

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

SCHEDULES

^{F1}SCHEDULE 1

Sections 8(3) and 9(2).

Textual Amendments

F1 Sch. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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

Commencement Information

I1 Sch. 1 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

^{F2}SCHEDULE 2

Section 14(1).

Textual Amendments

F2 Sch. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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

Modifications etc. (not altering text)

C1 Sch. 2 applied (with modifications) (1.4.1996) by 1995 c. 46, ss. 234(5)(6), 309(2) (with ss. 24(2), 307(2))
Sch. 2 applied (with modifications) (30.9.1998) by 1998 c. 37, ss. 68(3), 70(5), Sch. 5 para. 5(4)(5);
S.I. 1998/2327, arts. 2(1)(o)
Sch. 2 applied (with modifications) (30.9.1998) by 1969 c. 54, s. 16B (as inserted by 1998 c. 37, s. 119,
Sch. 8 para. 21; S.I. 1998/2327, arts. 2(1)(y)(2)(i))

Commencement Information

I4 Sch. 2 (paras. 1 - 18) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

SCHEDULE 3

Section 16.

RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

Commencement Information

I27 Sch. 3 (paras. 1 - 11) 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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F68 **PART I**

TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

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Textual Amendments

F68 Sch. 3 Pt. I (paras. 1-6) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I28 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

PART II

TRANSFER OF CORRESPONDING ORDERS FROM SCOTLAND

Commencement Information

I35 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Probation orders

- 7 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended as follows.
- (2) In each of sections 183 and 384 (which provide, respectively, for probation orders in solemn and in summary proceedings), in subsection (1A) for the words “by the local authority in whose area he resides or is to reside” there shall be substituted the following paragraphs—
- “(a) in a case other than that mentioned in paragraph (b) below, by the local authority in whose area he resides or is to reside; or
 - (b) in a case where, by virtue of section 188(1) of this Act, subsection (2) of this section would not apply, by the probation committee for the area which contains the petty sessions area which would be named in the order”.
- (3) In each of sections 188 and 389 (which provide, respectively, for probation orders relating to persons residing in England being made in solemn and in summary proceedings)—
- (a) in subsection (1)—
 - (i) for the words “that the offender shall perform unpaid work” there shall be substituted the words “which, while corresponding to a requirement mentioned in paragraph 2 or 3 of Schedule 1A to the ^{M8}Powers of Criminal Courts Act 1973, would if included in a probation order made under that Act fail to accord with a restriction as to days of presentation, participation or attendance mentioned in paragraph 2(4)(a) or (6)(a), or as the case may be 3(3)(a), of that Schedule”;
 - (ii) for the word “17” there shall be substituted the word “16”

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- (iii) the word “and”, where it secondly occurs, shall cease to have effect; and
 - (iv) at the end there shall be added the words “; and where the order includes a requirement that the probationer perform unpaid work for a number of hours, the number specified shall not exceed one hundred.”;
- (b) in subsection (2)—
- (i) for the words “that the probationer has attained the age of 17 years and proposes to reside in or is residing in England” there shall be substituted the following paragraphs—
 - “(a) that the probationer has attained the age of 16 years;
 - (b) that he proposes to reside, or is residing, in England; and
 - (c) that suitable arrangements for his supervision can be made by the probation committee for the area which contains the petty sessions area in which he resides or will reside”; and
 - (ii) after the word “section”, where it secondly occurs, there shall be inserted the words “or to vary any requirement for performance of unpaid work so that such hours as remain to be worked do not exceed one hundred”;
- (c) in subsection (3)—
- (i) in paragraph (a), for the words “section 3(2) of” and “section 3 of” there shall be substituted, respectively, the words “paragraph 5(3) of Schedule 1A to” and “paragraph 5 of Schedule 1A to”; and
 - (ii) in paragraph (b), for the words “subsections (4) to (6) of section 3 of” there shall be substituted the words “sub-paragraphs (5) to (7) of paragraph 5 of Schedule 1A to”;
- (d) in subsection (4), for the words from “the Powers” to the end of the proviso there shall be substituted the words “Schedule 2 to the Criminal Justice Act 1991 shall apply to the order—
- (a) except in the case mentioned in paragraph (b) below, as if that order were a probation order made under section 2 of the Powers of Criminal Courts Act 1973; and
 - (b) in the case of an order which contains a requirement such as is mentioned in subsection (5A) of section 183 or 384 of this Act, as if it were a combination order made under section 11 of the said Act of 1991:
- Provided that Part III of that Schedule shall not so apply; and sub-paragraphs (3) and (4) of paragraph 3 of that Schedule shall so apply as if for the first reference in the said sub-paragraph (3) to the Crown Court there were substituted a reference to a court in Scotland and for the other references in those sub-paragraphs to the Crown Court there were substituted references to the court in Scotland.”; and
- (e) in subsection (5), for the words from “for which” to “this section” there shall be substituted the words “named in a probation order made or amended under this section that the person to whom the order relates”.
- (4) Sections 189 and 390 (which make further provision as to probation orders in, respectively, solemn and summary proceedings) shall cease to have effect.

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Commencement Information

I36 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Marginal Citations

M8 1973 c. 62.

Community service orders

^{F82}8

Textual Amendments

F82 Sch. 3 para. 8 repealed (S.)(1.4.1996) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II para. 16, Sch.5 (with Sch. 3 paras. 1, 3, 16, 17)

Supervision requirements

9 Section 72 of the ^{M9}Social Work (Scotland) Act 1968 (supervision of children moving to England and Wales or to Northern Ireland) shall be amended as follows—

(a) in subsection (1)(b), for the words “to a juvenile court acting for the petty sessions area” there shall be substituted the following sub-paragraphs—

“(i) in the case of residence in England and Wales, to a youth court acting for the petty sessions area (within the meaning of the Children and Young Persons Act 1969);

(ii) in the case of residence in Northern Ireland, to a juvenile court acting for the petty sessions district (within the meaning of Part III of the Magistrates’ Courts (Northern Ireland) Order 1981).”;

(b) in subsection (1A)—

(i) for the words “The juvenile court in England or Wales” there shall be substituted the words “A youth court”;

(ii) after the word “12” there shall be inserted the words “, 12A, 12AA, 12B or 12C”; and

(iii) paragraph (a), and the word “and” immediately following that paragraph, shall cease to have effect;

^{F83}(c)

(d) in subsection (3), after the words “by a” there shall be inserted the words “youth court or, as the case may be”; and

(e) subsection (4) shall cease to have effect.

Textual Amendments

F83 Sch. 3 Pt. II para. 9(c) repealed (4.11.1996) by S.I. 1995/756, art. 15,Sch.; S.R. 1996/297, art. 3

Commencement Information

I37 Sch. 3 (paras. 1 - 11) 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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Marginal Citations

M9 1968 c. 49.

PART III

TRANSFER OF PROBATION ORDERS FROM NORTHERN IRELAND

Commencement Information

I38 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2

- 10 (1) Where ^{F84} . . . a court in Northern Ireland considering the making of a probation order is satisfied that the offender resides in England and Wales, or will be residing there when the order comes into force, [^{F85}Article 10 of the Criminal Justice (Northern Ireland) Order 1996] (probation orders) shall have effect as if after subsection (1) there were inserted the following subsection—
- “(1A) A court shall not make a probation order in respect of any offender unless it is satisfied that suitable arrangements for his supervision can be made by the probation committee for the area which contains the [^{F86}local justice area] in which he resides or will reside.”
- (2) Where a probation order has been made by a court in Northern Ireland and—
- (a) a court of summary jurisdiction acting for the petty sessions district in Northern Ireland for the time being specified in the order is satisfied that the offender ^{F87} . . . proposes to reside or is residing in England and Wales; and
- (b) it appears to the court that suitable arrangements for his supervision can be made by the [^{F88}local probation board] for the area which contains the [^{F89}local justice area] in which he resides or will reside,
- the power of the court to amend the order under Schedule 2 to the [^{F90}Criminal Justice (Northern Ireland) Order 1996] shall include power to amend it by requiring him to be supervised in accordance with arrangements so made.
- (3) Where a court is considering the making or amendment of a probation order in accordance with this paragraph, [^{F91}Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996] shall have effect as if—
- (a) any reference to a probation officer were a reference to [^{F92}an officer of a local probation board assigned] to the [^{F93}local justice area] in England and Wales in which the offender resides or will be residing when the order or amendment comes into force;
- (b) the reference in [^{F94}paragraph 4(3)] to treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the ^{M10}Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health and Social Services for Northern Ireland for the purposes of that section were a reference to treatment as a resident patient in a [^{F95}hospital or mental nursing home within the meaning of the Mental Health Act 1983, not being hospital

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- premises at which high security psychiatric services within the meaning of that Act are provided];
- (c) the reference in [^{F96}paragraph 2(5)] to the Probation Board for Northern Ireland were a reference to the [^{F88}local probation board] for the area in which the premises are situated; and
- (d) references in [^{F97}paragraph 3] to a day centre were references to a [^{F92}community rehabilitation centre] within the meaning of paragraph 3 of [^{F95}Schedule 2 to the Powers of Criminal Courts (Sentencing) Act 2000].
- (4) A probation order made or amended in accordance with this paragraph shall specify the [^{F98}local justice area] in England and Wales in which the offender resides or will be residing when the order or amendment comes into force.

Textual Amendments

- F84** Words in Sch. 3 para. 10(1) repealed (1.1.1998) by S.I. 1996/3161, **art. 2(d)(i)**; S.R. 1997/523, **art. 3**
- F85** Words in Sch. 3 para. 10(1) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(ii)**; S.R. 1997/523, **art. 3**
- F86** Words in Sch. 3 para. 10(1) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), **art. 2, Sch. para. 48(a)**
- F87** Words in Sch. 3 para. 10(2) repealed (1.1.1998) by S.I. 1996/3161, **art. 2(d)(iii)**; S.R. 1997/523, **art. 3**
- F88** Words in Sch. 3 Pt. III para. 10(2)(b)(3)(c) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 111(a)(i)**; S.I. 2001/919, **art. 2(f)(ii)**
- F89** Words in Sch. 3 para. 10(2)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005; (S.I. 2005/886), **art. 2, {Sch. para. 48(a)}**
- F90** Words in Sch. 3 para. 10(2) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(iv)**; S.R. 1997/523, **art. 3**
- F91** Words in Sch. 3 para. 10(3) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(v)**; S.R. 1997/523, **art. 3**
- F92** Words in Sch. 3 Pt. III para. 10(3)(a)(d) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 111(a)(ii)(iii)**; S.I. 2001/919, **art. 2(f)(ii)**
- F93** Words in Sch. 3 para. 10(3)(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), **art. 2, Sch. para. 48(a)**
- F94** Words in Sch. 3 para. 10(3)(b) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(vi)**; S.R. 1997/523, **art. 3**
- F95** Words in Sch. 3 Pt. III para. 10(3)(b)(d) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(2)(a)(b)**
- F96** Words in Sch. 3 para. 10(3)(c) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(vii)**; S.R. 1997/523, **art. 3**
- F97** Words in Sch. 3 para. 10(3)(d) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(viii)**; S.R. 1997/523, **art. 3**
- F98** Words in Sch. 3 para. 10(4) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), **art. 2, Sch. para. 48(a)**

Commencement Information

- I39** Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2), Sch. 2**.

Marginal Citations

- M10** S.I. 1972/1265 (N.I. 14).

- 11 (1) Where a probation order is made or amended in any of the circumstances specified in paragraph 10 above, the court which makes or amends the order shall send three

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copies of it as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.

- (2) Where a probation order is made or amended in any of the circumstances specified in paragraph 10 above, then, subject to the following provisions of this paragraph—
 - (a) the order shall be treated as if it were a probation order made in England and Wales; and
 - (b) [F⁹⁹the provisions of sections 41 and 42 of and Schedules 2 and 3 to the Powers of Criminal Courts (Sentencing) Act 2000 (so far as relating to such orders)]. . . shall apply accordingly.
- (3) Before making or amending a probation order in the circumstances specified in paragraph 10 above the court shall explain to the offender in ordinary language—
 - (a) the requirements of [F¹⁰⁰section 41 of the Powers of Criminal Courts (Sentencing) Act 2000] relating to probation orders;
 - (b) the powers of the home court under [F¹⁰¹Schedule 3 to that Act], as modified by this paragraph; and
 - (c) its own powers under this paragraph,and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under [F¹⁰²Article 10(3) of the Criminal Justice (Northern Ireland) Order 1996].
- (4) The home court may exercise in relation to the probation order any power which it could exercise in relation to a probation order made by a court in England and Wales by virtue of [F¹⁰³the Powers of Criminal Courts (Sentencing) Act 2000], except a power conferred by [F¹⁰³paragraph 4(1)(d), 5(1)(d), 10(3) or 11(2) of Schedule 3 to that Act].
- (5) If at any time while [F¹⁰⁴the Powers of Criminal Courts (Sentencing) Act 2000] applies by virtue of sub-paragraph (2) above to a probation order made in Northern Ireland it appears to the home court—
 - (a) on information to a justice of the peace [F¹⁰⁵acting in the local justice area] for the time being specified in the order, that the offender has failed to comply with any of the requirements of [F¹⁰⁴that Act] applicable to the order; or
 - (b) on the application of the offender or [F¹⁰⁶the officer of a local probation board], that it would be in the interests of justice for the power conferred by [F¹⁰⁷paragraph 7 or 8 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996] to be exercised,the home court may require the offender to appear before the court which made the order.
- (6) Where an offender is required by virtue of sub-paragraph (5) above to appear before the court which made the probation order, that court—
 - (a) may issue a warrant for his arrest; and
 - (b) may exercise any power which it could exercise in respect of the probation order if the offender resided in Northern Ireland,and [F¹⁰⁸Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996] shall have effect accordingly.
- (7) Where an offender is required by virtue of paragraph (a) of sub-paragraph (5) above to appear before the court which made the probation order—

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- (a) the home court shall send to that court a certificate certifying that the offender has failed to comply with such of the requirements of the order as may be specified in the certificate, together with such other particulars of the case as may be desirable; and
- (b) a certificate purporting to be signed by the clerk of the home court shall be admissible as evidence of the failure before the court which made the order.
- (8) In this paragraph “home court” means, if the offender resides in England and Wales, or will be residing there at the time when the order or the amendment to it comes into force, the court of summary jurisdiction [^{F109}acting in the local justice area] in which he resides or proposes to reside.

Textual Amendments

- F99** Words in Sch. 3 Pt. III para. 11(2)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(3)(a)**
- F100** Words in Sch. 3 Pt. III para. 11(3)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(3)(b)**
- F101** Words in Sch. 3 Pt. III para. 11(3)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(3)(c)**
- F102** Words in Sch. 3 para. 11(3) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(ii)**; S.R. 1997/523, **art. 3**
- F103** Words in Sch. 3 Pt. III para. 11(4) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(3)(d)**
- F104** Words in Sch. 3 Pt. III para. 11(5) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(3)(e)**
- F105** Words in Sch. 3 para. 11(5) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(b)**
- F106** Words in Sch. 3 Pt. III para. 11(5)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(b)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F107** Words in Sch. 3 para. 11(5)(b) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(iii)**; S.R. 1997/523, **art. 3**
- F108** Words in Sch. 3 para. 11(6) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(iv)**; S.R. 1997/523, **art. 3**
- F109** Words in Sch. 3 para. 11(8) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(b)**

Commencement Information

- I40** Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), **Sch. 2**.

SCHEDULE 4

Section 17(3).

INCREASE OF CERTAIN MAXIMA

Commencement Information

- I41** Sch. 4 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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PART I

SUBSTITUTION OF OTHER AMOUNTS

Commencement Information

I42 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

(1) Provision	(2) General description	(3) Present amount	(4) New amount
In Schedule 5A to the Army Act 1955 and the Air Force Act 1955, paragraph 11(2).	Maximum amount of compensation order.	£2,000	£5,000
Section 23(3) of the Attachment of Earnings Act 1971.	Maximum judge's fine in High Court or county court.	£100	£250
F110	F110	F110	F110
....
Section 8(1) of the Armed Forces Act 1976.	Maximum fine awarded by Standing Civilian Courts.	£2,000	£5,000
F110	F110	F110	F110
....
Section 63(3)(a) of [F111 the 1980 Act.]	Maximum fine for disobedience of order other than for payment of money.	£2,000	£5,000
Section 97(4) of that Act.	Maximum fine for refusal to give evidence.	£1,000	£2,500
Section 12(2) of the Contempt of Court Act 1981.	Maximum fine for contempt in face of magistrates' court.	£1,000	£2,500
Section 14(2) of that Act.	Maximum fine for contempt in an inferior court.	£1,000	£2,500
Section 55(2) of the County Courts Act 1984.	Maximum fine for neglecting witness summons.	£400	£1,000
Section 118 (1) of that Act.	Maximum fine for contempt of court.	£1,000	£2,500

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Section 10(1) and (2) and 21(5) of the Coroners Act 1988.	Maximum coroner's fine for refusal to give evidence etc.	£400	£1,000
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Textual Amendments

F110 Words in [Sch. 4 Pt. I](#) repealed (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\)](#), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

F111 Words in [Sch. 4 Pt. I](#) substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\)](#), [Sch. 9 para. 148](#)

PART II

SUBSTITUTION OF LEVELS ON STANDARD SCALE

Commencement Information

I43 [Sch. 4](#) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

Section 33(1)(a) of the 1980 Act.	Maximum fine on summary conviction of offence tried in pursuance of section 22 of that Act (certain offences triable either way to be tried summarily if value involved is small).	£1,000	Level 4
Section 34(3)(b) of that Act.	Maximum fine on summary conviction where statute provides no express power to fine.	£400	Level 3

PART III

SUBSTITUTION OF STATUTORY MAXIMUM

Commencement Information

I44 [Sch. 4](#) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

(1) Provision	(2) General description	(3) Present amount
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Section 6(8) of the Whaling Industry (Regulation) Act 1934.	Maximum fine on summary conviction for failure to keep or falsify records.	£1,000
Section 9(1) of that Act.	Maximum fine on summary conviction for forgery of certain documents.	£1,000
Section 11(1)(c) of the Sea Fisheries (Conservation) Act 1967.	Maximum fine on summary conviction for an offence under section 1, 2, 4(7) or (7A), 4A(7) or (8), 6(5) or (5A)(b) or 7(3) of that Act.	£1,000
Section 16(1A) of that Act.	Maximum fine on summary conviction for assaulting or obstructing officer exercising enforcement powers.	£1,000
Section 5(4) of the Sea Fisheries Act 1968.	Maximum fine on summary conviction for contravening order regulating fishing operations.	£1,000

PART IV

PROVISIONS SUBSTITUTED FOR SCHEDULE 6A TO 1980 ACT

Commencement Information

I45 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

“SCHEDULE 6A

FINES THAT MAY BE ALTERED UNDER SECTION 143

Enactment	Maximum fine
CHILDREN AND YOUNG PERSONS ACT 1969 (c.54)Section 15(3)(a) (failure to comply with supervision order)	£1,000
Section 15(5)(b) and (c) (failure to comply with supervision order)	£5,000
ATTACHMENT OF EARNINGS ACT 1971 (c.32)Section 23(3) (judge’s fine)	£250
POWERS OF CRIMINAL COURTS ACT 1973 (c.62)Section 27(3) (failure to comply with suspended sentence supervision order)	£1,000

Status: Point in time view as at 01/04/2005.

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MAGISTRATES' COURTS ACT 1980 (c.43)Section 63(3)(a) (disobedience of orders other than payment of money)	£5,000
Section 97(4) (refusal to give evidence etc.)	£2,500
CONTEMPT OF COURT ACT 1981 (c.49)Section 12(2) (contempt in face of magistrates' court)	£2,500
Section 14(2) (contempt in an inferior court)	£2,500

Enactment	Maximum fine
CRIMINAL JUSTICE ACT 1982 (c.48)Section 19(3) (failure to comply with attendance centre order or attendance centre rules)	£1,000
COUNTY COURTS ACT 1984 (c.28)Section 55(2) (neglect or refusal to give evidence)	£1,000
Section 118(1) (contempt in face of court)	£2,500
CORONERS ACT 1988 (c.13)Sections 10(1) and (2) and 21(5) (refusal to give evidence etc.)	£1,000
CRIMINAL JUSTICE ACT 1991 (c.53)In Schedule 2, paragraphs 3(1) and 4(1) (failure to comply with probation, community service, curfew or combination order)	£1,000 ⁷ .

^{F112}PART V

OTHER AMENDMENTS

Textual Amendments

F112 Sch. 4 Pt. V repealed (20.9.1993) by 1993 c. 36, ss. 65(3)(4), 79(14), Sch. 3 para. 1(2), Sch. 6 Pt.I; S.I. 1993/1968, art. 2(2), Sch.2, Appendix.

Commencement Information

I46 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2

Status: Point in time view as at 01/04/2005.

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[^{F113}SCHEDULE 5

THE PAROLE BOARD: SUPPLEMENTARY PROVISIONS]

Textual Amendments

F113 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

^{F114}*Status and capacity*

Textual Amendments

F114 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- ^{F115}₁ (1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board's property shall not be regarded as property of, or held on behalf of, the Crown.
- (2) It shall be within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental to or conducive to the discharge of
- ^{F116}(a) its functions under this Part in respect of long-term and short-term prisoners; and
 - (b) its functions under Chapter II of Part II of the ^{M11}Crime (Sentences) Act 1997 in respect of life prisoners within the meaning of that Chapter]

Textual Amendments

F115 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para. 70; S.I. 1996/1608, art. 2 (S.I. 1996/1530 having been revoked by that instrument)

F116 Sch. 5 para. 1(2)(a)(b) substituted for words in Sch. 5 para. 1(2) (30.9.1998) by 1998 c. 37, s. 119, Sch. 8 para.97; S.I. 1998/2327, art.2(1)(y)(2)(gg)

Marginal Citations

M11 1997 c.43.

^{F117}*Membership*

Textual Amendments

F117 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- ^{F118}₂ (1) The Board shall consist of a chairman and not less than four other members appointed by the Secretary of State.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

- (2) The Board shall include among its members—
- (a) a person who holds or has held judicial office;
 - (b) a registered medical practitioner who is a psychiatrist;
 - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or after-care of discharged prisoners; and
 - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.
- (3) A member of the Board—
- (a) shall hold and vacate office in accordance with the terms of his appointment;
 - (b) may resign his office by notice in writing addressed to the Secretary of State;
- and a person who ceases to hold office as a member of the Board shall be eligible for re-appointment.

Textual Amendments

F118 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

F119 Payments to members

Textual Amendments

F119 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art. 2 (S.I. 1996/1530 having been revoked by that instrument)

- ^{F120}3 (1) The Board may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The Board may pay or make provision for paying to or in respect of any member such sums by way of pension, allowances or gratuities as the Secretary of State may determine.
- (3) If a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances that make it right that he should receive compensation, the Secretary of State may direct the Board to make to that person a payment of such amount as the Secretary of State may determine.
- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

Textual Amendments

F120 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

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F121 Proceedings

Textual Amendments

F121 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- F122**⁴ (1) Subject to the provisions of section 32(5) of this Act, the arrangements relating to meetings of the Board shall be such as the Board may determine.
- (2) The arrangements may provide for the discharge, under the general direction of the Board, of any of the Board's functions by a committee or by one or more of the members or employees of the Board.
- (3) The validity of the proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Textual Amendments

F122 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

F123 Staff

Textual Amendments

F123 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- F124**⁵ (1) The Board may appoint such number of employees as it may determine.
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph shall be determined by the Board.
- (3) Any determination under sub-paragraph (1) or (2) shall require the approval of the Secretary of State given with the consent of the Treasury.
- (4) The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Board.

Textual Amendments

F124 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

Status: Point in time view as at 01/04/2005.

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Reports

- ^{F125}6 (1) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of Other Bodies there shall be inserted— “Parole Board.”.
- (2) The Board shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to this paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.

Textual Amendments

F125 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

^{F126}*Financial provisions*

Textual Amendments

F126 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

- ^{F127} (1) The Secretary of State shall pay to the Board—
- (a) any expenses incurred or to be incurred by the Board by virtue of paragraph 3 or 5; and
 - (b) with the consent of the Treasury, such sums as he thinks fit for enabling the Board to meet other expenses.
- (2) Any sums required by the Secretary of State for making payments under subparagraph (1) shall be paid out of money provided by Parliament.

Textual Amendments

F127 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

^{F128}*Authentication of Board’s seal*

Textual Amendments

F128 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

Status: Point in time view as at 01/04/2005.

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F129⁸ The application of the seal of the Board shall be authenticated by the signature of the Chairman or some other person authorised for the purpose.

Textual Amendments

F129 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art. 2 (S.I. 1996/1530 having been revoked by that instrument)

F130 Presumption of authenticity of documents issued by Board

Textual Amendments

F130 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

F131⁹ Any document purporting to be an instrument issued by the Board and to be duly executed under the seal of the Board or to be signed on behalf of the Board shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

Textual Amendments

F131 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art. 2 (S.I. 1996/1530 having been revoked by that instrument)

F132 Accounts and audit

Textual Amendments

F132 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), Sch. 10 para.70; S.I. 1996/1608, art.2 (S.I. 1996/1530 having been revoked by that instrument)

F133¹⁰ (1) It shall be the duty of the Board—

- (a) to keep proper accounts and proper records in relation to the accounts;
- (b) to prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
- (c) to send copies of each such statement to the Secretary of State and the Comptroller and Auditor General not later than 31st August next following the end of the financial year to which the statement relates.

(2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Board and shall lay a copy of every such statement and of his report before each House of Parliament.

Status: Point in time view as at 01/04/2005.

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- (3) In this paragraph, “financial year” means the period beginning with the date on which the Board is incorporated and ending with the next following 31st March, and each successive period of twelve months.

Textual Amendments

F133 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art.2** (S.I. 1996/1530 having been revoked by that instrument)

F134 Reports

Textual Amendments

F134 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art.2**

- ^{F135}11 The Board shall as soon as practicable after the end of each financial year make to the Secretary of State a report on the performance of its functions during the year; and the Secretary of State shall lay a copy of the report before Parliament.

Textual Amendments

F135 Sch. 5 substituted (1.7.1996) by 1994 c. 33, s. 168(2), **Sch. 10 para.70**; S.I. 1996/1608, **art. 2** (S.I. 1996/1530 having been revoked by that instrument)

^{F136}SCHEDULE 6

Section 53(5).

NOTICES OF TRANSFER: PROCEDURE IN LIEU OF COMMITTAL

Extent Information

E1 Schedule 6 extends to England and Wales only except as mentioned in s. 102(4)-(6).

Textual Amendments

F136 Sch. 6 repealed (prosp.) by Criminal Justice Act 2003 (c. 44), ss. 41, 332, 336, Sch. 3 Pt. 2 para. 62(3), **Sch. 37**

Commencement Information

I51 Sch. 6 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Contents of notice of transfer

- 1 (1) A notice of transfer shall specify the proposed place of trial; and in selecting that place the Director of Public Prosecutions shall have regard to the considerations to which a magistrates’ court committing a person for trial is required by section 7 of the 1980 Act to have regard when selecting the place at which he is to be tried.

Status: Point in time view as at 01/04/2005.

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- (2) A notice of transfer shall specify the charge or charges to which it relates and include or be accompanied by such additional material as regulations under paragraph 4 below may require.

Commencement Information

I52 Sch. 6 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Remand

- 2 (1) If a magistrates' court has remanded in custody a person to whom a notice of transfer relates, it shall have power, subject to section 4 of the ^{M12}Bail Act 1976 [^{F137}, section 25 of the Criminal Justice and Public Order Act 1994] and regulations under section 22 of the ^{M13}Prosecution of Offences Act 1985—
- (a) to order that he shall be safely kept in custody until delivered in due course of law; or
 - (b) to release him on bail in accordance with the Bail Act 1976, that is to say, by directing him to appear before the Crown Court for trial.
- (2) Where—
- (a) a person's release on bail under paragraph (b) of sub-paragraph (1) above is conditional on his providing one or more sureties; and
 - (b) in accordance with subsection (3) of section 8 of the Bail Act 1976, the court fixes the amount in which a surety is to be bound with a view to his entering into his recognisance subsequently in accordance with subsections (4) and (5) or (6) of that section,
- the court shall in the meantime make an order such as is mentioned in paragraph (a) of that sub-paragraph.
- (3) If the conditions specified in sub-paragraph (4) below are satisfied, a court may exercise the powers conferred by sub-paragraph (1) above in relation to a person charged without his being brought before it in any case in which by virtue of subsection (3A) of section 128 of the 1980 Act it would have the power further to remand him on an adjournment such as is mentioned in that subsection.
- (4) The conditions referred to in sub-paragraph (3) above are—
- (a) that the person in question has given his written consent to the powers conferred by sub-paragraph (1) above being exercised without his being brought before the court; and
 - (b) that the court is satisfied that, when he gave his consent, he knew that the notice of transfer had been issued.
- (5) Where a notice of transfer is given after a person to whom it relates has been remanded on bail to appear before a magistrates' court on an appointed day, the requirement that he shall so appear shall cease on the giving of the notice unless the notice states that it is to continue.
- (6) Where that requirement ceases by virtue of sub-paragraph (5) above, it shall be the duty of the person in question to appear before the Crown Court at the place specified

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by the notice of transfer as the proposed place of trial or at any place substituted for it by a direction under section 76 of the ^{M14}Supreme Court Act 1981.

- (7) If, in a case where the notice states that the requirement mentioned in sub-paragraph (5) above is to continue, a person to whom the notice relates appears before the magistrates' court, the court shall have—
- (a) the powers and duties conferred on a magistrates' court by sub-paragraph (1) above but subject as there provided; and
 - (b) power to enlarge, in the surety's absence, a recognisance conditioned in accordance with section 128(4)(a) of the 1980 Act so that the surety is bound to secure that the person charged appears also before the Crown Court.

Textual Amendments

F137 Words in [Sch. 6 para. 2\(1\)](#) inserted (10.4.1995) by [1994 c. 33, s. 168\(2\)](#), [Sch. 10 para.71](#); [S.I. 1995/721, art. 2](#), [Sch. AppendixA](#).

Commencement Information

I53 [Sch. 6](#) (paras. 1 - 9) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

Marginal Citations

M12 [1976 c. 63](#).

M13 [1985 c. 23](#).

M14 [1981 c. 54](#).

Witnesses

- 3 For the purposes of the ^{M15}Criminal Procedure (Attendance of Witnesses) Act 1965—
- (a) any magistrates' court for the petty sessions area for which the court from which a case was transferred sits shall be treated as examining magistrates; and
 - (b) a person indicated in the notice of transfer as a proposed witness shall be treated as a person who has been examined by the court.

Commencement Information

I54 [Sch. 6](#) (paras. 1 - 9) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

Marginal Citations

M15 [1965 c. 69](#).

Regulations

- 4 (1) The Attorney General—
- (a) shall by regulations make provision requiring a copy of a notice of transfer, together with [^{F138}copies of the documents containing the evidence (including oral evidence)] on which any charge to which it relates is based, to be given—
 - (i) to any person to whom the notice of transfer relates; and

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- (ii) to the Crown Court sitting at the place specified by the notice of transfer as the proposed place of trial; and
- (b) may by regulations make such further provision in relation to notices of transfer, including provision as to the duties of the Director of Public Prosecutions in relation to such notices, as appears to him to be appropriate.
- [^{F139}(1A) Regulations under sub-paragraph (1)(a) above may provide that there shall be no requirement for copies of documents to accompany the copy of the notice of transfer if they are referred to, in documents sent with the notice of transfer, as having already been supplied.]
- (2) The power to make regulations under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F138** Words in [Sch. 6 para. 4\(1\)\(a\)](#) substituted (4.7.1996 with application as mentioned in [s. 45\(8\)\(9\)](#) of the amending Act) by [1996 c. 25, s. 45\(5\)\(8\)\(9\)](#); S.I. 1998/851, [art. 2](#).
- F139** [Sch. 6 para. 4\(1A\)](#) inserted (4.7.1996 with application as mentioned in [s. 45\(8\)\(9\)](#) of the amending Act) by [1996 c. 25, s. 45\(6\)\(8\)\(9\)](#); S.I. 1998/851, [art. 2](#).

Commencement Information

- I55** [Sch. 6](#) (paras. 1 - 9) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and S.I. 1992/333, [art. 2\(2\)](#), [Sch. 2](#).

Applications for dismissal

- 5 (1) Where a notice of transfer has been given, any person to whom the notice relates may, at any time before he is arraigned (and whether or not an indictment has been preferred against him), apply orally or in writing to the Crown Court sitting at the place specified by the notice of transfer as the proposed place of trial for the charge, or any of the charges, in the case to be dismissed.
- (2) The judge shall dismiss a charge (and accordingly quash a count relating to it in any indictment preferred against the applicant) which is the subject of any such application if it appears to him that the evidence against the applicant would not be sufficient for a jury properly to convict him.
- (3) No oral application may be made under sub-paragraph (1) above unless the applicant has given the Crown Court mentioned in that sub-paragraph written notice of his intention to make the application.
- (4) Oral evidence may be given on such an application only with the leave of the judge or by his order; and the judge shall give leave or make an order only if it appears to him, having regard to any matters stated in the application for leave, that the interests of justice require him to do so.
- (5) No leave or order under sub-paragraph (4) above shall be given or made in relation to oral evidence from a child (within the meaning of section 53 of this Act) who is alleged—
- (a) to be a person against whom an offence to which the notice of transfer relates was committed; or
- (b) to have witnessed the commission of such an offence.

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- (6) If the judge gives leave permitting, or makes an order requiring, a person to give oral evidence, but that person does not do so, the judge may disregard any document indicating the evidence that he might have given.
- (7) Dismissal of the charge, or all the charges, against the applicant shall have the same effect as a refusal by examining magistrates to commit for trial, except that no further proceedings may be brought on a dismissed charge except by means of the preferment of a voluntary bill of indictment.
- (8) [^{F140}Criminal Procedure Rules] may make provision for the purposes of this paragraph and, without prejudice to the generality of this sub-paragraph, may make provision—
- (a) as to the time or stage in the proceedings at which anything required to be done is to be done (unless the court grants leave to do it at some other time or stage);
 - (b) as to the contents and form of notices or other documents;
 - (c) as to the manner in which evidence is to be submitted; and
 - (d) as to persons to be served with notices or other material.

Textual Amendments

F140 Words in Sch. 6 para. 5(8) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S. I. 2004/2035), art. 3, Sch. para. 34

Modifications etc. (not altering text)

C9 Sch. 6 para. 5 modified (10.4.1995) by 1994 c. 33, ss. 34(2)(b)(ii)(4)-(7), 36(2)(b)(ii)(3)-(8), 37(2)(b)(ii)(3)-(7), 38; S.I. 1995/721, art. 2, Sch.
Sch. 6 para. 5 modified (3.2.1995) by 1984 c. 60, s. 62(10)(aa)(ii) (as inserted (3.2.1995) by 1994 c. 33, s. 168(3), Sch. 9 para.24; S.I. 1995/127, art. 2(1), Sch. 1A appendix.)

Commencement Information

I56 Sch. 6 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Reporting restrictions

- 6 (1) Except as provided by this paragraph, it shall not be lawful—
- (a) to publish in Great Britain a written report of an application under paragraph 5(1) above; or
 - (b) to include in a relevant programme for reception in Great Britain a report of such an application,
- if (in either case) the report contains any matter other than that permitted by this paragraph.
- (2) An order that sub-paragraph (1) above shall not apply to reports of an application under paragraph 5(1) above may be made by the judge dealing with the application.
- (3) Where in the case of two or more accused one of them objects to the making of an order under sub-paragraph (2) above, the judge shall make the order if, and only if, he is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.

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- (4) An order under sub-paragraph (2) above shall not apply to reports of proceedings under sub-paragraph (3) above, but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by sub-paragraph (5) below.
- (5) It shall not be unlawful under this paragraph to publish or include in a relevant programme a report of an application under paragraph 5(1) above containing any matter other than that permitted by sub-paragraph (8) below where the application is successful.
- (6) Where—
 - (a) two or more persons were jointly charged; and
 - (b) applications under paragraph 5(1) above are made by more than one of them,sub-paragraph (5) above shall have effect as if for the words “the application is” there were substituted the words “all the applications are”.
- (7) It shall not be unlawful under this paragraph to publish or include in a relevant programme a report of an unsuccessful application at the conclusion of the trial of the person charged, or of the last of the persons charged to be tried.
- (8) The following matters may be contained in a report published or included in a relevant programme without an order under sub-paragraph (2) above before the time authorised by [F141sub-paragraphs (5) and (7)] above, that is to say—
 - (a) the identity of the court and the name of the judge;
 - (b) the names, ages, home addresses and occupations of the accused and witnesses;
 - (c) the offence or offences, or a summary of them, with which the accused is or are charged;
 - (d) the names of counsel and solicitors engaged in the proceedings;
 - (e) where the proceedings are adjourned, the date and place to which they are adjourned;
 - (f) the arrangements as to bail;
 - (g) whether legal aid was granted to the accused or any of the accused.
- (9) The addresses that may be published or included in a relevant programme under sub-paragraph (8) above are addresses—
 - (a) at any relevant time; and
 - (b) at the time of their publication or inclusion in a relevant programme.
- (10) If a report is published or included in a relevant programme in contravention of this paragraph, the following persons, that is to say—
 - (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of the editor of a newspaper;shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

- (11) Proceedings for an offence under this paragraph shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney General.
- (12) Sub-paragraph (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports of court proceedings.
- (13) In this paragraph—
- “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;
 - “relevant programme” means a programme included in a programme service (within the meaning of the ^{M16}Broadcasting Act 1990);
 - “relevant time” means a time when events giving rise to the charges to which the proceedings relate occurred.

Textual Amendments

F141 Words in [Sch. 6 para. 6\(8\)](#) substituted (4.7.1996 with application as mentioned in [s. 45\(8\)\(9\)](#) of the amending Act) by [1996 c. 25, s. 45\(7\)\(8\)\(9\)](#); [S.I. 1998/851, art. 2](#).

Commencement Information

I57 [Sch. 6](#) (paras. 1 - 9) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

Marginal Citations

M16 [1990 c. 42](#).

Avoidance of delay

- 7 (1) Where a notice of transfer has been given in relation to any case—
- (a) the Crown Court before which the case is to be tried; and
 - (b) any magistrates’ court which exercises any functions under paragraph 2 or 3 above or section 20(4) of the ^{M17}Legal Aid Act 1988 in relation to the case, shall, in exercising any of its powers in relation to the case, have regard to the desirability of avoiding prejudice to the welfare of any relevant child witness that may be occasioned by unnecessary delay in bringing the case to trial.
- (2) In this paragraph “child” has the same meaning as in section 53 of this Act and “relevant child witness” means a child who will be called as a witness at the trial and who is alleged—
- (a) to be a person against whom an offence to which the notice of transfer relates was committed; or
 - (b) to have witnessed the commission of such an offence.

Commencement Information

I58 [Sch. 6](#) (paras. 1 - 9) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

Marginal Citations

M17 [1988 c. 34](#).

Status: Point in time view as at 01/04/2005.

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Procedures for indictment of offenders

- 8 (1) In subsection (2) of section 2 of the ^{M18}Administration of Justice (Miscellaneous Provisions) Act 1933 (procedures for indictment of offenders), after paragraph (aa), there shall be inserted the following paragraph—
- “(ab) the offence is specified in a notice of transfer under section 53 of the Criminal Justice Act 1991 (violent or sexual offences against children); or”.
- (2) In paragraph (iA) of the proviso to that subsection—
- (a) after the words “paragraph (aa)” there shall be inserted the words “or (ab)”; and
- (b) for the words “regulations under section 5(9) of the ^{M19}Criminal Justice Act 1987” there shall be substituted the the words “regulations under the relevant provision”.
- (3) At the end of that proviso there shall be inserted the words “and in paragraph (iA) above “the relevant provision” means section 5(9) of the ^{M20}Criminal Justice Act 1987 in a case to which paragraph (aa) above applies, and paragraph 4 of Schedule 6 to the Criminal Justice Act 1991 in a case to which paragraph (ab) above applies”.

Commencement Information

I59 Sch. 6 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M18 1933 c. 36.

M19 1987 c. 38.

M20 1987 c. 38.

Legal aid

F142g

Textual Amendments

F142 Sch. 6 para. 9 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with s. 107, Sch. 14 para. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)

^{F143}SCHEDULE 7

Textual Amendments

F143 Sch. 7 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: Point in time view as at 01/04/2005.

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SCHEDULE 8

Section 68.

AMENDMENTS FOR TREATING PERSONS AGED 17 AS YOUNG PERSONS

Extent Information

E2 [Schedule 8](#) extends to England and Wales only except as mentioned in s. 102(4)-(6).

Commencement Information

I60 [Sch. 8](#) in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).

Children and Young Persons Act 1933 (c.12)

- 1 (1) Section 31 of the 1933 Act shall be renumbered as subsection (1) of that section and after that provision as so renumbered there shall be inserted the following subsection—

“(2) In this section and section 34 of this Act, “young person” means a person who has attained the age of fourteen and is under the age of seventeen years.”

- (2) In sections 46(1) and (1A), 48(2) and 99(1) of that Act, for the words “the age of seventeen” there shall be substituted the words “the age of eighteen”.

- (3) In section 107(1) of that Act, for the definition of “young person” there shall be substituted the following definition—

““young person” means a person who has attained the age of fourteen and is under the age of eighteen years.”

Commencement Information

I61 [Sch. 8 para. 1](#) partly in force: [para. 1\(1\)](#) not in force; [para. 1\(2\)](#) in force at 1.10.1992; [para. 1\(3\)](#) in force at 1.10.1992 except for specified purpose; see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)\(4\)](#), [Sch. 2](#).

Prison Act 1952 (c.52)

- 2 In section 43(3) of the 1952 Act (remand centres, young offender institutions etc.), for the words “aged 17 years” there shall be substituted the words “aged 18 years”.

Commencement Information

I62 [Sch. 8 para. 2](#) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).

Children and Young Persons Act 1963 (c.37)

- 3 In section 29(1) of the Children and Young Persons Act 1963, for the words “the age of seventeen” there shall be substituted the words “the age of eighteen”.

Commencement Information

I63 [Sch. 8 para. 3](#) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).

Status: Point in time view as at 01/04/2005.

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Children and Young Persons Act 1969 (c.54)

- 4 (1) Section 29 of the 1969 Act shall be renumbered as subsection (1) of that section and after that provision as so renumbered there shall be inserted the following subsection—

“(2) In this section “young person” means a person who has attained the age of fourteen and is under the age of seventeen years.”

- (2) In section 70(1) of that Act, for the definition of “young person” there shall be substituted the following definition—

““young person” means a person who has attained the age of fourteen and is under the age of eighteen years;”.

Commencement Information

I64 Sch. 8 para. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Rehabilitation of Offenders Act 1974 (c.53)

- 5 In section 5(2) of the Rehabilitation of Offenders Act 1974 (which provides for rehabilitation periods to be reduced by half for young offenders)—

- (a) in paragraph (a), for the words “seventeen years of age” there shall be substituted the words “eighteen years of age”; and
(b) in the heading to Table A, for the words “under 17” there shall be substituted the words “under 18”.

Commencement Information

I65 Sch. 8 para. 5 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Magistrates’ Courts Act 1980 (c.43)

- 6 (1) Part I of the 1980 Act (criminal jurisdiction and procedure) shall be amended as follows—

- (a) for the words “the age of 17”, in each place where they occur, there shall be substituted the words “the age of 18 years”;
(b) in section 22(9), for the words “under 17” there shall be substituted the words “under 18”;

^{F144}(c)

^{F144}(d)

- (2) In section 81(1), (3) and (8) of that Act, for the words “the age of 17” there shall be substituted the words “the age of 18”.

- (3) In sections 96A, 135(3) and 136(4) of that Act, for the words “aged 17” there shall be substituted the words “aged 18”.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

Textual Amendments

F144 Sch. 8 para. 6(1)(c)(d) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I66 Sch. 8 para. 6 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

SCHEDULE 9

Section 71.

AMENDMENTS TO SERVICE LAW

Commencement Information

I67 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Army Act 1955 (c.18) and Air Force Act 1955 (c.19)

- 1 In section 71A of the Army Act 1955 and the Air Force Act 1955 (life custody for young offenders), in subsections (1B) and (4)(a), for the words “17 years” there shall be substituted the words “18 years”.

Commencement Information

I68 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

- 2 In section 71AA of those Acts (young service offenders: custodial orders)—
- (a) in subsection (1), for the words “not exceeding” there shall be substituted the words “which—
 - (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained eighteen years of age, the period of 21 days; or
 - (ii) in the case of an offender who is under that age, the period of two months; and
 - (b) shall not exceed”;
 - (b) subsection (1A) and, in subsection (1), the words “subject to subsection (1A) below” shall cease to have effect;
 - (c) before subsection (1B) there shall be inserted the following subsection—

“(1AA) The court shall not make a custodial order committing an offender aged 17 to be detained for a period exceeding twelve months or for a period such that the continuous period for which he is committed to be detained under that order and any one or more other custodial orders exceeds twelve months.”; and

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

- (d) in subsection (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.

Commencement Information

I69 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 3 For subsection (2) of section 93 of those Acts (evidence on oath in court-martial) there shall be substituted the following subsections—

“(1B) A witness before a court-martial—

- (a) shall be examined on oath if he has attained the age of fourteen; and
(b) shall give evidence unsworn if he is under that age.

(2) Unsworn evidence admitted by virtue of subsection (1B)(b) above may corroborate evidence (sworn or unsworn) given by any other person.”

Commencement Information

I70 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 4 In paragraph 10 of Schedule 5A to those Acts (civilian offenders: custodial orders)

(a) in sub-paragraph (1), for the words from “detained” to “and in this sub-paragraph” there shall be substituted the words “detained for a period, to be specified in the order, which—

(a) shall not be less than the appropriate minimum period, that is to say—

- (i) in the case of an offender who has attained the age of 18, the period of 21 days; or
(ii) in the case of an offender who is under 18 years of age, the period of two months;

(b) shall not exceed the maximum period for which he could have been sentenced to imprisonment if he had attained the age of 21; and

(c) if the order is made by a Standing Civilian Court, shall not exceed six months.

and in this sub-paragraph ”.

(b) in sub-paragraph (1A), for the words “17 years” there shall be substituted the words “18 years”; and

(c) in sub-paragraph (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

Commencement Information

I71 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Naval Discipline Act 1957 (c.53)

- 5 In section 43A of the Naval Discipline Act 1957 (life custody for young offenders), in subsections (1B) and (4)(a), for the words “17 years” there shall be substituted the words “18 years”.

Commencement Information

I72 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 6 In section 43AA of that Act (young service offenders: custodial orders)—
- (a) in subsection (1), for the words “not exceeding” there shall be substituted the words “which—
 - (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained eighteen years of age, the period of 21 days; or
 - (ii) in the case of an offender who is under that age, the period of two months; and
 - (b) shall not exceed”;
 - (b) subsection (1A) and, in subsection (1), the words “subject to subsection (1A) below”, shall cease to have effect; and
 - (c) before subsection (1B) there shall be inserted the following subsection—

“(1AA) The court shall not make a custodial order committing an offender aged 17 to be detained for a period exceeding twelve months or for a period such that the continuous period for which he is committed to be detained under that order and any one or more other custodial orders exceeds twelve months.”; and
 - (d) in subsection (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “ Section 65 of the Criminal Justice Act 1991 ”.

Commencement Information

I73 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 7 For subsections (2) and (3) of section 60 of that Act (evidence on oath in court-martial) there shall be substituted the following subsections—
- “(2) A witness before a court-martial—
- (a) shall be examined on oath if he has attained the age of fourteen; and

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(b) shall give evidence unsworn if he is under that age.

(3) Unsworn evidence admitted by virtue of subsection (2)(b) above may corroborate evidence (sworn or unsworn) given by any other person.”

Commencement Information

I74 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

8 In paragraph 10 of Schedule 4A to that Act (civilian offenders: custodial orders)—

(a) in sub-paragraph (1), for the words from “detained” to “and in this sub-paragraph” there shall be substituted the words “detained for a period, to be specified in the order, which—

(a) shall be not less than the appropriate minimum period, that is to say—

(i) in the case of an offender who has attained the age of 18, the period of 21 days; or

(ii) in the case of an offender who is under 18 years of age, the period of two months; and

(b) shall not exceed the maximum period for which he could have been sentenced to imprisonment if he had attained the age of 21;

and in this sub-paragraph ”;

(b) in sub-paragraph (1A), for the words “17 years” there shall be substituted the words “18 years”; and

(c) in sub-paragraph (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.

Commencement Information

I75 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

SCHEDULE 10

Section 89.

CERTIFICATION OF PRISONER CUSTODY OFFICERS

Commencement Information

I76 Sch. 10 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Preliminary

1 In this Schedule—

“certificate” means a certificate under section 89 of this Act;

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“the relevant functions”, in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

Commencement Information

I77 Sch. 10 para. 1 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Issue of certificates

- 2 (1) Any person may apply to the Secretary of State for the issue of a certificate in respect of him.
- (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
- (a) is a fit and proper person to perform the relevant functions; and
 - (b) has received training to such standard as he may consider appropriate for the performance of those functions.
- (3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.
- (4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

Modifications etc. (not altering text)

C10 Sch. 10 para. 2: transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

Commencement Information

I78 Sch. 10 para. 2 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Suspension of certificate

- 3 ^{F145}(1) This paragraph applies where at any time—
- (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, it appears to the prisoner escort monitor for the area concerned that the officer is not a fit and proper person to perform escort functions;
 - (b) in the case of a prisoner custody officer performing custodial duties at a contracted out prison, it appears to the controller of that prison that the officer is not a fit and proper person to perform custodial duties; or
 - (c) in the case of a prisoner custody officer performing contracted out functions at a directly managed prison, it appears to the governor of that prison that the officer is not a fit and proper person to perform custodial duties.]
- (2) The prisoner escort monitor ^{F146}[controller or governor] may—
- ^{F147}(a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
 - (b) in such circumstances as may be prescribed by regulations made by the Secretary of State, suspend the officer’s certificate so far as it authorises

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the performance of escort functions or, as the case may be, custodial duties pending that decision.

- (3) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F145 Sch. 10 para. 3(1) substituted (3.11.1994) by 1994 c. 33, s. 101(9).

F146 Words in Sch. 10 para. 3(2) substituted (3.11.1994) by 1994 c. 33, s. 101(10).

F147 Sch. 10 para. 3(2)(a): transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

Commencement Information

I79 Sch. 10 para. 3 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Revocation of certificate

- 4 Where at any time it appears to the Secretary of State that a prisoner custody officer is not a fit and proper person to perform escort functions or custodial duties, he may revoke that officer's certificate so far as it authorises the performance of those functions or duties.

Modifications etc. (not altering text)

C11 Sch. 10 para. 4: transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

Commencement Information

I80 Sch. 10 para. 4 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I81 Sch. 10 para. 5 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

SCHEDULE 11

Section 100.

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E3 [Schedule 11](#) extends to England and Wales only except as mentioned in s. 102(4)-(6)

Commencement Information

I82 [Sch. 11](#) partly in force at 14.10.1991; partly in force at 31.10.1991 see [s. 102\(2\)\(3\)](#) and [S.I. 1991/2208](#), [art. 2\(1\)\(4\)](#) and Schs.1 and 3; partly in force at 1.4.1992 and 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2](#), [Schs.](#); partly 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. 11](#) partly in force at 1.6.1999 by [S.I. 1999/1280](#), [art. 3](#), [Sch.](#)

Children and Young Persons Act 1933 (c.12)

- 1 In section 38(2) of the 1933 Act (false evidence by child) for the words “as aforesaid” there shall be substituted the words “unsworn in any proceedings for an offence by virtue of section 52 of the Criminal Justice Act 1991”.

Commencement Information

I83 [Sch. 11 para. 1](#) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).

Criminal Justice Act 1967 (c.80)

- 2 (1) Section 67 of the 1967 Act (remand time to be taken into account in computing sentences) shall be amended as follows.
- (2) In subsection (1A)(c)—
- (a) after the word “remanded” there shall be inserted the words “or committed”; and
 - (b) after the words “section 23 of the ^{M21}Children and Young Persons Act 1969” there shall be inserted the words “or section 37 of the ^{M22}Magistrates’ Courts Act 1980”.
- (3) For subsection (5) there shall be substituted the following subsection—
- “(5) This section applies—
- (a) to sentences of detention in a young offender institution; and
 - (b) to determinate sentences of detention passed under section 53(2) of the Children and Young Persons Act 1933 (sentences for serious indictable offences),
- as it applies to sentences of imprisonment.”
- (4) In subsection (6)—
- (a) after the word “being”, in the second place where it occurs, there shall be inserted the words “remanded or”;
 - (b) for the words “committed to the care of a local authority” there shall be substituted the words “remanded or committed to local authority accommodation”; and

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

(c) after the words “the said section 23” there shall be inserted the words “or 37”.

Commencement Information

I84 Sch. 11 para. 2 wholly in force at 1.6.1999; Sch. 11 para 2(1)(2)(a)(3)(4)(a)(b) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.; Sch. 11 para. 2(2)(b)(4)(c) in force at 1.6.1999 by S.I. 1999/1280, art. 3, Sch.

Sch. 11 para. 2(2)(b)(4)(c) 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)

Marginal Citations

M21 1969 c. 54.

M22 1980 c. 43.

Criminal Appeal Act 1968 (c.19)

3 In section 10(2) of the Criminal Appeal Act 1968 (appeal against sentence in other cases dealt with by Crown Court), for paragraph (b) there shall be substituted the following paragraph—

“(b) having been made the subject of an order for conditional discharge or a community order within the meaning of Part I of the Criminal Justice Act 1991 (other than a supervision order within the meaning of that Part) or given a suspended sentence, appears or is brought before the Crown Court to be further dealt with for his offence.”

Commencement Information

I85 Sch. 11 para. 3 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

F148⁴

Textual Amendments

F148 Sch. 11 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Civil Evidence Act 1968 (c.64)

F149⁵

Textual Amendments

F149 Sch. 11 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Children and Young Persons Act 1969 (c. 54)

F150⁶

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

Textual Amendments

F150 Sch. 11 para. 6 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F151⁷

Textual Amendments

F151 Sch. 11 para. 7 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F152⁸

Textual Amendments

F152 Sch. 11 para. 8 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Vehicles (Excise) Act 1971 (c.10)

F153⁹

Textual Amendments

F153 Sch. 11 para. 9 repealed (1.9.1994) by 1994 c. 22, s. 65, **Sch. 5 Pt.I** (with s. 57(4)).

Powers of Criminal Courts Act 1973 (c.62)

F154¹⁰

Textual Amendments

F154 Sch. 11 para. 10 repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art.2(1)(aa)(3)(t)**

F155¹¹

Textual Amendments

F155 Sch. 11 para. 11 repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art.2(1)(aa)(3)(t)**

F156¹²

Textual Amendments

F156 Sch. 11 para. 12 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F157¹³

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 06 May 2024. 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)

Textual Amendments

F157 Sch. 11 para. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F158 14

Textual Amendments

F158 Sch. 11 para. 14 repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art.2(1)(aa)(3)(t)**

F159 15

Textual Amendments

F159 Sch. 11 para. 15 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F160 16

Textual Amendments

F160 Sch. 11 para. 16 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F161 17

Textual Amendments

F161 Sch. 11 para. 17 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

Juries Act 1974 (c.23)

18 **F162**

Textual Amendments

F162 Sch. 11 para. 18 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), **Sch. 37 Pt. 10**; S.I. 2004/829, **art. 2(2)(i)(iv)**

Solicitors Act 1974 (c.47)

F163 19

Textual Amendments

F163 Sch. 11 para. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: Point in time view as at 01/04/2005.

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Rehabilitation of Offenders Act 1974 (c.53)

- 20 In section 1(4) of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions)—
- ^{F164}(a)
- (b) the words “put on probation or” shall cease to have effect; and
- (c) for the words “placing the person concerned on probation or discharging him” there shall be substituted the words “discharging the person concerned”.

Textual Amendments

F164 Sch. 11 para. 20(a) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I86 Sch. 11 para. 20 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Bail Act 1976 (c.63)

- ^{F165}21

Textual Amendments

F165 Sch. 11 para. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

- 22 (1) Paragraph 8 of Schedule 1 to that Act (restrictions on the imposition of bail conditions) shall be amended as follows.
- (2) In sub-paragraph (1), after the words “(4) to (7)” there shall be inserted the words “(except subsection (6)(d))”^{F166}
- (3) After sub-paragraph (1) there shall be inserted the following sub-paragraph—
- “(1A) No condition shall be imposed under section 3(6)(d) of this Act unless it appears to be necessary to do so for the purpose of enabling inquiries or a report to be made.”
- (4) In sub-paragraph (2) for the words “Sub-paragraph (1) above also applies”, there shall be substituted the words “Sub-paragraphs (1) and (1A) above also apply”.
- (5) In sub-paragraph (3), for the words “sub-paragraph (1)” there shall be substituted the words “sub-paragraph (1A)”.

Textual Amendments

F166 Words in Sch. 11 para. 22(2) repealed (5.4.2004) by *Criminal Justice Act 2003 (c. 44)*, **Sch. 37 Pt. 2**; S.I. 2004/829, **art. 2(2)(I)(ii)**

Commencement Information

I87 Sch. 11 para. 22 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status: Point in time view as at 01/04/2005.

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Licensed Premises (Exclusion of Certain Persons) Act 1980 (c.32)

23 In section 1(2) of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (exclusion orders), for paragraph (b) there shall be substituted the following paragraph—

“(b) where the offence was committed in England and Wales, notwithstanding the provisions of sections 1A and 1C of the Power of Criminal Courts Act 1973 (cases in which absolute and conditional discharges may be made, and their effect), in addition to an order discharging him absolutely or conditionally;”.

Commencement Information

I88 Sch. 11 para. 23 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Magistrates' Courts Act 1980 (c.43)

F167 24

Textual Amendments

F167 Sch. 11 para. 24 repealed (20.9.1993) by 1993 c. 36, s. 79(14), **Sch. 6 Pt.I**; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix

25 In section 20(2)(b) of that Act (procedure where summary trial appears more suitable), for the words from “on obtaining information” to the end there shall be substituted the words “is of such opinion as is mentioned in subsection (2) of that section”.

Commencement Information

I89 Sch. 11 para. 25 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

F168 26

Textual Amendments

F168 Sch. 11 para. 26 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

27 (1) In subsection (2) of section 143 of that Act (power to alter sums specified in certain provisions), paragraph (i) shall cease to have effect and after paragraph (o) there shall be inserted the following paragraph—

“(p) section 58(2) and (3) of the Criminal Justice Act 1991 (recognisance from parents or guardians);”.

(2) For subsection (3) of that section there shall be inserted the following subsection—

“(3) In subsection (1) above the “relevant date” means—

(a) the date of the coming into force of section 17 of the Criminal Justice Act 1991 (increase of certain maxima); or

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- (b) where the sums specified in a provision mentioned in subsection (2) above have been substituted by an order under subsection (1) above, the date of that order.”

Commencement Information

I90 Sch. 11 para. 27 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 28 In paragraph 2(2) of Schedule 4 to that Act (maximum periods of imprisonment in default of payment of magistrates’ court fine), for the words “five days” there shall be substituted the words “seven days”.

Commencement Information

I91 Sch. 11 para. 28 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Contempt of Court Act 1981 (c.49)

- 29 (1) Section 12(2) of the ^{M23}Contempt of Court Act 1981 (offences of contempt of magistrates’ court) shall have effect as if the reference to any officer of the court included a reference to any court security officer assigned to the court-house in which the court is sitting.
- (2) In this paragraph “court security officer” and “court-house” have the meanings given by section 92(1) of this Act.

Commencement Information

I92 Sch. 11 para. 29 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2, Schs. 1, 2.

Marginal Citations

M23 1981 c. 49.

Criminal Justice Act 1982 (c.48)

F169³⁰

Textual Amendments

F169 Sch. 11 para. 30 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F170³¹

Textual Amendments

F170 Sch. 11 para. 31 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F171³²

Status: Point in time view as at 01/04/2005.

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Textual Amendments

F171 Sch. 11 para. 32 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F172 33

Textual Amendments

F172 Sch. 11 para. 33 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F173 34

Textual Amendments

F173 Sch. 11 para. 34 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Repatriation of Prisoners Act 1984 (c.47)

35 (1) In section 2 of the Repatriation of Prisoners Act 1984 (transfer of prisoners out of United Kingdom), in subsection (4)(b), for sub-paragraph (i) there shall be substituted the following sub-paragraph—

“(i) released on licence under section 33(1)(b) or (2), 34(3) or 35(1) or (2) of the Criminal Justice Act 1991;”.

F174 (2)

(3) In paragraph 2 of the Schedule to that Act (operation of certain enactments in relation to prisoners transferred into United Kingdom)—

F174 (a)

(b) in sub-paragraph (2), for the words “one third” there shall be substituted the words “any particular proportion or part”.

F174 (4)

Textual Amendments

F174 Sch. 11 para. 35(2)(3)(a)(4) repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I**; S.I. 1993/2050, **art. 3(4)**

Modifications etc. (not altering text)

C12 Sch. 11 para. 35(3)(b) extended (S.) (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para 3(4)**; S.I. 1993/2050, **art. 3(4)**

Commencement Information

I93 Sch. 11 para. 35 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2.**

Status: Point in time view as at 01/04/2005.

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Prosecution of Offences Act 1985 (c.23)

- 36 In section 22(11) of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of criminal proceedings), after the definition of “appropriate court” there shall be inserted the following definition—

““custody” includes local authority accommodation to which a person is remanded or committed by virtue of section 23 of the Children and Young Persons Act 1969, and references to a person being committed to custody shall be construed accordingly;”.

Commencement Information

I94 Sch. 11 para. 36 wholly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(1) and Sch. 1

Criminal Justice Act 1988 (c.33)

- 37 In section 34 of the Criminal Justice Act 1988 (abolition of requirement of corroboration for unsworn evidence of children), subsection (1) shall cease to have effect and, in subsection (3), for the words “section 38 of the ^{M24}Children and Young Persons Act 1933” there shall be substituted the words “section 52 of the Criminal Justice Act 1991”.

Commencement Information

I95 Sch. 11 para. 37 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Marginal Citations

M24 1933 c. 12.

Road Traffic Offenders Act 1988 (c.53)

- F175³⁸

Textual Amendments

F175 Sch. 11 para. 38 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Extradition Act 1989 (c.33)

- F176³⁹

Textual Amendments

F176 Sch. 11 para. 39 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

References to juvenile courts

- 40 (1) Without prejudice to the generality of section 70(2) of this Act, in the enactments specified in sub-paragraph (2) below, for the words “juvenile court” or “juvenile

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courts”, in each place where they occur, there shall be substituted the words “youth court” or, as the case may require, “youth courts”.

- (2) The enactments referred to in sub-paragraph (1) above are as follows—
- (a) in the 1933 Act, sections 45 to 49^{F177} . . . and 108(4)^{F178} . . . ;
 - (b) in the^{M25} Education Act 1944, section 40;
 - (c) in the^{M26} Children Act 1948, section 4B;
 - (d) in the^{M27} Adoption Act 1958, sections 43, 47 and 48;
 - (e) in the^{M28} Children and Young Persons Act 1963, sections 3, 18, 23, 26, 28, 29 and 57;
 - (f) in the^{M29} Administration of Justice Act 1964, section 12;
 - (g) in the 1969 Act, sections 1 to 3,^{F179} . . . 10,^{F179} . . . 20A to 22 and 70(1) and Schedule 4;
 - (h) in the^{M30} Criminal Justice Act 1972, section 51(1);
 - ^{F180}(i)
 - (j) in the^{M31} Adoption Act 1976, sections 34 and 37;
 - (k) in the 1979 Act, sections^{F181} . . . 38(2) and 58(1) and (5);
 - (l) in the^{M32} Child Care Act 1980, sections 5 to 7, 12C to 12E, 21A, 67 and 79(2);
 - (m) in the^{M33} Foster Children Act 1980, sections 11(1), 12(1) and 14;
 - (n) in the 1980 Act, sections 12(1), 29, 104 and 146;
 - (o) in the 1982 Act,^{F182} . . . in Schedule 3, the entry relating to section 49(2) of the 1933 Act;
 - (p) in the^{M34} Administration of Justice Act 1985, section 61;
 - ^{F183}(q)
 - (r) in the^{M35} Children Act 1989, section 90(1) and Schedule 14.

Textual Amendments

- F177** Word in Sch. 11 para. 40(2)(a) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)
- F178** Words in Sch. 11 para. 40(2)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910 {art. 3(aa)}
- F179** Words in Sch. 11 para. 40(2)(g) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)
- F180** Sch. 11 para. 40(2)(i) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)
- F181** Words in Sch. 11 para. 40(2)(k) repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt. II; S.I. 1995/685, arts. 4(n), 8(x)
- F182** Words in Sch. 11 para. 40(2)(o) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)
- F183** Sch. 11 para. 40(2)(q) repealed (2.4.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 3(b) (with transitional provisions and savings in Sch. 2 para. 2)

Commencement Information

- I96** Sch. 11 para. 40 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Status: Point in time view as at 01/04/2005.

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Marginal Citations

- M25** 1944 c. 31.
- M26** 1948 c. 43.
- M27** 1958 c. 5.
- M28** 1963 c. 37.
- M29** 1964 c. 42.
- M30** 1972 c. 71.
- M31** 1976 c. 36.
- M32** 1980 c. 5.
- M33** 1980 c. 6.
- M34** 1985 c. 61.
- M35** 1989 c. 41.

References to juvenile court panels

- 41 (1) Without prejudice to the generality of section 70(2) of this Act, in the enactments specified in sub-paragraph (2) below, for the words “juvenile court panel” or “juvenile court panels”, in each place where they occur, there shall be substituted the words “youth court panel” or, as the case may require, “youth court panels”.
- (2) The enactments referred to in sub-paragraph (1) above are as follows—
- (a) ^{F184}
 - (b) in the 1973 Act, in Schedule 3, paragraph 2(3);
 - ^{F185}(c)
 - (d) in the ^{M36}Child Care Act 1980, section 12E(5); and
 - (e) ^{F186}

Textual Amendments

- F184** Sch. 11 para. 41(2)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910 {art. 3(aa)}
- F185** Sch. 11 para. 41(2)(c) repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt.II; S.I. 1995/685, art. 4(n), 8(x).
- F186** Sch. 11 para. 41(2)(e) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910 {art. 3(aa)}

Commencement Information

- I97** Sch. 11 para. 41 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Marginal Citations

- M36** 1980 c. 5.

Status: Point in time view as at 01/04/2005.

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SCHEDULE 12

Section 101(1).

TRANSITIONAL PROVISIONS AND SAVINGS

Commencement Information

198 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

F187₁

Textual Amendments

F187 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)

F188₂

Textual Amendments

F188 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)

F189₃

Textual Amendments

F189 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)

F190₄

Textual Amendments

F190 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

F191₅

Textual Amendments

F191 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)

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Financial penalties

F192⁶

Textual Amendments

F192 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)

[^{F193}6A Section 17 of this Act shall not apply in relation to offences committed before the commencement of that section.]

Textual Amendments

F193 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

I99 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

- 8 (1) In this paragraph and paragraphs 9 to 11 below—
“existing licensee” means any person who, before the commencement of Part II of this Act, has been released on licence under section 60 of the 1967 Act and whose licence under that section is in force at that commencement;
“existing prisoner” means any person who, at that commencement, is serving a custodial sentence;
and sub-paragraphs (2) to (7) below shall have effect subject to those paragraphs.
- (2) Subject to sub-paragraphs (3) to (7) below, Part II of this Act shall apply in relation to an existing licensee as it applies in relation to a person who is released on licence under that Part; and in its application to an existing prisoner, or to an existing licensee who is recalled under section 39 of this Act, that Part shall apply with the modifications made by those sub-paragraphs.
- ^{F194}(3)
- (4) In relation to an existing prisoner whose sentence is for a term of twelve months, section 33(1) of this Act shall apply as if that sentence were for a term of less than twelve months.
- (5) In relation to an existing prisoner or licensee whose sentence is for a term of —
(a) more than twelve months; and
(b) less than four years or, as the case may require, such other period as may for the time being be referred to in section 33(5) of this Act,

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Part II of this Act shall apply as if he were or had been a long-term rather than a short-term prisoner.

- (6) In relation to an existing prisoner or licensee whose sentence is for a term of more than twelve months—
- (a) section 35(1) of this Act shall apply as if the reference to one half of his sentence were a reference to one-third of that sentence or six months, whichever is the longer; and
 - (b) sections 33(3) and 37(1) of this Act shall apply as if the reference to three-quarters of his sentence were a reference to two-thirds of that sentence.
- (7) In relation to an existing prisoner or licensee—
- (a) whose sentence is for a term of more than twelve months; and
 - (b) whose case falls within such class of cases as the Secretary of State may determine after consultation with the Parole Board,
- section 35(1) of this Act shall apply as if the reference to a recommendation by the Board included a reference to a recommendation by a local review committee established under section 59(6) of the 1967 Act.
- (8) In this paragraph “custodial sentence” means—
- (a) a sentence of imprisonment;
 - (b) a sentence of detention in a young offender institution;
 - (c) a sentence of detention (whether during Her Majesty’s pleasure, for life or for a determinate term) under section 53 of the 1933 Act; or
 - (d) a sentence of custody for life under section 8 of the 1982 Act.

Textual Amendments

F194 Sch. 12 para. 8(3) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Modifications etc. (not altering text)

C13 Sch. 12 para. 8 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8, 9(2)(4), Sch. 5 paras. 9(1)(a)(b)(2)(a)(b), **10(1)(b)(c)(2)(a)(b)**; S.I. 1997/2200, **art. 2(1)(n)**.

Commencement Information

I100 Sch. 12 para. 8 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

- 9 (1) This paragraph applies where, in the case of an existing life prisoner, the Secretary of State certifies his opinion that, if—
- (a) section 34 of this Act had been in force at the time when he was sentenced; and
 - (b) the reference in subsection (1)(a) of that section to a violent or sexual offence the sentence for which is not fixed by law were a reference to any offence the sentence for which is not so fixed,
- the court by which he was sentenced would have ordered that that section should apply to him as soon as he had served a part of his sentence specified in the certificate.
- (2) In a case to which this paragraph applies, Part II of this Act except section 35(2) shall apply as if—

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- (a) the existing life prisoner were a discretionary life prisoner for the purposes of that Part; and
 - (b) the relevant part of his sentence within the meaning of section 34 of this Act were the part specified in the certificate. [^{F195}and
 - (c) in section 34 of this Act, paragraph (a) of subsection (6) and subsection (6A) were omitted.]
- (3) In this paragraph “existing life prisoner” means a person who, at the commencement of Part II of this Act, is serving one or more of the following sentences, namely—
- (a) a sentence of life imprisonment;
 - (b) a sentence of detention during her Majesty’s pleasure or for life under section 53 of the 1933 Act; or
 - (c) a sentence of custody for life under section 8 of the 1982 Act.
- (4) A person serving two or more such sentences shall not be treated as a discretionary life prisoner for the purposes of Part II of this Act unless the requirements of subparagraph (1) above are satisfied as respects each of those sentences; and subsections (3) and (5) of section 34 of this Act shall not apply in relation to such a person until after he has served the relevant part of each of those sentences.

Textual Amendments

F195 Sch. 12 para. 9(2)(c) and the word “and” immediately preceding it inserted (3.11.1994) by 1994 c. 33, s. 168(1), **Sch. 9 para. 46(2)**.

Modifications etc. (not altering text)

C14 Sch. 12 para. 9 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8, 9(2), Sch. 5 paras. 9(2)(a)(b), **10(2)(a)(b)**; S.I. 1997/2200, **art. 2(1)(n)**.

Commencement Information

I101 Sch. 12 para. 9 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**, **Sch. 2**.

- 10 Prison rules made by virtue of section 42 of this Act may include provision for applying any provisions of Part II of this Act, in relation to any existing prisoner or licensee who has forfeited any remission of his sentence, as if he had been awarded such number of additional days as may be determined by or under the rules.

Modifications etc. (not altering text)

C15 Sch. 12 para. 10-13 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

I102 Sch. 12 para. 10 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**, **Sch. 2**.

Early release of young persons detained under 1933 Act

- 11 In relation to an existing prisoner or licensee whose sentence is a determinate sentence of detention under section 53 of the 1933 Act—
- (a) Part II of this Act shall apply as if he were or had been a life rather than a long-term or short-term prisoner;

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- (b) section 35(2) of this Act shall apply as if the requirement as to consultation were omitted; and
- (c) section 37(3) of this Act shall apply as if the reference to his death were a reference to the date on which he would (but for his release) have served the whole of his sentence.

Modifications etc. (not altering text)

C16 Sch. 12 para. 10-13 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

I103 Sch. 12 para. 11 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Early release of prisoners serving extended sentences

- 12 (1) In relation to an existing prisoner or licensee on the passing of whose sentence an extended sentence certificate was issued—
- (a) section 33(3) of this Act shall apply as if the duty to release him unconditionally were a duty to release him on licence; and
 - (b) section 37(1) of this Act shall apply as if the reference to three-quarters of his sentence were a reference to the whole of that sentence.
- (2) In this paragraph “extended sentence certificate” means a certificate issued under section 28 of the 1973 Act stating that an extended term of imprisonment was imposed on an offender under that section.

Modifications etc. (not altering text)

C17 Sch. 12 para. 10-13 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

I104 Sch. 12 para. 12 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Early release of fine defaulters and contemnors

- 13 Part II of this Act shall apply in relation to any person who, before the commencement of that Part, has been committed to prison or to be detained under section 9 of the 1982 Act—
- (a) in default of payment of a sum adjudged to be paid by a conviction; or
 - (b) for contempt of court or any kindred offence,
- as it applies in relation to any person who is so committed after that commencement.

Modifications etc. (not altering text)

C18 Sch. 12 para. 10-13 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)**.

Status: Point in time view as at 01/04/2005.

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Commencement Information

I105 Sch. 12 para. 13 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Responsibilities of parent or guardian

F196 14

Textual Amendments

F196 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;
 - “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

I106 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.

Status: Point in time view as at 01/04/2005.

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- (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

I107 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. 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

F197 17

Textual Amendments

F197 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

I108 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)

C19 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

I109 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

F198 20

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Textual Amendments

F198 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

F199²¹

Textual Amendments

F199 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.
- (2) Paragraph 5 of that Schedule shall apply in relation to any sentence imposed on any person who was convicted before that commencement and was aged 17 at the date of his conviction.

Commencement Information

I110 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

I111 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.

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Commencement Information

I112 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.

SCHEDULE 13

Section 101(2).

REPEALS

Extent Information

E4 Schedule 13 extends to England and Wales only except as mentioned in s. 102(5) - (8).

Commencement Information

I113 Sch. 13 partly in force; Sch. 13 in force so far as relating to the repeal of s. 11 of the Metropolitan Police Act 1839 (2 & 3 Vict. c. 47) see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3; Sch 13 in force at 1.10.1992 (except in so far as it relates to s. 67(6) of the Criminal Justice Act 1967 (c. 80)) see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.; Sch. 13 in force (so far as it relates to 1999 c. 80, s. 67(6) (1.6.1999) by S.I. 1999/1280, art. 3, Sch.

Sch. 13, so far as it relates to s. 67(6) of the Criminal Justice Act 1967 (c. 80), 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) was revoked (1.6.1999) by S.I. 1999/1280, art. 2

Chapter	Short title	Extent of repeal
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839.	Section 11.
23 & 24 Geo. 5 c. 12.	The Children and Young Persons Act 1933.	Section 34(1).Section 38(1).
15 & 16 Geo. 6 & 1 Eliz. 2 c. 52.	The Prison Act 1952.	Section 25.
3 & 4 Eliz. 2 c. 18.	The Army Act 1955.	In section 71AA(1), the words “subject to subsection (1A) below” and “being not less than 21 days and”.Section 71AA(1A).Section 93(2A).
3 & 4 Eliz. 2 c. 19.	The Air Force Act 1955.	In section 71AA(1), the words “subject to subsection (1A) below” and “being not less than 21 days and”.Section 71AA(1A).Section 93(2A).
5 & 6 Eliz. 2 c. 53.	The Naval Discipline Act 1957.	In section 43AA(1), the words “subject to subsection (1A) below” and “being not less than

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		21 days and”.Section 43AA(1A).Section 60(3A).
1967 c. 80.	The Criminal Justice Act 1967.	Sections 59 to 64.In section 67(6), the words “remanded or”, in the first place where they occur, and the words “section 23 of the Children and Young Persons Act 1969 or”.Schedule 2.
1968 c. 19.	The Criminal Appeal Act 1968.	In section 50(1A), the words “a probation order or”.
1968 c. 49.	The Social Work (Scotland) Act 1968.	In section 72, in subsection (1A), paragraph (a) and the word “and” immediately following that paragraph, and subsection (4).
1968 c. 64.	The Civil Evidence Act 1968.	In section 11(5)(a), the words “probation or”.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 3, the words “disregarding section 4 of this Act”, in each place where they occur.Section 4.In section 5, subsections (1) to (7) and, in subsection (9), the definitions of “qualified informant” and “designated”.In section 7, in subsection (7), the words “is found guilty of homicide” and paragraph (c), and subsections (7B) and (7C).Section 8.Section 10(1)(a).In section 12AA, subsections (7), (8) and (12).In section 34(1), in paragraph (a), the word “4,” and paragraph (b).In Schedule 4, paragraphs 2 and 3.
1971 c. 10.	The Vehicles (Excise) Act 1971.	In section 9(5), the words “placing him on probation or”.
1971 c. 23.	The Courts Act 1971.	In Schedule 8, in paragraph 57(1)(a), the reference to subsection (2) of section 10.
1972 c. 19.	The Criminal Justice Act 1972.	Section 35.

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1973 c. 62.	The Powers of Criminal Courts Act 1973.	Sections 5 to 10. Section 13. In section 14, in subsection (1), the words “instead of dealing with him in any other way” and, in subsection (3), the words “(i) or (ii)”. Sections 16 to 17C. Sections 20 and 20A. Sections 28 and 29. In section 30(1), the words “(such as the power to make a probation order)”. In section 42(2)(a), the words from “subject to” to “twelve months”. Section 45. Section 48. In section 57(1), the definition of “supervising court”. Schedule 1. In Schedule 3, in paragraph 2(2)(a), the word “several”.
1974 c. 53.	The Rehabilitation of Offenders Act 1974.	In section 1(4), the words “put on probation or”.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In section 403, the proviso to subsection (4) and, in subsection (6), the words “the proviso to subsection (4) of this section shall not apply, but”. In Schedule 9, paragraph 50.
1976 c. 63.	The Bail Act 1976.	In Schedule 1, in paragraph 8(1), the words from “or, in the case” to the end.
1977 c. 45.	The Criminal Law Act 1977.	Section 47. In Schedule 12, in the entry relating to the Children and Young Persons Act 1969, paragraph 3.
1980 c. 43.	The Magistrates’ Courts Act 1980.	In section 24(4), the words from “but this subsection” to the end. Section 35. In section 36(2), the words from “but this subsection” to the end. Section 103(3)(a). Section 37(1A). In section 108(1A), the words “ a probation order or”. Section 143(2)(i). In Schedule 3, paragraph 5.
1982 c. 48.	The Criminal Justice Act 1982.	In section 1, subsections (3) to (4A). In section 1A(3), the words “and section 1B(3) below”. In section 1B, subsections (1) and

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		(3).Section 2.Section 15.Section 17(3).In section 18(6)(b), the words from the beginning to “residence”.Section 33.In section 48, subsections (1)(c) and (2).Section 62.Schedule 5.In Schedule 11, paragraph 6(a) (v).In Schedule 13, Part I.In Schedule 14, paragraphs 23(a), 25 and 32.
1983 c. 20.	The Mental Health Act 1983.	In section 50(3), the words from “and that period” to the end.
1984 c.60.	The Police and Criminal Evidence Act 1984.	In section 37, subsections (11) to (14).
1988 c. 33.	The Criminal Justice Act 1988.	Section 34(1).In section 123, subsections (2) and (3).Section 131(2).In Schedule 8, in paragraph 3(1)(c), the words “1(3) and”.In Schedule 10, in Part II, the words “section 15(1)”, “section 15(1) and (5) and” and “section 15(1) (a) and”, and Part III.In Schedule 15, paragraph 22(1).In Schedule 16, the entry relating to section 41(8) of the Administration of Justice Act 1970.
1988 c. 38.	The Legal Aid Act 1988.	In section 20(4), the word “or” immediately following paragraph (b).
1988 c. 53.	The Road Traffic Offenders Act 1988.	In section 46, in subsections (1) and (2), the words “placed on probation or”.
1989 c. 41.	The Children Act 1989.	In Schedule 12, paragraphs 21 and 24.In Schedule 13, paragraph 53(1).
1989 c. 42.	The Local Government and Housing Act 1989.	Section 189.
1991 c. 62.	The Armed Forces Act 1991.	In section 3(1), the words from “and after the words” to the end.In section 5, subsections (2)(b) and (9).In Schedule 2, paragraph 3.

Status:

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