

Status: Point in time view as at 05/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed).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

SCHEDULES

^{F1}SCHEDULE 1

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Textual Amendments

F1 Sch. 1 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch. 13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

Discharge

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Textual Amendments

F2 Sch. 1 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch.13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch.2**

Amendment

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Textual Amendments

F3 Sch. 1 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch. 13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

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Textual Amendments

F4 Sch. 1 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch.13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

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Textual Amendments

F5 Sch. 1 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch.13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

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Textual Amendments

F6 Sch. 1 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch.13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

General

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Textual Amendments

F7 Sch. 1 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch.13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

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Textual Amendments

F8 Sch. 1 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch. 13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch.2**

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Textual Amendments

F9 Sch. 1 para. 7 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

Status: Point in time view as at 05/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed).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

[^{F10}SCHEDULE 1A

ADDITIONAL REQUIREMENTS IN PROBATION ORDERS]

Textual Amendments

F10 Sch. 1A inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt. II, Sch. 12, para. 1 (with s. 28); S.I. 1992/333, art. 2(2), Sch. 2

Modifications etc. (not altering text)

C1 Sch. 1A modified (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 16, Sch. 3, Pt. I paras. 1(3), 2(3) (with s. 28); S.I. 1992/333, art. 2(2), Sch. 2

Requirements as to residence

- ^{F11}1 (1) Subject to sub-paragraphs (2) and (3) below, a probation order may include requirements as to the residence of the offender.
- (2) Before making a probation order containing any such requirement, the court shall consider the home surroundings of the offender.
- (3) Where a probation order requires the offender to reside in an approved hostel or any other institution, the period for which he is so required to reside shall be specified in the order.

Textual Amendments

F11 Sch. 1A inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt. II, Sch. 12 para. 1 (with s. 28); S.I. 1992/333, art. 2(2), Sch. 2

Requirements as to activities etc.

- ^{F12}2 (1) Subject to the provisions of this paragraph, a probation order may require the offender—
- (a) to present himself to a person or persons specified in the order at a place or places so specified;
- (b) to participate or refrain from participating in activities specified in the order—
- (i) on a day or days so specified; or
- (ii) during the probation period or such portion of it as may be so specified.
- (2) A court shall not include in a probation order a requirement such as is mentioned in sub-paragraph (1) above unless—
- (a) it has consulted a probation officer; and
- (b) it is satisfied that it is feasible to secure compliance with the requirement.

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- (3) A court shall not include a requirement such as is mentioned in sub-paragraph (1)(a) above or a requirement to participate in activities if it would involve the co-operation of a person other than the offender and the probation officer responsible for his supervision, unless that other person consents to its inclusion.
- (4) A requirement such as is mentioned in sub-paragraph (1)(a) above shall operate to require the offender—
- (a) in accordance with instructions given by the probation officer responsible for his supervision, to present himself at a place or places for not more than 60 days in the aggregate; and
 - (b) while at any place, to comply with instructions given by, or under the authority of, the person in charge of that place.
- (5) A place specified in an order shall have been approved by the probation committee for the area in which the premises are situated as providing facilities suitable for persons subject to probation orders.
- (6) A requirement to participate in activities shall operate to require the offender—
- (a) in accordance with instructions given by the probation officer responsible for his supervision, to participate in activities for not more than 60 days in the aggregate; and
 - (b) while participating, to comply with instructions given by, or under the authority of, the person in charge of the activities.
- (7) Instructions given by a probation officer under sub-paragraph (4) or (6) above shall, as far as practicable, be such as to avoid any interference with the times, if any, at which the offender normally works or attends a school or other educational establishment.

Textual Amendments

F12 Sch. 1A inserted (1.10.1992) by *Criminal Justice Act 1991 (c. 53, SIF 39:1)*, ss. 9(2), 101(1), Sch. 1 Pt. II, **Sch. 12**, para. 1 (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

Requirements as to attendance at probation centre

- ^{F13} (1) Subject to the provisions of this paragraph, a probation order may require the offender during the probation period to attend at a probation centre specified in the order.
- (2) A court shall not include such a requirement in a probation order unless—
- (a) it has consulted a probation officer; and
 - (b) it is satisfied—
 - (i) that arrangements can be made for the offender's attendance at a centre; and
 - (ii) that the person in charge of the centre consents to the inclusion of the requirement.
- (3) A requirement under sub-paragraph (1) above shall operate to require the offender—

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- (a) in accordance with instructions given by the probation officer responsible for his supervision, to attend on not more than 60 days at the centre specified in the order; and
 - (b) while attending there to comply with instructions given by, or under the authority of, the person in charge of the centre.
- (4) Instructions given by a probation officer under sub-paragraph (3) above shall, so far as is practicable, be such as to avoid any interference with the times, if any, at which the offender normally works or attends a school or other educational establishment.
- (5) References in this paragraph to attendance at a probation centre include references to attendance elsewhere than at the centre for the purpose of participating in activities in accordance with instructions given by, or under the authority of, the person in charge of the centre.
- (6) The Secretary of State may make rules for regulating the provision and carrying on of probation centres and the attendance at such centres of persons subject to probation orders; and such rules may in particular include provision with respect to hours of attendance, the reckoning of days of attendance and the keeping of attendance records.
- (7) In this paragraph “probation centre” means premises—
- (a) at which non-residential facilities are provided for use in connection with the rehabilitation of offenders; and
 - (b) which are for the time being approved by the Secretary of State as providing facilities suitable for persons subject to probation orders.

Textual Amendments

F13 Sch. 1A inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt. II, Sch. 12 para. 1 (with s. 28); S.I. 1992/333, art. 2(2), Sch. 2

Extension of requirements for sexual offenders

- ^{F14} (1) If the court so directs in the case of an offender who has been convicted of a sexual offence—
- (a) sub-paragraphs (4) and (6) of paragraph 2 above; and
 - (b) sub-paragraph (3) of paragraph 3 above,
- shall each have effect as if for the reference to 60 days there were substituted a reference to such greater number of days as may be specified in the direction.
- (2) In this paragraph “sexual offence” has the same meaning as in Part I of the Criminal Justice Act 1991.

Textual Amendments

F14 Sch. 1A inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt. II, Sch. 12 para. 1 (with s. 28); S.I. 1992/333, art. 2(2), Sch. 2

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Requirements as to treatment for mental condition etc.

- ^{F15}5 (1) This paragraph applies where a court proposing to make a probation order is satisfied, on the evidence of a duly qualified medical practitioner approved for the purposes of section 12 of the Mental Health Act 1983, that the mental condition of the offender—
- (a) is such as requires and may be susceptible to treatment; but
 - (b) is not such as to warrant the making of a hospital order or guardianship order within the meaning of that Act.
- (2) The probation order may include a requirement that the offender shall submit, during the whole of the probation period or during such part of that period as may be specified in the order, to treatment by or under the direction of a duly qualified medical practitioner with a view to the improvement of the offender's mental condition.
- (3) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
- (a) treatment as a resident patient in a mental hospital;
 - (b) treatment as a non-resident patient at such institution or place as may be specified in the order; and
 - (c) treatment by or under the direction of such duly qualified medical practitioner as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a), (b) or (c) above.
- (4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his mental condition unless it is satisfied that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident patient).
- (5) While the offender is under treatment as a resident patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.
- (6) Where the medical practitioner by whom or under whose direction an offender is being treated for his mental condition in pursuance of a probation order is of the opinion that part of the treatment can be better or more conveniently given in or at an institution or place which—
- (a) is not specified in the order; and
 - (b) is one in or at which the treatment of the offender will be given by or under the direction of a duly qualified medical practitioner,
- he may, with the consent of the offender, make arrangements for him to be treated accordingly.
- (7) Such arrangements as are mentioned in sub-paragraph (6) above may provide for the offender to receive part of his treatment as a resident patient in an institution or place notwithstanding that the institution or place is not one which could have been specified for that purpose in the probation order.

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- (8) Where any such arrangements as are mentioned in sub-paragraph (6) above are made for the treatment of an offender—
- (a) the medical practitioner by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the offender, specifying the institution or place in or at which the treatment is to be carried out; and
 - (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.
- (9) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof for the purposes of sub-paragraph (1) above of an offender's mental condition as they have effect with respect to proof of an offender's mental condition for the purposes of section 37(2)(a) of that Act.
- (10) In this paragraph "mental hospital" means a hospital within the meaning of the Mental Health Act 1983 or mental nursing home within the meaning of the Registered Homes Act 1984, not being a special hospital within the meaning of the National Health Service Act 1977.

Textual Amendments

F15 Sch. 1A inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt. II, Sch. 12 para. 1 (with s. 28); S.I. 1992/333, art. 2(2), Sch.2

Requirements as to treatment for drug or alcohol dependency

- [^{F16}] (1) This paragraph applies where a court proposing to make a probation order is satisfied—
- (a) that the offender is dependent on drugs or alcohol;
 - (b) that his dependency caused or contributed to the offence in respect of which the order is proposed to be made; and
 - (c) that his dependency is such as requires and may be susceptible to treatment.
- (2) The probation order may include a requirement that the offender shall submit, during the whole of the probation period or during such part of that period as may be specified in the order, to treatment by or under the direction of a person having the necessary qualifications or experience with a view to the reduction or elimination of the offender's dependency on drugs or alcohol.
- (3) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
- (a) treatment as a resident in such institution or place as may be specified in the order;
 - (b) treatment as a non-resident in or at such institution or place as may be so specified; and
 - (c) treatment by or under the direction of such person having the necessary qualifications or experience as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a), (b) or (c) above.

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- (4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his dependency on drugs or alcohol unless it is satisfied that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident).
- (5) While the offender is under treatment as a resident in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.
- (6) Where the person by whom or under whose direction an offender is being treated for dependency on drugs or alcohol in pursuance of a probation order is of the opinion that part of the treatment can be better or more conveniently given in or at an institution or place which—
- (a) is not specified in the order; and
 - (b) is one in or at which the treatment of the offender will be given by or under the direction of a person having the necessary qualifications or experience,
- he may, with the consent of the offender, make arrangements for him to be treated accordingly.
- (7) Such arrangements as are mentioned in sub-paragraph (6) above may provide for the offender to receive part of his treatment as a resident in an institution or place notwithstanding that the institution or place is not one which could have been specified for that purpose in the probation order.
- (8) Where any such arrangements as are mentioned in sub-paragraph (6) above are made for the treatment of an offender—
- (a) the person by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the offender, specifying the institution or place in or at which the treatment is to be carried out; and
 - (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.
- (9) In this paragraph the reference to the offender being dependent on drugs or alcohol includes a reference to his having a propensity towards the misuse of drugs or alcohol, and references to his dependency on drugs or alcohol shall be construed accordingly.]

Textual Amendments

F16 Sch. 1A inserted (1.10.1992) by **Criminal Justice Act 1991** (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt. II, **Sch. 12 para. 1** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

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VALID FROM 30/09/1998

^{F17} *[Interpretation]*

Textual Amendments

F17 Sch. 1A para. 7 and cross heading inserted (30.9.1998 for the purposes specified in S.I. 1998/2327, art. 3(1)(b), **Sch. 1** and otherwise *prosp.*) by 1998 c. 37, s. 119, **Sch. 8 para. 34(3)**; S.I. 1998/2327, art. 3(1)(b), **Sch.1** (which Sch. 8 para. 34 is repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 12 Pt. I**)

^{F187} In the case of an offender under the age of 18 years, references in this Schedule to a probation officer include references to a member of a youth offending team.

Textual Amendments

F18 Sch. 1A para. 7 and cross heading inserted (30.9.1998 for the purposes specified in S.I. 1998/2327, art. 3(1)(b), **Sch. 1** and otherwise *prosp.*) by 1998 c. 37, s. 119, **Sch. 8 para. 34(3)**; S.I. 1998/2327, art. 3(1)(b), **Sch.1** (which Sch. 8 para. 34 is repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 12 Pt. I**)

^{F19F19} SCHEDULE 2

Textual Amendments

F19 Sch. 2 repealed by Insolvency Act 1985 (c. 65, SIF 66), s. 235(3), **Sch. 10 Pt. III**

^{F19}

^{F20} SCHEDULE 3

Section 47.

Textual Amendments

F20 Sch. 3 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**.

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

SCHEDULE 4

Section 55.

TRANSITIONAL PROVISIONS

General

1 Without prejudice to the provisions of section 38 of the ^{M5}Interpretation Act 1889 (effect of repeals)—

- (a) nothing in any repeal made by this Act shall affect any order or rule made, certificate issued, requirement or condition imposed or thing done under any enactment repealed by this Act, and every such order, rule, certificate, requirement, condition or thing shall, if in force at the commencement of this Act, continue in force (subject to the provisions of this Act) and be deemed to have been made, issued, imposed or done under the corresponding provisions of this Act; and
- (b) any reference in any document (including an enactment) to any enactment repealed by this Act, whether a specific reference or a reference to provisions of a description which includes, or apart from any repeal made by this Act includes, the enactment so repealed, shall be construed as a reference to the corresponding enactment in this Act.

Marginal Citations

M5 1889 c. 63.

*Transitional provisions with respect to repeals
made by the Children and Young Persons Act 1969*

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F84₂

Textual Amendments

F84 Sch. 4 para. 2 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**

SCHEDULE 5

Section 56(1).

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

C15 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.

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F85

1

Textual Amendments

F85 Sch. 5 para. 1 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

The ^{M6}Criminal Justice Act 1948

Marginal Citations

M6 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” ”.

F86

3

Textual Amendments

F86 Sch. 5 para. 3 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

The Magistrates’ Courts Act 1952

F87

4, 5.

Textual Amendments

F87 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” ”.

F88

7

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Textual Amendments

F88 Sch. 5 paras. 4, 5, 7 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

The ^{M7}Summary Jurisdiction (Scotland) Act 1954

Marginal Citations

M7 1954 c. 48.

[^{F89}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

F89 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**

F90

9

Textual Amendments

F90 Sch. 5 para. 9 repealed by Solicitors Act 1974 (c. 47), **Sch. 4**

The Metropolitan Magistrates' Courts Act 1959

*F91*10

Textual Amendments

F91 Sch. 5 para. 10 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**

F92

11

Textual Amendments

F92 Sch. 5 para. 11 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

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The ^{M8}Criminal Justice Act 1961

Marginal Citations

M8 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” ”.

F93

13

Textual Amendments

F93 Sch. 5 para. 13 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

The ^{M9}Administration of Justice Act 1964

Marginal Citations

M9 1964 c. 42.

F94 14

Textual Amendments

F94 Sch. 5 para. 14 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), Sch.4

F95

15

Textual Amendments

F95 Sch. 5 para. 15 repealed by Extradition Act 1989 (c. 33, SIF 48, SIF 39:1), s. 37, Sch. 2

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The ^{M10} Criminal Justice Act 1967

Marginal Citations

M10 1967 c. 80.

F96

16

Textual Amendments

F96 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” ”.

F97

18, 19.

Textual Amendments

F97 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

(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

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shall be substituted the words “ section 23 of the Powers of Criminal Courts Act 1973 ” ”.

F98

23—25.

Textual Amendments

F98 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 ” ”.

M11 Criminal Appeal Act 1968

Marginal Citations

M11 1968 c. 19.

28 In section 10 of the ^{M12}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

M12 1968 c. 19

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F99

29

Textual Amendments

F99 Sch. 5 para. 29 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

The^{M13} Social Work (Scotland) Act 1968

Marginal Citations

M13 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^{M14} Civil Evidence Act 1968

Marginal Citations

M14 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 Criminal Justice Act 1948” there shall be substituted the words “ section 13 of the Powers of Criminal Courts Act 1973” ”.

The^{M15} Law Reform (Miscellaneous Provisions) (Scotland) Act 1968

Marginal Citations

M15 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” ”.

Status: Point in time view as at 05/02/1994.

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

The^{M16} Children and Young Persons Act 1969

Marginal Citations

M16 1969 c. 54.

F100

33

Textual Amendments

F100 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**

F101

34

Textual Amendments

F101 Sch. 5 para. 34 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

*F102*35

Textual Amendments

F102 Sch. 5 paras. 35-38 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**, and expressed to be repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(aa)(3)(m)**

*F103*36

Textual Amendments

F103 Sch. 5 paras. 35-38 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**

*F104*37

Textual Amendments

F104 Sch. 5 paras. 35-38 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**

Status: Point in time view as at 05/02/1994.

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

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F105³⁸

Textual Amendments

F105 Sch. 5 paras. 35-38 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), Sch.4

- 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^{M17} Administration of Justice Act 1970

Marginal Citations

M17 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.”

The^{M18} Courts Act 1971

Marginal Citations

M18 1971 c. 23

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F106⁴¹

Textual Amendments

F106 Sch. 5 para. 41 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), Sch.4.

Status: Point in time view as at 05/02/1994.

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

The ^{M19} Industrial Relations Act 1971

Marginal Citations

M19 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 ^{M20} Road Traffic Act 1972

Marginal Citations

M20 1972 c. 20.

F107

43

Textual Amendments

F107 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” ”.

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”.

Status: Point in time view as at 05/02/1994.

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

- 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” ”.

F108

48

Textual Amendments
 F108 Sch. 5 para. 48 repealed by Juries Act 1974 (c. 23), Sch. 3

The ^{M21} Costs in Criminal Cases Act 1973

Marginal Citations
 M21 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—

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

- “(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 ^{M22} Social Security Act 1973

Marginal Citations

M22 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”.”

SCHEDULE 6

Section 56(2).

ENACTMENTS REPEALED

Modifications etc. (not altering text)

C16 The text of s. 56 and Schedule 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Sections 3 to 12 and 14. Section 17(1), (2) and (6). Sections 29, 43 and 45 to 47. Section 77, except subsection (6), and, in subsection (1), the words “Any expenses of the Secretary of State under this Act” and the words from “shall” to the end of the subsection. In section 80, in subsection (1) the definitions

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

		of “approved probation hostel”, “approved probation home”, “offence the sentence for which is fixed by law”, “order for conditional discharge”, “period of conditional discharge”, “probationer”, “probation order”, “probation period”, “sum adjudged to be paid by a conviction” and “supervising court”, and subsection (5).
		Section 81, so far as relates to sections 8, 9, 11 and 12.
		Schedules 1 and 5.
		In Schedule 8, paragraphs 3 to 9.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	In Schedule 11, the entry relating to section 9 of the Criminal Justice Act 1948.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	Sections 36 and 37.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	The Magistrates’ Courts Act 1952.	Section 107(2), (3).
		In section 110(1), the words “thirty-nine or”.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In Part I of Schedule 7, the entry relating to the Criminal Justice Act 1948.
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	Section 2(2).
		Section 9.
1964 c. 42.	The Administration of Justice Act 1961.	Section 22.
		In section 31, subsection (1) in so far as it amends s. 36 of the Justices of the Peace Act 1949.
		In Schedule 3, paragraph 19(2), (3).
1967 c. 58.	The Criminal Law Act 1967.	Section 7.
1967 c. 80.	The Criminal Justice Act 1967.	Sections 37 to 42.
		Section 47.

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		In section 48, in subsection (1), the words “of a magistrates’ court or”, the words from “section 72A” to “Scotland) or”, and the words “magistrates’ court or”, and subsection (2).
		In section 50, the words from “and in” to the end of the section.
		Sections 52 and 53.
		In section 54, subsections (1) to (3), (5) and (7).
		Sections 55 and 57.
		Section 95 except subsection (1).
		Section 96.
		Section 99.
		Section 106(3)(b), so far as relates to section 38(7).
		In Schedule 6, paragraph 6.
1968 c. 69.	The Justices of the Peace Act 1968.	Section 4(5) and (6).
1969 c. 54	The Children and Young Persons Act 1969.	Section 7(2).
		In Schedule 4, paragraph 5(2).
		In Schedule 5, paragraph 45.
1971 c. 23.	The Courts Act 1971.	Section 53(2)(a).
		In Schedule 8:—
		in paragraph 24, subparagraph (a) and in subparagraph (b) the words “14(5)”;
		paragraphs 25 to 27;
		paragraph 48(a), so far as relates to sections 40, 41, 47, 48 and 54 of the Criminal Justice Act 1967;
		paragraphs 51, 53 and 54.

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

1971 c. 72.	The Industrial Relations Act 1971.	In Schedule 3, in paragraph 28(1) the words “to a court of assize or”.
1972 c. 70.	The Local Government Act 1972.	In section 217(5), the words from “but” to the end of the subsection.
1972 c. 71.	The Criminal Justice Act 1972.	Part I except sections 6, 23(5) and (6), and 24(2) to (4). Sections 37, 40, 51(3), 52 to 57, and 66(3) and (4). Schedule 1. In Schedule 5, the entry relating to the Criminal Justice Act 1948, paragraphs (b), (e), (f) and (g) of the entry relating to the Criminal Justice Act 1967, and paragraph (b) of the entry relating to Part I of Schedule 9 to the Administration of Justice Act 1970.

Status:

Point in time view as at 05/02/1994.

Changes to legislation:

There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed).