with the person for a failure to comply with requirements mentioned in section 21B(2)(b) and (c) of the POA 1985, in respect of the failure to comply with requirements mentioned in section 21B(2)(c).

Amount of the criminal courts charge

3.—(1) The table in the Schedule, read with the provisions of this regulation, sets out the charge that must be ordered to be paid under section 21A(1) of the POA 1985 by class of case.

(2) Paragraph (3) applies where, following the summary conviction of a person ("P") for an offence, a magistrates' court commits P to the Crown Court for sentence and the Crown Court accordingly deals with P for the offence.

(**6**) Section 37(1) was amended by section 55 of, and paragraph 12(1) of Schedule 4 to, the Crime Sentences Act 1997 (c. 43), section 165(1) of, and paragraph 90(1) and (2) of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and section 304 of, and paragraphs 37 and 38(b) of Part 1 of Schedule 32 to, the Criminal Justice Act 2003 (c. 44).

(**7**) Section 45A was inserted by section 46 of the Crime Sentences Act 1997.