

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

GENERAL

Crime (Sentences) Act 1997 (c. 43)

- 135 The Crime (Sentences) Act 1997 is amended as follows.
- 136 In section 28 (duty to release certain life prisoners)—
- (a) for the words from the beginning to the end of subsection (5)(a) there is substituted—
 - “(1A) In this Chapter—
 - (a) references to a life prisoner to whom this section applies are references to a life prisoner in respect of whom an order has been made under subsection (2) of section 82A of the Powers of Criminal Courts (Sentencing) Act 2000 or a direction under subsection (5) of that section has been given or will be required to be given at the appropriate stage; and
 - (b) references to the relevant part of his sentence are references to the part of his sentence specified in the order or direction or, in the case of a life prisoner in respect of whom a direction under subsection (5) of that section has not been given but will be required to be given at the appropriate stage, the whole of his sentence,and in this section “appropriate stage”, in relation to such a direction, has the same meaning as in subsection (6) of that section.
 - (1B) But if a life prisoner is serving two or more life sentences—
 - (a) he is not to be treated for the purposes of this Chapter as a life prisoner to whom this section applies unless such an order or direction has been made or given in respect of each of those sentences or such a direction will be required to be given at the appropriate stage; and
 - (b) the provisions of subsections (5) to (8) below do not apply in relation to him until he has served the relevant part of each of them.
- (5) As soon as—

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- (a) a life prisoner to whom this section applies has served the relevant part of his sentence”,
 - (b) subsection (9) is omitted.
- 137 In section 33 (life prisoners transferred to England and Wales)—
- (a) for “section 28” (in subsections (1) and (2)) there is substituted “the provisions of section 28(5) to (8)”,
 - (b) in subsection (5), for “subsections (5) and (7) of section 28” there is substituted “the provisions of section 28(5) to (8)”.
- 138 In section 34(1) (interpretation), the words following the first mention of “sentences” are omitted.
- 139 In section 35 (fine defaulters: general)—
- (a) in subsection (1)(b), for “21” there is substituted “18”,
 - (b) in subsections (5)(c) and (8)(a), for “4(1)(d)” there is substituted “4(1C)(d)”.
- 140 In section 40(1)(b) (fine defaulters), for “21” there is substituted “18”.
- 141 In section 54(1) (general interpretation), at the appropriate place there is inserted—
- ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.
- 142 In section 57(8) (extent), at the end there is inserted—
- “or the extent of Chapter II of Part II so far as it relates to sentences passed by a court-martial”,
- and Chapter II of Part II of that Act is to be treated as always having had effect as amended by this paragraph.
- 143 In Schedule 1 (transfer of prisoners within the British Islands), in each of paragraphs 8(5) and 11(6), in the table, for “Probation officer” there is substituted “Officer of a local probation board”.
- 144 In Schedule 5 (transitional provisions and savings), paragraph 5(1) is omitted.
- 145 Paragraphs 135 to 138 and 144 above have effect in relation to life sentences passed after commencement.
- 146 Paragraph 147 below applies where a person serving any life sentence passed after commencement—
- (a) is also serving a life sentence passed before commencement, or
 - (b) by reason of any sentence passed before commencement, is a transferred life prisoner within the meaning of section 33,
- and the sentences referred to in paragraphs (a) and (b) are referred to in paragraph 147 below as pre-commencement life sentences.
- 147 Section 28(1B) is to have effect as if—
- (a) any reference to a life sentence included a pre-commencement life sentence,
 - (b) any reference to an order or direction in relation to such a life sentence were to—
 - (i) an order under section 28(2)(b) or a direction under section 28(4) (as originally enacted), or

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- (ii) a certificate under section 33,
 - (c) any reference to the relevant part of such a life sentence were to the part specified in the order, direction or certificate (as the case may be) relating to that sentence.
- 148 In paragraphs 145 and 146 above, “commencement” means the coming into force of section 60 of this Act and “life sentence” has the same meaning as in Chapter II of Part II of that Act.