

**Changes to legislation:** Criminal Justice Act 1991, SCHEDULE 12 is up to date with all changes known to be in force on or before 28 December 2023. 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 12

Section 101(1).

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### Commencement Information

- II** Sch. 12 partly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 1; further in force at 25.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 2; further in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**, **Sch. 2**; further in force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3; **Sch. 12 para. 16(2)-(4)** in force (1.6.1999) by S.I. 1999/1280, **art. 3**, **Sch.**

#### *Custodial and community sentences*

**F1** .....

##### Textual Amendments

- F1** Sch. 12 para. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F2** .....

##### Textual Amendments

- F2** Sch. 12 para. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F3** .....

##### Textual Amendments

- F3** Sch. 12 para. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F4** .....

##### Textual Amendments

- F4** Sch. 12 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

#### *Community orders: supplemental*

**F5** .....

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**Textual Amendments**

**F5** Sch. 12 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*Financial penalties*

**F6** .....

**Textual Amendments**

**F6** Sch. 12 para. 6 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**[F76A** Section 17 of this Act shall not apply in relation to offences committed before the commencement of that section.]

**Textual Amendments**

**F7** Sch. 12 para. 6A inserted (28.5.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 149**

*Increase of certain penalties*

**7** Neither of subsections (3) and (4) of section 26 of this Act shall apply in relation to offences committed before the commencement of that subsection.

**Commencement Information**

**12** Sch. 12 para. 7 wholly in force at 25.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(2)** and Sch. 2

*Early release: general*

**F8** .....

**Textual Amendments**

**F8** Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)**, s. 151(1), **Sch. 16 para. 5**; S.I. 2012/2906, art. 2(n)

**F89** .....

**Textual Amendments**

**F8** Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)**, s. 151(1), **Sch. 16 para. 5**; S.I. 2012/2906, art. 2(n)

**F810** .....

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**Textual Amendments**

**F8** Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 5](#); S.I. 2012/2906, art. 2(n)

*Early release of young persons detained under 1933 Act*

**F8**<sup>11</sup> .....

**Textual Amendments**

**F8** Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 5](#); S.I. 2012/2906, art. 2(n)

*Early release of prisoners serving extended sentences*

**F8**<sup>12</sup> .....

**Textual Amendments**

**F8** Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 5](#); S.I. 2012/2906, art. 2(n)

*Early release of fine defaulters and contemnors*

**F8**<sup>13</sup> .....

**Textual Amendments**

**F8** Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 5](#); S.I. 2012/2906, art. 2(n)

*Responsibilities of parent or guardian*

**F9**<sup>14</sup> .....

**Textual Amendments**

**F9** Sch. 12 para. 14 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 12 Pt. I](#) (with Sch. 11 paras. 1, 2)

*Remands and committals of children and young persons*

15 (1) In this paragraph—  
“section 23” means section 23 of the 1969 Act as substituted by section 60(1) of this Act;  
“the modifications” means the modifications of section 23 set out in section 62 of this Act;

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“remand or committal” means a remand of a child or young person charged with or convicted of one or more offences, or a committal of a child or young person for trial or sentence.

- (2) Section 23 as it has effect with the modifications shall not apply in relation to any remand or committal which is in force immediately before the commencement of sections 60 and 62 of this Act.
- (3) Subject to sub-paragraphs (4) and (5) below, section 23 as it has effect without the modifications shall not apply in relation to any remand or committal which is in force immediately before the day appointed under section 62(1) of this Act.
- (4) Any person who, in pursuance of any such remand or committal, is held in a remand centre or prison shall be brought before the court which remanded or committed him before the end of the period of 8 days beginning with the day so appointed.
- (5) Where any person is brought before a court under sub-paragraph (4) above, section 23 as it has effect without the modifications shall apply as if the court were just remanding or committing him as mentioned in subsection (1)(a) of that section.

#### **Commencement Information**

- I3** [Sch. 12 para. 15](#) partly in force; [Sch. 12 para. 15\(1\)\(2\)](#) in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).  
[Sch. 15 para. 15\(3\)-\(5\)](#) shall come into force on the day appointed by the Secretary of State by order under [s. 62\(1\)](#) see [S.I. 1992/333, art. 2\(5\)](#), [Sch. 3](#).

- 16 (1) Subsection (2)(a) of section 60 of this Act shall not apply in any case where proceedings for the offence in question have begun before the commencement of that section.
- (2) Subject to sub-paragraphs (3) and (4) below, subsection (2)(b) and (c) of that section shall not apply in relation to any committal under section 37 of the 1980 Act which is in force immediately before that commencement.
- (3) Any person less than 17 years old who, in pursuance of any such committal, is held in a remand centre or prison shall be brought before the court which committed him before the end of the period of 8 days beginning with that commencement.
- (4) Where any person is brought before a court under sub-paragraph (3) above, section 37 of the 1980 Act shall apply as if the court were just committing him under that section.

#### **Commencement Information**

- I4** [Sch. 12 para. 16](#) wholly in force at 1.6.1999; [Sch. 12 para. 16\(1\)](#) in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#); [Sch. 12 para. 16\(2\)-\(4\)](#) in force (1.6.1999) by [S.I. 1999/1280, art. 3](#), [Sch. 12 para. 16\(2\)-\(4\)](#) shall come into force on the day appointed by the Secretary of State by order under [s. 62\(1\)](#) see [S.I. 1992/333, art. 2\(5\)](#), [Sch. 3](#) (which [art. 2\(5\)](#) is revoked (1.6.1999) by [S.I. 1999/1280, art. 2](#)

### *Custodial sentences for young offenders*

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**Textual Amendments**

**F10** Sch. 12 para. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

18 Section 64 of this Act shall not apply in any case where the offence in question was committed before the commencement of that section and the offender is aged 16 at the date of his conviction.

**Commencement Information**

**I5** Sch. 12 para. 18 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

*Supervision of young offenders after release*

19 Section 65 of this Act shall not apply in relation to any person under the age of 22 years who, before the commencement of that section, is released from a term of detention in a young offender institution or under section 53 of the 1933 Act; and the repeal by this Act of section 15 of the 1982 Act shall not affect the operation of that section in relation to any such person who is so released.

**Modifications etc. (not altering text)**

**C1** Sch. 12 para. 19 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8(2)(a)(4), 9(2)(4), Sch. 5 paras. 9(1)(a)(b), **10(1)(b)(c)**; S.I. 1997/2200, **art. 2(1)(n)**.

**Commencement Information**

**I6** Sch. 12 para. 19 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

*Supervision orders*

<sup>F11</sup>20 .....

**Textual Amendments**

**F11** Sch. 12 para. 20 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*Attendance centre orders*

<sup>F12</sup>21 .....

**Textual Amendments**

**F12** Sch. 12 para. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*Provisions for treating persons aged 17 as young persons*

22 (1) Paragraphs 1, 3, 4 and 6 of Schedule 8 shall not apply in any case where proceedings for the offence in question have begun before the commencement of that Schedule.

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<sup>F13</sup>(2) .....

**Textual Amendments**

**F13** Sch. 12 para. 22(2) 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)

**Commencement Information**

**I7** Sch. 12 para. 22 wholly in force at 1.10.1992 see s. 102(2)(3) and [S.I. 1992/333](#), art. 2(2), **Sch. 2**.

*Renaming of juvenile courts etc.*

23 In relation to any time before the commencement of section 70 of this Act, references in any other provision of this Act, or in any enactment amended by this Act, to youth courts shall be construed as references to juvenile courts.

**Commencement Information**

**I8** Sch. 12 para. 23 wholly in force at 14.10.1991 see s. 102(2)(3) and [S.I. 1991/2208](#), art. 2(1) and Sch. 1

*Supplemental*

24 For the purposes of this Schedule proceedings for an offence shall be regarded as having begun as follows—

- (a) in the case of an offence triable only summarily, when a plea is entered;
- (b) in the case of an offence triable only on indictment, when the magistrates' court begins to inquire into the offence as examining magistrates;
- (c) in the case of an offence triable either way, when the magistrates' court determines to proceed with the summary trial of the offence or, as the case may be, to proceed to inquire into the offence as examining justices.

**Commencement Information**

**I9** Sch. 12 para. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and [S.I. 1992/333](#), art. 2(2), **Sch. 2**.

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**Changes and effects yet to be applied to :**

- Sch. 12 para. 8(8)(d) repealed by [2003 c. 44 Sch. 37 Pt. 7](#)
- Sch. 12 para. 9(3)(c) repealed by [2003 c. 44 Sch. 37 Pt. 7](#)
- Sch. 12 para. 15(4) words repealed by [2000 c. 43 Sch. 7 para. 113Sch. 8](#)
- Sch. 12 para. 16(3) words repealed by [2000 c. 43 Sch. 7 para. 113Sch. 8](#)

**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. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of [2012 c. 10](#), s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of [2012 c. 10](#), s. 118(4)(a); S.I. 2012/2906, art. 2(d))