



Criminal Justice and Courts Services Act 2000

2000 CHAPTER 43

PART II

PROTECTION OF CHILDREN

Disqualification orders

30 Sections 28 and 29: supplemental

(1) In sections 28 and 29 and this section—

“guardianship order” means a guardianship order within the meaning of the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957 or the Mental Health Act 1983,

“qualifying sentence” means—

- (a) a sentence of imprisonment for a term of 12 months or more,
- (b) a sentence of detention in a young offender institution for a term of 12 months or more,
- (c) a sentence of detention during Her Majesty’s pleasure,
- (d) a sentence of detention for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences),
- (e) a detention and training order for a term of 12 months or more,
- (f) a sentence of detention for a term of 12 months or more imposed by a court-martial or the Courts-Martial Appeal Court,
- (g) a hospital order within the meaning of the Mental Health Act 1983, or
- (h) a guardianship order,

“relevant order” means—

Status: This is the original version (as it was originally enacted).

- (a) an order made by the Crown Court, the Court of Appeal, a court-martial or the Courts-Martial Appeal Court that the individual in question be admitted to hospital, or
 - (b) a guardianship order,

“senior court” means the Crown Court, the Court of Appeal, a court-martial or the Courts-Martial Appeal Court.
- (2) The reference to detention in paragraph (f) of the above definition of “qualifying sentence” includes a reference to detention by virtue of a custodial order under—
 - (a) section 71AA of, or paragraph 10 of Schedule 5A to, the Army Act 1955,
 - (b) section 71AA of, or paragraph 10 of Schedule 5A to, the Air Force Act 1955,
 - (c) section 43AA of, or paragraph 10 of Schedule 4A to, the Naval Discipline Act 1957.
- (3) In this Part, references to a sentence of imprisonment, or to a sentence of detention imposed by a court-martial or the Courts-Martial Appeal Court, include references to a suspended sentence.
- (4) If, for the purpose of making an order under section 28 or 29, the court determines, after considering any available evidence, that an individual was, or was not, under the age of 18 at the time when the offence in question was committed, his age at that time shall be taken, for the purposes of that sections (and in particular for the purpose of determining any question as to the validity of the order), to be that which the court determined it to be.
- (5) Below in this Part—
 - (a) references to a disqualification order are to an order under section 28 or 29,
 - (b) in relation to an individual on whom a sentence has been passed, or in relation to whom an order has been made, as mentioned in subsection (2) or (3) of section 28 or 29, references to his sentence are to that sentence or order.