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**Changes to legislation:** Criminal Justice Act 1988, SCHEDULE 8 is up to date with all changes known to be in force on or before 14 February 2019. 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)

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## SCHEDULES

### SCHEDULE 8

Section 123.

#### CUSTODIAL SENTENCES FOR YOUNG OFFENDERS

#### PART I

#### AMENDMENTS

##### *General*

- 1 In any enactment for a reference to a detention centre or to a youth custody centre or to both there shall be substituted a reference to a young offender institution.
- 2 In any enactment except—
- (a) section 21 of the <sup>M1</sup>Firearms Act 1968;
  - (b) Schedule 1 to the <sup>M2</sup>Juries Act 1974;
  - (c) section 5 of the <sup>M3</sup>Rehabilitation of Offenders Act 1974; and
  - (d) section 17(3) of the <sup>M4</sup>Criminal Justice Act 1982,
- for a reference (however expressed) to a detention centre order or to a sentence of youth custody or to both there shall be substituted a reference to a sentence of detention in a young offender institution.

#### **Annotations:**

##### **Marginal Citations**

- M1** 1968 c. 27.  
**M2** 1974 c. 23.  
**M3** 1974 c. 53.  
**M4** 1982 c. 48.

- 3 (1) In any enactment except—
- (a) Part II of Schedule 1 to the <sup>M5</sup>Juries Act 1974;
  - (b) section 5 of the <sup>M6</sup>Rehabilitation of Offenders Act 1974; and
  - (c) sections <sup>F1</sup> . . . 17(3) of the <sup>M7</sup>Criminal Justice Act 1982,
- for a reference to a sentence of Borstal training there shall be substituted a reference to a sentence of detention in a young offender institution.
- (2) In any enactment for a reference to a Borstal institution there shall be substituted a reference to a young offender institution.

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**Annotations:**

**Amendments (Textual)**

**F1** Words in *Sch. 8 para. 3(1)(c)* repealed (1.10.1992) by *Criminal Justice Act 1991 (c. 53, SIF 39:1)*, s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**.

**Marginal Citations**

**M5** 1974 c. 23.

**M6** 1974 c. 53.

**M7** 1982 c. 48.

*Army Act 1955 (c. 18)*

*Air Force Act 1955 (c. 19)*

*Naval Discipline Act 1957 (c. 53)*

- 4 In subsection (6) –
- (a) of section 71AA of the *Army Act 1955* and the *Air Force Act 1955*; and
  - (b) of section 43AA of the *Naval Discipline Act 1957*,
- (each of which is concerned with the making of custodial orders against young Service offenders) the following paragraph shall be substituted for paragraph (a)—
- “(a) where the offender is in or removed to England or Wales, any institution in which a person sentenced to detention in a young offender institution could be detained, section 1C of the *Criminal Justice Act 1982* having effect in relation to the offender as it has effect in relation to an offender sentenced to detention in a young offender institution;”
- 5 In sub-paragraph (6) of paragraph 10—
- (a) of Schedule 5A to the *Army Act 1955* and the *Air Force Act 1955*; and
  - (b) of Schedule 4A to the *Naval Discipline Act 1957*,
- (each of which is concerned with the making of custodial orders against young civilian offenders) the following paragraph shall be substituted for paragraph (a)—
- “(a) where the offender is removed to England or Wales, any institution in which a person sentenced to detention in a young offender institution could be detained, section 1C of the *Criminal Justice Act 1982* having effect in relation to the offender as it has effect in relation to an offender sentenced to detention in a young offender institution;”

*Firearms Act 1968 (c. 27)*

- 6 In section 21(1) and (2) of the *Firearms Act 1968* (possession of firearms by persons previously convicted of crime) after the words “youth custody” there shall be inserted the words “or detention in a young offender institution”.

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*Employment Agencies Act 1973 (c. 35)*

- 7 In section 13(7)(a)(ii) of the <sup>M8</sup> Employment Agencies Act 1973 for the words from “prison” to “institution”, in the second place where it occurs, there shall be substituted the words “custodial sentence passed by a criminal court in the United Kingdom, the Channel Islands or the Isle of Man;”.

**Annotations:**

**Marginal Citations**

**M8** 1973 c. 35.

*Juries Act 1974 (c. 23)*

- 8 <sup>F2</sup> .....

**Annotations:**

**Amendments (Textual)**

**F2** Sch. 8 para. 8 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(2)(I)(iv) (subject to art. 2(3)-(6))

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 9 In section 5 of the <sup>M9</sup> Rehabilitation of Offenders Act 1974 (rehabilitation periods) the words “detention in a young offender institution” shall be inserted—  
(a) in subsection (1)(b), after the words “youth custody”; and  
<sup>F3</sup>(b) .....

**Annotations:**

**Amendments (Textual)**

**F3** Sch. 8 para. 9(b) 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)

**Marginal Citations**

**M9** 1974 c. 53.

*Criminal Justice Act 1982 (c. 48)*

- 10 The following paragraph shall be inserted after paragraph (b) of section 17(3) of the Criminal Justice Act 1982 (restrictions on making attendance centre orders)—  
“(bb) to detention in a young offender institution”.

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<sup>F4F4</sup>**PART II**

TRANSITIONAL PROVISIONS

**Annotations:**

**Amendments (Textual)**

**F4** Sch. 8 Pt. 2 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

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11 <sup>F5</sup> .....

**Annotations:**

**Amendments (Textual)**

**F5** Sch. 8 Pt. 2 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

.....  
12 <sup>F6</sup> .....

**Annotations:**

**Amendments (Textual)**

**F6** Sch. 8 Pt. 2 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

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13 <sup>F7</sup> .....

**Annotations:**

**Amendments (Textual)**

**F7** Sch. 8 Pt. 2 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

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14 <sup>F8</sup> .....

**Annotations:**

**Amendments (Textual)**

**F8** Sch. 8 Pt. 2 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

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15 <sup>F9</sup> .....

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**Annotations:**

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**Amendments (Textual)**

**F9** Sch. 8 Pt. 2 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

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16      **F10** .....

**Annotations:**

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**Amendments (Textual)**

**F10** Sch. 8 Pt. 2 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

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**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. 36(3A)(3B) substituted for s. 36(3A) by 2008 c. 4 s. 46(2)
- s. 41(4A) inserted by 2004 c. 28 Sch. 10 para. 28
- s. 141(11A) restricted by 2007 asp 17 s. 60(2)
- s. 141(11A) words repealed by 2009 c. 26 Sch. 7 para. 119(5)Sch. 8 Pt. 10
- s. 141(11C)-(11E) repealed by 2009 c. 26 Sch. 7 para. 119(7)Sch. 8 Pt. 10
- s. 141A(4B)(aa) inserted by S.S.I. 2019/6 reg. 4(2)