Criminal Justice Act 1991

1991 CHAPTER 53

An Act to make further provision with respect to the treatment of offenders and the position of children and young persons and persons having responsibility for them; to make provision with respect to certain services provided or proposed to be provided for purposes connected with the administration of justice or the treatment of offenders; to make financial and other provision with respect to that administration; and for connected purposes. [25th July 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

E1 Nothing in s. 102(4) shall affect the extent of this Act in so far as it amends or repeals any provision of the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957 or the Armed Forces Act 1991; see s. 102(8).
This Act extends to England and Wales only except as mentioned in s.102(5)-(8)

Modifications etc. (not altering text)

C1 By Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), **Sch. 12 para. 23**; S.I. 1991/2208, art. 2(1), **Sch.1** it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.
Act: functions restricted from exercise in Scotland (30.6.1999) by S.I. 1999/1748, art. 8(2), Sch. 4 Pt. I, **II** paras. 1(1)(2), 6(1)(2)

C2 Act applied (with modifications) (E.W.S.) by The Employment Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010 (S.I. 2010/875), **reg. 16**, Sch. 2 (which amending S.I. was revoked (27.8.2010) by S.I. 2010/1906, reg. 2)

Act applied (with modifications) (E.W.S.) (1.10.2010) by The Employment Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), regs. 1, **16**, Sch. 2

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Modifications etc. (not altering text)

C3 Pt. I (ss. 1-31) applied (E.W.) (1.10.1997) by 1997 c. 43, **ss. 28(9)**, 33(3)-(5); S.I. 1997/2200, **art.2** (subject to savings in art. 5)
Pt. I (ss. 1-31) modified (E.W.) (1.1.1998) by 1997 c. 43, **s. 35(4)(b)**; S.I. 1997/2200, **art.3** (subject to savings in art. 5)
Pt. I (ss. 1-31) extended (with modifications) (E.W.) (1.1.1998) by 1997 c. 43, **s. 35(7)(b)**; S.I. 1997/2200, **art.3** (subject to savings in art. 5)
Pt. I (ss. 1-31) extended (with modifications) (E.W.) (30.9.1998) by 1998 c. 37, **s. 61(4)** (with Sch. 9 para. 4); S.I. 1998/2327, **art.2(1)(n)**.
Pt. I (ss. 1-31) extended (with modifications) (E.W.) (30.9.1998) by 1998 c. 37, **s. 69(11)**; S.I. 1998/2327, **art.2(1)(o)**
Pt. I (ss. 1-31) applied (E.W.) (30.9.1998) by 1998 c. 37, **s. 18(2)**; S.I. 1998/2327, **art.2(1)(f)**.
Pt. I (ss. 1-31) extended (E.W.) (1.4.2000) by 1998 c. 37, **ss. 73(4)**; S.I. 1999/3426, **art. 3(a)**
Pt. I (ss. 1-31) applied (E.W.) (30.9.1998) by 1997 c. 43, **ss. 37(4)(5)** (as substituted (E.W.) (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 51(2)**; S.I. 1998/2327, **art.2(1)(w)**).
Pt. I (ss. 1-31) extended (E.W.) (30.9.1998) by 1997 c. 43, **ss. 37(4)(5)** (as substituted (E.W.) (30.9.1998) by 1998 c. 37, s. 106, **Sch.7 para. 51(2)**; S.I. 1998/2327, **art.2(1)(w)**).
Pt. I (ss. 1-31) restricted (E.W.) (26.6.2000) by 1999 c. 23, **s. 4(4)(a)**, (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1587, **art. 2(a)**

Custodial sentences

[F1]1 . . . . . .

Textual Amendments

F1 S. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F2]2 . . . . . .

Textual Amendments

F2 S. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F3]3 . . . . . .

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Textual Amendments

F3 S. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F4]4 . . . . . .

Textual Amendments

F4 S. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F5]5 . . . . . .

Textual Amendments

F5 S. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Community sentences

[F6]6 . . . . . .

Textual Amendments

F6 S. 6 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F7]7 . . . . . .

Textual Amendments

F7 S. 7 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Probation and community service orders

[F8]8 . . . . . .

Textual Amendments

F8 S. 8 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F9]9 . . . . . .

Status: *Point in time view as at 10/03/2014.*
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Textual Amendments

F9 S. 9 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F10]10 . . . . . .

Textual Amendments

F10 S. 10 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F11]11 . . . . . .

Textual Amendments

F11 S. 11 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Curfew orders

[F12]12 . . . . . .

Textual Amendments

F12 S. 12 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F13]13 . . . . . .

Textual Amendments

F13 S. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Orders: supplemental

[F14]14 . . . . . .

Textual Amendments

F14 S. 14 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F15]15 . . . . . .

Status: *Point in time view as at 10/03/2014.*
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Textual Amendments

F15 S. 15 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

16 Reciprocal enforcement of certain orders.

Schedule 3 to this Act shall have effect for making provision for and in connection with—

[F16](a) . . . . . .

(b) the making and amendment in Scotland or Northern Ireland of **[**[F17]certain**]** orders relating to persons residing in England and Wales.

Textual Amendments

F16 S. 16(a) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F17 Word in s. 16(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 134**

Commencement Information

I1 S. 16 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Financial penalties

17 Increase of certain maxima.

(1) In section 37 (standard scale of fines) of the [M1]Criminal Justice Act 1982 ("the 1982 Act") and section 289G of the [M2]Criminal Procedure (Scotland) Act 1975 (corresponding Scottish provision), for subsection (2) there shall be substituted the following subsection—

"(2) The standard scale is shown below—

Level on the scale	*Amount of fine*
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000".

(2) Part I of the [M3]Magistrates' Courts Act 1980 ("the 1980 Act") shall be amended as follows—

(a) in section 24(3) and (4) (maximum fine on summary conviction of young person for indictable offence) [F18]. . ., for "£400" there shall be substituted "£1,000";

(b) in section 24(4) (maximum fine on summary conviction of child for indictable offence) [F18]. . ., for "£100" there shall be substituted "£250"; and

(c) in section 32(9) (maximum fine on summary conviction of offence triable either way), for "c£2,000" there shall be substituted "£5,000";

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and in section 289B(6) of the Criminal Procedure (Scotland) Act 1975 (interpretation), in the definition of "prescribed sum", for "£2,000" there shall be substituted "£5,000".

(3) Schedule 4 to this Act shall have effect as follows—

(a) in each of the provisions mentioned in column 1 of Part I (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted the amount specified in column 4;

(b) in each of the provisions mentioned in column 1 of Part II (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted the level on the standard scale specified in column 4;

(c) in each of the provisions mentioned in column 1 of Part III (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted a reference to the statutory maximum;

(d) the provisions set out in Part IV shall be substituted for Schedule 6A to the 1980 Act (fines that may be altered under section 143); and

(e) [F19] . . . . . .

Extent Information

E2 S. 17 extends to England and Wales; s. 17(1)(2) also extend to Scotland see s. 102(4)(5)

Textual Amendments

F18 S. 17(2)(a)(b) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F19 S. 17(3)(e) repealed (20.9.1993) by 1993 c. 36, ss. 65(3), 79(14), Sch. 3 para. 1(1), **Sch. 6 Pt. I**; S.I. 1993/1968, art. 2(2), **Sch. 2**, Appendix.

Modifications etc. (not altering text)

C4 S. 17(1)(2) restricted (S.) (1.9.1992) by S.I. 1992/333, **art. 4A** (as inserted by S.I. 1992/2118, **art. 4**)

Commencement Information

I2 S. 17 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**

Marginal Citations

M1 1982 c. 48.

M2 1975 c. 21.

M3 1980 c. 43.

[F20] 18 . . . . . .

Textual Amendments

F20 S. 18 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F21] 19 . . . . . .

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Textual Amendments

F21 S. 19 repealed (20.9.1993) by 1993 c. 36, ss. 65(2)(4), 79(14), **Sch. 6 Pt.1**; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix.

[F22]20 . . . . . .

Textual Amendments

F22 S. 20 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F23]20A False statements as to financial circumstances.

(1) A person who is charged with an offence who, in furnishing a statement of **[**[F24]financial circumstances (whether a statement of assets, of other financial circumstances or of both)**]** in response to an official request—

(a) makes a statement which he knows to be false in a material particular;

(b) recklessly furnishes a statement which is false in a material particular; or

(c) knowingly fails to disclose any material fact,

shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.

[F25](1A) **[** A person who is charged with an offence who fails to furnish a statement of **[**[F26]financial circumstances (whether a statement of assets, of other financial circumstances or of both) requested by**]** an official request shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.**]**

(2) For the purposes of this section an official request is a request which—

(a) is made by the **[**[F27]designated officer for**]** the magistrates' court or the appropriate officer of the Crown Court, as the case may be; and

(b) is expressed to be made for informing the court, in the event of his being convicted, of his financial circumstances for the purpose of determining the amount of any fine the court may impose **[**[F28]and how it should be paid**]**.

(3) Proceedings in respect of an offence under this section may, notwithstanding anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.**]**

Textual Amendments

F23 S. 20A inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 43**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

F24 Words in s. 20A(1) substituted (11.12.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 26(a)**; S.I. 2013/2981, art. 2(d)

F25 S. 20A(1A) inserted (5.4.2004) by Courts Act 2003 (c. 39), **ss. 95(2)**, 110; S.I. 2004/174, **art. 3**

F26 Words in s. 20A(1A) substituted (11.12.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 26(b)**; S.I. 2013/2981, art. 2(d)

Status: *Point in time view as at 10/03/2014.*
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F27 Words in s. 20A(2)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 350**; S.I. 2005/910, **art. 3**

F28 Words in s. 20A(2)(b) inserted (5.4.2004) by Courts Act 2003 (c. 39), **ss. 95(3)**, 110; S.I. 2004/174, **art. 3**

Financial penalties: supplemental

[F29]21 . . . . . .

Textual Amendments

F29 S. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F30]22 . . . . . .

Textual Amendments

F30 S. 22 repealed (20.9.1993) by 1993 c. 36, ss. 65(3)(4), 79(14), Sch. 3 para. 4, **Sch. 6 Pt.I**; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix.

23 Default in other cases.

(1) In the **[**[F31]Table in**]** paragraph 1 of Schedule 4 to the 1980 Act (maximum periods of imprisonment for default in paying fines etc.), for the entries relating to amounts not exceeding £5,000 there shall be substituted the following entries—

"An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months".

(2) For the Table in section 407(1A) of the [M4]Criminal Procedure (Scotland) Act 1975 (maximum period of imprisonment for failure to pay fine or find caution) there shall be substituted the following Table—

"Amount of fine or caution	*Maximum period of imprisonment*
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days

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An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000 but not exceeding £20,000	12 months
An amount exceeding £20,000 but not exceeding £50,000	18 months
An amount exceeding £50,000 but not exceeding £100,000	2 years
An amount exceeding £100,000 but not exceeding £250,000	3 years
An amount exceeding £250,000 but not exceeding £1 million	5 years
An amount exceeding £1 million	10 years.”

(3) In Schedule 16 (repeals) to the 1988 Act, the entry relating to subsection (8) of section 41 of the [M5]Administration of Justice Act 1970 shall cease to have effect; and that subsection (discretion of Crown Court to specify extended period of imprisonment in default of payment of compensation) shall have effect as if that entry had not been enacted.

Extent Information

E3 S. 23 extends to England and Wales only except as mentioned in s. 102(4) - (6).

Textual Amendments

F31 Words in s. 23(1) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 135**

Commencement Information

I3 S. 23 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M4 1975 c. 21.
M5 1970 c. 31.

24 Recovery of fines etc. by deductions from [[F32]universal credit and] income support.

(1) The Secretary of State may by regulations provide that where a fine has been imposed on an offender by a magistrates’ court, or a sum is required to be paid by a compensation order **[**[F33]or unlawful profit order**]** which has been made against an offender by such a court, and (in either case) the offender is entitled to **[**[F34]universal

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credit,**]** income support **[**[F35], a jobseeker's allowance **[**[F36], state pension credit or an [F37]... employment and support allowance**]]**

(a) the court may apply to the Secretary of State asking him to deduct sums from any amounts payable to the offender by way of **[**[F38]that benefit**]**, in order to secure the payment of any sum which is or forms part of the fine **[**[F39], compensation or unlawful profit**]**; and

(b) the Secretary of State may deduct sums from any such amounts and pay them to the court towards satisfaction of any such sum.

(2) The regulations may include—

(a) provision that, before making an application, the court shall make an enquiry as to the offender's means;

[[F40](aa) provision that the court may require the offender to provide prescribed information in connection with an application;**]**

(b) provision allowing or requiring adjudication as regards an application, and provision as to **[**[F41]appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act**]**;

(c) provision as to the circumstances and manner in which and the times at which sums are to be deducted and paid;

(d) provision as to the calculation of such sums (which may include provision to secure that amounts payable to the offender by way of **[**[F42]universal credit,**]** income support **[**[F43], a jobseeker's allowance **[**[F44], state pension credit or an [F45]... employment and support allowance**]]** do not fall below prescribed figures);

(e) provision as to the circumstances in which the Secretary of State is to cease making deductions;

(f) provision requiring the Secretary of State to notify the offender, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of notification; and

(g) provision that, where the whole amount to which the application relates has been paid, the court shall give notice of that fact to the Secretary of State.

[[F46](2A) An offender who fails to provide information required by the court by virtue of subsection (2)(aa) commits an offence.

(2B) An offender commits an offence if, in providing information required by the court by virtue of that subsection, he—

(a) makes a statement which he knows to be false in a material particular,

(b) recklessly provides a statement which is false in a material particular, or

(c) knowingly fails to disclose any material fact.

(2C) A person guilty of an offence under subsection (2A) or (2B) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.**]**

(3) In subsection (1) above—

(a) the reference to a fine having been imposed by a magistrates' court includes a reference to a fine being treated, by virtue of **[**[F47]section 140 of the Powers of Criminal Courts (Sentencing) Act 2000**]**, as having been so imposed; and

(b) the reference to a sum being required to be paid by a compensation order **[**[F48]or unlawful profit order**]** which has been made by a magistrates' court includes a reference to a sum which is required to be paid by such an order being treated,

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by virtue of section 41 of the [M6]Administration of Justice Act 1970, as having been adjudged to be paid on conviction by such a court.

[[F49](c) the reference in paragraph (a) to "the court" includes a reference to a court to which the function in that paragraph has been transferred by virtue of a transfer of fine order under section 89(1) or (3) or 90(1)(a) of the 1980 Act (power of magistrates' court to make transfer of fine order) or under section **[**[F50]section 222(1)(a) or (b) of the Criminal Procedure (Scotland) Act 1995**]** (analogous provision as respects Scotland) and a reference to a court to which that function has been remitted by virtue of section 196(2) of the said Act of 1975 (enforcement of fine imposed by High Court of Justiciary).**]**

[[F51](3A) This section applies in relation to a surcharge imposed under section 161A of the Criminal Justice Act 2003 as if any reference in subsection (1) or (3) above to a fine included a reference to a surcharge.**]**

(4) In this section—

"fine" includes—

(a) a penalty imposed under **[**[F52]section 29 or 37 of the Vehicle Excise and Registration Act 1994**]** or section 102(3)(aa) of the [M7]Customs and Excise Management Act 1979 (penalties imposed for certain offences in relation to vehicle excise licences);

(b) an amount ordered to be paid, in addition to any penalty so imposed, under **[**[F52]section 30, 36 or 38 of the Vehicle Excise and Registration Act 1994**]** (liability to additional duty);

(c) an amount ordered to be paid by way of costs which is, by virtue of section 41 of the [M8]Administration of Justice Act 1970, treated as having been adjudged to be paid on a conviction by a magistrates' court;

[F53]...

"income support" means income support within the meaning of the [M9]Social Security Act 1986, either alone or together with any [F54]... **[**[F55] incapacity**]** benefit, **[**[F56]or retirement pension**]** which is paid by means of the same instrument of payment;

"prescribed" means prescribed by regulations made by the Secretary of State.

[[F57]"unlawful profit order" means an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.**]**

(5) In the application of this section to Scotland—

(a) references in subsections (1) and (2) above to a magistrates' court shall be construed as references to a court; and

(b) in subsection (3) above, for paragraphs (a) and (b) there shall be substituted the following paragraphs—

"(a) the reference to a fine having been imposed by a court includes a reference to a fine being treated, by virtue of **[**[F58]section 211(4) of the Criminal Procedure (Scotland) Act 1995**]**, as having been so imposed; and

(b) the reference to a compensation order having been made by a court includes a reference to such an order being treated, by virtue of **[**[F59]section 252 of the Criminal Procedure (Scotland) Act 1995**]**, as having been so made."

Textual Amendments

F32 Words in s. 24 heading inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **8(a)**

F33 Words in s. 24(1) inserted (15.10.2013 for E., 5.11.2013 for W.) by Prevention of Social Housing Fraud Act 2013 (c. 3), s. 12, **Sch. para. 5(2)(a)**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2

F34 Words in s. 24(1) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **8(b)**

F35 Words in s. 24(1) substituted (2.7.2002 for specified purposes and otherwise 6.10.2003) by State Pension Credit Act 2002 (c. 16), ss. 14, 22(2)(3), **Sch. 2 para. 31(a)**; S.I. 2002/1691, **art. 2** ; S.I. 2003/1766, **art. 2**

F36 Words in s. 24(1) substituted (18.3.2008 for certain purposes and 27.10.2008 otherwise) by Welfare Reform Act 2007 (c. 5), ss. 28, 70, **Sch. 3 para. 8(a)**; S.I. 2008/787, **art. 2(1)(4)**, Sch.

F37 Words in s. 24(1) repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by Welfare Reform Act 2012 (c. 5), **ss. 109(1)(a)**, 150(1)(d)

F38 Words in s. 24(1)(a) substituted (11.6.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 21**; S.I. 1996/1509, art. 2, **Sch.**

F39 Words in s. 24(1)(b) substituted (15.10.2013 for E., 5.11.2013 for W.) by Prevention of Social Housing Fraud Act 2013 (c. 3), s. 12, **Sch. para. 5(2)(b)**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2

F40 S. 24(2)(aa) inserted (E.W.) (5.4.2004) by Courts Act 2003 (c. 39), **ss. 96(1)(2)** , 110; S.I. 2004/174, **art. 3**

F41 Words in s. 24(2)(b) substituted (18.10.1998 for specified provisions, 29.11.1999 for further specified provisions, otherwise prosp.) by 1998 c. 14, s. 86(1), **Sch.7 para. 55**; S.I. 1999/2860, art. 2, **Sch. 1** (with art. 5 and subject to transitional provisions in Schs. 16-18); S.I. 1999/3178, art. 2, **Sch. 1** (subject to transitional provisions in Schs. 21-23)

F42 Words in s. 24(2)(d) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **8(b)**

F43 Words in s. 24(2)(d) substituted (2.7.2002 for specified purposes and otherwise 6.10.2003) by State Pension Credit Act 2002 (c. 16), ss. 14, 22(2)(3), **Sch. 2 para. 31(b)** ; S.I. 2002/1691, **art. 2** ; S.I. 2003/1766, **art. 2**

F44 Words in s. 24(2)(d) substituted (18.3.2008 for certain purposes and 27.10.2008 otherwise) by Welfare Reform Act 2007 (c. 5), ss. 28, 70, **Sch. 3 para. 8(a)**; S.I. 2008/787, **art. 2(1)(4)**, Sch.

F45 Words in s. 24(2)(d) repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by Welfare Reform Act 2012 (c. 5), **ss. 109(1)(a)**, 150(1)(d)

F46 S. 24(2A)-(2C) inserted (E.W.) (5.4.2004) by Courts Act 2003 (c. 39), **ss. 96(3)** , 110; S.I. 2004/174, **art. 3**

F47 Words in s. 24(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 136**

F48 Words in s. 24(3)(b) inserted (15.10.2013 for E., 5.11.2013 for W.) by Prevention of Social Housing Fraud Act 2013 (c. 3), s. 12, **Sch. para. 5(3)**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2

F49 S. 24(3)(c) inserted (3.2.1995) by 1994 c. 33, **s. 47(3)**; S.I. 1995/127, art. 2(1), **Sch. 1**

F50 Words in s. 24(3)(c) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(c)**

F51 S. 24(3A) inserted (1.4.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60; Sch. 10 para. 30 ; S.I. 2007/602, **art. 2(b)(c)**

F52 Words in s. 24(4) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 30** (with s. 57(4))

F53 S. 24(4): definition of "income-related employment and support allowance" repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by Welfare Reform Act 2012 (c. 5), **ss. 109(1)(b)**, 150(1)(d)

F54 Words in s. 24(4) repealed (7.10.1996) by 1995 c. 18, s. 41(5), **Sch. 3**; S.I. 1996/2208, **art. 2**

F55 Word in s. 24(4) substituted (13.4.1995) by 1994 c. 18, s. 11(1), **Sch. 1 Pt. II para. 55**; S.I. 1994/2926, art. 2, **Sch. Pt. IV**

F56 Words in definition of “income support” in s. 24(4) substituted (6.4.2001) by 1999 c. 30, s. 70, **Sch. 8 Pt. III para. 27**; S.I. 2000/2958, **art. 2(6)(b)** (subject to arts. 3, 4)

Status: *Point in time view as at 10/03/2014.*
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F57 S. 24(4): definition of "unlawful profit order" inserted (15.10.2013 for E., 5.11.2013 for W.) by Prevention of Social Housing Fraud Act 2013 (c. 3), s. 12, **Sch. para. 5(4)**; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2

F58 S. 24(5)(a): words in subsecton (3)(a) as it applies to Scotland substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(a)**

F59 S. 24(5)(b): words in subsecton (3)(b) as it applies to Scotland substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 80(2)(b)**

Commencement Information

I4 S. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M6 1970 c. 31.

M7 1979 c. 2.

M8 1970 c. 31.

M9 1986 c. 50.

Miscellaneous

[F60]25 . . . . . .

Textual Amendments

F60 S. 25 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

26 Alteration of certain penalties.

(1) In section 7 of the [M10]Theft Act 1968 (theft), for the words "ten years" there shall be substituted the words "seven years".

(2) For subsections (3) and (4) of section 9 of that Act (burglary) there shall be substituted the following subsections—

"(3) A person guilty of burglary shall on conviction on indictment be liable to imprisonment for a term not exceeding—

(a) where the offence was committed in respect of a building or part of a building which is a dwelling, fourteen years;

(b) in any other case, ten years.

(4) References in subsections (1) and (2) above to a building, and the reference in subsection (3) above to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is."

[F61](3) . . . . . .

(4) In section 51(4) of the [M11]Criminal Law Act 1977 (penalties for bomb hoaxes)—

(a) in paragraph (a), for the words "three months" there shall be substituted the words "six months"; and

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(b) in paragraph (b), for the words "five years" there shall be substituted the words "seven years".

(5) The power saved by subsection (1) of section 70 of the 1982 Act (vagrancy offences) shall not include, in the case of an offence mentioned in paragraph (b)(i) of that subsection (sleeping rough), power to impose a fine which exceeds level 1 on the standard scale.

Extent Information

E4 S. 26 extends to England and Wales; s. 26(3)(4) also extend to Scotland see s. 102(4)(5)

Textual Amendments

F61 S. 26(3) repealed (16.10.1992) by Protection of Badgers Act 1992 (c. 51), **s. 15(2)(3)**,Sch.

Commencement Information

I5 S. 26 wholly in force; s. 26(3) in force (E.W.) at 25.10.1991, s. 26(4)(5) in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(2)(3)(4), Schs. 2, **3**; s. 26(3) in force (S.) at 9.12.1991 see s. 102(2)(3) and S.I. 1991/2706, **art. 2(1)(2)**; s. 26 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Marginal Citations

M10 1968 c. 60.
M11 1977 c. 45.

27 Treatment of offenders under 1983 Act.

(1) After section 39 of the 1983 Act there shall be inserted the following section—

"39A Information to facilitate guardianship orders.

Where a court is minded to make a guardianship order in respect of any offender, it may request the local social services authority for the area in which the offender resides or last resided, or any other local social services authority that appears to the court to be appropriate—

(a) to inform the court whether it or any other person approved by it is willing to receive the offender into guardianship; and

(b) if so, to give such information as it reasonably can about how it or the other person could be expected to exercise in relation to the offender the powers conferred by section 40(2) below;

and that authority shall comply with any such request."

(2) After section 54 of that Act there shall be inserted the following section—

"54A Reduction of period for making hospital orders.

(1) The Secretary of State may by order reduce the length of the periods mentioned in sections 37(4) and (5) and 38(4) above.

(2) An order under subsection (1) above may make such consequential amendments of sections 40(1) and 44(3) above as appear to the Secretary of State to be necessary or expedient."

Status: *Point in time view as at 10/03/2014.*
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(3) In section 143(2) of that Act (general provisions as to regulations, orders and rules), after the words "this Act" there shall be inserted the words "or any order made under section 54A above".

Commencement Information

I6 S. 27 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Supplemental

[F62]28 . . . . . .

Textual Amendments

F62 S. 28 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F63]29 . . . . . .

Textual Amendments

F63 S. 29 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

30 Rules, regulations and orders.

(1) Any power of the Secretary of State [F64]. . . to make rules, regulations or orders under this Part—

(a) shall be exercisable by statutory instrument; and

(b) shall include power to make different provision for different cases or classes of case.

(2) A statutory instrument containing any rules, regulations or order under this Part [F65]. . . shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F64 Words in s. 30(1) repealed (20.9.1993) by 1993 c. 36, s. 79(14), **Sch. 6 Pt. I**; S.I. 1993/1968, art. 2(2), **Sch. 2**, Appendix.

F65 Words in s. 30(2) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I7 S. 30 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

[F66]31 . . . . . .

Status: *Point in time view as at 10/03/2014.*
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Textual Amendments

F66 S. 31 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F67F68PART II

EARLY RELEASE OF PRISONERS

Textual Amendments

F67 Pt. 2 (ss. 32-51) repealed (4.4.2005) by The Criminal Justice Act 2003 (c. 44), ss. 303(a), 332, 336, **Sch. 37 Pt. 7**; S.I. 2005/950, **art. 2**, Sch. 1 para. 44(k) (subject to art. 2(1), Sch. 2 (as amended by S.I. 2005/2122, art. 2)) and subject to amendments:
(15.1.2007) by Police and Justice Act 2006 (c. 48), ss. 42, 53, **Sch. 13 para. 33**; S.I. 2006/3364, **art. 2(d)(e)**;
(1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 9(2)(3)**;
(7.4.2008) by The Early Removal of Short-Term and Long-Term Prisoners (Amendment of Requisite Period) Order 2008 (S.I. 2008/977), **art. 2**;
(9.6.2008 for certain purposes and 31.10.2009 otherwise) by Criminal Justice and immigration Act 2008 (c. 4), ss. 26(2)-(6), 153; S.I. 2008/1466, **art. 2(a)** (subject to art. 3); S.I. 2009/2606, **art. 3(b)**;
(9.6.2008) by 1984 c. 49, Sch. para. 2(2A) (as inserted by Criminal Justice and immigration Act 2008 (c. 4), ss. 148, 153, Sch. 26 paras. 19(4)(b); S.I. 2008/1466, **art. 2** (subject to art. 4));
(9.6.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, **Sch. 26 para. 29(2)(5)**; S.I. 2008/1466, **art. 2(c)**
(14.7.2008) by Criminal Justice and immigration Act 2008 (c. 4), ss. 28(2)(3)(a)(b)(4)(5), 32(1), 149, 153, Sch. 28 Pt. 2 (with Sch. 27 para. 10); S.I. 2008/1586, **art. 2(1)**, Sch. 1;
(3.11.2008) by Criminal Justice and immigration Act 2008 (c. 4), ss. 33(5)(6), 148, 149, 153, Sch. 26 para. 29(3)(4), Sch. 28 Pt. 2; S.I. 2008/2712, **art. 2**, Sch. (subject to arts. 3, 4);
(2.8.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 145(2)(3)**, 178, 182, **Sch. 23 Pt. 5** (with s. 180, Sch. 22 para. 43); S.I. 2010/1858, **art. 2(e)(i)**;

F68 Pt. 2: transitional provisions for the repeal by 2003 c. 44, s. 303(a) and specified transitional and savings provisions in S.I. 2005/950, Sch. 2 revoked (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 121(3), 151(1), **Sch. 14 para. 17**; S.I. 2012/2906, art. 2(d)(l)

Preliminary

New arrangements for early release

Status: *Point in time view as at 10/03/2014.*
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Misbehaviour after release

Remand time and additional days

Special cases

Supplemental

PART III

CHILDREN AND YOUNG PERSONS

Children's evidence

52 Competence of children as witnesses.

F142 . . . . . .

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Textual Amendments

F142 S. 52 repealed (24.7.2002) by 1999 c. 23, s. 67(3), Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, **art. 2(iv)(aa)**

53 Notices of transfer in certain cases involving children.

[[F143](1) If a person has been charged with an offence to which section 32(2) of the 1988 Act applies (sexual offences and offences involving violence or cruelty) and the Director of Public Prosecutions is of the opinion—

(a) that the evidence of the offence would be sufficient for the person charged to be committed for trial;

(b) that a child who is alleged—

(i) to be a person against whom the offence was committed; or

(ii) to have witnessed the commission of the offence,

will be called as a witness at the trial; and

(c) that, for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court,

a notice ("notice of transfer") certifying that opinion may be **[**[F144]given**]** by or **[**[F144]to**]** behalf of the Director on the magistrates' court in whose jurisdiction the offence has been charged.

(2) A notice of transfer shall be **[**[F145]given**]** before the magistrates' court begins to inquire into the case as examining justices.

(3) On the **[**[F146]giving**]** of a notice of transfer the functions of the magistrates' court shall cease in relation to the case except as provided by paragraphs 2 and 3 of Schedule 6 to this Act or by **[**[F147]regulations under section 19 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**]**.

(4) The decision to **[**[F148]give**]** a notice of transfer shall not be subject to appeal or liable to be questioned in any court.

(5) Schedule 6 to this Act (which makes further provision in relation to notices of transfer) shall have effect.

(6) In this section "child" means a person who—

(a) in the case of an offence falling within section 32(2)(a) or (b) of the 1988 Act, is under fourteen years of age or, if he was under that age when any such video recording as is mentioned in section 32A(2) of that Act was made in respect of him, is under fifteen years of age; or

(b) in the case of an offence falling within section 32(2)(c) of that Act, is under seventeen years of age or, if he was under that age when any such video recording was made in respect of him, is under eighteen years of age.

(7) Any reference in subsection (6) above to an offence falling within paragraph (a), (b) or (c) of section 32(2) of that Act includes a reference to an offence which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within that paragraph.

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[[F149](8) This section shall not apply in any case in which section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences) applies.**]]**

Textual Amendments

F143 S. 53 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 62(2), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(1)(c)(d)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

F144 Words in s. 53(1) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 49(a)**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A

F145 Words in s. 53(2) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 49(b)**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A

F146 Words in s. 53(3) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 49(c)**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A

F147 Words in s. 53(3) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 40**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

F148 Words in s. 53(4) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 49(d)**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A

F149 S. 53(8) inserted (4.1.1998 for certain purposes, otherwise 15.1.2001) by 1998 c. 37, s. 119, **Sch. 8 para. 93**; S.I. 1998/2327, **art. 4(2)(c)** (subject to art. 3); S.I. 2000/3283, **art. 2(c)**.

Modifications etc. (not altering text)

C34 S. 53(7) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1)(2), 94, **Sch. 6 para. 19(a)**; S.I. 2008/2504, **art. 2(a)**

Commencement Information

I24 S. 53 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

[[F150]54 Video recordings of testimony from child witnesses.

After section 32 of the 1988 Act (evidence through television links) there shall be inserted the following section—

" **Video recordings of testimony from child witnesses.**

(1) This section applies in relation to the following proceedings, namely—

(a) trials on indictment for any offence to which section 32(2) above applies;

(b) appeals to the criminal division of the Court of Appeal and hearings of references under section 17 of the Criminal Appeal Act 1968 in respect of any such offence; and

(c) proceedings in youth courts for any such offence and appeals to the Crown Court arising out of such proceedings.

(2) In any such proceedings a video recording of an interview which—

(a) is conducted between an adult and a child who is not the accused or one of the accused ("the child witness"); and

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(b) relates to any matter in issue in the proceedings,

may, with the leave of the court, be given in evidence in so far as it is not excluded by the court under subsection (3) below.

(3) Where a video recording is tendered in evidence under this section, the court shall (subject to the exercise of any power of the court to exclude evidence which is otherwise admissible) give leave under subsection (2) above unless—

(a) it appears that the child witness will not be available for cross-examination;

(b) any rules of court requiring disclosure of the circumstances in which the recording was made have not been complied with to the satisfaction of the court; or

(c) the court is of the opinion, having regard to all the circumstances of the case, that in the interests of justice the recording ought not to be admitted;

and where the court gives such leave it may, if it is of the opinion that in the interests of justice any part of the recording ought not to be admitted, direct that that part shall be excluded.

(4) In considering whether any part of a recording ought to be excluded under subsection (3) above, the court shall consider whether any prejudice to the accused, or one of the accused, which might result from the admission of that part is outweighed by the desirability of showing the whole, or substantially the whole, of the recorded interview.

(5) Where a video recording is admitted under this section—

(a) the child witness shall be called by the party who tendered it in evidence;

(b) that witness shall not be examined in chief on any matter which, in the opinion of the court, has been dealt with in his recorded testimony.

(6) Where a video recording is given in evidence under this section, any statement made by the child witness which is disclosed by the recording shall be treated as if given by that witness in direct oral testimony; and accordingly—

(a) any such statement shall be admissible evidence of any fact of which such testimony from him would be admissible;

(b) no such statement shall be capable of corroborating any other evidence given by him;

and in estimating the weight, if any, to be attached to such a statement, regard shall be had to all the circumstances from which any inference can reasonably be drawn (as to its accuracy or otherwise).

(7) In this section "child" means a person who—

(a) in the case of an offence falling within section 32(2)(a) or (b) above, is under fourteen years of age or, if he was under that age when the video recording was made, is under fifteen years of age; or

(b) in the case of an offence falling within section 32(2)(c) above, is under seventeen years of age or, if he was under that age when the video recording was made, is under eighteen years of age.

(8) Any reference in subsection (7) above to an offence falling within paragraph (a), (b) or (c) of section 32(2) above includes a reference to an offence which

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consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within that paragraph.

(9) In this section—

"statement" includes any representation of fact, whether made in words or otherwise;

"video recording" means any recording, on any medium, from which a moving image may by any means be produced and includes the accompanying sound-track.

(10) A magistrates' court inquiring into an offence as examining justices under section 6 of the Magistrates' Courts Act 1980 may consider any video recording as respects which leave under subsection (2) above is to be sought at the trial, notwithstanding that the child witness is not called at the committal proceedings.

(11) Without prejudice to the generality of any enactment conferring power to make rules of court, such rules may make such provision as appears to the authority making them to be necessary or expedient for the purposes of this section.

(12) Nothing in this section shall prejudice the admissibility of any video recording which would be admissible apart from this section."**]**

Textual Amendments

F150 S. 54 repealed (24.7.2002 except insofar as required for proceedings before Service courts) by 1999 c. 23, ss. 67(3), 68(3), Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, **art. 2(iv)(bb)**

Commencement Information

I25 S. 54 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

55 Further amendments of enactments relating to children's evidence.

(1) In section 103 of the 1980 Act (evidence of children in committal proceedings) subsection (3)(a) shall cease to have effect and for subsection (5) there shall be substituted the following subsection—

"(5) In this section "child" has the same meaning as in section 53 of the Criminal Justice Act 1991."

(2) In subsection (1) of section 32 of the 1988 Act (evidence through television links)—

(a) for the words from "on a trial" to "1968" there shall be substituted the words "in proceedings to which subsection (1A) below applies"; and

(b) **[**[F151]for paragraph (b) there shall be substituted the following paragraph—

"(b) the witness is a child, or is to be cross-examined following the admission under section 32A below of a video recording of testimony from him, and the offence is one to which subsection (2) below applies,".**]**

(3) After that subsection there shall be inserted the following subsection—

"(1A) This subsection applies—

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(a) to trials on indictment, appeals to the criminal division of the Court of Appeal and hearings of references under section 17 of the Criminal Appeal Act 1968; and

(b) to proceedings in youth courts and appeals to the Crown Court arising out of such proceedings."

(4) **[**[F152]After subsection (3) of that section there shall be inserted the following subsections—

"(3A) Where, in the case of any proceedings before a youth court—

(a) leave is given by virtue of subsection (1)(b) above for evidence to be given through a television link; and

(b) suitable facilities for receiving such evidence are not available at any petty-sessional court-house in which the court can (apart from this subsection) lawfully sit,

the court may sit for the purposes of the whole or any part of those proceedings at any place at which such facilities are available and which has been appointed for the purposes of this subsection by the justices acting for the petty sessions area for which the court acts.

(3B) A place appointed under subsection (3) above may be outside the petty sessions area for which it is appointed; but it shall be deemed to be in that area for the purpose of the jurisdiction of the justices acting for that area."**]**

[F153](5) . . . . . .

(6) **[**[F154]After subsection (5) of that section there shall be inserted the following subsection—

"(6) Subsection (7) of section 32A below shall apply for the purposes of this section as it applies for the purposes of that section, but with the omission of the references to a person being, in the cases there mentioned, under the age of fifteen years or under the age of eighteen years."**]**

(7) After section 34 of the 1988 Act there shall be inserted the following section—

"**34A Cross-examination of alleged child victims.**

(1) No person who is charged with an offence to which section 32(2) above applies shall cross-examine in person any witness who—

(a) is alleged—

(i) to be a person against whom the offence was committed; or

(ii) to have witnessed the commission of the offence; and

(b) is a child, or is to be cross-examined following the admission under section 32A above of a video recording of testimony from him.

(2) Subsection (7) of section 32A above shall apply for the purposes of this section as it applies for the purposes of that section, but with the omission of the references to a person being, in the cases there mentioned, under the age of fifteen years or under the age of eighteen years."

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Textual Amendments

F151 S. 55(2)(b) repealed (24.7.2002 except in so far as required for proceedings before Service courts) by 1999 c. 23, ss. 67(3), 68(3), Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, **art. 2(g)(iv)(cc)**

F152 S. 55(4) repealed (24.7.2002 except in so far as required for proceedings before Service courts) by 1999 c. 23, ss. 67(3), 68(3), Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, **art. 2(g)(iv)(cc)**

F153 S. 55(5) omitted (1.9.2004) by virtue of The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 33**

F154 S. 55(6) repealed (24.7.2002 except in so far as required for proceedings before Service courts) by 1999 c. 23, ss. 67(3), 68(3), Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, **art. 2(g)(iv)(cc)**

Commencement Information

I26 S. 55 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Responsibilities of parent or guardian

56 Attendance at court of parent or guardian.

Subsection (1) of section 34 (attendance at court of parent or guardian) of the 1933 Act shall cease to have effect and after that section there shall be inserted the following section—

"34A Attendance at court of parent or guardian.

(1) Where a child or young person is charged with an offence or is for any other reason brought before a court, the court—

(a) may in any case; and

(b) shall in the case of a child or a young person who is under the age of sixteen years,

require a person who is a parent or guardian of his to attend at the court during all the stages of the proceedings, unless and to the extent that the court is satisfied that it would be unreasonable to require such attendance, having regard to the circumstances of the case.

(2) In relation to a child or young person for whom a local authority have parental responsibility and who—

(a) is in their care; or

(b) is provided with accommodation by them in the exercise of any functions (in particular those under the Children Act 1989) which stand referred to their social services committee under the Local Authority Social Services Act 1970,

the reference in subsection (1) above to a person who is a parent or guardian of his shall be construed as a reference to that authority or, where he is allowed to live with such a person, as including such a reference.

In this subsection "local authority" and "parental responsibility" have the same meanings as in the Children Act 1989."

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Commencement Information

I27 S. 56 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

[F155]57 . . . . . .

Textual Amendments

F155 S. 57 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F156]58 . . . . . .

Textual Amendments

F156 S. 58 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Detention etc. pending trial

59 Detention at a police station.

In section 38 of the [M20]Police and Criminal Evidence Act 1984 (duties of custody officer after charge), for subsections (6) and (6A) there shall be substituted the following subsections—

"(6) Where a custody officer authorises an arrested juvenile to be kept in police detention under subsection (1) above, the custody officer shall, unless he certifies—

(a) that, by reason of such circumstances as are specified in the certificate, it is impracticable for him to do so; or

(b) in the case of an arrested juvenile who has attained the age of 15 years, that no secure accommodation is available and that keeping him in other local authority accommodation would not be adequate to protect the public from serious harm from him,

secure that the arrested juvenile is moved to local authority accommodation.

(6A) In this section—

"local authority accommodation" means accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989);

"secure accommodation" means accommodation provided for the purpose of restricting liberty;

"sexual offence" and "violent offence" have the same meanings as in Part I of the Criminal Justice Act 1991;

and any reference, in relation to an arrested juvenile charged with a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death

Status: *Point in time view as at 10/03/2014.*
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or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him."

Commencement Information

I28 S. 59 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M20 1984 c. 60.

60 Remands and committals to local authority accommodation.

[F157](1) . . . . . .

(2) In section 37 of the 1980 Act (committal of young person to Crown Court for sentence) —

(a) in subsection (1), for the words "17 years old" there shall be substituted the words "18 years old";

(b) in subsection (2), for the words "A person committed in custody under subsection (1) above" there shall be substituted the words "Where a person committed in custody under subsection (1) above is not less than 17 years old, he"; and

(c) after that subsection there shall be inserted the following subsection—

"(3) Where a person committed in custody under subsection (1) above is less than 17 years old—

(a) he shall be committed to accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989) and

(b) the court by which he is so committed shall impose a security requirement within the meaning of section 23 of the Children and Young Persons Act 1969."

(3) In the case of a child or young person who has been remanded [F158]... to local authority accommodation **[**[F159]under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**]** by a youth court or a magistrates' court other than a youth court, any application under section 25 of the [M21]Children Act 1989 (use of accommodation for restricting liberty) shall, notwithstanding anything in section 92(2) of that Act or section 65 of the 1980 Act, be made to that court.

Textual Amendments

F157 S. 60(1) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 27**; S.I. 2012/2906, art. 2(j)

F158 Words in s. 60(3) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 28(a)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

F159 Words in s. 60(3) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 28(b)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Status: *Point in time view as at 10/03/2014.*
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Commencement Information

I29 S. 60 wholly in force at 1.6.1999; s. 60(3) in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(1), **Sch. 1**; s. 60(1)(2)(a) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**; s. 60(2)(b)(c) in force at 1.6.1999 by S.I. 1999/1280, art. 3, **Sch.**
S. 60(2)(b)(c) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3(which art. 2(5), Sch. 3 was revoked (16.1999) by S.I. 1999/1280, **art. 2**)

Marginal Citations

M21 1989 c. 41.

[F160]61 Provision by local authorities of secure accommodation.

. . . . . .

Textual Amendments

F160 S. 61 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 29**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

[F161]61A Cost of secure accommodation.

. . . . . .

Textual Amendments

F161 S. 61A omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 30**; S.I. 2012/2906, art. 2(j)

62 [F162] Transitory provisions pending provision of secure accommodation.

(1) In relation to any time before such day as the Secretary of State may by order made by statutory instrument appoint, section 23 of the 1969 Act as substituted by section 60(1) above shall have effect with the following modifications.

(2) In subsection (1), immediately before the words "the remand" there shall be inserted the words "then, unless he is declared by the court, after consultation with a probation officer or a social worker of a local authority social services department, to be a person to whom subsection (5) below applies".

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

"(4) Where a court declares a person to be one to whom subsection (5) below applies, it shall remand him—

(a) to a remand centre, if it has been notified that such a centre is available for the reception from the court of such persons; and

(b) to a prison, if it has not been so notified.

(4A) A court shall not declare a person who is not legally represented in the court to be a person to whom subsection (5) below applies unless—

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(a) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or

(b) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.

(5) This subsection applies to a young person who is male and has attained the age of fifteen, but only if—

(a) he is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

(b) he has a recent history of absconding while remanded to local authority accommodation, and is charged with or has been convicted of an imprisonable offence alleged or found to have been committed while he was so remanded,

and (in either case) the court is of opinion that only remanding him to a remand centre or prison would be adequate to protect the public from serious harm from him."

(4) In subsection (6)—

(a) for the words "imposes a security requirement in respect of a young person" there shall be substituted the words "declares a person to be one to whom subsection (5) above applies"; and

(b) for the words "subsection (5) above" there shall be substituted the words "that subsection".

(5) In subsections (7) and (9), the words "without imposing a security requirement" shall be omitted.

(6) After subsection (9) there shall be inserted the following subsection—

"(9A) Where a person is remanded to local authority accommodation, a relevant court may, on the application of the designated authority, declare him to be a person to whom subsection (5) above applies; and on its doing so, he shall cease to be remanded to local authority accommodation and subsection (4) above shall apply."

(7) In subsection (12), the definition of "secure accommodation" shall be omitted.

Textual Amendments

F162 S. 62 repealed and superseded (1.6.1999) by 1998 c. 37, ss. 98(7), 120(1), **Sch. 10**; S.I. 1999/1279, **art. 2**

Young offenders

F163 63 . . . . . .

Status: *Point in time view as at 10/03/2014.*
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Textual Amendments

F163 S. 63 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F164]64 . . . . . .

Textual Amendments

F164 S. 64 repealed (9.1.1995) by 1993 c. 33, s. 168(3), **Sch.11**; S.I. 1994/3192, art.2, **Sch.**

[F165]65 Supervision of young offenders after release.

. . . . . .

Textual Amendments

F165 S. 65 repealed (3.12.2012 for the repeal of s. 65(1), 1.5.2013 in so far as not already in force) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 63, **Sch. 37 Pt. 7**; S.I. 2012/2905, art. 3(1)

[F166]66 . . . . . .

Textual Amendments

F166 S. 66 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F167]67 . . . . . .

Textual Amendments

F167 S. 67 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Miscellaneous

68 Persons aged 17 to be treated as young persons for certain purposes.

The following enactments, namely—

(a) the Children and Young Persons Acts 1933 to 1969;

(b) section 43(3) of the 1952 Act (remand centres, young offender institutions etc.);

[F168](c) . . . . . and

(d) the 1980 Act,

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shall have effect subject to the amendments specified in Schedule 8 to this Act, being amendments which, for certain purposes of those enactments, have the effect of substituting the age of 18 years for the age of 17 years.

Textual Amendments

F168 S. 68(c) 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)

Commencement Information

I30 S. 68 wholly in force (except for specified purposes, see S.I. 1992/333, art. 2(4)) at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

69 Non-appearance of persons aged 16 or 17: plea of guilty.

F169 . . . . . .

Textual Amendments

F169 S. 69 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

70 Renaming of juvenile courts etc.

(1) Juvenile courts shall be renamed youth courts and juvenile court panels shall be renamed youth court panels.

(2) Any reference to juvenile courts or juvenile court panels in any enactment passed or instrument made before the commencement of this section shall be construed in accordance with subsection (1) above.

Commencement Information

I31 S. 70 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

71 Amendments to service law.

F170 . . . . . .

Textual Amendments

F170 S. 71 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

72 Repeal of certain provisions not brought in force.

F171 . . . . . .

Status: *Point in time view as at 10/03/2014.*
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Textual Amendments

F171 S. 72 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), **Sch. 1 Pt. 3**

PART IV

PROVISION OF SERVICES

Modifications etc. (not altering text)

C35 Pt. IV (ss. 73-92) applied (30.6.1999) by 1999 c. 9, s. 1(2), **Sch. 1** as added by 1991 c. 56, **Sch. 4A para. 13(2)(a)**

Probation services

F172 73 . . . . . .

Textual Amendments

F172 S. 73 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

F173 74 . . . . . .

Textual Amendments

F173 S. 74 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

F174 75 . . . . . .

Textual Amendments

F174 S. 75 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

Court security

76 Provision of court security officers.

F175 . . . . . .

Status: *Point in time view as at 10/03/2014.*
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Textual Amendments

F175 S. 76 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 351, **Sch 10**; S.I. 2005/910, **art. 3(y)(aa)**

77 Powers and duties of court security officers.

F176 . . . . . .

Textual Amendments

F176 S. 77 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 351, **Sch 10**; S.I. 2005/910, **art. 3(y)(aa)**

78 Protection of court security officers.

F177 . . . . . .

Textual Amendments

F177 S. 78 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 351, **Sch 10**; S.I. 2005/910, **art. 3(y)(aa)**

[F178 79 Duties of responsible authorities.

(1) In section 55(2) (duties of local authorities outside Greater London) of the Justices of the M22 Peace Act 1979 ("the 1979 Act"), for paragraph (b) there shall be substituted the following paragraphs—

"(b) the sums payable under Part II of this Act on account of a person's salary or expenses as justices' clerk for the non-metropolitan county or metropolitan district or any part thereof, the remuneration of any staff employed by the magistrates' courts committee to assist him and the remuneration of any court security officers employed (whether by that committee or the council) under section 76(2)(a) of the Criminal Justice Act 1991, together with—

(i) secondary Class I contributions payable in respect of any such person, staff or officers under Part I of the Social Security Act 1975, and

(ii) state scheme premiums so payable under Part III of the Social Security Pensions Act 1975;

(bb) the sums payable under any contract entered into (whether by the magistrates' courts committee or the council) under section 76(2)(b) of the Criminal Justice Act 1991;".

(2) In section 58(2) of that Act (corresponding arrangements in the inner London area), for paragraph (b) there shall be substituted the following paragraphs—

"(b) the sums payable by way of salary or expenses to justices' clerks and other officers employed by the committee of magistrates and the remuneration of any court security officers employed (whether by that

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committee or the Receiver) under section 76(2)(a) of the Criminal Justice Act 1991, together with—

(i) secondary Class I contributions payable in respect of any such officers under Part I of the Social Security Act 1975, and

(ii) state scheme premiums so payable under Part III of the Social Security Pensions Act 1975;

(bb) the sums payable under any contract entered into (whether by the committee of magistrates or the Receiver) under section 76(2)(b) of the Criminal Justice Act 1991;".**]**

Textual Amendments

F178 S. 79 repealed (1.4.1995 so far as it applies to s. 55(2) of the 1979 Act and otherwise*prosp.*) by 1994 c. 29, s. 93, **Sch. 9 Pt.II**; S.I. 1995/685, **arts. 4(n)**, 8(v)

Commencement Information

I32 S. 79 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), **Sch. 1**.

Marginal Citations

M22 1979 c. 55.

Prisoner escorts

80 Arrangements for the provision of prisoner escorts.

(1) The Secretary of State may make arrangements for any of the following functions, namely—

[[F179](a) the delivery of prisoners from one set of relevant premises to another;**]**

(b) the custody of prisoners held on **[**[F180]the premises of any court**]** (whether or not they would otherwise be in the custody of the court) and their production before the court;

[[F181](c) the custody of prisoners temporarily held in a prison in the course of delivery from one prison to another; and**]**

(e) the custody of prisoners while they are outside a prison for temporary purposes,

to be performed in such cases as may be determined by or under the arrangements by prisoner custody officers who are authorised to perform such functions.

[[F182](1A) In paragraph (a) of subsection (1) above "relevant premises" means a court, prison, police station or hospital; and either (but not both) of the sets of premises mentioned in that paragraph may be situated in a part of the British Islands outside England and Wales.**]**

(2) Arrangements made by the Secretary of State under this section ("prisoner escort arrangements") may include entering into contracts with other persons for the provision by them of prisoner custody officers.

(3) Any person who, under **[**[F183]a warrant or a hospital order or remand**]**, is responsible for the performance of any such function as is mentioned in subsection (1) above shall be deemed to have complied with **[**[F183]the warrant, order or remand**]** if he does all that he

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reasonably can to secure that the function is performed by a prisoner custody officer acting in pursuance of prisoner escort arrangements.

[[F184](4) In this section—

"hospital" has the same meaning as in the [M23]Mental Health Act 1983;

"hospital order" means an order for a person's admission to hospital made under section 37, 38 or 44 of that Act, section 5 of the [M24]Criminal Procedure (Insanity) Act 1964 or section 6, 14 or 14A of the [M25]Criminal Appeal Act 1968;

"hospital remand" means a remand of a person to hospital under section 35 or 36 of the Mental Health Act 1983;

"warrant" means a warrant of commitment, a warrant of arrest or a warrant under section 46, 47, 48, 50 or 74 of that Act.**]**

Textual Amendments

F179 S. 80(1)(a) substituted (3.11.1994) by 1994 c. 33, **s. 93(1)(a)**.
F180 Words in s. 80(1)(b) substituted (3.11.1994) by 1994 c. 33, **s. 93(1)(b)**.
F181 S. 80(1)(c) substituted (3.11.1994) for s. 80(1)(c)(d) by 1994 c. 33, **s. 93(1)(c)**.
F182 S. 80(1A) inserted (3.11.1994) by 1994 c. 33, **s. 93(2)**.
F183 Words in s. 80(3) substituted (3.11.1994) by 1994 c. 33, **s. 93(3)**.
F184 S. 80(4) inserted (3.11.1994) by 1994 c. 33, **s. 93(4)**.

Modifications etc. (not altering text)

C36 S. 80: transfer of functions (20.4.2000) by S.I. 2000/1160, **art. 4(1)(2)(g)**

Commencement Information

I33 S. 80 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

Marginal Citations

M23 1983 c. 20.
M24 1964 c. 84.
M25 1968 c. 19.

81 Monitoring etc. of prisoner escort arrangements.

(1) Prisoner escort arrangements shall include the appointment of—

(a) a prisoner escort monitor, that is to say, a Crown servant whose duty it shall be to keep the arrangements under review and to report on them to the Secretary of State; and

(b) a panel of lay observers whose duty it shall be to inspect the conditions in which prisoners are transported or held in pursuance of the arrangements and to make recommendations to the Secretary of State.

(2) It shall also be the duty of a prisoner escort monitor to investigate and report to the Secretary of State on—

(a) any allegations made against prisoner custody officers acting in pursuance of prisoner escort arrangements; and

(b) any alleged breaches of discipline on the part of prisoners for whose delivery or custody such officers so acting are responsible.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(3) Any expenses incurred by members of lay panels may be defrayed by the Secretary of State to such extent as he may with the approval of the Treasury determine.

Modifications etc. (not altering text)

C37 S. 81(1)(a)(2): transfer of functions (20.4.2000) by S.I. 2000/1160, **art. 4(1)(2)(b)**

Commencement Information

I34 S. 81 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

82 Powers and duties of prisoner custody officers acting in pursuance of such arrangements.

(1) A prisoner custody officer acting in pursuance of prisoner escort arrangements shall have the following powers, namely—

(a) to search in accordance with rules made by the Secretary of State any prisoner for whose delivery or custody he is responsible in pursuance of the arrangements; and

(b) to search any other person who is in or is seeking to enter any place where any such prisoner is or is to be held, and any article in the possession of such a person.

(2) The powers conferred by subsection (1)(b) above to search a person shall not be construed as authorising a prisoner custody officer to require a person to remove any of his clothing other than an outer coat, jacket or gloves.

(3) A prisoner custody officer shall have the following duties as respects prisoners for whose delivery or custody he is responsible in pursuance of prisoner escort arrangements, namely—

(a) to prevent their escape from lawful custody;

(b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;

(c) to ensure good order and discipline on their part;

(d) to attend to their wellbeing; and

(e) to give effect to any directions as to their treatment which are given by a court,

and the Secretary of State may make rules with respect to the performance by prisoner custody officers of their duty under paragraph (d) above.

[[F185](4) Where a prisoner custody officer acting in pursuance of prisoner escort arrangements is on any premises in which the Crown Court or a magistrates' court is sitting, it shall be his duty to give effect to any order of that court made—

(a) in the case of the Crown Court, under **[**[F186]section 142 of the Powers of Criminal Courts (Sentencing) Act 2000**]**(power of Court to order search of persons before it); or

(b) in the case of a magistrates' court, under section 80 of the 1980 Act (application of money found on defaulter).

(5) The powers conferred by subsection (1) above, and the powers arising by virtue of subsections (3) and (4) above, shall include power to use reasonable force where necessary.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F185 S. 82(4) substituted (3.11.1994) by 1994 c. 33, **s. 94(1)**

F186 Words in s. 82(4) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 146**

Commencement Information

I35 S. 82 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

[83 [F187]Breaches of discipline by prisoners under escort.

(1) This section applies where a prisoner for whose delivery or custody a prisoner custody officer has been responsible in pursuance of prisoner escort arrangements is delivered to a prison.

(2) For the purposes of such prison rules as relate to disciplinary offences, the prisoner shall be deemed to have been—

(a) in the custody of the governor of the prison; or

(b) in the case of a contracted out prison, in the custody of its director,

at all times during the period for which the prisoner custody officer was so responsible.

(3) In the case of any breach by the prisoner at any time during that period of such prison rules as so relate, a disciplinary charge may be laid against him by the prisoner custody officer.

(4) Nothing in this section shall enable a prisoner to be punished under prison rules for any act or omission of his for which he has already been punished by a court.

(5) In this section "prison rules", in relation to a prison situated in a part of the British Islands outside England and Wales, means rules made under any provision of the law of that part which corresponds to section 47 of the 1952 Act.**]**

Textual Amendments

F187 S. 83 substituted (3.11.1994) by 1994 c. 33, **s.95**.

Contracted out prisons

[84 [F188]Contracting out prisons etc.

(1) The Secretary of State may enter into a contract with another person for the provision or running (or the provision and running) by him, or (if the contract so provides) for the running by sub-contractors of his, of any prison or part of a prison.

(2) While a contract under this section for the running of a prison or part of a prison is in force—

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(a) the prison or part shall be run subject to and in accordance with sections 85 and 86 below, the 1952 Act (as modified by section 87 below) and prison rules; and

(b) in the case of a part, that part and the remaining part shall each be treated for the purposes of sections 85 to 88A below as if they were separate prisons.

(3) Where the Secretary of State grants a lease or tenancy of land for the purposes of any contract under this section, none of the following enactments shall apply to it, namely—

(a) Part II of the [M26]Landlord and Tenant Act 1954 (security of tenure);

(b) section 146 of the [M27]Law of Property Act 1925 (restrictions on and relief against forfeiture);

(c) section 19(1), (2) and (3) of the [M28]Landlord and Tenant Act 1927 and the [M29]Landlord and Tenant Act 1988 (covenants not to assign etc.); and

(d) the [M30]Agricultural Holdings Act 1986.

In this subsection "lease or tenancy" includes an underlease or sub-tenancy.

(4) In this Part—

"contracted out prison" means a prison or part of a prison for the running of which a contract under this section is for the time being in force;

"the contractor", in relation to a contracted out prison, means the person who has contracted with the Secretary of State for the running of it; and

"sub-contractor", in relation to a contracted out prison, means a person who has contracted with the contractor for the running of it or any part of it.**]**

Textual Amendments

F188 S. 84 substituted (3.11.1994) by 1994 c. 33, **s.96**.

Marginal Citations

M26 1954 c. 56.
M27 1925 c. 20.
M28 1927 c. 36
M29 1988 c. 26.
M30 1986 c. 5.

85 Officers of contracted out prisons.

(1) Instead of a governor, every contracted out prison shall have—

(a) a director, who shall be a prisoner custody officer appointed by the contractor and specially approved for the purposes of this section by the Secretary of State; and

(b) a controller, who shall be a Crown servant appointed by the Secretary of State;

and every officer of such a prison who performs custodial duties shall **[**[F189](subject to section 86B)**]** be a prisoner custody officer who is authorised to perform such duties **[**[F190]or a prison officer who is temporarily attached to the prison**]**.

(2) [F191]. . . , the director shall have such functions as are conferred on him by the 1952 Act (as modified by section 87 below) or as may be conferred on him by prison rules.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(3) [F192] . . . . . .

(4) The controller shall have such functions as may be conferred on him by prison rules and shall be under a duty—

(a) to keep under review, and report to the Secretary of State on, the running of the prison by or on behalf of the director; and

(b) to investigate, and report to the Secretary of State on, any allegations made against prisoner custody officers performing custodial duties at the prison **[**[F193]or prison officers who are temporarily attached to the prison**]**.

(5) **[**[F194]The contractor and any sub-contractor of his shall each**]**be under a duty to do all that he reasonably can (whether by giving directions to the officers of the prison or otherwise) to facilitate the exercise by the controller of all such functions as are mentioned in or conferred by subsection (4) above.

Textual Amendments

F189 Words in s. 85(1) inserted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 18(3)**, 41(1); S.I. 2007/3001, **art. 2(1)(c)**

F190 Words in s. 85(1) inserted (3.11.1994) by 1994 c. 33, **s. 97(1)**.

F191 Words in s. 85(2) repealed (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 39, 41(1), **Sch. 5 Pt. 2**; S.I. 2007/3001, **art. 2(1)(t)(iii)**

F192 S. 85(3) repealed (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 19, 39, 41(1), **Sch. 5 Pt. 2**; S.I. 2007/3001, **art. 2(1)(t)(iii)**

F193 Words in s. 85(4)(b) inserted (3.11.1994) by 1994 c. 33, **s. 97(2)**.

F194 Words in s. 85(5) substituted (3.11.1994) by 1994 c. 33, **s. 101(1)**.

Commencement Information

I36 S. 85 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

86 Powers and duties of prisoner custody officers employed at contracted out prisons.

(1) A prisoner custody officer performing custodial duties at a contracted out prison shall have the following powers, namely—

(a) to search in accordance with prison rules any prisoner who is confined in the prison; and

(b) to search **[**[F195]in accordance with prison rules**]** any other person who is in or is seeking to enter the prison, and any article in the possession of such a person.

(2) The powers conferred by subsection (1)(b) above to search a person shall not be construed as authorising a prisoner custody officer to require a person to **[**[F196]submit to an intimate search (within the meaning of section 164(5) of the Customs and Excise Management Act 1979).**]** .

(3) A prisoner custody officer performing custodial duties at a contracted out prison shall have the following duties as respects prisoners confined in the prison, namely—

(a) to prevent their escape from lawful custody;

(b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;

(c) to ensure good order and discipline on their part; and

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(d) to attend to their wellbeing.

(4) The powers conferred by subsection (1) above, and the powers arising by virtue of subsection (3) above, shall include power to use reasonable force where necessary.

Textual Amendments

F195 Words in s. 86(1)(b) inserted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 16(1)(a)**, 41(1); S.I. 2007/3001, **art. 2(1)(a)**

F196 Words in s. 86(2) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 16(1)(b)**, 41(1); S.I. 2007/3001, **art. 2(1)(a)**

Commencement Information

I37 S. 86 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

[F197 86A Power of prisoner custody officers to detain suspected offenders

(1) A prisoner custody officer performing custodial duties at a contracted out prison shall have the following powers in relation to any person who is in or is seeking to enter the prison (other than a prisoner confined in the prison).

(2) Where the officer has reason to believe that the person is committing or has committed an offence under any of sections 39 to 40D of the Prison Act 1952, the officer may—

(a) require the person to wait with him for the arrival of a constable for such period as may be necessary (not exceeding two hours); and

(b) use reasonable force to prevent the person from making off while subject to a requirement under paragraph (a).

(3) A person who makes off while subject to such a requirement is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(4) In subsection (2), a reference to an offence under a particular provision includes a reference to any offence consisting of an attempt to commit, incitement or conspiracy to commit, or aiding, abetting, counselling or procuring the commission of, an offence under that provision.**]**

Textual Amendments

F197 S. 86(A) inserted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 17(1)**, 41(1); S.I. 2007/3001, **art. 2(1)(b)**

Modifications etc. (not altering text)

C38 S. 86A(2) modified (temp.) (1.11.2007) by The Offender Management Act 2007 (Commencement No.1 and Transitional Provisions) Order 2007 (S.I. 2007/3001), **art. 2(2)**

C39 S. 86A(4) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1)(2), 94, **Sch. 6 para. 19(b)**; S.I. 2008/2504, **art. 2(a)**

[F198 86B Powers of authorised persons to perform custodial duties

(1) In this section—

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

"restricted activity" means an activity which is (apart from this section) required by section 85(1) to be carried out by an officer of a contracted-out prison who is—

(a) a prisoner custody officer authorised to perform custodial duties; or

(b) a prison officer temporarily attached to the prison; and

"worker", in relation to a contracted out prison, means a person who works at the prison, other than an officer mentioned above.

(2) The Secretary of State may by order specify descriptions of restricted activity that may be the subject of authorisations under subsection (3) given to workers at a contracted-out prison.

(3) A worker at a contracted-out prison may carry out any activity of a description specified under subsection (2), but only if and to the extent that he is for the time being authorised to do so by the director of the prison.

(4) The director may give such authorisation—

(a) in general or specific terms, subject to any limitations or conditions he considers appropriate; and

(b) to one or more particular workers or to any worker who is (or comes to be) within a specified description of workers at the prison.

(5) Nothing in an order or authorisation under this section is to be taken as authorising the use of force.

(6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F198 S. 86(B) inserted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 18(2)**, 41(1); S.I. 2007/3001, **art. 2(1)(c)**

87 Consequential modifications of 1952 Act.

(1) In relation to a contracted out prison, the provisions of the 1952 Act specified in subsections (2) to (8) below shall have effect subject to the modifications so specified.

(2) In section 7(1) (prison officers), the reference to a governor shall be construed as a reference to a director and a controller.

[[F199](3) Section 8 (powers of prison officers) shall not apply (but this does not affect the powers of a prison officer who is temporarily attached to the prison).**]**

(4) In sections **[**[F200]8A(3), (4) and (5)**]** 10(5), 12(3), 13(1) **[**[F201]16A**][**[F202]16B**]**and 19(1) and (3) (various functions of the governor of a prison), references to the governor shall be construed as references to the director.

[[F203](4A) Section 11 (ejectment of prison officers and their families refusing to quit) shall not apply.**]**

[(5) In section 12(1) and (2) (place of confinement of prisoners), any reference to a prisoner or prisoners shall be construed as a reference to a remand prisoner or prisoners.**]**

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(6) In section 13(2) (legal custody of prisoner), the reference to an officer of the prison shall be construed as a reference to a prisoner custody officer performing custodial duties at the prison **[**[F204]or a prison officer who is temporarily attached to the prison**]**.

(7) In section 14(2) (cells), the reference to a prison officer shall be construed as a reference to a prisoner custody officer performing custodial duties at the prison **[**[F204]or a prison officer who is temporarily attached to the prison**]**.

(8) Section 35 (vesting of prison property in the Secretary of State) shall have effect subject to the provisions of the contract entered into under section 84(1) above.

Textual Amendments

F199 S. 87(3) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 20(2)**, 41(1); S.I. 2007/3001, **art. 2(1)(e)**

F200 Words in s. 87(4) inserted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 20(3)**, 41(1); S.I. 2007/3001, **art. 2(1)(e)**

F201 Words in s. 87(4) inserted (9.1.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 69**; S.I. 1994/3192, art. 2, **Sch.**

F202 Words in s. 87(4) inserted (21.5.1997) by 1997 c. 38, **ss.2**, 3(2).

F203 S. 87(4A) inserted (3.11.1994) by 1994 c. 33, **s. 97(4)**.

F204 Words in s. 87(6)(7) inserted (3.11.1994) by 1994 c. 33, **s. 97(5)**.

Modifications etc. (not altering text)

C40 S. 87 has effect (9.7.1992) by S.I. 1992/1656, **art. 3** as if s. 87(5) were omitted (which S.I. is revoked (24.2.1993) by S.I. 1993/368, **art. 2**.)
S. 87 has effect (24.02.1993) by S.I. 1993/368, **art. 4** as if subsection (5) were omitted.

Commencement Information

I38 S. 87 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

88 Intervention by the Secretary of State.

(1) This section applies where, in the case of a contracted out prison, it appears to the Secretary of State—

(a) that the director has lost, or is likely to lose, effective control of the prison or any part of it; and

(b) that the making of an appointment under subsection (2) below is necessary in the interests of preserving the safety of any person, or of preventing serious damage to any property.

(2) The Secretary of State may appoint a Crown servant to act as governor of the prison for the period—

(a) beginning with the time specified in the appointment; and

(b) ending with the time specified in the notice of termination under subsection (4) below.

(3) During that period—

(a) all the functions which would otherwise be exercisable by the director or the controller shall be exercisable by the governor;

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(b) **[**[F205]the contractor and any sub-contractor of his shall each**]** do all that he reasonably can to facilitate the exercise by the governor of those functions; and

(c) the officers of the prison shall comply with any directions given by the governor in the exercise of those functions.

(4) Where the Secretary of State is satisfied—

(a) that the governor has secured effective control of the prison or, as the case may be, the relevant part of it; and

(b) that the governor's appointment is no longer necessary as mentioned in subsection (1)(b) above,

he shall, by a notice to the governor, terminate the appointment at a time specified in the notice.

(5) As soon as practicable after making or terminating an appointment under this section, the Secretary of State shall give a notice of the appointment, or a copy of the notice of termination, to the contractor, **[**[F206]any sub-contractor of his,**]**the director and the controller.

Textual Amendments

F205 Words in s. 88(3)(b) substituted (3.11.1994) by 1994 c. 33, **s. 101(2)**.

F206 Words in s. 88(5) inserted (3.11.1994) by 1994 c. 33, **s. 101(3)**.

Commencement Information

I39 S. 88 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

[[F207]*Contracted out functions*

Textual Amendments

F207 S. 88A and cross heading inserted (3.11.1994) by 1994 c. 33, **s.99**.

[F208]88A Contracted out functions at directly managed prisons.

(1) The Secretary of State may enter into a contract with another person for any functions at a directly managed prison to be performed by prisoner custody officers who are provided by that person and are authorised to perform custodial duties.

(2) **[**[F209]Sections 86 and 86A**]** above shall apply in relation to a prisoner custody officer performing contracted out functions at a directly managed prison as **[**[F210]they apply**]** in relation to such an officer performing custodial duties at a contracted out prison.

(3) In relation to a directly managed prison—

(a) the reference in section 13(2) of the 1952 Act (legal custody of prisoners) to an officer of the prison; and

(b) the reference in section 14(2) of that Act (cells) to a prison officer,

shall each be construed as including a reference to a prisoner custody officer performing custodial duties at the prison in pursuance of a contract under this section.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(4) Any reference in subsections (1) to (3) above to the performance of functions or custodial duties at a directly managed prison includes a reference to the performance of functions or such duties for the purposes of, or for purposes connected with, such a prison.

(5) In this Part—

"contracted out functions" means any functions which, by virtue of a contract under this section, fall to be performed by prisoner custody officers;

"directly managed prison" means a prison which is not a contracted out prison.**]**

Textual Amendments

F208 S. 88A and cross heading inserted (3.11.1994) by 1994 c. 33, **s.99**.

F209 Words in s. 88A(2) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 17(2)(a)**, 41(1); S.I. 2007/3001, **art. 2(1)(b)**

F210 Words in s. 88A(2) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 17(2)(b)**, 41(1); S.I. 2007/3001, **art. 2(1)(b)**

Supplemental

89 Certification of prisoner custody officers

(1) In this Part "prisoner custody officer" means a person in respect of whom a certificate is for the time being in force certifying—

(a) that he has been approved by the Secretary of State for the purpose of performing escort functions or custodial duties or both; and

(b) that he is accordingly authorised to perform them.

(2) The provisions of Schedule 10 to this Act shall have effect with respect to the certification of prisoner custody officers.

(3) In this section and Schedule 10 to this Act—

"custodial duties" means custodial duties at a **[**[F211]contracted out or directly managed prison**]**;

"escort functions" means the functions specified in section 80(1) above.

Textual Amendments

F211 Words in s. 89(3) substituted (3.11.1994) by 1994 c. 33, **s. 101(4)**.

Modifications etc. (not altering text)

C41 S. 89: transfer of functions (20.4.2000) by S.I. 2000/1160, **art. 4(1)(2)(h)**

Commencement Information

I40 S. 89 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

90 Protection of prisoner custody officers.

(1) Any person who assaults a prisoner custody officer

[[F212](a) acting in pursuance of prisoner escort arrangements;

(b) performing custodial duties at a contracted out prison; or

(c) performing contracted out functions at a directly managed prison,**]**

shall be liable on summary conviction to fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

(2) Section 17(2) of the [M31]Firearms Act 1968 (additional penalty for possession of firearms when committing certain offences) shall apply to offences under subsection (1) above.

(3) Any person who resists or wilfully obstructs a prisoner custody officer

[[F212](a) acting in pursuance of prisoner escort arrangements;

(b) performing custodial duties at a contracted out prison; or

(c) performing contracted out functions at a directly managed prison,**]**

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) For the purposes of this section, a prisoner custody officer shall not be regarded as acting in pursuance of prisoner escort arrangements at any time when he is not readily identifiable as such an officer (whether by means of a uniform or badge which he is wearing or otherwise).

Textual Amendments

F212 Words in s. 90(1)(3) substituted (3.11.1994) by 1994 c. 33, **s. 101(5)**.

Commencement Information

I41 S. 90 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

Marginal Citations

M31 1968 c. 27.

91 Wrongful disclosure of information.

(1) A person who

[[F213](a) is or has been employed (whether as a prisoner custody officer or otherwise) in pursuance of prisoner escort arrangements, or at a contracted out prison; or

(b) is or has been employed to perform contracted out functions at a directly managed prison,**]**

shall be guilty of an offence if he discloses, otherwise than in the course of his duty or as authorised by the Secretary of State, any information which he acquired in the course of his employment and which relates to a particular prisoner.

(2) A person guilty of an offence under subsection (1) above shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;

(b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Textual Amendments

F213 Words in s. 91(1) substituted (3.11.1994) by 1994 c. 33, **s. 101(6)**.

Commencement Information

I42 S. 91 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

92 Interpretation of Part IV.

(1) In this Part **[**[F214]unless the context otherwise requires**]**—

"contracted out prison" and "the contractor" have the meanings given by **[**[F215]section 84(4)**]** above;

[[F216]"contracted out functions" and "directly managed prison" have the meanings given by section 88A(5) above;**]**

[F217] . . . . . .

[F218] . . . . . .

"prison" includes a young offender institution or remand centre;

[[F216]"prison officer" means an officer of a directly managed prison;

"prison rules" means rules made under section 47 of the 1952 Act;**]**

[[F219]"prisoner" means any person for the time being detained in legal custody as a result of a requirement imposed by a court or otherwise that he be so detained;**]**

"prisoner custody officer" has the meaning given by section 89(1) above;

"prisoner escort arrangements" has the meaning given by section 80(2) above.

[[F216]"sub-contractor" has the meaning given by section 84(4) above.**]**

[[F220](1A) Any reference in this Part to custodial duties at a contracted out prison includes a reference to custodial duties in relation to a prisoner who is outside such a prison for temporary purposes.**]**

[F221](2) . . . . . .

(3) Sections 80, 81(1) and (2)(a), 82 and 89 to 91 above, subsection (1) above and Schedule 10 to this Act shall have effect as if—

(a) any reference in section 80(1), 81(1), 82 or 91 above to prisoners included a reference to persons **[**[F222]remanded **[**[F223]to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**]]** by virtue of a security requirement imposed under section 23(4) of the 1969 Act (remands and committals to local authority accommodation); and

(b) any reference in **[**[F222]section 80(1)(c) or (e) or (1A)**]** above to a prison included a reference to **[**[F224]accommodation in which a person is or is to be accommodated pursuant to such a remand**]**.

[[F225](4) In sections 80, 82 and 83 above, "prison"—

(a) so far as relating to the delivery of prisoners to or from a prison situated in Scotland, includes a remand centre or young offenders institution within the meaning of section 19 of the [M32]Prisons (Scotland) Act 1989; and

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(b) so far as relating to the delivery of prisoners to or from a prison situated in Northern Ireland, includes a remand centre or young offenders centre.**]**

Textual Amendments

F214 Words in s. 92(1) inserted (3.11.1994) by 1994 c. 33, **s. 101(7)(a)**.
F215 Words in s. 92(1) substituted (3.11.1994) by 1994 c. 33, **s. 101(7)(b)**.
F216 Definitions in s. 92(1) inserted (3.11.1994) by 1994 c. 33, **s. 101(7)(c)-(e)**.
F217 S. 92(1): definition of "court-house" repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 352(2); Sch. 10, S.I. 2005/910, {art. 3(y)}
F218 S. 92(1): definition of "court security officer" repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 352(2); Sch. 10, S.I. 2005/910, {art. 3(y)}
F219 Definition in s. 92(1) substituted (3.11.1994) by 1994 c. 33, **s. 93(5)**.
F220 S. 92(1A) inserted (3.11.1994) by 1994 c. 33, **s. 98**.
F221 S. 92(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 352(3); Sch. 10, S.I. 2005/910, {art. 3(y)}
F222 Words in s. 92(3) substituted (3.11.1994) by 1994 c. 33, **s. 93(6)**.
F223 Words in s. 92(3)(a) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 31(a)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
F224 Words in s. 92(3)(b) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 31(b)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
F225 S. 92(4) inserted (3.11.1994) by 1994 c. 33, **s. 93(7)**.

Commencement Information

I43 S. 92 partly in force; s. 92(3) not in force; s. 92(1) in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3; s. 92(2) in force at 1.4.1992 see S.I. 1992/333, art. 2(1), Sch. 1
S. 92(3) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3

Marginal Citations

M32 1989 c. 45.

PART V

FINANCIAL AND OTHER PROVISIONS

Cash limits

93 Cash limits for magistrates' courts.

[F226](1) . . . . . .

(2) In section 58 of that Act (corresponding arrangements in inner London area), after subsection (2) there shall be inserted the following subsection—

"(2A) Nothing in subsection (1) or (2) above shall require the Receiver to incur any expenditure or make any payment which would—

(a) cause the net cost to him in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in relation to the Receiver and that year, is for the time being determined by the Secretary of State under subsection (3)(b) of that section; or

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(b) cause his capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to the Receiver and that year, is for the time being determined by the Secretary of State under subsection (4)(b) of that section;

and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above."

[F227](3) . . . . . .

[F227](4) . . . . . .

Textual Amendments

F226 S. 93(1) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. II**; S.I. 1995/685, **arts. 4(n)**, 8(w)

F227 S. 93(3)(4) repealed (19.6.1997) by 1997 c. 25, ss. 73(3), 74(1), **Sch. 6 Pt.I**.

Commencement Information

I44 S. 93 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

[F228]94 . . . . . .

Textual Amendments

F228 S. 94 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

Miscellaneous

95 Information for financial and other purposes.

(1) The Secretary of State shall in each year publish such information as he considers expedient for the purpose of—

(a) enabling persons engaged in the administration of criminal justice to become aware of the financial implications of their decisions;

[[F229](aa) enabling such persons to become aware of the relative effectiveness of different sentences—

(i) in preventing re-offending, and

(ii) in promoting public confidence in the criminal justice system; **]** or

(b) facilitating the performance by such persons of their duty to avoid discriminating against any persons on the ground of race or sex or any other improper ground.

(2) Publication under subsection (1) above shall be effected in such manner as the Secretary of State considers appropriate for the purpose of bringing the information to the attention of the persons concerned.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Textual Amendments

F229 S. 95(1)(aa) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), **ss. 175**, 336, S.I. 2005/950, {art. 2}, Sch. 1 (subject to Sch. 2 (as amended by S.I. 2005/2122, art. 2))

Commencement Information

I45 S. 95 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

[F230]96 . . . . . .

Textual Amendments

F230 S. 96 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

[F231]97 . . . . . .

Textual Amendments

F231 S. 97 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

PART VI

SUPPLEMENTAL

98 Expenses etc. under Act.

There shall be paid out of money provided by Parliament—

(a) any sums required by the Secretary of State for making payments under contracts entered into under section 13, 80 or 84 above [F232]. . .;

(b) any sums so required for defraying the expenses of the Parole Board, or any expenses incurred by members of lay panels appointed under section 81 above;

(c) any administrative expenses incurred by the Secretary of State under this Act; and

(d) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

Textual Amendments

F232 Words in s. 98(a) repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

Commencement Information

I46 S. 98 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

99 General interpretation.

(1) In this Act—

"the 1933 Act" means the [M33]Children and Young Persons Act 1933;

"the 1952 Act" means the [M34]Prison Act 1952;

"the 1967 Act" means the [M35]Criminal Justice Act 1967;

"the 1969 Act" means the [M36]Children and Young Persons Act 1969;

"the 1973 Act" means the [M37]Powers of Criminal Courts Act 1973;

[F233] . . .

"the 1980 Act" means the [M38]Magistrates' Courts Act 1980;

"the 1982 Act" means the [M39]Criminal Justice Act 1982;

"the 1983 Act" means the [M40]Mental Health Act 1983;

"the 1988 Act" means the [M41]Criminal Justice Act 1988;

"child", unless the contrary intention appears, means a person under the age of fourteen years;

[[F234]"local probation board" means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;**]**

"prison rules" means rules made under section 47 of the 1952 Act;

"young person" means a person who has attained the age of fourteen years and is under the age of eighteen years.

[[F235]"youth offending team" means a team established under section 39 of the Crime and Disorder Act 1998.**]**

(2) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State, his age shall be deemed to be that which it appears to the court or the Secretary of State to be after considering any available evidence.

Textual Amendments

F233 Definition in s. 99(1) repealed (19.6.1997) by 1997 c. 25, ss. 73(3), 74(1), **Sch. 6 Pt. I**.

F234 S. 99(1): definition of
"local probation board"
inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 110**; S.I. 2001/919, **art. 2(f)(ii)**

F235 Definition of "youth offending team" in s. 99(1) inserted (30.9.1998 for areas specified in S.I. 1998/2327, art. 3(1), **Sch. 1** and subject to art. 9 of that S.I., otherwise 1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 95**; S.I. 1998/2327, **art. 3(1)(b)**; S.I. 2000/924, **art. 2(c)**

Commencement Information

I47 S. 99 wholly in force; s. 99(1) (save for the definitions of "child" and "young person") in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 1; s. 99 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch** . 2.

Marginal Citations

M33 1933 c. 12.

M34 1952 c. 52.

M35 1967 c. 80.

M36 1969 c. 54.

M37 1973 c. 62.

M38 1980 c. 43.

M39 1982 c. 48.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

M40 1983 c. 20.
M41 1988 c. 33.

100 Minor and consequential amendments.

The enactments mentioned in Schedule 11 to this Act shall have effect subject to the amendments there specified (being minor amendments and amendments consequential on the preceding provisions of this Act).

Commencement Information

I48 S. 100 wholly in force at 1.6.1999; S. 100 in force for certain purposes at 14.10.1991 and for further purposes at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)(4)** and Schs. 1 and 3; s. 100 in force for certain purposes at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), **Sch. 1**; s. 100 in force for certain purposes at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.; s. 100 in force for certain purposes (1.6.1999) by S.I. 1999/1280, art. 3, **Sch.**
S. 100 shall come into force for certain purposes on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3 (which art. 2(5) is revoked (1.6.1999) by S.I. 1999/1280, **art. 2**)

101 Transitional provisions, savings and repeals.

(1) The transitional provisions and savings contained in Schedule 12 to this Act shall have effect; but nothing in this subsection shall be taken as prejudicing the operation of sections 16 and 17 of the [M42]Interpretation Act 1978 (which relate to the effect of repeals).

(2) The enactments mentioned in Schedule 13 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

Commencement Information

I49 S. 101 partly in force; s. 101(1) in force for certain purposes 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 1; s. 101(1) in force for certain purposes at 25.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(2)** and Sch. 2; s. 101(2) in force for certain purposes at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3; s. 101 in force for certain purposes at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.; s. 101 in force for certain purposes (1.6.1999) by S.I. 1999/1280, art. 3, **Sch.**
S. 101 to come into force for certain purposes on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3 (which art. 2(5) is repealed (1.6.1999) by S.I. 1999/1280, **art. 2**)

Marginal Citations

M42 1978 c. 30.

102 Short title, commencement and extent.

(1) This Act may be cited as the Criminal Justice Act 1991.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions or for different purposes.

(3) Without prejudice to the provisions of Schedule 12 to this Act, an order under subsection (2) above may make such transitional provisions and savings as appear to the Secretary of State necessary or expedient in connection with any provision brought into force by the order.

(4) Subject to subsections (5) to (8) below, this Act extends to England and Wales only.

(5) The following provisions of this Act, namely—

(a) this section;

(b) sections 16, 17(1) and (2), 24 and 26(3) and (4); and

(c) Schedule 3, paragraph 6 of Schedule 6, paragraph 5 of Schedule 8, [F236]. . . and, so far as relating to the [M43]Social Work (Scotland) Act 1968, Schedule 13,

also extend to Scotland; and section 23(2) above and, in so far as relating to the [M44]Criminal Procedure (Scotland) Act 1975, Schedule 13 to this Act extend to Scotland only.

(6) This section, section 16 above, Schedule 3 to this Act, [F237]. . . and, so far as relating to the [M45]Social Work (Scotland) Act 1968, Schedule 13 to this Act also extend to Northern Ireland.

(7) An Order in Council under section 81(11) of the 1982 Act may direct that both or either of—

(a) section 37 of that Act as amended by section 17(1) above; and

(b) section 32 of the 1980 Act as amended by section 17(2) above,

shall extend, subject to such modifications as may be specified in the Order, to the Isle of Man or any of the Channel Islands.

[[F238](7A) Sections 80, 82 and 83 above, so far as relating to the delivery of prisoners to or from premises situated in a part of the British Islands outside England and Wales, extend to that part of those Islands.**]**

(8) Nothing in subsection (4) above affects the extent of this Act in so far as it amends or repeals any provision of the [M46]Army Act 1955, the [M47]Air Force Act 1955, the [M48]Naval Discipline Act 1957 or the [M49]Armed Forces Act 1991.

Subordinate Legislation Made

P1 S. 102(2)(3) power exercised by S.I. 1991/2208
S. 102(2)(3) power exercised by S.I. 1991/2706

P2 S. 102(2)(3) power exercised (21.2.1992): different dates appointed for specified provisions by S.I. 1999/333, **art. 2(1)(2)** (as amended by S.I. 1999/2118)
S. 102(2)(3) power partly exercised (11.12.1994): 9.1.1995 appointed day by 1994/3191

P3 S. 102(2) power partly exercised (4.5.1999): 1.6.1999 appointed for specific provisions by S.I. 1999/1280, art. 3, **Sch.**

Textual Amendments

F236 Words in s. 102(5)(c) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

F237 Words in s. 102(6) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F238 S. 102(7A) inserted (3.11.1994) by 1994 c. 33, **s. 101(8)**.

Commencement Information

I50 S. 102 so far as not in force wholly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 1

Marginal Citations

M43 1968 c. 49.

M44 1975 c. 21.

M45 1968 c. 49.

M46 1955 c. 18.

M47 1955 c. 19.

M48 1957 c. 53.

M49 1991 c. 62.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

SCHEDULES

[F239]SCHEDULE 1

Sections 8(3) and 9(2).

. . . . . .

Textual Amendments

F239 Sch. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I51 Sch. 1 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

[F240]SCHEDULE 2

Section 14(1).

. . . . . .

Textual Amendments

F240 Sch. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Modifications etc. (not altering text)

C42 Sch. 2 applied (with modifications) (1.4.1996) by 1995 c. 46, **ss. 234(5)(6)**, 309(2) (with ss. 24(2), 307(2))
Sch. 2 applied (with modifications) (30.9.1998) by 1998 c. 37, ss. 68(3), 70(5), **Sch. 5 para. 5(4)(5)**; S.I. 1998/2327, **arts. 2(1)(o)**
Sch. 2 applied (with modifications) (30.9.1998) by 1969 c. 54, **s. 16B** (as inserted by 1998 c. 37, s. 119, **Sch. 8 para. 21**; S.I. 1998/2327, **arts. 2(1)(y)(2)(i)**)

Commencement Information

I54 Sch. 2 (paras. 1 - 18) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

SCHEDULE 3

Section 16.

RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

Commencement Information

I77 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

[F306]PART I

TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

Textual Amendments

F306 Sch. 3 Pt. I (paras. 1-6) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I78 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Probation orders: Scotland

. . . . . .

1 (1) Where a court considering the making of a probation order is satisfied that the offender resides in Scotland, or will be residing there when the order comes into force, section 2 of the 1973 Act (probation orders) shall have effect as if after subsection (1) there were inserted the following subsection—

"(1A) A court shall not make a probation order in respect of any offender unless it is satisfied that suitable arrangements for his supervision can be made by the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area he resides, or will be residing when the order comes into force."

(2) Where a probation order has been made and—

(a) a magistrates' court acting for the petty sessions area specified in the order is satisfied that the offender proposes to reside or is residing in Scotland; and

(b) it appears to the court that suitable arrangements for his supervision can be made by the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area he proposes to reside or is residing,

the power of the court to amend the order under Part IV of Schedule 2 to this Act shall include power to amend it by requiring him to be supervised in accordance with arrangements so made.

(3) Where a court is considering the making or amendment of a probation order in accordance with this paragraph, Schedule 1A to the 1973 Act (additional requirements in probation orders) shall have effect as if—

(a) any reference to a probation officer were a reference to an officer of the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area the offender resides or will be residing when the order or amendment comes into force;

(b) the reference in paragraph 2(5) to the probation committee for the area in which the premises are situated were a reference to the regional or islands council for that area;

(c) paragraph 3 (requirements as to attendance at probation centre) were omitted; and

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(d) the reference in paragraph 5(3) to a mental hospital were a reference to a hospital within the meaning of the Mental Health (Scotland) Act 1984, not being a State hospital within the meaning of that Act.

(4) A probation order made or amended in accordance with this paragraph shall—

(a) specify the locality in Scotland in which the offender resides or will be residing when the order or amendment comes into force; and

(b) specify as the appropriate court for the purposes of subsection (2) of section 183 or 384 of the Criminal Procedure (Scotland) Act 1975 a court of summary jurisdiction (which, in the case of an offender convicted on indictment, shall be the sheriff court) having jurisdiction in the locality specified under paragraph (a) above.

Probation orders: Northern Ireland

. . . . . .

2 (1) Where a court considering the making of a probation order is satisfied that the offender resides in Northern Ireland, or will be residing there when the order comes into force, section 2 of the 1973 Act shall have effect as if after subsection (1) there were inserted the following subsection—

"(1A) A court shall not make a probation order in respect of any offender unless it is satisfied that suitable arrangements for his supervision can be made by the Probation Board for Northern Ireland."

(2) Where a probation order has been made and—

(a) a magistrates' court acting for the petty sessions area specified in the order is satisfied that the offender proposes to reside or is residing in Northern Ireland; and

(b) it appears to the court that suitable arrangements for his supervision can be made by the Probation Board for Northern Ireland,

the power of the court to amend the order under Part IV of Schedule 2 to this Act shall include power to amend it by requiring him to be supervised in accordance with arrangements so made.

(3) Where a court is considering the making or amendment of a probation order in accordance with this paragraph, Schedule 1A to the 1973 Act shall have effect as if—

(a) any reference to a probation officer were a reference to a probation officer assigned to the petty sessions district in Northern Ireland in which the offender resides or will be residing when the order or amendment comes into force;

(b) the reference in paragraph 2(5) to the probation committee for the area in which the premises are situated were a reference to the Probation Board for Northern Ireland;

(c) references in paragraph 3 to a probation centre were references to a day centre within the meaning of paragraph 3 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996; and

(d) the reference in paragraph 5(3) to treatment as a resident patient in a mental hospital were a reference to treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(Northern Ireland) Order 1972, approved by the Department of Health and Social Services for Northern Ireland for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 .

(4) A probation order made or amended in accordance with this paragraph shall specify the petty sessions district in Northern Ireland in which the offender resides or will be residing when the order or amendment comes into force.

Community service orders: Scotland

. . . . . .

3 (1) Where a court considering the making of a community service order is satisfied that the offender resides in Scotland, or will be residing there when the order comes into force, section 14 of the 1973 Act shall have effect as if for subsection (2A) there were substituted the following subsection—

"(2A) A court shall not make a community service order in respect of any offender unless—

(a) the court has been notified by the Secretary of State that arrangements exist for persons who reside in the locality in Scotland in which the offender resides, or will be residing when the order comes into force, to perform work under community service orders made under section 1 of the Community Service by Offenders (Scotland) Act 1978; and

(b) it appears to the court that provision can be made for him to perform work under those arrangements."

(2) Where a community service order has been made and—

(a) a magistrates' court acting for a petty sessions area for the time being specified in it is satisfied that the offender proposes to reside or is residing in Scotland;

(b) the court has been notified by the Secretary of State that arrangements exist for persons who reside in the locality in Scotland in which the offender proposes to reside or is residing to perform work under community service orders made under section 1 of the Community Service by Offenders (Scotland) Act 1978; and

(c) it appears to the court that provision can be made for him to perform work under the community service order under those arrangements,

it may amend the order by specifying that the unpaid work required to be performed by the order be so performed.

(3) A community service order made or amended in accordance with this paragraph shall—

(a) specify the locality in Scotland in which the offender resides or will be residing when the order or amendment comes into force; and

(b) require the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area the locality specified under paragraph (a) above is situated to appoint or assign an officer who will discharge in respect of the order the functions in respect of community service orders conferred on the local authority officer by the Community Service by Offenders (Scotland) Act 1978.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Community service orders: Northern Ireland

. . . . . .

4 (1) Where a court considering the making of a community service order is satisfied that the offender resides in Northern Ireland, or will be residing there when the order comes into force, section 14 of the 1973 Act shall have effect—

(a) . . . . . .

(b) . . . as if for subsection (2A) there were substituted the following subsection—

"(2A) A court shall not make a community service order in respect of any offender unless it appears to the court that provision can be made by the Probation Board for Northern Ireland for him to perform work under the order."

(2) Where a community service order has been made and—

(a) a magistrates' court acting for a petty sessions area for the time being specified in it is satisfied that the offender proposes to reside or is residing in Northern Ireland; and

(b) it appears to the court that provision can be made by the Probation Board for Northern Ireland for him to perform work under the order,

it may amend the order by specifying that the unpaid work required to be performed by the order be so performed . . ..

(3) A community service order made or amended in accordance with this paragraph shall—

(a) specify the petty sessions district in Northern Ireland in which the offender resides or will be residing when the order or amendment comes into force; and

(b) require the Probation Board for Northern Ireland to select an officer who will discharge in respect of the order the functions in respect of community service orders conferred on the relevant officer by the Part II of the Criminal Justice (Northern Ireland) Order 1996.

Combination orders: Scotland

. . . . . .

5 Paragraphs 1 and 3 above shall apply in relation to combination orders—

(a) in so far as they impose such a requirement as is mentioned in paragraph (a) of subsection (1) of section 11 of this Act, as if they were probation orders; and

(b) in so far as they impose such a requirement as is mentioned in paragraph (b) of that subsection, as if they were community service orders.

General

. . . . . .

Status: *Point in time view as at 10/03/2014.*
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6 (1) Where a community order is made or amended in any of the circumstances specified in this Schedule, the court which makes or amends the order shall send three copies of it as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.

(2) Where a community order is made or amended in any of the circumstances specified in this Schedule, then, subject to the following provisions of this paragraph—

(a) the order shall be treated as if it were a corresponding order made in the part of the United Kingdom in which the offender resides, or will be residing at the relevant time; and

(b) the legislation relating to such orders which has effect in that part of the United Kingdom shall apply accordingly.

(3) Before making or amending a community order in those circumstances the court shall explain to the offender in ordinary language—

(a) the requirements of the legislation relating to corresponding orders which has effect in the part of the United Kingdom in which he resides or will be residing at the relevant time;

(b) the powers of the home court under that legislation, as modified by this paragraph; and

(c) its own powers under this paragraph,

and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under section 2(3) or 14(5) of the 1973 Act.

(4) The home court may exercise in relation to the community order any power which it could exercise in relation to a corresponding order made by a court in the part of the United Kingdom in which the home court exercises jurisdiction, by virtue of the legislation relating to such orders which has effect in that part, except the following, namely—

(a) in the case of a probation order or a combination order, a power conferred by section 186(2)(b), 187, 387(2)(b) or 388 of, or paragraph 1 of Schedule 5 to, the Criminal Procedure (Scotland) Act 1975;

(b) in the case of a probation order, a power conferred by paragraphs 3(1)(d), 4(1)(d), 7(2) or 8(2) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996

(c) in the case of a community service order—

(i) a power conferred by section 4(2)(b) or 5(1)(c) or (d) of the Community Service by Offenders (Scotland) Act 1978;

[F316](ii) a power conferred by paragraph 3(1)(d), 4(1)(d), 7(2) or 8(2) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996;or

(iii) a power to vary the order by substituting for the number of hours of work specified in it any greater number than the court which made the order could have specified.

(5) If at any time while legislation relating to corresponding orders which has effect in Scotland or Northern Ireland applies by virtue of sub-paragraph (2) above to a community order made in England and Wales—

(a) it appears to the home court—

(i) if that court is in Scotland, on information from the local authority officer concerned; and

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(ii) if it is in Northern Ireland, upon a complaint being made to a justice of the peace acting for the petty sessions district for the time being specified in the order,

that the offender has failed to comply with any of the requirements of the legislation applicable to the order; or

(b) it appears to the home court on the application of the offender or—

(i) if that court is in Scotland, of the local authority officer concerned; and

(ii) if it is in Northern Ireland, of the probation officer concerned,

that it would be in the interests of justice for a power conferred by paragraph 7 or 8 of Schedule 2 to this Act to be exercised,

the home court may require the offender to appear before the court which made the order.

(6) Where an offender is required by virtue of sub-paragraph (5) above to appear before the court which made the community order, that court—

(a) may issue a warrant for his arrest; and

(b) may exercise any power which it could exercise in respect of the community order if the offender resided in England and Wales,

and any enactment relating to the exercise of such powers shall have effect accordingly, and with any reference to the responsible officer being construed as a reference to the local authority or probation officer concerned.

(7) Where an offender is required by virtue of paragraph (a) of sub-paragraph (5) above to appear before the court which made the community order—

(a) the home court shall send to that court a certificate certifying that the offender has failed to comply with such of the requirements of the order as may be specified in the certificate, together with such other particulars of the case as may be desirable; and

(b) a certificate purporting to be signed by the clerk of the home court shall be admissible as evidence of the failure before the court which made the order.

(8) In this paragraph—

"corresponding order", in relation to a combination order, means a probation order including such a requirement as is mentioned in subsection (5A) of section 183 or 384 of the Criminal Procedure (Scotland) Act 1975;

"home court" means—

(a) if the offender resides in Scotland, or will be residing there at the relevant time, the sheriff court having jurisdiction in the locality in which he resides or proposes to reside; and

(b) if he resides in Northern Ireland, or will be residing there at the relevant time, the court of summary jurisdiction acting for the petty sessions district in which he resides or proposes to reside;

"the local authority officer concerned", in relation to an offender, means the officer of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 responsible for his supervision or, as the case may be, discharging in relation to him the functions assigned by the Community Service by Offenders (Scotland) Act 1978;

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"the probation officer concerned", in relation to an offender, means the probation officer responsible for his supervision or, as the case may be, discharging in relation to him the functions conferred by Part II of the Criminal Justice (Northern Ireland) Order 1996;

"the relevant time" means the time when the order or the amendment to it comes into force.

PART II

TRANSFER OF CORRESPONDING ORDERS FROM SCOTLAND

Commencement Information

I85 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Probation orders

7 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended as follows.

(2) In each of sections 183 and 384 (which provide, respectively, for probation orders in solemn and in summary proceedings), in subsection (1A) for the words "by the local authority in whose area he resides or is to reside" there shall be substituted the following paragraphs—

"(a) in a case other than that mentioned in paragraph (b) below, by the local authority in whose area he resides or is to reside; or

(b) in a case where, by virtue of section 188(1) of this Act, subsection (2) of this section would not apply, by the probation committee for the area which contains the petty sessions area which would be named in the order".

(3) In each of sections 188 and 389 (which provide, respectively, for probation orders relating to persons residing in England being made in solemn and in summary proceedings)—

(a) in subsection (1)—

(i) for the words "that the offender shall perform unpaid work" there shall be substituted the words "which, while corresponding to a requirement mentioned in paragraph 2 or 3 of Schedule 1A to the [M57]Powers of Criminal Courts Act 1973, would if included in a probation order made under that Act fail to accord with a restriction as to days of presentation, participation or attendance mentioned in paragraph 2(4)(a) or (6)(a), or as the case may be 3(3)(a), of that Schedule";

(ii) for the word "17" there shall be substituted the word "16"'

(iii) the word "and", where it secondly occurs, shall cease to have effect; and

(iv) at the end there shall be added the words "; and where the order includes a requirement that the probationer perform unpaid work for a number of hours, the number specified shall not exceed one hundred.";

(b) in subsection (2)—

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(i) for the words "that the probationer has attained the age of 17 years and proposes to reside in or is residing in England" there shall be substituted the following paragraphs—

"(a) that the probationer has attained the age of 16 years;

(b) that he proposes to reside, or is residing, in England; and

(c) that suitable arrangements for his supervision can be made by the probation committee for the area which contains the petty sessions area in which he resides or will reside"; and

(ii) after the word "section", where it secondly occurs, there shall be inserted the words "or to vary any requirement for performance of unpaid work so that such hours as remain to be worked do not exceed one hundred";

(c) in subsection (3)—

(i) in paragraph (a), for the words "section 3(2) of" and "section 3 of" there shall be substituted, respectively, the words "paragraph 5(3) of Schedule 1A to" and "paragraph 5 of Schedule 1A to"; and

(ii) in paragraph (b), for the words "subsections (4) to (6) of section 3 of" there shall be substituted the words "sub-paragraphs (5) to (7) of paragraph 5 of Schedule 1A to";

(d) in subsection (4), for the words from "the Powers" to the end of the proviso there shall be substituted the words "Schedule 2 to the Criminal Justice Act 1991 shall apply to the order—

(a) except in the case mentioned in paragraph (b) below, as if that order were a probation order made under section 2 of the Powers of Criminal Courts Act 1973; and

(b) in the case of an order which contains a requirement such as is mentioned in subsection (5A) of section 183 or 384 of this Act, as if it were a combination order made under section 11 of the said Act of 1991:

Provided that Part III of that Schedule shall not so apply; and sub-paragraphs (3) and (4) of paragraph 3 of that Schedule shall so apply as if for the first reference in the said sub-paragraph (3) to the Crown Court there were substituted a reference to a court in Scotland and for the other references in those sub-paragraphs to the Crown Court there were substituted references to the court in Scotland."; and

(e) in subsection (5), for the words from "for which" to "this section" there shall be substituted the words "named in a probation order made or amended under this section that the person to whom the order relates".

(4) Sections 189 and 390 (which make further provision as to probation orders in, respectively, solemn and summary proceedings) shall cease to have effect.

Commencement Information

I86 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M57 1973 c. 62.

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Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Community service orders

[F320]8 . . . . . .

Textual Amendments

F320 Sch. 3 para. 8 repealed (S.)(1.4.1996) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II para. 16, **Sch.5** (with Sch. 3 paras. 1, 3, 16, 17)

Supervision requirements

9 Section 72 of the [M58]Social Work (Scotland) Act 1968 (supervision of children moving to England and Wales or to Northern Ireland) shall be amended as follows—

(a) in subsection (1)(b), for the words "to a juvenile court acting for the petty sessions area" there shall be substituted the following sub-paragraphs—

"(i) in the case of residence in England and Wales, to a youth court acting for the petty sessions area (within the meaning of the Children and Young Persons Act 1969);

(ii) in the case of residence in Northern Ireland, to a juvenile court acting for the petty sessions district (within the meaning of Part III of the Magistrates' Courts (Northern Ireland) Order 1981).";

(b) in subsection (1A)—

(i) for the words "The juvenile court in England or Wales" there shall be substituted the words "A youth court";

(ii) after the word "12" there shall be inserted the words ", 12A, 12AA, 12B or 12C"; and

(iii) paragraph (a), and the word "and" immediately following that paragraph, shall cease to have effect;

[F321](c) . . . . . .

(d) in subsection (3), after the words "by a" there shall be inserted the words "youth court or, as the case may be"; and

(e) subsection (4) shall cease to have effect.

Textual Amendments

F321 Sch. 3 Pt. II para. 9(c) repealed (4.11.1996) by S.I. 1995/756, **art. 15**,Sch.; S.R. 1996/297, **art. 3**

Commencement Information

I87 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M58 1968 c. 49.

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Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

PART III

TRANSFER OF PROBATION ORDERS FROM NORTHERN IRELAND

Commencement Information

I88 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

10 (1) Where [F322]. . . a court in Northern Ireland considering the making of a probation order is satisfied that the offender resides in England and Wales, or will be residing there when the order comes into force, **[**[F323]Article 10 of the Criminal Justice (Northern Ireland) Order 1996**]** (probation orders) shall have effect as if after subsection (1) there were inserted the following subsection—

"(1A) A court shall not make a probation order in respect of any offender unless it is satisfied that suitable arrangements for his supervision can be made by the probation committee for the area which contains the **[**[F324]local justice area**]** in which he resides or will reside."

(2) Where a probation order has been made by a court in Northern Ireland and—

(a) a court of summary jurisdiction acting for the petty sessions district in Northern Ireland for the time being specified in the order is satisfied that the offender [F325]. . . proposes to reside or is residing in England and Wales; and

(b) it appears to the court that suitable arrangements for his supervision can be made by

[[F326](i) the local probation board for the area which contains the local justice area in which he resides or will reside or (as the case may be) a provider of probation services operating in the local justice area in which he resides or will reside, or

(ii) a youth offending team established by a local authority for the area in which he resides or will reside,**]**

the power of the court to amend the order under Schedule 2 to the **[**[F327]Criminal Justice (Northern Ireland) Order 1996**]** shall include power to amend it by requiring him to be supervised in accordance with arrangements so made **[**[F328]or (as the case may be) by a provider of probation services operating in the local justice area in which he resides or will reside**]** .

(3) Where a court is considering the making or amendment of a probation order in accordance with this paragraph, **[**[F329]Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996**]** shall have effect as if—

(a) any reference to a probation officer were a reference to

[[F330](i) an officer of a local probation board assigned to the local justice area in England and Wales in which the offender resides or will be residing when the order or amendment comes into force or (as the case may be) an officer of a provider of probation services acting in the local justice area in which the offender resides or will then be residing, or

(ii) a member of a youth offending team established by a local authority for the area in England and Wales in which the offender resides or will then be residing;**]**

Status: *Point in time view as at 10/03/2014.*
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(b) the reference in **[**[F331]paragraph 4(3)**]** to treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the [M59]Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health and Social Services for Northern Ireland for the purposes of that section were a reference to treatment as a resident patient in a **[**[F332]hospital or mental nursing home within the meaning of the Mental Health Act 1983, not being hospital premises at which high security psychiatric services within the meaning of that Act are provided**]**;

(c) the reference in **[**[F333]paragraph 2(5)**]** to the Probation Board for Northern Ireland were a reference to the **[**[F334]local probation board**]** for the area in which the premises are situated **[**[F335]or to the provider of probation services operating in the local justice area in which the premises are situated**]**; and

(d) **[**[F336] in paragraph 3 "day centre" meant**]** a **[**[F337]community rehabilitation centre**]** within the meaning of **[**[F338]section 201 of the Criminal Justice Act 2003**][**[F339]or an attendance centre provided under section 221 of that Act**]**.

(4) A probation order made or amended in accordance with this paragraph shall specify the **[**[F340]local justice area**]** in England and Wales in which the offender resides or will be residing when the order or amendment comes into force.

Textual Amendments

F322 Words in Sch. 3 para. 10(1) repealed (1.1.1998) by S.I. 1996/3161, **art. 2(d)(i)**; S.R. 1997/523, **art. 3**

F323 Words in Sch. 3 para. 10(1) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(ii)**; S.R. 1997/523, **art. 3**

F324 Words in Sch. 3 para. 10(1) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(a)**

F325 Words in Sch. 3 para. 10(2) repealed (1.1.1998) by S.I. 1996/3161, **art. 2(d)(iii)**; S.R. 1997/523, **art. 3**

F326 Words in Sch. 3 para. 10(2)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 40(2)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F327 Words in Sch. 3 para. 10(2) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(iv)**; S.R. 1997/523, **art. 3**

F328 Words in Sch. 3 para. 10(2)(b) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 9(5)(a)(i)**

F329 Words in Sch. 3 para. 10(3) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(v)**; S.R. 1997/523, **art. 3**

F330 Words in Sch. 3 para. 10(3)(a) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 40(3)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F331 Words in Sch. 3 para. 10(3)(b) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(vi)**; S.R. 1997/523, **art. 3**

F332 Words in Sch. 3 Pt. III para. 10(3)(b)(d) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(2)(a)(b)**

F333 Words in Sch. 3 para. 10(3)(c) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(d)(vii)**; S.R. 1997/523, **art. 3**

F334 Words in Sch. 3 Pt. III para. 10(2)(b)(3)(c) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 111(a)(i)**; S.I. 2001/919, **art. 2(f)(ii)**

F335 Words in Sch. 3 para. 10(3)(c) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 9(5)(a)(iii)**

F336 Words in Sch. 3 para. 10(3)(d) substituted (E.W.N.I.) (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, {Sch. 26 par. 29(6)(a)(7)}; S.I. 2008/2712, **art. 2**, Sch. para. 18(b) (subject to arts 3, 4)

F337 Words in Sch. 3 Pt. III para. 10(3)(a)(d) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 111(a)(ii)(iii)**; S.I. 2001/919, **art. 2(f)(ii)**

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F338 Words in Sch. 3 para. 10(3)(d) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 304, {Sch. 32 Pt. 1 para. 64(2}); S.I. 2005/950, **art. 2(1)**, Sch. 1 (subject to art. 2(2) and Sch. 2 (as amended by S.I. 2005/2122, art. 2))

F339 Words in Sch. 3 para. 10(3)(d) inserted (E.W.N.I.) (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, {Sch. 26 par. 29(6)(b)(7)}; S.I. 2008/2712, **art. 2**, Sch. para. 18(b) (subject to arts 3, 4)

F340 Words in Sch. 3 para. 10(4) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(a)**

Commencement Information

I89 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M59 S.I. 1972/1265 (N.I. 14).

11 (1) Where a probation order is made or amended in any of the circumstances specified in paragraph 10 above, the court which makes or amends the order shall send three copies of it as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.

(2) Where **[**[F341]an adult probation order**]** is made or amended in any of the circumstances specified in paragraph 10 above, then, subject to the following provisions of this paragraph—

(a) the order shall be treated as if it were a **[**[F342]community order**]** made in England and Wales [F343]. . . ; and

[[F344](b) the provisions of Part 12 **[**[F345]of the Criminal Justice Act 2003**]**(so far as relating to such orders) shall apply accordingly.**]**

[[F346](2A) Where a youth probation order is made or amended in any of the circumstances specified in paragraph 10 above then, subject to the following provisions of this paragraph—

(a) the order shall be treated as if it were a youth rehabilitation order made in England and Wales, and

(b) the provisions of Part 1 of the Criminal Justice and Immigration Act 2008 shall apply accordingly.**]**

(3) Before making or amending a probation order in the circumstances specified in paragraph 10 above the court shall explain to the offender in ordinary language—

[[F347]**[**[F348](a) the requirements of the legislation relating to community orders or, as the case may be, youth rehabilitation orders;**]**

(b) the powers of the home court under **[**[F349]that legislation**]**, as modified by this paragraph; and**]**

(c) its own powers under this paragraph,

and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under **[**[F350]Article 10(3) of the Criminal Justice (Northern Ireland) Order 1996**]**.

(4) The home court may exercise in relation to the probation order any power which it could exercise in relation to a **[**[F351]community order **[**[F352]or, as the case may be, a youth rehabilitation order**]** made by a court in England and Wales [F353]. . . , except a power conferred by paragraph 9(1)(b) or (c) or 13(2) of Schedule 8 **[**[F354]to the Criminal

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Justice Act 2003 or by paragraph 6(2)(c) or 11(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008**]**].

(5) If at any time while **[**[F355]Part 12 of the Criminal Justice Act 2003 **[**[F356]or, as the case may be, Part 1 of the Criminal Justice and Immigration Act 2008**]]** applies by virtue of sub-paragraph **[**[F357](2) or (2A) (as the case may be)**]** to a probation order made in Northern Ireland it appears to the home court—

(a) on information to a justice of the peace **[**[F358]acting in the local justice area**]** for the time being specified in the order, that the offender has failed to comply with any of the requirements of **[**[F359]that Act**]** applicable to the order; or

(b) on the application **[**[F360] of—

(i) the offender, or the

(ii) officer of a local probation board, officer of a provider of probation services or member of a youth offending team (as the case may be),**]**

, that it would be in the interests of justice for the power conferred by **[**[F361]paragraph 7 or 8 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996**]** to be exercised,

the home court may require the offender to appear before the court which made the order.

(6) Where an offender is required by virtue of sub-paragraph (5) above to appear before the court which made the probation order, that court—

(a) may issue a warrant for his arrest; and

(b) may exercise any power which it could exercise in respect of the probation order if the offender resided in Northern Ireland,

and **[**[F362]Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996**]** shall have effect accordingly.

(7) Where an offender is required by virtue of paragraph (a) of sub-paragraph (5) above to appear before the court which made the probation order—

(a) the home court shall send to that court a certificate certifying that the offender has failed to comply with such of the requirements of the order as may be specified in the certificate, together with such other particulars of the case as may be desirable; and

(b) a certificate purporting to be signed by the clerk of the home court shall be admissible as evidence of the failure before the court which made the order.

(8) In this paragraph

[[F363]"adult probation order" means a probation order made in respect of an offender who was aged at least 18 when convicted of the offence in respect of which the order is made;

"community order" means an order made under section 177 of the Criminal Justice Act 2003;**]**

"home court" means, if the offender resides in England and Wales, or will be residing there at the time when the order or the amendment to it comes into force, the court of summary jurisdiction **[**[F364]acting in the local justice area**]** in which he resides or proposes to reside.

[[F365]"youth probation order" means a probation order made in respect of an offender who was aged under 18 when convicted of the offence in respect of which the order is made;

"youth rehabilitation order" means an order made under section 1 of the Criminal Justice and Immigration Act 2008.**]**

Textual Amendments

F341 Words in Sch. 3 para. 11(2) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(2)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F342 Words in Sch. 3 para. 11(2)(a) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, {Sch. 32 para. 64(3)(a)}; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)

F343 Words in Sch. 3 para. 11(2)(a) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(2)(b)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F344 Sch. 3 para. 11(2)(b) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 64(3)(b)**; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)

F345 Words in Sch. 3 para. 11(2)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(2)(c)** (with Sch. 27, paras. 1, 5); SI 2009/3074, {art. 2(f)(p)(v)}

F346 Sch. 3 para. 11(2A) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(3)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F347 Sch. 3 para. 11(3)(a)(b) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, {Sch. 32 para. 64(4}); S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)

F348 Sch. 3 para. 11(3)(a) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(4)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F349 Words in Sch. 3 para. 11(3)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(4)(b)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F350 Words in Sch. 3 para. 11(3) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(ii)**; S.R. 1997/523, **art. 3**

F351 Words in Sch. 3 para. 11(4) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, {Sch. 32 para. 64(5}); S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)

F352 Words in Sch. 3 para. 11(4) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(5)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F353 Words in Sch. 3 para. 11(4) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(5)(b)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F354 Words in Sch. 3 para. 11(4) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(5)(c)**; S.I. 2009/3074, art. 2(f)(p)(v)

F355 Words in Sch. 3 para. 11(5) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, {Sch. 32 para. 64(6}); S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)

F356 Words in Sch. 3 para. 11(5) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(6)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F357 Words in Sch. 3 para. 11(5) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(6)(b)**; S.I. 2009/3074, **art. 2(f)(p)(v)**

F358 Words in Sch. 3 para. 11(5) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(b)**

F359 Words in Sch. 3 Pt. III para. 11(5) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 147(1)(3)(e)**

F360 Words in Sch. 3 para. 11(5)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(6)(c)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F361 Words in Sch. 3 para. 11(5)(b) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(iii)**; S.R. 1997/523, **art. 3**

F362 Words in Sch. 3 para. 11(6) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(iv)**; S.R. 1997/523, **art. 3**

F363 Sch. 3 para. 11(8): definitions inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(7)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**

F364 Words in Sch. 3 para. 11(8) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(b)**

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

F365 Sch. 3 para. 11(8): definitions inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(7)(b)**; S.I. 2009/3074, **art. 2(f)(p)(v)**

Commencement Information

I90 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), **Sch. 2**.

SCHEDULE 4

Section 17(3).

INCREASE OF CERTAIN MAXIMA

Commencement Information

I91 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

PART I

SUBSTITUTION OF OTHER AMOUNTS

Commencement Information

I92 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

(1) Provision	(2) General description	(3) Present amount	(4) New amount
F366	F366	F366	F366
. . . . .	. . . . .	. . . . .	. . . . .
Section 23(3) of the Attachment of Earnings Act 1971.	Maximum judge's fine in High Court or county court.	£100	£250
F367	F367	F367	F367
. . ..	. . ..	. . .	. . .
F368	F368	F368	F368
. . . . .	. . . . .	. . . . .	. . . . .
F367	F367	F367	F367
. . ..	. . ..	. . .	. . .
Section 63(3)(a) of [F369the 1980 Act.]	Maximum fine for disobedience of order other than for payment of money.	£2,000	£5,000
Section 97(4) of that Act.	Maximum fine for refusal to give evidence.	£1,000	£2,500

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Section 12(2) of the Contempt of Court Act 1981.	Maximum fine for contempt in face of magistrates' court.	£1,000	£2,500
Section 14(2) of that Act.	Maximum fine for contempt in an inferior court.	£1,000	£2,500
Section 55(2) of the County Courts Act 1984.	Maximum fine for neglecting witness summons.	£400	£1,000
Section 118 (1) of that Act.	Maximum fine for contempt of court.	£1,000	£2,500
Section 10(1) and (2) and 21(5) of the Coroners Act 1988.	Maximum coroner's fine for refusal to give evidence etc.	£400	£1,000

Textual Amendments

F366 Sch. 4 Pt. I: entry relating to the Army Act 1955 and Air Force Act 1955 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059)

F367 Words in Sch. 4 Pt. I repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F368 Sch. 4 Pt. I: entry relating to the Armed Forces Act 1976 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059)

F369 Words in Sch. 4 Pt. I substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 148**

PART II

SUBSTITUTION OF LEVELS ON STANDARD SCALE

Commencement Information

I93 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Section 33(1)(a) of the 1980 Act.	Maximum fine on summary conviction of offence tried in pursuance of section 22 of that Act (certain offences triable either way to be tried summarily if value involved is small).	£1,000	Level 4

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Section 34(3)(b) of that Act.	Maximum fine on summary conviction where statute provides no express power to fine.	£400	Level 3

PART III

SUBSTITUTION OF STATUTORY MAXIMUM

Commencement Information
I94 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

(1) Provision	(2) General description	(3) Present amount
Section 6(8) of the Whaling Industry (Regulation) Act 1934.	Maximum fine on summary conviction for failure to keep or falsify records.	£1,000
Section 9(1) of that Act.	Maximum fine on summary conviction for forgery of certain documents.	£1,000
Section 11(1)(c) of the Sea Fisheries (Conservation) Act 1967.	Maximum fine on summary conviction for an offence under section 1, 2, 4(7) or (7A), 4A(7) or (8), 6(5) or (5A)(b) or 7(3) of that Act.	£1,000
Section 16(1A) of that Act.	Maximum fine on summary conviction for assaulting or obstructing officer exercising enforcement powers.	£1,000
Section 5(4) of the Sea Fisheries Act 1968.	Maximum fine on summary conviction for contravening order regulating fishing operations.	£1,000

PART IV

PROVISIONS SUBSTITUTED FOR SCHEDULE 6A TO 1980 ACT

Commencement Information
I95 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

"SCHEDULE 6A

FINES THAT MAY BE ALTERED UNDER SECTION 143

Enactment	Maximum fine
CHILDREN AND YOUNG PERSONS ACT 1969 (c.54)Section 15(3)(a) (failure to comply with supervision order)	£1,000
Section 15(5)(b) and (c) (failure to comply with supervision order)	£5,000
ATTACHMENT OF EARNINGS ACT 1971 (c.32)Section 23(3) (judge's fine)	£250
POWERS OF CRIMINAL COURTS ACT 1973 (c.62)Section 27(3) (failure to comply with suspended sentence supervision order)	£1,000
MAGISTRATES' COURTS ACT 1980 (c.43)Section 63(3)(a) (disobedience of orders other than payment of money)	£5,000
Section 97(4) (refusal to give evidence etc.)	£2,500
CONTEMPT OF COURT ACT 1981 (c.49)Section 12(2) (contempt in face of magistrates' court)	£2,500
Section 14(2) (contempt in an inferior court)	£2,500

Enactment	Maximum fine
CRIMINAL JUSTICE ACT 1982 (c.48)Section 19(3) (failure to comply with attendance centre order or attendance centre rules)	£1,000
COUNTY COURTS ACT 1984 (c.28)Section 55(2) (neglect or refusal to give evidence)	£1,000
Section 118(1) (contempt in face of court) £2,500	
CORONERS ACT 1988 (c.13)Sections 10(1) and (2) and 21(5) (refusal to give evidence etc.)	£1,000
CRIMINAL JUSTICE ACT 1991 (c.53)In Schedule 2, paragraphs 3(1) and 4(1) (failure to comply with probation, community service, curfew or combination order)	£1,000".

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

[F370]PART V

OTHER AMENDMENTS

Textual Amendments

F370 Sch. 4 Pt. V repealed (20.9.1993) by 1993 c. 36, ss. 65(3)(4), 79(14), Sch. 3 para. 1(2), **Sch. 6 Pt.I**; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix.

Commencement Information

I96 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

. . . . . .

1 In section 27 of the 1973 Act (breach of requirement of suspended sentence supervision order), for subsection (4) there shall be substituted the following subsection—

"(4) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (3) above as if the failure to comply with the requirement were a summary offence punishable by a fine not exceeding level 3 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction."

. . . . . .

2 In section 97 of the 1980 Act (maximum fine for refusal to give evidence), after subsection (4) there shall be inserted the following subsection—

"(5) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (4) above as if the failure to attend before the magistrates' court were a summary offence punishable by a fine not exceeding level 4 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction."

. . . . . .

3 In section 12 of the Contempt of Court Act 1981 (maximum fine for contempt in face of magistrates' court), after subsection (2) there shall be inserted the following subsection—

"(2A) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (2) above as if the failure to attend before the magistrates' court were a summary offence punishable by a fine not exceeding level 4 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction."

. . . . . .

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

4 In section 14 of that Act (maximum fine for contempt in an inferior court), after subsection (2) there shall be inserted the following subsection—

"(2A) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (2) above as if the failure to attend before the magistrates' court were a summary offence punishable by a fine not exceeding level 4 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction."

[F371F371] SCHEDULE 5

. . . . . .

Textual Amendments

F371 Sch. 5 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 7**; S.I. 2005/950, **art. 2**, Sch. 1 (subject to Sch. 2 (as amended by S.I. 2005/2122, art. 2))

[F394SCHEDULE 6

Section 53(5).

NOTICES OF TRANSFER: PROCEDURE IN LIEU OF COMMITTAL

Extent Information

E5 Schedule 6 extends to England and Wales only except as mentioned in s. 102(4)-(6)

Textual Amendments

F394 Sch. 6 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 62(3), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(1)(c)(d)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

Commencement Information

I101 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Contents of notice of transfer

1 (1) A notice of transfer shall specify the proposed place of trial; and in selecting that place the Director of Public Prosecutions shall have regard to the considerations to which a magistrates' court committing a person for trial is required by section 7 of the 1980 Act to have regard when selecting the place at which he is to be tried.

(2) A notice of transfer shall specify the charge or charges to which it relates and include or be accompanied by such additional material as regulations under paragraph 4 below may require.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Commencement Information

I102 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Remand

2 (1) If a magistrates' court has remanded in custody a person to whom a notice of transfer relates, it shall have power, subject to section 4 of the [M61]Bail Act 1976 **[**[F395], section 25 of the Criminal Justice and Public Order Act 1994**]** and regulations under section 22 of the [M62]Prosecution of Offences Act 1985—

(a) to order that he shall be safely kept in custody until delivered in due course of law; or

(b) to release him on bail in accordance with the Bail Act 1976, that is to say, by directing him to appear before the Crown Court for trial.

(2) Where—

(a) a person's release on bail under paragraph (b) of sub-paragraph (1) above is conditional on his providing one or more sureties; and

(b) in accordance with subsection (3) of section 8 of the Bail Act 1976, the court fixes the amount in which a surety is to be bound with a view to his entering into his recognisance subsequently in accordance with subsections (4) and (5) or (6) of that section,

the court shall in the meantime make an order such as is mentioned in paragraph (a) of that sub-paragraph.

(3) If the conditions specified in sub-paragraph (4) below are satisfied, a court may exercise the powers conferred by sub-paragraph (1) above in relation to a person charged without his being brought before it in any case in which by virtue of subsection (3A) of section 128 of the 1980 Act it would have the power further to remand him on an adjournment such as is mentioned in that subsection.

(4) The conditions referred to in sub-paragraph (3) above are—

(a) that the person in question has given his written consent to the powers conferred by sub-paragraph (1) above being exercised without his being brought before the court; and

(b) that the court is satisfied that, when he gave his consent, he knew that the notice of transfer had been issued.

(5) Where a notice of transfer is given after a person to whom it relates has been remanded on bail to appear before a magistrates' court on an appointed day, the requirement that he shall so appear shall cease on the giving of the notice unless the notice states that it is to continue.

(6) Where that requirement ceases by virtue of sub-paragraph (5) above, it shall be the duty of the person in question to appear before the Crown Court at the place specified by the notice of transfer as the proposed place of trial or at any place substituted for it by a direction under section 76 of the [M63]**[**[F396]Senior Courts Act 1981**]**.

(7) If, in a case where the notice states that the requirement mentioned in sub-paragraph (5) above is to continue, a person to whom the notice relates appears before the magistrates' court, the court shall have—

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(a) the powers and duties conferred on a magistrates' court by sub-paragraph (1) above but subject as there provided; and

(b) power to enlarge, in the surety's absence, a recognisance conditioned in accordance with section 128(4)(a) of the 1980 Act so that the surety is bound to secure that the person charged appears also before the Crown Court.

Textual Amendments

F395 Words in Sch. 6 para. 2(1) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 71**; S.I. 1995/721, art. 2, **Sch.** Appendix A

F396 Words substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2(d)**

Commencement Information

I103 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M61 1976 c. 63.

M62 1985 c. 23.

M63 1981 c. 54.

Witnesses

3 For the purposes of the [M64]Criminal Procedure (Attendance of Witnesses) Act 1965—

(a) any magistrates' court for the petty sessions area for which the court from which a case was transferred sits shall be treated as examining magistrates; and

(b) a person indicated in the notice of transfer as a proposed witness shall be treated as a person who has been examined by the court.

Commencement Information

I104 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Marginal Citations

M64 1965 c. 69.

Regulations

4 (1) The Attorney General—

(a) shall by regulations make provision requiring a copy of a notice of transfer, together with **[**[F397]copies of the documents containing the evidence (including oral evidence)**]** on which any charge to which it relates is based, to be given—

(i) to any person to whom the notice of transfer relates; and

(ii) to the Crown Court sitting at the place specified by the notice of transfer as the proposed place of trial; and

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Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(b) may by regulations make such further provision in relation to notices of transfer, including provision as to the duties of the Director of Public Prosecutions in relation to such notices, as appears to him to be appropriate.

F398 **[**(1A) Regulations under sub-paragraph (1)(a) above may provide that there shall be no requirement for copies of documents to accompany the copy of the notice of transfer if they are referred to, in documents sent with the notice of transfer, as having already been supplied.**]**

(2) The power to make regulations under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F397 Words in Sch. 6 para. 4(1)(a) substituted (4.7.1996 with application as mentioned in s. 45(8)(9) of the amending Act) by 1996 c. 25, **s. 45(5)(8)(9)**; S.I. 1998/851, **art. 2**.

F398 Sch. 6 para. 4(1A) inserted (4.7.1996 with application as mentioned in s. 45(8)(9) of the amending Act) by 1996 c. 25, **s. 45(6)(8)(9)**; S.I. 1998/851, **art. 2**

Commencement Information

I105 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Applications for dismissal

5 (1) Where a notice of transfer has been given, any person to whom the notice relates may, at any time before he is arraigned (and whether or not an indictment has been preferred against him), apply orally or in writing to the Crown Court sitting at the place specified by the notice of transfer as the proposed place of trial for the charge, or any of the charges, in the case to be dismissed.

(2) The judge shall dismiss a charge (and accordingly quash a count relating to it in any indictment preferred against the applicant) which is the subject of any such application if it appears to him that the evidence against the applicant would not be sufficient for a jury properly to convict him.

(3) No oral application may be made under sub-paragraph (1) above unless the applicant has given the Crown Court mentioned in that sub-paragraph written notice of his intention to make the application.

(4) Oral evidence may be given on such an application only with the leave of the judge or by his order; and the judge shall give leave or make an order only if it appears to him, having regard to any matters stated in the application for leave, that the interests of justice require him to do so.

(5) No leave or order under sub-paragraph (4) above shall be given or made in relation to oral evidence from a child (within the meaning of section 53 of this Act) who is alleged—

(a) to be a person against whom an offence to which the notice of transfer relates was committed; or

(b) to have witnessed the commission of such an offence.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(6) If the judge gives leave permitting, or makes an order requiring, a person to give oral evidence, but that person does not do so, the judge may disregard any document indicating the evidence that he might have given.

(7) Dismissal of the charge, or all the charges, against the applicant shall have the same effect as a refusal by examining magistrates to commit for trial, except that no further proceedings may be brought on a dismissed charge except by means of the preferment of a voluntary bill of indictment.

(8) **[**[F399]Criminal Procedure Rules**]** may make provision for the purposes of this paragraph and, without prejudice to the generality of this sub-paragraph, may make provision—

(a) as to the time or stage in the proceedings at which anything required to be done is to be done (unless the court grants leave to do it at some other time or stage);

(b) as to the contents and form of notices or other documents;

(c) as to the manner in which evidence is to be submitted; and

(d) as to persons to be served with notices or other material.

Textual Amendments

F399 Words in Sch. 6 para. 5(8) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S. I. 2004/2035), art. 3, **Sch. para. 34**

Modifications etc. (not altering text)

C50 Sch. 6 para. 5 modified (10.4.1995) by 1994 c. 33, **ss. 34(2)(b)(ii)(4)-(7)**, 36(2)(b)(ii)(3)-(8), 37(2)(b)(ii)(3)-(7), 38; S.I. 1995/721, **art. 2**, Sch.
Sch. 6 para. 5 modified (3.2.1995) by 1984 c. 60, **s. 62(10)(aa)(ii)** (as inserted (3.2.1995) by 1994 c. 33, s. 168(3), **Sch. 9 para. 24**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A)

Commencement Information

I106 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Reporting restrictions

6 (1) Except as provided by this paragraph, it shall not be lawful—

(a) to publish in Great Britain a written report of an application under paragraph 5(1) above; or

(b) to include in a relevant programme for reception in Great Britain a report of such an application,

if (in either case) the report contains any matter other than that permitted by this paragraph.

(2) An order that sub-paragraph (1) above shall not apply to reports of an application under paragraph 5(1) above may be made by the judge dealing with the application.

(3) Where in the case of two or more accused one of them objects to the making of an order under sub-paragraph (2) above, the judge shall make the order if, and only if, he is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(4) An order under sub-paragraph (2) above shall not apply to reports of proceedings under sub-paragraph (3) above, but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by sub-paragraph (5) below.

(5) It shall not be unlawful under this paragraph to publish or include in a relevant programme a report of an application under paragraph 5(1) above containing any matter other than that permitted by sub-paragraph (8) below where the application is successful.

(6) Where—
   (a) two or more persons were jointly charged; and
   (b) applications under paragraph 5(1) above are made by more than one of them,

   sub-paragraph (5) above shall have effect as if for the words "the application is" there were substituted the words "all the applications are".

(7) It shall not be unlawful under this paragraph to publish or include in a relevant programme a report of an unsuccessful application at the conclusion of the trial of the person charged, or of the last of the persons charged to be tried.

(8) The following matters may be contained in a report published or included in a relevant programme without an order under sub-paragraph (2) above before the time authorised by **[**[F400]sub-paragraphs (5) and (7)**]** above, that is to say—
   (a) the identity of the court and the name of the judge;
   (b) the names, ages, home addresses and occupations of the accused and witnesses;
   (c) the offence or offences, or a summary of them, with which the accused is or are charged;
   (d) the names of counsel and solicitors engaged in the proceedings;
   (e) where the proceedings are adjourned, the date and place to which they are adjourned;
   (f) the arrangements as to bail;
   (g) whether legal aid was granted to the accused or any of the accused.

(9) The addresses that may be published or included in a relevant programme under sub-paragraph (8) above are addresses—
   (a) at any relevant time; and
   (b) at the time of their publication or inclusion in a relevant programme.

(10) If a report is published or included in a relevant programme in contravention of this paragraph, the following persons, that is to say—
   (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
   (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
   (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of the editor of a newspaper;

   shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(11) Proceedings for an offence under this paragraph shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney General.

(12) Sub-paragraph (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports of court proceedings.

(13) In this paragraph—

"publish", in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

"relevant programme" means a programme included in a programme service (within the meaning of the [M65]Broadcasting Act 1990);

"relevant time" means a time when events giving rise to the charges to which the proceedings relate occurred.

Textual Amendments

F400 Words in Sch. 6 para. 6(8) substituted (4.7.1996 with application as mentioned in s. 45(8)(9) of the amending Act) by 1996 c. 25, **s. 45(7)(8)(9)**; S.I. 1998/851, **art. 2**

Commencement Information

I107 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Marginal Citations

M65 1990 c. 42

Avoidance of delay

7 (1) Where a notice of transfer has been given in relation to any case—

(a) the Crown Court before which the case is to be tried; and

(b) any magistrates' court which exercises any functions under paragraph 2 or 3 above or section 20(4) of the [M66]Legal Aid Act 1988 in relation to the case,

shall, in exercising any of its powers in relation to the case, have regard to the desirability of avoiding prejudice to the welfare of any relevant child witness that may be occasioned by unnecessary delay in bringing the case to trial.

(2) In this paragraph "child" has the same meaning as in section 53 of this Act and "relevant child witness" means a child who will be called as a witness at the trial and who is alleged—

(a) to be a person against whom an offence to which the notice of transfer relates was committed; or

(b) to have witnessed the commission of such an offence.

Commencement Information

I108 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Marginal Citations

M66 1988 c. 34.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Procedures for indictment of offenders

8 (1) In subsection (2) of section 2 of the [M67]Administration of Justice (Miscellaneous Provisions) Act 1933 (procedures for indictment of offenders), after paragraph (aa), there shall be inserted the following paragraph—

"(ab) the offence is specified in a notice of transfer under section 53 of the Criminal Justice Act 1991 (violent or sexual offences against children); or".

(2) In paragraph (iA) of the proviso to that subsection—

(a) after the words "paragraph (aa)" there shall be inserted the words "or (ab)"; and

(b) for the words "regulations under section 5(9) of the [M68]Criminal Justice Act 1987" there shall be substituted the the words "regulations under the relevant provision".

(3) At the end of that proviso there shall be inserted the words "and in paragraph (iA) above "the relevant provision" means section 5(9) of the [M69]Criminal Justice Act 1987 in a case to which paragraph (aa) above applies, and paragraph 4 of Schedule 6 to the Criminal Justice Act 1991 in a case to which paragraph (ab) above applies".

Commencement Information

I109 Sch. 6 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**

Marginal Citations

M67 1933 c. 36.
M68 1987 c. 38.
M69 1987 c. 38.

Legal aid

[F401]9 . . . . . .]

Textual Amendments

F401 Sch. 6 para. 9 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with s. 107, Sch. 14 para. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)

[F402]SCHEDULE 7

Textual Amendments

F402 Sch. 7 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

SCHEDULE 8

Section 68.

AMENDMENTS FOR TREATING PERSONS AGED 17 AS YOUNG PERSONS

Extent Information

E6 Schedule 8 extends to England and Wales only except as mentioned in s. 102(4)-(6).

Commencement Information

I110 Sch. 8 in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Children and Young Persons Act 1933 (c.12)

1 (1) Section 31 of the 1933 Act shall be renumbered as subsection (1) of that section and after that provision as so renumbered there shall be inserted the following subsection—

"(2) In this section and section 34 of this Act, "young person" means a person who has attained the age of fourteen and is under the age of seventeen years."

(2) In sections 46(1) and (1A), 48(2) and 99(1) of that Act, for the words "the age of seventeen" there shall be substituted the words "the age of eighteen".

(3) In section 107(1) of that Act, for the definition of "young person" there shall be substituted the following definition—

""young person" means a person who has attained the age of fourteen and is under the age of eighteen years."

Commencement Information

I111 Sch. 8 para. 1 partly in force: para. 1(1) not in force; para. 1(2) in force at 1.10.1992; para. 1(3) in force at 1.10.1992 except for specified purpose; see s. 102(2)(3) and S.I. 1992/333, art. 2(2)(4), **Sch. 2**.

Prison Act 1952 (c.52)

2 In section 43(3) of the 1952 Act (remand centres, young offender institutions etc.), for the words "aged 17 years" there shall be substituted the words "aged 18 years".

Commencement Information

I112 Sch. 8 para. 2 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Children and Young Persons Act 1963 (c.37)

3 In section 29(1) of the Children and Young Persons Act 1963, for the words "the age of seventeen" there shall be substituted the words "the age of eighteen".

Commencement Information

I113 Sch. 8 para. 3 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Children and Young Persons Act 1969 (c.54)

4 (1) Section 29 of the 1969 Act shall be renumbered as subsection (1) of that section and after that provision as so renumbered there shall be inserted the following subsection—

"(2) In this section "young person" means a person who has attained the age of fourteen and is under the age of seventeen years."

(2) In section 70(1) of that Act, for the definition of "young person" there shall be substituted the following definition—

""young person" means a person who has attained the age of fourteen and is under the age of eighteen years;".

Commencement Information

I114 Sch. 8 para. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Rehabilitation of Offenders Act 1974 (c.53)

F403 5 . . . . . .

Textual Amendments

F403 Sch. 8 para. 5 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)

Magistrates' Courts Act 1980 (c.43)

6 (1) Part I of the 1980 Act (criminal jurisdiction and procedure) shall be amended as follows—

(a) for the words "the age of 17", in each place where they occur, there shall be substituted the words "the age of 18 years";

(b) in section 22(9), for the words "under 17" there shall be substituted the words "under 18";

F404 (c) . . . . . .

F404 (d) . . . . . .

(2) In section 81(1), (3) and (8) of that Act, for the words "the age of 17" there shall be substituted the words "the age of 18".

(3) In sections 96A, 135(3) and 136(4) of that Act, for the words "aged 17" there shall be substituted the words "aged 18".

Textual Amendments

F404 Sch. 8 para. 6(1)(c)(d) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Commencement Information

I115 Sch. 8 para. 6 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

SCHEDULE 9

Section 71.

AMENDMENTS TO SERVICE LAW

Commencement Information

I116 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Army Act 1955 (c.18) and Air Force Act 1955 (c.19)

1 **F405** . . . . . .

Textual Amendments

F405 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

2 **F406** . . . . . .

Textual Amendments

F406 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

3 **F407** . . . . . .

Textual Amendments

F407 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

4 **F408** . . . . . .

Textual Amendments

F408 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Commencement Information

I117 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Naval Discipline Act 1957 (c.53)

5 F409 . . . . . .

Textual Amendments

F409 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Commencement Information

I118 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

6 F410 . . . . . .

Textual Amendments

F410 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Commencement Information

I119 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

7 F411 . . . . . .

Textual Amendments

F411 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Commencement Information

I120 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

8 F412 . . . . . .

Textual Amendments

F412 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Commencement Information

I121 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

SCHEDULE 10

Section 89.

CERTIFICATION OF PRISONER CUSTODY OFFICERS

Commencement Information
I122 Sch. 10 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

Preliminary

1 In this Schedule—

"certificate" means a certificate under section 89 of this Act;

"the relevant functions", in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

Commencement Information
I123 Sch. 10 para. 1 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

Issue of certificates

2 (1) Any person may apply to the Secretary of State for the issue of a certificate in respect of him.

(2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—

(a) is a fit and proper person to perform the relevant functions; and

(b) has received training to such standard as he may consider appropriate for the performance of those functions.

(3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.

(4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

Modifications etc. (not altering text)
C51 Sch. 10 para. 2: transfer of functions (20.4.2000) by S.I. 2000/1160, **art. 4(1)(2)(h)**

Commencement Information
I124 Sch. 10 para. 2 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

Suspension of certificate

3 [F413(1) This paragraph applies where at any time—

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, it appears to the prisoner escort monitor for the area concerned that the officer is not a fit and proper person to perform escort functions;

(b) in the case of a prisoner custody officer performing custodial duties at a contracted out prison, it appears to the controller of that prison that the officer is not a fit and proper person to perform custodial duties; or

(c) in the case of a prisoner custody officer performing contracted out functions at a directly managed prison, it appears to the governor of that prison that the officer is not a fit and proper person to perform custodial duties.**]**

(2) The prisoner escort monitor **[**[F414]controller or governor**]** may—

[F415](a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and

(b) in such circumstances as may be prescribed by regulations made by the Secretary of State, suspend the officer's certificate so far as it authorises the performance of escort functions or, as the case may be, custodial duties pending that decision.

(3) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F413 Sch. 10 para. 3(1) substituted (3.11.1994) by 1994 c. 33, **s. 101(9)**.

F414 Words in Sch. 10 para. 3(2) substituted (3.11.1994) by 1994 c. 33, **s. 101(10)**.

F415 Sch. 10 para. 3(2)(a): transfer of functions (20.4.2000) by S.I. 2000/1160, **art. 4(1)(2)(h)**

Commencement Information

I125 Sch. 10 para. 3 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

Revocation of certificate

4 Where at any time it appears to the Secretary of State that a prisoner custody officer is not a fit and proper person to perform escort functions or custodial duties, he may revoke that officer's certificate so far as it authorises the performance of those functions or duties.

Modifications etc. (not altering text)

C52 Sch. 10 para. 4: transfer of functions (20.4.2000) by S.I. 2000/1160, **art. 4(1)(2)(h)**

Commencement Information

I126 Sch. 10 para. 4 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

False statements

5 If any person, for the purpose of obtaining a certificate for himself or for any other person—

(a) makes a statement which he knows to be false in a material particular; or

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(b) recklessly makes a statement which is false in a material particular,

he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I127 Sch. 10 para. 5 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(4)** and Sch. 3

SCHEDULE 11

Section 100.

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E7 Schedule 11 extends to England and Wales only except as mentioned in s. 102(4)- (6)

Commencement Information

I128 Sch. 11 partly in force at 14.10.1991; partly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)(4)** and Schs.1 and 3; partly in force at 1.4.1992 and 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2, **Schs.**; partly in force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3; Sch. 11 partly in force at 1.6.1999 by S.I. 1999/1280, art. 3, **Sch.**

Children and Young Persons Act 1933 (c.12)

1 In section 38(2) of the 1933 Act (false evidence by child) for the words "as aforesaid" there shall be substituted the words "unsworn in any proceedings for an offence by virtue of section 52 of the Criminal Justice Act 1991".

Commencement Information

I129 Sch. 11 para. 1 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Criminal Justice Act 1967 (c.80)

2 (1) Section 67 of the 1967 Act (remand time to be taken into account in computing sentences) shall be amended as follows.

(2) In subsection (1A)(c)—

(a) after the word "remanded" there shall be inserted the words "or committed"; and

(b) after the words "section 23 of the [M70]Children and Young Persons Act 1969" there shall be inserted the words "or section 37 of the [M71]Magistrates' Courts Act 1980".

(3) For subsection (5) there shall be substituted the following subsection—

"(5) This section applies—

(a) to sentences of detention in a young offender institution; and

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(b) to determinate sentences of detention passed under section 53(2) of the Children and Young Persons Act 1933 (sentences for serious indictable offences),

as it applies to sentences of imprisonment."

(4) In subsection (6)—

(a) after the word "being", in the second place where it occurs, there shall be inserted the words "remanded or";

(b) for the words "committed to the care of a local authority" there shall be substituted the words "remanded or committed to local authority accommodation"; and

(c) after the words "the said section 23" there shall be inserted the words "or 37".

Commencement Information

I130 Sch. 11 para. 2 wholly in force at 1.6.1999; Sch. 11 para 2(1)(2)(a)(3)(4)(a)(b) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.; Sch. 11 para. 2(2)(b)(4)(c) in force at 1.6.1999 by S.I. 1999/1280, art. 3, **Sch.**
Sch. 11 para. 2(2)(b)(4)(c) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3 (which art. 2(5) is revoked (1.6.1999) by S.I. 1999/1280, **art. 2**)

Marginal Citations

M70 1969 c. 54.

M71 1980 c. 43.

Criminal Appeal Act 1968 (c.19)

3 [F416] . . . . . .

Textual Amendments

F416 Sch. 11 para. 3 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(u)(xii)**

[F417]4 . . . . . .

Textual Amendments

F417 Sch. 11 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Civil Evidence Act 1968 (c.64)

[F418]5 . . . . . .

Textual Amendments

F418 Sch. 11 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Children and Young Persons Act 1969 (c. 54)

[F419]6 . . . . . .

Textual Amendments
F419 Sch. 11 para. 6 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F420]7 . . . . . .

Textual Amendments
F420 Sch. 11 para. 7 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F421]8 . . . . . .

Textual Amendments
F421 Sch. 11 para. 8 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Vehicles (Excise) Act 1971 (c.10)

[F422]9 . . . . . .

Textual Amendments
F422 Sch. 11 para. 9 repealed (1.9.1994) by 1994 c. 22, s. 65, **Sch. 5 Pt.I** (with s. 57(4)).

Powers of Criminal Courts Act 1973 (c.62)

[F423]10 . . . . . .

Textual Amendments
F423 Sch. 11 para. 10 repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art.2(1)(aa)(3)(t)**

[F424]11 . . . . . .

Textual Amendments
F424 Sch. 11 para. 11 repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art.2(1)(aa)(3)(t)**

[F425]12 . . . . . .

Textual Amendments
F425 Sch. 11 para. 12 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F426]13 . . . . . .

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Textual Amendments

F426 Sch. 11 para. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F427]14 . . . . . .

Textual Amendments

F427 Sch. 11 para. 14 repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art.2(1)(aa)(3)(t)**

[F428]15 . . . . . .

Textual Amendments

F428 Sch. 11 para. 15 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F429]16 . . . . . .

Textual Amendments

F429 Sch. 11 para. 16 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F430]17 . . . . . .

Textual Amendments

F430 Sch. 11 para. 17 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch.4**

Juries Act 1974 (c.23)

18 [F431] . . . . . .

Textual Amendments

F431 Sch. 11 para. 18 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), **Sch. 37 Pt. 10**; S.I. 2004/829, **art. 2(2)(l)(iv)**

Solicitors Act 1974 (c.47)

[F432]19 . . . . . .

Textual Amendments

F432 Sch. 11 para. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Rehabilitation of Offenders Act 1974 (c.53)

20 In section 1(4) of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions)—

F433(a) . . . . . .

(b) the words "put on probation or" shall cease to have effect; and

(c) for the words "placing the person concerned on probation or discharging him" there shall be substituted the words "discharging the person concerned".

Textual Amendments

F433 Sch. 11 para. 20(a) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I131 Sch. 11 para. 20 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Bail Act 1976 (c.63)

F434 21 . . . . . .

Textual Amendments

F434 Sch. 11 para. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

22 (1) Paragraph 8 of Schedule 1 to that Act (restrictions on the imposition of bail conditions) shall be amended as follows.

(2) In sub-paragraph (1), after the words "(4) to (7)" there shall be inserted the words "(except subsection (6)(d))"F435. . . .

(3) After sub-paragraph (1) there shall be inserted the following sub-paragraph—

"(1A) No condition shall be imposed under section 3(6)(d) of this Act unless it appears to be necessary to do so for the purpose of enabling inquiries or a report to be made."

(4) In sub-paragraph (2) for the words "Sub-paragraph (1) above also applies", there shall be substituted the words "Sub-paragraphs (1) and (1A) above also apply".

(5) In sub-paragraph (3), for the words "sub-paragraph (1)" there shall be substituted the words "sub-paragraph (1A)".

Textual Amendments

F435 Words in Sch. 11 para. 22(2) repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), **Sch. 37 Pt. 2**; S.I. 2004/829, **art. 2(2)(l)(ii)**

Commencement Information

I132 Sch. 11 para. 22 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Licensed Premises (Exclusion of Certain Persons) Act 1980 (c.32)

23 In section 1(2) of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (exclusion orders), for paragraph (b) there shall be substituted the following paragraph—

"(b) where the offence was committed in England and Wales, notwithstanding the provisions of sections 1A and 1C of the Power of Criminal Courts Act 1973 (cases in which absolute and conditional discharges may be made, and their effect), in addition to an order discharging him absolutely or conditionally;".

Commencement Information

I133 Sch. 11 para. 23 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Magistrates' Courts Act 1980 (c.43)

[F436]24 . . . . . .

Textual Amendments

F436 Sch. 11 para. 24 repealed (20.9.1993) by 1993 c. 36, s. 79(14), **Sch. 6 Pt.I**; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix

25 **[**[F437]In section 20(2)(b) of that Act (procedure where summary trial appears more suitable), for the words from "on obtaining information" to the end there shall be substituted the words "is of such opinion as is mentioned in subsection (2) of that section".**]**

Textual Amendments

F437 Sch. 11 para. 25 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(1)(d)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts. 3, 4)

Commencement Information

I134 Sch. 11 para. 25 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

[F438]26 . . . . . .

Textual Amendments

F438 Sch. 11 para. 26 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

27 (1) In subsection (2) of section 143 of that Act (power to alter sums specified in certain provisions), paragraph (i) shall cease to have effect and after paragraph (o) there shall be inserted the following paragraph—

"(p) section 58(2) and (3) of the Criminal Justice Act 1991 (recognisance from parents or guardians);".

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

(2) For subsection (3) of that section there shall be inserted the following subsection—

"(3) In subsection (1) above the "relevant date" means—

(a) the date of the coming into force of section 17 of the Criminal Justice Act 1991 (increase of certain maxima); or

(b) where the sums specified in a provision mentioned in subsection (2) above have been substituted by an order under subsection (1) above, the date of that order."

Commencement Information

I135 Sch. 11 para. 27 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

28 In paragraph 2(2) of Schedule 4 to that Act (maximum periods of imprisonment in default of payment of magistrates' court fine), for the words "five days" there shall be substituted the words "seven days".

Commencement Information

I136 Sch. 11 para. 28 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Contempt of Court Act 1981 (c.49)

29 (1) Section 12(2) of the [M72]Contempt of Court Act 1981 (offences of contempt of magistrates' court) shall have effect as if the reference to any officer of the court included a reference to any court security officer assigned to the court-house in which the court is sitting.

(2) In this paragraph "court security officer" and "court-house" have the meanings given by section 92(1) of this Act.

Commencement Information

I137 Sch. 11 para. 29 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2, Schs. 1, **2**.

Marginal Citations

M72 1981 c. 49.

Criminal Justice Act 1982 (c.48)

[F439]30 . . . . . .

Textual Amendments

F439 Sch. 11 para. 30 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F440]31 . . . . . .

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Textual Amendments

F440 Sch. 11 para. 31 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F441 32 . . . . . .

Textual Amendments

F441 Sch. 11 para. 32 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F442 33 . . . . . .

Textual Amendments

F442 Sch. 11 para. 33 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F443 34 . . . . . .

Textual Amendments

F443 Sch. 11 para. 34 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Repatriation of Prisoners Act 1984 (c.47)

35 (1) In section 2 of the Repatriation of Prisoners Act 1984 (transfer of prisoners out of United Kingdom), in subsection (4)(b), for sub-paragraph (i) there shall be substituted the following sub-paragraph—

"(i) released on licence under section 33(1)(b) or (2), 34(3) or 35(1) or (2) of the Criminal Justice Act 1991;".

F444 (2) . . . . . .

(3) In paragraph 2 of the Schedule to that Act (operation of certain enactments in relation to prisoners transferred into United Kingdom)—

F444 (a) . . . . . .

(b) in sub-paragraph (2), for the words "one third" there shall be substituted the words "any particular proportion or part".

F444 (4) . . . . . .

Textual Amendments

F444 Sch. 11 para. 35(2)(3)(a)(4) repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I**; S.I. 1993/2050, **art. 3(4)**

Modifications etc. (not altering text)

C53 Sch. 11 para. 35(3)(b) extended (S.) (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para 3(4)**; S.I. 1993/2050, **art. 3(4)**

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Commencement Information
I138 Sch. 11 para. 35 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Prosecution of Offences Act 1985 (c.23)

36 In section 22(11) of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of criminal proceedings), after the definition of "appropriate court" there shall be inserted the following definition—

> ""custody" includes local authority accommodation to which a person is remanded or committed by virtue of section 23 of the Children and Young Persons Act 1969, and references to a person being committed to custody shall be construed accordingly;".

Commencement Information
I139 Sch. 11 para. 36 wholly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 1

Criminal Justice Act 1988 (c.33)

37 In section 34 of the Criminal Justice Act 1988 (abolition of requirement of corroboration for unsworn evidence of children), subsection (1) shall cease to have effect and, in subsection (3), for the words "section 38 of the [M73]Children and Young Persons Act 1933" there shall be substituted the words "section 52 of the Criminal Justice Act 1991".

Commencement Information
I140 Sch. 11 para. 37 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations
M73 1933 c. 12.

Road Traffic Offenders Act 1988 (c.53)

[F445]38 . . . . . .

Textual Amendments
F445 Sch. 11 para. 38 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Extradition Act 1989 (c.33)

[F446]39 . . . . . .

Textual Amendments
F446 Sch. 11 para. 39 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

References to juvenile courts

40 (1) Without prejudice to the generality of section 70(2) of this Act, in the enactments specified in sub-paragraph (2) below, for the words "juvenile court" or "juvenile courts", in each place where they occur, there shall be substituted the words "youth court" or, as the case may require, "youth courts".

(2) The enactments referred to in sub-paragraph (1) above are as follows—

(a) in the 1933 Act, sections 45 to 49 [F447]. . . and 108(4) [F448]. . . ;

(b) in the [M74]Education Act 1944, section 40;

(c) in the [M75]Children Act 1948, section 4B;

(d) in the [M76]Adoption Act 1958, sections 43, 47 and 48;

(e) in the [M77]Children and Young Persons Act 1963, sections 3, 18, 23, 26, 28, 29 and 57;

(f) in the [M78]Administration of Justice Act 1964, section 12;

(g) in the 1969 Act, sections 1 to 3, [F449]. . . 10, [F449]. . . 20A to 22 and 70(1) and Schedule 4;

(h) in the [M79]Criminal Justice Act 1972, section 51(1);

[F450](i) . . . . . .

(j) in the [M80]Adoption Act 1976, sections 34 and 37;

(k) in the 1979 Act, sections [F451]. . . 38(2) and 58(1) and (5);

(l) in the [M81]Child Care Act 1980, sections 5 to 7, 12C to 12E, 21A, 67 and 79(2);

(m) in the [M82]Foster Children Act 1980, sections 11(1), 12(1) and 14;

(n) in the 1980 Act, sections 12(1), 29, 104 and 146;

(o) in the 1982 Act, [F452]. . . in Schedule 3, the entry relating to section 49(2) of the 1933 Act;

(p) in the [M83]Administration of Justice Act 1985, section 61;

[F453](q) . . . . . .

(r) in the [M84]Children Act 1989, section 90(1) and Schedule 14.

Textual Amendments

F447 Word in Sch. 11 para. 40(2)(a) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F448 Words in Sch. 11 para. 40(2)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I 2005/910 {art. 3(aa)}

F449 Words in Sch. 11 para. 40(2)(g) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F450 Sch. 11 para. 40(2)(i) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F451 Words in Sch. 11 para. 40(2)(k) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. II**; S.I. 1995/685, **arts. 4(n)**, 8(x)

F452 Words in Sch. 11 para. 40(2)(o) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F453 Sch. 11 para. 40(2)(q) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 para. 2)

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

Commencement Information

I141 Sch. 11 para. 40 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M74 1944 c. 31.
M75 1948 c. 43.
M76 1958 c. 5.
M77 1963 c. 37.
M78 1964 c. 42.
M79 1972 c. 71.
M80 1976 c. 36.
M81 1980 c. 5.
M82 1980 c. 6.
M83 1985 c. 61.
M84 1989 c. 41.

References to juvenile court panels

41 (1) Without prejudice to the generality of section 70(2) of this Act, in the enactments specified in sub-paragraph (2) below, for the words "juvenile court panel" or "juvenile court panels", in each place where they occur, there shall be substituted the words "youth court panel" or, as the case may require, "youth court panels".

(2) The enactments referred to in sub-paragraph (1) above are as follows—

(a) [F454] . . . . . .

(b) in the 1973 Act, in Schedule 3, paragraph 2(3);

[F455](c) . . . . . .

(d) in the [M85]Child Care Act 1980, section 12E(5); and

(e) [F456] . . . . . .

Textual Amendments

F454 Sch. 11 para. 41(2)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I 2005/910 {art. 3(aa)}

F455 Sch. 11 para. 41(2)(c) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt.II**; S.I. 1995/685, **art. 4(n)**, 8(x).

F456 Sch. 11 para. 41(2)(e) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I 2005/910 {art. 3(aa)}

Commencement Information

I142 Sch. 11 para. 41 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M85 1980 c. 5.

Status: *Point in time view as at 10/03/2014.*
Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 28 June 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)*

SCHEDULE 12

Section 101(1).

TRANSITIONAL PROVISIONS AND SAVINGS

Commencement Information

I143 Sch. 12 partly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 1; further in force at 25.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 2; further in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**; further in force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3; Sch. 12 para. 16(2)-(4) in force (1.6.1999) by S.I. 1999/1280, art. 3, **Sch.**

Custodial and community sentences

F457 1 . . . . . .

Textual Amendments

F457 Sch. 12 para. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F458 2 . . . . . .

Textual Amendments

F458 Sch. 12 para. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F459 3 . . . . . .

Textual Amendments

F459 Sch. 12 para. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F460 4 . . . . . .

Textual Amendments

F460 Sch. 12 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Community orders: supplemental

F461 5 . . . . . .

Textual Amendments

F461 Sch. 12 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Status: *Point in time view as at 10/03/2014.*
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Financial penalties

[F462]6 . . . . . .

Textual Amendments

F462 Sch. 12 para. 6 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[[F463]6A Section 17 of this Act shall not apply in relation to offences committed before the commencement of that section.**]**

Textual Amendments

F463 Sch. 12 para. 6A inserted (28.5.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 149**

Increase of certain penalties

7 Neither of subsections (3) and (4) of section 26 of this Act shall apply in relation to offences committed before the commencement of that subsection.

Commencement Information

I144 Sch. 12 para. 7 wholly in force at 25.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(2)** and Sch. 2

Early release: general

[F464]8 . . . . . .

Textual Amendments

F464 Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 5**; S.I. 2012/2906, art. 2(n)

[F464]9 . . . . . .

Textual Amendments

F464 Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 5**; S.I. 2012/2906, art. 2(n)

[F464]10 . . . . . .

Textual Amendments

F464 Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 5**; S.I. 2012/2906, art. 2(n)

Status: *Point in time view as at 10/03/2014.*
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Early release of young persons detained under 1933 Act

F464 11 . . . . . .

Textual Amendments

F464 Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 5**; S.I. 2012/2906, art. 2(n)

Early release of prisoners serving extended sentences

F464 12 . . . . . .

Textual Amendments

F464 Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 5**; S.I. 2012/2906, art. 2(n)

Early release of fine defaulters and contemnors

F464 13 . . . . . .

Textual Amendments

F464 Sch. 12 paras. 8-13 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 5**; S.I. 2012/2906, art. 2(n)

Responsibilities of parent or guardian

F465 14 . . . . . .

Textual Amendments

F465 Sch. 12 para. 14 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Remands and committals of children and young persons

15 (1) In this paragraph—

"section 23" means section 23 of the 1969 Act as substituted by section 60(1) of this Act;

"the modifications" means the modifications of section 23 set out in section 62 of this Act;

"remand or committal" means a remand of a child or young person charged with or convicted of one or more offences, or a committal of a child or young person for trial or sentence.

(2) Section 23 as it has effect with the modifications shall not apply in relation to any remand or committal which is in force immediately before the commencement of sections 60 and 62 of this Act.

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(3) Subject to sub-paragraphs (4) and (5) below, section 23 as it has effect without the modifications shall not apply in relation to any remand or committal which is in force immediately before the day appointed under section 62(1) of this Act.

(4) Any person who, in pursuance of any such remand or committal, is held in a remand centre or prison shall be brought before the court which remanded or committed him before the end of the period of 8 days beginning with the day so appointed.

(5) Where any person is brought before a court under sub-paragraph (4) above, section 23 as it has effect without the modifications shall apply as if the court were just remanding or committing him as mentioned in subsection (1)(a) of that section.

Commencement Information

I145 Sch. 12 para. 15 partly in force; Sch. 12 para. 15(1)(2) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.
Sch. 15 para. 15(3)-(5) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3.

16 (1) Subsection (2)(a) of section 60 of this Act shall not apply in any case where proceedings for the offence in question have begun before the commencement of that section.

(2) Subject to sub-paragraphs (3) and (4) below, subsection (2)(b) and (c) of that section shall not apply in relation to any committal under section 37 of the 1980 Act which is in force immediately before that commencement.

(3) Any person less than 17 years old who, in pursuance of any such committal, is held in a remand centre or prison shall be brought before the court which committed him before the end of the period of 8 days beginning with that commencement.

(4) Where any person is brought before a court under sub-paragraph (3) above, section 37 of the 1980 Act shall apply as if the court were just committing him under that section.

Commencement Information

I146 Sch. 12 para. 16 wholly in force at 1.6.1999; Sch. 12 para. 16(1) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.; Sch. 12 para. 16(2)-(4) in force (1.6.1999) by S.I. 1999/1280, art. 3, **Sch.**
Sch. 12 para. 16(2)-(4) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3 (which art. 2(5) is revoked (1.6.1999) by S.I. 1999/1280, **art. 2**

Custodial sentences for young offenders

F466 17 . . . . . .

Textual Amendments

F466 Sch. 12 para. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

18 Section 64 of this Act shall not apply in any case where the offence in question was committed before the commencement of that section and the offender is aged 16 at the date of his conviction.

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Commencement Information

I147 Sch. 12 para. 18 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Supervision of young offenders after release

19 Section 65 of this Act shall not apply in relation to any person under the age of 22 years who, before the commencement of that section, is released from a term of detention in a young offender institution or under section 53 of the 1933 Act; and the repeal by this Act of section 15 of the 1982 Act shall not affect the operation of that section in relation to any such person who is so released.

Modifications etc. (not altering text)

C54 Sch. 12 para. 19 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8(2)(a)(4), 9(2)(4), Sch. 5 paras. 9(1)(a)(b), **10(1)(b)(c)**; S.I. 1997/2200, **art. 2(1)(n)**.

Commencement Information

I148 Sch. 12 para. 19 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Supervision orders

F467 20 . . . . . .

Textual Amendments

F467 Sch. 12 para. 20 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Attendance centre orders

F468 21 . . . . . .

Textual Amendments

F468 Sch. 12 para. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Provisions for treating persons aged 17 as young persons

22 (1) Paragraphs 1, 3, 4 and 6 of Schedule 8 shall not apply in any case where proceedings for the offence in question have begun before the commencement of that Schedule.

F469 (2) . . . . . .

Textual Amendments

F469 Sch. 12 para. 22(2) 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)

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Commencement Information

I149 Sch. 12 para. 22 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Renaming of juvenile courts etc.

23 In relation to any time before the commencement of section 70 of this Act, references in any other provision of this Act, or in any enactment amended by this Act, to youth courts shall be construed as references to juvenile courts.

Commencement Information

I150 Sch. 12 para. 23 wholly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 1

Supplemental

24 For the purposes of this Schedule proceedings for an offence shall be regarded as having begun as follows—

(a) in the case of an offence triable only summarily, when a plea is entered;

(b) in the case of an offence triable only on indictment, when the magistrates' court begins to inquire into the offence as examining magistrates;

(c) in the case of an offence triable either way, when the magistrates' court determines to proceed with the summary trial of the offence or, as the case may be, to proceed to inquire into the offence as examining justices.

Commencement Information

I151 Sch. 12 para. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

SCHEDULE 13

Section 101(2).

REPEALS

Extent Information

E8 Schedule 13 extends to England and Wales only except as mentioned in s. 102(5) - (8).

Commencement Information

I152 Sch. 13 partly in force; Sch. 13 in force so far as relating to the repeal of s. 11 of the Metropolitan Police Act 1839 (2 & 3 Vict. c. 47) see **s. 102(2)(3)** and S.I. 1991/2208, **art. 2(4)** and Sch. 3; Sch 13 in force at 1.10.1992 (except in so far as it relates to s. 67(6) of the Criminal Justice Act 1967 (c. 80)) see **s. 102(2)(3)** and S.I. 1992/333, art. 2(2), **Sch. 2**.; Sch. 13 in force (so far as it relates to 1999 c. 80, **s. 67(6)**) (1.6.1999) by S.I. 1999/1280, art. 3, **Sch.**

Sch. 13, so far as it relates to s. 67(6) of the Criminal Justice Act 1967 (c. 80), shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see **S.I**. 1992/333, art. 2(5), Sch. 3 (which art. 2(5) was revoked (1.6.1999) bvy S.I. 1999/1280, **art. 2**

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Chapter	Short title	Extent of repeal
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839.	Section 11.
23 & 24 Geo. 5 c. 12.	The Children and Young Persons Act 1933.	Section 34(1).Section 38(1).
15 & 16 Geo. 6 & 1 Eliz. 2 c. 52.	The Prison Act 1952.	Section 25.
3 & 4 Eliz. 2 c. 18.	The Army Act 1955.	In section 71AA(1), the words “subject to subsection (1A) below” and “being not less than 21 days and”.Section 71AA(1A).Section 93(2A).
3 & 4 Eliz. 2 c. 19.	The Air Force Act 1955.	In section 71AA(1), the words “subject to subsection (1A) below” and “being not less than 21 days and”.Section 71AA(1A).Section 93(2A).
5 & 6 Eliz. 2 c. 53.	The Naval Discipline Act 1957.	In section 43AA(1), the words “subject to subsection (1A) below” and “being not less than 21 days and”.Section 43AA(1A).Section 60(3A).
1967 c. 80.	The Criminal Justice Act 1967.	Sections 59 to 64.In section 67(6), the words “remanded or”, in the first place where they occur, and the words “section 23 of the Children and Young Persons Act 1969 or”.Schedule 2.
1968 c. 19.	The Criminal Appeal Act 1968.	In section 50(1A), the words “a probation order or”.
1968 c. 49.	The Social Work (Scotland) Act 1968.	In section 72, in subsection (1A), paragraph (a) and the word “and” immediately following that paragraph, and subsection (4).
1968 c. 64.	The Civil Evidence Act 1968.	In section 11(5)(a), the words “probation or”.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 3, the words “disregarding section 4 of this Act”, in each place where they occur.Section 4.In section 5, subsections (1) to

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		(7) and, in subsection (9), the definitions of "qualified informant" and "designated".In section 7, in subsection (7), the words "is found guilty of homicide" and paragraph (c), and subsections (7B) and (7C).Section 8.Section 10(1)(a).In section 12AA, subsections (7), (8) and (12).In section 34(1), in paragraph (a), the word "4," and paragraph (b).In Schedule 4, paragraphs 2 and 3.
1971 c. 10.	The Vehicles (Excise) Act 1971.	In section 9(5), the words "placing him on probation or".
1971 c. 23.	The Courts Act 1971.	In Schedule 8, in paragraph 57(1)(a), the reference to subsection (2) of section 10.
1972 c. 19.	The Criminal Justice Act 1972.	Section 35.
1973 c. 62.	The Powers of Criminal Courts Act 1973.	Sections 5 to 10.Section 13.In section 14, in subsection (1), the words "instead of dealing with him in any other way" and, in subsection (3), the words "(i) or (ii)".Sections 16 to 17C.Sections 20 and 20A.Sections 28 and 29.In section 30(1), the words "(such as the power to make a probation order)".In section 42(2)(a), the words from "subject to" to "twelve months)".Section 45.Section 48.In section 57(1), the definition of "supervising court".Schedule 1.In Schedule 3, in paragraph 2(2)(a), the word "several".
1974 c. 53.	The Rehabilitation of Offenders Act 1974.	In section 1(4), the words "put on probation or".
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In section 403, the proviso to subsection (4) and, in subsection (6), the words "the proviso to subsection (4) of this section shall not apply,

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		but".In Schedule 9, paragraph 50.
1976 c. 63.	The Bail Act 1976.	In Schedule 1, in paragraph 8(1), the words from "or, in the case" to the end.
1977 c. 45.	The Criminal Law Act 1977.	Section 47.In Schedule 12, in the entry relating to the Children and Young Persons Act 1969, paragraph 3.
1980 c. 43.	The Magistrates' Courts Act 1980.	In section 24(4), the words from "but this subsection" to the end.Section 35.In section 36(2), the words from "but this subsection" to the end.Section 103(3)(a).Section 37(1A).In section 108(1A), the words " a probation order or".Section 143(2)(i).In Schedule 3, paragraph 5.
1982 c. 48.	The Criminal Justice Act 1982.	In section 1, subsections (3) to (4A).In section 1A(3), the words "and section 1B(3) below".In section 1B, subsections (1) and (3).Section 2.Section 15.Section 17(3).In section 18(6)(b), the words from the beginning to "residence".Section 33.In section 48, subsections (1)(c) and (2).Section 62.Schedule 5.In Schedule 11, paragraph 6(a)(v).In Schedule 13, Part I.In Schedule 14, paragraphs 23(a), 25 and 32.
1983 c. 20.	The Mental Health Act 1983.	In section 50(3), the words from "and that period" to the end.
1984 c.60.	The Police and Criminal Evidence Act 1984.	In section 37, subsections (11) to (14).
1988 c. 33.	The Criminal Justice Act 1988.	Section 34(1).In section 123, subsections (2) and (3).Section 131(2).In Schedule 8, in paragraph 3(1)(c), the words "1(3) and".In Schedule 10, in Part II, the words "section 15(1)", "section 15(1) and (5)

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		and" and "section 15(1)(a) and", and Part III.In Schedule 15, paragraph 22(1).In Schedule 16, the entry relating to section 41(8) of the Administration of Justice Act 1970.
1988 c. 38.	The Legal Aid Act 1988.	In section 20(4), the word "or" immediately following paragraph (b).
1988 c. 53.	The Road Traffic Offenders Act 1988.	In section 46, in subsections (1) and (2), the words "placed on probation or".
1989 c. 41.	The Children Act 1989.	In Schedule 12, paragraphs 21 and 24.In Schedule 13, paragraph 53(1).
1989 c. 42.	The Local Government and Housing Act 1989.	Section 189.
1991 c. 62.	The Armed Forces Act 1991.	In section 3(1), the words from "and after the words" to the end.In section 5, subsections (2)(b) and (9).In Schedule 2, paragraph 3.

Status:
Point in time view as at 10/03/2014.

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