Changes to legislation: *Criminal Justice Act 1988, Part I is up to date with all changes known to be in force on or before 17 July 2024. 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) View outstanding changes*

SCHEDULES

SCHEDULE 8

CUSTODIAL SENTENCES FOR YOUNG OFFENDERS

PART I

AMENDMENTS

General

1 In any enactment for a reference to a detention centre or to a youth custody centre or to both there shall be substituted a reference to a young offender institution.

2 In any enactment except—

(a) section 21 of the [M1]Firearms Act 1968;

(b) Schedule 1 to the [M2]Juries Act 1974;

(c) section 5 of the [M3]Rehabilitation of Offenders Act 1974; and

(d) section 17(3) of the [M4]Criminal Justice Act 1982,

for a reference (however expressed) to a detention centre order or to a sentence of youth custody or to both there shall be substituted a reference to a sentence of detention in a young offender institution.

Marginal Citations

M1 1968 c. 27.
M2 1974 c. 23.
M3 1974 c. 53.
M4 1982 c. 48.

3 (1) In any enactment except—

(a) Part II of Schedule 1 to the [M5]Juries Act 1974;

(b) section 5 of the [M6]Rehabilitation of Offenders Act 1974; and

(c) sections [F1]. . . 17(3) of the [M7]Criminal Justice Act 1982,

for a reference to a sentence of Borstal training there shall be substituted a reference to a sentence of detention in a young offender institution.

(2) In any enactment for a reference to a Borstal institution there shall be substituted a reference to a young offender institution.

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Textual Amendments

F1 Words in Sch. 8 para. 3(1)(c) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M5 1974 c. 23.
M6 1974 c. 53.
M7 1982 c. 48.

Army Act 1955 (c. 18)

Air Force Act 1955 (c. 19)

Naval Discipline Act 1957 (c. 53)

4 In subsection (6) –

(a) of section 71AA of the Army Act 1955 and the Air Force Act 1955; and

(b) of section 43AA of the Naval Discipline Act 1957,

(each of which is concerned with the making of custodial orders against young Service offenders) the following paragraph shall be substituted for paragraph (a)—

"(a) where the offender is in or removed to England or Wales, any institution in which a person sentenced to detention in a young offender institution could be detained, section 1C of the Criminal Justice Act 1982 having effect in relation to the offender as it has effect in relation to an offender sentenced to detention in a young offender institution;"

5 In sub-paragraph (6) of paragraph 10—

(a) of Schedule 5A to the Army Act 1955 and the Air Force Act 1955; and

(b) of Schedule 4A to the Naval Discipline Act 1957,

(each of which is concerned with the making of custodial orders against young civilian offenders) the following paragraph shall be substituted for paragraph (a)—

"(a) where the offender is removed to England or Wales, any institution in which a person sentenced to detention in a young offender institution could be detained, section 1C of the Criminal Justice Act 1982 having effect in relation to the offender as it has effect in relation to an offender sentenced to detention in a young offender institution;"

Firearms Act 1968 (c. 27)

6 In section 21(1) and (2) of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime) after the words "youth custody" there shall be inserted the words "or detention in a young offender institution".

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Employment Agencies Act 1973 (c. 35)

7 In section 13(7)(a)(ii) of the [M8] Employment Agencies Act 1973 for the words from "prison" to "institution", in the second place where it occurs, there shall be substituted the words "custodial sentence passed by a criminal court in the United Kingdom, the Channel Islands or the Isle of Man;".

Marginal Citations

M8 1973 c. 35.

Juries Act 1974 (c. 23)

8 [F2] . . . . . .

Textual Amendments

F2 Sch. 8 para. 8 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 10**; S.I. 2004/829, **art. 2(2)(l)(iv)** (subject to art. 2(3)-(6))

Rehabilitation of Offenders Act 1974 (c. 53)

9 In section 5 of the [M9] Rehabilitation of Offenders Act 1974 (rehabilitation periods) the words "detention in a young offender institution" shall be inserted—

(a) in subsection (1)(b), after the words "youth custody"; and

[F3](b) . . . . . .

Textual Amendments

F3 Sch. 8 para. 9(b) repealed (10.3.2014) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 25 Pt. 2** (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

Marginal Citations

M9 1974 c. 53.

Criminal Justice Act 1982 (c. 48)

10 The following paragraph shall be inserted after paragraph (b) of section 17(3) of the Criminal Justice Act 1982 (restrictions on making attendance centre orders)—

"(bb) to detention in a young offender institution".

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 36(2)(b)(v) and word inserted by 2019 c. 17 s. 13(3)(b)
- s. 36(3A)(3B) substituted for s. 36(3A) by 2008 c. 4 s. 46(2)
- s. 41(4A) inserted by 2004 c. 28 Sch. 10 para. 28
- s. 139AZA(1)(a)(iii) and word inserted by 2019 c. 17 s. 13(4)(b)