



# Crime (Sentences) Act 1997

## 1997 CHAPTER 43

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Community sentences*

#### **35 Fine defaulters: general**

- (1) Subsection (2) below applies in any case where a magistrates' court—
  - (a) has power under Part III of the 1980 Act to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction of a magistrates' court (other than a sum ordered to be paid under section 71 of the Criminal Justice Act 1988 or section 2 of the Drug Trafficking Act 1994); or
  - (b) would, but for section 1 of the 1982 Act (restrictions on custodial sentences for persons under 21), have power to issue such a warrant for such default.
- (2) The magistrates' court may—
  - (a) subject to subsections (4) to (6) and (11) below, make a community service order; or
  - (b) subject to subsections (7) to (11) below, make a curfew order,  
in respect of the person in default instead of issuing a warrant of commitment or, as the case may be, proceeding under section 81 of the 1980 Act (enforcement of fines imposed on young offenders).
- (3) Where a magistrates' court has power to make an order under subsection (2)(a) or (b) above, it may, if it thinks it expedient to do so, postpone the making of the order until such time and on such conditions, if any, as it thinks just.
- (4) In this section “community service order” has the same meaning as in the 1973 Act and—
  - (a) section 14(2) of that Act; and

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(b) so far as applicable, the other provisions of that Act relating to community service orders and the provisions of Part I of the 1991 Act so relating, shall have effect in relation to an order under subsection (2)(a) above as they have effect in relation to an order in respect of an offender, but subject to the exceptions in subsection (5) below.

- (5) The following are the exceptions, namely—
- (a) the reference in section 14(1A)(a) of the 1973 Act to 40 hours shall be construed as a reference to 20 hours;
  - (b) section 14(3) of that Act shall not apply;
  - (c) the requirements in the order under subsection (2)(a) above shall, as far as practicable, be such as to avoid any interference with the times, if any, at which the offender normally works or attends school or other educational establishment;
  - (d) the power conferred by paragraph 3(1)(d) of Schedule 2 to the 1991 Act shall be construed as a power to revoke the order or deal with the person in respect of whom the order was made for his default in paying the sum in question or do both of those things; and
  - (e) paragraph 3(2)(a) of that Schedule shall not apply.
- (6) In the case of an amount in default which is described in the first column of the following Table, the period of community service specified in an order under subsection (2)(a) above shall not exceed the number of hours set out opposite that amount in the second column of that Table.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £200	40 hours
An amount exceeding £200 but not exceeding £500	60 hours
An amount exceeding £500	100 hours

- (7) In this section “curfew order” has the same meaning as in Part I of the 1991 Act and—
- (a) section 12(5) of that Act; and
  - (b) so far as applicable, the other provisions of that Part relating to curfew orders, shall have effect in relation to an order under subsection (2)(b) above as they have effect in relation to an order in respect of an offender, but subject to the exceptions in subsection (8) below.
- (8) The following are the exceptions, namely—
- (a) the power conferred by paragraph 3(1)(d) of Schedule 2 to the 1991 Act to revoke the order and deal with an offender for the offence in respect of which the order was made shall be construed as a power to revoke the order or deal with the person in respect of whom the order was made for his default in paying the sum in question or do both of those things; and
  - (b) paragraph 3(2)(a) of that Schedule shall not apply.
- (9) In the case of an amount in default which is described in the first column of the following Table, the number of days to which an order under subsection (2)(b) above

relates shall not exceed the number of days set out opposite that amount in the second column of that Table.

TABLE

<i>Amount</i>	<i>Number of days</i>
An amount not exceeding £200	20 days
An amount exceeding £200 but not exceeding £500	30 days
An amount exceeding £500 but not exceeding £1,000	60 days
An amount exceeding £1,000 but not exceeding £2,500	90 days
An amount exceeding £2,500	180 days

- (10) A magistrates' court shall not make an order under subsection (2)(b) above in respect of a person who is under 16.
- (11) A magistrates court shall not make an order under subsection (2)(a) or (b) above unless the court has been notified by the Secretary of State that arrangements for implementing such orders are available in the relevant area and the notice has not been withdrawn.
- (12) In subsection (11) above “the relevant area” means—
- (a) in relation to an order under subsection (2)(a) above, the area proposed to be specified in the order;
  - (b) in relation to an order under subsection (2)(b) above, the area in which the place proposed to be specified in the order is situated.
- (13) Where an order has been made under subsection (2)(a) or (b) above for default in paying any sum—
- (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;
  - (b) on payment of a part of that sum to any such person, the total number of hours or days to which the order relates shall be reduced proportionately;
- and the total number is so reduced if it is reduced by such number of complete hours or days as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the whole sum.
- (14) The Secretary of State may by order direct that subsection (5)(a), (6) or (9) above shall be amended by substituting for any number of hours or days there specified such number of hours or days as may be specified in the order.
- (15) The power to make an order under this section shall be exercisable by statutory instrument; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

### 36 Fine defaulters under 25

- (1) In subsection (1) of section 17 of the 1982 Act (attendance centre orders), after paragraph (b) there shall be inserted the words “or

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- (c) has power to commit to prison for default in payment of any sum of money a person who is under 25 but is not less than 21 years of age.”.
- (2) In subsection (5) of that section, after the words “under 21” there shall be inserted the words “or, as the case may be, 25”.

### **37 Persistent petty offenders**

- (1) This section applies where—
  - (a) a person is convicted of an offence by a magistrates' court or before the Crown Court;
  - (b) the court is satisfied that each of the conditions mentioned in subsection (2) below is fulfilled; and
  - (c) if it were not so satisfied, the court would be minded to impose a fine in respect of the offence.
- (2) The conditions are—
  - (a) that one or more fines imposed on the offender in respect of one or more previous offences have not been paid; and
  - (b) if a fine were imposed in an amount which was commensurate with the seriousness of the offence, the offender would not have sufficient means to pay it.
- (3) Notwithstanding anything in section 6 of the 1991 Act, the court may—
  - (a) subject to subsections (4) and (6) below, make a community service order; or
  - (b) subject to subsections (5) and (6) below, make a curfew order,in respect of the offender instead of imposing a fine.
- (4) Subsections (4) and (5) of section 35 above shall apply for the purposes of this section as they apply for the purposes of that section except that—
  - (a) the reference in subsection (4) to subsection (2)(a) of that section shall be construed as a reference to subsection (3)(a) of this section;
  - (b) paragraph (a) of subsection (5) shall not apply; and
  - (c) the reference in paragraph (d) of that subsection to dealing with the person in respect of whom the order was made for his default in paying the sum in question shall be construed as a reference to dealing with the offender for the offence in respect of which the order was made.
- (5) Subsections (7), (8) and (10) of section 35 above shall apply for the purposes of this section as they apply for the purposes of that section except that the references in subsections (7) and (10) to subsection (2)(b) of that section shall be construed as references to subsection (3)(b) of this section.
- (6) A court shall not make an order under subsection (3)(a) or (b) above unless the court has been notified by the Secretary of State that arrangements for implementing such orders are available in the relevant area and the notice has not been withdrawn.
- (7) In subsection (6) above “the relevant area” means—
  - (a) in relation to an order under subsection (3)(a) above, the area proposed to be specified in the order;
  - (b) in relation to an order under subsection (3)(b) above, the area in which the place proposed to be specified in the order is situated.

### **38 Abolition of certain consent etc. requirements**

- (1) In subsection (6) of section 12A of the 1969 Act (young offenders), for paragraph (c) there shall be substituted the following paragraph—

“(c) if the supervised person is under the age of sixteen, it has obtained and considered information about his family circumstances and the likely effect of the requirements on those circumstances.”

- (2) The following provisions shall cease to have effect, namely—

- (a) in subsection (3) of section 2 of the 1973 Act (probation orders), the words from “and the court” to the end;
- (b) in subsection (2) of section 14 of that Act (community service orders), the words “the offender consents and”; and
- (c) in subsection (5) of section 12 of the 1991 Act (curfew orders), the words from “and the court” to the end.

- (3) For sub-paragraph (4) of paragraph 5 of Schedule 1A to the 1973 Act (requirements as to treatment for mental condition etc) there shall be substituted the following sub-paragraph—

“(4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his mental condition unless—

- (a) it is satisfied that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident patient); and
- (b) the offender has expressed his willingness to comply with such a requirement.”

- (4) For sub-paragraph (4) of paragraph 6 of that Schedule (requirements as to treatment for drug or alcohol dependency) there shall be substituted the following sub-paragraph—

“(4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his dependency on drugs or alcohol unless—

- (a) it is satisfied that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident patient); and
- (b) the offender has expressed his willingness to comply with such a requirement.”

#### *Driving disqualifications*

### **39 Offenders**

- (1) Subject to subsections (2) and (3) below, the court by or before which a person is convicted of an offence may, in addition to or instead of dealing with him in any other way, order him to be disqualified, for such period as it thinks fit, for holding or obtaining a driving licence.

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- (2) Where the person is convicted of an offence the sentence for which is fixed by law or falls to be imposed under section 2(2), 3(2), or 4(2) above, subsection (1) above shall have effect as if the words “or instead of” were omitted.
- (3) A court shall not make an order under subsection (1) above unless the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn.
- (4) A court which makes an order under this section disqualifying a person for holding or obtaining a driving licence shall require him to produce any such licence held by him together with its counterpart.
- (5) The following provisions, namely—
  - (a) section 164(5) of the Road Traffic Act 1988 (power of constables to require production of driving licence etc.); and
  - (b) section 27(3) of the Road Traffic Offenders Act 1988 (failure to produce driving licence),shall have effect as if the reference to section 44 of the 1973 Act included a reference to this section.
- (6) In this section—
  - “counterpart”, in relation to a driving licence, has the meaning given by section 108(1) of the Road Traffic Act 1988;
  - “driving licence” means a licence to drive a motor vehicle granted under Part III of that Act.

#### **40 Fine defaulters**

- (1) This section applies in any case where a magistrates' court—
  - (a) has power under Part III of the 1980 Act to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction of a magistrates' court (other than a sum ordered to be paid under section 71 of the Criminal Justice Act 1988 or section 2 of the Drug Trafficking Act 1994); or
  - (b) would, but for section 1 of the 1982 Act (restrictions on custodial sentences for persons under 21), have power to issue such a warrant for such default.
- (2) Subject to subsection (3) below, the magistrates' court may, instead of issuing a warrant of commitment or, as the case may be, proceeding under section 81 of the 1980 Act (enforcement of fines imposed on young offenders), order the person in default to be disqualified, for such period not exceeding twelve months as it thinks fit, for holding or obtaining a driving licence.
- (3) A magistrates court shall not make an order under subsection (2) above unless the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn.
- (4) Where an order has been made under subsection (2) above for default in paying any sum—
  - (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;
  - (b) on payment of a part of that sum to any such person, the number of weeks or months to which the order relates shall be reduced proportionately;

and the total number is so reduced if it is reduced by such number of complete weeks or months as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the whole sum.

- (5) The Secretary of State may by order made by statutory instrument vary the period specified in subsection (2) above; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (6) Subsections (4) to (6) of section 39 above shall apply for the purposes of this section as they apply for the purposes of that section.

### *Transfer and repatriation of prisoners*

#### **41 Transfer of prisoners within the British Islands**

Schedule 1 to this Act (which makes provision with respect to the transfer of prisoners within the British Islands) shall have effect.

#### **42 Repatriation of prisoners to the British Islands**

Schedule 2 to this Act (which makes provision, including retrospective provision, with respect to prisoners repatriated to the British Islands) shall have effect.

### *Young offenders*

#### **43 Curfew orders**

- (1) In subsection (1) of section 12 of the 1991 Act (curfew orders), the words “of or over the age of sixteen years” shall cease to have effect.
- (2) After subsection (2) of that section there shall be inserted the following subsection—

“(2A) In relation to an offender who is under the age of sixteen years, subsection (2) (a) above shall have effect as if the reference to six months were a reference to three months.”
- (3) After subsection (6) of that section there shall be inserted the following subsection—

“(6A) Before making a curfew order in respect of an offender who is under the age of sixteen years, the court shall obtain and consider information about his family circumstances and the likely effect of such an order on those circumstances.”
- (4) In paragraph 3(1) of Schedule 2 to the 1991 Act (enforcement of community orders), for paragraph (c) there shall be substituted the following paragraph—

“(c) where—
  - (i) the relevant order is a probation order, or
  - (ii) the relevant order is a curfew order and the offender is under the age of sixteen years,and the case is one to which section 17 of the 1982 Act applies, it may make an order under that section requiring him to attend at an attendance centre; or”.

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

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#### **44 Long term detention**

In subsection (2)(a) of section 53 of the 1933 Act (long term detention of children and young persons for certain grave crimes), for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

“(ii) an offence under section 14 (indecent assault on a woman) or section 15 (indecent assault on a man) of the Sexual Offences Act 1956;”.

#### **45 Publication of reports**

(1) After subsection (4) of section 49 of the 1933 Act (restrictions on reports of proceedings in which children or young persons are concerned) there shall be inserted the following subsections—

“(4A) If a court is satisfied that it is in the public interest to do so, it may, in relation to a child or young person who has been convicted of an offence, by order dispense to any specified extent with the requirements of this section in relation to any proceedings before it to which this section applies by virtue of subsection (2)(a) or (b) above, being proceedings relating to—

- (a) the prosecution or conviction of the offender for the offence;
- (b) the manner in which he, or his parent or guardian, should be dealt with in respect of the offence;
- (c) the enforcement, amendment, variation, revocation or discharge of any order made in respect of the offence;
- (d) where an attendance centre order is made in respect of the offence, the enforcement of any rules made under section 16(3) of the Criminal Justice Act 1982; or
- (e) where a secure training order is so made, the enforcement of any requirements imposed under section 3(7) of the Criminal Justice and Public Order Act 1994.

(4B) A court shall not exercise its power under subsection (4A) above without—

- (a) affording the parties to the proceedings an opportunity to make representations; and
- (b) taking into account any representations which are duly made.”

(2) Subsection (1) above shall not apply where the offence was committed before the commencement of this section.

#### *Mentally disordered offenders*

#### **46 Power to make hospital and limitation directions**

After section 45 of the 1983 Act there shall be inserted the following sections—



*“Hospital and limitation directions*

**45A Power of higher courts to direct hospital admission**

- (1) This section applies where, in the case of a person convicted before the Crown Court of an offence the sentence for which is not fixed by law—
  - (a) the conditions mentioned in subsection (2) below are fulfilled; and
  - (b) except where the offence is one the sentence for which falls to be imposed under section 2 of the Crime (Sentences) Act 1997, the court considers making a hospital order in respect of him before deciding to impose a sentence of imprisonment (“the relevant sentence”) in respect of the offence.
- (2) The conditions referred to in subsection (1) above are that the court is satisfied, on the written or oral evidence of two registered medical practitioners—
  - (a) that the offender is suffering from psychopathic disorder;
  - (b) that the mental disorder from which the offender is suffering is of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment; and
  - (c) that such treatment is likely to alleviate or prevent a deterioration of his condition.
- (3) The court may give both of the following directions, namely—
  - (a) a direction that, instead of being removed to and detained in a prison, the offender be removed to and detained in such hospital as may be specified in the direction (in this Act referred to as a “hospital direction”); and
  - (b) a direction that the offender be subject to the special restrictions set out in section 41 above (in this Act referred to as a “limitation direction”).
- (4) A hospital direction and a limitation direction shall not be given in relation to an offender unless at least one of the medical practitioners whose evidence is taken into account by the court under subsection (2) above has given evidence orally before the court.
- (5) A hospital direction and a limitation direction shall not be given in relation to an offender unless the court is satisfied on the written or oral evidence of the registered medical practitioner who would be in charge of his treatment, or of some other person representing the managers of the hospital that arrangements have been made—
  - (a) for his admission to that hospital; and
  - (b) for his admission to it within the period of 28 days beginning with the day of the giving of such directions;and the court may, pending his admission within that period, give such directions as it thinks fit for his conveyance to and detention in a place of safety.
- (6) If within the said period of 28 days it appears to the Secretary of State that by reason of an emergency or other special circumstances it is not practicable for the patient to be received into the hospital specified in the hospital direction, he may give instructions for the admission of the patient to such other hospital as appears to be appropriate instead of the hospital so specified.

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- (7) Where such instructions are given—
- (a) the Secretary of State shall cause the person having the custody of the patient to be informed, and
  - (b) the hospital direction shall have effect as if the hospital specified in the instructions were substituted for the hospital specified in the hospital direction.
- (8) Section 38(1) and (5) and section 39 above shall have effect as if any reference to the making of a hospital order included a reference to the giving of a hospital direction and a limitation direction.
- (9) A hospital direction and a limitation direction given in relation to an offender shall have effect not only as regards the relevant sentence but also (so far as applicable) as regards any other sentence of imprisonment imposed on the same or a previous occasion.
- (10) The Secretary of State may by order provide that this section shall have effect as if the reference in subsection (2) above to psychopathic disorder included a reference to a mental disorder of such other description as may be specified in the order.
- (11) An order made under this section may—
- (a) apply generally, or in relation to such classes of offenders or offences as may be specified in the order;
  - (b) provide that any reference in this section to a sentence of imprisonment, or to a prison, shall include a reference to a custodial sentence, or to an institution, of such description as may be so specified; and
  - (c) include such supplementary, incidental or consequential provisions as appear to the Secretary of State to be necessary or expedient.

#### **45B Effect of hospital and limitation directions**

- (1) A hospital direction and a limitation direction shall be sufficient authority—
- (a) for a constable or any other person directed to do so by the court to convey the patient to the hospital specified in the hospital direction within a period of 28 days; and
  - (b) for the managers of the hospital to admit him at any time within that period and thereafter detain him in accordance with the provisions of this Act.
- (2) With respect to any person—
- (a) a hospital direction shall have effect as a transfer direction; and
  - (b) a limitation direction shall have effect as a restriction direction.
- (3) While a person is subject to a hospital direction and a limitation direction the responsible medical officer shall at such intervals (not exceeding one year) as the Secretary of State may direct examine and report to the Secretary of State on that person; and every report shall contain such particulars as the Secretary of State may require.”

#### **47 Power to specify hospital units**

(1) Subject to subsection (2) below, any power to specify a hospital which is conferred by—

- (a) section 37 of the 1983 Act (hospital orders);
- (b) section 45A of that Act (hospital and limitation directions);
- (c) section 47 of that Act (transfer directions); or
- (d) paragraph 1 of Schedule 1 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (orders for admission to hospital),

includes power to specify a hospital unit; and where such a unit is specified in relation to any person in the exercise of such a power, any reference in any enactment (including one contained in this Act) to him being, or being liable to be, detained in a hospital shall be construed accordingly.

(2) In subsection (1) above—

- (a) paragraph (a) shall not apply unless the court also makes an order under section 41 of the 1983 Act (restriction orders);
- (b) paragraph (c) shall not apply unless the Secretary of State also gives a direction under section 49 of that Act (restriction directions); and
- (c) paragraph (d) shall not apply unless the court has given a direction under paragraph 2(1)(b) of Schedule 1 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991.

(3) In this section—

“hospital”, in relation to any exercise of a power, has the same meaning as in the enactment which confers the power;

“hospital unit” means any part of a hospital which is treated as a separate unit.

(4) In this section—

- (a) the reference to paragraph 1 of Schedule 1 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 includes a reference to subsection (1) of section 116B of the Army Act 1955 and the Air Force Act 1955 and section 63B of the Naval Discipline Act 1957; and
- (b) the reference to paragraph 2(1)(b) of that Schedule includes a reference to subsection (2) of those sections.

#### **48 Offenders conditionally discharged from hospital**

(1) The 1983 Act and the 1984 Act shall have effect subject to the amendments specified in Schedule 3 to this Act, being amendments making provision with respect to transfers within the British Islands of responsibility for offenders conditionally discharged from hospital.

(2) In this section and that Schedule “the 1984 Act” means the Mental Health (Scotland) Act 1984.

#### **49 Other amendments of the 1983 Act**

(1) In subsection (5) of section 38 of the 1983 Act (interim hospital orders), for the words “six months” there shall be substituted the words “twelve months”.

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

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- (2) In subsection (3) of section 41 of that Act (power of higher courts to restrict discharge from hospital), in paragraph (c)(ii), after the words “section 19 above” there shall be inserted the words “or in pursuance of subsection (3) of that section”.
- (3) In subsection (1) of section 47 of that Act (removal to hospital of persons serving sentences of imprisonment etc.), the words “(not being a mental nursing home)” shall cease to have effect.
- (4) In paragraph 5 of Part II of Schedule 1 to that Act (patients subject to hospital and guardianship orders)—
  - (a) the word “and” immediately following sub-paragraph (a) shall cease to have effect; and
  - (b) after sub-paragraph (b) there shall be inserted the words “and
    - (c) in subsection (3) after the words “may at any time” there shall be inserted the words “, with the consent of the Secretary of State,.”

### *Miscellaneous*

#### **50 Disclosure of pre-sentence reports**

- (1) This section applies where a court obtains a pre-sentence report within the meaning of Part I of the 1991 Act.
- (2) Subject to subsections (3) and (4) below, the court shall give a copy of the report—
  - (a) to the offender or his counsel or solicitor; and
  - (b) to the prosecutor, that is to say, the person having the conduct of the proceedings in respect of the offence.
- (3) If the offender is under 17 and is not represented by counsel or a solicitor, a copy of the report need not be given to him but shall be given to his parent or guardian if present in court.
- (4) If the prosecutor is not of a description prescribed by order made by the Secretary of State, a copy of the report need not be given to the prosecutor if the court considers that it would be inappropriate for him to be given it.
- (5) No information obtained by virtue of subsection (2)(b) above shall be used or disclosed otherwise than for the purpose of—
  - (a) determining whether representations as to matters contained in the report need to be made to the court; or
  - (b) making such representations to the court.
- (6) The power to make orders 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.

#### **51 Committals for sentence**

After section 38 of the 1980 Act there shall be inserted the following section—

**“38A Committal for sentence on indication of guilty plea to offence triable either way**

- (1) This section applies where—
  - (a) a person who is 18 or over appears or is brought before a magistrates' court (“the court”) on an information charging him with an offence triable either way (“the offence”);
  - (b) he or his representative indicates that he would plead guilty if the offence were to proceed to trial; and
  - (c) proceeding as if section 9(1) above was complied with and he pleaded guilty under it, the court convicts him of the offence.
- (2) If the court has committed the offender to the Crown Court for trial for one or more related offences, that is to say, one or more offences which, in its opinion, are related to the offence, it may, in accordance with section 56 of the Criminal Justice Act 1967, commit him in custody or on bail to the Crown Court to be dealt with in respect of the offence in accordance with the provisions of section 42 of the Powers of Criminal Courts Act 1973.
- (3) If the power conferred by subsection (2) above is not exercisable but the court is still to inquire, as examining justices, into one or more related offences—
  - (a) it shall adjourn the proceedings relating to the offence until after the conclusion of its inquiries; and
  - (b) if it commits the offender to the Crown Court for trial for one or more related offences, it may then exercise that power.
- (4) Where the court—
  - (a) commits the offender to the Crown Court to be dealt with in respect of the offence; and
  - (b) does not state that, in its opinion, it also has power so to commit him under section 38(2) above,the provisions of section 42 of the Powers of Criminal Courts Act 1973 shall not apply unless he is convicted before the Crown Court of one or more of the related offences.
- (5) Where those provisions of that section do not apply, the Crown Court shall have power to deal with the offender in respect of the offence in any manner in which the court might have dealt with him.
- (6) For the purposes of this section one offence is related to another if, were they both to be prosecuted on indictment, the charges for them could be joined in the same indictment.”

**52 Increased penalty for offence of indecency with children**

In subsection (1) of section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child), for the words “two years” there shall be substituted the words “ten years”.

*Supplemental*

**53 Financial provisions**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other Act.

**54 General interpretation**

(1) In this Act—

“the 1933 Act” means the Children and Young Persons Act 1933;

“the 1969 Act” means the Children and Young Persons Act 1969;

“the 1973 Act” means the Powers of Criminal Courts Act 1973;

“the 1980 Act” means the Magistrates' Courts Act 1980;

“the 1982 Act” means the Criminal Justice Act 1982;

“the 1983 Act” means the Mental Health Act 1983;

“the 1991 Act” means the Criminal Justice Act 1991.

(2) Any reference in this Act to the commencement of Chapter I of Part II of this Act is a reference to the commencement of the provisions of that Chapter other than sections 9, 20 and 21 above.

(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this Act to have been committed on the last of those days.

**55 Minor and consequential amendments**

(1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.

(2) For the purposes of any of those enactments as so amended—

(a) a sentence falls to be imposed under subsection (2) of section 2, 3 or 4 above if it is required by that subsection in any case where the court is not of the opinion there mentioned; and

(b) a sentence falls to be imposed under subsection (3A) of section 70 of the Army Act 1955 or the Air Force Act 1955 or subsection (1A) of section 42 of the Naval Discipline Act 1957 if it is required by that subsection in any case where the court-martial is not of the opinion there mentioned.

**56 Transitional provisions, savings and repeals**

(1) The transitional provisions and savings contained in Schedule 5 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 Interpretation Act 1978 (which relate to the effect of repeals).

(2) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## **57 Short title, commencement and extent**

- (1) This Act may be cited as the Crime (Sentences) Act 1997.
- (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 purposes.
- (3) Without prejudice to the provisions of Schedule 5 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 extend to Scotland, Northern Ireland and the Channel Islands, namely—
  - (a) section 41 and Schedule 1; and
  - (b) section 56(2) and Schedule 6 so far as relating to the repeal of Part III of the Criminal Justice Act 1961.
- (6) The following provisions of this Act extend to Scotland, namely—
  - (a) section 45;
  - (b) paragraphs 1 and 5 to 8 of Schedule 2 and section 42 so far as relating to those paragraphs;
  - (c) paragraphs 1 and 6 to 10 of Schedule 3 and section 48 so far as relating to those paragraphs;
  - (d) paragraph 16 of Schedule 4 to this Act and section 55 so far as relating to that paragraph; and
  - (e) paragraphs 9, 11 and 12 of Schedule 5 and section 56(1) so far as relating to those paragraphs.
- (7) The following provisions of this Act extend to Northern Ireland, namely—
  - (a) paragraphs 1, 9 and 10 of Schedule 2 and section 42 so far as relating to those paragraphs;
  - (b) paragraphs 2, 3, 7 and 8 of Schedule 3 and section 48 so far as relating to those paragraphs; and
  - (c) paragraphs 10 and 12 of Schedule 5 and section 56(1) so far as relating to those paragraphs.
- (8) Nothing in subsection (4) above affects the extent of this Act in so far as it—
  - (a) confers a power or imposes a duty on a court-martial or a Standing Civilian Court; or
  - (b) amends any provision of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.