

Status: Point in time view as at 01/12/2020.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Crime (Sentences) Act 1997 (c. 43) is up to date with all changes known to be in force on or before 07 September 2023. 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

SCHEDULE 9

CONSEQUENTIAL AMENDMENTS

Crime (Sentences) Act 1997 (c. 43)

^{F1}182

Textual Amendments

F1 Sch. 9 para. 182 repealed (30.11.2000 with effect as mentioned in 2000 c. 43, s. 75, **Sch. 8** Note (b) of the repealing Act) by 2000 c. 43, ss. 74, 75, 80(3), **Sch. 7 Pt. II** para. 203(3), **Sch. 8**

183 (1) Section 34 of the Crime (Sentences) Act 1997 (interpretation of Chapter II of Part II) shall be amended as follows.

(2) In subsection (2)—

- (a) for “section 53 of the 1933 Act” there shall be substituted “ section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
- (b) for “section 8 of the 1982 Act” there shall be substituted “ section 93 or 94 of that Act ”.

^{F2}(3)

Textual Amendments

F2 Sch. 9 para. 183(3) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

184 (1) Section 35 of the Crime (Sentences) Act 1997 (community orders for fine defaulters) shall be amended as follows.

^{F3}(2)

(3) For subsections (4) and (5) there shall be substituted the following subsections—

“(4) Section 46(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (community service orders) shall apply for the purposes of subsection (2)(a) above as if for the words from the beginning to “make” there were substituted “Where section 35(2) of the Crime (Sentences) Act 1997 applies, the court may make in respect of the offender”; and—

- (a) section 46(3) and (4) of that Act, and
- (b) so far as applicable, the following provisions of section 46 of that Act and the other provisions of Part IV of that Act relating to community service orders,

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have effect in relation to a community service order made by virtue of this section as they have effect in relation to any community service order made under that Act, subject to the exceptions in subsection (5) below.

(5) The following are the exceptions, namely—

- (a) the reference in section 46(3)(a) of that Act to 40 hours shall be construed as a reference to 20 hours;
- (b) section 46(8) of that Act shall not apply;
- (c) the power conferred by paragraph 4(1)(d) of Schedule 3 to that Act shall be construed as a power to revoke the order or deal with the person in respect of whom the order was made for his default in paying the sum in question or do both of those things;
- (d) paragraph 4(2)(a) and (3) of that Schedule shall not apply;
- (e) the reference in paragraph 10(1)(b) of that Schedule to the offence in respect of which the order was made shall be construed as a reference to the default in respect of which the order was made;
- (f) the power conferred by paragraph 10(3)(b) of that Schedule to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question; and
- (g) paragraph 11(2)(b) of that Schedule shall not apply.”

(4) For subsections (7) and (8) there shall be substituted the following subsections—

“(7) Section 37(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (curfew orders) shall apply for the purposes of subsection (2)(b) above as if for the words from the beginning to “make” there were substituted “Where section 35(2) of the Crime (Sentences) Act 1997 applies, the court may make in respect of the offender”; and—

- (a) section 37(3), (5) to (8) and (10) to (12) of that Act, and
- (b) so far as applicable, the other provisions of Part IV of that Act relating to curfew orders,

have effect in relation to a curfew order made by virtue of this section as they have effect in relation to any curfew order made under that Act, subject to the exceptions in subsection (8) below.

(8) The following are the exceptions, namely—

- (a) the power conferred by paragraph 4(1)(d) of Schedule 3 to that Act shall be construed as a power to revoke the order or deal with the person in respect of whom the order was made for his default in paying the sum in question or do both of those things;
- (b) paragraph 4(2)(a) and (3) of that Schedule shall not apply;
- (c) the reference in paragraph 10(1)(b) of that Schedule to the offence in respect of which the order was made shall be construed as a reference to the default in respect of which the order was made;
- (d) the power conferred by paragraph 10(3)(b) of that Schedule to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question; and

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(e) paragraph 11(2)(b) of that Schedule shall not apply.”

(5) After subsection (12) there shall be inserted the following subsection—

“(12A) Sections 35 and 36 of the Powers of Criminal Courts (Sentencing) Act 2000 (restrictions and procedural requirements for community sentences) do not apply in relation to an order under subsection (2)(a) or (b) above.”

Textual Amendments

F3 Sch. 9 para. 184(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

185 (1) Section 40 of the Crime (Sentences) Act 1997 (driving disqualifications for fine defaulters) shall be amended as follows.

^{F4}(2)

(3) For subsection (6) there shall be substituted the following subsections—

“(6) A court which makes an order under this section disqualifying a person for holding or obtaining a driving licence shall require him to produce any such licence held by him together with its counterpart.

(7) In this section—

“driving licence” means a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988;

“counterpart”, in relation to a driving licence, has the meaning given in relation to such a licence by section 108(1) of that Act.”

Textual Amendments

F4 Sch. 9 para. 185(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

186 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British islands) shall be amended as follows.

^{F5}(2)

^{F6}(3)

^{F6}(4)

(5) In paragraph 20(1), in the definition of “sentence of imprisonment”, for “section 8 of the 1982 Act” there shall be substituted “section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000”.

Textual Amendments

F5 Sch. 9 para. 186(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with s. 413(4)(5), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F6 Sch. 9 para. 186(3)(4) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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^{F7}187

Textual Amendments

F7 Sch. 9 para. 187 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

^{F8}188

Textual Amendments

F8 Sch. 9 para. 188 repealed (30.11.2000 with effect as mentioned in [2000 c. 43](#), s. 75, **Sch. 8** Note (b) of the repealing Act) by [2000 c. 43](#), ss. 74, 75, 80(1), [Sch. 7 Pt. II para. 203\(3\)](#), **Sch. 8**

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