Draft Regulations laid before Parliament under sections 85(13) and 149(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

CRIMINAL LAW, ENGLAND AND WALES

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Disapplication of Section 85(1), Fines Expressed as Proportions and Consequential Amendments) Regulations 2014

Made - - - - ***

Coming into force in accordance with regulation 1(1)

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with sections 85(13) and 149(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**1**).

The Secretary of State, in exercise of the powers conferred by sections 85(5) to (8), (10) and (11) and 149(1) and (2) of that Act, makes the following Regulations.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Disapplication of Section 85(1), Fines Expressed as Proportions and Consequential Amendments) Regulations 2014 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales only.

(3) In these Regulations, "the 2012 Act" means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Disapplication of section 85(1) of the 2012 Act and alternative provision

2.—(1) Section 85(1) of the 2012 Act does not apply in relation to the offences specified in Schedule 1.

(**1**) 2012 c.10.

(2) Schedule 2 contains amendments to make provision for those offences to be punishable on summary conviction by a fine or maximum fine of an amount specified or described in the amendments.

(3) The amendments made by Schedule 2 do not affect—

(a) fines for offences committed before these Regulations come into force,

(b) the operation of restrictions on fines that may be imposed on a person aged under 18, or

(c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment.

Fines or maximum fines expressed as proportions

3.—(1) Schedule 3 contains amendments to provide for certain offences punishable on summary conviction by a fine or maximum fine expressed as a proportion of £5,000 or more (however expressed) to be punishable on summary conviction by a fine or maximum fine of that proportion of an amount specified or described in the amendments.

(2) The amendments made by Schedule 3 do not affect—

(a) fines for offences committed before these Regulations come into force,

(b) the operation of restrictions on fines that may be imposed on a person aged under 18, or

(c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment.

(3) The amendments made by paragraph 5(7) and (8) of Schedule 3 do not authorise the alteration of a fine or maximum fine that applies in respect of an offence that is, immediately before these Regulations come into force, contained in regulations made under section 140 or 141 of the Environmental Protection Act 1990 (whether or not those regulations are in force).

Consequential amendments

4. Schedule 4 contains amendments consequential on section 85 of the 2012 Act.

Signed by the authority of the Secretary of State

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

SCHEDULE 1

Regulation 2(1)

Disapplication of section 85(1) of the 2012 Act

Customs and Excise Management Act 1979 (c.2)

1. An offence under section 24(5) (contraventions relating to the control of movement of goods by pipe-line etc).

2. An offence under section 50(2) (unshipping goods etc with intent to defraud).

3. An offence under section 50(3) (importing goods in contravention of prohibitions or restrictions etc).

4. An offence under section 53(8) (shipping of dutiable or restricted goods before delivery of entry outwards etc).

5. An offence under section 56(5) (contravention of duties where entry in respect of dutiable or restricted goods is cancelled).

6. An offence under section 57(6), so far as relating to a failure to comply with a requirement under section 57(4) (requirement that goods not be loaded into ship or aircraft without authority of proper officer).

7. An offence under section 58E(5), so far as relating to a failure to comply with a requirement under section 58E(4) (requirement to surrender authenticated Community customs document etc).

8. An offence under section 63(6) (taking goods on board a ship in circumstances mentioned in section 63(5), with fraudulent intent).

9. An offence under section 64(7) (loading goods on aircraft etc before application for clearance, with fraudulent intent).

10. An offence under section 66(2), so far as relating to a contravention of regulations under section 66(1)(b) (prescribing procedure to be followed etc by person conveying goods out of Northern Ireland by land).

11. An offence under section 68(2) (being knowingly concerned in the exportation or shipment of goods as stores, with intent to evade prohibitions or restrictions mentioned in section 68(1)).

12. An offence under section 68A(1) (being knowingly concerned in the fraudulent evasion of an agricultural levy on the export of goods).

13. An offence under section 100(1) (unauthorised opening of warehouses etc).

14. An offence under section 100(3) (taking warehoused goods etc with intent to defraud).

15. An offence under section 102(3) (failure to deliver up a licence where required to do so under section 102(2)), so far as relating to a gaming licence or an amusement machine licence.

16. An offence under section 129(3) (separating goods chargeable with duty from substances used to denature them, after the goods have gone into home use).

17. An offence under section 136(1) (obtaining a drawback, rebate etc from duty, with intent to defraud).

18. An offence under section 158(4) (offences in connection with provision of facilities).

19. An offence under section 159(6) (removal of goods before examination with intent to defraud).

20. An offence under section 167(1) (knowingly or recklessly making untrue statements etc).

21. An offence under section 168(1) (counterfeiting or falsifying documents etc).

22. An offence under section 170(1) (knowingly acquiring possession of chargeable goods etc with intent to defraud).

23. An offence under section 170(2) (being knowingly concerned in fraudulent evasion of duty etc).

24. An offence under section 170B(1) (taking preparatory steps for evasion of excise duty).

Customs and Excise Duties (General Reliefs) Act 1979 (c.3)

25. An offence under section 13(3C) (failure to comply with the requirement of an order under section 13 to notify the Commissioners of non-compliance with a condition of relief).

26. An offence under section 13C(2) (acquisition of goods for use in breach of condition of relief etc).

27. An offence under section 15(1) (making of false statement etc in connection with obtaining relief etc).

Alcoholic Liquor Duties Act 1979 (c.4)

28. An offence under section 17(1) (offences in connection with removal of spirits from distillery etc).

29. An offence under section 25(1) (offences in connection with unlawful manufacture of spirits etc).

30. An offence under paragraph 5(1) of Schedule 2A (possession etc of unstamped retail containers containing alcoholic liquor to which Schedule 2A applies).

31. An offence under paragraph 6(1) of Schedule 2A (manager of premises suffering premises to be used for sale of alcoholic liquor in unstamped retail containers etc).

32. An offence under paragraph 7(3) of Schedule 2A (manager of premises suffering premises to be used in breach of order under paragraph 7(1)).

Hydrocarbon Oil Duties Act 1979 (c.5)

33. An offence under section 10(5) (using or acquiring duty-free oil etc in breach of restrictions).

34. An offence under section 10(6) (being liable for duty-free oil being taken into vehicle in breach of restrictions).

35. An offence under section 13(3) (using rebated heavy oil in breach of restrictions etc).

36. An offence under section 13(4) (being liable for rebated heavy oil being taken into road vehicle in breach of restrictions).

37. An offence under section 13AB(1)(c) (using kerosene in contravention of section 13AA(2), with intent).

38. An offence under section 13AB(2)(c) (being liable for kerosene being taken into engine in contravention of section 13AA(2), with intent).

39. An offence under section 13AB(5) (supplying kerosene etc, with intent).

40. An offence under section 14(6) (using or acquiring rebated light oil etc in breach of restrictions).

41. An offence under section 14(7) (being liable for rebated light oil being taken into vehicle etc in breach of restrictions).

42. An offence under section 14D(3) (misuse of rebated biodiesel or bioblend).

43. An offence under section 24A(6) (knowingly misusing marked oil).

Betting and Gaming Duties Act 1981 (c.63)

44. An offence under section 26L(2) (being knowingly concerned etc in the fraudulent evasion of remote gaming duty).

45. An offence under paragraph 13(3) of Schedule 1 (making false statements etc in connection with general betting duty or pool betting duty etc).

46. An offence under paragraph 14(1) of Schedule 1 (carrying on a pool betting business without a permit).

47. An offence under paragraph 16(1) of Schedule 3 (being knowingly concerned etc in the fraudulent evasion of bingo duty).

48. An offence under paragraph 16(2) of Schedule 3 (being knowingly concerned in the promotion of bingo by unregistered promoter).

Finance Act 1993 (c.34)

49. An offence under section 29(7) (breach of prohibition on promotion of lottery where person liable to lottery duty is not registered).

50. An offence under section 31(1) (being knowingly concerned in the fraudulent evasion of lottery duty etc).

51. An offence under section 31(3) (making false statements in connection with lottery duty).

Finance Act 1994 (c.9)

52. An offence under section 41(1) (being knowingly concerned in the fraudulent evasion of air passenger duty etc).

53. An offence under section 41(3) (making a false statement etc in connection with air passenger duty).

54. An offence under paragraph 9(1) of Schedule 7 (being knowingly concerned etc in the fraudulent evasion of insurance premium tax).

55. An offence under paragraph 9(3) of Schedule 7 (producing false documents etc in connection with insurance premium tax, with intent).

56. An offence under paragraph 9(4) of Schedule 7 (making false statements in furnishing information in connection with insurance premium tax).

57. An offence under paragraph 9(5) of Schedule 7 (conduct which must have involved commission of one or more offences under paragraph 9(1) to (4)).

58. An offence under paragraph 9(6) of Schedule 7 (entering into taxable insurance contract etc with reason to believe insurance premium tax will be evaded).

59. An offence under paragraph 9(7) of Schedule 7 (entering into taxable insurance contract without giving required security).