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STATUTORY INSTRUMENTS

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**1998 No. 2327**

**The Crime and Disorder Act 1998 (Commencement  
No. 2 and Transitional Provisions) Order 1998**

5.—(1) In relation to any time before the commencement of sections 38 to 40 of the 1998 Act in an area not specified in Schedule 1 to this Order—

- (a) subsection (4A) of section 37 of the 1991 Act (as inserted by paragraph 83(5) of Schedule 8 to the 1998 Act) shall have effect as if paragraph (b) of that subsection and the word “or” immediately preceding it were omitted; and
- (b) section 31(6) of the 1997 Act (as amended by paragraph 131(3) of Schedule 8 to the 1998 Act) shall have effect as if the words “and for the words “the words in parentheses” there shall be substituted the words “subsection (2A) above”” were omitted.

(2) In relation to any time before the commencement of sections 75 to 77 of the 1998 Act—

- (a) section 55(1A)(d) of the 1933 Act (as inserted by paragraph 2 of Schedule 8 to the 1998 Act) shall have effect as if the words “section 77(3) of the Crime and Disorder Act 1998 (breach of requirements of supervision under detention and training order) or” were omitted;
- (b) section 31(1) of the 1991 Act (as amended by paragraph 78(a) and (c) of Schedule 8 to the 1998 Act) shall have effect as if the definition of a detention and training order were omitted;
- (c) paragraphs 8(2) and 9(2) of Schedule 1 to the 1997 Act (as amended by paragraph 135(3) (a) and (4)(b) of Schedule 8 to the 1998 Act) shall have effect as if the words “and sections 75 to 77 of the Crime and Disorder Act 1998” were omitted; and
- (d) paragraphs 8(4) and 9(4) of Schedule 1 to the 1997 Act (as amended by paragraphs 135(3) (b) and (4)(c) of Schedule 8 to the 1998 Act) shall have effect as if the words “and sections 76 and 77 of the Crime and Disorder Act 1998” were omitted.

(3) In relation to any time before the commencement of sections 99 and 100 of the 1998 Act—

- (a) section 2(4)(b)(i) of the Repatriation of Prisoners Act 1984(1) (as substituted by paragraph 56 of Schedule 8 to the 1998 Act) shall have effect as if the words “, 33A(2), 34A(3)” were omitted;
- (b) paragraph 2(4) of Schedule 2 to the Repatriation of Prisoners Act 1984 (as substituted by paragraphs 58(2) and 59(3) of Schedule 8 to the 1998 Act) shall have effect as if the words “ 33A(2), 34A(3),” were omitted;
- (c) section 33A of the 1991 Act (as inserted by paragraph 81 of Schedule 8 to the 1998 Act) shall have effect as if—
  - (i) in subsection (1)(b), the words “34A(3) or” were omitted;
  - (ii) in subsection (1)(b), the words “38A(1) or” or, as that subsection has effect by virtue of paragraph 12(4) of Schedule 9 to the 1998 Act, “or 38A(1)” were omitted; and
  - (iii) subsection (2) were omitted;

- (d) section 37 of the 1991 Act (as amended by paragraph 83(1)(a) and (4) to (6) of Schedule 8 to the 1998 Act) shall have effect as if—
  - (i) in subsection (1), the words “, (1B)” were omitted; and
  - (ii) in subsection (4A), the words “may in the case of a person released on licence under section 34A above whose sentence is for a term of less than twelve months, and” and “in any other case,” were omitted; and
- (e) section 45 of the 1991 Act (as amended by paragraph 88(1), (2) and (3)(b) of Schedule 8 to the 1998 Act) shall have effect as if, in subsection (1), the words “34A,” were omitted.