

Changes to legislation: Criminal Justice Act 1982, SCHEDULE 14 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 14 Section 77.

MINOR AND CONSEQUENTIAL AMENDMENTS

Vagrancy Act 1824 (c. 83)

- 1 In the Vagrancy Act 1824 the words “, subject to section 70 of the Criminal Justice Act 1982,” shall be inserted—
- (a) in sections 3 and 4, before the words “it shall be lawful”; and
 - (b) in section 5—
 - (i) before the words “be deemed an incorrigible rogue”; and
 - (ii) before the words “it shall be lawful”.

Merchant Shipping Act 1894 (c. 60)

^{F12}

Textual Amendments

F1 Sch. 14 para. 2 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch.12 (with s. 312(1), Sch. 14 para. 1)

Customs and Excise Act 1952 (c. 44)

- [^{F23} For section 283(5) of the Customs and Excise Act 1952 there shall be substituted the following subsection—
- “(5) The proviso to subsection (2) of this section shall not apply to Scotland; and in the application of the said sub-section (2) to Scotland the maximum term of imprisonment which may be imposed on summary conviction in the sheriff court shall be 6 months, and the penalty for an offence which is triable only summarily by virtue of paragraph (b) of that subsection shall be that to which a person was liable on summary conviction of the offence immediately before 29th July 1977 (the date of the passing of the ^{M1} Criminal Law Act 1977) subject to any increase by virtue of Part IV of the Criminal Justice Act 1982.”.]

Textual Amendments

F2 Sch. 14 para. 3 repealed so far as it relates to car tax by Car Tax Act 1983 (c. 53, SIF 40:2), Sch. 3 and repealed so far as it relates to value added tax by Value Added Tax Act 1983 (c. 55, SIF 40:2), Sch. 11

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Marginal Citations

M1 1977 c. 45

Prison Act 1952 (c. 52)

^{F3}4

Textual Amendments

F3 Sch. 14 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

- 5 In section 22(2)(b) of that Act (removal of prisoners for medical etc. purposes)—
- (a) after the word “requires” there shall be inserted the words “medical investigation or observation or”; and
 - (b) after the words “of the” there shall be inserted the words “investigation, observation or”.
- 6 In section 37(4) of that Act (closing of prisons) for the words “Borstal institution” there shall be substituted the words “youth custody centre”.
- 7 In section 47 of that Act (rules for the management of prisons and other institutions)—
- (a) in subsection (1), for the words “Borstal institutions” there shall be substituted the words “youth custody centres”; and
 - (b) in subsection (5), for the words “Borstal institution” there shall be substituted the words “remand centre, youth custody centre”.
- [^{F4}8 In section 49 of that Act (persons unlawfully at large)—
- (a) in subsection (1) for the words “or Borstal training” there shall be substituted the words “custody for life or youth custody”, and after the word “centre” where first occurring there shall be inserted the words “or a young offenders institution”;
 - (b) in subsection (2)—
 - (i) for the words “Borstal training” there shall be substituted the words “youth custody”; and
 - (ii) for the words “prison, Borstal institution or detention centre, as the case may be” there shall be substituted the words “place in which he is required in accordance with law to be detained”; and
 - (c) in paragraph (a) of the proviso to that subsection, for the words following “prison” there shall be substituted the words “, youth custody centre, remand centre or detention centre;”.]

Textual Amendments

F4 Sch. 14 para. 8 repealed (E.W.) (1.3.1998) by 1994 c. 33, ss. 168(3), 172(2), Sch. 11; S.I. 1998/277, art. 3(3)

^{F5}9

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Textual Amendments

- F5** Sch. 14 para. 9 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Criminal Justice Act 1961 (c. 39)

- 10 In section 23 of the Criminal Justice Act 1961 (by virtue of which, among other things, a prisoner who is serving a term of more than one month and would otherwise be discharged on a Saturday is instead discharged on Friday)—
- (a) in subsection (3), for the words “one month” there shall be substituted the words “five days”; and
 - (b) in subsection (4), for the words “borstal institutions” there shall be substituted the words “youth custody centres”.
- 11 The following subsections shall be substituted for subsections (4) to (7) of section 26 of that Act (transfer to serve sentence)—
- “(4) Subject to the following provisions of this section, a person transferred under this section to any part of the United Kingdom or to any of the Channel Islands or the Isle of Man there to serve his sentence or the remainder of his sentence shall be treated for purposes of detention, release, supervision, recall and otherwise as if that sentence (and any other sentence to which he may be subject) had been an equivalent sentence passed by a court in the place to which he is transferred.
- (4A) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in subsection (4) of this section as the Secretary of State may direct.”.
- 12 The words “youth custody centre” shall be substituted for the words “Borstal institution” in section 29(1) (removal of prisoners etc. for judicial purpose) and section 30(3) (prisoners unlawfully at large) of that Act.
- 13 In subsection (2) of section 32 of that Act (supervision and recall)—
- (a) in paragraph (i) for the word “section” there shall be substituted the words “sections 206,”;
 - (b) at the end there shall be added the following paragraphs—
 - “(j) section 15 of the Criminal Justice Act 1982;
 - (k) section 73(4), (5) and (6) of the ^{M2}Children and Young Persons Act (Northern Ireland) 1968.”.

Marginal Citations

- M2** 1968 c. 34. (N.I.)

- 14 The words “or of any authorised officer” shall be added at the end of section 33 of that Act (orders relating to transfers of prisoners and others to be under hand of the Secretary of State or of an Under-Secretary or Assistant Under-Secretary of State).
- 15 In section 38 of that Act (construction of references to imprisonment, detention, etc.)—

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- (a) in paragraph (a) of subsection (3)—
 - (i) after the word “imprisonment”, in the second place where it occurs, there shall be inserted the words “custody for life, youth custody,”; and
 - (ii) for the words “or detention in a detention centre or young offenders institution” there shall be substituted the words “detention in a detention centre or young offenders institution or detention under an equivalent sentence passed by a court in the Channel Islands or the Isle of Man”;
 - (b) the following subsection shall be inserted after subsection (5)—

“(6) The Secretary of State may by order designate as equivalent sentences for the purposes of this Act and of any enactment referred to in Part III of this Act a description of sentence which a court with jurisdiction in one part of the United Kingdom or in the Channel Islands or the Isle of Man may pass and a description of sentence which a court elsewhere in the United Kingdom or in those Islands may pass;”.
- 16 In section 39 of that Act (interpretation)—
- (a) in subsection (1), the following definition shall be substituted for the definition of “appropriate institution”—

““appropriate institution”, in relation to any person, means, subject to subsection (1A) of this section, any institution which would be appropriate for the detention of an offender of the same age serving an equivalent sentence passed by a court in the place to which he has been transferred;”;
 - (b) the following subsections shall be inserted after that subsection—

“(1A) Subsection (1) of this section shall have effect in relation to a person serving a sentence of a length which could not have been passed on an offender of his age by a court in the place to which he has been transferred as if it defined “appropriate institution” as meaning such place as the Secretary of State may direct.

(1B) Any reference in this Act to a sentence being equivalent to another sentence is to be construed as a reference to its having been so designated under section 38(6) of this Act.”.
- 17 In section 42(1) of that Act (application to Scotland), and in section 42(2) (application to Northern Ireland), after the word “thirty-five;” there shall be inserted the words “section thirty-six;”.

Criminal Justice Act 1967 (c. 80)

18—21. F6

Textual Amendments

F6 Sch. 14 paras. 18–21 repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), [Sch. 3](#)

- 22 The following subsections shall be inserted after subsection (2) of section 67 of that Act (computation of sentence of imprisonment)—

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“(2A) Where a person is sentenced to imprisonment with an order under section 47(1) of the ^{M3} Criminal Law Act 1977 (sentences partly suspended), subsection (1) above—

- (a) operates to reduce the part of the sentence required to be served in prison;
- (b) operates to reduce the whole period of the sentence for the purposes of section 47(3) of that Act; but
- (c) does not operate to reduce any part of the sentence which is ordered under section 47(1) of that Act to be held in suspense.

(2B) Where—

- (a) an offender has been sentenced to imprisonment with an order under section 47(1) of that Act; and
 - (b) he has been released from prison after serving part of his sentence; and
 - (c) an order is subsequently made restoring part of his sentence,
- the restored part shall for the purposes of this section be treated as a sentence of imprisonment imposed by the order restoring it (but shall not be reduced by any period spent in custody by the offender before the original sentence was passed).”.

Marginal Citations

M3 1977 c. 45

Criminal Appeal Act 1968 (c. 19)

23 In section 10 of the Criminal Appeal Act 1968 (appeal against sentence passed by Crown Court for an offence not tried on indictment)—

- ^{F7}(a)
- (b) in subsection (3)(a), after the word “imprisonment” there shall be inserted the words “or to youth custody under section 6 of the Criminal Justice Act 1982”; and
 - (c) the following subsection shall be inserted after subsection (4)—

“(5) If by virtue of an order made under section 14 of the Criminal Justice Act 1982, the term of 4 months specified in section 4 of that Act is increased to a term of 6 months or more, subsection (3) (a) above shall have effect, for so long as the term so specified is 6 months or more, as if after the word “more” there were inserted the words “or an order for his detention in a detention centre for a term of 6 months or more has been made under section 4 of the Criminal Justice Act 1982”. ”

Textual Amendments

F7 Sch. 14 para. 23(a) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

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Firearms Act 1968 (c. 27)

- 24
- In section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime)—
- (a)

in subsection (1)—

(i)

after the word “sentenced”, in the first place where it occurs, there shall be inserted the words “to custody for life or”; and

(ii)

after the word “more” there shall be inserted the words “or to youth custody for such a term”; and

(b)

in subsection (2), after the word “years”, in the second place where it occurs, there shall be inserted the words “or to youth custody for such a term”.
- Children and Young Persons Act 1969 (c. 54)*
- F825

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Textual Amendments

F8

Sch. 14 para. 25 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53), s. 101(2), Sch.13; S.I. 1992/333, art. 2(2), Sch.2
- 26

In section 16(10) of that Act (which includes a definition of an “attendance centre order”)—

(a)

for the words “19 of the Criminal Justice Act 1948” there shall be substituted the words “17 of the Criminal Justice Act 1982”; and

(b)

for the word “(5)” there shall be substituted the word “(13)”.

27

In section 23(4) of that Act (remand to care of local authorities etc.) for the words “borstal sentence” there shall be substituted the words “youth custody sentence”.
- F928

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Textual Amendments

F9

Sch. 14 para. 28 repealed (30.9.1998) by 1998 c. 37, s. 120(2), Sch.10; S.I. 1998/2327, art. 2(3)(p)
- Fire Precautions Act 1971 (c. 40)*
- 29

In section 40(2)(a) of the Fire Precautions Act 1971 (which provides that no fire certificate is required in respect of prisons and similar institutions) for the words “Borstal institution” there shall be substituted the words “youth custody centre”.
- Powers of Criminal Courts Act 1973 (c. 62)*
- 30

In subsection (3)(c) of section 6 of the Powers of Criminal Courts Act 1973 (breach of requirements of probation order) for the words “19 of the Criminal Justice Act 1948” there shall be substituted the words “17 of the Criminal Justice Act 1982”.

31

In section 13 of that Act (under which a conviction of an offence for which a probation order or an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes)—

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- (a) in subsection (1), after the word “below,” there shall be inserted the words “and to section 50(1A) of the ^{M4}Criminal Appeal Act 1968 and section 108(1A) of the Magistrates’ Courts Act 1980,”; and
- (b) in subsection (4)(a), for the words “appeal against his conviction or rely on it” there shall be substituted the words “rely on his conviction”.

Marginal Citations

M4 1968 c. 19.

^{F10}32

Textual Amendments

F10 Sch. 14 para. 32 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

^{F11}33

Textual Amendments

F11 Sch. 14 para. 33 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

34 The following subsection shall be inserted as subsection (2) of section 42 of that Act—

- “(2) Where an offender is committed by a magistrates’ court for sentence under section 37 of the ^{M5}Magistrates’ Courts Act 1980 (committal for sentence of offender aged 15 or 16 convicted of indictable offences), the Crown Court shall enquire into the circumstances of the case and shall have power—
- (a) subject to section 7(8) of the Criminal Justice Act 1982 (term of youth custody for offenders aged 15 or 16 not to exceed 12 months), to sentence him to a term of youth custody not exceeding the maximum term of imprisonment for the offence on conviction on indictment; or
 - (b) to deal with him in any manner in which the magistrates’ court might have dealt with him.”.

Marginal Citations

M5 1980 c. 43

Juries Act 1974 (c. 23)

^{F12}35

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Textual Amendments

F12 Sch. 14 para. 35 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 10](#); S.I. 2004/829, art. 2(1)(2)(1)(iv)

Rehabilitation of Offenders Act 1974 (c. 53)

- 36 In section 5(1) of the Rehabilitation of Offenders Act 1974 (sentences excluded from rehabilitation)—
- (a) in paragraph (b) after word “imprisonment” there shall be inserted the words “youth custody”; and
 - (b) after paragraph (d) there shall be the following words “and
 - (e) a sentence of custody for life”.

^{F13}37

Textual Amendments

F13 Sch. 14 para. 37 repealed (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 25 Pt. 2](#) (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

Criminal Law Act 1977 (c. 45)

- 38 In section 36 of the Criminal Law Act 1977 (enforcement of fines imposed on young offenders)—
- (a) in subsection (2) for the words “the statutory restrictions upon the imprisonment of young offenders” there shall be substituted the words “section 1 of the Criminal Justice Act 1982”; and
 - (b) in subsection (4)(a) for the words “19(1) of the Criminal Justice Act 1948” there shall be substituted the words “17 of the Criminal Justice Act 1982”.
- 39 In subsection (5) of section 38A of that Act (execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine) in the definition of “prison”, after paragraph (i) there shall be inserted the following paragraph—
- “(ia) in the case of a person under that age arrested in England and Wales, any place in which he could be detained under section 12(10) of the Criminal Justice Act 1982;”.
- 40 The following shall be inserted after paragraph 3 of Schedule 9 to that Act (ancillary provisions relating to partly suspended sentences)—

“ Consecutive sentences of imprisonment

- 3A (1) This paragraph applies where—
- (a) an offender is serving consecutive sentences of imprisonment; and
 - (b) at least one of the sentences was passed with an order under section 47(1) of this Act.
- (2) Where this paragraph applies the offender shall, so far as the consecutive sentences are concerned, be treated for the purposes—

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(a) of computing the date when he should be released from prison;
and

(b) of calculating the term of imprisonment liable to be restored
under section 47(3) of this Act,

as if he had been sentenced to a single term of imprisonment with an
order under section 47(1) of this Act of which the part which he is
immediately required to serve in prison were the aggregate—

(i) of the part which he is required to serve in prison of any
consecutive sentence passed with an order under section 47(1)
of this Act; and

(ii) of the whole term of any other consecutive sentence,

and of which the part which is held in suspense were the aggregate of all
parts of the sentences which were ordered to be held in suspense under
that section.

(3) Section 47(6) of this Act shall have effect, in relation to any consecutive
sentence passed with an order under section 47(1) of this Act, as if for the
words following the word “prison” there were substituted the following
words “if—

(a) none of the sentences to which he is subject had been passed
with an order under subsection (1) above; and

(b) he had not had, in respect of any sentence passed with such an
order, any remission under section 25(1) of the Prison Act 1952
(industry and good conduct in prison).”

(4) In this paragraph “a consecutive sentence” means a sentence which is
one of two or more sentences of imprisonment the terms of which have
been ordered to run consecutively.”.

41 In paragraph 7 of that Schedule, for the word “Where” there shall be substituted
the words “Subject to section 60(1C) of the ^{M6}Criminal Justice Act 1967 (release
on licence), where”.

Marginal Citations

M6 1967 c. 80.

Customs and Excise Management Act 1979 (c. 2)

42 Section 147(5) of the Customs and Excise Management Act 1979 is repealed.

43 In section 156 of that Act (saving for outlying enactments of certain general
provisions as to offences)—

(a) in subsection (3), the words “This subsection does not apply to Scotland”
are repealed;

(b) for subsection (4) there shall be substituted the following subsections—

“(4) The maximum term of imprisonment which may be imposed on
summary conviction in the sheriff court of an offence under any
of the outlying provisions of the customs and excise Acts shall be
6 months.

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(5) Where, in Scotland, an offence under any of the outlying provisions of the customs and excise Acts is triable only summarily by virtue of subsection (3)(b) above, the penalty for the offence shall be that to which a person was liable on summary conviction of the offence immediately before 29th July 1977 (the date of the passing of the Criminal Law Act 1977) subject to any increase by virtue of section 289C(5) of the Criminal Procedure (Scotland) Act 1975 or Part IV of the Criminal Justice Act 1982.”.

Child Care Act 1980 (c. 5)

44 In section 10(2) of the Child Care Act 1980 (parental powers of local authorities) for the words “regulations made in pursuance of section” there shall be substituted the words “section 21A of this Act and to regulations made in pursuance of section 21A or”.

F1445

Textual Amendments

F14 Sch. 14 para. 45 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

F1546

Textual Amendments

F15 Sch. 14 para. 46 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

Magistrates’ Courts Act 1980 (c. 43)

47 In section 24(3) of the Magistrates’ Courts Act 1980 (powers of sentencing with respect to persons under the age of 17 tried summarily for indictable offences) for the words following the word “section” there shall be substituted the words “1(1) of the Criminal Justice Act 1982, it could have sentenced him to imprisonment for a term not exceeding—

(a) the maximum term of imprisonment for the offence on conviction on indictment; or

(b) six months,

whichever is the less. ”.

F1648

Textual Amendments

F16 Sch. 14 para. 48 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

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49 The following subsections shall be substituted for subsection (1) of section 37 of that Act (committal to Crown Court with a view to Borstal sentence)—

“(1) Where a person who is not less than 15 nor more than 16 years old is convicted by a magistrates’ court of an offence punishable on conviction on indictment with a term of imprisonment exceeding six months, then, if the court is of opinion that he should be sentenced to a greater term of youth custody than it has power to impose, the court may commit him in custody or on bail to the Crown Court for sentence.

(1A) If by virtue of an order made under section 14 of the Criminal Justice Act 1982, the term specified in section 7(5) of that Act as the usual term of youth custody is increased to a term exceeding six months, subsection (1) above shall have effect, for so long as the term so specified exceeds six months, as if after the word “opinion” there were inserted the following words—

- (a) that a youth custody sentence should be passed on him but that it has no power to do so; or
- (b) “.”. .

50 In section 77(2) of that Act (power to fix a term of imprisonment and postpone issue of warrant of distress) after the word “imprisonment” there shall be inserted the words “or detention under section 9 of the Criminal Justice Act 1982 (detention of persons aged 17 to 20 for default)”.

F1751

Textual Amendments

F17 Sch. 14 para. 51 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

52 In section 82 of that Act (restriction on power to impose imprisonment for default)

- (a) in subsection (1)(c), after the word “imprisonment”, in the first place where it occurs, there shall be inserted the words “, youth custody”; and
- (b) in subsections (1)(c), (3)(a) and (5)(b) for the words “a term of imprisonment” there shall be substituted the words “a sentence of custody for life, or a term of imprisonment, youth custody, detention under section 9 of the Criminal Justice Act 1982”.

53 In section 88 of that Act (supervision pending payment)—

- (a) in subsection (4), for the word “prison”—
 - (i) in the first place where it occurs, there shall be substituted the words “detention under section 9 of the Criminal Justice Act 1982”; and
 - (ii) in the next place where it occurs, there shall be substituted the words “to such detention”; and
- (b) in subsection (5), for the word “prison” there shall be substituted the words “such detention”.

54 The following section shall be inserted after section 96 of that Act—

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“96A Application of Part III to persons aged 17 to 20.

This Part of this act shall have effect in relation to a person aged 17 or over but less than 21 as if any reference to committing a person to prison, or fixing a term of imprisonment for a default, were a reference to committing the person to, or, as the case may be, to fixing a term of, detention under section 9 of the Criminal Justice Act 1982; and any reference to warrants of commitment, or to periods of imprisonment imposed for default, shall be construed accordingly.”.

55 The words “or the Crown Court” shall be added at the end of section 119(3) of that Act (postponement of taking recognizance).

56 In section 133(1) of that Act (consecutive terms of imprisonment) after the word “imprisonment” wherever it appears there shall be inserted the words “or youth custody”.

57 At the end of section 134 of that Act (detention in police cells etc.) there shall be inserted the following subsection—

“ (8) This section shall have effect in relation to a person aged 17 or over but less than 21 as if references in it to imprisonment were references to youth custody.”.

58 The following subsection shall be added as subsection (3) of section 135 of that Act (detention of offender for one day in court house or police station) and as subsection (4) of section 136 of that Act (committal to custody overnight at police station for non-payment of sum adjudged by conviction)—

“ (0) This section shall have effect in relation to a person aged 17 or over but less than 21 as if references in it to prison were references to detention under section 9 of the Criminal Justice Act 1982 (detention of persons aged 17 to 20 for default).”.

59 In Schedule 4 to that Act (imprisonment for default) the words “or detention” shall be inserted after the word “imprisonment” in paragraphs 1 and 2(1).

Contempt of Court Act 1981 (c. 49)

60 The following subsection shall be inserted after subsection (2) of section 14 of the Contempt of Court Act 1981 (which relates to penalties for contempt and kindred offences in proceedings in England and Wales)—

“ (2A) In the exercise of jurisdiction to commit for contempt of court or any kindred offence the court shall not deal with the offender by making an order under section 17 of the Criminal Justice Act 1982 (an attendance centre order) if it appears to the court, after considering any available evidence, that he is under 17 years of age.”.

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Changes and effects yet to be applied to :

- Sch. 14 para. 60 repealed by [2008 c. 4 Sch. 28 Pt. 1](#)
- Sch. 14 para. 1 and cross-heading repealed by [2022 c. 32 s. 81\(3\)\(d\)\(ii\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 32(1A)(ca) words inserted by [2021 c. 11 Sch. 13 para. 36](#)