Crime and Disorder Act 1998

1998 CHAPTER 37

PART I

PREVENTION OF CRIME AND DISORDER

CHAPTER I

ENGLAND AND WALES

Crime and disorder: general

1 Anti-social behaviour orders.

(1) An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely—

(a) that the person has acted, since the commencement date, in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; and

[F1(b) that such an order is necessary to protect relevant persons from further anti-social acts by him.

F2. . . . . .**]**

[F3(1A) In this section and sections 1B and 1E "relevant authority" means—

(a) the council for a local government area;

(b) the chief officer of police of any police force maintained for a police area;

(c) the chief constable of the British Transport Police Force; or

(d) any person registered under section 1 of the Housing Act 1996 (c. 52) as a social landlord who provides or manages any houses or hostel in a local government area.**]**

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

[F4(1B) In this section "relevant persons" means—

(a) in relation to a relevant authority falling within paragraph (a) of subsection (1A), persons within the local government area of that council;

(b) in relation to a relevant authority falling within paragraph (b) of that subsection, persons within the police area;

(c) in relation to a relevant authority falling within paragraph (c) of that subsection—

(i) persons who are on or likely to be on policed premises in a local government area; or

(ii) persons who are in the vicinity of or likely to be in the vicinity of such premises;

(d) in relation to a relevant authority falling within paragraph (d) of that subsection—

(i) persons who are residing in or who are otherwise on or likely to be on premises provided or managed by that authority; or

(ii) persons who are in the vicinity of or likely to be in the vicinity of such premises.**]**

(2) F5. . . . . .

(3) Such an application shall be made by complaint to the magistrates' court whose commission area includes **[**F6the local government area or police area concerned**]**

(4) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrates' court may make an order under this section (an "anti-social behaviour order") which prohibits the defendant from doing anything described in the order.

(5) For the purpose of determining whether the condition mentioned in subsection (1)(a) above is fulfilled, the court shall disregard any act of the defendant which he shows was reasonable in the circumstances.

[F7(6) The prohibitions that may be imposed by an anti-social behaviour order are those necessary for the purpose of protecting persons (whether relevant persons or persons elsewhere in England and Wales) from further anti-social acts by the defendant.**]**

(7) An anti-social behaviour order shall have effect for a period (not less than two years) specified in the order or until further order.

(8) Subject to subsection (9) below, the applicant or the defendant may apply by complaint to the court which made an anti-social behaviour order for it to be varied or discharged by a further order.

(9) Except with the consent of both parties, no anti-social behaviour order shall be discharged before the end of the period of two years beginning with the date of service of the order.

(10) If without reasonable excuse a person does anything which he is prohibited from doing by an anti-social behaviour order, he **[**F8is guilty of an offence and**]** liable—

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

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

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(11) Where a person is convicted of an offence under subsection (10) above, it shall not be open to the court by or before which he is so convicted to make an order under subsection (1)(b) (conditional discharge) of **[**F9section 12 of the Powers of Criminal Courts (Sentencing) Act 2000**]** in respect of the offence.

(12) In this section—

[F10"British Transport Police Force" means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);**]**

"the commencement date" means the date of the commencement of this section;

"local government area" means—

(a) in relation to England, a district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;

(b) in relation to Wales, a county or county borough.

[F11"policed premises" has the meaning given by section 53(3) of the British Transport Commission Act 1949.**]**

Textual Amendments

F1 S. 1(1)(b) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(2)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**

F2 Words in s. 1(1) repealed (2.12.2002) by Police Reform Act 2002 (c. 30), **ss. 61(3)**, 107(2), **Sch. 8** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)(b)(iii)**

F3 S. 1(1A) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(4)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**

F4 S. 1(1B) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(4)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**

F5 S. 1(2) repealed (2.12.2002) by Police Reform Act 2002 (c. 30), **ss. 61(5)**, 107(2), **Sch. 8** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)(b)(iii)(c)**

F6 Words in s. 1(3) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(6)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**

F7 S. 1(6) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(7)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**

F8 Words in s. 1(10) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(8)** (with s. 61(10)); S.I. 2002/2750 {art. 2(a)(vii)}

F9 Words in s. 1(11) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 192**

F10 S. 1(12): definition of "British Transport Police Force" inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(9)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**; and that definition ceased to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120(1), **Sch. 5 para. 4(1)(b)(2)(j)**; S.I. 2004/1572, **art. 3(jjj)**

F11 S. 1(12): definition of "policed premises" inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(9)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**

Modifications etc. (not altering text)

C1 S. 1(11) modified (30.9.1998) by 1991 c. 53, **Sch. 2 para. 8A(10)** (as inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 46(11)**; S.I. 1998/2327, **art. 2(1)(w)** (with savings in arts. 5-8))

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[F12 1A Power of Secretary of State to add to relevant authorities

The Secretary of State may by order provide that the chief officer of a body of constables maintained otherwise than by a police authority is, in such cases and circumstances as may be prescribed by the order, to be a relevant authority for the purposes of section 1 above.]

Textual Amendments

F12 S. 1A inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 62(1)**; S.I. 2002/2750, **art. 2(a)(vii)**

VALID FROM 01/05/2004

[F13 1AA Individual support orders

(1) Where a court makes an anti-social behaviour order in respect of a defendant who is a child or young person when that order is made, it must consider whether the individual support conditions are fulfilled.

(2) If it is satisfied that those conditions are fulfilled, the court must make an order under this section ("an individual support order") which—

(a) requires the defendant to comply, for a period not exceeding six months, with such requirements as are specified in the order; and

(b) requires the defendant to comply with any directions given by the responsible officer with a view to the implementation of the requirements under paragraph (a) above.

(3) The individual support conditions are—

(a) that an individual support order would be desirable in the interests of preventing any repetition of the kind of behaviour which led to the making of the anti-social behaviour order;

(b) that the defendant is not already subject to an individual support order; and

(c) that the court has been notified by the Secretary of State that arrangements for implementing individual support orders are available in the area in which it appears to it that the defendant resides or will reside and the notice has not been withdrawn.

(4) If the court is not satisfied that the individual support conditions are fulfilled, it shall state in open court that it is not so satisfied and why it is not.

(5) The requirements that may be specified under subsection (2)(a) above are those that the court considers desirable in the interests of preventing any repetition of the kind of behaviour which led to the making of the anti-social behaviour order.

(6) Requirements included in an individual support order, or directions given under such an order by a responsible officer, may require the defendant to do all or any of the following things—

(a) to participate in activities specified in the requirements or directions at a time or times so specified;

(b) to present himself to a person or persons so specified at a place or places and at a time or times so specified;

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(c) to comply with any arrangements for his education so specified.

(7) But requirements included in, or directions given under, such an order may not require the defendant to attend (whether at the same place or at different places) on more than two days in any week; and "week" here means a period of seven days beginning with a Sunday.

(8) Requirements included in, and directions given under, an individual support order shall, as far as practicable, be such as to avoid—

(a) any conflict with the defendant's religious beliefs; and

(b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.

(9) Before making an individual support order, the court shall obtain from a social worker of a local authority social services department or a member of a youth offending team any information which it considers necessary in order—

(a) to determine whether the individual support conditions are fulfilled, or

(b) to determine what requirements should be imposed by an individual support order if made,

and shall consider that information.

(10) In this section and section 1AB below "responsible officer", in relation to an individual support order, means one of the following who is specified in the order, namely—

(a) a social worker of a local authority social services department;

(b) a person nominated by **[**F14a person appointed as director of children's services under section 18 of the Children Act 2004 or by**]** a person appointed as chief education officer under section 532 of the Education Act 1996 (c. 56);

(c) a member of a youth offending team.**]**

Textual Amendments

F13 Ss. 1AA, 1AB inserted (1.5.2004) by Criminal Justice Act 2003 (c. 44), **ss. 322**, 336(3); S.I. 2004/829 {art. 3(2)(b)}

F14 Words s. 1AA(10)(b) inserted (with effect for specified purposes as mentioned in s. 18(9)(a) of the amending Act, otherwise 1.1.2008) by virtue of Children Act 2004 (c. 31), ss. 18(9)(10), 67(2), **Sch. 2 para. 8**; S.I. 2007/1792, **art. 2**

VALID FROM 01/05/2004

[F13**1AB Individual support orders: explanation, breach, amendment etc**

(1) Before making an individual support order, the court shall explain to the defendant in ordinary language—

(a) the effect of the order and of the requirements proposed to be included in it;

(b) the consequences which may follow (under subsection (3) below) if he fails to comply with any of those requirements; and

(c) that the court has power (under subsection (6) below) to review the order on the application either of the defendant or of the responsible officer.

(2) The power of the Secretary of State under section 174(4) of the Criminal Justice Act 2003 includes power by order to—

(a) prescribe cases in which subsection (1) above does not apply; and

(b) prescribe cases in which the explanation referred to in that subsection may be made in the absence of the defendant, or may be provided in written form.

(3) If the person in respect of whom an individual support order is made fails without reasonable excuse to comply with any requirement included in the order, he is guilty of an offence and liable on summary conviction to a fine not exceeding—

(a) if he is aged 14 or over at the date of his conviction, £1,000;

(b) if he is aged under 14 then, £250.

(4) No referral order under section 16(2) or (3) of the Powers of Criminal Courts (Sentencing) Act 2000 (referral of young offenders to youth offender panels) may be made in respect of an offence under subsection (3) above.

(5) If the anti-social behaviour order as a result of which an individual support order was made ceases to have effect, the individual support order (if it has not previously ceased to have effect) ceases to have effect when the anti-social behaviour order does.

(6) On an application made by complaint by—

(a) the person subject to an individual support order, or

(b) the responsible officer,

the court which made the individual support order may vary or discharge it by a further order.

(7) If the anti-social behaviour order as a result of which an individual support order was made is varied, the court varying the anti-social behaviour order may by a further order vary or discharge the individual support order.**]**

Textual Amendments

F13 Ss. 1AA, 1AB inserted (1.5.2004) by Criminal Justice Act 2003 (c. 44), **ss. 322**, 336(3); S.I. 2004/829 {art. 3(2)(b)}

[F15 1B Orders in county court proceedings

(1) This section applies to any proceedings in a county court ("the principal proceedings").

(2) If a relevant authority—

(a) is a party to the principal proceedings, and

(b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application under section 1,

it may make an application in those proceedings for an order under subsection (4).

(3) If a relevant authority—

(a) is not a party to the principal proceedings, and

(b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application under section 1,

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it may make an application to be joined to those proceedings to enable it to apply for an order under subsection (4) and, if it is so joined, may apply for such an order.

(4) If, on an application for an order under this subsection, it is proved that the conditions mentioned in section 1(1) are fulfilled as respects that other party, the court may make an order which prohibits him from doing anything described in the order.

(5) Subject to subsection (6), the party to the principal proceedings against whom an order under this section has been made and the relevant authority on whose application that order was made may apply to the county court which made an order under this section for it to be varied or discharged by a further order.

(6) Except with the consent of the relevant authority and the person subject to the order, no order under this section shall be discharged before the end of the period of two years beginning with the date of service of the order.

(7) Subsections (5) to (7) and (10) to (12) of section 1 apply for the purposes of the making and effect of orders made under this section as they apply for the purposes of the making and effect of anti-social behaviour orders.**]**

Textual Amendments

F15 S. 1B inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 63**, 108(2); S.I. 2003/808, **art. 2(f)**

[F16 1C Orders on conviction in criminal proceedings

(1) This section applies where a person (the "offender") is convicted of a relevant offence.

(2) If the court considers—

(a) that the offender has acted, at any time since the commencement date, in an anti-social manner, that is to say in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself, and

(b) that an order under this section is necessary to protect persons in any place in England and Wales from further anti-social acts by him,

it may make an order which prohibits the offender from doing anything described in the order.

(3) The court may make an order under this section whether or not an application has been made for such an order.

(4) An order under this section shall not be made except—

(a) in addition to a sentence imposed in respect of the relevant offence; or

(b) in addition to an order discharging him conditionally.

(5) An order under this section takes effect on the day on which it is made, but the court may provide in any such order that such requirements of the order as it may specify shall, during any period when the offender is detained in legal custody, be suspended until his release from that custody.

(6) An offender subject to an order under this section may apply to the court which made it for it to be varied or discharged.

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(7) In the case of an order under this section made by a magistrates' court, the reference in subsection (6) to the court by which the order was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.

(8) No application may be made under subsection (6) for the discharge of an order before the end of the period of two years beginning with the day on which the order takes effect.

(9) Subsections (7), (10) and (11) of section 1 apply for the purposes of the making and effect of orders made by virtue of this section as they apply for the purposes of the making and effect of anti-social behaviour orders.

(10) In this section—

"the commencement date" has the same meaning as in section 1 above;

"the court" in relation to an offender means—

(a) the court by or before which he is convicted of the relevant offence; or

(b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court; and

"relevant offence" means an offence committed after the coming into force of section 64 of the Police Reform Act 2002 (c. 30).**]**

Textual Amendments

F16 S. 1C inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 64**; S.I. 2002/2750, **art. 2(a)(vii)**

VALID FROM 01/07/2005

[F17 1CA Variation and discharge of orders under section 1C

(1) An offender subject to an order under section 1C may apply to the court which made it for it to be varied or discharged.

(2) If he does so, he must also send written notice of his application to the Director of Public Prosecutions.

(3) The Director of Public Prosecutions may apply to the court which made an order under section 1C for it to be varied or discharged.

(4) A relevant authority may also apply to the court which made an order under section 1C for it to be varied or discharged if it appears to it that—

(a) in the case of variation, the protection of relevant persons from anti-social acts by the person subject to the order would be more appropriately effected by a variation of the order;

(b) in the case of discharge, that it is no longer necessary to protect relevant persons from anti-social acts by him by means of such an order.

(5) If the Director of Public Prosecutions or a relevant authority applies for the variation or discharge of an order under section 1C, he or it must also send written notice of the application to the person subject to the order.

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(6) In the case of an order under section 1C made by a magistrates' court, the references in subsections (1), (3) and (4) to the court by which the order was made include a reference to any magistrates' court acting in the same local justice area as that court.

(7) No order under section 1C shall be discharged on an application under this section before the end of the period of two years beginning with the day on which the order takes effect, unless—

(a) in the case of an application under subsection (1), the Director of Public Prosecutions consents, or

(b) in the case of an application under subsection (3) or (4), the offender consents.**]**

Textual Amendments

F17 S. 1CA inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 140(4)**, 178(8); S.I. 2005/1521, **art. 3(1)(s)**

[F18 1D Interim orders

(1) The applications to which this section applies are—

(a) an application for an anti-social behaviour order; and

(b) an application for an order under section 1B.

(2) If, before determining an application to which this section applies, the court considers that it is just to make an order under this section pending the determination of that application ("the main application"), it may make such an order.

(3) An order under this section is an order which prohibits the defendant from doing anything described in the order.

(4) An order under this section—

(a) shall be for a fixed period;

(b) may be varied, renewed or discharged;

(c) shall, if it has not previously ceased to have effect, cease to have effect on the determination of the main application.

(5) Subsections (6), (8) and (10) to (12) of section 1 apply for the purposes of the making and effect of orders under this section as they apply for the purposes of the making and effect of anti-social behaviour orders.**]**

Textual Amendments

F18 S. 1D inserted (2.12.2002 in relation to s. 1D(1)(a)(2)-(5), otherwise 1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 65(1)**, 108(2); S.I. 2002/2750, **art. 2(a)(vii)**; S.I. 2003/808, **art. 2(f)**

[F19 1E Consultation requirements

(1) This section applies to—

(a) applications for an anti-social behaviour order; and

(b) applications for an order under section 1B.

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(2) Before making an application to which this section applies, the council for a local government area shall consult the chief officer of police of the police force maintained for the police area within which that local government area lies.

(3) Before making an application to which this section applies, a chief officer of police shall consult the council for the local government area in which the person in relation to whom the application is to be made resides or appears to reside.

(4) Before making an application to which this section applies, a relevant authority other than a council for a local government area or a chief officer of police shall consult—

(a) the council for the local government area in which the person in relation to whom the application is to be made resides or appears to reside; and

(b) the chief officer of police of the police force maintained for the police area within which that local government area lies.**]**

Textual Amendments

F19 S. 1E inserted (2.12.2002 in relation to s. 1E(1)(a)(2)-(4), otherwise 1.4.2003) by Police Reform Act 2002 (c. 30), **s. 66**; S.I. 2002/2750, **art. 2(a)(vii)**; S.I. 2003/808, **art. 2(f)**

VALID FROM 01/07/2005

[F20 1F Contracting out of local authority functions

(1) The Secretary of State may by order provide that a relevant authority which is a local authority may make arrangements with a person specified (or of a description specified) in the order for the exercise of any function it has under sections 1 to 1E above—

(a) by such a person, or

(b) by an employee of his.

(2) The order may provide—

(a) that the power of the relevant authority to make the arrangements is subject to such conditions as are specified in the order;

(b) that the arrangements must be subject to such conditions as are so specified;

(c) that the arrangements may be made subject to such other conditions as the relevant authority thinks appropriate.

(3) The order may provide that the arrangements may authorise the exercise of the function—

(a) either wholly or to such extent as may be specified in the order or arrangements;

(b) either generally or in such cases or areas as may be so specified.

(4) An order may provide that the person with whom arrangements are made in pursuance of the order is to be treated as if he were a public body for the purposes of section 1 of the Local Authorities (Goods and Services) Act 1970.

(5) The Secretary of State must not make an order under this section unless he first consults—

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(a) the National Assembly for Wales, if the order relates to a relevant authority in Wales;

(b) such representatives of local government as he thinks appropriate;

(c) such other persons as he thinks appropriate.

(6) Any arrangements made by a relevant authority in pursuance of an order under this section do not prevent the relevant authority from exercising the function to which the arrangements relate.

(7) The following provisions of the Deregulation and Contracting Out Act 1994 apply for the purposes of arrangements made in pursuance of an order under this section as they apply for the purposes of an authorisation to exercise functions by virtue of an order under section 70(2) of that Act—

(a) section 72 (effect of contracting out);

(b) section 73 (termination of contracting out);

(c) section 75 and Schedule 15 (provision relating to disclosure of information);

(d) paragraph 3 of Schedule 16 (authorised persons to be treated as officers of local authority).

(8) For the purposes of subsection (7), any reference in the provisions specified in paragraphs (a) to (d) to a person authorised to exercise a function must be construed as a reference to a person with whom an arrangement is made for the exercise of the function in pursuance of an order under this section.

(9) Relevant authorities and any person with whom arrangements are made in pursuance of an order under this section must have regard to any guidance issued by the Secretary of State for the purposes of this section.

(10) An order under this section may make different provision for different purposes.

(11) An order under this section may contain—

(a) such consequential, supplemental or incidental provisions (including provision modifying any enactment), or

(b) such transitional provisions or savings,

as the person making the order thinks appropriate.

(12) Each of the following is a local authority—

(a) a local authority within the meaning of section 270 of the Local Government Act 1972;

(b) the Common Council of the City of London;

(c) the Council of the Isles of Scilly.**]**

Textual Amendments

F20 S. 1F inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 142(1)**, 178(8); S.I. 2005/1521, **art. 3(1)(s)**

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VALID FROM 01/10/2006

[F21 1G Intervention orders

(1) This section applies if, in relation to a person who has attained the age of 18, a relevant authority—

(a) makes an application for an anti-social behaviour order or an order under section 1B above (the behaviour order),

(b) has obtained from an appropriately qualified person a report relating to the effect on the person's behaviour of the misuse of controlled drugs or of such other factors as the Secretary of State by order prescribes, and

(c) has engaged in consultation with such persons as the Secretary of State by order prescribes for the purpose of ascertaining that, if the report recommends that an order under this section is made, appropriate activities will be available.

(2) The relevant authority may make an application to the court which is considering the application for the behaviour order for an order under this section (an intervention order).

(3) If the court—

(a) makes the behaviour order, and

(b) is satisfied that the relevant conditions are met,

it may also make an intervention order.

(4) The relevant conditions are—

(a) that an intervention order is desirable in the interests of preventing a repetition of the behaviour which led to the behaviour order being made (trigger behaviour);

(b) that appropriate activities relating to the trigger behaviour or its cause are available for the defendant;

(c) that the defendant is not (at the time the intervention order is made) subject to another intervention order or to any other treatment relating to the trigger behaviour or its cause (whether on a voluntary basis or by virtue of a requirement imposed in pursuance of any enactment);

(d) that the court has been notified by the Secretary of State that arrangements for implementing intervention orders are available in the area in which it appears that the defendant resides or will reside and the notice has not been withdrawn.

(5) An intervention order is an order which—

(a) requires the defendant to comply, for a period not exceeding six months, with such requirements as are specified in the order, and

(b) requires the defendant to comply with any directions given by a person authorised to do so under the order with a view to the implementation of the requirements under paragraph (a) above.

(6) An intervention order or directions given under the order may require the defendant—

(a) to participate in the activities specified in the requirement or directions at a time or times so specified;

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(b) to present himself to a person or persons so specified at a time or times so specified.

(7) Requirements included in, or directions given under, an intervention order must, as far as practicable, be such as to avoid—

(a) any conflict with the defendant's religious beliefs, and

(b) any interference with the times (if any) at which he normally works or attends an educational establishment.

(8) If the defendant fails to comply with a requirement included in or a direction given under an intervention order, the person responsible for the provision or supervision of appropriate activities under the order must inform the relevant authority of that fact.

(9) The person responsible for the provision or supervision of appropriate activities is a person of such description as is prescribed by order made by the Secretary of State.

(10) In this section—

"appropriate activities" means such activities, or activities of such a description, as are prescribed by order made by the Secretary of State for the purposes of this section;

"appropriately qualified person" means a person who has such qualifications or experience as the Secretary of State by order prescribes;

"controlled drug" has the same meaning as in the Misuse of Drugs Act 1971;

"relevant authority" means a relevant authority for the purposes of section 1 above.

(11) An order under this section made by the Secretary of State may make different provision for different purposes.

(12) This section and section 1H below apply to a person in respect of whom a behaviour order has been made subject to the following modifications—

(a) in subsection (1) above paragraph (a) must be ignored;

(b) in subsection (2) above, for "is considering the application for" substitute made;

(c) in subsection (3) above paragraph (a), the word "and" following it and the word "also" must be ignored.

Textual Amendments

F21 Ss. 1G, 1H inserted (1.10.2006) by Drugs Act 2005 (c. 17), **ss. 20(1)**, 24(3), S.I. 2006/2136, {art. 2}

VALID FROM 01/10/2006

1H Intervention orders: explanation, breach, amendment etc.

(1) Before making an intervention order the court must explain to the defendant in ordinary language—

(a) the effect of the order and of the requirements proposed to be included in it,

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(b) the consequences which may follow (under subsection (3) below) if he fails to comply with any of those requirements, and

(c) that the court has power (under subsection (5) below) to review the order on the application either of the defendant or of the relevant authority.

(2) The power of the Secretary of State under section 174(4) of the Criminal Justice Act 2003 includes power by order to—

(a) prescribe cases in which subsection (1) does not apply, and

(b) prescribe cases in which the explanation referred to in that subsection may be made in the absence of the defendant, or may be provided in written form.

(3) If a person in respect of whom an intervention order is made fails without reasonable excuse to comply with any requirement included in the order he is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) If the behaviour order as a result of which an intervention order is made ceases to have effect, the intervention order (if it has not previously ceased to have effect) ceases to have effect when the behaviour order does.

(5) On an application made by—

(a) a person subject to an intervention order, or

(b) the relevant authority,

the court which made the intervention order may vary or discharge it by a further order.

(6) An application under subsection (5) made to a magistrates' court must be made by complaint.

(7) If the behaviour order as a result of which an intervention order was made is varied, the court varying the behaviour order may by a further order vary or discharge the intervention order.

(8) Expressions used in this section and in section 1G have the same meaning in this section as in that section.**]**

Textual Amendments

F21 Ss. 1G, 1H inserted (1.10.2006) by Drugs Act 2005 (c. 17), **ss. 20(1)**, 24(3), S.I. 2006/2136, {art. 2}

VALID FROM 01/07/2005

[F22 1I Special measures for witnesses

(1) This section applies to the following proceedings—

(a) any proceedings in a magistrates' court on an application for an anti-social behaviour order,

(b) any proceedings in a magistrates' court or the Crown Court so far as relating to the issue whether to make an order under section 1C, and

(c) any proceedings in a magistrates' court so far as relating to the issue whether to make an order under section 1D.

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(2) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) shall apply in relation to any such proceedings as it applies in relation to criminal proceedings, but with—

(a) the omission of the provisions of that Act mentioned in subsection (3) (which make provision appropriate only in the context of criminal proceedings), and

(b) any other necessary modifications.

(3) The provisions are—

(a) section 17(4),

(b) section 21(1)(b) and (5) to (7),

(c) section 22(1)(b) and (2)(b) and (c),

(d) section 27(10), and

(e) section 32.

(4) Any rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act shall apply in relation to proceedings to which this section applies—

(a) to such extent as may be provided by rules of court, and

(b) subject to such modifications as may be so provided.

(5) Section 47 of that Act (restrictions on reporting special measures directions etc.) applies, with any necessary modifications, in relation to—

(a) a direction under section 19 of the Act as applied by this section, or

(b) a direction discharging or varying such a direction,

and sections 49 and 51 of that Act (offences) apply accordingly.**]**

Textual Amendments

F22 S. 1I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 143**, 178(8); S.I. 2005/1521, **art. 3(1)(s)**

VALID FROM 01/02/2009

[F23 1J Review of orders under sections 1, 1B and 1C

(1) This section applies where—

(a) an anti-social behaviour order,

(b) an order under section 1B, or

(c) an order under section 1C,

has been made in respect of a person under the age of 17.

(2) If—

(a) the person subject to the order will be under the age of 18 at the end of a period specified in subsection (3) (a "review period"), and

(b) the term of the order runs until the end of that period or beyond,

then before the end of that period a review of the operation of the order shall be carried out.

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(3) The review periods are—

(a) the period of 12 months beginning with—

(i) the day on which the order was made, or

(ii) if during that period there is a supplemental order (or more than one), the date of the supplemental order (or the last of them);

(b) a period of 12 months beginning with—

(i) the day after the end of the previous review period, or

(ii) if during that period there is a supplemental order (or more than one), the date of the supplemental order (or the last of them).

(4) In subsection (3) "supplemental order" means—

(a) a further order varying the order in question;

(b) an individual support order made in relation to the order in question on an application under section 1AA(1A).

(5) Subsection (2) does not apply in relation to any review period if the order is discharged before the end of that period.

(6) A review under this section shall include consideration of—

(a) the extent to which the person subject to the order has complied with it;

(b) the adequacy of any support available to the person to help him comply with it;

(c) any matters relevant to the question whether an application should be made for the order to be varied or discharged.

(7) Those carrying out or participating in a review under this section shall have regard to any guidance issued by the Secretary of State when considering—

(a) how the review should be carried out;

(b) what particular matters should be dealt with by the review;

(c) what action (if any) it would be appropriate to take in consequence of the findings of the review.

Textual Amendments

F23 Ss. 1J, 1K inserted (1.2.2009) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 123(1)**, 153(7) (with Sch. 27 para. 33); S.I. 2009/140, **art. 2(b)**

VALID FROM 01/02/2009

1K Responsibility for, and participation in, reviews under section 1J

(1) A review under section 1J of an anti-social behaviour order or an order under section 1B shall be carried out by the relevant authority that applied for the order.

(2) A review under section 1J of an order under section 1C shall be carried out—

(a) (except where paragraph (b) applies) by the appropriate chief officer of police;

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(b) where a relevant authority is specified under section 1C(9ZA), by that authority.

(3) A local authority, in carrying out a review under section 1J, shall act in co-operation with the appropriate chief officer of police; and it shall be the duty of that chief officer to co-operate in the carrying out of the review.

(4) The chief officer of police of a police force, in carrying out a review under section 1J, shall act in co-operation with the appropriate local authority; and it shall be the duty of that local authority to co-operate in the carrying out of the review.

(5) A relevant authority other than a local authority or chief officer of police, in carrying out a review under section 1J, shall act in co-operation with—

(a) the appropriate local authority, and

(b) the appropriate chief officer of police;

and it shall be the duty of that local authority and that chief officer to co-operate in the carrying out of the review.

(6) A chief officer of police or other relevant authority carrying out a review under section 1J may invite the participation in the review of a person or body not required by subsection (3), (4) or (5) to co-operate in the carrying out of the review.

(7) In this section—

"the appropriate chief officer of police" means the chief officer of police of the police force maintained for the police area in which the person subject to the order resides or appears to reside;

"the appropriate local authority" means the council for the local government area (within the meaning given in section 1(12)) in which the person subject to the order resides or appears to reside.**]**

Textual Amendments

F23 Ss. 1J, 1K inserted (1.2.2009) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 123(1)**, 153(7) (with Sch. 27 para. 33); S.I. 2009/140, **art. 2(b)**

2 Sex offender orders.

(1) If it appears to a chief officer of police that the following conditions are fulfilled with respect to any person **[**F24who he believes is in, or is intending to come to, his police area**]** , namely—

(a) that the person is a sex offender; and

(b) that the person has acted, since the relevant date, in such a way as to give reasonable cause to believe that an order under this section is necessary to protect **[**F25the public in the United Kingdom, or any particular members of that public,**]** from serious harm from him,

the chief officer may apply for an order under this section to be made in respect of the person.

(2) Such an application shall be made by complaint to F26

[F27(a) any magistrates' court**]**

[F28; or**]**

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[F29(b) any magistrates' court whose commission area includes any part of the applicant's police area.**]**

whose commission area includes any place where it is alleged that the defendant acted in such a way as is mentioned in subsection (1)(b) above.

(3) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrates' court may make an order under this section (a "sex offender order") which prohibits the defendant from doing anything described in the order.

(4) The prohibitions that may be imposed by a sex offender order are those necessary for the purpose of protecting **[**F30the public in the United Kingdom, or any particular members of that public,**]** from serious harm from the defendant.

(5) A sex offender order shall have effect for a period (not less than five years) specified in the order or until further order; and while such an order has effect, Part I of the M1Sex Offenders Act 1997 shall have effect as if—

(a) the defendant were subject to the notification requirements of that Part; and

(b) in relation to the defendant, the relevant date (within the meaning of that Part) were the date of service of the order.

(6) Subject to subsection (7) below, the applicant **[**F31, any other relevant chief officer of police**]** or the defendant may apply by complaint to **[**F32the appropriate court for the sex offender order**]** to be varied or discharged by a further order.

[F33(6A) In subsection (6) above—

"the appropriate court" means—

(a) the court which made the sex offender order; or

(b) any magistrates' court whose commission area includes any part of the police area of the applicant or of any other relevant chief officer of police;

"relevant chief officer of police" means a chief officer of police who believes that the defendant is in, or is intending to come to, his police area.**]**

(7) Except with the consent of both parties **[**F34and subject to subsection (7A) below**]** , no sex offender order shall be discharged before the end of the period of five years beginning with the date of service of the order.

[F35(7A) Where any magistrates' court makes a sex offender order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order is discharged by the making of the subsequent one.**]**

(8) If without reasonable excuse a person does anything which he is prohibited from doing by a sex offender order, he **[**F36is guilty of an offence and**]** liable—

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

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

(9) Where a person is convicted of an offence under subsection (8) above, it shall not be open to the court by or before which he is so convicted to make an order under subsection (1)(b) (conditional discharge) of **[**F37section 12 of the Powers of Criminal Courts (Sentencing) Act 2000**]** in respect of the offence.

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Textual Amendments

F24 Words in s. 2(1) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 67(2)(a)**; S.I. 2002/2750, **art. 2(a)(viii)**

F25 Words in s. 2(1) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 67(2)(b)**; S.I. 2002/2750, **art. 2(a)(viii)**

F26 S. 2(2)(a) and preceding word substituted (2.12.2002) for words in s. 2(2) by Police Reform Act 2002 (c. 30), **s. 67(3)(a)**; S.I. 2002/2750, **art. 2(a)(viii)**

F27 S. 2(2)(a) and preceding word substituted (2.12.2002) for words in s. 2(2) by Police Reform Act 2002 (c. 30), **s. 67(3)(a)**; S.I. 2002/2750, **art. 2(a)(viii)**

F28 S. 2(2)(b) and preceding word inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 67(3)(b)**; S.I. 2002/2750, **art. 2(a)(viii)**

F29 S. 2(2)(b) and preceding word inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 67(3)(b)**; S.I. 2002/2750, **art. 2(a)(viii)**

F30 Words in s. 2(4) substituted (2.12.2002 with application as mentioned in s. 67(10) of the amending Act) by Police Reform Act 2002 (c. 30), **s. 67(4)(10)**; S.I. 2002/2750, **art. 2(a)(viii)**

F31 Words in s. 2(6) inserted (2.12.2002 with application as mentioned in s. 67(10) of the amending Act) by Police Reform Act 2002 (c. 30), **s. 67(5)(a)(10)**; S.I. 2002/2750, **art. 2(a)(viii)**

F32 Words in s. 2(6) substituted (2.12.2002 with application as mentioned in s. 67(10) of the amending Act) by Police Reform Act 2002 (c. 30), **s. 67(5)(b)(10)**; S.I. 2002/2750, **art. 2(a)(viii)**

F33 S. 2(6A) inserted (2.12.2002 with application as mentioned in s. 67(10) of the amending Act) by Police Reform Act 2002 (c. 30), **s. 67(6)(10)**; S.I. 2002/2750, **art. 2(a)(viii)**

F34 Words in s. 2(7) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 67(7)**; S.I. 2002/2750, **art 2(a)(viii)**

F35 S. 2(7A) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 67(8)**; S.I. 2002/2750, **art. 2(a)(viii)**

F36 Words in s. 2(8) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 67(9)**; S.I. 2002/2750, **art. 2(a)(viii)**

F37 Words in s. 2(9) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 193**

Modifications etc. (not altering text)

C2 S. 2(9) modified (30.9.1998) by 1991 c. 53, **Sch. 2 para. 8A(10)** (as added (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 46(11)**; S.I. 1998/2327, **art. 2(1)(w)**(with savings in arts. 5-8))

Marginal Citations

M1 1997 c.51.

[F38 2A Interim orders: sex offenders

(1) This section applies where an application for a sex offender order ("the main application") to a magistrates' court has not been determined.

(2) The applicant may apply by complaint to the court for an interim order, pending the determination of the main application.

(3) The court may make an interim order prohibiting the defendant from doing anything described in the order if it considers that it is appropriate to do so.

(4) An interim order—

(a) shall have effect for the period specified in the order;

(b) shall (if still in force) cease to have effect on the determination of the main application.

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(5) While an interim order is in force, Part 1 of the Sex Offenders Act 1997 (c. 51) shall have effect as if—

(a) the defendant were subject to the notification requirements of that Part; and

(b) in relation to him, the relevant date (within the meaning of that Part) were the date of service of the order.

(6) The applicant or the defendant may apply by complaint to the court which made the interim order for it to be varied or discharged by a further order.

(7) If without reasonable excuse a person does anything which he is prohibited from doing by an interim order, he is guilty of an offence.

(8) A person guilty of an offence under subsection (7) above shall be liable—

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

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

(9) Where a person is convicted of an offence under subsection (7) above, it shall not be open to the court by or before which he is convicted to make an order under subsection (1)(b)(conditional discharge) of section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) in respect of the offence.**]**

Textual Amendments

F38 S. 2A inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 68(1)**; S.I. 2002/2750, **art. 2(a)(viii)**

[F39 2B Sex offender orders made in Scotland or Northern Ireland

(1) If without reasonable excuse a person does anything in England and Wales which he is prohibited from doing there by—

(a) an order under section 20(4) below; or

(b) an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/ 2839 (N.I. 20)),

he is guilty of an offence.

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

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

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

(3) Where a person is convicted of an offence under subsection (1) above, it shall not be open to the court by or before which he is convicted to make an order under subsection (1)(b) (conditional discharge) of section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 in respect of the offence.**]**

Textual Amendments

F39 S. 2B inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 69**; S.I. 2002/2750, **art. 2(a)(viii)**

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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3 Sex offender orders: supplemental.

(1) In section 2 above and this section "sex offender" means a person who—

(a) has been convicted of a sexual offence to which Part I of the [M2]Sex Offenders Act 1997 applies;

(b) has been found not guilty of such an offence by reason of insanity, or found to be under a disability and to have done the act charged against him in respect of such an offence;

(c) has been cautioned by a constable, in England and Wales or Northern Ireland, in respect of such an offence which, at the time when the caution was given, he had admitted; or

(d) has been punished under the law in force in a country or territory outside the United Kingdom for an act which—

(i) constituted an offence under that law; and

(ii) would have constituted a sexual offence to which that Part applies if it had been done in any part of the United Kingdom.

(2) In subsection (1) of section 2 above "the relevant date", in relation to a sex offender, means—

(a) the date or, as the case may be, the latest date on which he has been convicted, found, cautioned or punished as mentioned in subsection (1) above; or

(b) if later, the date of the commencement of that section.

(3) Subsections (2) and (3) of section 6 of the [M3]Sex Offenders Act 1997 apply for the construction of references in subsections (1) and (2) above as they apply for the construction of references in Part I of that Act.

(4) In subsections (1) and (2) above, any reference to a person having been cautioned shall be construed as including a reference to his having been reprimanded or warned (under section 65 below) as a child or young person.

(5) An act punishable under the law in force in any country or territory outside the United Kingdom constitutes an offence under that law for the purposes of subsection (1) above, however it is described in that law.

(6) Subject to subsection (7) below, the condition in subsection (1)(d)(i) above shall be taken to be satisfied unless, not later than rules of court may provide, the defendant serves on the applicant a notice—

(a) stating that, on the facts as alleged with respect to the act in question, the condition is not in his opinion satisfied;

(b) showing his grounds for that opinion; and

(c) requiring the applicant to show that it is satisfied.

(7) The court, if it thinks fit, may permit the defendant to require the applicant to show that the condition is satisfied without the prior service of a notice under subsection (6) above.

Marginal Citations

M2 1997 c.51.

M3 1997 c.51.

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4 Appeals against orders.

(1) An appeal shall lie to the Crown Court against the making by a magistrates' court of an anti-social behaviour order **[**F40, an order under section 1D above,**][**F41, a sex offender order or an order under section 2A above**]** .

(2) On such an appeal the Crown Court—

(a) may make such orders as may be necessary to give effect to its determination of the appeal; and

(b) may also make such incidental or consequential orders as appear to it to be just.

(3) Any order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of section 1(8) or 2(6) above, be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of the Crown Court.

Textual Amendments

F40 Words in s. 4(1) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 65(2)**; S.I. 2002/2750, **art. 2(a)(vii)**

F41 Words in s. 4(1) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 68(2)**; S.I. 2002/2750, **art. 2(a)(viii)**

Commencement Information

I1 S. 4 wholly in force at 1.4.1999; S. 4 not in force at Royal Assent, see s. 121; s. 4 in force so far as relating to a sex offender order by S.I. 1998/2327, **art. 4(1)**; S. 4 in force at 1.4.1999 to the extent that it is not already in force by S.I. 1998/3263, **art. 5**

Crime and disorder strategies

5 Authorities responsible for strategies.

(1) Subject to the provisions of this section, the functions conferred by section 6 below shall be exercisable in relation to each local government area by the responsible authorities, that is to say—

(a) the council for the area and, where the area is a district and the council is not a unitary authority, the council for the county which includes the district; and

(b) every chief officer of police any part of whose police area lies within the area.

[F42(c) every police authority any part of whose police area so lies;

(d) every fire authority any part of whose area so lies;

(e) if the local government area is in England, every Primary Care Trust the whole or any part of whose area so lies; and

(f) if the local government area is in Wales, every health authority the whole or any part of whose area so lies.**]**

[F43(1A) The Secretary of State may by order provide in relation to any two or more local government areas in England—

(a) that the functions conferred by sections 6 to 7 below are to be carried out in relation to those areas taken together as if they constituted only one area; and

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(b) that the persons who for the purposes of this Chapter are to be taken to be responsible authorities in relation to the combined area are the persons who comprise every person who (apart from the order) would be a responsible authority in relation to any one or more of the areas included in the combined area.

(1B) The Secretary of State shall not make an order under subsection (1A) above unless—

(a) an application for the order has been made jointly by all the persons who would be the responsible authorities in relation to the combined area or the Secretary of State has first consulted those persons; and

(b) he considers it would be in the interests of reducing crime and disorder, or of combatting the misuse of drugs, to make the order.**]**

(2) In exercising those functions, the responsible authorities shall act in co-operation with the following persons and bodies, namely—

[[F44](b) every local probation board any part of whose area lies within the area;**]**

(c) every person or body of a description which is for the time being prescribed by order of the Secretary of State under this subsection

[[F45]; and

(d) where they are acting in relation to an area in Wales, every person or body which is of a description which is for the time being prescribed by an order under this subsection of the National Assembly for Wales;**]**

and it shall be the duty of those persons and bodies to co-operate in the exercise by the responsible authorities of those functions.

(3) The responsible authorities shall also invite the participation in their exercise of those functions of at least one person or body of each description which is for the time being prescribed by order of the Secretary of State under this subsection **[**[F46]and, in the case of the responsible authorities for an area in Wales, of any person or body of a description for the time being prescribed by an order under this subsection of the National Assembly for Wales.**]**

(4) In this section and sections 6 and 7 below "local government area" means—

(a) in relation to England, each district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;

(b) in relation to Wales, each county or county borough.

[[F47](5) In this section—

"fire authority" means—

(a) any fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41);

(b) any metropolitan county fire and civil defence authority; or

(c) the London Fire and Emergency Planning Authority; and

"police authority" means—

(a) any police authority established under section 3 of the Police Act 1996 (c. 16); or

(b) the Metropolitan Police Authority.**]**

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Textual Amendments

F42 S. 5(1)(c)-(f) inserted (1.4.2003 for W., 1.4.2003 for E. in relation to s. 5(1)(c)(d), and 30.4.2004 for E. otherwise) by Police Reform Act 2002 (c. 30), **ss. 97(2)**, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2003/808, **art. 2(j)**; S.I. 2004/913, **art. 3(a)**

F43 S. 5(1A)(1B) inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(3)**, 108(2)(4); S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**

F44 S. 5(2)(b) substituted for s. 5(2)(a)(b) (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **s. 97(4)(a)**; S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**

F45 S. 5(2)(d) and preceding word inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **s. 97(4)(b)**; S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**

F46 Words in s. 5(3) inserted (1.4.2003 for W. and 23.2.2004 for E.) by Police Reform Act 2002 (c. 30), **ss. 97(5)**, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2004/119, **art. 2**

F47 S. 5(5) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 97(6)**, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2003/808, **art. 2(j)**

Modifications etc. (not altering text)

C3 S. 5: functions of local authority not to be the sole responsibility of the executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 4(1), **Sch. 3**

C4 S. 5(1) modified (1.4.2003 for W. and 30.4.2004 for E.) by Police Reform Act 2002 (c. 30), ss. {s. 97(15)}, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2004/913, **art. 3(a)**

Commencement Information

I2 S. 5 wholly in force; S. 5 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

VALID FROM 16/01/2012

[F48 5A Combination agreements: further provision

(1) A combination agreement for a combined area may be made only if every responsible authority in relation to that area is a party to the agreement.

(2) The relevant local policing body for a combined area may enter into a combination agreement for that area only if it considers that it would be in the interests of one or more of the following to do so—

(a) reducing crime and disorder;

(b) reducing re-offending;

(c) combating the misuse of drugs, alcohol and other substances.

(3) Subsections (4) to (6) apply if a combined area in relation to a combination agreement includes (wholly or party) the area of more than one police area.

(4) The combination agreement must include arrangements for securing effective and efficient co-operation—

(a) between each of the relevant local policing bodies in relation to the combined area, and

(b) between the responsible authorities for the area and those relevant local policing bodies.

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(5) The Secretary of State must be a party to the agreement (if not already a party by virtue of being a relevant local policing body in relation to the combined area).

(6) The Secretary of State may enter into the agreement only if the Secretary of State—

(a) considers that it would be in the interests of one or more of the matters mentioned in subsection (2), and

(b) is satisfied that the arrangements mentioned in subsection (4) are adequate for the purposes of securing effective and efficient co-operation in the carrying out of functions under section 6.

(7) A combination agreement—

(a) must be in writing, and

(b) may be varied by a further combination agreement.

(8) A combination agreement may be terminated by agreement in writing between the parties to it; and subsection (2), and (as the case may be) (6)(a), applies to an agreement under this subsection.

(9) In this section "combination agreement", "combined area" and "relevant local policing body" have the same meanings as in section 5.**]**

Textual Amendments

F48 S. 5A inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 88, 157(1), **Sch. 11 para. 3**; S.I. 2011/3019, **art. 3**, Sch. 1 para. (iii) (as amended by S.I. 2012/75, art. 2(2)(d))

6 Formulation and implementation of strategies.

(1) The responsible authorities for a local government area shall, in accordance with the provisions of section 5 above and this section, formulate and implement, for each relevant period,

[F49(a) in the case of an area in England—

(i) a strategy for the reduction of crime and disorder in the area; and

(ii) a strategy for combatting the misuse of drugs in the area;

and

(b) in the case of an area in Wales—

(i) a strategy for the reduction of crime and disorder in the area; and

(ii) a strategy for combatting substance misuse in the area.**]**

[F50(1A) In determining what matters to include or not to include in their strategy for combatting substance misuse, the responsible authorities for an area in Wales shall have regard to any guidance issued for the purposes of this section by the National Assembly for Wales.**]**

(2) Before formulating a strategy, the responsible authorities shall—

[F51(a) carry out, taking due account of the knowledge and experience of persons in the area, a review—

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(i) in the case of an area in England, of the levels and patterns of crime and disorder in the area and of the level and patterns of the misuse of drugs in the area; and

(ii) in the case of an area in Wales, of the levels and patterns of crime and disorder in the area and of the level and patterns of substance misuse in the area;**]**

(b) prepare an analysis of the results of that review;

(c) publish in the area a report of that analysis; and

(d) obtain the views on that report of persons or bodies in the area (including those of a description prescribed by order under section 5(3) above), whether by holding public meetings or otherwise.

(3) In formulating a strategy, the responsible authorities shall have regard to the analysis prepared under subsection (2)(b) above and the views obtained under subsection (2)(d) above.

(4) A strategy shall include—

(a) objectives to be pursued by the responsible authorities, by co-operating persons or bodies or, under agreements with the responsible authorities, by other persons or bodies; and

(b) long-term and short-term performance targets for measuring the extent to which such objectives are achieved.

(5) After formulating a strategy, the responsible authorities shall publish in the area a document which includes details of—

(a) co-operating persons and bodies;

(b) the review carried out under subsection (2)(a) above;

(c) the report published under subsection (2)(c) above; and

(d) the strategy, including in particular—

(i) the objectives mentioned in subsection (4)(a) above and, in each case, the authorities, persons or bodies by whom they are to be pursued; and

(ii) the performance targets mentioned in subsection (4)(b) above.

(6) While implementing a strategy, the responsible authorities shall keep it under review with a view to monitoring its effectiveness and making any changes to it that appear necessary or expedient.

[[F52](6A) Within one month of the end of each reporting period, the responsible authorities shall submit a report on the implementation of their strategies during that period—

(a) in the case of a report relating to the strategies for an area in England, to the Secretary of State; and

(b) in the case of a report relating to the strategies for an area in Wales, to the Secretary of State and to the National Assembly for Wales.**]**

(7) In this section—

"co-operating persons or bodies" means persons or bodies co-operating in the exercise of the responsible authorities' functions under this section;

"relevant period" means—

(a) the period of three years beginning with such day as the Secretary of State may by order appoint; and

(b) each subsequent period of three years.

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[[F53]"reporting period" means every period of one year which falls within a relevant period and which begins—

(a) in the case of the first reporting period in the relevant period, with the day on which the relevant period begins; and

(b) in any other case, with the day after the day on which the previous reporting period ends;

"substance misuse" includes the misuse of drugs or alcohol.**]**

Subordinate Legislation Made

P1 S. 6: 1.4.1999 appointed day for the purposes of s. 6 by S.I. 1998/3263, **art. 7**

Textual Amendments

F49 S. 6(1)(a)(b) substituted for words in s. 6(1) (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(7)**, 108(2)(4); S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**

F50 S. 6(1A) inserted (1.4.2003 for W. and 23.2.2004 for E.) by Police Reform Act 2002 (c. 30), **ss. 97(8)**, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2004/119, **art. 2**

F51 S. 6(2)(a) substituted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(9)**, 108(2)(4); S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**

F52 S. 6(6A) inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(10)**, 108(2)(4); S.I. 2002/2306, **art. 2(f)(viii)**; S.I. 2003/525, **art. 2**

F53 S. 6(7): definitions of "reporting period" and "substance misuse" inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(11)**, 108(2)(4); S.I. 2002/2306, **art. 2(f)(viii)**; S.I. 2003/525, **art. 2**

Modifications etc. (not altering text)

C5 S. 6: functions of local authority not to be the sole responsibility of the executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 4(1), **Sch. 3**

Commencement Information

I3 S. 6 wholly in force; S. 6 not in force at Royal Assent see s. 121; s. 6 in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

[[F54]6A Powers of the Secretary of State and National Assembly for Wales

(1) The Secretary of State may, by order, require—

(a) the responsible authorities for local government areas to formulate any section 6 strategy of theirs for the reduction of crime and disorder so as to include, in particular, provision for the reduction of—

(i) crime of a description specified in the order; or

(ii) disorder of a description so specified.

(b) the responsible authorities for local government areas in England to prepare any section 6 strategy of theirs for combatting the misuse of drugs so as to include in it a strategy for combatting, in the area in question, such other forms of substance misuse as may be specified or described in the order.

(2) After formulating any section 6 strategy (whether in a case in which there has been an order under subsection or in any other case), the responsible authorities for a local government area shall send both—

(a) a copy of the strategy, and

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(b) a copy of the document which they propose to publish under section 6(5),

to the Secretary of State.

(3) It shall be the duty of the responsible authorities, when preparing any document to be published under section 6(5), to have regard to any guidance issued by the Secretary of State as to the form and content of the documents to be so published.

(4) If the responsible authorities for a local government area propose to make any changes to a section 6 strategy of theirs, they shall send copies of the proposed changes to the Secretary of State.

(5) In subsections (2) to (4)—

(a) references to the Secretary of State, in relation to responsible authorities for local government areas in Wales shall have effect as references to the Secretary of State and the National Assembly for Wales; and

(b) accordingly, guidance issued for the purposes of subsection (3) in relation to local government areas in Wales must be issued by the Secretary of State and that Assembly acting jointly.

(6) In this section—

"responsible authorities" and "local government area" have same meanings as in sections 5 and 6;

"section 6 strategy" means a strategy required to be formulated under section 6(1); and

"substance misuse" has the same meaning as in section 6.**]**

Textual Amendments

F54 S. 6A inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 98**, 108(2)(4); S.I. 2002/2306, **art. 3(b)**; S.I. 2003/525, **art. 2**

7 Supplemental.

(1) The responsible authorities for a local government area shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the exercise of their functions under section 6 above as may be specified in the requirement.

(2) A requirement under subsection (1) above may specify the form in which a report is to be given.

(3) The Secretary of State may arrange, or require the responsible authorities to arrange, for a report under subsection (1) above to be published in such manner as appears to him to be appropriate.

Commencement Information

I4 S. 7 wholly in force; S. 7 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

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Youth crime and disorder

8 Parenting orders.

(1) This section applies where, in any court proceedings—

(a) a child safety order is made in respect of a child;

(b) an anti-social behaviour order or sex offender order is made in respect of a child or young person;

(c) a child or young person is convicted of an offence; or

(d) a person is convicted of an offence under section 443 (failure to comply with school attendance order) or section 444 (failure to secure regular attendance at school of registered pupil) of the [M4]Education Act 1996.

(2) Subject to subsection (3) and section 9(1) below **[**[F55] and to section 19(5) of, and paragraph 13(5) of Schedule 1 to, the Powers of Criminal Courts (Sentencing) Act 2000**]**, if in the proceedings the court is satisfied that the relevant condition is fulfilled, it may make a parenting order in respect of a person who is a parent or guardian of the child or young person or, as the case may be, the person convicted of the offence under section 443 or 444 ("the parent").

(3) A court shall not make a parenting order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears to the court that the parent resides or will reside and the notice has not been withdrawn.

(4) A parenting order is an order which requires the parent—

(a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order; and

(b) subject to subsection (5) below, to attend, for a concurrent period not exceeding three months and not more than once in any week, such counselling or guidance sessions as may be specified in directions given by the responsible officer;

and in this subsection "week" means a period of seven days beginning with a Sunday.

(5) A parenting order may, but need not, include such a requirement as is mentioned in subsection (4)(b) above in any case where such an order has been made in respect of the parent on a previous occasion.

(6) The relevant condition is that the parenting order would be desirable in the interests of preventing—

(a) in a case falling within paragraph (a) or (b) of subsection (1) above, any repetition of the kind of behaviour which led to the child safety order, anti-social behaviour order or sex offender order being made;

(b) in a case falling within paragraph (c) of that subsection, the commission of any further offence by the child or young person;

(c) in a case falling within paragraph (d) of that subsection, the commission of any further offence under section 443 or 444 of the [M5]Education Act 1996.

(7) The requirements that may be specified under subsection (4)(a) above are those which the court considers desirable in the interests of preventing any such repetition or, as the case may be, the commission of any such further offence.

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(8) In this section and section 9 below "responsible officer", in relation to a parenting order, means one of the following who is specified in the order, namely—

(a) **[**F56an officer of a local probation board**]** ;

(b) a social worker of a local authority social services department; and

[F57(bb) a person nominated by a person appointed as chief education officer under section 532 of the M6Education Act 1996**]**

(c) a member of a youth offending team.

Textual Amendments

F55 Words in s. 8(2) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 194**

F56 Words in s. 8(8)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**

F57 S. 8(8)(bb) inserted (1.4.2001) by 2000 c. 43, **s. 73**; S.I. 2001/919, **art. 2(d)**

Modifications etc. (not altering text)

C6 S. 8 restricted (26.6.2000) by 1999 c. 23, **ss. 4(5)(6)**, (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1587, **art. 2**; which s. 4 of that 1999 Act was repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I5 S. 8 wholly in force; S. 8 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M4 1996 c.56.

M5 1996 c.56.

M6 1996 c. 56.

9 Parenting orders: supplemental.

(1) Where a person under the age of 16 is convicted of an offence, the court by or before which he is so convicted—

(a) if it is satisfied that the relevant condition is fulfilled, shall make a parenting order; and

(b) if it is not so satisfied, shall state in open court that it is not and why it is not.

[F58(1A) Subsection (1) above has effect subject to **[**F59section 19(5) of, and paragraph 13(5) of Schedule 1 to, the Powers of Criminal Courts (Sentencing) Act 2000**]**.**]**

(2) Before making a parenting order—

(a) in a case falling within paragraph (a) of subsection (1) of section 8 above;

(b) in a case falling within paragraph (b) or (c) of that subsection, where the person concerned is under the age of 16; or

(c) in a case falling within paragraph (d) of that subsection, where the person to whom the offence related is under that age,

a court shall obtain and consider information about the person's family circumstances and the likely effect of the order on those circumstances.

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(3) Before making a parenting order, a court shall explain to the parent in ordinary language—

(a) the effect of the order and of the requirements proposed to be included in it;

(b) the consequences which may follow (under subsection (7) below) if he fails to comply with any of those requirements; and

(c) that the court has power (under subsection (5) below) to review the order on the application either of the parent or of the responsible officer.

(4) Requirements specified in, and directions given under, a parenting order shall, as far as practicable, be such as to avoid—

(a) any conflict with the parent's religious beliefs; and

(b) any interference with the times, if any, at which he normally works or attends an educational establishment.

(5) If while a parenting order is in force it appears to the court which made it, on the application of the responsible officer or the parent, that it is appropriate to make an order under this subsection, the court may make an order discharging the parenting order or varying it—

(a) by cancelling any provision included in it; or

(b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.

(6) Where an application under subsection (5) above for the discharge of a parenting order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.

(7) If while a parenting order is in force the parent without reasonable excuse fails to comply with any requirement included in the order, or specified in directions given by the responsible officer, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F58 S. 9(1A) inserted (26.6.2000) by 1999 c. 23, s. 67(1), Sch. 4 paras. 25, **27** (with Sch. 7 paras. 3(3), 5(2)); 2000/1587, art. 2

F59 Words in s. 9(1A) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 195**

Commencement Information

I6 S. 9 wholly in force; S. 9 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

10 Appeals against parenting orders.

(1) An appeal shall lie—

(a) to the High Court against the making of a parenting order by virtue of paragraph (a) of subsection (1) of section 8 above; and

(b) to the Crown Court against the making of a parenting order by virtue of paragraph (b) of that subsection.

(2) On an appeal under subsection (1) above the High Court or the Crown Court—

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(a) may make such orders as may be necessary to give effect to its determination of the appeal; and

(b) may also make such incidental or consequential orders as appear to it to be just.

(3) Any order of the High Court or the Crown Court made on an appeal under subsection (1) above (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of subsections (5) to (7) of section 9 above, be treated as if it were an order of the court from which the appeal was brought and not an order of the High Court or the Crown Court.

(4) A person in respect of whom a parenting order is made by virtue of section 8(1)(c) above shall have the same right of appeal against the making of the order as if—

(a) the offence that led to the making of the order were an offence committed by him; and

(b) the order were a sentence passed on him for the offence.

(5) A person in respect of whom a parenting order is made by virtue of section 8(1)(d) above shall have the same right of appeal against the making of the order as if the order were a sentence passed on him for the offence that led to the making of the order.

(6) The Lord Chancellor may by order make provision as to the circumstances in which appeals under subsection (1)(a) above may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any order under paragraph 2 of Schedule 11 (jurisdiction) to the [M7]Children Act 1989 ("the 1989 Act").

(7) Except to the extent provided for in any order made under subsection (6) above, no appeal may be made against any decision of a kind mentioned in that subsection.

Modifications etc. (not altering text)

C7 S. 10(2)(3) applied (27.2.2004 for E. and 11.5.2006 for W.) by Anti-social Behaviour Act 2003 (c. 38), **ss. 22(2)**, 93(1); S.I. 2003/3300, **art. 4(d)**; S.I. 2006/1278 {art. 2}

C8 S. 10(2)(3) applied (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 28(2)**, 93(1); S.I. 2003/3300, **art. 3(a)(iii)**

Commencement Information

I7 S. 10 wholly in force at 1.6.2000; S. 10 not in force at Royal Assent see s. 121; S. 10(1)-(5) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8); s. 10(6)(7) in force at 1.6.2000 by S.I. 2000/924, **art. 5**

Marginal Citations

M7 1989 c.41.

11 Child safety orders.

(1) Subject to subsection (2) below, if a magistrates' court, on the application of a local authority, is satisfied that one or more of the conditions specified in subsection (3) below are fulfilled with respect to a child under the age of 10, it may make an order (a "child safety order") which—

(a) places the child, for a period (not exceeding the permitted maximum) specified in the order, under the supervision of the responsible officer; and

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Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) requires the child to comply with such requirements as are so specified.

(2) A court shall not make a child safety order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears that the child resides or will reside and the notice has not been withdrawn.

(3) The conditions are—

(a) that the child has committed an act which, if he had been aged 10 or over, would have constituted an offence;

(b) that a child safety order is necessary for the purpose of preventing the commission by the child of such an act as is mentioned in paragraph (a) above;

(c) that the child has contravened a ban imposed by a curfew notice; and

(d) that the child has acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.

(4) The maximum period permitted for the purposes of subsection (1)(a) above is three months or, where the court is satisfied that the circumstances of the case are exceptional, 12 months.

(5) The requirements that may be specified under subsection (1)(b) above are those which the court considers desirable in the interests of—

(a) securing that the child receives appropriate care, protection and support and is subject to proper control; or

(b) preventing any repetition of the kind of behaviour which led to the child safety order being made.

(6) Proceedings under this section or section 12 below shall be family proceedings for the purposes of the 1989 Act or section 65 of the [M8]Magistrates' Courts Act 1980 ("the 1980 Act"); and the standard of proof applicable to such proceedings shall be that applicable to civil proceedings.

(7) In this section "local authority" has the same meaning as in the 1989 Act.

(8) In this section and section 12 below, "responsible officer", in relation to a child safety order, means one of the following who is specified in the order, namely—

(a) a social worker of a local authority social services department; and

(b) a member of a youth offending team.

Commencement Information

I8 S. 11 wholly in force; S. 11 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M8 1980 c.43.

12 Child safety orders: supplemental.

(1) Before making a child safety order, a magistrates' court shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) Before making a child safety order, a magistrates' court shall explain to the parent or guardian of the child in ordinary language—

(a) the effect of the order and of the requirements proposed to be included in it;

(b) the consequences which may follow (under subsection (6) below) if the child fails to comply with any of those requirements; and

(c) that the court has power (under subsection (4) below) to review the order on the application either of the parent or guardian or of the responsible officer.

(3) Requirements included in a child safety order shall, as far as practicable, be such as to avoid—

(a) any conflict with the parent's religious beliefs; and

(b) any interference with the times, if any, at which the child normally attends school.

(4) If while a child safety order is in force in respect of a child it appears to the court which made it, on the application of the responsible officer or a parent or guardian of the child, that it is appropriate to make an order under this subsection, the court may make an order discharging the child safety order or varying it—

(a) by cancelling any provision included in it; or

(b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.

(5) Where an application under subsection (4) above for the discharge of a child safety order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.

(6) Where a child safety order is in force and it is proved to the satisfaction of the court which made it or another magistrates' court acting for the same petty sessions area, on the application of the responsible officer, that the child has failed to comply with any requirement included in the order, the court—

(a) may discharge the order and make in respect of him a care order under subsection (1)(a) of section 31 of the 1989 Act; or

(b) may make an order varying the order—

(i) by cancelling any provision included in it; or

(ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.

(7) Subsection (6)(a) above applies whether or not the court is satisfied that the conditions mentioned in section 31(2) of the 1989 Act are fulfilled.

Commencement Information

I9 S. 12 wholly in force; S. 12 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

13 Appeals against child safety orders.

(1) An appeal shall lie to the High Court against the making by a magistrates' court of a child safety order; and on such an appeal the High Court—

(a) may make such orders as may be necessary to give effect to its determination of the appeal; and

(b) may also make such incidental or consequential orders as appear to it to be just.

(2) Any order of the High Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of subsections (4) to (6) of section 12 above, be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of the High Court.

(3) Subsections (6) and (7) of section 10 above shall apply for the purposes of subsection (1) above as they apply for the purposes of subsection (1)(a) of that section.

Commencement Information

I10 S. 13 wholly in force at 1.6.2000; S. 13 not in force at Royal Assent see s. 121; S. 13(1)(2) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8); s. 13(3) in force at 1.6.2000 by S.I. 2000/924, **art. 5**

VALID FROM 20/07/2006

[F60 13A Parental compensation orders

(1) A magistrates' court may make an order under this section (a "parental compensation order") if on the application of a local authority it is satisfied, on the civil standard of proof—

(a) that the condition mentioned in subsection (2) below is fulfilled with respect to a child under the age of 10; and

(b) that it would be desirable to make the order in the interests of preventing a repetition of the behaviour in question.

(2) The condition is that the child has taken, or caused loss of or damage to, property in the course of—

(a) committing an act which, if he had been aged 10 or over, would have constituted an offence; or

(b) acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.

(3) A parental compensation order is an order which requires any person specified in the order who is a parent or guardian of the child (other than a local authority) to pay compensation of an amount specified in the order to any person or persons specified in the order who is, or are, affected by the taking of the property or its loss or damage.

(4) The amount of compensation specified may not exceed £5,000 in all.

(5) The Secretary of State may by order amend subsection (4) above so as to substitute a different amount.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) For the purposes of collection and enforcement, a parental compensation order is to be treated as if it were a sum adjudged to be paid on the conviction by the magistrates' court which made the order of the person or persons specified in the order as liable to pay the compensation.

(7) In this section and sections 13B and 13C below, "local authority" has the same meaning as in the 1989 Act.

Textual Amendments

F60 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178(8), **Sch. 10 para. 2**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)

VALID FROM 20/07/2006

13B Parental compensation orders: the compensation

(1) When specifying the amount of compensation for the purposes of section 13A(3) above, the magistrates' court shall take into account—

(a) the value of the property taken or damaged, or whose loss was caused, by the child;

(b) any further loss which flowed from the taking of or damage to the property, or from its loss;

(c) whether the child, or any parent or guardian of his, has already paid any compensation for the property (and if so, how much);

(d) whether the child, or any parent or guardian of his, has already made any reparation (and if so, what it consisted of);

(e) the means of those to be specified in the order as liable to pay the compensation, so far as the court can ascertain them;

(f) whether there was any lack of care on the part of the person affected by the taking of the property or its loss or damage which made it easier for the child to take or damage the property or to cause its loss.

(2) If property taken is recovered before compensation is ordered to be paid in respect of it—

(a) the court shall not order any such compensation to be payable in respect of it if it is not damaged;

(b) if it is damaged, the damage shall be treated for the purposes of making a parental compensation order as having been caused by the child, regardless of how it was caused and who caused it.

(3) The court shall specify in the order how and by when the compensation is to be paid (for example, it may specify that the compensation is to be paid by instalments, and specify the date by which each instalment must be paid).

(4) For the purpose of ascertaining the means of the parent or guardian, the court may, before specifying the amount of compensation, order him to provide the court,

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within such period as it may specify in the order, such a statement of his financial circumstances as the court may require.

(5) A person who without reasonable excuse fails to comply with an order under subsection (4) above is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) If, in providing a statement of his financial circumstances pursuant to an order under subsection (4) above, a person—

(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,

he is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) Proceedings in respect of an offence under subsection (6) above may, despite 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 of its first discovery by the local authority, whichever period expires earlier.

Textual Amendments

F60 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178(8), **Sch. 10 para. 2**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)

VALID FROM 20/07/2006

13C Parental compensation orders: supplemental

(1) Before deciding whether or not to make a parental compensation order in favour of any person, the magistrates' court shall take into account the views of that person about whether a parental compensation order should be made in his favour.

(2) Before making a parental compensation order, the magistrates' court shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.

(3) Before making a parental compensation order, a magistrates' court shall explain to the parent or guardian of the child in ordinary language—

(a) the effect of the order and of the requirements proposed to be included in it;

(b) the consequences which may follow (under subsection (4)(b) below) as a result of failure to comply with any of those requirements;

(c) that the court has power (under subsection (4)(a) below) to review the order on the application either of the parent or guardian or of the local authority.

(4) A magistrates' court which has made a parental compensation order may make an order under subsection (5) below if while the order is in force—

(a) it appears to the court, on the application of the local authority, or the parent or guardian subject to the order, that it is appropriate to make an order under subsection (5); or

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(b) it is proved to the satisfaction of the court, on the application of the local authority, that the parent or guardian subject to it has failed to comply with any requirement included in the order.

(5) An order under this subsection is an order discharging the parental compensation order or varying it—

(a) by cancelling any provision included in it; or

(b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.

(6) Where an application under subsection (4) above for the discharge of a parental compensation order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.

(7) References in this section to the magistrates' court which made a parental compensation order include any magistrates' court acting in the same local justice area as that court.

Textual Amendments

F60 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178(8), **Sch. 10 para. 2**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)

VALID FROM 20/07/2006

13D Parental compensation orders: appeal

(1) If a magistrates' court makes a parental compensation order, the parent or guardian may appeal against the making of the order, or against the amount of compensation specified in the order.

(2) The appeal lies to the Crown Court.

(3) On the appeal the Crown Court—

(a) may make such orders as may be necessary to give effect to its determination of the appeal;

(b) may also make such incidental or consequential orders as appear to it to be just.

(4) Any order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of section 13C above, be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of the Crown Court.

(5) A person in whose favour a parental compensation order is made shall not be entitled to receive any compensation under it until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the order could be varied or set aside.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F60 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178(8), **Sch. 10 para. 2**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)

VALID FROM 20/07/2006

13E Effect of parental compensation order on subsequent award of damages in civil proceedings

(1) This section has effect where—

(a) a parental compensation order has been made in favour of any person in respect of any taking or loss of property or damage to it; and

(b) a claim by him in civil proceedings for damages in respect of the taking, loss or damage is then to be determined.

(2) The damages in the civil proceedings shall be assessed without regard to the parental compensation order, but the claimant may recover only an amount equal to the aggregate of the following—

(a) any amount by which they exceed the compensation; and

(b) a sum equal to any portion of the compensation which he fails to recover.

(3) The claimant may not enforce the judgment, so far as it relates to such a sum as is mentioned in subsection (2)(b) above, without the permission of the court.**]**

Textual Amendments

F60 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178(8), **Sch. 10 para. 2**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)

14 Local child curfew schemes.

(1) A local authority **[**F61or a chief officer of police**]** may make a scheme (a "local child curfew scheme") for enabling the authority **[**F62or (as the case may be) the officer**]**—

(a) subject to and in accordance with the provisions of the scheme; and

(b) if, after such consultation as is required by the scheme, the authority **[**F62or (as the case may be) the officer**]** considers it necessary to do so for the purpose of maintaining order,

to give a notice imposing, for a specified period (not exceeding 90 days), a ban to which subsection (2) below applies.

(2) This subsection applies to a ban on children of specified ages (**[**F63under 16**]**) being in a public place within a specified area—

(a) during specified hours (between 9 pm and 6 am); and

(b) otherwise than under the effective control of a parent or a responsible person aged 18 or over.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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(3) Before making a local child curfew scheme, a local authority shall consult—

(a) every chief officer of police any part of whose police area lies within its area; and

(b) such other persons or bodies as it considers appropriate.

[[F64](3A) Before making a local child curfew scheme, a chief officer of police shall consult—

(a) every local authority any part of whose area lies within the area to be specified; and

(b) such other persons or bodies as he considers appropriate.**]**

[[F65](4) A local child curfew scheme shall, if made by a local authority, be made under the common seal of the authority.

(4A) A local child curfew scheme shall not have effect until it is confirmed by the Secretary of State.**]**

(5) The Secretary of State—

(a) may confirm, or refuse to confirm, a local child curfew scheme submitted under this section for confirmation; and

(b) may fix the date on which such a scheme is to come into operation;

and if no date is so fixed, the scheme shall come into operation at the end of the period of one month beginning with the date of its confirmation.

(6) A notice given under a local child curfew scheme (a "curfew notice") may specify different hours in relation to children of different ages.

(7) A curfew notice shall be given—

(a) by posting the notice in some conspicuous place or places within the specified area; and

(b) in such other manner, if any, as appears to the local authority **[**[F66]or (as the case may be) the chief officer of police**]** to be desirable for giving publicity to the notice.

(8) In this section—

"local authority" means—

(a) in relation to England, the council of a district or London borough, the Common Council of the City of London, the Council of the Isle of Wight and the Council of the Isles of Scilly;

(b) in relation to Wales, the council of a county or county borough;

"public place" has the same meaning as in Part II of the [M9]Public Order Act 1986.

Textual Amendments

F61 Words in s. 14(1) inserted (1.8.2001) by 2001 c. 16, **s. 49(2)(a)**; S.I. 2001/2223, **art. 3**

F62 Words in s. 14(1) inserted (1.8.2001) by 2001 c. 16, **s. 49(2)(b)**; S.I. 2001/2223, **art. 3**

F63 Words in s. 14(2) substituted (1.8.2001) by 2001 c. 16, **s. 48**; S.I. 2001/2223, **art. 3**

F64 S. 14(3A) inserted (1.8.2001) by 2001 c. 16, **s. 49(3)**; S.I. 2001/2223, **art. 3**

F65 S. 14(4)(4A) substituted (1.8.2001) for s. 14(4) by 2001 c. 16, **s. 49(4)**; S.I. 2001/2223, **art. 3**

F66 Words in s. 14(7)(b) inserted (1.8.2001) by 2001 c. 16, **s. 49(5)**; S.I. 2001/2223, **art. 3**

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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

I11 S. 14 wholly in force; S. 14 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M9 1986 c.64.

15 Contravention of curfew notices.

(1) Subsections (2) and (3) below apply where a constable has reasonable cause to believe that a child is in contravention of a ban imposed by a curfew notice.

(2) The constable shall, as soon as practicable, inform the local authority for the area that the child has contravened the ban.

(3) The constable may remove the child to the child's place of residence unless he has reasonable cause to believe that the child would, if removed to that place, be likely to suffer significant harm.

(4) In subsection (1) of section 47 of the 1989 Act (local authority's duty to investigate)—

(a) in paragraph (a), after sub-paragraph (ii) there shall be inserted the following sub-paragraph—

"(iii) has contravened a ban imposed by a curfew notice within the meaning of Chapter I of Part I of the Crime and Disorder Act 1998; or"; and

(b) at the end there shall be inserted the following paragraph— " In the case of a child falling within paragraph (a)(iii) above, the enquiries shall be commenced as soon as practicable and, in any event, within 48 hours of the authority receiving the information. "

Modifications etc. (not altering text)

C9 S. 15(1)-(3) applied (with modifications) (20.1.2004) by Police Reform Act 2002 (c. 30), Sch. 4 para. 4B (as inserted by Anti-social Behaviour Act 2003 (c. 38), **ss. 33(3)**, 93(1); S.I. 2003/3300, **art. 2(b)**)

Commencement Information

I12 S. 15 wholly in force; S. 15 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

16 Removal of truants to designated premises etc.

(1) This section applies where a local authority—

(a) designates premises in a police area ("designated premises") as premises to which children and young persons of compulsory school age may be removed under this section; and

(b) notifies the chief officer of police for that area of the designation.

(2) A police officer of or above the rank of superintendent may direct that the powers conferred on a constable by subsection (3) below—

(a) shall be exercisable as respects any area falling within the police area and specified in the direction; and

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Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) shall be so exercisable during a period so specified;

and references in that subsection to a specified area and a specified period shall be construed accordingly.

(3) If a constable has reasonable cause to believe that a child or young person found by him in a public place in a specified area during a specified period—

(a) is of compulsory school age; and

(b) is absent from a school without lawful authority,

the constable may remove the child or young person to designated premises, or to the school from which he is so absent.

[F67(3A) The power of a police officer of or above the rank of superintendent under subsection (2) to specify any area falling within a police area shall be exercisable by such an officer who is a member of the British Transport Police as if the reference in that subsection to an area in the police area were a reference to—

(a) any area in or in the vicinity of any policed premises; or

(b) the whole or any part of any such premises;

and references in subsection (3) to the specified area shall have effect accordingly.**]**

(4) A child's or young person's absence from a school shall be taken to be without lawful authority unless it falls within subsection (3) (leave, sickness, unavoidable cause or day set apart for religious observance) of section 444 of the M10Education Act 1996.

(5) In this section—

[F68"British Transport Police" means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);**]**

"local authority" means—

(a) in relation to England, a county council, a district council whose district does not form part of an area that has a county council, a London borough council or the Common Council of the City of London;

(b) in relation to Wales, a county council or a county borough council;

[F69"policed premises" has the meaning given by section 53(3) of the British Transport Commission Act 1949;**]**

"public place" has the same meaning as in section 14 above;

"school" has the same meaning as in the M11Education Act 1996.

Textual Amendments

F67 S. 16(3A) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 75(1)**; S.I. 2002/2306, **art. 2(d)(vii)**

F68 S. 16(5): definition of "British Transport Police" inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 75(2)(a)**; S.I. 2002/2306, **art. 2(d)(vii)**; and that definition ceased to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120(1), **Sch. 5 para. 4(1)(b)(2)(j)**; S.I. 2004/1572, **art. 3(jjj)**

F69 S. 16(5): definition of "policed premises" inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 75(2)(b)**; S.I. 2002/2306 {art. 2(d)(vii)}

Marginal Citations

M10 1996 c.56.

M11 1996 c.56.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

Miscellaneous and supplemental

17 Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

(2) This section applies to a local authority, a joint authority, **[**[F70]the London Fire and Emergency Planning Authority,**][**[F71]a fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41),**]** a police authority, a National Park authority and the Broads Authority.

(3) In this section—

"local authority" means a local authority within the meaning given by section 270(1) of the [M12]Local Government Act 1972 or the Common Council of the City of London;

"joint authority" has the same meaning as in the [M13]Local Government Act 1985;

"National Park authority" means an authority established under section 63 of the [M14]Environment Act 1995.

Textual Amendments

F70 Words in s. 17(2) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 63** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4**

F71 Words in s. 17(2) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 97(12)**, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2003/808, **art. 2(j)**

Commencement Information

I13 S. 17 wholly in force; S. 17 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M12 1972 c.70.
M13 1985 c.51.
M14 1995 c.25.

VALID FROM 01/08/2007

[[F72]17A Sharing of information

(1) A relevant authority is under a duty to disclose to all other relevant authorities any information held by the authority which is of a prescribed description, at such intervals and in such form as may be prescribed.

(2) In subsection (1) "prescribed" means prescribed in regulations made by the Secretary of State.

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(3) The Secretary of State may only prescribe descriptions of information which appears to him to be of potential relevance in relation to the reduction of crime and disorder in any area of England and Wales (including anti-social or other behaviour adversely affecting the local environment in that area).

(4) Nothing in this section requires a relevant authority to disclose any personal data (within the meaning of the Data Protection Act 1998).

(5) In this section "relevant authority" means an authority in England and Wales which is for the time being a relevant authority for the purposes of section 115.**]**

Textual Amendments

F72 S. 17A inserted (1.8.2007 for E. and 19.11.2007 for W.) by Police and Justice Act 2006 (c. 48), ss. 22, 53(1)(a), **Sch. 9 para. 5**; S.I. 2007/1614, **art 3(b)**; S.I. 2007/3073, **art. 2(a)**

18 Interpretation etc. of Chapter I.

(1) In this Chapter—

"anti-social behaviour order" has the meaning given by section 1(4) above;

"chief officer of police" has the meaning given by section 101(1) of the [M15]Police Act 1996;

"child safety order" has the meaning given by section 11(1) above;

"curfew notice" has the meaning given by section 14(6) above;

"local child curfew scheme" has the meaning given by section 14(1) above;

"parenting order" has the meaning given by section 8(4) above;

"police area" has the meaning given by section 1(2) of the [M16]Police Act 1996;

"police authority" has the meaning given by section 101(1) of that Act;

"responsible officer"—

(a) in relation to a parenting order, has the meaning given by section 8(8) above;

(b) in relation to a child safety order, has the meaning given by section 11(8) above;

"sex offender order" has the meaning given by section 2(3) above.

[[F73](2) In this Chapter, "protecting the public from serious harm" shall be construed in accordance with section 161(4) of the Powers of Criminal Courts (Sentencing) Act 2000.**]**

(3) Where directions under a parenting order are to be given by **[**[F74]an officer of a local probation board**]**, **[**[F74]the officer of a local probation board**]** shall be an officer appointed for or assigned to the petty sessions area within which it appears to the court that the child or, as the case may be, the parent resides or will reside.

(4) Where the supervision under a child safety order is to be provided, or directions under a parenting order are to be given, by—

(a) a social worker of a local authority social services department; or

(b) a member of a youth offending team,

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the social worker or member shall be a social worker of, or a member of a youth offending team established by, the local authority within whose area it appears to the court that the child or, as the case may be, the parent resides or will reside.

(5) For the purposes of this Chapter the Inner Temple and the Middle Temple form part of the City of London.

Textual Amendments

F73 S. 18(2) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 196**

F74 Words in s. 18(3) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4**; S.I. 2001/919, **art. 2(f)(i)**

Modifications etc. (not altering text)

C10 S. 18(3)(4) applied (27.2.2004) by Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), **Sch. 1 para. 9D(7)** (as inserted by Crime and Disorder Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 6**; S.I. 2004/81, **art. 5(2)(d)**)

Commencement Information

I14 S. 18 wholly in force; s. 18 not in force at Royal Assent see s. 121; In force at 30.9.1998 by 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Marginal Citations

M15 1996 c.16.

M16 1996 c.16.

CHAPTER II

SCOTLAND

19 Anti-social behaviour orders.

(1) A local authority may make an application for an order under this section if it appears to the authority that the following conditions are fulfilled with respect to any person of or over the age of 16, namely—

(a) that the person has—

(i) acted in an anti-social manner, that is to say, in a manner that caused or was likely to cause alarm or distress; or

(ii) pursued a course of anti-social conduct, that is to say, pursued a course of conduct that caused or was likely to cause alarm or distress,

to one or more persons not of the same household as himself in the authority's area (and in this section "anti-social acts" and "anti-social conduct" shall be construed accordingly); and

(b) that such an order is necessary to protect persons in the authority's area from further anti-social acts or conduct by him.

(2) An application under subsection (1) above shall be made by summary application to the sheriff within whose sheriffdom the alarm or distress was alleged to have been caused or to have been likely to be caused.

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(3) On an application under subsection (1) above, the sheriff may, if he is satisfied that the conditions mentioned in that subsection are fulfilled, make an order under this section (an "anti-social behaviour order") which, for the purpose of protecting persons in the area of the local authority from further anti-social acts or conduct by the person against whom the order is sought, prohibits him from doing anything described in the order.

(4) For the purpose of determining whether the condition mentioned in subsection (1)(a) is fulfilled, the sheriff shall disregard any act of the person in respect of whom the application is made which that person shows was reasonable in the circumstances.

(5) This section does not apply in relation to anything done before the commencement of this section.

(6) Nothing in this section shall prevent a local authority from instituting any legal proceedings otherwise than under this section against any person in relation to any anti-social act or conduct.

(7) In this section "conduct" includes speech and a course of conduct must involve conduct on at least two occasions.

(8) In this section and section 21 below "local authority" means a council constituted under section 2 of the [M17]Local Government etc. (Scotland) Act 1994 and any reference to the area of such an authority is a reference to the local government area within the meaning of that Act for which it is so constituted.

Commencement Information

I15 S. 19 wholly in force at 1.4.1999; S. 19 not in force at Royal assent, see s. 121; S. 19 in force in Scotland at 1.4.1999 by S.I. 1998/3263, **art. 5**

Marginal Citations

M17 1994 c.39.

20 Sex offender orders.

(1) An application for an order under this section may be made by a chief constable if it appears to him that the conditions mentioned in subsection (2) below are fulfilled with respect to any person **[**[F75]who he believes is in, or is intending to come to, the area of his police force**]** .

(2) The conditions are—

(a) that the person in respect of whom the application for the order is made is—

(i) of or over the age of 16 years; and

(ii) a sex offender; and

(b) that the person has acted, since the relevant date, in such a way as to give reasonable cause to believe that an order under this section is necessary to protect **[**[F76]the public in the United Kingdom, or any particular members of that public**]** from serious harm from him.

(3) An application under subsection (1) above shall be made by summary application to **[**[F77](a)**]** the sheriff within whose sheriffdom the person is alleged to have acted as mentioned in subsection (2)(b) above.

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[[F78]; or

(b) the sheriff whose sheriffdom includes any part of the area of the applicant's police force.**]**

(4) On an application under subsection (1) above the sheriff may—

(a) pending the determination of the application, make any such interim order as he considers appropriate; and

(b) if he is satisfied that the conditions mentioned in subsection (2) above are fulfilled, make an order under this section ("a sex offender order") which prohibits the person in respect of whom it is made from doing anything described in the order.

(5) The prohibitions that may be imposed by an order made under subsection (4) above are those necessary for the purpose of protecting **[**[F79]the public in the United Kingdom, or any particular members of that public,**]** from serious harm from the person in respect of whom the order is made.

(6) While a sex offender order has effect, Part I of the [M18]Sex Offenders Act 1997 shall have effect as if—

(a) the person in respect of whom the order has been obtained were subject to the notification requirements of that Part; and

(b) in relation to that person, the relevant date (within the meaning of that Part) were the date on which the copy of the order was given or delivered to that person in accordance with subsections (8) and (9) of section 21 below.

(7) Section 3 above applies for the purposes of this section as it applies for the purposes of section 2 above with the following modifications—

(a) any reference in that section to the defendant shall be construed as a reference to the person in respect of whom the order is sought; and

(b) in subsection (2) of that section, the reference to subsection (1) of the said section 2 shall be construed as a reference to subsection (2)(b) of this section.

(8) A constable may arrest without warrant a person whom he reasonably suspects of doing, or having done, anything prohibited by an order under subsection (4)(a) above or a sex offender order.

Textual Amendments

F75 Words in s. 20(1) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 70(2)**; S.I. 2002/420, **art. 2**

F76 Words in s. 20(2)(b) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 70(3)**; S.I. 2002/420, **art. 2**

F77 Words in s. 20(3) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 70(4)(a)**; S.I. 2002/420, **art. 2**

F78 S. 20(3)(b) and preceding word inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 70(4)(b)**; S.I. 2002/420, **art. 2**

F79 Words in s. 20(5) substituted (1.10.2002 with application as mentioned in s. 70(9)) by Police Reform Act 2002 (c. 30), **s. 70(5)(9)**; S.I. 2002/420, **art. 2**

Marginal Citations

M18 1997 c.51.

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21 Procedural provisions with respect to orders.

(1) Before making an application under—

(a) section 19(1) above;

(b) subsection (7)(b)(i) below,

the local authority shall consult the relevant chief constable.

(2) Before making an application under section 20(1) above or subsection (7)(b)(i) below, the chief constable shall consult the local authority within whose area the person in respect of whom the order is sought is for the time being.

(3) In subsection (1) above "relevant chief constable" means the chief constable of the police force maintained under the [M19]Police (Scotland) Act 1967 the area of which includes the area of the local authority making the application.

(4) A failure to comply with subsection (1) or (2) above shall not affect the validity of an order made on any application to which either of those subsections applies.

(5) A record of evidence shall be kept on any summary application under section 19 or 20 above or subsection (7)(b) below.

(6) Subsections (7) to (9) below apply to anti-social behaviour orders and sex offender orders and subsections (8) and (9) below apply to an order made under section 20(4)(a) above.

(7) An order to which this subsection applies—

(a) shall have effect for a period specified in the order or indefinitely; and

(b) may at any time be varied or revoked **[**[F80](in the case of a sex offender order, by the appropriate court for that order)**]** on a summary application by—

(i) the local authority or, as the case may be, chief constable who obtained the order **[**[F81]or, in the case of a sex offender order, any other relevant chief constable**]** ; or

(ii) the person subject to the order.

[[F82](7A) In subsection (7) above—

"the appropriate court" means—

(a) the sheriff who made the sex offender order; or

(b) the sheriff whose sheriffdom includes any part of the area of the applicant's police force or of the police force of any other relevant chief constable;

"relevant chief constable" means a chief constable who believes that the accused is in, or is intending to come to, the area of his police force.**]**

[[F83](7B) Where a sheriff makes a sex offender order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order is discharged by the making of the subsequent one.**]**

(8) The clerk of the court by which an order to which this subsection applies is made or varied shall cause a copy of the order as so made or varied to be—

(a) given to the person named in the order; or

(b) sent to the person so named by registered post or by the recorded delivery service.

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(9) An acknowledgement or certificate of delivery of a letter sent under subsection (8)(b) above issued by the Post Office shall be sufficient evidence of the delivery of the letter on the day specified in such acknowledgement or certificate.

(10) Where an appeal is lodged against the determination of an application under section 19 or 20 above or subsection (7)(b) above, any order made on the application shall, without prejudice to the determination of an application under subsection (7)(b) above made after the lodging of the appeal, continue to have effect pending the disposal of the appeal.

Textual Amendments

F80 Words in s. 21(7)(b) inserted (1.10.2002 with application as mentioned in s. 70(9)) by Police Reform Act 2002 (c. 30), **s. 70(6)(a)(9)**; S.I. 2002/420, **art. 2**

F81 Words in s. 21(7)(b)(i) inserted (1.10.2002 with application as mentioned in s. 70(9)) by Police Reform Act 2002 (c. 30), **s. 70(6)(b)**; S.I. 2002/420, **art. 2**

F82 S. 21(7A) inserted (1.10.2002 with application as mentioned in s. 70(9)) by Police Reform Act 2002 (c. 30), **s. 70(7)(9)**; S.I. 2002/420, **art. 2**

F83 S. 21(7B) inserted (1.10.2002 with application as mentioned in s. 70(9)) by Police Reform Act 2002 (c. 30), **s. 70(8)(9)**; S.I. 2002/420, **art. 2**

Commencement Information

I16 S. 21 wholly in force at 1.4.1999; s. 21 not in force at Royal Assent see s. 121; s. 21 in force at 1.12.1998 for the purposes of sex offender orders made under s. 20 and orders made under s. 20(4)(a) by S.I. 1998/2327, **art. 4(1)**; S. 21 in force to the extent that it is not already in force at 1.4.1999 by S.I. 1998/3263, **art. 5**

Marginal Citations

M19 1967 c.77.

[F84 21A Sex offender orders made in England and Wales or Northern Ireland

(1) If without reasonable excuse a person does anything in Scotland which he is prohibited from doing there by—

(a) an order under section 2(3) or 2A above; or

(b) an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/ 2839 (N.I. 20)),

he is guilty of an offence.

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

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

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.]

Textual Amendments

F84 S. 21A inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 71**; S.I. 2002/420, **art. 2**

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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22 Offences in connection with breach of orders.

(1) Subject to subsection (3) below, if without reasonable excuse a person breaches an anti-social behaviour order by doing anything which he is prohibited from doing by the order, he shall be guilty of an offence and shall be liable—

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

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.

(2) Subsection (3) applies where—

(a) the breach of the anti-social behaviour order referred to in subsection (1) above consists in the accused having acted in a manner prohibited by the order which constitutes a separate offence (in this section referred to as the "separate offence"); and

(b) the accused has been charged with that separate offence.

(3) Where this subsection applies, the accused shall not be liable to be proceeded against for an offence under subsection (1) above but, subject to subsection (4) below, the court which sentences him for that separate offence shall, in determining the appropriate sentence or disposal for that offence, have regard to—

(a) the fact that the offence was committed by him while subject to an anti-social behaviour order;

(b) the number of such orders to which he was subject at the time of the commission of the offence;

(c) any previous conviction of the accused of an offence under subsection (1) above; and

(d) the extent to which the sentence or disposal in respect of any such previous conviction of the accused differed, by virtue of this subsection, from that which the court would have imposed but for this subsection.

(4) The court shall not, under subsection (3) above, have regard to the fact that the separate offence was committed while the accused was subject to an anti-social behaviour order unless that fact is libelled in the indictment or, as the case may be, specified in the complaint.

(5) The fact that the separate offence was committed while the accused was subject to an anti-social behaviour order shall, unless challenged—

(a) in the case of proceedings on indictment, by giving notice of a preliminary objection under paragraph (b) of section 72 of the [M20]Criminal Procedure (Scotland) Act 1995 ("the 1995 Act") or under that paragraph as applied by section 71(2) of that Act; or

(b) in summary proceedings, by preliminary objection before his plea is recorded,

be held as admitted.

(6) Subject to subsection (7) below, subsections (1) to (5) above apply in relation to an order under section 20(4)(a) above and to a sex offender order as they apply in relation to an anti-social behaviour order.

(7) Subsection (2) above as applied for the purposes of subsection (6) above shall have effect with the substitution of the words " at the time at which he committed " for the words "which constitutes".

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Commencement Information

I17 S. 22 wholly in force at 1.4.1999; S. 22 not in force at Royal Assent, see s. 121; S. 22(6)(7) and for the purposes of their application to an order under s. 20(4)(a) and to a sex offender order made under s. 20, s. 22(1)-(5) in force at 1.12.1998 by S.I. 1998/2327, **art. 4(1)**; S. 22 in force to the extent that it is not already in force at 1.4.1999 by S.I. 1998/3263, **art. 5**

Marginal Citations

M20 1995 c.46.

[F85 22A Anti-social behaviour strategies

(1) Each local authority shall prepare jointly with the relevant chief constable a strategy for dealing with anti-social behaviour in the authority's area; and the authority shall publish the strategy.

(2) The strategy shall, in particular, include provision as to—

(a) how the authority and the police are to co-ordinate the exercise of their functions in so far as they are exercisable in relation to anti-social behaviour in the authority's area; and

(b) the exchange of information between the authority and the police relating to such behaviour.

(3) The local authority and the relevant chief constable—

(a) shall keep the strategy under review; and

(b) may from time to time revise the strategy,

and the authority shall publish the strategy as so revised.

(4) In this section—

"anti-social behaviour" means any act or conduct (including speech) which causes or is likely to cause alarm, distress, nuisance or annoyance to any person;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39) and any reference to the area of such an authority is a reference to the local government area within the meaning of that Act for which it is so constituted;

"relevant chief constable" means the chief constable of the police force maintained under the Police (Scotland) Act 1967 (c. 77) the area of which includes the area of the local authority.**]**

Textual Amendments

F85 S. 22A inserted (prosp.) by Criminal Justice (Scotland) Act 2003 (asp 7), **ss. 83**, 89

23 Anti-social behaviour as ground of eviction.

(1) F86 . . . . . .

(2) F86 . . . . . .

(3) F86 . . . . . .

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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(4) For Ground 15 in Schedule 5 to the [M21]Housing (Scotland) Act 1988 (eviction on ground of use of premises for immoral or illegal purposes etc.) there shall be substituted the following—

Ground 15

The tenant, a person residing or lodging in the house with the tenant or a person visiting the house has—

(a) been convicted of—

(i) using or allowing the house to be used for immoral or illegal purposes; or

(ii) an offence punishable by imprisonment committed in, or in the locality of, the house; or

(b) acted in an anti-social manner in relation to a person residing, visiting or otherwise engaging in lawful activity in the locality; or

(c) pursued a course of anti-social conduct in relation to such a person as is mentioned in head (b) above.

In this Ground "anti-social", in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance, "conduct" includes speech and a course of conduct must involve conduct on at least two occasions and "tenant" includes any one of joint tenants."

(5) No person shall be liable to eviction under paragraph 2 or 7 of Schedule 3 to the [M22]Housing (Scotland) Act 1987 or Ground 15 in Schedule 5 to the [M23]Housing (Scotland) Act 1988 as substituted respectively by subsection (2), (3) and (4) above in respect of any act or conduct before the commencement of this section unless he would have been liable to be evicted under those paragraphs or, as the case may be, that Ground as they had effect before that substitution.

Textual Amendments

F86 S. 23(1)-(3) repealed (30.9.2002) by The Housing (Scotland) Act 2001 (asp 10), s. 112, Sch. 10 para. 27; S.S.I. 2002/321, **art. 2**, Sch. (with arts. 3-5)

Marginal Citations

M21 1988 c.43.
M22 1987 c.26.
M23 1988 c.43.

24 Noise-making equipment: police power of seizure.

(1) The [M24]Civic Government (Scotland) Act 1982 shall be amended in accordance with this section.

(2) In section 54 (offence of playing instruments, etc.), after subsection (2) there shall be inserted the following subsections—

"(2A) Where a constable reasonably suspects that an offence under subsection (1) above has been committed in relation to a musical instrument or in relation to such a device as is mentioned in paragraph (c) of that subsection, he may enter any premises on which he reasonably suspects that instrument or device to be and seize any such instrument or device he finds there.

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(2B) A constable may use reasonable force in the exercise of the power conferred by subsection (2A) above.

(2C) Schedule 2A to this Act (which makes provision in relation to the retention and disposal of property seized under subsection (2A) above) shall have effect."

(3) In section 60 (powers of search and seizure)—

(a) in subsection (5)—

(i) after the words "Nothing in" there shall be inserted the words " section 54(2A) of this Act or "; and

(ii) for the words from "which" to the end there shall be substituted the words " which is otherwise exercisable by a constable "; and

(b) in subsection (6)—

(i) in paragraph (a), for the words from "in pursuance" to the word "vessel" there shall be substituted the words—

"to enter and search—

(i) any premises in pursuance of section 54(2A) of this Act or of subsection (1) above; or

(ii) any vehicle or vessel in pursuance of the said subsection (1),"; and

(ii) in paragraph (c), after "under" there shall be inserted the words " section 54(2A) of this Act or ".

(4) After Schedule 2 there shall be inserted the Schedule set out in Schedule 1 to this Act.

Marginal Citations

M24 1982 c.45.

CHAPTER III

GREAT BRITAIN

25 Powers to require removal of masks etc.

[[F87](1) After subsection (4) of section 60 (powers to stop and search in anticipation of violence) of the [M25]Criminal Justice and Public Order Act 1994 ("the 1994 Act") there shall be inserted the following subsection—

"(4A) This section also confers on any constable in uniform power—

(a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;

(b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose."**]**

(2) In subsection (5) of that section, for the words "those powers" there shall be substituted the words " the powers conferred by subsection (4) above ".

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) In subsection (8) of that section, for the words "to stop or (as the case may be) to stop the vehicle" there shall be substituted the following paragraphs—

"(a) to stop, or to stop a vehicle; or

(b) to remove an item worn by him,".

Textual Amendments

F87 S. 25(1) repealed (E.W.) (14.12.2001) by 2001 c. 24, ss. 125, 127(2)(i), **Sch. 8 Pt. 6**

Commencement Information

I18 S. 25 wholly in force at 1.3.1999; S. 25 not in force at Royal Assent, see s. 121; S. 25 expressed to be in force at 1.12.1998 by S.I. 1998/2327, **art. 4(1)** (which entry relating to the commencement of s. 25 omitted (30.8.1998) by virtue of S.I. 1998/2906, **art. 2**); S. 25 in force at 1.3.1999 by S.I. 1998/3263, **art. 4**

Marginal Citations

M25 1994 c.33.

26 Retention and disposal of things seized.

After section 60 of the 1994 Act there shall be inserted the following section—

"**60A Retention and disposal of things seized under section 60.**

(1) Any things seized by a constable under section 60 may be retained in accordance with regulations made by the Secretary of State under this section.

(2) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal and destruction in prescribed circumstances, of such things.

(3) Regulations under this section may make different provisions for different classes of things or for different circumstances.

(4) The power to make regulations 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."

Commencement Information

I19 S. 26 wholly in force at 1.3.1999; S. 26 not in force at Royal Assent, see s. 121; S. 26 in force at 1.12.1998 for the purpose of making regulations under s. 60A of the Criminal Justice and Public Order Act 1994 by S.I. 1998/2327, **art. 4(1)** (as amended by 1998/2906, art. 2(3)); S. 26 in force at 1.3.1999 by S.I. 1998/3263, **art. 4**

27 Power of arrest for failure to comply with requirement.

(1) In section 24(2) (arrestable offences) of the Police and Criminal Evidence Act 1984 ("the 1984 Act"), after paragraph (n) there shall be inserted—

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

"(o) an offence under section 60(8)(b) of the [M26]Criminal Justice and Public Order Act 1994 (failing to comply with requirement to remove mask etc.);".

(2) After section 60A of the 1994 Act there shall be inserted the following section—

"**60B Arrest without warrant for offences under section 60: Scotland.**

In Scotland, where a constable reasonably believes that a person has committed or is committing an offence under section 60(8) he may arrest that person without warrant."

Commencement Information

I20 S. 27 wholly in force at 1.3.1999; S. 27 not in force at Royal Assent, see s. 121; S. 27 expressed to be in force at 1.12.1998 by S.I. 1998/2327, **art. 4(1)** (which entry relating to the commnecement of s. 27 omitted (30.8.1998) by virtue of 1998/2906, art. 2(2)); S. 27 in force at 1.3.1999 by S.I. 1998/3263, **art. 4**

Marginal Citations

M26 1994 c.33.

PART II

CRIMINAL LAW

[F88Racially or religiously aggravated] offences: England and Wales

Textual Amendments

F88 Words in the cross-heading substituted (14.12.2001) by 2001 c. 24, **ss. 39(2)**, 127(2) (with s. 42)

28 Meaning of " [F89racially or religiously aggravated]".

(1) An offence is **[**F89racially or religiously aggravated**]** for the purposes of sections 29 to 32 below if—

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a **[**F90racial or religious group**]**; or

(b) the offence is motivated (wholly or partly) by hostility towards members of a **[**F90racial or religious group**]** based on their membership of that group.

(2) In subsection (1)(a) above—

"membership", in relation to a **[**F90racial or religious group**]**, includes association with members of that group;

"presumed" means presumed by the offender.

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(3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, **[**F91on any other factor not mentioned in that paragraph.**]**

(4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

[F92(5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.**]**

Textual Amendments

F89 Words in s. 28(1) and the sidenote substituted (14.12.2001) by 2001 c. 24, **ss. 39(3)(a)**, 127(2) (with s. 42)

F90 Words in s. 28(1)(2) substituted (14.12.2001) by 2001 c. 24, **ss. 39(3)(b)**, 127(2) (with s. 42)

F91 Words in s. 28(3) substituted (14.12.2001) for s. 28(3)(a)(b) by 2001 c. 24, **ss. 39(3)(c)**, 127(2) (with s. 42)

F92 S. 28(5) inserted (14.12.2001) by 2001 c. 24, **ss. 39(4)**, 127(2) (with s. 42)

Modifications etc. (not altering text)

C11 S. 28 applied (25.8.2000) by 2000 c. 6, **ss. 153(3)**, 168(1)

C12 S. 28 applied (18.12.2003) by Criminal Justice Act 2003 (c. 44), ss. 269(5), 336(2), **Sch. 21 para. 2**

C13 S. 28 applied (4.4.2005) by Criminal Justice Act 2003 (c. 44), **ss. 145(3)**, 336(3); S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 7 (with Sch. 2)

C14 S. 28 applied (28.3.2009 for specified purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), **ss. 240(4)**, 383(2) (with ss. 271(1), 385); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**

C15 S. 28(2) applied (31.3.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 47(2)**, 93(1); S.I. 2004/690, **art. 3(g)**; S.I. 2004/999, **art. 2(g)**

Commencement Information

I21 S. 28 wholly in force; S. 28 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

29 **[**F93Racially or religiously aggravated**]** assaults.

(1) A person is guilty of an offence under this section if he commits—

(a) an offence under section 20 of the Offences Against the M27Person Act 1861 (malicious wounding or grievous bodily harm);

(b) an offence under section 47 of that Act (actual bodily harm); or

(c) common assault,

which is **[**F94racially or religiously aggravated**]** for the purposes of this section.

(2) A person guilty of an offence falling within subsection (1)(a) or (b) above shall be liable—

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

(b) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both.

(3) A person guilty of an offence falling within subsection (1)(c) above shall be liable—

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

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

Textual Amendments

F93 Words in the sidenote to s. 28 substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(a)(6)(a)** (with s. 42)

F94 Words in s. 29(1) substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(b)(6)(a)** (with s. 42)

Commencement Information

I22 S. 29 wholly in force; S. 29 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M27 1861 c.100.

30 [F95Racially or religiously aggravated] criminal damage.

(1) A person is guilty of an offence under this section if he commits an offence under section 1(1) of the M28Criminal Damage Act 1971 (destroying or damaging property belonging to another) which is **[**F96racially or religiously aggravated**]** for the purposes of this section.

(2) A person guilty of an offence under this section shall be liable—

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

(b) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or to a fine, or to both.

(3) For the purposes of this section, section 28(1)(a) above shall have effect as if the person to whom the property belongs or is treated as belonging for the purposes of that Act were the victim of the offence.

Textual Amendments

F95 Words in the sidenote to s. 30 substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(a)(6)(b)** (with s. 42)

F96 Words in s. 30(1) substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(b)(6)(b)** (with s. 42)

Commencement Information

I23 S. 30 wholly in force; S. 30 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M28 1971 c.48.

31 [F97Racially or religiously aggravated] public order offences.

(1) A person is guilty of an offence under this section if he commits—

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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(a) an offence under section 4 of the [M29]Public Order Act 1986 (fear or provocation of violence);

(b) an offence under section 4A of that Act (intentional harassment, alarm or distress); or

(c) an offence under section 5 of that Act (harassment, alarm or distress),

which is **[**[F98]racially or religiously aggravated**]** for the purposes of this section.

(2) A constable may arrest without warrant anyone whom he reasonably suspects to be committing an offence falling within subsection (1)(a) or (b) above.

(3) A constable may arrest a person without warrant if—

(a) he engages in conduct which a constable reasonably suspects to constitute an offence falling within subsection (1)(c) above;

(b) he is warned by that constable to stop; and

(c) he engages in further such conduct immediately or shortly after the warning.

The conduct mentioned in paragraph (a) above and the further conduct need not be of the same nature.

(4) A person guilty of an offence falling within subsection (1)(a) or (b) above shall be liable—

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

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

(5) A person guilty of an offence falling within subsection (1)(c) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(a) or (b) above, the jury find him not guilty of the offence charged, they may find him guilty of the basic offence mentioned in that provision.

(7) For the purposes of subsection (1)(c) above, section 28(1)(a) above shall have effect as if the person likely to be caused harassment, alarm or distress were the victim of the offence.

Textual Amendments

F97 Words in the sidenote to s. 31 substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(a)(6)(c)** (with s. 42)

F98 Words in s. 31(1) substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(b)(6)(c)** (with s. 42)

Commencement Information

I24 S. 31 wholly in force; S. 31 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M29 1986 c.64.

32 [F99]Racially or religiously aggravated] harassment etc.

(1) A person is guilty of an offence under this section if he commits—

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(a) an offence under section 2 of the [M30]Protection from Harassment Act 1997 (offence of harassment); or

(b) an offence under section 4 of that Act (putting people in fear of violence),

which is **[**[F100]racially or religiously aggravated**]** for the purposes of this section.

(2) [F101] . . . . . .

(3) A person guilty of an offence falling within subsection (1)(a) above shall be liable—

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

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

(4) A person guilty of an offence falling within subsection (1)(b) above shall be liable—

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

(b) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both.

(5) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(a) above, the jury find him not guilty of the offence charged, they may find him guilty of the basic offence mentioned in that provision.

(6) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(b) above, the jury find him not guilty of the offence charged, they may find him guilty of an offence falling within subsection (1)(a) above.

(7) Section 5 of the [M31]Protection from Harassment Act 1997 (restraining orders) shall have effect in relation to a person convicted of an offence under this section as if the reference in subsection (1) of that section to an offence under section 2 or 4 included a reference to an offence under this section.

Textual Amendments

F99 Words in the sidenote to s. 32 substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(a)(6)(d)**, 127(2) (with s. 42)

F100 Words in s. 32(1) substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(b)(6)(d)**, 127(2) (with s. 42)

F101 S. 32(2) repealed (1.10.2002) by Police Reform Act 2002 (c. 30), s. 107(2), **Sch. 8**; S.I. 2002/2306, **art. 2(g)(iii)(f)**

Commencement Information

I25 S. 32 wholly in force; S. 32 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M30 1997 c.40.

M31 1997 c.40.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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Racially-aggravated offences: Scotland

33 Racially-aggravated offences.

After section 50 of the [M32]Criminal Law (Consolidation) (Scotland) Act 1995 there shall be inserted the following section—

" Racially-aggravated harassment

50A Racially-aggravated harassment.

(1) A person is guilty of an offence under this section if he—

(a) pursues a racially-aggravated course of conduct which amounts to harassment of a person and—

(i) is intended to amount to harassment of that person; or

(ii) occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person; or

(b) acts in a manner which is racially aggravated and which causes, or is intended to cause, a person alarm or distress.

(2) For the purposes of this section a course of conduct or an action is racially aggravated if—

(a) immediately before, during or immediately after carrying out the course of conduct or action the offender evinces towards the person affected malice and ill-will based on that person's membership (or presumed membership) of a racial group; or

(b) the course of conduct or action is motivated (wholly or partly) by malice and ill-will towards members of a racial group based on their membership of that group.

(3) In subsection (2)(a) above—

"membership", in relation to a racial group, includes association with members of that group;

"presumed" means presumed by the offender.

(4) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) above whether or not the offender's malice and ill-will is also based, to any extent, on—

(a) the fact or presumption that any person or group of persons belongs to any religious group; or

(b) any other factor not mentioned in that paragraph.

(5) A person who is guilty of an offence under this section shall—

(a) on summary conviction, be liable to a fine not exceeding the statutory maximum, or imprisonment for a period not exceeding six months, or both such fine and such imprisonment; and

(b) on conviction on indictment, be liable to a fine or to imprisonment for a period not exceeding seven years, or both such fine and such imprisonment.

(6) In this section—

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"conduct" includes speech;

"harassment" of a person includes causing the person alarm or distress;

"racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins,

and a course of conduct must involve conduct on at least two occasions."

Commencement Information

I26 S. 33 wholly in force; S. 33 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M32 1995 c.39.

Miscellaneous

34 Abolition of rebuttable presumption that a child is doli incapax.

The rebuttable presumption of criminal law that a child aged 10 or over is incapable of committing an offence is hereby abolished.

Commencement Information

I27 S. 34 wholly in force; S. 34 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

35 Effect of child's silence at trial.

In section 35 of the 1994 Act (effect of accused's silence at trial), the following provisions shall cease to have effect, namely—

(a) in subsection (1), the words "who has attained the age of fourteen years"; and

(b) subsection (6).

Commencement Information

I28 S. 35 wholly in force; S. 35 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

36 Abolition of death penalty for treason and piracy.

(1) In section I of the [M33]Treason Act (Ireland) 1537 (practising any harm etc. to, or slandering, the King, Queen or heirs apparent punishable as high treason), for the words "have and suffer such pains of death and" there shall be substituted the words " be liable to imprisonment for life and to such ".

(2) In the following enactments, namely—

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(a) section II of the [M34]Crown of Ireland Act 1542 (occasioning disturbance etc. to the crown of Ireland punishable as high treason);

(b) section XII of the [M35]Act of Supremacy (Ireland) 1560 (penalties for maintaining or defending foreign authority);

(c) section 3 of the [M36]Treason Act 1702 (endeavouring to hinder the succession to the Crown etc. punishable as high treason);

(d) section I of the [M37]Treason Act (Ireland) 1703 (which makes corresponding provision),

for the words "suffer pains of death" there shall be substituted the words " be liable to imprisonment for life ".

(3) The following enactments shall cease to have effect, namely—

(a) the [M38]Treason Act 1790;

(b) the [M39]Treason Act 1795.

(4) In section 1 of the [M40]Treason Act 1814 (form of sentence in case of high treason), for the words "such person shall be hanged by the neck until such person be dead", there shall be substituted the words " such person shall be liable to imprisonment for life ".

(5) In section 2 of the [M41]Piracy Act 1837 (punishment of piracy when murder is attempted), for the words "and being convicted thereof shall suffer death" there shall be substituted the words " and being convicted thereof shall be liable to imprisonment for life ".

(6) The following enactments shall cease to have effect, namely—

(a) the Sentence of [M42]Death (Expectant Mothers) Act 1931; and

(b) sections 32 and 33 of the [M43]Criminal Justice Act Northern Ireland) 1945 (which make corresponding provision).

Commencement Information

I29 S. 36 wholly in force; s. 36 not in force at Royal Assent, see s. 121; s. 36 in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M33 1537 c.7.
M34 1542 c.1.
M35 1560 c.1.
M36 1702 c.21.
M37 1703 c. 5.
M38 1790 c.48.
M39 1795 c.7.
M40 1814 c.146.
M41 1837 c.88.
M42 1931 c.24.
M43 1945 c.15 (N.I.).

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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PART III

CRIMINAL JUSTICE SYSTEM

Youth justice

37 Aim of the youth justice system.

(1) It shall be the principal aim of the youth justice system to prevent offending by children and young persons.

(2) In addition to any other duty to which they are subject, it shall be the duty of all persons and bodies carrying out functions in relation to the youth justice system to have regard to that aim.

Commencement Information

I30 S. 37 wholly in force; S. 37 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

38 Local provision of youth justice services.

(1) It shall be the duty of each local authority, acting in co-operation with the persons and bodies mentioned in subsection (2) below, to secure that, to such extent as is appropriate for their area, all youth justice services are available there.

(2) It shall be the duty of—

(a) every chief officer of police or police authority any part of whose police area lies within the local authority's area; and

(b) every **[**F102local probation board**][**F103, **[**F104Strategic Health Authority,**]** health authority or Primary Care Trust**]** any part of whose area lies within that area,

to co-operate in the discharge by the local authority of their duty under subsection (1) above.

(3) The local authority and every person or body mentioned in subsection (2) above shall have power to make payments towards expenditure incurred in the provision of youth justice services—

(a) by making the payments directly; or

(b) by contributing to a fund, established and maintained by the local authority, out of which the payments may be made.

(4) In this section and sections 39 to 41 below "youth justice services" means any of the following, namely—

(a) the provision of persons to act as appropriate adults to safeguard the interests of children and young persons detained or questioned by police officers;

(b) the assessment of children and young persons, and the provision for them of rehabilitation programmes, for the purposes of section 66(2) below;

(c) the provision of support for children and young persons remanded or committed on bail while awaiting trial or sentence;

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(d) the placement in local authority accommodation of children and young persons remanded or committed to such accommodation under section 23 of the [M44]Children and Young Persons Act 1969 ("the 1969 Act");

(e) the provision of reports or other information required by courts in criminal proceedings against children and young persons;

(f) the provision of persons to act as responsible officers in relation to parenting orders, child safety orders, reparation orders and action plan orders;

(g) the supervision of young persons sentenced to a probation order, a community service order or a combination order;

(h) the supervision of children and young persons sentenced to a detention and training order or a supervision order;

(i) the post-release supervision of children and young persons under section 37(4A) or 65 of the 1991 Act or section 31 of the [M45]Crime (Sentences) Act 1997 ("the 1997 Act");

(j) the performance of functions under subsection (1) of **[**[F105]section 102 of the Powers of Criminal Courts (Sentencing) Act 2000 (period of detention and training under detention and training orders)**]** by such persons as may be authorised by the Secretary of State under that subsection.

[[F106](k) the implementation of referral orders within the meaning of **[**[F107]the Powers of Criminal Courts (sentencing) Act 2000**].]**

(5) The Secretary of State may by order amend subsection (4) above so as to extend, restrict or otherwise alter the definition of "youth justice services" for the time being specified in that subsection.

Textual Amendments

F102 Words in s. 38(2)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 151**; S.I. 2001/919, **art. 2(f)(ii)**

F103 Words in s. 38(2)(b) substituted (8.2.2000) by The Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90), arts. 1, 3(1), **Sch. 1 para. 35(3)**

F104 Words in s. 38(2)(b) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 Pt. 1 para. 25(2)**

F105 Words in s. 38(4)(j) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 197(a)**

F106 S. 38(4)(k) inserted (26.6.2000) by 1999 c. 23, s. 67(1), Sch. 4 paras. 25, **28** (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1587, **art. 2**

F107 Words in s. 38(4)(k) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 197(b)**

Commencement Information

I31 S. 38 wholly in force; S. 38 not in force at Royal Assent see s. 121. S. 38(4) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8); S. 38(1)-(3)(5) in force at 30.8.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), **Sch. 1** (subject to savings in art. 9); s. 38 in force at 1.4.2000 by S.I. 2000/924, **art. 2**

Marginal Citations

M44 1969 c.54.

M45 1997 c.43.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

39 Youth offending teams.

(1) Subject to subsection (2) below, it shall be the duty of each local authority, acting in co-operation with the persons and bodies mentioned in subsection (3) below, to establish for their area one or more youth offending teams.

(2) Two (or more) local authorities acting together may establish one or more youth offending teams for both (or all) their areas; and where they do so—

(a) any reference in the following provisions of this section (except subsection (4)(b)) to, or to the area of, the local authority or a particular local authority shall be construed accordingly, and

(b) the reference in subsection (4)(b) to the local authority shall be construed as a reference to one of the authorities.

(3) It shall be the duty of—

(a) every chief officer of police any part of whose police area lies within the local authority's area; and

(b) every **[**F108local probation board**][**F109, **[**F110Strategic Health Authority, **]**health authority or Primary Care Trust**]** any part of whose area lies within that area,

to co-operate in the discharge by the local authority of their duty under subsection (1) above.

(4) The local authority and every person or body mentioned in subsection (3) above shall have power to make payments towards expenditure incurred by, or for purposes connected with, youth offending teams—

(a) by making the payments directly; or

(b) by contributing to a fund, established and maintained by the local authority, out of which the payments may be made.

(5) A youth offending team shall include at least one of each of the following, namely—

(a) **[**F111an officer of a local probation board**]**;

(b) a social worker of a local authority social services department;

(c) a police officer;

(d) a person nominated by **[**F112a Primary Care Trust or**]** a health authority any part of whose area lies within the local authority's area;

(e) a person nominated by the chief education officer appointed by the local authority under section 532 of the M46Education Act 1996.

(6) A youth offending team may also include such other persons as the local authority thinks appropriate after consulting the persons and bodies mentioned in subsection (3) above.

(7) It shall be the duty of the youth offending team or teams established by a particular local authority—

(a) to co-ordinate the provision of youth justice services for all those in the authority's area who need them; and

(b) to carry out such functions as are assigned to the team or teams in the youth justice plan formulated by the authority under section 40(1) below.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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

F108 Words in s. 39(3)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 151**; S.I. 2001/919, **art. 2(f)(ii)**

F109 Words in s. 39(3)(b) substituted (8.2.2000) by The Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90), arts. 1, 3(1), **Sch. 1 para. 35(4)**

F110 Words in s. 39(3)(b) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 Pt. 1 para. 25(3)(a)**

F111 Words in s. 39(5)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)**, (2); S.I. 2001/919, **art. 2(f)(i)**

F112 Words in s. 39(5)(d) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 Pt 1 para. 25(3)(b)**

Modifications etc. (not altering text)

C16 Ss. 39-42 applied (with modifications) (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(2)**, Sch. 1 (with art. 5(3))

C17 Ss. 39-42 applied (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(3)(b)**

Commencement Information

I32 S. 39 wholly in force at 1.4.2000; S. 39 not in force at Royal Assent see s. 121; S. 39 in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), **Sch. 1** (subject to savings in art. 9); s. 39 in force at 1.4.2000 insofar as not already in force by S.I. 2000/924, **art. 2**

Marginal Citations

M46 1996 c.56.

VALID FROM 01/09/2010

[F113 39A Detention of child or young person: local authorities to be notified

(1) Subsection (2) applies where a youth offending team becomes aware that—

(a) a child or young person has become subject to a detention order and is detained in relevant youth accommodation, or

(b) a child or young person who is subject to a detention order has been transferred from one place of accommodation to another which is relevant youth accommodation.

(2) The youth offending team must as soon as practicable notify—

(a) the home local authority, and

(b) the host local authority,

of the place where the child or young person is detained.

(3) Subsection (4) applies where a youth offending team becomes aware that a person has been released having immediately before release been—

(a) subject to a detention order, and

(b) detained in relevant youth accommodation.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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(4) The youth offending team must as soon as practicable notify the following authorities of the release—

(a) the home local authority;

(b) the host local authority;

(c) any other local authority in whose area the youth offending team expects the person to live on release.

(5) Nothing in this section requires a youth offending team to notify a local authority of any matter of which the authority is already aware.

(6) In this section—

"home local authority", in relation to a child or young person, means the local authority which is the home authority in relation to that person within the meaning of Chapter 5A of Part 10 of the Education Act 1996 (persons detained in youth accommodation);

"host local authority", in relation to a child or young person who is detained in relevant youth accommodation, means the local authority for the area in which that person is detained;

"local authority"has the meaning given by section 579(1) of the Education Act 1996;

"young person" includes a person who is aged 18;

and references in this section to a person subject to a detention order and to relevant youth accommodation have the same meanings as they have in the Education Act 1996 (see section 562(1A) of that Act).**]**

Textual Amendments

F113 S. 39A inserted (1.9.2010 for E. and 1.4.2011 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 51** (as amended by S.I. 2010/1158, Sch. 2 para. 16(2)(3)(5)), 269(3)(f)(4); S.I. 2010/303, **art. 6(1)**, Sch. 5; S.I. 2011/829, **art. 2(c)**

40 Youth justice plans.

(1) It shall be the duty of each local authority, after consultation with the relevant persons and bodies, to formulate and implement for each year a plan (a "youth justice plan") setting out—

(a) how youth justice services in their area are to be provided and funded; and

(b) how the youth offending team or teams established by them (whether alone or jointly with one or more other local authorities) are to be composed and funded, how they are to operate, and what functions they are to carry out.

(2) In subsection (1) above "the relevant persons and bodies" means the persons and bodies mentioned in section 38(2) above and, where the local authority is a county council, any district councils whose districts form part of its area.

(3) The functions assigned to a youth offending team under subsection (1)(b) above may include, in particular, functions under paragraph 7(b) of Schedule 2 to the 1989 Act (local authority's duty to take reasonable steps designed to encourage children and young persons not to commit offences).

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(4) A local authority shall submit their youth justice plan to the Board established under section 41 below, and shall publish it in such manner and by such date as the Secretary of State may direct.

Modifications etc. (not altering text)

C18 S. 40: functions of the local authority not to be the sole responsibility of the executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 4(1), **Sch. 3**

C19 Ss. 39-42 applied (with modifications) (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(2)**, Sch. 1 (with art. 5(3))

C20 S. 40(1) disapplied (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(1)**

Commencement Information

I33 S. 40 wholly in force at 1.1.2000; S. 40 not in force at Royal Assent see s. 121; S. 40 in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), **Sch. 1** (subject to savings in art. 9); s. 40 in force at 1.1.2000 insofar as not already in force by S.I. 1999/3426, **art. 2**

41 The Youth Justice Board.

(1) There shall be a body corporate to be known as the Youth Justice Board for England and Wales ("the Board").

(2) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board's property shall not be regarded as property of, or held on behalf of, the Crown.

(3) The Board shall consist of 10, 11 or 12 members appointed by the Secretary of State.

(4) The members of the Board shall include persons who appear to the Secretary of State to have extensive recent experience of the youth justice system.

(5) The Board shall have the following functions, namely—

(a) to monitor the operation of the youth justice system and the provision of youth justice services;

(b) to advise the Secretary of State on the following matters, namely—

(i) the operation of that system and the provision of such services;

(ii) how the principal aim of that system might most effectively be pursued;

(iii) the content of any national standards he may see fit to set with respect to the provision of such services, or the accommodation in which children and young persons are kept in custody; and

(iv) the steps that might be taken to prevent offending by children and young persons;

(c) to monitor the extent to which that aim is being achieved and any such standards met;

(d) for the purposes of paragraphs (a), (b) and (c) above, to obtain information from relevant authorities;

(e) to publish information so obtained;

(f) to identify, to make known and to promote good practice in the following matters, namely—

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Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

(i) the operation of the youth justice system and the provision of youth justice services;

(ii) the prevention of offending by children and young persons; and

(iii) working with children and young persons who are or are at risk of becoming offenders;

(g) to make grants, with the approval of the Secretary of State, to local authorities or other bodies for them to develop such practice, or to commission research in connection with such practice; [F114]. . .

(h) themselves to commission research in connection with such practice.

[F115](i) to enter into agreements for the provision of—

(i) secure accommodation within the meaning of section 75(7) below for the purpose of detaining persons in respect of whom a detention and training order is made under section 73 below or an order is made under section 77(3)(a) or 78(2) below;

(ii) accommodation which is or may be used for the purpose of detaining persons sentenced under section 53(1) or (3) of the 1933 Act;

(iii) accommodation which is or may be used for the purpose of detaining persons dealt with under subsection (4)(c) of section 23 of the 1969 Act, as that section has effect in relation to persons described in section 98(1) below;

(iv) accommodation which is or may be used for the purpose of detaining persons who are under the age of 18 when remanded in custody under section 128 of the 1980 Act;

(v) accommodation which is or may be used for the purpose of detaining persons sentenced when under the age of 18 and before 1st April 2000 to detention in a young offender institution under section 1A of the 1982 Act; and

(vi) accommodation which is or may be used for the purpose of detaining persons subject to secure training orders made before 1st April 2000 under section 1 of the 1994 Act;

but no agreement shall be made under this paragraph in relation to accommodation for persons who have attained the age of 18 unless it appears to the Board that it is expedient to enter into such an agreement for the operation of the youth justice system;

(j) to facilitate arrangements between the Secretary of State and any person providing—

(i) secure accommodation within the meaning of section 75(7) below to be used for detaining a person in accordance with a determination under section 75(1), 77(3)(a) or 78(2) below, or

(ii) accommodation to be used for detaining a person in accordance with a direction by the Secretary of State under section 53(1)(a) or (3)(a) of the 1933 Act;

(k) to offer assistance to local authorities in discharging their duty under section 61 of the 1991 Act, whether by acting as the agent of a local authority or facilitating arrangements under section 61(2), or otherwise; and

(l) annually—

(i) to assess future demand for secure accommodation for remanded and sentenced children and young persons,

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(ii) to prepare a plan setting out how they intend to exercise, in the following three years, the functions described in paragraphs (i) and (k) above, and any function for the time being exercisable by the Board concurrently with the Secretary of State by virtue of subsection (6)(b) below which relates to securing the provision of such accommodation, and

(iii) to submit the plan to the Secretary of State for approval.**]**

(6) The Secretary of State may by order—

(a) amend subsection (5) above so as to add to, subtract from or alter any of the functions of the Board for the time being specified in that subsection; or

(b) provide that any function of his which is exercisable in relation to the youth justice system shall be exercisable concurrently with the Board.

(7) In carrying out their functions, the Board shall comply with any directions given by the Secretary of State and act in accordance with any guidance given by him.

(8) A relevant authority—

(a) shall furnish to the Board any information required for the purposes of subsection (5)(a), (b) or (c) above; and

(b) whenever so required by the Board, shall submit to the Board a report on such matters connected with the discharge of their duties under the foregoing provisions of this Part as may be specified in the requirement.

A requirement under paragraph (b) above may specify the form in which a report is to be given.

(9) The Board may arrange, or require the relevant authority to arrange, for a report under subsection (8)(b) above to be published in such manner as appears to the Board to be appropriate.

(10) In this section "relevant authority" means a local authority, a chief officer of police, a police authority, a **[**F116local probation board **][**F117, **[**F118a Strategic Health Authority,**]** a health authority and a Primary Care Trust**]**.

(11) Schedule 2 to this Act (which makes further provision with respect to the Board) shall have effect.

Textual Amendments

F114 Word in s. 41(5)(g) omitted (20.4.2000) by virtue of S.I. 2000/1160, **art. 3(a)**

F115 S. 41(5)(i)-(k) inserted (20.4.2000) by S.I. 2000/1160, **art. 3(b)**

F116 Words in s. 41(10) substituted (1.4.2001) by 2000 c. 43, **s. 74**, SCh. 7 Pt. II para. 151; S.I. 2001/919, **art. 2(f)(ii)**

F117 Words in s. 41(10) substituted (8.2.2000) by The Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90), arts. 1, 3(1), **Sch. 1 para. 35(5)**

F118 Words in s. 41(10) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 Pt. 1 para. 25(4)**

Modifications etc. (not altering text)

C21 Ss. 39-42 applied (with modifications) (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(2)**, Sch. 1 (with art. 5(3))

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

C22 Ss. 39-42 applied (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(3)(b)**

Commencement Information

I34 S. 41 wholly in force; s. 41 not in force at Royal Assent, see s. 121. in force at 1.8.1998 for the purposes of making appointments under this section and under paragraph 1 of Sch. 2 by S.I. 1998/1883, **art. 2(a)**. s. 41 in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

42 Supplementary provisions.

(1) In the foregoing provisions of this Part and this section—

"chief officer of police" has the meaning given by section 101(1) of the [M47]Police Act 1996;

"local authority" means—

(a) in relation to England, a county council, a district council whose district does not form part of an area that has a county council, a London borough council or the Common Council of the City of London;

(b) in relation to Wales, a county council or a county borough council;

"police authority" has the meaning given by section 101(1) of the [M48]Police Act 1996;

"youth justice system" means the system of criminal justice in so far as it relates to children and young persons.

(2) For the purposes of those provisions, the Isles of Scilly form part of the county of Cornwall and the Inner Temple and the Middle Temple form part of the City of London.

(3) In carrying out any of their duties under those provisions, a local authority, a police authority, a **[**[F119]local probation board**]****[**[F120], **[**[F121]a Strategic Health Authority, **]**a health authority or a Primary Care Trust**]** shall act in accordance with any guidance given by the Secretary of State.

Textual Amendments

F119 Words in s. 42(3) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 151**; S.I. 2001/919, **art. 2(f)(ii)**

F120 Words in s. 42(3) substituted (8.2.2000) by The Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90), arts. 1, 3(1), **Sch. 1 para. 35(6)**

F121 Words in s. 42(3) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 Pt. 1 para. 25(5)**

Modifications etc. (not altering text)

C23 Ss. 39-42 applied (with modifications) (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(2)**, Sch. 1 (with art. 5(3))

C24 Ss. 39-42 applied (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(3)(b)**

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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

I35 S. 42 wholly in force; S. 42 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M47 1996 c.16.

M48 1996 c.16.

Time limits etc.

43 Time limits.

(1) In subsection (2) of section 22 (time limits in relation to criminal proceedings) of the [M49]Prosecution of Offences Act 1985 ("the 1985 Act"), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

"(a) be made so as to apply only in relation to proceedings instituted in specified areas, or proceedings of, or against persons of, specified classes or descriptions;

(b) make different provision with respect to proceedings instituted in different areas, or different provision with respect to proceedings of, or against persons of, different classes or descriptions;".

(2) For subsection (3) of that section there shall be substituted the following subsection—

"(3) The appropriate court may, at any time before the expiry of a time limit imposed by the regulations, extend, or further extend, that limit; but the court shall not do so unless it is satisfied—

(a) that the need for the extension is due to—

(i) the illness or absence of the accused, a necessary witness, a judge or a magistrate;

(ii) a postponement which is occasioned by the ordering by the court of separate trials in the case of two or more accused or two or more offences; or

(iii) some other good and sufficient cause; and

(b) that the prosecution has acted with all due diligence and expedition."

(3) In subsection (4) of that section, for the words from "the accused" to the end there shall be substituted the words " the appropriate court shall stay the proceedings ".

(4) In subsection (6) of that section—

(a) for the word "Where" there shall be substituted the words " Subsection (6A) below applies where "; and

(b) for the words from "the overall time limit" to the end there shall be substituted the words " and is accordingly unlawfully at large for any period. "

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

"(6A) The following, namely—

(a) the period for which the person is unlawfully at large; and

(b) such additional period (if any) as the appropriate court may direct, having regard to the disruption of the prosecution occasioned by—

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(i) the person's escape or failure to surrender; and

(ii) the length of the period mentioned in paragraph (a) above,

shall be disregarded, so far as the offence in question is concerned, for the purposes of the overall time limit which applies in his case in relation to the stage which the proceedings have reached at the time of the escape or, as the case may be, at the appointed time."

(6) In subsection (7) of that section, after the words "time limit," there shall be inserted the words " or to give a direction under subsection (6A) above, ".

(7) In subsection (8) of that section, after the words "time limit" there shall be inserted the words " , or to give a direction under subsection (6A) above, ".

(8) After subsection (11) of that section there shall be inserted the following subsection—

"(11ZA) For the purposes of this section, proceedings for an offence shall be taken to begin when the accused is charged with the offence or, as the case may be, an information is laid charging him with the offence."

Commencement Information

I36 S. 43 wholly in force at 1.6.1999; S. 43 not in force at Royal Assent see s. 121; S. 43(1) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8); s. 43 in force at 1.6.1999 insofar as not already in force by S.I. 1999/1279, **art. 2(a)**

Marginal Citations

M49 1985 c.23.

44 Additional time limits for persons under 18.

After section 22 of the 1985 Act there shall be inserted the following section—

"22A Additional time limits for persons under 18.

(1) The Secretary of State may by regulations make provision—

(a) with respect to a person under the age of 18 at the time of his arrest in connection with an offence, as to the maximum period to be allowed for the completion of the stage beginning with his arrest and ending with the date fixed for his first appearance in court in connection with the offence ("the initial stage");

(b) with respect to a person convicted of an offence who was under that age at the time of his arrest for the offence or (where he was not arrested for it) the laying of the information charging him with it, as to the period within which the stage between his conviction and his being sentenced for the offence should be completed.

(2) Subsection (2) of section 22 above applies for the purposes of regulations under subsection (1) above as if—

(a) the reference in paragraph (d) to custody or overall time limits were a reference to time limits imposed by the regulations; and

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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(b) the reference in paragraph (e) to proceedings instituted before the commencement of any provisions of the regulations were a reference to a stage begun before that commencement.

(3) A magistrates' court may, at any time before the expiry of the time limit imposed by the regulations under subsection (1)(a) above ("the initial stage time limit"), extend, or further extend, that limit; but the court shall not do so unless it is satisfied—

(a) that the need for the extension is due to some good and sufficient cause; and

(b) that the investigation has been conducted, and (where applicable) the prosecution has acted, with all due diligence and expedition.

(4) Where the initial stage time limit (whether as originally imposed or as extended or further extended under subsection (3) above) expires before the person arrested is charged with the offence, he shall not be charged with it unless further evidence relating to it is obtained, and—

(a) if he is then under arrest, he shall be released;

(b) if he is then on bail under Part IV of the [M50]Police and Criminal Evidence Act 1984, his bail (and any duty or conditions to which it is subject) shall be discharged.

(5) Where the initial stage time limit (whether as originally imposed or as extended or further extended under subsection (3) above) expires after the person arrested is charged with the offence but before the date fixed for his first appearance in court in connection with it, the court shall stay the proceedings.

(6) Where—

(a) a person escapes from arrest; or

(b) a person who has been released on bail under Part IV of the [M51]Police and Criminal Evidence Act 1984 fails to surrender himself at the appointed time,

and is accordingly unlawfully at large for any period, that period shall be disregarded, so far as the offence in question is concerned, for the purposes of the initial stage time limit.

(7) Subsections (7) to (9) of section 22 above apply for the purposes of this section, at any time after the person arrested has been charged with the offence in question, as if any reference (however expressed) to a custody or overall time limit were a reference to the initial stage time limit.

(8) Where a person is convicted of an offence in any proceedings, the exercise of the power conferred by subsection (3) above shall not be called into question in any appeal against that conviction.

(9) Any reference in this section (however expressed) to a person being charged with an offence includes a reference to the laying of an information charging him with it."

Marginal Citations

M50 1984 c.60.

M51 1984 c.60.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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45 Re-institution of stayed proceedings.

After section 22A of the 1985 Act there shall be inserted the following section—

"**22B Re-institution of proceedings stayed under section 22(4) or 22A(5).**

(1) This section applies where proceedings for an offence ("the original proceedings") are stayed by a court under section 22(4) or 22A(5) of this Act.

(2) If—

(a) in the case of proceedings conducted by the Director, the Director or a Chief Crown Prosecutor so directs;

(b) in the case of proceedings conducted by the Director of the Serious Fraud Office, the Commissioners of Inland Revenue or the Commissioners of Customs and Excise, that Director or those Commissioners so direct; or

(c) in the case of proceedings not conducted as mentioned in paragraph (a) or (b) above, a person designated for the purpose by the Secretary of State so directs,

fresh proceedings for the offence may be instituted within a period of three months (or such longer period as the court may allow) after the date on which the original proceedings were stayed by the court.

(3) Fresh proceedings shall be instituted as follows—

(a) where the original proceedings were stayed by the Crown Court, by preferring a bill of indictment;

(b) where the original proceedings were stayed by a magistrates' court, by laying an information.

(4) Fresh proceedings may be instituted in accordance with subsections (2) and (3)(b) above notwithstanding anything in section 127(1) of the [M52]Magistrates' Courts Act 1980 (limitation of time).

(5) Where fresh proceedings are instituted, anything done in relation to the original proceedings shall be treated as done in relation to the fresh proceedings if the court so directs or it was done—

(a) by the prosecutor in compliance or purported compliance with section 3, 4, 7 or 9 of the [M53]Criminal Procedure and Investigations Act 1996; or

(b) by the accused in compliance or purported compliance with section 5 or 6 of that Act.

(6) Where a person is convicted of an offence in fresh proceedings under this section, the institution of those proceedings shall not be called into question in any appeal against that conviction."

Marginal Citations

M52 1980 c.43.

M53 1996 c.25.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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46 Date of first court appearance in bail cases.

(1) In subsection (3) of section 47 of the 1984 Act (bail after arrest), for the words "subsection (4)" there shall be substituted the words " subsections (3A) and (4) ".

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

"(3A) Where a custody officer grants bail to a person subject to a duty to appear before a magistrates' court, he shall appoint for the appearance—

(a) a date which is not later than the first sitting of the court after the person is charged with the offence; or

(b) where he is informed by the clerk to the justices for the relevant petty sessions area that the appearance cannot be accommodated until a later date, that later date."

Commencement Information

I37 S. 46 wholly in force at 1.11.1999; S. 46 not in force at Royal Assent see s. 121; S. 46 in force at 30.9.1998 in the areas specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 3(2), **Sch. 2**; S. 46 in force at 1.11.1999 insofar as not already in force by S.I. 1999/2976, **art. 2**

Functions of courts etc.

47 Powers of youth courts.

(1) Where a person who appears or is brought before a youth court charged with an offence subsequently attains the age of 18, the youth court may, at any time—

(a) before the start of the trial; [F122]. . .

[F122](b) . . . . . .

remit the person for trial [F123]. . . to a magistrates' court (other than a youth court) acting for the same petty sessions area as the youth court.

In this subsection "the start of the trial" shall be construed in accordance with section 22(11B) of the 1985 Act.

(2) Where a person is remitted under subsection (1) above—

(a) he shall have no right of appeal against the order of remission;

(b) the remitting court shall adjourn proceedings in relation to the offence; and

(c) subsections (3) and (4) below shall apply.

(3) The following, namely—

(a) section 128 of the 1980 Act; and

(b) all other enactments (whenever passed) relating to remand or the granting of bail in criminal proceedings,

shall have effect in relation to the remitting court's power or duty to remand the person on the adjournment as if any reference to the court to or before which the person remanded is to be brought or appear after remand were a reference to the court to which he is being remitted ("the other court").

(4) The other court may deal with the case in any way in which it would have power to deal with it if all proceedings relating to the offence which took place before the remitting court had taken place before the other court.

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(5) After subsection (3) of section 10 of the 1980 Act (adjournment of trial) there shall be inserted the following subsection—

"(3A) A youth court shall not be required to adjourn any proceedings for an offence at any stage by reason only of the fact—

(a) that the court commits the accused for trial for another offence; or

(b) that the accused is charged with another offence."

(6) After subsection (1) of section 24 of the 1980 Act (summary trial of information against child or young person for indictable offence) there shall be inserted the following subsection—

"(1A) Where a magistrates' court—

(a) commits a person under the age of 18 for trial for an offence of homicide; or

(b) in a case falling within subsection (1)(a) above, commits such a person for trial for an offence,

the court may also commit him for trial for any other indictable offence with which he is charged at the same time if the charges for both offences could be joined in the same indictment."

(7) In subsection (2) of section 47 (procedure in youth courts) of the [M54]Children and Young Persons Act 1933 ("the 1933 Act"), the words from the beginning to "court; and" shall cease to have effect.

Textual Amendments

F122 Word and para. (b) in s. 47(1) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F123 Words in s. 47(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

I38 S. 47 wholly in force; S. 47 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M54 1933 c.12.

48 Youth courts: power of stipendiary magistrates to sit alone.

(1) In paragraph 15 of Schedule 2 to the 1933 Act (constitution of youth courts)—

(a) in paragraph (a), after the word "shall", in the first place where it occurs, there shall be inserted the words " either consist of a metropolitan stipendiary magistrate sitting alone or " and the word "shall", in the other place where it occurs, shall cease to have effect;

(b) in paragraph (b), after the words "the chairman" there shall be inserted the words " (where applicable) "; and

(c) in paragraph (c), after the words "the other members" there shall be inserted the words " (where applicable) ".

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(2) In paragraph 17 of that Schedule, the words "or, if a metropolitan stipendiary magistrate, may sit alone" shall cease to have effect.

Commencement Information

I39 S. 48 wholly in force; S. 48 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

49 Powers of magistrates' courts exercisable by single justice etc.

(1) The following powers of a magistrates' court for any area may be exercised by a single justice of the peace for that area, namely—

(a) to extend bail or to impose or vary conditions of bail;

(b) to mark an information as withdrawn;

(c) to dismiss an information, or to discharge an accused in respect of an information, where no evidence is offered by the prosecution;

(d) to make an order for the payment of defence costs out of central funds;

(e) to request a pre-sentence report following a plea of guilty and, for that purpose, to give an indication of the seriousness of the offence;

(f) to request a medical report and, for that purpose, to remand the accused in custody or on bail;

(g) to remit an offender to another court for sentence;

(h) where a person has been granted police bail to appear at a magistrates' court, to appoint an earlier time for his appearance;

(i) to extend, with the consent of the accused, a custody time limit or an overall time limit;

F124(j) . . . . . .

(k) where an accused has been convicted of an offence, to order him to produce his driving licence;

(l) to give a direction prohibiting the publication of matters disclosed or exempted from disclosure in court;

(m) to give, vary or revoke directions for the conduct of a trial, including directions as to the following matters, namely—

(i) the timetable for the proceedings;

(ii) the attendance of the parties;

(iii) the service of documents (including summaries of any legal arguments relied on by the parties);

(iv) the manner in which evidence is to be given; and

(n) to give, vary or revoke orders for separate or joint trials in the case of two or more accused or two or more informations.

(2) Without prejudice to the generality of subsection (1) of section 144 of the 1980 Act (rules of procedure)—

(a) rules under that section may, subject to subsection (3) below, provide that any of the things which, by virtue of subsection (1) above, are authorised to be done by a single justice of the peace for any area may, subject to any specified restrictions or conditions, be done by a justices' clerk for that area; and

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(b) rules under that section which make such provision as is mentioned in paragraph (a) above may make different provision for different areas.

(3) Rules under that section which make such provision as is mentioned in subsection (2) above shall not authorise a justices' clerk—

(a) without the consent of the prosecutor and the accused, to extend bail on conditions other than those (if any) previously imposed, or to impose or vary conditions of bail;

(b) to give an indication of the seriousness of an offence for the purposes of a pre-sentence report;

(c) to remand the accused in custody for the purposes of a medical report or, without the consent of the prosecutor and the accused, to remand the accused on bail for those purposes on conditions other than those (if any) previously imposed;

(d) to give a direction prohibiting the publication of matters disclosed or exempted from disclosure in court; or

(e) without the consent of the parties, to give, vary or revoke orders for separate or joint trials in the case of two or more accused or two or more informations.

(4) Before making any rules under that section which make such provision as is mentioned in subsection (2) above in relation to any area, the Lord Chancellor shall consult justices of the peace and justices' clerks for that area.

(5) In this section and section 50 below "justices' clerk" has the same meaning as in section 144 of the 1980 Act.

Textual Amendments

F124 S. 49(1)(j) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with Sch. 2 para. 2)

Commencement Information

I40 S. 49 wholly in force at 1.11.1999; S. 49 not in force at Royal Assent see s, 121. In force at 31.7.1998 for the purpose of making rules which make such provision as is mentioned in ss.(2) of this section by S.I. 1998/1883, **art. 2(b)**; S. 49 in force at 30.9.1998 in the areas specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 3(2), **Sch. 2**; S. 49 in force at 1.11.1999 insofar as not already in force by S.I. 1999/2976, **art. 2**

50 Early administrative hearings.

(1) Where a person ("the accused") has been charged with an offence at a police station, the magistrates' court before whom he appears or is brought for the first time in relation to the charge may, unless the accused falls to be dealt with under section 51 below, consist of a single justice.

(2) At a hearing conducted by a single justice under this section— **[**[F125]the accused shall be asked whether he wishes to be granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service and, if he does, the justice shall decide whether or not to grant him such a right.**]**

(3) At such a hearing the single justice—

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(a) may exercise, subject to subsection (2) above, such of his powers as a single justice as he thinks fit; and

(b) on adjourning the hearing, may remand the accused in custody or on bail.

(4) This section applies in relation to a justices' clerk as it applies in relation to a single justice; but nothing in subsection (3)(b) above authorises such a clerk to remand the accused in custody or, without the consent of the prosecutor and the accused, to remand the accused on bail on conditions other than those (if any) previously imposed.

F126(5) . . . . . .

Textual Amendments

F125 Words in s. 50(2) substituted for s. 50(2)(a)-(c) (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 53, **54** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 3(a)(ii)** (with Sch. 2 para. 2)

F126 S. 50(5) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with Sch. 2 para. 2)

Modifications etc. (not altering text)

C25 S. 50 extended (1.11.1999) by S.I. 1999/2784, **rule 3(2)**

Commencement Information

I41 S. 50 wholly in force; S. 50 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

51 No committal proceedings for indictable-only offences.

(1) Where an adult appears or is brought before a magistrates' court ("the court") charged with an offence triable only on indictment ("the indictable-only offence"), the court shall send him forthwith to the Crown Court for trial—

(a) for that offence, and

(b) for any either-way or summary offence with which he is charged which fulfils the requisite conditions (as set out in subsection (11) below).

(2) Where an adult who has been sent for trial under subsection (1) above subsequently appears or is brought before a magistrates' court charged with an either-way or summary offence which fulfils the requisite conditions, the court may send him forthwith to the Crown Court for trial for the either-way or summary offence.

(3) Where—

(a) the court sends an adult for trial under subsection (1) above;

(b) another adult appears or is brought before the court on the same or a subsequent occasion charged jointly with him with an either-way offence; and

(c) that offence appears to the court to be related to the indictable-only offence,

the court shall where it is the same occasion, and may where it is a subsequent occasion, send the other adult forthwith to the Crown Court for trial for the either-way offence.

(4) Where a court sends an adult for trial under subsection (3) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged which fulfils the requisite conditions.

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(5) Where—

(a) the court sends an adult for trial under subsection (1) or (3) above; and

(b) a child or young person appears or is brought before the court on the same or a subsequent occasion charged jointly with the adult with an indictable offence for which the adult is sent for trial,

the court shall, if it considers it necessary in the interests of justice to do so, send the child or young person forthwith to the Crown Court for trial for the indictable offence.

(6) Where a court sends a child or young person for trial under subsection (5) above, it may at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged which fulfils the requisite conditions.

(7) The court shall specify in a notice the offence or offences for which a person is sent for trial under this section and the place at which he is to be tried; and a copy of the notice shall be served on the accused and given to the Crown Court sitting at that place.

(8) In a case where there is more than one indictable-only offence and the court includes an either-way or a summary offence in the notice under subsection (7) above, the court shall specify in that notice the indictable-only offence to which the either-way offence or, as the case may be, the summary offence appears to the court to be related.

(9) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.

(10) In selecting the place of trial for the purpose of subsection (7) above, the court shall have regard to—

(a) the convenience of the defence, the prosecution and the witnesses;

(b) the desirability of expediting the trial; and

(c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 75(1) of the [M55]Supreme Court Act 1981.

(11) An offence fulfils the requisite conditions if—

(a) it appears to the court to be related to the indictable-only offence; and

(b) in the case of a summary offence, it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.

(12) For the purposes of this section—

(a) "adult" means a person aged 18 or over, and references to an adult include references to a corporation;

(b) "either-way offence" means an offence which, if committed by an adult, is triable either on indictment or summarily;

(c) an either-way offence is related to an indictable-only offence if the charge for the either-way offence could be joined in the same indictment as the charge for the indictable-only offence;

(d) a summary offence is related to an indictable-only offence if it arises out of circumstances which are the same as or connected with those giving rise to the indictable-only offence.

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Commencement Information

I42 S. 51 wholly in force; S. 51 not in force at Royal Assent, see s. 121; S. 51 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; s. 51 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (with transitional provisions in art. 3)

Marginal Citations

M55 1981 c.54.

VALID FROM 04/04/2005

[F127 51A Sending cases to the Crown Court: children and young persons

(1) This section is subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain offences involving children or young persons to be tried summarily).

(2) Where a child or young person appears or is brought before a magistrates' court ("the court") charged with an offence and any of the conditions mentioned in subsection (3) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.

(3) Those conditions are—

(a) that the offence falls within subsection (12) below;

(b) that the offence is such as is mentioned in subsection (1) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (other than one mentioned in paragraph (d) below in relation to which it appears to the court as mentioned there) and the court considers that if he is found guilty of the offence it ought to be possible to sentence him in pursuance of subsection (3) of that section;

(c) that notice is given to the court under section 51B or 51C below in respect of the offence;

(d) that the offence is a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003) and it appears to the court that if he is found guilty of the offence the criteria for the imposition of a sentence under section 226(3) or 228(2) of that Act would be met.

(4) Where the court sends a child or young person for trial under subsection (2) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—

(a) (if it is an indictable offence) appears to the court to be related to the offence mentioned in subsection (2) above; or

(b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (2) above or to the indictable offence, and which fulfils the requisite condition (as defined in subsection (9) below).

(5) Where a child or young person who has been sent for trial under subsection (2) above subsequently appears or is brought before a magistrates' court charged with an indictable or summary offence which—

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(a) appears to the court to be related to the offence mentioned in subsection (2) above; and

(b) (in the case of a summary offence) fulfils the requisite condition,

the court may send him forthwith to the Crown Court for trial for the indictable or summary offence.

(6) Where—

(a) the court sends a child or young person ("C") for trial under subsection (2) or (4) above; and

(b) an adult appears or is brought before the court on the same or a subsequent occasion charged jointly with C with an either-way offence for which C is sent for trial under subsection (2) or (4) above, or an either-way offence which appears to the court to be related to that offence,

the court shall where it is the same occasion, and may where it is a subsequent occasion, send the adult forthwith to the Crown Court for trial for the either-way offence.

(7) Where the court sends an adult for trial under subsection (6) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—

(a) (if it is an either-way offence) appears to the court to be related to the offence for which he was sent for trial; and

(b) (if it is a summary offence) appears to the court to be related to the offence for which he was sent for trial or to the either-way offence, and which fulfils the requisite condition.

(8) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.

(9) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.

(10) In the case of a child or young person charged with an offence—

(a) if the offence satisfies any of the conditions in subsection (3) above, the offence shall be dealt with under subsection (2) above and not under any other provision of this section or section 51 above;

(b) subject to paragraph (a) above, if the offence is one in respect of which the requirements of subsection (7) of section 51 above for sending the child or young person to the Crown Court are satisfied, the offence shall be dealt with under that subsection and not under any other provision of this section or section 51 above.

(11) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.

(12) An offence falls within this subsection if—

(a) it is an offence of homicide; or

(b) each of the requirements of section 51A(1) of the Firearms Act 1968 would be satisfied with respect to—

(i) the offence; and

(ii) the person charged with it,

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if he were convicted of the offence.**]**

Textual Amendments

F127 Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 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. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), 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)(2)(3) (with arts. 3, 4)

VALID FROM 27/03/2014

[F127 51B Notices in serious or complex fraud cases

(1) A notice may be given by a designated authority under this section in respect of an indictable offence if the authority is of the opinion that the evidence of the offence charged—

(a) is sufficient for the person charged to be put on trial for the offence; and

(b) reveals a case of fraud of such seriousness or complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.

(2) That opinion must be certified by the designated authority in the notice.

(3) The notice must also specify the proposed place of trial, and in selecting that place the designated authority must have regard to the same matters as are specified in paragraphs (a) to (c) of section 51D(4) below.

(4) A notice under this section must be given to the magistrates' court at which the person charged appears or before which he is brought.

(5) Such a notice must be given to the magistrates' court before any summary trial begins.

(6) The effect of such a notice is that the functions of the magistrates' court cease in relation to the case, except—

(a) for the purposes of section 51D below;

(b) as provided by **[**F128regulations under section 19 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**]**; and

(c) as provided by section 52 below.

(7) The functions of a designated authority under this section may be exercised by an officer of the authority acting on behalf of the authority.

(8) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).

(9) In this section "designated authority" means—

(a) the Director of Public Prosecutions;

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) the Director of the Serious Fraud Office;

F129(c) . . . . . .

(e) the Secretary of State.

Textual Amendments

F127 Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 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. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), 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)(2)(3) (with arts. 3, 4)

F128 Words in s. 51B(6)(b) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 48**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

F129 S. 51B(9)(c) omitted (27.3.2014) by virtue of The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 15**

VALID FROM 17/03/2016

51C Notices in certain cases involving children

(1) A notice may be given by the Director of Public Prosecutions under this section in respect of an offence falling within subsection (3) below if he is of the opinion—

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

(b) that a child would 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.

(2) That opinion must be certified by the Director of Public Prosecutions in the notice.

(3) This subsection applies to an offence—

(a) which involves an assault on, or injury or a threat of injury to, a person;

(b) under section 1 of the Children and Young Persons Act 1933 (cruelty to persons under 16);

(c) under the Sexual Offences Act 1956, the Protection of Children Act 1978 or the Sexual Offences Act 2003;

(d) of kidnapping or false imprisonment, or an offence under section 1 or 2 of the Child Abduction Act 1984;

F130[(da) under section 1 or 2 of the Modern Slavery Act 2015;]

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

(e) which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a), (b), (c)**[**F131, (d) or (da)**]** above.

(4) Subsections (4), (5) and (6) of section 51B above apply for the purposes of this section as they apply for the purposes of that.

(5) The functions of the Director of Public Prosecutions under this section may be exercised by an officer acting on behalf of the Director.

(6) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).

(7) In this section "child" means—

(a) a person who is under the age of 17; or

(b) any person of whom a video recording (as defined in section 63(1) of the Youth Justice and Criminal Evidence Act 1999) was made when he was under the age of 17 with a view to its admission as his evidence in chief in the trial referred to in subsection (1) above.

Textual Amendments

F127 Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 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. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), 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)(2)(3) (with arts. 3, 4)

F130 S. 51C(3)(da) inserted (17.3.2016) by The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), **9(a)**

F131 Words in s. 51C(3)(e) substituted (17.3.2016) by The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), **9(b)**

Modifications etc. (not altering text)

C26 S. 51C(3)(e) amended (1.10.2008) by Serious Crime Act 2007 (c. 27), **ss. 63(1)**, 94(1), **Sch. 6 para. 36**; S.I. 2008/2504, **art. 2(a)**

VALID FROM 04/04/2005

51D Notice of offence and place of trial

(1) The court shall specify in a notice—

(a) the offence or offences for which a person is sent for trial under section 51 or 51A above; and

(b) the place at which he is to be tried (which, if a notice has been given under section 51B above, must be the place specified in that notice).

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) A copy of the notice shall be served on the accused and given to the Crown Court sitting at that place.

(3) In a case where a person is sent for trial under section 51 or 51A above for more than one offence, the court shall specify in that notice, for each offence—

(a) the subsection under which the person is so sent; and

(b) if applicable, the offence to which that offence appears to the court to be related.

(4) Where the court selects the place of trial for the purposes of subsection (1) above, it shall have regard to—

(a) the convenience of the defence, the prosecution and the witnesses;

(b) the desirability of expediting the trial; and

(c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 75(1) of the Supreme Court Act 1981.

Textual Amendments

F127 Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 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. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), 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)(2)(3) (with arts. 3, 4)

VALID FROM 04/04/2005

51E Interpretation of sections 50A to 51D

For the purposes of sections 50A to 51D above—

(a) "adult" means a person aged 18 or over, and references to an adult include a corporation;

(b) "either-way offence" means an offence triable either way;

(c) an either-way offence is related to an indictable offence if the charge for the either-way offence could be joined in the same indictment as the charge for the indictable offence;

(d) a summary offence is related to an indictable offence if it arises out of circumstances which are the same as or connected with those giving rise to the indictable offence.**]**

Textual Amendments

F127 Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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(c. 44), s. 336(3)(4), Sch. 3 para. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), 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)(2)(3) (with arts. 3, 4)

52 Provisions supplementing section 51.

(1) Subject to section 4 of the [M56]Bail Act 1976, section 41 of the 1980 Act, regulations under section 22 of the 1985 Act and section 25 of the 1994 Act, the court may send a person for trial under section 51 above—

(a) in custody, that is to say, by committing him to custody there to be safely kept until delivered in due course of law; or

(b) on bail in accordance with the [M57]Bail Act 1976, that is to say, by directing him to appear before the Crown Court for trial.

(2) Where—

(a) the person's release on bail under subsection (1)(b) above is conditional on his providing one or more sureties; and

(b) in accordance with subsection (3) of section 8 of the [M58]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 subsection (1)(a) above.

(3) The court shall treat as an indictable offence for the purposes of section 51 above an offence which is mentioned in the first column of Schedule 2 to the 1980 Act (offences for which the value involved is relevant to the mode of trial) unless it is clear to the court, having regard to any representations made by the prosecutor or the accused, that the value involved does not exceed the relevant sum.

(4) In subsection (3) above "the value involved" and "the relevant sum" have the same meanings as in section 22 of the 1980 Act (certain offences triable either way to be tried summarily if value involved is small).

(5) A magistrates' court may adjourn any proceedings under section 51 above, and if it does so shall remand the accused.

(6) Schedule 3 to this Act (which makes further provision in relation to persons sent to the Crown Court for trial under section 51 above) shall have effect.

Commencement Information

I43 S. 52 wholly in force; S. 52 not in force at Royal Assent see s. 121. S. 52(6) in force at 30.9.1998 for certain purposes by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8); S. 52 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; S. 52 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (with transitional provisions in art. 3)

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

Marginal Citations

M56 1976 c.63.
M57 1976 c.63.
M58 1976 c.63.

Miscellaneous

53 Crown Prosecution Service: powers of non-legal staff.

For section 7A of the 1985 Act there shall be substituted the following section—

"**7A Powers of non-legal staff.**

(1) The Director may designate, for the purposes of this section, members of the staff of the Crown Prosecution Service who are not Crown Prosecutors.

(2) Subject to such exceptions (if any) as may be specified in the designation, a person so designated shall have such of the following as may be so specified, namely—

(a) the powers and rights of audience of a Crown Prosecutor in relation to—

(i) applications for, or relating to, bail in criminal proceedings;

(ii) the conduct of criminal proceedings in magistrates' courts other than trials;

(b) the powers of such a Prosecutor in relation to the conduct of criminal proceedings not falling within paragraph (a)(ii) above.

(3) A person so designated shall exercise any such powers subject to instructions given to him by the Director.

(4) Any such instructions may be given so as to apply generally.

(5) For the purposes of this section—

(a) "bail in criminal proceedings" has the same meaning as it would have in the [M59]Bail Act 1976 by virtue of the definition in section 1 of that Act if in that section "offence" did not include an offence to which subsection (6) below applies;

(b) "criminal proceedings" does not include proceedings for an offence to which subsection (6) below applies; and

(c) a trial begins with the opening of the prosecution case after the entry of a plea of not guilty and ends with the conviction or acquittal of the accused.

(6) This subsection applies to an offence if it is triable only on indictment, or is an offence—

(a) for which the accused has elected to be tried by a jury;

(b) which a magistrates' court has decided is more suitable to be so tried; or

(c) in respect of which a notice of transfer has been given under section 4 of the [M60]Criminal Justice Act 1987 or section 53 of the [M61]Criminal Justice Act 1991.

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(7) Details of the following for any year, namely—

(a) the criteria applied by the Director in determining whether to designate persons under this section;

(b) the training undergone by persons so designated; and

(c) any general instructions given by the Director under subsection (4) above,

shall be set out in the Director's report under section 9 of this Act for that year."

Commencement Information

I44 S. 53 wholly in force; S. 53 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M59 1976 c.63.

M60 1987 c.38.

M61 1991 c.53.

54 Bail: increased powers to require security or impose conditions.

(1) In subsection (5) of section 3 of the [M62]Bail Act 1976 (general provisions as to bail), the words "If it appears that he is unlikely to remain in Great Britain until the time appointed for him to surrender to custody" shall cease to have effect.

(2) In subsection (6) of that section, after paragraph (d) there shall be inserted the following paragraph—

"(e) before the time appointed for him to surrender to custody, he attends an interview with an authorised advocate or authorised litigator, as defined by section 119(1) of the [M63]Courts and Legal Services Act 1990;".

(3) In subsection (2) of section 3A of that Act (conditions of bail in the case of police bail), for the words "paragraph (d)" there shall be substituted the words " paragraph (d) or (e) ".

Commencement Information

I45 S. 54 wholly in force; S. 54 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in art. 5-8)

Marginal Citations

M62 1976 c.63.

M63 1990 c.41.

55 Forfeiture of recognizances.

For subsections (1) and (2) of section 120 of the 1980 Act (forfeiture of recognizances) there shall be substituted the following subsections—

"(1) This section applies where—

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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(a) a recognizance to keep the peace or to be of good behaviour has been entered into before a magistrates' court; or

(b) any recognizance is conditioned for the appearance of a person before a magistrates' court, or for his doing any other thing connected with a proceeding before a magistrates' court.

(1A) If, in the case of a recognizance which is conditioned for the appearance of an accused before a magistrates' court, the accused fails to appear in accordance with the condition, the court shall—

(a) declare the recognizance to be forfeited;

(b) issue a summons directed to each person bound by the recognizance as surety, requiring him to appear before the court on a date specified in the summons to show cause why he should not be adjudged to pay the sum in which he is bound;

and on that date the court may proceed in the absence of any surety if it is satisfied that he has been served with the summons.

(2) If, in any other case falling within subsection (1) above, the recognizance appears to the magistrates' court to be forfeited, the court may—

(a) declare the recognizance to be forfeited; and

(b) adjudge each person bound by it, whether as principal or surety, to pay the sum in which he is bound;

but in a case falling within subsection (1)(a) above, the court shall not declare the recognizance to be forfeited except by order made on complaint."

Commencement Information

I46 S. 55 wholly in force; S. 55 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

56 Bail: restrictions in certain cases of homicide or rape.

In subsection (1) of section 25 of the 1994 Act (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences), for the words "shall not be granted bail in those proceedings" there shall be substituted the words " shall be granted bail in those proceedings only if the court or, as the case may be, the constable considering the grant of bail is satisfied that there are exceptional circumstances which justify it ".

Commencement Information

I47 S. 56 wholly in force; S. 56 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

57 Use of live television links at preliminary hearings.

(1) In any proceedings for an offence, a court may, after hearing representations from the parties, direct that the accused shall be treated as being present in the court for any particular hearing before the start of the trial if, during that hearing—

(a) he is held in custody in a prison or other institution; and

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) whether by means of a live television link or otherwise, he is able to see and hear the court and to be seen and heard by it.

(2) A court shall not give a direction under subsection (1) above unless—

(a) it has been notified by the Secretary of State that facilities are available for enabling persons held in custody in the institution in which the accused is or is to be so held to see and hear the court and to be seen and heard by it; and

(b) the notice has not been withdrawn.

(3) If in a case where it has power to do so a magistrates' court decides not to give a direction under subsection (1) above, it shall give its reasons for not doing so.

(4) In this section "the start of the trial" has the meaning given by subsection (11A) or (11B) of section 22 of the 1985 Act.

Commencement Information

I48 S. 57 wholly in force; S. 57 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

VALID FROM 15/01/2007

PART 3A

LIVE LINKS FOR ACCUSED'S ATTENDANCE AT CERTAIN PRELIMINARY AND SENTENCING HEARINGS

57A Introductory

(1) This Part—

(a) applies to preliminary hearings and sentencing hearings in the course of proceedings for an offence; and

(b) enables the court in the circumstances provided for in sections 57B, 57C and 57E to direct the use of a live link for securing the accused's attendance at a hearing to which this Part applies.

(2) The accused is to be treated as present in court when, by virtue of a live link direction under this Part, he attends a hearing through a live link.

(3) In this Part—

"custody"—

(a) 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; but

(b) does not include police detention;

"live link" means an arrangement by which a person (when not in the place where the hearing is being held) is able to see and hear, and to be seen and heard by, the court during a hearing (and for this purpose any impairment of eyesight or hearing is to be disregarded);

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"police detention" has the meaning given by section 118(2) of the Police and Criminal Evidence Act 1984;

"preliminary hearing" means a hearing in the proceedings held before the start of the trial (within the meaning of subsection (11A) or (11B) of section 22 of the 1985 Act) including, in the case of proceedings in the Crown Court, a preparatory hearing held under—

(a) section 7 of the Criminal Justice Act 1987 (cases of serious or complex fraud); or

(b) section 29 of the Criminal Procedure and Investigations Act 1996 (other serious, complex or lengthy cases);

"sentencing hearing" means any hearing following conviction which is held for the purpose of—

(a) proceedings relating to the giving or rescinding of a direction under section 57E;

(b) proceedings (in a magistrates' court) relating to committal to the Crown Court for sentencing; or

(c) sentencing the offender or determining how the court should deal with him in respect of the offence.

57B Use of live link at preliminary hearings where accused is in custody

(1) This section applies in relation to a preliminary hearing in a magistrates' court or the Crown Court.

(2) Where it appears to the court before which the preliminary hearing is to take place that the accused is likely to be held in custody during the hearing, the court may give a live link direction under this section in relation to the attendance of the accused at the hearing.

(3) A live link direction under this section is a direction requiring the accused, if he is being held in custody during the hearing, to attend it through a live link from the place at which he is being held.

(4) If a hearing takes place in relation to the giving or rescinding of such a direction, the court may require or permit a person attending the hearing to do so through a live link.

(5) The court shall not give or rescind such a direction (whether at a hearing or otherwise) unless the parties to the proceedings have been given the opportunity to make representations.

(6) If in a case where it has power to do so a magistrates' court decides not to give a live link direction under this section, it must—

(a) state in open court its reasons for not doing so; and

(b) cause those reasons to be entered in the register of its proceedings.

VALID FROM 01/04/2007

57C Use of live link at preliminary hearings where accused is at police station

(1) This section applies in relation to a preliminary hearing in a magistrates' court.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) Where subsection (3) or (4) applies to the accused, the court may give a live link direction in relation to his attendance at the preliminary hearing.

(3) This subsection applies to the accused if—

(a) he is in police detention at a police station in connection with the offence; and

(b) it appears to the court that he is likely to remain at that station in police detention until the beginning of the preliminary hearing.

(4) This subsection applies to the accused if he is at a police station in answer to live link bail in connection with the offence.

(5) A live link direction under this section is a direction requiring the accused to attend the preliminary hearing through a live link from the police station.

(6) But a direction given in relation to an accused to whom subsection (3) applies has no effect if he does not remain in police detention at the police station until the beginning of the preliminary hearing.

(7) A live link direction under this section may not be given unless the accused has given his consent to the court.

(8) A magistrates' court may rescind a live link direction under this section at any time before or during a hearing to which it relates.

(9) A magistrates' court may require or permit—

(a) the accused to give or withhold consent under subsection (7) through a live link; and

(b) any party to the proceedings who wishes to make representations in relation to the giving or rescission of a live link direction under this section to do so through a live link.

(10) Where a live link direction under this section is given in relation to an accused person who is answering to live link bail he is to be treated as having surrendered to the custody of the court (as from the time when the direction is given).

(11) In this section, "live link bail" means bail granted under Part 4 of the Police and Criminal Evidence Act 1984 subject to the duty mentioned in section 47(3)(b) of that Act.

57D Continued use of live link for sentencing hearing following a preliminary hearing

(1) Subsection (2) applies where—

(a) a live link direction under section 57B or 57C is in force;

(b) the accused is attending a preliminary hearing through a live link by virtue of the direction;

(c) the court convicts him of the offence in the course of that hearing (whether by virtue of a guilty plea or an indication of an intention to plead guilty); and

(d) the court proposes to continue the hearing as a sentencing hearing in relation to the offence.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) The accused may continue to attend through the live link by virtue of the direction if—

(a) the hearing is continued as a sentencing hearing in relation to the offence;

(b) the accused consents to his continuing to attend through the live link; and

(c) the court is satisfied that it is not contrary to the interests of justice for him to do so.

(3) But the accused may not give oral evidence through the live link during a continued hearing under subsection (2) unless—

(a) he consents to give evidence in that way; and

(b) the court is satisfied that it is not contrary to the interests of justice for him to give it in that way.

57E Use of live link in sentencing hearings

(1) This section applies where the accused is convicted of the offence.

(2) If it appears to the court by or before which the accused is convicted that it is likely that he will be held in custody during any sentencing hearing for the offence, the court may give a live link direction under this section in relation to that hearing.

(3) A live link direction under this section is a direction requiring the accused, if he is being held in custody during the hearing, to attend it through a live link from the place at which he is being held.

(4) Such a direction—

(a) may be given by the court of its own motion or on an application by a party; and

(b) may be given in relation to all subsequent sentencing hearings before the court or to such hearing or hearings as may be specified or described in the direction.

(5) The court may not give such a direction unless—

(a) the offender has given his consent to the direction; and

(b) the court is satisfied that it is not contrary to the interests of justice to give the direction.

(6) The court may rescind such a direction at any time before or during a hearing to which it relates if it appears to the court to be in the interests of justice to do so (but this does not affect the court's power to give a further live link direction in relation to the offender).

The court may exercise this power of its own motion or on an application by a party.

(7) The offender may not give oral evidence while attending a hearing through a live link by virtue of this section unless—

(a) he consents to give evidence in that way; and

(b) the court is satisfied that it is not contrary to the interests of justice for him to give it in that way.

(8) The court must—

(a) state in open court its reasons for refusing an application for, or for the rescission of, a live link direction under this section; and

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) if it is a magistrates' court, cause those reasons to be entered in the register of its proceedings.

Modifications etc. (not altering text)

C27 S. 57E applied (15.1.2007) by Serious Organised Crime and Police Act 2005 (c. 15), **s. 75A** (as inserted by Police and Justice Act 2006 (c. 48), ss. 52, 53(1), **Sch. 14 para. 62**; S.I. 2006/3364, art. 2(k) (with art. 4) (as amended by S.I. 2007/29, **art. 2**))

VALID FROM 14/12/2009

[F132[F133 57F Use of live link in certain enforcement hearings

(1) This section applies where—

(a) a confiscation order is made against a person; and

(b) the amount required to be paid under the order is not paid when it is required to be paid.

(2) If it appears to the court before which an enforcement hearing relating to the confiscation order is to take place that it is likely that the person will be held in custody at the time of the hearing, the court may give a live link direction under this section in relation to that hearing.

(3) A live link direction under this section is a direction requiring the person, if the person is being held in custody at the time of the hearing, to attend it through a live link from the place at which the person is being held.

(4) Such a direction—

(a) may be given by the court of its own motion or on an application by a party; and

(b) may be given in relation to all subsequent enforcement hearings before the court or to such hearing or hearings as may be specified or described in the direction.

(5) The court may rescind a live link direction under this section at any time before or during a hearing to which it relates.

(6) The court may not give or rescind a live link direction under this section (whether at a hearing or otherwise) unless the parties to the proceedings have been given the opportunity to make representations.

(7) If a hearing takes place in relation to the giving or rescinding of such a direction, the court may require or permit any party to the proceedings who wishes to make representations in relation to the giving or rescission of a live link direction under this section to do so through a live link.

(8) The person may not give oral evidence while attending a hearing through a live link by virtue of this section unless the court is satisfied that it is not contrary to the interests of justice for the person to give it that way.

(9) If in a case where it has power to do so a court decides not to give a live link direction under this section, it must—

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) state in open court its reasons for not doing so; and
(b) cause those reasons to be entered in the register of its proceedings.

(10) The following functions of a magistrates' court under this section may be discharged by a single justice—
(a) giving a live link direction under this section;
(b) rescinding a live link direction before a preliminary hearing begins; and
(c) requiring or permitting a person to attend by live link a hearing about a matter within paragraph (a) or (b).**]]**

Textual Amendments

F132 Pt. 3A (ss. 57A-57E) substituted for s. 57 (15.1.2007 for specified purposes, 1.4.2007 for specified purposes, 14.11.2008 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by Police and Justice Act 2006 (c. 48), **ss. 45**, 53(1); S.I. 2006/3364, art. 2(g) (with art. 4); S.I. 2007/709, art. 3(n) (with art. 6); S.I. 2008/2785, art. 2; S.I. 2011/2144, art. 2(1)(a); S.I. 2012/2373, art. 2(a)

F133 S. 57F inserted (14.12.2009) by Coroners and Justice Act 2009 (c. 25), **ss. 109(1)**, 182(5) (with s. 180, Sch. 22); S.I. 2009/3253, **art. 2(b)**

PART IV

DEALING WITH OFFENDERS

CHAPTER I

ENGLAND AND WALES

Sexual or violent offenders

F134 58 . . . . . .

Textual Amendments

F134 S. 58 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

59 Effect of extended sentences.

For section 44 of the 1991 Act there shall be substituted the following section—

"**44 Extended sentences for sexual or violent offenders.**

(1) This section applies to a prisoner serving an extended sentence within the meaning of section 58 of the Crime and Disorder Act 1998.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) Subject to the provisions of this section and section 51(2D) below, this Part, except sections 40 and 40A, shall have effect as if the term of the extended sentence did not include the extension period.

(3) Where the prisoner is released on licence under this Part, the licence shall, subject to any revocation under section 39(1) or (2) above, remain in force until the end of the extension period.

(4) Where, apart from this subsection, the prisoner would be released unconditionally—

(a) he shall be released on licence; and

(b) the licence shall, subject to any revocation under section 39(1) or (2) above, remain in force until the end of the extension period.

(5) The extension period shall be taken to begin as follows—

(a) for the purposes of subsection (3) above, on the date given by section 37(1) above;

(b) for the purposes of subsection (4) above, on the date on which, apart from that subsection, the prisoner would have been released unconditionally.

(6) Sections 33(3) and 33A(1) above and section 46 below shall not apply in relation to the prisoner.

(7) For the purposes of sections 37(5) and 39(1) and (2) above the question whether the prisoner is a long-term or short-term prisoner shall be determined by reference to the term of the extended sentence.

(8) In this section "extension period" has the same meaning as in section 58 of the Crime and Disorder Act 1998."

Modifications etc. (not altering text)

C28 S. 59 restricted (19.9.1998) by S.I. 1998/2327, **art.8(1)**.

Commencement Information

I49 S. 59 wholly in force; S. 59 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

60 Re-release of prisoners serving extended sentences.

After section 44 of the 1991 Act there shall be inserted the following section—

"**44A Re-release of prisoners serving extended sentences.**

(1) This section applies to a prisoner serving an extended sentence within the meaning of section 58 of the Crime and Disorder Act 1998 who is recalled to prison under section 39(1) or (2) above.

(2) Subject to subsection (3) below, the prisoner may require the Secretary of State to refer his case to the Board at any time.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) Where there has been a previous reference of the prisoner's case to the Board (whether under this section or section 39(4) above), the Secretary of State shall not be required to refer the case until after the end of the period of one year beginning with the disposal of that reference.

(4) On a reference—

(a) under this section; or

(b) under section 39(4) above,

the Board shall direct the prisoner's release if satisfied that it is no longer necessary for the protection of the public that he should be confined (but not otherwise).

(5) If the Board gives a direction under subsection (4) above it shall be the duty of the Secretary of State to release the prisoner on licence."

Commencement Information

I50 S. 60 wholly in force; S. 60 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Offenders dependent etc. on drugs

F135 61 . . . . . .

Textual Amendments

F135 Ss. 61-64 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F136 62 . . . . . .

Textual Amendments

F136 Ss. 61-64 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F137 63 . . . . . .

Textual Amendments

F137 Ss. 61-64 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F138 64 . . . . . .

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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

F138 Ss. 61-64 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Young offenders: reprimands and warnings

65 Reprimands and warnings.

(1) Subsections (2) to (5) below apply where—

(a) a constable has evidence that a child or young person ("the offender") has committed an offence;

(b) the constable considers that the evidence is such that, if the offender were prosecuted for the offence, there would be a realistic prospect of his being convicted;

(c) the offender admits to the constable that he committed the offence;

(d) the offender has not previously been convicted of an offence; and

(e) the constable is satisfied that it would not be in the public interest for the offender to be prosecuted.

(2) Subject to subsection (4) below, the constable may reprimand the offender if the offender has not previously been reprimanded or warned.

(3) The constable may warn the offender if—

(a) the offender has not previously been warned; or

(b) where the offender has previously been warned, the offence was committed more than two years after the date of the previous warning and the constable considers the offence to be not so serious as to require a charge to be brought;

but no person may be warned under paragraph (b) above more than once.

(4) Where the offender has not been previously reprimanded, the constable shall warn rather than reprimand the offender if he considers the offence to be so serious as to require a warning.

(5) The constable shall—

[[F139](a) where the offender is under the age of 17, give any reprimand or warning in the presence of an appropriate adult; and**]**

(b) explain to the offender and, where he is under that age, the appropriate adult in ordinary language—

(i) in the case of a reprimand, the effect of subsection (5)(a) of section 66 below;

(ii) in the case of a warning, the effect of subsections (1), (2), (4) and (5)(b) and (c) of that section, and any guidance issued under subsection (3) of that section.

(6) The Secretary of State shall publish, in such manner as he considers appropriate, guidance as to—

(a) the circumstances in which it is appropriate to give reprimands or warnings, including criteria for determining—

(i) for the purposes of subsection (3)(b) above, whether an offence is not so serious as to require a charge to be brought; and

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

(ii) for the purposes of subsection (4) above, whether an offence is so serious as to require a warning;

[F140(aa) the places where reprimands and warnings may be given**]**

(b) the category of constable by whom reprimands and warnings may be given; and

(c) the form which reprimands and warnings are to take and the manner in which they are to be given and recorded.

(7) In this section "appropriate adult", in relation to a child or young person, means—

(a) his parent or guardian or, if he is in the care of a local authority or voluntary organisation, a person representing that authority or organisation;

(b) a social worker of a local authority social services department;

(c) if no person falling within paragraph (a) or (b) above is available, any responsible person aged 18 or over who is not a police officer or a person employed by the police.

(8) No caution shall be given to a child or young person after the commencement of this section.

(9) Any reference (however expressed) in any enactment passed before or in the same Session as this Act to a person being cautioned shall be construed, in relation to any time after that commencement, as including a reference to a child or young person being reprimanded or warned.

Textual Amendments

F139 S. 65(5)(a) substituted (1.2.2001) by 2000 c. 43, **s. 56(1)(a)**; S.I. 2000/3302, **art. 3**

F140 S. 65(6)(aa) inserted (1.2.2001) by 2000 c. 43, **ss. 56(1)(b)**; S.I. 2000/3302, **art. 3**

Commencement Information

I51 S. 65 wholly in force at 1.6.2000; S. 65 not in force at Royal Assent, see s. 121; S. 65 in force at 30.9.1998 for the purpose of warning a person under s. 65 in any area specified in Sch. 3 of the said S.I. by S.I. 1998/2327, **art. 3(3)** (as amended by 1998/2412); s. 65 in force for specified purposes at 1.4.2000 and 1.6.2000 insofar as not already in force by S.I. 2000/924, arts. 3, 4, **Sch.**

66 Effect of reprimands and warnings.

(1) Where a constable warns a person under section 65 above, he shall as soon as practicable refer the person to a youth offending team.

(2) A youth offending team—

(a) shall assess any person referred to them under subsection (1) above; and

(b) unless they consider it inappropriate to do so, shall arrange for him to participate in a rehabilitation programme.

(3) The Secretary of State shall publish, in such manner as he considers appropriate, guidance as to—

(a) what should be included in a rehabilitation programme arranged for a person under subsection (2) above;

(b) the manner in which any failure by a person to participate in such a programme is to be recorded; and

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

(c) the persons to whom any such failure is to be notified.

(4) Where a person who has been warned under section 65 above is convicted of an offence committed within two years of the warning, the court by or before which he is so convicted—

(a) shall not make an order under subsection (1)(b) (conditional discharge) of **[**F141section 12 of the Powers of Criminal Courts (Sentencing) Act 2000**]** in respect of the offence unless it is of the opinion that there are exceptional circumstances relating to the offence or the offender which justify its doing so; and

(b) where it does so, shall state in open court that it is of that opinion and why it is.

(5) The following, namely—

(a) any reprimand of a person under section 65 above;

(b) any warning of a person under that section; and

(c) any report on a failure by a person to participate in a rehabilitation programme arranged for him under subsection (2) above,

may be cited in criminal proceedings in the same circumstances as a conviction of the person may be cited.

(6) In this section "rehabilitation programme" means a programme the purpose of which is to rehabilitate participants and to prevent them from re-offending.

Textual Amendments

F141 Words in s. 66(4) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 198**

Modifications etc. (not altering text)

C29 S. 66(4) modified (30.9.1998) by 1991 c. 53, **Sch. 2 para. 8A(10)** (as inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 46(11)**; S.I. 1998/2327, **art. 2(1)(w)** (with savings in arts. 5-8))

Commencement Information

I52 S. 66 wholly in force at 1.6.2000; S. 66 not in force at Royal Assent, see s. 121; S. 66 in force at 30.9.1998 for the purpose of warning a person under s. 65 in any area specified in Sch. 3 of the said S.I. by S.I. 1998/2327, **art. 3(3)** (as amended by 1998/2412); s. 66 in force at 1.4.2000 for specified purposes and 1.6.2000 insofar as not already in force by S.I. 2000/924, arts. 3, 4, **Sch.**

VALID FROM 01/02/2009

*I*F142*Young offenders: youth conditional cautions*

Textual Amendments

F142 Ss. 66A-66H (and cross-headings before ss. 66A, 66H) inserted (1.2.2009 for the insertion of ss. 66G, 66H, 1.4.2009 for the insertion of s. 66C, 16.11.2009 for the insertion of ss. 66A, 66B, 66D-66F for specified purposes, 8.4.2013 in so far as not already in force) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 9 para. 3** (with Sch. 27 para. 18); S.I. 2009/140, art. 2(e)(ii); S.I. 2009/860, art. 2(1)(h); S.I. 2009/2780, art. 2(1)(c)(2); S.I. 2013/616, art. 2(b)

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

VALID FROM 16/11/2009

66A Youth conditional cautions

(1) An authorised person may give a youth conditional caution to a child or young person ("the offender") if—

(a) the offender has not previously been convicted of an offence, and

(b) each of the five requirements in section 66B is satisfied.

(2) In this Chapter, "youth conditional caution" means a caution which is given in respect of an offence committed by the offender and which has conditions attached to it with which the offender must comply.

(3) The conditions which may be attached to such a caution are those which have one or more of the following objects—

(a) facilitating the rehabilitation of the offender;

(b) ensuring that the offender makes reparation for the offence;

(c) punishing the offender.

(4) The conditions that may be attached to a youth conditional caution include—

(a) (subject to section 66C) a condition that the offender pay a financial penalty;

(b) a condition that the offender attend at a specified place at specified times.

"Specified" means specified by a relevant prosecutor.

(5) Conditions attached by virtue of subsection (4)(b) may not require the offender to attend for more than 20 hours in total, not including any attendance required by conditions attached for the purpose of facilitating the offender's rehabilitation.

(6) The Secretary of State may by order amend subsection (5) by substituting a different figure.

(7) In this section, "authorised person" means—

(a) a constable,

(b) an investigating officer, or

(c) a person authorised by a relevant prosecutor for the purposes of this section.

VALID FROM 16/11/2009

66B The five requirements

(1) The first requirement is that the authorised person has evidence that the offender has committed an offence.

(2) The second requirement is that a relevant prosecutor decides—

(a) that there is sufficient evidence to charge the offender with the offence, and

(b) that a youth conditional caution should be given to the offender in respect of the offence.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) The third requirement is that the offender admits to the authorised person that he committed the offence.

(4) The fourth requirement is that the authorised person explains the effect of the youth conditional caution to the offender and warns him that failure to comply with any of the conditions attached to the caution may result in his being prosecuted for the offence.

(5) If the offender is aged 16 or under, the explanation and warning mentioned in subsection (4) must be given in the presence of an appropriate adult.

(6) The fifth requirement is that the offender signs a document which contains—

(a) details of the offence,

(b) an admission by him that he committed the offence,

(c) his consent to being given the youth conditional caution, and

(d) the conditions attached to the caution.

VALID FROM 01/04/2009

66C Financial penalties

(1) A condition that the offender pay a financial penalty (a "financial penalty condition") may not be attached to a youth conditional caution given in respect of an offence unless the offence is one that is prescribed, or of a description prescribed, in an order made by the Secretary of State.

(2) An order under subsection (1) must prescribe, in respect of each offence or description of offence in the order, the maximum amount of the penalty that may be specified under subsection (5)(a).

(3) The amount that may be prescribed in respect of any offence must not exceed £100.

(4) The Secretary of State may by order amend subsection (3) by substituting a different figure.

(5) Where a financial penalty condition is attached to a youth conditional caution, a relevant prosecutor must also specify—

(a) the amount of the penalty, and

(b) the person to whom the financial penalty is to be paid and how it may be paid.

(6) To comply with the condition, the offender must pay the penalty in accordance with the provision specified under subsection (5)(b).

(7) Where a financial penalty is (in accordance with the provision specified under subsection (5)(b)) paid to a person other than a designated officer for a local justice area, the person to whom it is paid must give the payment to such an officer.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

VALID FROM 16/11/2009

66D Variation of conditions

A relevant prosecutor may, with the consent of the offender, vary the conditions attached to a youth conditional caution by—

(a) modifying or omitting any of the conditions;

(b) adding a condition.

VALID FROM 16/11/2009

66E Failure to comply with conditions

(1) If the offender fails, without reasonable excuse, to comply with any of the conditions attached to the youth conditional caution, criminal proceedings may be instituted against the person for the offence in question.

(2) The document mentioned in section 66B(6) is to be admissible in such proceedings.

(3) Where such proceedings are instituted, the youth conditional caution is to cease to have effect.

(4) Section 24A(1) of the Criminal Justice Act 2003 ("the 2003 Act") applies in relation to the conditions attached to a youth conditional caution as it applies in relation to the conditions attached to a conditional caution (within the meaning of Part 3 of that Act).

(5) Sections 24A(2) to (9) and 24B of the 2003 Act apply in relation to a person who is arrested under section 24A(1) of that Act by virtue of subsection (4) above as they apply in relation to a person who is arrested under that section for failing to comply with any of the conditions attached to a conditional caution (within the meaning of Part 3 of that Act).

VALID FROM 16/11/2009

66F Restriction on sentencing powers where youth conditional caution given

Where a person who has been given a youth conditional caution is convicted of an offence committed within two years of the giving of the caution, the court by or before which the person is so convicted—

(a) may not make an order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge) in respect of the offence unless it is of the opinion that there are exceptional circumstances relating to the offence or the offender which justify its doing so; and

(b) where it does make such an order, must state in open court that it is of that opinion and why it is.

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Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

66G Code of practice on youth conditional cautions

(1) The Secretary of State must prepare a code of practice in relation to youth conditional cautions.

(2) The code may, in particular, make provision as to—

(a) the circumstances in which youth conditional cautions may be given,

(b) the procedure to be followed in connection with the giving of such cautions,

(c) the conditions which may be attached to such cautions and the time for which they may have effect,

(d) the category of constable or investigating officer by whom such cautions may be given,

(e) the persons who may be authorised by a relevant prosecutor for the purposes of section 66A,

(f) the form which such cautions are to take and the manner in which they are to be given and recorded,

(g) the places where such cautions may be given,

(h) the provision which may be made by a relevant prosecutor under section 66C(5)(b),

(i) the monitoring of compliance with conditions attached to such cautions,

(j) the exercise of the power of arrest conferred by section 24A(1) of the Criminal Justice Act 2003 (c. 44) as it applies by virtue of section 66E(4),

(k) who is to decide how a person should be dealt with under section 24A(2) of that Act as it applies by virtue of section 66E(5).

(3) After preparing a draft of the code the Secretary of State—

(a) must publish the draft,

(b) must consider any representations made to him about the draft, and

(c) may amend the draft accordingly,

but he may not publish or amend the draft without the consent of the Attorney General.

(4) After the Secretary of State has proceeded under subsection (3) he must lay the code before each House of Parliament.

(5) When he has done so he may bring the code into force by order.

(6) The Secretary of State may from time to time revise a code of practice brought into force under this section.

(7) Subsections (3) to (6) are to apply (with appropriate modifications) to a revised code as they apply to an original code.

VALID FROM 01/02/2009

Interpretation of Chapter 1

66H Interpretation

In this Chapter—

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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(a) "appropriate adult" has the meaning given by section 65(7);
(b) "authorised person" has the meaning given by section 66A(7);
(c) "investigating officer" means an officer of Revenue and Customs, appointed in accordance with section 2(1) of the Commissioners for Revenue and Customs Act 2005, or a person designated as an investigating officer under section 38 of the Police Reform Act 2002 (c. 30);
(d) "the offender" has the meaning given by section 66A(1);
(e) "relevant prosecutor" means—
(i) the Attorney General,
(ii) the Director of the Serious Fraud Office,
(iii) the Director of Revenue and Customs Prosecutions,
(iv) the Director of Public Prosecutions,
(v) the Secretary of State, or
(vi) a person who is specified in an order made by the Secretary State as being a relevant prosecutor for the purposes of this Chapter;
(f) "youth conditional caution" has the meaning given by section 66A(2).**]**

Young offenders: non-custodial orders

F143 67 . . . . . .

Textual Amendments
F143 S. 67 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F144 68 . . . . . .

Textual Amendments
F144 S. 68 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F145 69 . . . . . .

Textual Amendments
F145 S. 69 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F146 70 . . . . . .

Textual Amendments
F146 S. 70 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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F147 71 . . . . . .

Textual Amendments

F147 S. 71 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F148 72 . . . . . .

Textual Amendments

F148 S. 72 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Young offenders: detention and training orders

F149 73 . . . . . .

Textual Amendments

F149 S. 73 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F150 74 . . . . . .

Textual Amendments

F150 S. 74 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F151 75 . . . . . .

Textual Amendments

F151 S. 75 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F152 76 . . . . . .

Textual Amendments

F152 S. 76 repealed (25.8.2000) by 2000 c. 6. ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F153 77 . . . . . .

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F153 S. 77 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F154 78 . . . . . .

Textual Amendments

F154 S. 78 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F155 79 . . . . . .

Textual Amendments

F155 S. 79 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Sentencing: general

80 Sentencing guidelines.

(1) This section applies where the Court—

(a) is seised of an appeal against, or a reference under section 36 of the M64Criminal Justice Act 1988 with respect to, the sentence passed for an offence; or

(b) receives a proposal under section 81 below in respect of a particular category of offence;

and in this section "the relevant category" means any category within which the offence falls or, as the case may be, the category to which the proposal relates.

(2) The Court shall consider—

(a) whether to frame guidelines as to the sentencing of offenders for offences of the relevant category; or

(b) where such guidelines already exist, whether it would be appropriate to review them.

(3) Where the Court decides to frame or revise such guidelines, the Court shall have regard to—

(a) the need to promote consistency in sentencing;

(b) the sentences imposed by courts in England and Wales for offences of the relevant category;

(c) the cost of different sentences and their relative effectiveness in preventing re-offending;

(d) the need to promote public confidence in the criminal justice system; and

(e) the views communicated to the Court, in accordance with section 81(4)(b) below, by the Sentencing Advisory Panel.

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(4) Guidelines framed or revised under this section shall include criteria for determining the seriousness of offences, including (where appropriate) criteria for determining the weight to be given to any previous convictions of offenders or any failures of theirs to respond to previous sentences.

(5) In a case falling within subsection (1)(a) above, guidelines framed or revised under this section shall, if practicable, be included in the Court's judgment in the appeal.

(6) Subject to subsection (5) above, guidelines framed or revised under this section shall be included in a judgment of the Court at the next appropriate opportunity (having regard to the relevant category of offence).

(7) For the purposes of this section, the Court is seised of an appeal against a sentence if—

(a) the Court or a single judge has granted leave to appeal against the sentence under section 9 or 10 of the [M65]Criminal Appeal Act 1968; or

(b) in a case where the judge who passed the sentence granted a certificate of fitness for appeal under section 9 or 10 of that Act, notice of appeal has been given,

and (in either case) the appeal has not been abandoned or disposed of.

(8) For the purposes of this section, the Court is seised of a reference under section 36 of the [M66]Criminal Justice Act 1988 if it has given leave under subsection (1) of that section and the reference has not been disposed of.

(9) In this section and section 81 below—

"the Court" means the criminal division of the Court of Appeal;

"offence" means an indictable offence.

Marginal Citations

M64 1988 c.33.

M65 1968 c.19.

M66 1988 c.33.

81 The Sentencing Advisory Panel.

(1) The Lord Chancellor, after consultation with the Secretary of State and the Lord Chief Justice, shall constitute a sentencing panel to be known as the Sentencing Advisory Panel ("the Panel") and appoint one of the members of the Panel to be its chairman.

(2) Where, in a case falling within subsection (1)(a) of section 80 above, the Court decides to frame or revise guidelines under that section for a particular category of offence, the Court shall notify the Panel.

(3) The Panel may at any time, and shall if directed to do so by the Secretary of State, propose to the Court that guidelines be framed or revised under section 80 above for a particular category of offence.

(4) Where the Panel receives a notification under subsection (2) above or makes a proposal under subsection (3) above, the Panel shall—

(a) obtain and consider the views on the matters in issue of such persons or bodies as may be determined, after consultation with the Secretary of State and the Lord Chief Justice, by the Lord Chancellor;

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(b) formulate its own views on those matters and communicate them to the Court; and

(c) furnish information to the Court as to the matters mentioned in section 80(3)(b) and (c) above.

(5) The Lord Chancellor may pay to any member of the Panel such remuneration as he may determine.

F156 82 . . . . . .

Textual Amendments

F156 S. 82 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Miscellaneous and supplemental

83 Power to make confiscation orders on committal for sentence.

F157 . . . . . .

Textual Amendments

F157 S. 83 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 457, 458(1), **Sch. 12**; S.I. 2003/333, **art. 2(1)**, Sch.

F158 84 . . . . . .

Textual Amendments

F158 S. 84 repealed (28.8.2000) by 2000 c. 25, s. 1, Sch. 3; S.I. 2000/2125, art. 2; and s. 84(2) expressed to be repealed (1.10.2002) by Police Reform Act 2002 (c. 30), ss. 107(2), 108(2), **Sch. 8**; S.I. 2002/2306, **art. 2(g)(i)(iii)(f)**

F159 85 . . . . . .

Textual Amendments

F159 S. 85 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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CHAPTER II

SCOTLAND

Sexual or violent offenders

86 Extended sentences for sex and violent offenders.

(1) After section 210 of the 1995 Act there shall be inserted the following section—

"**210A Extended sentences for sex and violent offenders.**

(1) Where a person is convicted on indictment of a sexual or violent offence, the court may, if it—

(a) intends, in relation to—

(i) a sexual offence, to pass a determinate sentence of imprisonment; or

(ii) a violent offence, to pass such a sentence for a term of four years or more; and

(b) considers that the period (if any) for which the offender would, apart from this section, be subject to a licence would not be adequate for the purpose of protecting the public from serious harm from the offender,

pass an extended sentence on the offender.

(2) An extended sentence is a sentence of imprisonment which is the aggregate of—

(a) the term of imprisonment ("the custodial term") which the court would have passed on the offender otherwise than by virtue of this section; and

(b) a further period ("the extension period") for which the offender is to be subject to a licence and which is, subject to the provisions of this section, of such length as the court considers necessary for the purpose mentioned in subsection (1)(b) above.

(3) The extension period shall not exceed, in the case of—

(a) a sexual offence, ten years; and

(b) a violent offence, five years.

(4) A court shall, before passing an extended sentence, consider a report by a relevant officer of a local authority about the offender and his circumstances and, if the court thinks it necessary, hear that officer.

(5) The term of an extended sentence passed for a statutory offence shall not exceed the maximum term of imprisonment provided for in the statute in respect of that offence.

(6) Subject to subsection (5) above, a sheriff may pass an extended sentence which is the aggregate of a custodial term not exceeding the maximum term of imprisonment which he may impose and an extension period not exceeding three years.

(7) The Secretary of State may by order—

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(a) amend paragraph (b) of subsection (3) above by substituting a different period, not exceeding ten years, for the period for the time being specified in that paragraph; and

(b) make such transitional provision as appears to him to be necessary or expedient in connection with the amendment.

(8) The power to make an order under subsection (7) above 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.

(9) An extended sentence shall not be imposed where the sexual or violent offence was committed before the commencement of section 86 of the Crime and Disorder Act 1998.

(10) For the purposes of this section—

"licence" and "relevant officer" have the same meaning as in Part I of the [M67]Prisoners and Criminal Proceedings (Scotland) Act 1993;

"sexual offence" means—

(i) rape;

(ii) clandestine injury to women;

(iii) abduction of a woman or girl with intent to rape or ravish;

(iv) assault with intent to rape or ravish;

(v) indecent assault;

(vi) lewd, indecent or libidinous behaviour or practices;

(vii) shameless indecency;

(viii) sodomy;

(ix) an offence under section 170 of the [M68]Customs and Excise Management Act 1979 in relation to goods prohibited to be imported under section 42 of the [M69]Customs Consolidation Act 1876, but only where the prohibited goods include indecent photographs of persons;

(x) an offence under section 52 of the [M70]Civic Government (Scotland) Act 1982 (taking and distribution of indecent images of children);

(xi) an offence under section 52A of that Act (possession of indecent images of children);

(xii) an offence under section 1 of the [M71]Criminal Law (Consolidation) (Scotland) Act 1995 (incest);

(xiii) an offence under section 2 of that Act (intercourse with a stepchild);

(xiv) an offence under section 3 of that Act (intercourse with child under 16 by person in position of trust);

(xv) an offence under section 5 of that Act (unlawful intercourse with girl under 16);

(xvi) an offence under section 6 of that Act (indecent behaviour towards girl between 12 and 16);

(xvii) an offence under section 8 of that Act (abduction of girl under 18 for purposes of unlawful intercourse);

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(xviii) an offence under section 10 of that Act (person having parental responsibilities causing or encouraging sexual activity in relation to a girl under 16); and

(xix) an offence under subsection (5) of section 13 of that Act (homosexual offences);

"imprisonment" includes—

(i) detention under section 207 of this Act; and

(ii) detention under section 208 of this Act; and

"violent offence" means any offence (other than an offence which is a sexual offence within the meaning of this section) inferring personal violence.

(11) Any reference in subsection (10) above to a sexual offence includes—

(a) a reference to any attempt, conspiracy or incitement to commit that offence; and

(b) except in the case of an offence in paragraphs (i) to (viii) of the definition of "sexual offence" in that subsection, a reference to aiding and abetting, counselling or procuring the commission of that offence."

(2) In section 209 of the 1995 Act (supervised release orders), in subsection (1)—

(a) after the word "convicted" there shall be inserted the words " on indictment ";

(b) after the words "an offence" there shall be inserted the words " , other than a sexual offence within the meaning of section 210A of this Act, "; and

(c) the words "not less than twelve months but" shall cease to have effect.

Modifications etc. (not altering text)

C30 S. 86(2)(b)(c) restricted (19.9.1998) by S.I. 1998/2327, **art.8(2)**.

Commencement Information

I53 S. 86 wholly in force; S. 86 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M67 1993 c.9.

M68 1979 c.2.

M69 1876 c.36.

M70 1982 c.45.

M71 1995 c.39.

87 Further provision as to extended sentences.

After section 26 of the [M72]Prisoners and Criminal Proceedings (Scotland) Act 1993 ("the 1993 Act") there shall be inserted the following section—

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" Extended sentences

26A Extended sentences.

(1) This section applies to a prisoner who, on or after the date on which section 87 of the Crime and Disorder Act 1998 comes into force, has been made subject to an extended sentence within the meaning of section 210A of the 1995 Act (extended sentences).

(2) Subject to the provisions of this section, this Part of this Act, except section 1A, shall apply in relation to extended sentences as if any reference to a sentence or term of imprisonment was a reference to the custodial term of an extended sentence.

(3) Where a prisoner subject to an extended sentence is released on licence under this Part the licence shall, subject to any revocation under section 17 of this Act, remain in force until the end of the extension period.

(4) Where, apart from this subsection, a prisoner subject to an extended sentence would be released unconditionally—

(a) he shall be released on licence; and

(b) the licence shall, subject to any revocation under section 17 of this Act, remain in force until the end of the extension period.

(5) The extension period shall be taken to begin as follows—

(a) for the purposes of subsection (3) above, on the day following the date on which, had there been no extension period, the prisoner would have ceased to be on licence in respect of the custodial term;

(b) for the purposes of subsection (4) above, on the date on which, apart from that subsection, he would have been released unconditionally.

(6) Subject to section 1A(c) of this Act and section 210A(3) of the 1995 Act and to any direction by the court which imposes an extended sentence, where a prisoner is subject to two or more extended sentences, the extension period which is taken to begin in accordance with subsection (5) above shall be the aggregate of the extension period of each of those sentences.

(7) For the purposes of sections 12(3) and 17(1) of this Act, and subject to subsection (8) below, the question whether a prisoner is a long-term or short-term prisoner shall be determined by reference to the extended sentence.

(8) Where a short-term prisoner serving an extended sentence in respect of a sexual offence is released on licence under subsection (4)(a) above, the provisions of section 17 of this Act shall apply to him as if he was a long-term prisoner.

(9) In relation to a prisoner subject to an extended sentence, the reference in section 17(5) of this Act to his sentence shall be construed as a reference to the extended sentence.

(10) For the purposes of this section "custodial term", "extension period" and "imprisonment" shall have the same meaning as in section 210A of the 1995 Act.

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(11) In section 1A(c) and section 16(1)(a) of this Act, the reference to the date on which a prisoner would have served his sentence in full shall mean, in relation to a prisoner subject to an extended sentence, the date on which the extended sentence, as originally imposed by the court, would expire."

Commencement Information

I54 S. 87 wholly in force; S. 87 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M72 1993 c.9.

88 Re-release of prisoners serving extended sentences.

After section 3 of the 1993 Act there shall be inserted the following section—

"**3A Re-release of prisoners serving extended sentences.**

(1) This section applies to a prisoner serving an extended sentence within the meaning of section 210A of the 1995 Act (extended sentences) who has been recalled to prison under section 17(1) of this Act.

(2) Subject to subsection (3) below, a prisoner to whom this section applies may require the Secretary of State to refer his case to the Parole Board—

(a) where his case has previously been referred to the Parole Board under this section or section 17(3) of this Act, not less than one year following the disposal of that referral;

(b) in any other case, at any time.

(3) Where a prisoner to whom this section applies is subject to another sentence which is not treated as a single sentence with the extended sentence, the Secretary of State shall not be required to refer his case to the Parole Board before he has served one half of that other sentence.

(4) Where the case of a prisoner to whom this section applies is referred to the Parole Board under this section or section 17(3) of this Act, the Board shall, if it is satisfied that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined (but not otherwise), direct that he should be released.

(5) If the Parole Board gives a direction under subsection (4) above, the Secretary of State shall release the prisoner on licence."

Commencement Information

I55 S. 88 wholly in force; S. 88 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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Offenders dependent etc. on drugs

89 Drug treatment and testing orders.

After section 234A of the 1995 Act there shall be inserted the following section—

"**234B Drug treatment and testing order.**

(1) This section applies where a person of 16 years of age or more is convicted of an offence, other than one for which the sentence is fixed by law, committed on or after the date on which section 89 of the Crime and Disorder Act 1998 comes into force.

(2) Subject to the provisions of this section, the court by or before which the offender is convicted may, if it is of the opinion that it is expedient to do so instead of sentencing him, make an order (a "drug treatment and testing order") which shall—

(a) have effect for a period specified in the order of not less than six months nor more than three years ("the treatment and testing period"); and

(b) include the requirements and provisions mentioned in section 234C of this Act.

(3) A court shall not make a drug treatment and testing order unless it—

(a) has been notified by the Secretary of State that arrangements for implementing such orders are available in the area of the local authority proposed to be specified in the order under section 234C(6) of this Act and the notice has not been withdrawn;

(b) has obtained a report by, and if necessary heard evidence from, an officer of the local authority in whose area the offender is resident about the offender and his circumstances; and

(c) is satisfied that—

(i) the offender is dependent on, or has a propensity to misuse, drugs;

(ii) his dependency or propensity is such as requires and is susceptible to treatment; and

(iii) he is a suitable person to be subject to such an order.

(4) For the purpose of determining for the purposes of subsection (3)(c) above whether the offender has any drug in his body, the court may by order require him to provide samples of such description as it may specify.

(5) A drug treatment and testing order or an order under subsection (4) above shall not be made unless the offender expresses his willingness to comply with its requirements.

(6) The Secretary of State may by order—

(a) amend paragraph (a) of subsection (2) above by substituting a different period for the minimum or the maximum period for the time being specified in that paragraph; and

(b) make such transitional provisions as appear to him necessary or expedient in connection with any such amendment.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

(7) The power to make an order under subsection (6) above 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 resolution of each House of Parliament.

(8) A drug treatment and testing order shall be as nearly as may be in the form prescribed by Act of Adjournal."

Commencement Information

I56 S. 89 wholly in force; S. 89 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

90 Requirements and provisions to be included in drug treatment and testing orders.

After section 234B of the 1995 Act there shall be inserted the following section—

"**234C Requirements and provisions of drug treatment and testing orders.**

(1) A drug treatment and testing order shall include a requirement ("the treatment requirement") that the offender shall submit, during the whole of the treatment and testing period, to treatment by or under the direction of a specified person having the necessary qualifications or experience ("the treatment provider") with a view to the reduction or elimination of the offender's dependency on or propensity to misuse drugs.

(2) The required treatment for any particular period shall be—

(a) treatment as a resident in such institution or place as may be specified in the order; or

(b) treatment as a non-resident in or at such institution or place, and at such intervals, as may be so specified;

but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b) above.

(3) A court shall not make a drug treatment and testing order unless 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 required to submit to treatment as a resident).

(4) A drug treatment and testing order shall include a requirement ("the testing requirement") that, for the purpose of ascertaining whether he has any drug in his body during the treatment and testing period, the offender shall provide during that period, at such times and in such circumstances as may (subject to the provisions of the order) be determined by the treatment provider, samples of such description as may be so determined.

(5) The testing requirement shall specify for each month the minimum number of occasions on which samples are to be provided.

(6) A drug treatment and testing order shall specify the local authority in whose area the offender will reside when the order is in force and require that authority

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to appoint or assign an officer (a "supervising officer") for the purposes of subsections (7) and (8) below.

(7) A drug treatment and testing order shall—

(a) provide that, for the treatment and testing period, the offender shall be under the supervision of a supervising officer;

(b) require the offender to keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer, and to notify him of any change of address; and

(c) provide that the results of the tests carried out on the samples provided by the offender in pursuance of the testing requirement shall be communicated to the supervising officer.

(8) Supervision by the supervising officer shall be carried out to such extent only as may be necessary for the purpose of enabling him—

(a) to report on the offender's progress to the appropriate court;

(b) to report to that court any failure by the offender to comply with the requirements of the order; and

(c) to determine whether the circumstances are such that he should apply to that court for the variation or revocation of the order."

Commencement Information

I57 S. 90 wholly in force; S. 90 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

91 Procedural matters relating to drug treatment and testing orders.

After section 234C of the 1995 Act there shall be inserted the following section—

"**234D Procedural matters relating to drug treatment and testing orders.**

(1) Before making a drug treatment and testing order, a court shall explain to the offender in ordinary language—

(a) the effect of the order and of the requirements proposed to be included in it;

(b) the consequences which may follow under section 234G of this Act if he fails to comply with any of those requirements;

(c) that the court has power under section 234E of this Act to vary or revoke the order on the application of either the offender or the supervising officer; and

(d) that the order will be periodically reviewed at intervals provided for in the order.

(2) Upon making a drug treatment and testing order the court shall—

(a) give, or send by registered post or the recorded delivery service, a copy of the order to the offender;

(b) send a copy of the order to the treatment provider;

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(c) send a copy of the order to the chief social work officer of the local authority specified in the order in accordance with section 234C(6) of this Act; and

(d) where it is not the appropriate court, send a copy of the order (together with such documents and information relating to the case as are considered useful) to the clerk of the appropriate court.

(3) Where a copy of a drug treatment and testing order has under subsection (2)(a) been sent by registered post or by the recorded delivery service, an acknowledgment or certificate of delivery of a letter containing a copy order issued by the Post Office shall be sufficient evidence of the delivery of the letter on the day specified in such acknowledgement or certificate."

Commencement Information

I58 S. 91 wholly in force; S. 91 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

F160 92 Amendment and periodic review of drug treatment and testing orders.

After section 234D of the 1995 Act there shall be inserted the following sections—

"**234E Amendment of drug treatment and testing order.**

(1) Where a drug treatment and testing order is in force either the offender or the supervising officer may apply to the appropriate court for variation or revocation of the order.

(2) Where an application is made under subsection (1) above by the supervising officer, the court shall issue a citation requiring the offender to appear before the court.

(3) On an application made under subsection (1) above and after hearing both the offender and the supervising officer, the court may by order, if it appears to it in the interests of justice to do so—

(a) vary the order by—

(i) amending or deleting any of its requirements or provisions;

(ii) inserting further requirements or provisions; or

(iii) subject to subsection (4) below, increasing or decreasing the treatment and testing period; or

(b) revoke the order.

(4) The power conferred by subsection (3)(a)(iii) above shall not be exercised so as to increase the treatment and testing period above the maximum for the time being specified in section 234B(2)(a) of this Act, or to decrease it below the minimum so specified.

(5) Where the court, on the application of the supervising officer, proposes to vary (otherwise than by deleting a requirement or provision) a drug treatment and testing order, sections 234B(5) and 234D(1) of this Act shall apply to the variation of such an order as they apply to the making of such an order.

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(6) If an offender fails to appear before the court after having been cited in accordance with subsection (2) above, the court may issue a warrant for his arrest.

234F Periodic review of drug treatment and testing order.

(1) A drug treatment and testing order shall—

(a) provide for the order to be reviewed periodically at intervals of not less than one month;

(b) provide for each review of the order to be made, subject to subsection (5) below, at a hearing held for the purpose by the appropriate court (a "review hearing");

(c) require the offender to attend each review hearing;

(d) provide for the supervising officer to make to the court, before each review, a report in writing on the offender's progress under the order; and

(e) provide for each such report to include the test results communicated to the supervising officer under section 234C(7)(c) of this Act and the views of the treatment provider as to the treatment and testing of the offender.

(2) At a review hearing the court, after considering the supervising officer's report, may amend any requirement or provision of the order.

(3) The court—

(a) shall not amend the treatment or testing requirement unless the offender expresses his willingness to comply with the requirement as amended;

(b) shall not amend any provision of the order so as reduce the treatment and testing period below the minimum specified in section 234B(2)(a) of this Act or to increase it above the maximum so specified; and

(c) except with the consent of the offender, shall not amend any requirement or provision of the order while an appeal against the order is pending.

(4) If the offender fails to express his willingness to comply with the treatment or testing requirement as proposed to be amended by the court, the court may revoke the order.

(5) If at a review hearing the court, after considering the supervising officer's report, is of the opinion that the offender's progress under the order is satisfactory, the court may so amend the order as to provide for each subsequent review to be made without a hearing.

(6) A review without a hearing shall take place in chambers without the parties being present.

(7) If at a review without a hearing the court, after considering the supervising officer's report, is of the opinion that the offender's progress is no longer satisfactory, the court may issue a warrant for the arrest of the offender or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a citation requiring the offender to appear before that court as such time as may be specified in the citation.

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(8) Where an offender fails to attend—

(a) a review hearing in accordance with a requirement contained in a drug treatment and testing order; or

(b) a court at the time specified in a citation under subsection (7) above,

the court may issue a warrant for his arrest.

(9) Where an offender attends the court at a time specified by a citation issued under subsection (7) above—

(a) the court may exercise the powers conferred by this section as if the court were conducting a review hearing; and

(b) so amend the order as to provide for each subsequent review to be made at a review hearing."

Textual Amendments

F160 S. 92 wholly in force; S. 92 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

93 Consequences of breach of drug treatment and testing order.

After section 234F of the 1995 Act there shall be inserted the following sections—

"**234G Breach of drug treatment testing order.**

(1) If at any time when a drug treatment and testing order is in force it appears to the appropriate court that the offender has failed to comply with any requirement of the order, the court may issue a citation requiring the offender to appear before the court at such time as may be specified in the citation or, if it appears to the court to be appropriate, it may issue a warrant for the arrest of the offender.

(2) If it is proved to the satisfaction of the appropriate court that the offender has failed without reasonable excuse to comply with any requirement of the order, the court may by order—

(a) without prejudice to the continuation in force of the order, impose a fine not exceeding level 3 on the standard scale;

(b) vary the order; or

(c) revoke the order.

(3) For the purposes of subsection (2) above, the evidence of one witness shall be sufficient evidence.

(4) A fine imposed under this section in respect of a failure to comply with the requirements of a drug treatment and testing order shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by or in respect of a conviction or a penalty imposed on a person summarily convicted.

234H Disposal on revocation of drugs treatment and testing order.

(1) Where the court revokes a drugs treatment and testing order under section 234E(3)(b), 234F(4) or 234G(2)(c) of this Act, it may dispose of the

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offender in any way which would have been competent at the time when the order was made.

(2) In disposing of an offender under subsection (1) above, the court shall have regard to the time for which the order has been in operation.

(3) Where the court revokes a drug treatment and testing order as mentioned in subsection (1) above and the offender is subject to—

(a) a probation order, by virtue of section 234J of this Act; or

(b) a restriction of liberty order, by virtue of section 245D of this Act; or

(c) a restriction of liberty order and a probation order, by virtue of the said section 245D,

the court shall, before disposing of the offender under subsection (1) above—

(i) where he is subject to a probation order, discharge that order;

(ii) where he is subject to a restriction of liberty order, revoke that order; and

(iii) where he is subject to both such orders, discharge the probation order and revoke the restriction of liberty order."

Commencement Information

I59 S. 93 wholly in force; S. 93 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

94 Combination of orders.

(1) After section 234H of the 1995 Act there shall be inserted the following section—

"**234J Concurrent drug treatment and testing and probation orders.**

(1) Notwithstanding sections 228(1) and 234B(2) of this Act, where the court considers it expedient that the offender should be subject to a drug treatment and testing order and to a probation order, it may make both such orders in respect of the offender.

(2) In deciding whether it is expedient for it to exercise the power conferred by subsection (1) above, the court shall have regard to the circumstances, including the nature of the offence and the character of the offender and to the report submitted to it under section 234B(3)(b) of this Act.

(3) Where the court makes both a drug treatment and testing order and a probation order by virtue of subsection (1) above, the clerk of the court shall send a copy of each of the orders to the following—

(a) the treatment provider within the meaning of section 234C(1);

(b) the officer of the local authority who is appointed or assigned to be the supervising officer under section 234C(6) of this Act; and

(c) if he would not otherwise receive a copy of the order, the officer of the local authority who is to supervise the probationer.

(4) Where the offender by an act or omission fails to comply with a requirement of an order made by virtue of subsection (1) above—

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(a) if the failure relates to a requirement contained in a probation order and is dealt with under section 232(2)(c) of this Act, the court may, in addition, exercise the power conferred by section 234G(2)(b) of this Act in relation to the drug treatment and testing order; and

(b) if the failure relates to a requirement contained in a drug treatment and testing order and is dealt with under section 234G(2)(b) of this Act, the court may, in addition, exercise the power conferred by section 232(2)(c) of this Act in relation to the probation order.

(5) Where an offender by an act or omission fails to comply with both a requirement contained in a drug treatment and testing order and in a probation order to which he is subject by virtue of subsection (1) above, he may, without prejudice to subsection (4) above, be dealt with as respects that act or omission either under section 232(2) of this Act or under section 234G(2) of this Act but he shall not be liable to be otherwise dealt with in respect of that act or omission."

(2) Schedule 6 to this Act (Part I of which makes further provision in relation to the combination of drug treatment and testing orders with other orders and Part II of which makes provision in relation to appeals) shall have effect.

Commencement Information

I60 S. 94 wholly in force; S. 94 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

95 Interpretation provision in relation to drug treatment and testing orders.

(1) After section 234J of the 1995 Act there shall be inserted the following section—

"**234K Drug treatment and testing orders: interpretation.**

In sections 234B to 234J of this Act—

"the appropriate court" means—

(a) where the drug treatment and testing order has been made by the High Court, that court;

(b) in any other case, the court having jurisdiction in the area of the local authority for the time being specified in the order under section 234C(6) of this Act, being a sheriff or district court according to whether the order has been made by a sheriff or district court, but in a case where an order has been made by a district court and there is no district court in that area, the sheriff court; and

"local authority" means a council constituted under section 2 of the [M73]Local Government etc. (Scotland) Act 1994 and any reference to the area of such an authority is a reference to the local government area within the meaning of that Act for which it is so constituted."

(2) In section 307(1) of the 1995 Act (interpretation), after the definition of "diet" there shall be inserted the following definition—

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""drug treatment and testing order" has the meaning assigned to it in section 234B(2) of this Act;".

Commencement Information

I61 S. 95 wholly in force; S. 95 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M73 1994 c.39.

Racial aggravation

96 Offences racially aggravated.

(1) The provisions of this section shall apply where it is—

(a) libelled in an indictment; or

(b) specified in a complaint,

and, in either case, proved that an offence has been racially aggravated.

(2) An offence is racially aggravated for the purposes of this section if—

(a) at the time of committing the offence, or immediately before or after doing so, the offender evinces towards the victim (if any) of the offence malice and ill-will based on the victim's membership (or presumed membership) of a racial group; or

(b) the offence is motivated (wholly or partly) by malice and ill-will towards members of a racial group based on their membership of that group,

and evidence from a single source shall be sufficient evidence to establish, for the purposes of this subsection, that an offence is racially aggravated.

(3) In subsection (2)(a) above—

"membership", in relation to a racial group, includes association with members of that group;

"presumed" means presumed by the offender.

(4) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) above whether or not the offender's malice and ill-will is also based, to any extent, on—

(a) the fact or presumption that any person or group of persons belongs to any religious group; or

(b) any other factor not mentioned in that paragraph.

(5) Where this section applies, the court shall, on convicting a person, take the aggravation into account in determining the appropriate sentence.

(6) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

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Commencement Information

I62 S. 96 wholly in force; S. 96 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Remands and committals

97 Remands and committals of children and young persons.

(1) In subsection (4) of section 23 of the 1969 Act (remands and committals to local authority accommodation), for the words "Subject to subsection (5) below," there shall be substituted the words " Subject to subsections (5) and (5A) below, ".

(2) In subsection (5) of that section, for the words "a young person who has attained the age of fifteen" there shall be substituted the words " a child who has attained the age of twelve, or a young person, who (in either case) is of a prescribed description ".

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

"(5A) A court shall not impose a security requirement in respect of a child or young person who is not legally represented in the court unless—

(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."

(4) In subsection (12) of that section, after the definition of "imprisonable offence" there shall be inserted the following definition—

""prescribed description" means a description prescribed by reference to age or sex or both by an order of the Secretary of State;".

(5) Section 20 of the 1994 Act (which has not been brought into force and is superseded by this section) is hereby repealed.

Commencement Information

I63 S. 97 wholly in force at 1.6.1999; S. 97 not in force at Royal Assent see s. 121; In force at 30.9.1998 for the purpose of making an order under section 23 of the 1969 Act by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8); s. 97 in force at 1.6.1999 insofar as not already in force by S.I. 1999/1279, **art. 2(d)**

98 Remands and committals: alternative provision for 15 or 16 year old boys.

(1) Section 23 of the 1969 Act shall have effect with the modifications specified in subsections (2) to (6) below in relation to any male person who—

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(a) is of the age of 15 or 16; and

(b) is not of a description prescribed for the purposes of subsection (5) of that section.

(2) In subsection (1), immediately before the words "the remand" there shall be inserted the words " then, unless he is remanded to a remand centre or a prison in pursuance of subsection (4)(b) or (c) below, ".

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

"(4) Where a court, after consultation with a probation officer, a social worker of a local authority social services department or a member of a youth offending team, declares a person to be one to whom subsection (5) below applies—

(a) it shall remand him to local authority accommodation and require him to be placed and kept in secure accommodation, if—

(i) it also, after such consultation, declares him to be a person to whom subsection (5A) below applies; and

(ii) it has been notified that secure accommodation is available for him;

(b) it shall remand him to a remand centre, if paragraph (a) above does not apply and it has been notified that such a centre is available for the reception from the court of persons to whom subsection (5) below applies; and

(c) it shall remand him to a prison, if neither paragraph (a) nor paragraph (b) above applies.

(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—

(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 person who—

(a) 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) 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,

if (in either case) the court is of opinion that only remanding him to a remand centre or prison, or to local authority accommodation with a requirement that he be placed and kept in secure accommodation, would be adequate to protect the public from serious harm from him.

(5A) This subsection applies to a person if the court is of opinion that, by reason of his physical or emotional immaturity or a propensity of his to harm himself, it would be undesirable for him to be remanded to a remand centre or a prison."

(4) In subsection (6)—

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(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 subsection (7), after the words "a security requirement" there shall be inserted the words " (that is to say, a requirement imposed under subsection (4)(a) above that the person be placed and kept in secure accommodation) ".

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

"(9A) Where a person is remanded to local authority accommodation without the imposition of a security requirement, 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, subsection (4) above shall apply."

(7) Section 62 of the 1991 Act (which is superseded by this section) shall cease to have effect.

Modifications etc. (not altering text)

C31 S. 98 amended (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 4, **7** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 3(a)(ii)** (with Sch. 2 para. 2)

Release and recall of prisoners

99 Power to release short-term prisoners on licence.

Immediately before section 35 of the 1991 Act there shall be inserted the following section—

"**34A Power to release short-term prisoners on licence.**

(1) Subject to subsection (2) below, subsection (3) below applies where a short-term prisoner aged 18 or over is serving a sentence of imprisonment for a term of three months or more.

(2) Subsection (3) below does not apply where—

(a) the sentence is an extended sentence within the meaning of section 58 of the Crime and Disorder Act 1998;

(b) the sentence is for an offence under section 1 of the [M74]Prisoners (Return to Custody) Act 1995;

(c) the sentence was imposed under paragraph 3(1)(d) or 4(1)(d) of Schedule 2 to this Act in a case where the prisoner had failed to comply with a requirement of a curfew order;

(d) the prisoner is subject to a hospital order, hospital direction or transfer direction under section 37, 45A or 47 of the [M75]Mental Health Act 1983;

(e) the prisoner is liable to removal from the United Kingdom for the purposes of section 46 below;

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(f) the prisoner has been released on licence under this section at any time and has been recalled to prison under section 38A(1)(a) below;

(g) the prisoner has been released on licence under this section or section 36 below during the currency of the sentence, and has been recalled to prison under section 39(1) or (2) below;

(h) the prisoner has been returned to prison under section 40 below at any time; or

(j) the interval between—

(i) the date on which the prisoner will have served the requisite period for the term of the sentence; and

(ii) the date on which he will have served one-half of the sentence,

is less than 14 days.

(3) After the prisoner has served the requisite period for the term of his sentence, the Secretary of State may, subject to section 37A below, release him on licence.

(4) In this section "the requisite period" means—

(a) for a term of three months or more but less than four months, a period of 30 days;

(b) for a term of four months or more but less than eight months, a period equal to one-quarter of the term;

(c) for a term of eight months or more, a period that is 60 days less than one-half of the term.

(5) The Secretary of State may by order made by statutory instrument—

(a) repeal the words "aged 18 or over" in subsection (1) above;

(b) amend the definition of "the requisite period" in subsection (4) above; and

(c) make such transitional provision as appears to him necessary or expedient in connection with the repeal or amendment.

(6) No order shall be made under subsection (5) above unless a draft of the order has been laid before and approved by a resolution of each House of Parliament."

Marginal Citations

M74 1995 c.16.

M75 1983 c.20.

100 Curfew condition to be included in licence.

(1) After section 37 of the 1991 Act there shall be inserted the following section—

"37A Curfew condition to be included in licence under section 34A.

(1) A person shall not be released under section 34A(3) above unless the licence includes a condition ("the curfew condition") which—

(a) requires the released person to remain, for periods for the time being specified in the condition, at a place for the time being so specified (which may be an approved probation hostel); and

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) includes requirements for securing the electronic monitoring of his whereabouts during the periods for the time being so specified.

(2) The curfew condition may specify different places or different periods for different days, but shall not specify periods which amount to less than 9 hours in any one day (excluding for this purpose the first and last days of the period for which the condition is in force).

(3) The curfew condition shall remain in force until the date when the released person would (but for his release) have served one-half of his sentence.

(4) The curfew condition shall include provision for making a person responsible for monitoring the released person's whereabouts during the periods for the time being specified in the condition; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.

(5) The power conferred by subsection (4) above—

(a) shall be exercisable by statutory instrument; and

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

(6) Nothing in this section shall be taken to require the Secretary of State to ensure that arrangements are made for the electronic monitoring of released persons' whereabouts in any particular part of England and Wales;

(7) In this section "approved probation hostel" has the same meaning as in the Probation Service Act 1993."

(2) Immediately before section 39 of the 1991 Act there shall be inserted the following section—

"**38A Breach of curfew condition.**

(1) If it appears to the Secretary of State, as regards a person released on licence under section 34A(3) above—

(a) that he has failed to comply with the curfew condition;

(b) that his whereabouts can no longer be electronically monitored at the place for the time being specified in that condition; or

(c) that it is necessary to do so in order to protect the public from serious harm from him,

the Secretary of State may, if the curfew condition is still in force, revoke the licence and recall the person to prison.

(2) A person whose licence under section 34A(3) above is revoked under this section—

(a) may make representations in writing with respect to the revocation;

(b) on his return to prison, shall be informed of the reasons for the revocation and of his right to make representations.

(3) The Secretary of State, after considering any representations made under subsection (2)(b) above or any other matters, may cancel a revocation under this section.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) Where the revocation of a person's licence is cancelled under subsection (3) above, the person shall be treated for the purposes of sections 34A(2)(f) and 37(1B) above as if he had not been recalled to prison under this section.

(5) On the revocation under this section of a person's licence under section 34A(3) above, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.

(6) In this section "the curfew condition" has the same meaning as in section 37A above."

Commencement Information

I64 S. 100 wholly in force at 28.1.1999; S. 100 not in force at Royal Assent see s. 121; S. 100(1) in force at 30.9.1998 for the purpose of making orders under s. 37A of the 1991 Act by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8); S. 100 in force at 28.1.1999 by S.I. 1998/3263, **art. 3**

101 Early release: two or more sentences.

(1) For subsection (2) of section 51 of the 1991 Act (interpretation of Part II) there shall be substituted the following subsections—

"(2) For the purposes of any reference in this Part, however expressed, to the term of imprisonment to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term if—

(a) the sentences were passed on the same occasion; or

(b) where they were passed on different occasions, the person has not been released under this Part at any time during the period beginning with the first and ending with the last of those occasions.

(2A) Where a suspended sentence of imprisonment is ordered to take effect, with or without any variation of the original term, the occasion on which that order is made shall be treated for the purposes of subsection (2) above as the occasion on which the sentence is passed.

(2B) Where a person has been sentenced to two or more terms of imprisonment which are wholly or partly concurrent and do not fall to be treated as a single term—

(a) nothing in this Part shall require the Secretary of State to release him in respect of any of the terms unless and until the Secretary of State is required to release him in respect of each of the others;

(b) nothing in this Part shall require the Secretary of State or the Board to consider his release in respect of any of the terms unless and until the Secretary of State or the Board is required to consider his release, or the Secretary of State is required to release him, in respect of each of the others;

(c) on and after his release under this Part he shall be on licence for so long, and subject to such conditions, as is required by this Part in respect of any of the sentences; and

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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 date mentioned in section 40(1) above shall be taken to be that on which he would (but for his release) have served each of the sentences in full.

(2C) Where a person has been sentenced to one or more terms of imprisonment and to one or more life sentences (within the meaning of section 34 of the [M76]Crime (Sentences) Act 1997), nothing in this Part shall—

(a) require the Secretary of State to release the person in respect of any of the terms unless and until the Secretary of State is required to release him in respect of each of the life sentences; or

(b) require the Secretary of State or the Board to consider the person's release in respect of any of the terms unless and until the Secretary of State or the Board is required to consider his release in respect of each of the life sentences.

(2D) Subsections (2B) and (2C) above shall have effect as if the term of an extended sentence (within the meaning of section 58 of the Crime and Disorder Act 1998) included the extension period (within the meaning of that section)."

(2) After subsection (3) of section 34 of the 1997 Act (interpretation of Chapter II) there shall be inserted the following subsection—

"(4) Where a person has been sentenced to one or more life sentences and to one or more terms of imprisonment, nothing in this Chapter shall require the Secretary of State to release the person in respect of any of the life sentences unless and until the Secretary of State is required to release him in respect of each of the terms."

Commencement Information

I65 S. 101 wholly in force; S. 101 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M76 1997 c.43.

[F161]102 . . . . . .

Textual Amendments

F161 S. 102 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

103 Recall to prison of short-term prisoners.

(1) This section has effect for the purpose of securing that, subject to section 100(2) above, the circumstances in which prisoners released on licence under Part II of the 1991 Act may be recalled to prison are the same for short-term prisoners as for long-term prisoners.

(2) Section 38 of the 1991 Act (breach of licence conditions by short-term prisoners) shall cease to have effect.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) In subsection (1) of section 39 of the 1991 Act (recall of long-term prisoners while on licence), after the words "in the case of a" there shall be inserted the words " short-term or ".

104 Release on licence following recall to prison.

(1) In subsection (3) of section 33 of the 1991 Act (duty to release short-term and long-term prisoners), for the word "unconditionally" there shall be substituted the words " on licence ".

(2) After subsection (1) of section 37 of that Act (duration and conditions of licences) there shall be inserted the following subsection—

"(1A) Where a prisoner is released on licence under section 33(3) or (3A) above, subsection (1) above shall have effect as if for the reference to three-quarters of his sentence there were substituted a reference to the whole of that sentence."

Commencement Information

I66 S. 104 wholly in force; S. 104 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

105 Release on licence following return to prison.

After section 40 of the 1991 Act there shall be inserted the following section—

"**40A Release on licence following return to prison.**

(1) This section applies (in place of sections 33, 33A, 37(1) and 39 above) where a court passes on a person a sentence of imprisonment which—

(a) includes, or consists of, an order under section 40 above; and

(b) is for a term of twelve months or less.

(2) As soon as the person has served one-half of the sentence, it shall be the duty of the Secretary of State to release him on licence.

(3) Where the person is so released, the licence shall remain in force for a period of three months.

(4) If the person fails to comply with such conditions as may for the time being be specified in the licence, he shall be liable on summary conviction—

(a) to a fine not exceeding level 3 on the standard scale; or

(b) to a sentence of imprisonment for a term not exceeding the relevant period,

but not liable to be dealt with in any other way.

(5) In subsection (4) above "the relevant period" means a period which is equal in length to the period between the date on which the failure occurred or began and the date of the expiry of the licence.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) As soon as a person has served one-half of a sentence passed under subsection (4) above, it shall be the duty of the Secretary of State to release him, subject to the licence if it is still subsisting."

Commencement Information

I67 S. 105 wholly in force; S. 105 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Miscellaneous

106 Pre-consolidation amendments.

The enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments there specified, being amendments designed to facilitate, or otherwise desirable in connection with, the consolidation of certain enactments relating to the powers of courts to deal with offenders or defaulters.

Commencement Information

I68 S. 106 wholly in force; S. 106 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

107 Amendments to Chapter I of Part II of 1997 Act.

(1) Chapter I of Part II of the 1997 Act (which relates to the effect of determinate custodial sentences) shall be amended as follows.

(2) Sections 8 and 10 to 27 are hereby repealed.

F162(3) . . . . . .

F162(4) . . . . . .

F162(5) . . . . . .

Textual Amendments

F162 S. 107(3)-(5) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

I69 S. 107 wholly in force; s. 107 not in force at Royal Assent see s. 121; in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

108 Repeal of Chapter I of Part III of Crime and Punishment (Scotland) Act 1997.

Chapter I of Part III of the M77Crime and Punishment (Scotland) Act 1997 (early release of prisoners) shall cease to have effect.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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

I70 S. 108 wholly in force; S. 108 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M77 1997 c.48.

109 Transitional provisions in relation to certain life prisoners.

(1) Section 16 of the [M78]Crime and Punishment (Scotland) Act 1997 (designated life prisoners) shall have effect and shall be deemed always to have had effect with the amendments made by subsections (2) and (3) below.

(2) In subsection (2), at the beginning there shall be inserted the words "Except in a case to which subsection (3A) or (3B) below applies,".

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

"(3A) This subsection applies in a case where a person—

(a) was sentenced, prior to 20 October 1997, in respect of a murder committed by him before he attained the age of 18 years; and

(b) has been released on licence, other than under section 3 of the 1993 Act, whether before or on that date.

(3B) This subsection applies in a case where a person—

(a) was sentenced, prior to 20 October 1997, in respect of a murder committed by him before he attained the age of 18 years; and

(b) has been released on licence, other than under section 3 of the 1993 Act, after that date without his case having been considered under subsection (2) above.

(3C) In a case to which subsection (3A) or (3B) applies, Part I of the 1993 Act shall apply as if the person were a designated life prisoner, within the meaning of section 2 of that Act, whose licence had been granted under subsection (4) of that section on his having served the designated part of his sentence."

(4) Where, prior to the commencement of this section, a certificate has been issued under subsection (2) of section 16 of the [M79]Crime and Punishment (Scotland) Act 1997 in respect of a case to which subsection (3A) of that section applies, the certificate shall be disregarded.

Marginal Citations

M78 1997 c.48.

M79 1997 c.48.

110 Calculation of period of detention at customs office etc. where person previously detained.

In section 24 of the [M80]Criminal Law (Consolidation) (Scotland) Act 1995 (detention and questioning by customs officers), in subsection (4)—

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(a) for the words from "he" to "be" there shall be substituted the words " and is "; and

(b) after the word "detention" there shall be inserted the words " , the period of six hours mentioned in subsection (2) above shall be reduced by the length of that earlier detention ".

Commencement Information

I71 S. 110 wholly in force; S. 110 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M80 1995 c.39.

111 Early release in Scotland: two or more sentences.

(1) After section 1 of the 1993 Act there shall be inserted the following section—

"**1A Application to persons serving more than one sentence.**

Where a prisoner has been sentenced to two or more terms of imprisonment which are wholly or partly concurrent and do not fall to be treated as a single term by virtue of section 27(5) of this Act—

(a) nothing in this Part of this Act shall require the Secretary of State to release him in respect of any of the terms unless and until the Secretary of State is required to release him in respect of each of the other terms;

(b) nothing in this Part of this Act shall require the Secretary of State or the Parole Board to consider his release in respect of any of the terms unless and until the Secretary of State or the Parole Board is required to consider his release, or the Secretary of State is required to release him, in respect of each of the other terms; and

(c) where he is released on licence under this Part of this Act, he shall be on a single licence which—

(i) shall (unless revoked) remain in force until the date on which he would (but for his release) have served in full all the sentences in respect of which he has been so released; and

(ii) shall be subject to such conditions as may be specified or required by this Part of this Act in respect of any of the sentences."

(2) After subsection (7) of section 16 of the 1993 Act (orders for return to prison on commission of further offence) there shall be inserted the following subsection—

"(8) Where a prisoner has been sentenced to two or more terms of imprisonment which are wholly or partly concurrent and do not fall to be treated as a single term by virtue of section 27(5) of this Act, the date mentioned in subsection (1)(a) above shall be taken to be that on which he would (but for his release) have served all of the sentences in full."

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) For subsection (5) of section 27 of the 1993 Act (interpretation of Part I) there shall be substituted the following subsection—

"(5) For the purposes of any reference, however expressed, in this Part of this Act to the term of imprisonment or other detention to which a person has been sentenced or which, or any part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term if—

(a) the sentences were passed at the same time; or

(b) where the sentences were passed at different times, the person has not been released under this Part of this Act at any time during the period beginning with the passing of the first sentence and ending with the passing of the last."

(4) In sub-paragraph (1) of paragraph 6B of Schedule 6 to the 1993 Act (aggregation of old and new sentences)—

(a) for the words "a prisoner" there shall be substituted the words " an existing prisoner ";

(b) the word "and" after head (a) shall cease to have effect;

(c) in head (b), for the words "that date" there shall be inserted the words " the date on which section 111 of the Crime and Disorder Act 1998 comes into force "; and

(d) after head (b) there shall be inserted the following—

"; and

(c) he has not at any time prior to the passing of the sentence or sentences mentioned in head (b) above been released from the sentence or sentences mentioned in head (a) above under the existing provisions."

(5) After that paragraph there shall be inserted the following paragraph—

"6C (1) This paragraph applies where—

(a) an existing prisoner was, at the relevant date, serving a sentence or sentences of imprisonment, on conviction of an offence, passed before that date;

(b) on or after the date on which section 111 of the Crime and Disorder Act 1998 comes into force he is, or has been, sentenced to a further term or terms of imprisonment on conviction of an offence, to be served wholly or partly concurrently with the sentence or sentences mentioned in head (a); and

(c) the sentences do not fall to be treated as a single term by virtue of paragraph 6B(2)(a) above.

(2) In a case to which this paragraph applies the Secretary of State shall not release, or be required to consider the release of, the prisoner unless and until the requirements for release, or for consideration of his release, of the new and the existing provisions are satisfied in relation to each sentence to which they respectively apply.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) In a case to which this paragraph applies the Parole Board shall not be required to consider the release of the prisoner unless and until the requirements for release, or for consideration for release, of the new and the existing provisions are satisfied in relation to each sentence to which they respectively apply.

(4) In a case to which this paragraph applies, where the prisoner is released on licence, he shall be on a single licence which—

(a) shall (unless revoked) remain in force until the later of—

(i) the date on which he would have been discharged from prison on remission of part of his sentence or sentences under the existing provisions if, after his release, he had not forfeited remission of any part of that sentence under those provisions; or

(ii) the date on which he would (but for his release) have served in full all the sentences in respect of which he was released on licence and which were imposed after the relevant date; and

(b) shall be deemed to be granted under the new provisions and, subject to sub-paragraph (5) below, those provisions so far as relating to conditions of licences, and recall or return to prison, shall apply as they apply in respect of a prisoner on licence in respect of a sentence passed after the relevant date.

(5) In the application of section 16 to a person whose licence is deemed to be granted under the new provisions by virtue of sub-paragraph (4)(b) above, the reference to the original sentence (within the meaning of that section) shall be construed as a reference to the further term or terms mentioned in head (b) of sub-paragraph (1) above.”

(6) Subject to subsection (7) below, the amendments made by subsections (1) to (5) above apply where one or more of the sentences concerned was passed after the commencement of this section.

(7) Where the terms of two or more sentences passed before the commencement of this section have been treated, by virtue of section 27(5) of, or paragraph 6B of Schedule 6 to, the 1993 Act, as a single term for the purposes of Part I of that Act, they shall continue to be so treated after that commencement.

(8) In relation to a prisoner released on licence at any time under section 16(7)(b) of the 1993 Act, section 17(1)(a) of that Act shall have effect as if after the word “Act” there were inserted the words “ or a short term prisoner has been released on licence by virtue of section 16(7)(b) of this Act ”.

Commencement Information

I72 S. 111 wholly in force; s. 111(8) in force at Royal Assent see s. 121(2) S. 111 wholly in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

112 Restriction on consecutive sentences for released prisoners: Scotland.

After section 204 of the 1995 Act there shall be inserted the following section—

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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)*

"**204A Restriction on consecutive sentences for released prisoners.**

A court sentencing a person to imprisonment or other detention shall not order or direct that the term of imprisonment or detention shall commence on the expiration of any other such sentence from which he has been released at any time under the existing or new provisions within the meaning of Schedule 6 to the [M81]Prisoners and Criminal Proceedings (Scotland) Act 1993."

Commencement Information

I73 S. 112 wholly in force; S. 112 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M81 1993 c.9.

113 Deputy authorising officer under Part III of Police Act 1997.

[F163](1) . . . . . .

(2) In subsection (3) of that section, for paragraphs (a) and (b) there shall be substituted the words " he holds the rank of assistant chief constable in that Service or Squad ".

[F163](3) . . . . . .

Textual Amendments

F163 S. 113(1) and (3) repealed (25.9.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**

Commencement Information

I74 S. 113 wholly in force; S. 113 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Supplemental

114 Orders and regulations.

(1) Any power of a Minister of the Crown **[**[F164]or of the National Assembly for Wales**]** to make an order or regulations under this Act—

(a) is exercisable by statutory instrument; and

(b) includes power to make such transitional provision as appears to him necessary or expedient in connection with any provision made by the order or regulations.

(2) A statutory instrument containing an order under section **[**[F165]1A,**][**[F166]5(1A), (2) or (3), 6A(1) or 10(6) above (other than one made by the National Assembly for Wales), or containing**]** regulations under paragraph 1 of Schedule 3 to this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 17 April 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) No order under section **[**F167 38(5) or 41(6)**]** above shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

Textual Amendments

F164 Words in s. 114(1) inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(13)(a)**, 108(2)(4); S.I. 2002/2306, **art. 2(f)(viii)**; S.I. 2003/525, **art. 2**

F165 Word in s.114(2) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 62(2)**; S.I. 2002/2750, **art. 2(a)(vii)**

F166 Words in s. 114(2) substituted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(13)(b)**, 108(2)(4); S.I. 2002/2306, **art. 2(f)(viii)**; S.I. 2003/525, **art. 2**

F167 Words in s. 114(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 199**

115 Disclosure of information.

(1) Any person who, apart from this subsection, would not have power to disclose information—

(a) to a relevant authority; or

(b) to a person acting on behalf of such an authority,

shall have power to do so in any case where the disclosure is necessary or expedient for the purposes of any provision of this Act.

(2) In subsection (1) above "relevant authority" means—

(a) the chief officer of police for a police area in England and Wales;

(b) the chief constable of a police force maintained under the M82 Police (Scotland) Act 1967;

(c) a police authority within the meaning given by section 101(1) of the M83 Police Act 1996;

(d) a local authority, that is to say—

(i) in relation to England, a county council, a district council, a London borough council **[**F168, a parish council**]** or the Common Council of the City of London;

(ii) in relation to Wales, a county council **[**F169, a county borough council or a community council**]** ;

(iii) in relation to Scotland, a council constituted under section 2 of the M84 Local Government etc. (Scotland) Act 1994;

(e) a **[**F170 local probation board**]** in England and Wales;

[F171 (ea) a Strategic Health Authority;**]**

(f) a health authority;

[F172 (g) a Primary Care Trust**]**.

Textual Amendments

F168 Words in s. 115(2)(d)(i) inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(14)(a)**, 108(2)(4); S.I. 2002/2306, **art. 2(f)(viii)**; S.I. 2003/525, **art. 2**

F169 Words in s. 115(2)(d)(ii) substituted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(14)(b)**, 108(2)(4); S.I. 2002/2306, **art. 2(f)(viii)**; S.I. 2003/525, **art. 2**

F170 Words in s. 115(2)(e) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 151**; S.I. 2001/919, **art. 2(f)(ii)**

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F171 S. 115(2)(ea) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 Pt. 1 para. 25(6)**

F172 S. 115(2)(g) added (8.2.2000) by The Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90), arts. 1, 3(1), **Sch. 1 para. 35(7)**

Commencement Information

I75 S. 115 wholly in force; S. 115 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M82 1967 c.77.

M83 1996 c.16.

M84 1994 c.39.

116 Transitory provisions.

(1) The Secretary of State may by order provide that, in relation to any time before the commencement of section 73 above, a court shall not make an order under—

(a) section 1 of the 1994 Act (secure training orders); or

(b) subsection (3)(a) of section 4 of that Act (breaches of supervision requirements),

unless it has been notified by the Secretary of State that accommodation at a secure training centre, or accommodation provided by a local authority for the purpose of restricting the liberty of children and young persons, is immediately available for the offender, and the notice has not been withdrawn.

(2) An order under this section may provide that sections 2 and 4 of the 1994 Act shall have effect, in relation to any such time, as if—

(a) for subsections (2) and (3) of section 2 there were substituted the following subsection—

"(2) Where accommodation for the offender at a secure training centre is not immediately available—

(a) the court shall commit the offender to accommodation provided by a local authority for the purpose of restricting the liberty of children and young persons until such time as accommodation for him at such a centre is available; and

(b) the period of detention in the centre under the order shall be reduced by the period spent by the offender in the accommodation so provided.";

(b) in subsection (5) of that section, for the words "subsections (2)(a)(ii) and (4)(b) apply" there were substituted the words " subsection (4)(b) applies ";

(c) for subsection (8) of that section there were substituted the following subsection—

"(8) In this section "local authority" has the same meaning as in the [M85]Children Act 1989."; and

(d) in subsection (4) of section 4, for the words "paragraphs (a), (b) and (c) of subsection (2) and subsections (5), (7) and (8) of section 2" there

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were substituted the words " paragraphs (a) and (b) of subsection (2) and subsections (7) and (8) of section 2 ".

(3) In relation to any time before the commencement of section 73 above, section 4 of the 1994 Act shall have effect as if after subsection (4) there were inserted the following subsection—

"(4A) A fine imposed under subsection (3)(b) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction."

(4) In relation to any time before the commencement of section 73 above, section 1B of the 1982 Act (special provision for offenders under 18) shall have effect as if—

(a) in subsection (4), immediately before the words "a total term" there were inserted the words " a term or (in the case of an offender to whom subsection (6) below applies) ";

(b) in subsection (5)—

(i) immediately before the words "total term" there were inserted the words " term or (as the case may be) "; and

(ii) for the words "the term" there were substituted the word " it "; and

(c) for subsection (6) there were substituted the following subsection—

"(6) This subsection applies to an offender sentenced to two or more terms of detention in a young offender institution which are consecutive or wholly or partly concurrent if—

(a) the sentences were passed on the same occasion; or

(b) where they were passed on different occasions, the offender has not been released under Part II of the [M86]Criminal Justice Act 1991 at any time during the period beginning with the first and ending with the last of those occasions;

and in subsections (4) and (5) above "the total term", in relation to such an offender, means the aggregate of those terms."

(5) In this section "local authority" has the same meaning as in the 1989 Act.

Marginal Citations

M85 1989 c.41.

M86 1991 c.53.

117 General interpretation.

(1) In this Act—

"the 1933 Act" means the [M87]Children and Young Persons Act 1933;

"the 1969 Act" means the [M88]Children and Young Persons Act 1969;

"the 1973 Act" means the [M89]Powers of Criminal Courts Act 1973;

"the 1980 Act" means the [M90]Magistrates' Courts Act 1980;

"the 1982 Act" means the [M91]Criminal Justice Act 1982;

"the 1984 Act" means the [M92]Police and Criminal Evidence Act 1984;

"the 1985 Act" means the [M93]Prosecution of Offences Act 1985;

"the 1989 Act" means the [M94]Children Act 1989;

"the 1991 Act" means the [M95]Criminal Justice Act 1991;

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"the 1994 Act" means the [M96]Criminal Justice and Public Order Act 1994;

"the 1997 Act" means the [M97]Crime (Sentences) Act 1997;

"caution" has the same meaning as in Part V of the [M98]Police Act 1997;

"child" means a person under the age of 14;

"commission area" has the same meaning as in the Justices of the [M99]Peace Act 1997;

"custodial sentence" has the same meaning as in **[**[F173]the Powers of Criminal Courts (Sentencing) Act 2000**]**;

"guardian" has the same meaning as in the 1933 Act;

[[F174]"local probation board" means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;**]**

"prescribed" means prescribed by an order made by the Secretary of State;

"young person" means a person who has attained the age of 14 and is under the age of 18;

"youth offending team" means a team established under section 39 above.

(2) In this Act—

"the 1993 Act" means the [M100]Prisoners and Criminal Proceedings (Scotland) Act 1993; and

"the 1995 Act" means the [M101]Criminal Procedure (Scotland) Act 1995.

(3) For the purposes of this Act, the age of a person shall be deemed to be that which it appears to the court to be after considering any available evidence.

Textual Amendments

F173 S. 117(1): words in definition of "custodial sentence" substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 200**

F174 S. 117(1): definition of "local probation board" inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 152**; S.I. 2001/919, **art. 2(f)(ii)**

Marginal Citations

M87 1933 c.12.
M88 1969 c.54.
M89 1973 c.62.
M90 1980 c.43.
M91 1982 c.48.
M92 1984 c.60.
M93 1985 c.23.
M94 1989 c.41.
M95 1991 c.53.
M96 1994 c.33.
M97 1997 c.43.
M98 1997 c.50.
M99 1997 c.25.
M100 1993 c.9.
M101 1995 c.46.

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118 Provision for Northern Ireland.

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the [M102]Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to those of sections 2 to 4, 34, 47(5), 57, 61 to 64 and 85 above—

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I76 S. 118 wholly in force; S. 118 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M102 1974 c.28.

[F175]119 Minor and consequential amendments.

The enactments mentioned in Schedule 8 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.

Textual Amendments

F175 S. 119 wholly in force; S. 119 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

120 Transitional provisions, savings and repeals.

(1) The transitional provisions and savings contained in Schedule 9 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 [M103]Interpretation Act 1978 (which relate to the effect of repeals).

(2) The enactments specified in Schedule 10 to this Act, which include some that are spent, are hereby repealed to the extent specified in the third column of that Schedule.

Commencement Information

I77 S. 120 partly in force; S. 120 not in force at Royal Assent see s. 121; S. 120(1)(2) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

M103 1978 c.30.

Status: *Point in time view as at 01/04/2003. This version of this Act contains provisions that are not valid for this point in time.*
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121 Short title, commencement and extent.

(1) This Act may be cited as the Crime and Disorder Act 1998.

(2) This Act, except this section, sections 109 and 111(8) above and paragraphs 55, 99 and 117 of Schedule 8 to this Act, shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes or different areas.

(3) Without prejudice to the provisions of Schedule 9 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 (12) below, this Act extends to England and Wales only.

(5) The following provisions extend to Scotland only, namely—

(a) Chapter II of Part I;

(b) section 33;

(c) Chapter II of Part IV;

(d) sections 108 to 112 and 117(2); and

(e) paragraphs 55, 70, 71, 98 to 108, 115 to 124 and 140 to 143 of Schedule 8 and section 119 above so far as relating to those paragraphs.

(6) The following provisions also extend to Scotland, namely—

(a) Chapter III of Part I;

(b) section 36(3) to (5);

(c) section 65(9);

(d) section 115;

(e) paragraph 3 of Schedule 3 to this Act and section 52(6) above so far as relating to that paragraph;

F176(f) . . . . . .

(g) paragraphs 1, 7(1) and (3), 14(1) and (2), 35, 36, 45, 135, 136 and 138 of Schedule 8 to this Act and section 119 above so far as relating to those paragraphs; and

(h) this section.

(7) Sections 36(1), (2)(a), (b) and (d) and (6)(b) and section 118 above extend to Northern Ireland only.

(8) Section 36(3)(b), (4) and (5) above, paragraphs 7(1) and (3), 45, 135 and 138 of Schedule 8 to this Act, section 119 above so far as relating to those paragraphs and this section also extend to Northern Ireland.

(9) Section 36(5) above, paragraphs 7(1) and (3), 45 and 134 of Schedule 8 to this Act, section 119 above so far as relating to those paragraphs and this section also extend to the Isle of Man.

(10) Section 36(5) above, paragraphs 7(1) and (3), 45 and 135 of Schedule 8 to this Act, section 119 above so far as relating to those paragraphs and this section also extend to the Channel Islands.

(11) The repeals in Schedule 10 to this Act, and section 120(2) above so far as relating to those repeals, have the same extent as the enactments on which the repeals operate.

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(12) Section 9(4) of the [M104]Repatriation of Prisoners Act 1984 (power to extend Act to Channel Islands and Isle of Man) applies to the amendments of that Act made by paragraphs 56 to 60 of Schedule 8 to this Act; and in Schedule 1 to the 1997 Act—

(a) paragraph 14 (restricted transfers between the United Kingdom and the Channel Islands) as applied in relation to the Isle of Man; and

(b) paragraph 19 (application of Schedule in relation to the Isle of Man),

apply to the amendments of that Schedule made by paragraph 135 of Schedule 8 to this Act.

Subordinate Legislation Made

P2 S. 121 power partly exercised (31.7.1998): 1.8.1998 and 7.8.1998 appointed days for specified provisions by S.I. 1998/1883
S. 121 power partly exercised (19.9.1998): differenbt dates appointed for specified provisions by S.I. 1998/2327
S. 121 power partly exercised (21.12.1998): different dates appointed for specified provisions by S.I. 1998/3263
S. 121 power partly exercised (4.5.1999): 1.6.1999 appointed for specified provisions by S.I. 1999/1279, **art. 2**
S. 121 power partly exercised (28.10.1999): 1.11.1999 appointed for specified provisions by S.I. 1999/2976, **art. 2**
S. 121 power partly exercised (15.12.1999): 1.4.2000 appointed for specified provisions by S.I. 1999/3426, **art. 3** (with art. 4)
S. 121 power partly exercised (28.3.2000): different dates appointed for specified provisions by S.I. 2000/924, **arts. 2-5**
S. 121 power partly exercised (15.12.2000): 15.1.2001 appointed for specified provisions by S.I. 2000/3283, **art. 2** (with art. 3)

Textual Amendments

F176 S. 121(6)(f) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Marginal Citations

M104 1984 c.47.

Status:
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