

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 56(1).

#### CONSEQUENTIAL AMENDMENTS

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

- C1** The text of Schedule 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*F1* .....

1

##### Textual Amendments

- F1** Sch. 5 para. 1 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

#### *The <sup>M1</sup>Criminal Justice Act 1948*

##### Marginal Citations

- M1** [1948 c. 58](#)

- 2 In section 19 of the Criminal Justice Act 1948 (orders requiring attendance at an attendance centre), in subsection (1), for the words “section six of this Act” there shall be substituted the words “ section six of the Powers of Criminal Courts Act 1973” ”.

*F2* .....

3

##### Textual Amendments

- F2** Sch. 5 para. 3 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

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### *The Magistrates' Courts Act 1952*

F3

4, 5.

#### Textual Amendments

**F3** Sch. 5 paras. 4, 5, 7 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

6 In section 72B of that Act (transfer of fine orders from Scotland), in subsection (3), for the words “section 44(3) of the Criminal Justice Act 1967” there shall be substituted the words “section 32(1) of the Powers of Criminal Courts Act 1973”.

F4

7

#### Textual Amendments

**F4** Sch. 5 paras. 4, 5, 7 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

### *The<sup>M2</sup> Summary Jurisdiction (Scotland) Act 1954*

#### Marginal Citations

**M2** 1954 c. 48.

[<sup>F5</sup>8 In section 44 of the Summary Jurisdiction (Scotland) Act 1954 (transfer of fine orders within and from Scotland), in subsection (5), for the words “section 47 of the Criminal Justice Act 1967” there shall be substituted the words “section 31 of the Powers of Criminal Courts Act 1973”.]

#### Textual Amendments

**F5** Sch. 5 para. 8 repealed by (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I** and (E.W.) (*prosp.*) Criminal Law Act 1977 (c. 45), s. 65(7), **Sch. 13**

F6

9

#### Textual Amendments

**F6** Sch. 5 para. 9 repealed by Solicitors Act 1974 (c. 47), **Sch. 4**

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### *The Metropolitan Magistrates' Courts Act 1959*

- 10 In section 3 of the <sup>M3</sup>Metropolitan Magistrates' Courts Act 1959 (power of Receiver for the Metropolitan Police District to provide premises for probation purposes), in subsection (2), for the words "section seventy-seven of the Criminal Justice Act 1948" there shall be substituted the words "section 51 of the Powers of Criminal Courts Act 1973", and for the words "Fifth Schedule" in both places where they occur there shall be substituted the words "Third Schedule".

#### **Marginal Citations**

**M3** 1959 c. 45.

F7 .....

11

#### **Textual Amendments**

**F7** Sch. 5 para. 11 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

### *The <sup>M4</sup>Criminal Justice Act 1961*

#### **Marginal Citations**

**M4** 1961 c. 39.

- 12 In section 5(5) of the Criminal Justice Act 1961 (construction of references to terms of imprisonment), for the words "sections fourteen and fifteen of the Criminal Justice Act 1948" there shall be substituted the words "sections 31 and 32 of the Powers of Criminal Courts Act 1973" .

F8 .....

13

#### **Textual Amendments**

**F8** Sch. 5 para. 13 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

### *The <sup>M5</sup>Administration of Justice Act 1964*

#### **Marginal Citations**

**M5** 1964 c. 42.

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- 14 In section 37 of the Administration of Justice Act 1964 (financial provisions), in subsection (4), for the words “section 77(3)(a) of the Criminal Justice Act 1948” there shall be substituted the words “section 51(3)(a) of the Powers of Criminal Courts Act 1973”, and the following shall be substituted for paragraph (b)—
  - “(b) in relation to payments under section 51(3)(a) of the said Act of 1973, expenses under Schedule 3 to that Act;”.

F9 .....

15

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**Textual Amendments**

F9 Sch. 5 para. 15 repealed by Extradition Act 1989 (c. 33, SIF 48, SIF 39:1), s. 37, Sch. 2

*The<sup>M6</sup> Criminal Justice Act 1967*

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**Marginal Citations**

M6 1967 c. 80.

F10 .....

16

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**Textual Amendments**

F10 Sch. 5 para. 16 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

- 17 In section 32 of that Act (amendments of Costs in Criminal Cases Act 1952), in subsection (3)(a), for the words “section 4 of the Criminal Justice Act 1948” there shall be substituted the words “ section 3 of the Powers of Criminal Courts Act 1973” ”.

F11 .....

18, 19.

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**Textual Amendments**

F11 Sch. 5 paras. 18, 19 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 10 Pt. I

- 20 In section 56 of that Act (committal for sentence for offences tried summarily)—
  - (a) in subsection (1)(a), for the words “section 41(1) of this Act” there shall be substituted the words “ section 24(1) of the Powers of Criminal Courts Act 1973” ”; and

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(b) in subsection (2), for the words from “section 8(4)” to the end there shall be substituted the words “ section 28 and 29 of the Magistrates’ Courts Act 1952 (committal for sentence), section 62(6) of this Act and sections 8(6) (probationer convicted of subsequent offence) and 24(2) (committal to be dealt with in respect of a suspended sentence) of the Powers of Criminal Courts Act 1973” ”.

21 In section 62 of that Act (revocation of licences and conviction of prisoners on licence), in subsection (6), for the words “section 29 of the Criminal Justice Act 1948” there shall be substituted the words “ section 42 of the Powers of Criminal Courts Act 1973” ”.

22 In section 67 of that Act (computation of sentences of imprisonment passed in England and Wales), in subsection (2), for the words “section 40 of this Act” there shall be substituted the words “ section 23 of the Powers of Criminal Courts Act 1973” ”.

F12

23—25.

**Textual Amendments**

F12 Sch. 5 paras. 23–25 repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt. I](#)

26 In section 104 of that Act (general provisions as to interpretation), in subsection (1)

(a) for the definition of “extended sentence certificate” there shall be substituted the following—

““extended sentence certificate” means a certificate issued under section 28 of the Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section;” and

(b) for the definition of “suspended sentence” there shall be substituted the following—

““suspended sentence” means a sentence to which an order under section 22(1) of the Powers of Criminal Courts Act 1973 relates.”

27 In section 106(2)(b) of that Act (provisions extending to Scotland), for the words from “38(7)” to “54(6) to” there shall be substituted the words “ 48, 54(6) and” ”.

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### *M<sup>7</sup> Criminal Appeal Act 1968*

#### **Marginal Citations**

**M7** 1968 c. 19.

- 28 In section 10 of the <sup>M8</sup>Criminal Appeal Act 1968 (appeal against sentence in cases dealt with by the Crown Court otherwise than on conviction on indictment), in subsection (3)(c)(iii), for the words “section 40 of the Criminal Justice Act 1967” there shall be substituted the words “ section 23 of the Powers of Criminal Courts Act 1973” ”.

#### **Marginal Citations**

**M8** 1968 c. 19

*F13*

29

#### **Textual Amendments**

**F13** Sch. 5 para. 29 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**

### *The <sup>M9</sup> Social Work (Scotland) Act 1968*

#### **Marginal Citations**

**M9** 1968 c. 49.

- 30 In section 94 of the Social Work (Scotland) Act 1968 (interpretation), in subsection (1), in the definition of “probation order” for the words “section 3 of the Criminal Justice Act 1948” there shall be substituted the words “ section 2 of the Powers of Criminal Courts Act 1973” ”.

### *The <sup>M10</sup> Civil Evidence Act 1968*

#### **Marginal Citations**

**M10** 1968 c. 64.

- 31 In section 11 of the Civil Evidence Act 1968 (convictions as evidence in civil proceedings), in subsection (5), for the words in paragraph (a) “section 12 of the

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Criminal Justice Act 1948" there shall be substituted the words " section 13 of the Powers of Criminal Courts Act 1973" ”.

*The<sup>M11</sup> Law Reform (Miscellaneous Provisions) (Scotland) Act 1968*

**Marginal Citations**

**M11** 1968 c. 70.

- 32 In section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (convictions as evidence in civil proceedings), in subsection (5), for the words in paragraph (a) "section 12 of the Criminal Justice Act 1948" there shall be substituted the words " section 13 of the Powers of Criminal Courts Act 1973" ”.

*The<sup>M12</sup> Children and Young Persons Act 1969*

**Marginal Citations**

**M12** 1969 c. 54.

*F14*

- 33

**Textual Amendments**

**F14** Sch. 5 para. 33 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16 and (15.8.1983) by Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Sch. 10

*F15*

- 34

**Textual Amendments**

**F15** Sch. 5 para. 34 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

- 35 In section 13 of that Act (selection of supervisor for person subject to a supervisions order), in subsection (2), for the words from "by paragraph" to "paragraph 6(b)" there shall be substituted the words "on probation officers by paragraph 8 of Schedule 3 to the Powers of Criminal Courts Act 1973 or by rules under paragraph 18(1)(b)".

- 36 In section 46 of that Act (discontinuance of approved schools, etc., on establishment of community homes), in subsection (1), for the words from "remand home" to

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“1948” there shall be substituted the words “or remand home within the meaning of the Criminal Justice Act 1948 or approved probation hostel or approved probation home within the meaning of the Powers of Criminal Courts Act 1973”.

- 37 In section 48 of that Act (financial provisions applicable on cessation of controlled or assisted community home), in subsection (5)(b), for the words “section 77(3)(b) of the Criminal Justice Act 1948” there shall be substituted the words “section 51(3) (c) of the Powers of Criminal Courts Act 1973”.
- 38 In Schedule 3 to that Act (provisions as to approved schools and other institutions)
- (a) in paragraphs 6(1) and 9(2)(b), for the words “section 77 of the Criminal Justice Act 1948” there shall be substituted the words “section 51 of the Powers of Criminal Courts Act 1973”;
  - (b) in paragraph 9(4)(b), for the words “Schedule 5 to the Criminal Justice Act 1948” there shall be substituted the words “Schedule 3 to the Powers of Criminal Courts Act 1973”;
  - (c) in paragraph 10(4)(b), after the words “section 77(3)(b) of the Criminal Justice Act 1948” there shall be inserted the words “or under section 51(3) (c) of the Powers of Criminal Courts Act 1973”.
- 39 In Schedule 4 to that Act (transitional provisions and savings) in paragraph 12(3), for the words “Criminal Justice Act 1948” there shall be substituted the words “Powers of Criminal Courts Act 1973”.

*The<sup>M13</sup> Administration of Justice Act 1970*

**Marginal Citations**

**M13** 1970 c. 31.

- 40 In Part I of Schedule 9 to the Administration of Justice Act 1970 (orders for costs, compensation, etc., enforceable as on a summary conviction), for paragraphs 10 and 11 as originally enacted there shall be substituted (in place of the paragraph substituted for those paragraphs and the paragraph 9A inserted by section 8 of the Criminal Damage Act 1971 by Schedule 5 to the Criminal Justice Act 1972) the following paragraph—
- “10 Where under section 35 of the Powers of Criminal Courts Act 1973 a court orders the payment of compensation.”



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### *The<sup>M14</sup> Courts Act 1971*

#### **Marginal Citations**

**M14** 1971 c. 23

- 41.- In section 53 of the Courts Act 1971 (administrative functions of justices), in subsection (7)(a), for the words “made under paragraph 1 of Schedule 5 to the Criminal Justice Act 1948” there shall be substituted the words “deemed to be made under paragraph 1 of Schedule 3 to the Powers of Criminal Courts Act 1973”.

### *The<sup>M15</sup> Industrial Relations Act 1971*

#### **Marginal Citations**

**M15** 1971 c. 72.

- 42 In paragraph 28 of Schedule 3 to the Industrial Relations Act 1971 (provisions as to fines imposed by the Industrial Court), in sub-paragraph (1), for the words from “section 14” to “1967” there shall be substituted the words “ the provisions of section 31 and 32 of the Powers of Criminal Courts Act 1973” ” and the words “to a court of assize or” shall be omitted.

### *The<sup>M16</sup> Road Traffic Act 1972*

#### **Marginal Citations**

**M16** 1972 c. 20.

*F16*

43

#### **Textual Amendments**

**F16** Sch. 5 para. 43 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras. 1, 2

- 44 In section 105 of that Act (supplementary provisions as to disqualifications and endorsements), in subsection (2), after the words “Criminal Justice Act 1972” there shall be inserted the words “ or section 44(3) of the Powers of Criminal Courts Act 1973” ” and for the words “that section” there shall be substituted the words “ section 24 or 44, as the case may be” ”.

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*The Criminal Justice Act 1972*

- 45 In section 23 of the Criminal Justice Act 1972 (power to deprive offender of property used, or intended for use, for purposes of crime), in subsection (5), for the words from “in regard” to “of this section” there shall be substituted the words “that any property which was in his possession or under his control at the time of his apprehension—
- (a) has been used for the purpose of committing, or facilitating the commission of, any offence; or
  - (b) was intended by him to be used for that purpose”.
- 46 In section 24 of that Act (driving disqualification where vehicle used for purposes of crime)—
- (a) in subsection (2), for the words from “mentioned” to the end of the subsection there shall be substituted the words “ of committing, or facilitating the commission of, the offence, the court may order that person to be disqualified, for such period as the court thinks fit, for holding or obtaining a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1972" ”; and
  - (b) in subsection (3), for the words “subsection (1)” there shall be substituted the words “ subsection (2)” ”.
- 47 In section 49 of that Act (community service order in lieu of warrant of commitment for failure to pay fine, etc.)—
- (a) in subsection (2), for the words from the beginning to “this Act” in the second place where it occurs there shall be substituted the words “ In this section community service order” has the same meaning as in the Powers of Criminal Courts Act 1973 and section 14(2) of that Act and, so far as applicable, the other provisions of that Act” ”, and for the words “subsection (3) of section 17” and “section 18(1)(b) of this Act” there shall be substituted respectively the words “ subsection (3) of section 16” ” and “ section 17(2)(a) of that Act” ”; and
  - (b) in subsection (4), for the words “section 47(3) of the Criminal Justice Act 1967” there shall be substituted the words “ section 32(1) of the Powers of Criminal Courts Acts 1973” ”.

F17

48

**Textual Amendments**

F17 Sch. 5 para. 48 repealed by [Juries Act 1974 \(c. 23\)](#), [Sch. 3](#)

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### *The<sup>M17</sup> Costs in Criminal Cases Act 1973*

#### **Marginal Citations**

**M17** 1973 c. 14.

- 49 In section 18 of the Costs in Criminal Cases Act 1973 (miscellaneous applications of that Act)—
- (a) in subsection (1)(b), for the words “section 29 of that Act” there shall be substituted the words “ section 42 of the Powers of Criminal Courts Act 1973” ”; and
  - (b) in subsection (4), for paragraphs (a), (b) and (c) there shall be substituted the following paragraphs—
    - “(a) proceedings for dealing with an offender under section 6, 8 or 10 of the Powers of Criminal Courts Act 1973 (probation orders and orders for conditional discharge);
    - (b) proceedings under section 16 or 17 of that Act (community service orders); and
    - (c) proceedings under section 23(1) or 27 of that Act for dealing with an offender in respect of a suspended sentence or for breach of a suspended sentence supervision order.”

### *The<sup>M18</sup> Social Security Act 1973*

#### **Marginal Citations**

**M18** 1973 c. 38.

- 50 In Schedule 23 to the Social Security Act 1973 (proceedings for offences etc.), in paragraph 11(1), for the words “Criminal Justice Act 1948” there shall be substituted the words “ Powers of Criminal Courts Act 1973” ”.

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