

## SCHEDULES

### SCHEDULE 5

#### CONSEQUENTIAL AMENDMENTS

##### *The Children and Young Persons Act 1933*

- 1 In section 55 of the Children and Young Persons Act 1933 (power to order parent to pay fine etc. instead of child or young person), in subsection (1), for the words " section 1 of the Criminal Justice Act 1972 " there shall be substituted the words " section 35 of the Powers of Criminal Courts Act 1973 ".

##### *The Criminal Justice Act 1948*

- 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 ".

##### *The Criminal Justice (Scotland) Act 1949*

- 3 In section 7 of the Criminal Justice (Scotland) Act 1949 (probation orders relating to persons residing in England)—
- (a) in subsection (1), for the words " petty sessional division " and " that division " there shall be substituted respectively the words " petty sessions area " and " that area " ;
  - (b) in subsection (4), for the words from " the Criminal Justice Act 1948" to the end of the subsection there shall be substituted the words " the Powers of Criminal Courts Act 1973 (except section 8 of that Act) shall apply to the order as if it were a probation order made under section 2 of that Act:

Provided that section 6(2)(a), (3)(d) and (6) of that Act shall not apply to any such order and section 6(4) and (5) of that Act shall have effect respectively in relation to any such order as if for the first reference in section 6(4) to the Crown Court there were substituted a reference to a court in Scotland and as if for the second such reference therein and for both such references in section 6(5) there were substituted references to the court in Scotland by which the probation order was made or amended under this section " ;

- (c) in subsection (5), for the words from "petty sessional division " to " 1948)" there shall be substituted the words " petty sessions area for which the supervising court within the meaning of the Powers of Criminal Courts Act 1973 ";
- (d) in subsection (6), for the words " court of summary jurisdiction" in both places where they occur there shall be substituted the words " magistrates' court ";

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- (e) in subsection (7), for the words "petty sessional division" in both places where they occur there shall be substituted the words " petty sessions area ";
- (f) in subsection (8), for the words " section nine of the Criminal Justice Act 1948" there shall be substituted the words " section 10 of the Powers of Criminal Courts Act 1973 " and for the words " section three" there shall be substituted the words " section 2 " .

*The Magistrates' Courts Act 1952*

- 4 In section 29 of the Magistrates' Courts Act 1952 (committal for sentence for indictable offence tried summarily), for the words " section twenty-nine of the Criminal Justice Act 1948 " there shall be substituted the words " section 42 of the Powers of Criminal Courts Act 1973 " .
- 5 In section 64 of that Act (enforcement of sums adjudged to be paid) in subsection (1), after the words " seven of this Act" there shall be inserted the words " and section nineteen of the Powers of Criminal Courts Act 1973 " .
- 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 " .
- 7 In section 110(1) of that Act (detention of offenders for one day in court-house or police station) the words " thirty-nine or" (inserted by the Criminal Justice Act 1967) shall cease to have effect.

*The Summary Jurisdiction (Scotland) Act 1954*

- 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 " .

*The Solicitors Act 1957*

- 9 In section 38 of the Solicitors Act 1957 (control of employment of certain clerks), in subsection (5)(a), for the words "Criminal Justice Act 1948 " and " section twelve of that Act" there shall be substituted respectively the words " Powers of Criminal Courts Act 1973 " and " section 13 of that Act " .

*The Metropolitan Magistrates' Courts Act 1959*

- 10 In section 3 of the 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 " .

*The First Offenders (Scotland) Act 1960*

- 11 In section 1 of the First Offenders (Scotland) Act 1960 (restriction on imprisonment of first offenders), in subsection (3A), for the words in paragraph (b) " section 12

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

*The Criminal Justice Act 1961*

- 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 ".
- 13 In section 39(1) of that Act (interpretation), in the definition of "the statutory restrictions upon the imprisonment of young offenders ", for the words from " subsection (1)" to " 1952 " there shall be substituted the words " section 19(1) of the Powers of Criminal Courts Act 1973 ".

*The Administration of Justice Act 1964*

- 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;”.

*The Fugitive Offenders Act 1967*

- 15 In section 15 of the Fugitive Offenders Act 1967 (restoration of persons not tried or acquitted or discharged), in subsection (2)(b), for the words " the Criminal Justice Act 1948 " there shall be substituted the words " the Powers of Criminal Courts Act 1973 ".

*The Criminal Justice Act 1967*

- 16 In section 26 of the Criminal Justice Act 1967 (restrictions on passing sentence in the absence of the defendant), in subsection (1), for the words " section 40 of this Act" there shall be substituted the words " section 23 of the Powers of Criminal Courts Act 1973 ".
- 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 ".
- 18 In section 48 of that Act (enforcement in Scotland of fines imposed by the Crown Court), in subsection (1), for the words "the last foregoing section " there shall be substituted the words " section 31 of the Powers of Criminal Courts Act 1973 ".
- 19 In section 54 of that Act (miscellaneous provisions as to probation orders), in subsection (8)—
- (a) in paragraph (a), for the words " section 4(2) of the Criminal Justice Act 1948" there shall be substituted the words " section 3(2) of the Powers of Criminal Courts Act 1973 " , and for the words " the said sections 3 and 4 " there shall be substituted the words " section 3 of the said Act of 1949 and section 3 of the said Act of 1973 ";

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- (b) in paragraph (b), for the words " the said section 4 " in the first place where they occur there shall be substituted the words " section 3 of the said Act of 1973 " and for those words in the second place where they occur there shall be substituted the words " that section ".
- 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
- (b) in subsection (2), for the words from " section 8(4)" to the end there shall be substituted the words " sections 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 ".
- 23 In section 73 of that Act (power to order legal aid to be given), there shall be inserted after subsection (8) (in place of the subsection inserted by Schedule 5 to the Criminal Justice Act 1972) the following subsection—
- “(8A) Where a person makes an application to a magistrates' court under section 37 of the Powers of Criminal Courts Act 1973 (review of compensation orders) the court may order that he shall be given legal aid for the purpose of the proceedings before the court”.
- 24 In section 74 of that Act (supplementary provisions as to legal aid orders), in subsection (12), for the words from " or 8 " to " this Act" there shall be substituted the words " 8, 16, 17(1) or (2), 23 or 27 of the Powers of Criminal Courts Act 1973 ".
- 25 In section 84(1) of that Act (interpretation of Part IV of that Act), in the definition of " committed for sentence " for the words from " section 6 " to " this Act" there shall be substituted the words " section 28 or 29 of the Magistrates' Courts Act 1952, section 67 of the Mental Health Act 1959, section 62(6) of the Criminal Justice Act 1967, or section 6, 8, 16, 17(2)(b) or 24 of the Powers of Criminal Courts Act 1973 ".
- 26 In section 104 of that Act (general provisions as to interpretation), in subsection (1)
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- (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—

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“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)” there shall be substituted the words “48, 54(6) and”.

*Criminal Appeal Act 1968*

- 28 In section 10 of the 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”.

- 29 In section 11 of that Act (supplementary provisions as to appeal against sentence), in subsection (4)—

- (a) for the words “section 40(1) of the Criminal Justice Act 1967” there shall be substituted the words “section 23(1) of the Powers of Criminal Courts Act 1973”; and
- (b) for the words in paragraph (b) “the said section 40(1)” there shall be substituted the words “the said section 23(1)”.

*The Social Work (Scotland) Act 1968*

- 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 Civil Evidence Act 1968*

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

*The Law Reform (Miscellaneous Provisions) (Scotland) Act 1968*

- 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 Children and Young Persons Act 1969*

- 33 In section 3(6) of the Children and Young Persons Act 1969 (powers of court where it finds offence condition satisfied in care proceedings), in paragraph (a), for the words “section 1 of the Criminal Justice Act 1972” there shall be substituted the words “section 35 of the Powers of Criminal Courts Act 1973”.

- 34 In section 6 of that Act (summary trial of young persons), in subsection (3), for the words “section 107(2) of the said Act of 1952” there shall be substituted the words “section 19(1) of the Powers of Criminal Courts Act 1973”.

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- 35 In section 13 of that Act (selection of supervisor for person subject to a supervision 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 " 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)
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- (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 Administration of Justice Act 1970*

- 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.”.

*The Courts Act 1971*

- 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 ".

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*The Industrial Relations Act 1971*

- 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 sections 31 and 32 of the Powers of Criminal Courts Act 1973 " and the words " to a court of assize or " shall be omitted.

*The Road Traffic Act 1972*

- 43 In section 102 of the Road Traffic Act 1972 (combination of disqualification and endorsement with probation orders and orders for discharge in England and Wales), for the words, in subsection (1), " section 12(2) of the Criminal Justice Act 1948 ", and for the words, in subsection (2), " section 12(1) of the said Act of 1948 ", there shall be substituted respectively the words " section 13(3) of the Powers of Criminal Courts Act 1973 " and " section 13(1) of the said Act of 1973 ".
- 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 ".

*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

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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 Act 1973 ".

- 48 In Schedule 2 to that Act (eligibility and disqualification for and excusal from jury service), in the entry relating to probation homes and hostels and bail hostels, for the words " (as defined in section 53 of this Act) " there shall be substituted the words " (within the meaning of the Powers of Criminal Courts Act 1973) ".

*The Costs in Criminal Cases Act 1973*

- 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 Social Security Act 1973*

- 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 ".