

SCHEDULES

SCHEDULE 22

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART 5

MISCELLANEOUS

Treatment of convictions in other member States etc

- 40 No provision of paragraph 1, 2 or 13 to 18 of Schedule 17 has effect in relation to trials or hearings begun before the commencement of that provision.
- 41 (1) No provision of paragraph 6, 8, 10 or 12 of that Schedule has effect in relation to any sentence passed in relation to a conviction for an offence committed before the coming into force of that provision.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.
- 42 (1) No provision of paragraph 7, 9 or 11 of that Schedule has effect in relation to any sentence passed in relation to a conviction for a service offence committed before the coming into force of that provision.
- (2) Where a service offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.
- (3) For the purposes of this paragraph—
- (a) “service offence” has the meaning given in section 50(2) of the [Armed Forces Act 2006 \(c. 52\)](#), and
- (b) subsections (1) to (3) of section 376 of that Act apply as they apply in relation to that Act.

Transfer of functions to Parole Board

- 43 (1) Except as provided by this paragraph—
- (a) section 37(5A) of the 1991 Act (as inserted by section 145(3)(b) of this Act) applies to prisoners released on licence under section 35(1) of that Act before (as well as after) commencement, and
- (b) the repeal by this Act of section 37(5) and (6) of that Act applies to such prisoners and to prisoners released on licence under section 33(2), (3) or (3A) of that Act before (as well as after) commencement.

Status: This is the original version (as it was originally enacted).

- (2) The repeal by this Act of section 37(5) of the 1991 Act does not affect its continued application to a prisoner where—
- (a) the prisoner is released on licence after commencement under section 33(2), (3) or (3A) or 35(1) of that Act, but
 - (b) the Parole Board has before commencement exercised the function under section 37(5) of that Act of making recommendations as to any condition to be included or inserted as a condition in the prisoner’s licence (including by making a recommendation that no condition should be included in that licence).
- (3) The repeal by this Act of section 37(5) of the 1991 Act does not affect its continued application to a prisoner where, before commencement—
- (a) the prisoner has been released on licence under section 33(2), (3) or (3A) or 35(1) of that Act, and
 - (b) the Parole Board has exercised the function under section 37(5) of that Act of—
 - (i) making recommendations as to the inclusion or insertion of a condition in the prisoner’s licence (including by making a recommendation that no condition should be included in that licence), or
 - (ii) making recommendations as to the variation or cancellation of any such condition (including a recommendation that the condition should not be varied or cancelled).
- (4) Nothing in this paragraph applies to a person whose licence has, before commencement, ceased to be in force by virtue of section 37(1) of the 1991 Act.
- (5) In this paragraph—
- (a) “commencement” means the commencement of section 145(3);
 - (b) “the 1991 Act” means the [Criminal Justice Act 1991 \(c. 53\)](#) (as it continues to apply to persons sentenced for offences committed before 4 April 2005);
 - (c) the reference in sub-paragraph (1)(a) to section 35(1) of the 1991 Act includes a reference to that provision as modified (for certain long-term prisoners) by the Parole Board (Transfer of Functions) Order 1998 ([S.I. 1998/3218](#));
 - (d) the references in sub-paragraphs (2)(a) and (3)(a) to section 35(1) are to that provision as so modified;
 - (e) the references in sub-paragraphs (2) and (3) to section 37(5) of the 1991 Act are to that provision as so modified.

Knives in court buildings etc

- 44 (1) No provision of section 146 has effect in relation to property which was surrendered or seized before the coming into force of that provision.
- (2) No provision of section 147 has effect in relation to property which was surrendered or seized before the coming into force of that provision.

Criminal memoirs etc

- 45 Until both sections 22(1) and 27(1) of the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#) come into force the reference in section 161(3)(b) to the Advocate General for

Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.

Assessment notices

- 46 Until paragraph 8 of Schedule 4 to the [Courts Act 2003 \(c. 39\)](#) comes into force paragraph 1(1A) of Schedule 9 to the [Data Protection Act 1998 \(c. 29\)](#) (as inserted by paragraph 14(2) of Schedule 20 to this Act) has effect as if the words “or a District Judge (Magistrates’ Courts)” were omitted.

Assessment of dangerousness and service offences

- 47 Nothing in paragraph 95 of Schedule 21 has effect in relation to any person sentenced under section 225, 226, 227 or 228 of the [Criminal Justice Act 2003 \(c. 44\)](#) before the passing of this Act.