
STATUTORY INSTRUMENTS

1991 No. 2208 (C.67)

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, SCOTLAND
CRIMINAL LAW, NORTHERN IRELAND**

The Criminal Justice Act 1991
(Commencement No. 1) Order 1991

Made - - - - 2nd October 1991

In exercise of the powers conferred on me by section 102(2) and (3) of the Criminal Justice Act 1991(1), I hereby make the following Order:

1. This Order may be cited as the Criminal Justice Act 1991 (Commencement No. 1) Order 1991.

2.—(1) The provisions of the Criminal Justice Act 1991 (“the 1991 Act”) referred to in column (1) of Schedule 1 to this Order (which relate to the matters described in column (2) of that Schedule) shall come into force on 14th October 1991.

(2) Subject to paragraph (3) below, the provisions of the 1991 Act referred to in column (1) of Schedule 2 to this Order (which relate to the matters described in column (2) of that Schedule) shall come into force on 25th October 1991.

(3) Notwithstanding paragraph (2) above, section 26(3) of the 1991 Act shall not come into force in so far as it would, apart from this paragraph, have effect with respect to the penalty provided by section 10(2)(b) of the Badgers Act 1973(2) for an offence under section 9(3) of that Act (contravention of or failure to comply with terms of licence).

(4) Subject to paragraph (5) below, the provisions of the 1991 Act referred to in column (1) of Schedule 3 to this Order (which relate to the matters described in column (2) of that Schedule) shall come into force on 31st October 1991.

(5) Until such time as section 75 of the 1991 Act (which provides for the combining in one probation area of all of the petty sessions divisions of the inner London area) may be in force, the references in paragraph 3(5)(3) of Schedule 3 to the Powers of Criminal Courts Act 1973(4) to the inner London probation area shall be treated as if they were references to the inner London area.

(1) 1991 c. 53.

(2) 1973 c. 57; section 9 is amended by section 4 of the Badgers Act 1991 (c. 36).

(3) As substituted by section 94(2)(c) of the 1991 Act.

(4) 1973 c. 62.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 3.—(1) Subject to paragraphs (2) and (3) below, this Order extends to England and Wales only.
- (2) The following provisions of this Order also extend to Scotland, namely—
- (a) in Schedule 1, the bringing into force of sections 99 and 102 of the 1991 Act;
 - (b) in Schedule 3, the bringing into force of section 26(4) of the 1991 Act.
- (3) The following provisions of this Order also extend to Northern Ireland, namely, in Schedule 1, the bringing into force of sections 99 and 102 of the 1991 Act.

Home Office
2nd October 1991

Kenneth Baker
One of Her Majesty's Principal Secretaries of
State

SCHEDULE 1

Article 2(1)

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1991
COMING INTO FORCE ON 14TH OCTOBER 1991

| (1) Provisions of the Act | (2) Subject matter of provisions |
|---|--|
| Section 60(3) | Venue for secure accommodation applications for remanded juveniles |
| Section 99(1), save for the definitions of “child” and “young person” | General interpretation |
| Section 100, to the extent necessary to bring into force the provisions of Schedule 11 specified below | Minor and consequential amendments |
| Section 101(1), to the extent necessary to bring into force the provisions of Schedule 12 specified below | Transitional provisions, savings and repeals |
| Section 102, so far as not already in force | Short title, commencement and extent |
| In Schedule 11, paragraph 36 | Minor and consequential amendments: “custody” to include certain local authority accommodation |
| In Schedule 12, paragraph 23 | Transitional provisions: renaming of juvenile courts, etc. |

SCHEDULE 2

Article 2(2)

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1991
COMING INTO FORCE ON 25TH OCTOBER 1991

| (1) Provisions of the Act | (2) Subject matter of provisions |
|--|---|
| Section 26(3), to the extent specified in article 2(3) | Increase of penalties for offences under the Badgers Act 1973 |
| Section 101(1), to the extent necessary to bring into force the provisions of Schedule 12 specified below. | Transitional provisions |
| In Schedule 12, paragraph 7 | Transitional provisions: increase of certain penalties |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Article 2(4)

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1991
COMING INTO FORCE ON 31ST OCTOBER 1991

| (1) Provisions of the Act | (2) Subject matter of provisions |
|--|---|
| Section 26(4) and (5) | Alteration of certain penalties |
| Section 73 | Inspectors of probation |
| Section 74 | Default power where probation committee fails to discharge statutory duty |
| Section 80 | Arrangements for the provision of prisoner escorts |
| Section 81 | Monitoring, etc. of prisoner escort arrangements |
| Section 82 | Powers and duties of prisoner custody officers acting in pursuance of such arrangements |
| Section 83 | Breaches of discipline by prisoners |
| Section 84 | Contracting out of certain prisons |
| Section 85 | Officers of contracted out prisons |
| Section 86 | Powers and duties of prisoner custody officers employed at contracted out prisons |
| Section 87 | Consequential modifications of 1952 Act |
| Section 88 | Intervention by the Secretary of State |
| Section 89 | Certification of prisoner custody officers |
| Section 90 | Protection of prisoner custody officers |
| Section 91 | Wrongful disclosure of information |
| Section 92(1) | Interpretation of Part IV |
| Section 93 | Cash limits for magistrates' courts |
| Section 94 | Cash limits for probation services |
| Section 95 | Information for financial and other purposes |
| Section 96 | Grants out of money provided by Parliament |
| Section 98 | Expenses, etc. |
| Section 100, to the extent necessary to bring into force the provisions of Schedule 11 specified in Appendix A hereto | Minor and consequential amendments |
| Section 101(2), to the extent necessary to bring into force the provisions of Schedule 13 specified in Appendix B hereto | Repeals |
| Schedule 10 | Certification of prisoner custody officers |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| (1) Provisions of the Act | (2) Subject matter of provisions |
|---|-------------------------------------|
| So much of Schedule 11 as is specified in Appendix A hereto | Minor and consequential amendments |
| So much of Schedule 13 as is specified in Appendix B hereto | Repeals |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

APPENDIX A

PROVISIONS OF SCHEDULE 11 COMING INTO FORCE ON 31ST OCTOBER 1991

So much of Schedule 11 as amends the following enactment:—

Paragraph 2(2)(a) of Schedule 3 to the Powers of Criminal Courts Act 1973 (c. 62).

APPENDIX B

PROVISIONS OF SCHEDULE 13 COMING INTO FORCE ON 31ST OCTOBER 1991

So much of Schedule 13 as relates to the following enactment:—

Section 11 of the Metropolitan Police Act 1839 (2 & 3 Vict. c.47).

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2(1) of this Order brings into force on 14th October 1991 (the commencement date for the relevant provisions of the Children Act 1989 (c. 41)) section 60(3) of the Criminal Justice Act 1991 (together with paragraph 23 of Schedule 12) relating to remands and committals of children and young persons to local authority accommodation and various connected provisions.

Article 2(2) brings into force, as from 25th October 1991 (the commencement date of the Badgers Act 1991 (c. 36)) section 26(3), which substitutes increased penalties for offences under the Badgers Act 1973; by virtue of article 2(3), the existing penalty for an offence under section 9(3), for which no provision would otherwise exist after the coming into force of section 26(3) of the Act of 1991, is kept in being.

By virtue of article 2(4) the provisions of the Act of 1991 listed in Schedule 3 to the Order, which relate to the alteration of certain penalties, arrangements for the provision of prisoner escorts, the contracting out of certain prisons, cash limiting for magistrates' courts and the probation services, and the provision by the Secretary of State of information for financial and other purposes come into force on 31st October 1991.