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STATUTORY INSTRUMENTS

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**2017 No. 1328**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 1988 (Reviews of Sentencing) (Amendment No. 2) Order 2017**

*Made* - - - - *21st December 2017*  
*Laid before Parliament* *29th December 2017*  
*Coming into force* - - *29th January 2018*

The Secretary of State makes the following Order in exercise of the power conferred by section 35(4) of the Criminal Justice Act 1988<sup>(1)</sup>.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Criminal Justice Act 1988 (Reviews of Sentencing) (Amendment No. 2) Order 2017 and comes into force on the 29th January 2018.

(2) This Order extends to England and Wales.

**Amendment of the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006**

2.—(1) Schedule 1 to the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 (descriptions of cases to which Part 4 of the Criminal Justice Act 1988 is to apply)<sup>(2)</sup> is amended as follows.

(2) In paragraph 3A(1)—

(a) after sub-paragraph (b), insert—

“(ba) sections 19<sup>(3)</sup> (disclosure of information: duty), 21A<sup>(4)</sup> (failure to disclose: regulated sector) or 21D<sup>(5)</sup> (tipping off: regulated sector) of the 2000 Act;”

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(1) 1988 c. 33; section 35(4) was amended by section 168(1) of, and paragraph 34(b) of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33).  
(2) S.I. 2006/1116 was amended by S.I. 2017/751; there are other amending instruments which are not relevant.  
(3) Section 19 of the Terrorism Act 2000 was amended by section 3, paragraph 5(3) and (4) of Schedule 2 to the Anti-Terrorism, Crime and Security Act 2001 (c. 24), section 59 and paragraph 126 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), section 77(2) of the Counter-Terrorism Act 2008 (c.28), and section 15(3) and paragraph 68 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).  
(4) Section 21A was inserted into the Terrorism Act 2000 by section 3 and paragraph 5(2) of Schedule 2 to the Anti-Terrorism, Crime and Security Act 2001 and was amended by section 59 and paragraph 128 of Schedule 4 to the Serious Organised Crime and Police Act 2005, section 15(3) and paragraph 72 of Schedule 8 to the Crime and Courts Act 2013 and S.I. 2007/3398.

(b) after sub-paragraph (c), insert—

“(ca) section 39 of the 2000 Act<sup>(6)</sup> (disclosure of information);”

(c) after sub-paragraph (h), insert—

“(i) section 54 of the Counter-Terrorism Act 2008<sup>(7)</sup> (offences relating to notification);

(j) section 23 of the Terrorism Prevention and Investigation Measures Act 2011<sup>(8)</sup> (offence of contravening a TPIM notice);

(k) section 10 of the Counter-Terrorism and Security Act 2015 (offences of contravening a Temporary Exclusion Order or not complying with a restriction after return).”.

(3) After paragraph 3A(2), insert—

“(3) Any case in which sentence is passed on a person for an offence under one of the following—

(a) section 4 of the Aviation Security Act 1982<sup>(9)</sup> (offences in relation to certain dangerous articles);

(b) section 114 of the Anti-Terrorism, Crime and Security Act 2001<sup>(10)</sup> (hoaxes involving noxious substances or things)

where the court has determined that the offence has a terrorist connection under section 30 of the Counter-Terrorism Act 2008<sup>(11)</sup> (sentences for offences with a terrorist connection: England and Wales).”.

21st December 2017

*Dominic Raab*  
Minister of State  
Ministry of Justice

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(5) Section 21D was inserted into the Terrorism Act 2000 by [S.I. 2007/3398](#) and amended by section 15(3) and paragraph 75 of Schedule 8 to the Crime and Courts Act 2013.

(6) Section 39 was amended by section 117(1) and (3) of the Anti-Terrorism, Crime and Security Act 2001 and [S.I. 2007/3398](#).

(7) [2008 c.28](#).

(8) [2011 c.23](#). Section 23 was amended by section 17(3) and (4) of the Counter-Terrorism and Security Act 2015 ([c.6](#))

(9) [1982 c.36](#).

(10) [2001 c.24](#).

(11) [2008 c.28](#).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 ([S.I. 2006/1116](#)) (“the 2006 Order”).

Schedule 1 to the 2006 Order describes cases to which Part 4 of the Criminal Justice Act 1988 (c. 33) is to apply. That Part allows the Attorney General, with leave from the Court of Appeal, to refer certain cases to the Court of Appeal where he considers that a sentence imposed in the Crown Court in that case was unduly lenient.

This Order adds specific, triable either-way, terrorism or terrorism connected offences to Schedule 1 to the 2006 Order.

No impact assessment has been produced for this instrument as no impact on the private or voluntary sectors is foreseen.