

SCHEDULES

SCHEDULE 8

Section 119.

MINOR AND CONSEQUENTIAL AMENDMENTS

Children and Young Persons Act 1933 (c. 12)

- 1 In subsection (4A) of section 49 of the 1933 Act (restrictions on reports of proceedings), for paragraph (e) there shall be substituted the following paragraph—
 - “(e) where a detention and training order is made, the enforcement of any requirements imposed under section 76(6)(b) of the Crime and Disorder Act 1998.”
- 2 In subsection (1A) of section 55 of the 1933 Act (power of court to order parent or guardian to pay fine imposed on child or young person), after paragraph (c) there shall be inserted the words “or
 - (d) a court would impose a fine on a child or young person under section 77(3) of the Crime and Disorder Act 1998 (breach of requirements of supervision under detention and training order) or paragraph 3 of Schedule 5 to that Act (breach of requirements of reparation order or action plan order),”.
- 3 After subsection (1) of section 56 of the 1933 Act (powers of other courts to remit young offenders to youth courts) there shall be inserted the following subsection—

“(1A) References in subsection (1) above to an offender’s being committed for trial include references to his being sent for trial under section 51 of the Crime and Disorder Act 1998.”
- 4 In section 58 of that Act (power of Secretary of State to send certain young offenders to approved schools), for the words “subsection (2)”, in both places where they occur, there shall be substituted the words “subsection (3)”.

Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)

- 5 (1) In subsection (2) of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders)—
 - (a) after paragraph (ab) there shall be inserted the following paragraph—

“(ac) the person charged has been sent for trial for the offence under section 51 (no committal proceedings for indictable-only offences) of the Crime and Disorder Act 1998 (“the 1998 Act”); or”; and
 - (b) after paragraph (b) there shall be inserted the words “or
 - (c) the bill is preferred under section 22B(3)(a) of the Prosecution of Offences Act 1985.”
- (2) After paragraph (iA) of the proviso to that subsection there shall be inserted the following paragraph—

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“(iB) in a case to which paragraph (ac) above applies, the bill of indictment may include, either in substitution for or in addition to any count charging an offence specified in the notice under section 51(7) of the 1998 Act, any counts founded on material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to that Act, was served on the person charged, being counts which may be lawfully joined in the same indictment.”.

Prison Act 1952 (c. 52)

6 In subsection (1) of section 43 of the Prison Act 1952 (which enables certain institutions for young offenders to be provided and applies provisions of the Act to them), for paragraph (d) there shall be substituted the following paragraph—

“(d) secure training centres, that is to say places in which offenders in respect of whom detention and training orders have been made under section 73 of the Crime and Disorder Act 1998 may be detained and given training and education and prepared for their release.”

7 (1) In subsection (1) of section 49 of that Act (persons unlawfully at large), for the words from “imprisonment” to “secure training centre” there shall be substituted the words “imprisonment or custody for life or ordered to be detained in secure accommodation or in a young offenders institution”.

(2) In subsection (2) of that section—

(a) for the words from “imprisonment” to “secure training centre” there shall be substituted the words “imprisonment, or ordered to be detained in secure accommodation or in a young offenders institution”; and

(b) for the words from “in a prison” to “secure training centre” there shall be substituted the words “in a prison or remand centre, in secure accommodation or in a young offenders institution”.

(3) After subsection (4) of that section there shall be inserted the following subsection—

“(5) In this section “secure accommodation” means—

(a) a young offender institution;

(b) a secure training centre; or

(c) any other accommodation that is secure accommodation within the meaning given by section 75(7) of the Crime and Disorder Act 1998 (detention and training orders).”

Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)

8 In subsection (4) of section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (issue of witness summons on application to Crown Court), after the words “committed for trial” there shall be inserted the words “, or sent for trial under section 51 of the Crime and Disorder Act 1998,”.

Criminal Justice Act 1967 (c. 80)

9 (1) In subsection (2) of section 56 of the Criminal Justice Act 1967 (committal for sentence for offences tried summarily)—

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- (a) for the words “sections 37, 38 and 38A” there shall be substituted the words “sections 38 and 38A”; and
 - (b) for the words “section 17(3) of the Crime (Sentences) Act 1997 (committal for breach of conditions of release supervision order)” there shall be substituted the words “section 40(3)(b) of the Criminal Justice Act 1991 (committal for sentence for offence committed during currency of original sentence)”.
- (2) Subsection (6) of that section shall cease to have effect.
- 10 In subsection (5) of section 67 of that Act (computation of sentences of imprisonment or detention passed in England and Wales)—
 - (a) in paragraph (b), for the words “section 53(2)” there shall be substituted the words “section 53(3)”; and
 - (b) paragraph (c) shall cease to have effect.
- 11 At the end of subsection (2) of section 104 of that Act (general provisions as to interpretation) there shall be inserted the words “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 Part II of the Criminal Justice Act 1991 at any time during the period beginning with the first and ending with the last of those occasions.”

Criminal Appeal Act 1968 (c. 19)

- 12 In subsection (2) of section 9 of the Criminal Appeal Act 1968 (appeal against sentence following conviction on indictment), after the words “for either way offence)” there shall be inserted the words “or paragraph 6 of Schedule 3 to the Crime and Disorder Act 1998 (power of Crown Court to deal with summary offence where person sent for trial for indictable-only offence)”.
- 13 (1) In subsection (2) of section 10 of that Act (appeal against sentence in other cases dealt with at Crown Court), the words “(other than a supervision order within the meaning of that Part)” shall cease to have effect.
- (2) In subsection (3) of that section, after paragraph (c) there shall be inserted the following paragraph—
 - “(cc) where the court makes such an order with regard to him as is mentioned in section 40(3A) of the Criminal Justice Act 1991.”

Firearms Act 1968 (c. 27)

- 14 (1) In subsection (2) of section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime), after the words “a secure training order” there shall be inserted the words “or a detention and training order”.
- (2) In subsection (2A) of that section, after paragraph (b) there shall be inserted the following paragraph—
 - “(c) in the case of a person who has been subject to a detention and training order—
 - (i) the date on which he is released from detention under the order;

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(ii) the date on which he is released from detention ordered under section 77 of the Crime and Disorder Act 1998; or
 (iii) the date of the half-way point of the term of the order,
 whichever is the later.”

- 15 In subsection (1) of section 52 of that Act (forfeiture and disposal of firearms), for the words “secure training order” there shall be substituted the words “detention and training order”.

Children and Young Persons Act 1969 (c. 54)

- 16 In subsection (8) of section 7 of the 1969 Act (alterations in treatment of young offenders etc.), for the words from “person guilty” to “were begun” there shall be substituted the words “child or young person guilty of an offence”.

- 17 In section 11 of the 1969 Act (supervision orders), for the words “a local authority designated by the order or of a probation officer” there shall be substituted the following paragraphs—

- “(a) a local authority designated by the order;
- (b) a probation officer; or
- (c) a member of a youth offending team,”

- 18 Section 12D of the 1969 Act (duty of court to state in certain cases that requirement in place of custodial sentence) shall cease to have effect.

- 19 After subsection (3) of section 13 of the 1969 Act (selection of supervisor) there shall be inserted the following subsection—

“(4) Where a provision of a supervision order places a person under the supervision of a member of a youth offending team, the supervisor shall be a member of a team established by the local authority within whose area it appears to the court that the supervised person resides or will reside.”

- 20 (1) In subsection (8) of section 16 of the 1969 Act (provisions supplementary to section 15), after the words “under the preceding section” there shall be inserted the words “by a relevant court (within the meaning of that section)”.

- (2) Subsection (10) of that section shall cease to have effect.

- 21 After section 16A of the 1969 Act there shall be inserted the following section—

“16B Application of section 12 of Criminal Justice Act 1991 etc

- (1) The provisions of section 12 of the Criminal Justice Act 1991 (curfew orders) shall apply for the purposes of section 15(3)(a) of this Act but as if—

- (a) in subsection (1), for the words from the beginning to “before which he is convicted” there were substituted the words “Where a court considers it appropriate to make a curfew order in respect of any person in pursuance of section 15(3)(a) of the Children and Young Persons Act 1969, the court”; and
- (b) in subsection (8), for the words “on conviction” there were substituted the words “on the date on which his failure to comply with a requirement included in the supervision order was proved to the court”.

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(2) Schedule 2 to the Criminal Justice Act 1991 (enforcement etc. of community orders), so far as relating to curfew orders, shall also apply for the purposes of that section but as if—

- (a) the power conferred on the magistrates' court by each of paragraphs 3(1)(d) and 7(2)(a)(ii) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the supervision order, in any manner in which the relevant court could deal with him for that failure to comply if it had just been proved to the satisfaction of that court;
- (b) the power conferred on the Crown Court by paragraph 4(1)(d) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with such a requirement, in any manner in which that court could deal with him for that failure to comply if it had just been proved to its satisfaction;
- (c) the reference in paragraph 7(1)(b) to the offence in respect of which the order was made were a reference to the failure to comply in respect of which the curfew order was made; and
- (d) the power conferred on the Crown Court by paragraph 8(2)(b) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the supervision order, in any manner in which the relevant court (if that order was made by a magistrates' court) or the Crown Court (if that order was made by the Crown Court) could deal with him for that failure to comply if it had just been proved to the satisfaction of that court.

(3) For the purposes of the provisions mentioned in subsection (2)(a) and (d) above, as applied by that subsection, if the supervision order is no longer in force the relevant court's powers shall be determined on the assumption that it is still in force.

(4) In this section "relevant court" has the same meaning as in section 15 above."

22 In subsection (14) of section 23 of the 1969 Act (remands and committals to local authority accommodation), paragraph (a) shall cease to have effect.

23 In subsection (1) of section 70 of the 1969 Act (interpretation), after the definition of "young person" there shall be inserted the following definition—

““youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.”

Superannuation Act 1972 (c. 11)

24 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act may apply), at the end of the list of "Other Bodies" there shall be inserted the following entry—

“Youth Justice Board for England and Wales.”

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Powers of Criminal Courts Act 1973 (c. 62)

- 25 After subsection (1) of section 1A of the 1973 Act (absolute and conditional discharge) there shall be inserted the following subsection—
- “(1A) Subsection (1)(b) above has effect subject to section 66(4) of the Crime and Disorder Act 1998 (effect of reprimands and warnings).”
- 26 (1) In subsection (1) of section 2 of the 1973 Act (probation orders), the words “by a probation officer” shall cease to have effect and for the words “the supervision of a probation officer” there shall be substituted the word “supervision”.
- (2) In subsection (2) of that section, for the words “a probation officer appointed for or assigned to that area” there shall be substituted the following paragraphs—
- “(a) a probation officer appointed for or assigned to that area; or
 (b) where the offender is under the age of 18 years when the order is made, a member of a youth offending team established by a local authority specified in the order.”
- (3) After that subsection there shall be inserted the following subsection—
- “(2A) The local authority specified as mentioned in subsection (2)(b) above shall be the local authority within whose area it appears to the court that the offender resides or will reside.”
- (4) In subsection (4) of that section, for the words “the probation officer” there shall be substituted the words “the person”.
- (5) After that subsection there shall be inserted the following subsection—
- “(4A) In the case of an offender under the age of 18 years, the reference in subsection (4) above to a probation officer includes a reference to a member of a youth offending team.”
- (6) In subsection (6) of that section—
- (a) for the words “the probation officer” there shall be substituted the words “the person”; and
- (b) for the words “that officer” there shall be substituted the words “that person”.
- 27 (1) In subsection (4) of section 14 of the 1973 Act (community service orders), for the words from “a probation officer” to the end there shall be substituted the following paragraphs—
- “(a) a probation officer appointed for or assigned to the area for the time being specified in the order (whether under this subsection or by virtue of Part IV of Schedule 2 to the Criminal Justice Act 1991);
- (b) a person appointed for the purposes of those provisions by the probation committee for that area; or
- (c) in the case of an offender under the age of 18 years when the order is made, a member of a youth offending team established by a local authority for the time being specified in the order (whether under this subsection or by virtue of that Part).”
- (2) After that subsection there shall be inserted the following subsection—

“(4A) The local authority specified as mentioned in subsection (4)(c) above shall be the local authority within whose area it appears to the court that the offender resides or will reside.”

(3) After subsection (8) of that section there shall be inserted the following subsection—

“(9) In the case of an offender under the age of 18 years, references in subsections (2), (5)(c) or (6) above to a probation officer include references to a member of a youth offending team.”

28 In subsection (2) of section 21 of the 1973 Act (restriction on imposing sentences of imprisonment etc. on persons not legally represented)—

(a) after the words “sentence or trial,” there shall be inserted the words “or sent to that Court for trial under section 51 of the Crime and Disorder Act 1998,”; and

(b) for the words “which committed him” there shall be substituted the words “which committed or sent him”.

29 In subsection (1)(b) of section 32 of the 1973 Act (enforcement etc. of fines imposed and recognizances forfeited by Crown Court), after the words “or dealt with” there shall be inserted the words “, or by which he was sent to that Court for trial under section 51 of the Crime and Disorder Act 1998”.

30 After subsection (2) of section 23 of the 1973 Act (power of court on conviction of further offence to deal with suspended sentence) there shall be inserted the following subsection—

“(2A) The power to make an order under subsection (2) above has effect subject to section 102 of the Crime and Disorder Act 1998.”

31 In section 42 of the 1973 Act (power of Crown Court on committal for sentence), subsection (2) shall cease to have effect.

32 In subsection (1) of section 46 of the 1973 Act (reports of probation officers), after the words “probation officer” there shall be inserted the words “or a member of a youth offending team”.

33 In subsection (1) of section 57 of the 1973 Act (interpretation), after the definition of “suspended sentence” there shall be inserted the following definition—

““youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.”

34 (1) At the beginning of sub-paragraph (1) of paragraph 6 (requirements as to drug or alcohol dependency) of Schedule 1A to the 1973 Act there shall be inserted the words “Subject to sub-paragraph (1A) below,”.

(2) After that sub-paragraph there shall be inserted the following sub-paragraph—

“(1A) If the court has been notified by the Secretary of State that arrangements for implementing orders under section 61 of the Crime and Disorder Act 1998 (drug treatment and testing orders) are available in the area proposed to be specified in the probation order, and the notice has not been withdrawn, this paragraph shall have effect as if the words “drugs or”, in each place where they occur, were omitted.”

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

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“Interpretation

- 7 In the case of an offender under the age of 18 years, references in this Schedule to a probation officer include references to a member of a youth offending team.”

Rehabilitation of Offenders Act 1974 (c. 53)

- 35 After subsection (6) of section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences) there shall be inserted the following subsection—

“**(6A)** Where in respect of a conviction a detention and training order was made under section 73 of the Crime and Disorder Act 1998, the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged fifteen years or over at the date of his conviction, five years if the order was, and three and a half years if the order was not, for a term exceeding six months;
- (b) in the case of a person aged under fifteen years at the date of his conviction, a period beginning with that date and ending one year after the date on which the order ceases to have effect.”

- 36 In subsection (2) of section 7 of that Act (limitations on rehabilitation under Act etc.), after paragraph (b) there shall be inserted the following paragraph—

“**(bb)** in any proceedings on an application for a sex offender order under section 2 or, as the case may be, 20 of the Crime and Disorder Act 1998 or in any appeal against the making of such an order;”.

Bail Act 1976 (c. 63)

- 37 After subsection (8A) of section 3 of the Bail Act 1976 (general provisions) there shall be inserted the following subsection—

“**(8B)** Subsection (8) above applies where a court has sent a person on bail to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998 as it applies where a court has committed a person on bail to the Crown Court for trial.”

- 38 In paragraph 8(1) of Schedule 1 to that Act (persons entitled to bail: supplementary provisions), after the words “subsection (6)(d)” there shall be inserted the words “or (e)”.

Magistrates' Courts Act 1980 (c. 43)

- 39 In subsection (3) of section 11 of the 1980 Act (certain sentences and orders not to be made in absence of accused), for the words “secure training order” there shall be substituted the words “detention and training order”.

- 40 (1) In subsection (1)(a) of section 24 of the 1980 Act (summary trial of information against child or young person for indictable offence), for the words “that subsection” there shall be substituted the words “subsection (3) of that section”.

- (2) In subsection (2) of that section, for the words from “that other offence” to the end there shall be substituted the words “the charges for both offences could be joined in the same indictment”.
- 41 Section 37 of the 1980 Act (committal to Crown Court with a view to greater term of detention in a young offender institution) shall cease to have effect.
- 42 In subsection (1) of section 65 of the 1980 Act (meaning of “family proceedings”), after paragraph (p) there shall be inserted the following paragraph—
“(q) sections 11 and 12 of the Crime and Disorder Act 1998;”.
- 43 In subsection (2) of section 108 of the 1980 Act (right of appeal to the Crown Court), the words “a probation order or” shall cease to have effect.
- 44 In subsection (4)(c) of section 125 of the 1980 Act (warrants)—
(a) the word “and” at the end of sub-paragraph (ii) shall cease to have effect;
(b) in sub-paragraph (iii), for the words “or 97 above” there shall be substituted the words “, 97 or 97A above; and”; and
(c) after that sub-paragraph there shall be inserted the following sub-paragraph—
“(iv) paragraph 4 of Schedule 3 to the Crime and Disorder Act 1998.”
- 45 In section 126 of the 1980 Act (execution of certain warrants outside England and Wales)—
(a) the word “and” at the end of paragraph (c) shall cease to have effect;
(b) after that paragraph there shall be inserted the following paragraph—
“(cc) warrants of arrest issued under section 97A above;”; and
(c) after paragraph (d) there shall be inserted the words “; and
(e) warrants of arrest issued under paragraph 4 of Schedule 3 to the Crime and Disorder Act 1998.”
- 46 At the beginning of subsection (1) of section 133 of the 1980 Act (consecutive terms of imprisonment) there shall be inserted the words “Subject to section 102 of the Crime and Disorder Act 1998,”.

Supreme Court Act 1981 (c. 54)

- 47 After subsection (1) of section 47 of the Supreme Court Act 1981 (sentences and other orders of Crown Court when dealing with offenders) there shall be inserted the following subsection—
“(1A) The power to give a direction under subsection (1) above has effect subject to section 102 of the Crime and Disorder Act 1998.”
- 48 In subsection (1)(a) of section 81 of the Supreme Court Act 1981 (bail), after the words “Criminal Justice Act 1987” there shall be inserted the words “or who has been sent in custody to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998”.

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Criminal Justice Act 1982 (c. 48)

- 49 In subsection (2) of section 1 of the 1982 Act (general restriction on custodial sentences), for the words from “remanded in custody” to the end there shall be substituted the following paragraphs—
- “(a) remanded in custody;
 (b) committed in custody for trial or sentence; or
 (c) sent in custody for trial under section 51 of the Crime and Disorder Act 1998.”
- 50 (1) In subsection (1) of section 1A of the 1982 Act (detention in a young offender institution), for the words “not less than 15 years of age” there shall be substituted the words “not less than 18 years of age”.
- (2) In subsection (3) of that section, for the words “the minimum period applicable to the offender under subsection (4A) below” there shall be substituted the words “21 days”.
- (3) In subsection (4) of that section, for the words “the minimum period applicable” there shall be substituted the words “21 days”.
- (4) Subsection (4A) of that section shall cease to have effect.
- (5) At the beginning of subsection (6) of that section there shall be inserted the words “Subject to section 102 of the Crime and Disorder Act 1998,”
- 51 In subsection (2) of section 1C of the 1982 Act (accommodation of offenders sentenced to detention in a young offender institution), the words “but if he is under 18 at the time of the direction, only for a temporary purpose” shall cease to have effect.
- 52 (1) In subsection (1) of section 3 of the 1982 Act (restriction on certain sentences where offender not legally represented), for paragraph (e) there shall be substituted the following paragraph—
- “(e) make a detention and training order.”
- (2) In subsection (2) of that section—
- (a) after the words “sentence or trial,” there shall be inserted the words “or sent to that Court for trial under section 51 of the Crime and Disorder Act 1998,”; and
- (b) for the words “which committed him” there shall be substituted the words “which committed or sent him”.
- 53 (1) In subsection (3)(a) of section 19 of the 1982 Act (breaches of attendance centre orders or attendance centre rules), the words “revoke it and” shall cease to have effect.
- (2) In subsection (5) of that section, the words “revoke the attendance centre order and” shall cease to have effect.
- (3) In subsection (5A) of that section, for paragraph (b) there shall be substituted the following paragraph—
- “(b) in the case of an offender who has wilfully and persistently failed to comply with those requirements, may impose a custodial sentence notwithstanding anything in section 1(2) of the Criminal Justice Act 1991.”
- (4) After that subsection there shall be inserted the following subsection—

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“(5B) Where a court deals with an offender under subsection (3)(a) or (5) above, it shall revoke the attendance centre order if it is still in force.”

Mental Health Act 1983 (c. 20)

54 In subsection (8) of section 37 of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship), for the words from “pass sentence of imprisonment” to “in respect of the offender” there shall be inserted the following paragraphs—

- “(a) pass a sentence of imprisonment, impose a fine or make a community order (within the meaning of Part I of the Criminal Justice Act 1991) in respect of the offence; or
- (b) make an order under section 58 of that Act (binding over of parent or guardian) in respect of the offender.”.

Mental Health (Scotland) Act 1984 (c. 36)

55 (1) In subsection (8A) of section 74 of the Mental Health (Scotland) Act 1984 (effect of certain directions), for the words “the Crime and Punishment (Scotland) Act 1997” there shall be substituted the words “Part I of the Prisoners and Criminal Proceedings (Scotland) Act 1993”.

(2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 January 1998.

Repatriation of Prisoners Act 1984 (c. 47)

56 In subsection (4)(b) of section 2 (transfer of prisoners out of United Kingdom) of the Repatriation of Prisoners Act 1984, for sub-paragraph (i) there shall be substituted the following sub-paragraph—

“(i) released on licence under section 33(1)(b), (2) or (3), 33A(2), 34A(3) or 35(1) of the Criminal Justice Act 1991 or section 28(5) or 29(1) of the Crime (Sentences) Act 1997;”.

57 In subsection (9) of section 3 of that Act (transfer of prisoners into United Kingdom)

- (a) for the words “section 48 of the Criminal Justice Act 1991 (discretionary life prisoners transferred to England and Wales)” there shall be substituted the words “section 33 of the Crime (Sentences) Act 1997 (life prisoner transferred to England and Wales)”; and
- (b) for the words “section 34 of that Act (duty of Secretary of State to release discretionary life prisoners)” there shall be substituted the words “section 28 of that Act (duty to release certain life prisoners)”.

58 (1) Paragraph 2 of the Schedule to that Act as it has effect, and is deemed always to have had effect, by virtue of paragraph 2 of Schedule 2 to the 1997 Act shall be amended as follows.

(2) In sub-paragraph (4), for the definition of “the enactments relating to release on licence” there shall be substituted the following definition—

““the enactments relating to release on licence” means sections 33(1)(b), (2) and (3), 33A(2), 34A(3), 35(1) and 37(1) and (2) of the Criminal

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Justice Act 1991 and section 28(5) and (7) of the Crime (Sentences) Act 1997;”.

- 59 (1) Paragraph 2 of the Schedule to that Act (operation of certain enactments in relation to the prisoner) as it has effect by virtue of paragraph 3 of Schedule 2 to the 1997 Act—
- (a) shall have effect in relation to all prisoners repatriated to England and Wales after the commencement of Schedule 2; and
 - (b) as it so has effect, shall be amended as follows.

- (2) In sub-paragraph (2), for the words “34(3) and (5) and 35(1) of the Criminal Justice Act 1991” there shall be substituted the words “35(1) of the Criminal Justice Act 1991 and section 28(5) and (7) of the Crime (Sentences) Act 1997”.

- (3) In sub-paragraph (4), for the definition of “the enactments relating to release on licence” there shall be substituted the following definition—

““the enactments relating to release on licence” means sections 33(1)(b), (2) and (3), 33A(2), 34A(3), 35(1) and 37(1) and (2) of the Criminal Justice Act 1991 and section 28(5) and (7) of the Crime (Sentences) Act 1997;”.

- 60 For paragraph 3 of the Schedule to that Act there shall be substituted the following paragraph—

“Life imprisonment

- 3 Where the relevant provisions include provision equivalent to a sentence in relation to which subsection (1) of section 29 of the Crime (Sentences) Act 1997 (power to release certain life prisoners etc.) applies, that subsection shall have effect as if the reference to consultation with the trial judge if available were omitted.”

Police and Criminal Evidence Act 1984 (c. 60)

- 61 After subsection (4) of section 27 of the 1984 Act (fingerprinting of certain offenders and recording of offences) there shall be inserted the following subsection—

“(4A) In subsection (4) above “conviction” includes—

- (a) a caution within the meaning of Part V of the Police Act 1997; and
- (b) a reprimand or warning given under section 65 of the Crime and Disorder Act 1998.”

- 62 After section 47 of the 1984 Act there shall be inserted the following section—

“47A Early administrative hearings conducted by justices' clerks

Where a person has been charged with an offence at a police station, any requirement imposed under this Part for the person to appear or be brought before a magistrates' court shall be taken to be satisfied if the person appears or is brought before the clerk to the justices for a petty sessions area in order for the clerk to conduct a hearing under section 50 of the Crime and Disorder Act 1998 (early administrative hearings).”

Prosecution of Offences Act 1985 (c. 23)

63 In subsection (2) of section 23 of the 1985 Act (discontinuance of proceedings), after paragraph (b) there shall be inserted the following paragraph—

“(c) in the case of any offence, any stage of the proceedings after the accused has been sent for trial under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only and related offences).”

64 After that section there shall be inserted the following section—

“23A Discontinuance of proceedings after accused has been sent for trial

(1) This section applies where—

- (a) the Director of Public Prosecutions, or a public authority (within the meaning of section 17 of this Act), has the conduct of proceedings for an offence; and
- (b) the accused has been sent for trial under section 51 of the Crime and Disorder Act 1998 for the offence.

(2) Where, at any time before the indictment is preferred, the Director or authority gives notice under this section to the Crown Court sitting at the place specified in the notice under section 51(7) of the Crime and Disorder Act 1998 that he or it does not want the proceedings to continue, they shall be discontinued with effect from the giving of that notice.

(3) The Director or authority shall, in any notice given under subsection (2) above, give reasons for not wanting the proceedings to continue.

(4) On giving any notice under subsection (2) above the Director or authority shall inform the accused of the notice; but the Director or authority shall not be obliged to give the accused any indication of his reasons for not wanting the proceedings to continue.

(5) The discontinuance of any proceedings by virtue of this section shall not prevent the institution of fresh proceedings in respect of the same offence.”

Criminal Justice Act 1987 (c. 38)

65 After subsection (3) of section 4 of the Criminal Justice Act 1987 (notices of transfer in serious fraud cases) there shall be inserted the following subsection—

“(4) This section and sections 5 and 6 below shall not apply in any case in which section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences) applies.”

Criminal Justice Act 1988 (c. 33)

66 In subsection (1) of section 40 of the Criminal Justice Act 1988 (power to join in indictment count for common assault etc.), at the end there shall be inserted the words “or are disclosed by material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where person sent for trial under section 51), has been served on the person charged”.

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Legal Aid Act 1988 (c. 34)

- 67 (1) In subsection (4) of section 20 of the Legal Aid Act 1988 (competent authorities to grant representation under Part V), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) which sends a person for trial under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences),”.
- (2) After subsection (5) of that section there shall be inserted the following subsection—
- “(5A) A magistrates' court which has a duty or a power to send a person for trial under section 51 of the Crime and Disorder Act 1998 is also competent, before discharging that duty or (as the case may be) deciding whether to exercise that power, as respects any proceedings before the Crown Court on the person's trial.”
- (3) In subsection (3)(a) of section 21 of that Act (availability of representation under Part V), after the word “committed” there shall be inserted the words “or sent”.
- (4) In subsection (4) of that section, after the word “commits” there shall be inserted the words “or sends”.

Children Act 1989 (c. 41)

- 68 In subsection (4) of section 8 of the 1989 Act (which defines “family proceedings”), after paragraph (h) there shall be inserted the following paragraph—
- “(i) sections 11 and 12 of the Crime and Disorder Act 1998.”
- 69 In subsection (3) of section 47 of the 1989 Act (local authority's duty to investigate), after the words “this Act” there shall be inserted the words “or section 11 of the Crime and Disorder Act 1998 (child safety orders)”.

Prisons (Scotland) Act 1989 (c. 45)

- 70 (1) Section 16 of the Prisons (Scotland) Act 1989 (discharge of prisoners) which, notwithstanding its repeal by the Prisoners and Criminal Proceedings (Scotland) Act 1993, is an “existing provision” for the purposes of Schedule 6 to that Act of 1993, shall for those purposes be amended as follows.
- (2) In subsection (1), for the words “or Sunday” there shall be substituted the words “Sunday or public holiday”.
- (3) At the end there shall be inserted the following subsection—
- “(3) For the purposes of this section “public holiday” means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.”
- 71 In section 39 of that Act (rules for the management of prisons)—
- (a) in subsection (7)—
- (i) at the beginning there shall be inserted the words “Subject to subsection (7A) below,”;
- (ii) for the words “a short-term or long-term prisoner within the meaning of” there shall be substituted the words “any person who

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- is, or is treated as, a long-term or short-term prisoner for the purposes of any provision of”; and
- (iii) the words from “and the foregoing” to the end shall cease to have effect; and
- (b) after that subsection there shall be inserted the following subsections—
- “(7A) Additional days shall not be awarded under rules made under subsection (7) above in respect of a sentence where the prisoner has at any time been released on licence, in relation to that sentence, under Part I of the Prisoners and Criminal Proceedings (Scotland) Act 1993; and any reference to a sentence in such rules shall be construed in accordance with section 27(5) of that Act.
- (7B) In the application of subsection (7) above to a prisoner subject to an extended sentence within the meaning of section 210A of the 1995 Act, the reference to his sentence shall be construed as a reference to the custodial term of that extended sentence.”

Criminal Justice Act 1991 (c. 53)

- 72 For subsection (3) of section 1 of the 1991 Act (restrictions on imposing custodial sentences) there shall be substituted the following subsection—
- “(3) Nothing in subsection (2) above shall prevent the court from passing a custodial sentence on the offender if he fails to express his willingness to comply with—
- (a) a requirement which is proposed by the court to be included in a probation order or supervision order and which requires an expression of such willingness; or
- (b) a requirement which is proposed by the court to be included in a drug treatment and testing order or an order under section 61(6) of the Crime and Disorder Act 1998.”
- 73 In subsection (5)(a) of section 3 of the 1991 Act (procedural requirements for custodial sentences), for the words “a probation officer or by a social worker of a local authority social services department” there shall be substituted the following sub-paragraphs—
- “(i) a probation officer;
- (ii) a social worker of a local authority social services department; or
- (iii) where the offender is under the age of 18 years, a member of a youth offending team;”.
- 74 In subsection (4) of section 6 of the 1991 Act (restrictions on imposing community sentences)—
- (a) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) a drug treatment and testing order;”;
- (b) the word “and” immediately following paragraph (e) shall cease to have effect; and
- (c) after paragraph (f) there shall be inserted the following paragraph—
- “(g) an action plan order.”

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- 75 In subsection (3) of section 7 of the 1991 Act (procedural requirements for community sentences), after paragraph (a) there shall be inserted the following paragraph—
 “(aa) a drug treatment and testing order;”.
- 76 In subsection (1) of section 11 of the 1991 Act (combination orders), for the words “the supervision of a probation officer” there shall be substituted the word “supervision”.
- 77 In subsection (3) of section 15 of the 1991 Act (regulation of community orders)—
 (a) in paragraph (a), after the words “probation officer” there shall be inserted the words “or member of a youth offending team”; and
 (b) after that paragraph there shall be inserted the following paragraph—
 “(aa) in relation to an offender who is subject to a drug treatment and testing order, the probation officer responsible for his supervision;”.
- 78 In subsection (1) of section 31 of the 1991 Act (interpretation of Part I)—
 (a) immediately before the definition of “attendance centre order” there shall be inserted the following definition—
 ““action plan order” means an order under section 69 of the Crime and Disorder Act 1998;”;
 (b) in the definition of “custodial sentence”, in paragraph (b), after the word “age,” there shall be inserted the words “a detention and training order,” and the words “or a secure training order under section 1 of the Criminal Justice and Public Order Act 1994” shall cease to have effect; and
 (c) after that definition there shall be inserted the following definitions—
 ““detention and training order” has the meaning given by section 73(3) of the Crime and Disorder Act 1998;
 “drug treatment and testing order” means an order under section 61 of that Act;”.
- 79 (1) In subsection (1)(b) of section 32 of the 1991 Act (Parole Board), for the words “the functions conferred by Part II of the Crime (Sentences) Act 1997 (“Part II”)” there shall be substituted the words “the functions conferred by this Part in respect of long-term and short-term prisoners and by Chapter II of Part II of the Crime (Sentences) Act 1997 (“Chapter II”) in respect of life prisoners within the meaning of that Chapter”.
- (2) In subsections (3), (4) and (6) of that section, for the words “Part II” there shall be substituted the words “this Part or Chapter II”.
- 80 (1) In subsection (3) of section 33 of the 1991 Act (duty to release short-term and long-term prisoners)—
 (a) in paragraph (a), for the words “subsection (1)(b) or (2) above or section 35 or 36(1) below” there shall be substituted the words “this Part”; and
 (b) in paragraph (b), for the words “38(2) or 39(1)” there shall be substituted the words “39(1) or (2)”.
- (2) After that subsection there shall be inserted the following subsection—
 “(3A) In the case of a prisoner to whom section 44A below applies, it shall be the duty of the Secretary of State to release him on licence at the end of

the extension period (within the meaning of section 58 of the Crime and Disorder Act 1998).”

(3) Subsection (4) of that section shall cease to have effect.

81 After that section there shall be inserted the following section—

“33A Duty to release prisoners: special cases

(1) As soon as a prisoner—

- (a) whose sentence is for a term of less than twelve months; and
- (b) who has been released on licence under section 34A(3) or 36(1) below and recalled to prison under section 38A(1) or 39(1) or (2) below,

would (but for his release) have served one-half of his sentence, it shall be the duty of the Secretary of State to release him unconditionally.

(2) As soon as a prisoner—

- (a) whose sentence is for a term of twelve months or more; and
- (b) who has been released on licence under section 34A(3) below and recalled to prison under section 38A(1) below,

would (but for his release) have served one-half of his sentence, it shall be the duty of the Secretary of State to release him on licence.

(3) In the case of a prisoner who—

- (a) has been released on licence under this Part and recalled to prison under section 39(1) or (2) below; and
 - (b) has been subsequently released on licence under section 33(3) or (3A) above and recalled to prison under section 39(1) or (2) below,
- section 33(3) above shall have effect as if for the words “three-quarters” there were substituted the words “the whole” and the words “on licence” were omitted.”

82 In subsection (1) of section 36 of the 1991 Act (power to release prisoners on compassionate grounds), for word “prisoner” there shall be substituted the words “short-term or long-term prisoner”.

83 (1) In subsection (1) of section 37 of the 1991 Act (duration and conditions of licences)

- (a) for the words “subsection (2)” there shall be substituted the words “subsections (1A), (1B) and (2)”; and
- (b) the words “any suspension under section 38(2) below or, as the case may be,” shall cease to have effect.

(2) After subsection (1A) of that section there shall be inserted the following subsection—

“(1B) Where a prisoner whose sentence is for a term of twelve months or more is released on licence under section 33A(2) or 34A(3) 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 difference between—

- (a) that proportion of his sentence; and
- (b) the duration of the curfew condition to which he is or was subject.”

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- (3) In subsection (2) of that section, for the words “section 36(1) above” there shall be substituted the words “section 34A(3) or 36(1) above”.
- (4) In subsection (4) of that section—
- (a) after the words “a licence” there shall be inserted the words “under this Part”; and
 - (b) the words “(which shall include on his release conditions as to his supervision by a probation officer)” shall cease to have effect.
- (5) After that subsection there shall be inserted the following subsection—
- “(4A) The conditions so specified may in the case of a person released on licence under section 34A above whose sentence is for a term of less than twelve months, and shall in any other case, include on the person’s release conditions as to his supervision by—
- (a) a probation officer appointed for or assigned to the petty sessions area within which the person resides for the time being; or
 - (b) where the person is under the age of 18 years, a member of a youth offending team established by the local authority within whose area the person resides for the time being.”
- (6) For subsection (5) of that section there shall be substituted the following subsection—
- “(5) The Secretary of State shall not include on release, or subsequently insert, a condition in the licence of a long-term prisoner, or vary or cancel any such condition, except after consultation with the Board.”
- 84 After subsection (5) of section 39 of the 1991 Act (recall of prisoners while on licence) there shall be inserted the following subsection—
- “(5A) In the case of a prisoner to whom section 44A below applies, subsections (4) (b) and (5) of that section apply in place of subsection (5) above.”
- 85 After subsection (4) of section 40 of the 1991 Act (convictions during currency of original sentences) there shall be inserted the following subsections—
- “(5) Where the new offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (6) For the purposes of any enactment conferring rights of appeal in criminal cases, any such order as is mentioned in subsection (2) or (3A) above made with regard to any person shall be treated as a sentence passed on him for the offence for which the sentence referred to in subsection (1) above was passed.”
- 86 (1) For subsections (1) and (2) of section 41 of the 1991 Act (remand time to count towards time served) there shall be substituted the following subsections—
- “(1) Where a person is sentenced to imprisonment for a term in respect of an offence, this section applies to him if the court directs under section 9 of the Crime (Sentences) Act 1997 that the number of days for which he was remanded in custody in connection with—
- (a) the offence; or

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- (b) any other offence the charge for which was founded on the same facts or evidence,
shall count as time served by him as part of the sentence.
- (2) For the purpose of determining for the purposes of this Part whether a person to whom this section applies—
 - (a) has served, or would (but for his release) have served, a particular proportion of his sentence; or
 - (b) has served a particular period,
the number of days specified in the direction shall, subject to subsections (3) and (4) below, be treated as having been served by him as part of that sentence or period.”
- (2) After subsection (3) of that section there shall be inserted the following subsection—
 - “(4) Where the period for which a licence granted under section 33A(2), 34A(3) or 36(1) above to a short-term prisoner remains in force cannot exceed one-quarter of his sentence, nothing in subsection (2) above shall have the effect of reducing that period.”
- 87 (1) In subsection (3) of section 43 of the 1991 Act (young offenders), for the words “subsections (1)” there shall be substituted the words “subsection (1)”.
- (2) In subsection (5) of that section, for the words “section 37(4)” there shall be substituted the words “section 37(4A)”.
- 88 (1) In subsection (1) of section 45 of the 1991 Act (fine defaulters and contemnors), for the words “except sections 35 and 40” there shall be substituted the words “except sections 33A, 34A, 35 and 40”.
- (2) In subsection (3) of that section—
 - (a) for the words “subsections (1) to (4)” there shall be substituted the words “subsections (1) to (3)”; and
 - (b) for the words “section 38(2) or 39(1)” there shall be substituted the words “section 39(1) or (2)”.
- (3) In subsection (4) of that section—
 - (a) the words “any suspension under section 38(2) below; or” shall cease to have effect; and
 - (b) for the words “section 39(1)” there shall be substituted the words “section 39(1) or (2)”.
- 89 In subsection (2) of section 46 of the 1991 Act (persons liable to removal from the United Kingdom), for the words from “section 37(4)” to the end there shall be substituted the words “section 37 above shall have effect as if subsection (4A) were omitted”.
- 90 For subsection (2) of section 47 of the 1991 Act (persons extradited to the United Kingdom) there shall be substituted the following subsection—
 - “(2) In the case of an extradited prisoner, section 9 of the Crime (Sentences) Act 1997 (crediting of periods of remand in custody) shall have effect as if the days for which he was kept in custody while awaiting extradition were days for which he was remanded in custody in connection with the offence, or

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any other offence the charge for which was founded on the same facts or evidence.”

91 In section 50 of the 1991 Act (transfer by order of certain functions to Board), for subsection (3) (including that subsection as applied by any order under subsection (1) of that section) there shall be substituted the following subsection—

“(3) In section 37 above, in subsection (5) for the words “after consultation with the Board” there shall be substituted the words “in accordance with recommendations of the Board”, and subsection (6) shall be omitted.”

92 In subsection (4) of section 51 of the 1991 Act (interpretation of Part II)—

- (a) for the words “Subsections (2) and (3)” there shall be substituted the words “Subsection (3)”; and
- (b) for the words “as they apply” there shall be substituted the words “as it applies”.

93 After subsection (7) of section 53 of the 1991 Act (notices of transfer in certain cases involving children) there shall be inserted the following subsection—

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

94 (1) In subsection (1) of section 65 of the 1991 Act (supervision of young offenders after release), for the words from “a probation officer” to the end there shall be substituted the following paragraphs—

- “(a) a probation officer;
- (b) a social worker of a local authority social services department; or
- (c) in the case of a person under the age of 18 years on his release, a member of a youth offending team.”

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

“(1A) Where the supervision is to be provided by a probation officer, the probation officer shall be an officer appointed for or assigned to the petty sessions area within which the offender resides for the time being.

(1B) Where the supervision is to be provided by—

- (a) a social worker of a local authority social services department; or
- (b) a member of a youth offending team,

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 the offender resides for the time being.”

95 In subsection (1) of section 99 of the 1991 Act (general interpretation), after the definition of “young person” there shall be inserted the following definition—

““youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.”

96 (1) After sub-paragraph (5) of paragraph 1 of Schedule 2 to the 1991 Act (enforcement etc. of community orders) there shall be inserted the following sub-paragraph—

“(6) Where a drug treatment and testing order has been made on an appeal brought from the Crown Court, or from the criminal division of the Court

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of Appeal, for the purposes of this Schedule it shall be deemed to have been made by the Crown Court.”

(2) In sub-paragraph (1)(d) of paragraph 3 of that Schedule, the words “revoke the order and” shall cease to have effect.

(3) After sub-paragraph (2) of that paragraph there shall be inserted the following sub-paragraph—

“(2A) Where a magistrates' court deals with an offender under sub-paragraph (1) (d) above, it shall revoke the relevant order if it is still in force.”

(4) In sub-paragraph (1)(d) of paragraph 4 of that Schedule, the words “revoke the order and” shall cease to have effect.

(5) After sub-paragraph (2) of that paragraph there shall be inserted the following sub-paragraph—

“(2A) Where the Crown Court deals with an offender under sub-paragraph (1) (d) above, it shall revoke the relevant order if it is still in force.”

(6) After paragraph 12(4) of that Schedule there shall be inserted the following sub-paragraphs—

“(5) Where—

- (a) the court amends a probation order or community service order under this paragraph;
- (b) a local authority is specified in the order in accordance with section 2(2)(b) or 14(4)(c) of the 1973 Act; and
- (c) the change, or proposed change, of residence also is or would be a change of residence from the area of that authority to the area of another such authority,

the court shall further amend the order by substituting the other authority for the authority specified in the order.

(6) In sub-paragraph (5) above “local authority” has the meaning given by section 42 of the Crime and Disorder Act 1998, and references to the area of a local authority shall be construed in accordance with that section.”

(7) In paragraph 17(1) of that Schedule, the words from “and the court shall not” to the end shall cease to have effect.

97 In paragraph 1(2) of Schedule 5 to the 1991 Act (Parole Board: supplementary provisions), for the words “its functions under Part II of this Act” there shall be substituted the following paragraphs—

- “(a) its functions under this Part in respect of long-term and short-term prisoners; and
- (b) its functions under Chapter II of Part II of the Crime (Sentences) Act 1997 in respect of life prisoners within the meaning of that Chapter”.

Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

98 (1) In subsection (1) of section 1 of the 1993 Act (release of short-term, long-term and life prisoners), at the beginning there shall be inserted the words “Subject to section 26A(4) of this Act,”.

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- (2) In subsection (2) of that section, at the end there shall be added the words “unless he has before that time been so released, in relation to that sentence, under any provision of this Act”.
- (3) After subsection (3) of that section there shall be inserted the following subsection—
- “(3A) Subsections (1) to (3) above are subject to section 1A of this Act.”
- 99 (1) After subsection (1) of section 4 of the 1993 Act (persons detained under the Mental Health (Scotland) Act 1984) there shall be inserted the following subsection—
- “(1A) This Part of this Act shall apply to a person conveyed to and detained in a hospital pursuant to a hospital direction under section 59A of the 1995 Act as if, while so detained, he was serving the sentence of imprisonment imposed on him at the time at which that direction was made.”
- (2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 January 1998.
- 100 In section 5 of the 1993 Act (fine defaulters and persons in contempt of court)—
- (a) in subsection (1), for the words “and (3)” there shall be substituted the words “to (4)”;
- (b) after subsection (3) there shall be inserted the following subsection—
- “(4) Where a person has had imposed on him two or more terms of imprisonment or detention mentioned in subsection (1)(a) or (b) above, sections 1A and 27(5) of this Act shall apply to those terms as if they were terms of imprisonment.”
- 101 In section 7 of the 1993 Act (children detained in solemn proceedings)—
- (a) in subsection (1)(b), at the end there shall be added the words “unless he has before that time been so released, in relation to that sentence, under any provision of this Act”;
- (b) after that subsection there shall be inserted the following subsections—
- “(2A) This subsection applies where a child detained under section 208 of the 1995 Act is sentenced, while so detained, to a determinate term of detention in a young offenders institution or imprisonment and, by virtue of section 27(5) of this Act, such terms of detention or imprisonment are treated as single term.
- (2B) In a case where subsection (2A) applies and the single term mentioned in that subsection is less than four years, the provisions of this section shall apply.
- (2C) In a case where subsection (2A) applies and the single term mentioned in that subsection is of four or more years—
- (a) section 6 of this Act shall apply to him as if the single term were an equivalent sentence of detention in a young offenders institution, if that term is served in such an institution; and
- (b) the provisions of this Act shall apply to him as if the single term were an equivalent sentence of imprisonment, if that term is served in a remand centre or a prison.”;
- (c) after subsection (4) there shall be inserted the following subsection—

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- “(4A) Where an order under subsection (3) above is made, the making of the order shall, if there is in force a licence relating to the person in respect of whom the order is made, have the effect of revoking that licence.”; and
- (d) in subsection (5), after the word “construed” there shall be inserted the words “and sections 1A and 27 shall apply”.
- 102 In section 11 of the 1993 Act (duration of licences), subsections (3)(b) and (4) shall cease to have effect.
- 103 In section 14 of the 1993 Act (supervised release of short-term prisoners), subsections (2) and (3) shall cease to have effect.
- 104 (1) In subsection (1) of section 16 of the 1993 Act (orders for return to prison after commission of further offence), after the word “released” there shall be inserted the words “at any time”.
- (2) In paragraph (a) of subsection (7) of that section, after the word “shall” there shall be inserted the words “, if the licence is in force when the order is made,”.
- (3) Paragraph (b) of that subsection shall cease to have effect.
- 105 In section 17 of the 1993 Act (revocation of licence), after subsection (4) there shall be inserted the following subsection—
- “(4A) Where the case of a prisoner to whom section 3A of this Act applies is referred to the Parole Board under subsection (3) above, subsection (4) of that section shall apply to that prisoner in place of subsection (4) above.”
- 106 In section 20 of the 1993 Act (Parole Board for Scotland), at the end of subsection (4) there shall be inserted the words—
- “and rules under this section may make different provision for different classes of prisoner.”
- 107 After subsection (7) of section 27 of the 1993 Act (interpretation) there shall be inserted the following subsection—
- “(8) For the purposes of this section “public holiday” means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.”
- 108 In Schedule 6 to the 1993 Act (transitional provisions), after paragraph 6C there shall be inserted the following paragraph—
- “6D Where a prisoner released on licence is treated by virtue of the provisions of this or any other enactment as a prisoner whose licence was granted under section 2(4) of this Act, the validity of his licence shall not be affected by the absence in the licence of such a condition as is specified in section 12(2) of this Act.”

Probation Service Act 1993 (c. 47)

- 109 In subsection (1)(dd) of section 4 of the Probation Service Act 1993 (functions of probation committee), for the words “a secure training order (within the meaning of section 1 of the Criminal Justice and Public Order Act 1994)” there shall

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be substituted the words “a detention and training order (within the meaning of section 73 of the Crime and Disorder Act 1998)”.

110 (1) In subsection (1) of section 17 of that Act (probation committee expenditure), for the words “(5) and (5A)” there shall be substituted the words “and (5)”.

(2) Subsection (5A) of that section shall cease to have effect.

Criminal Justice and Public Order Act 1994 (c. 33)

111 In subsection (3) of section 12 of the 1994 Act (escort arrangements and officers), after the words “secure training orders” there shall be inserted the words “or detention and training orders”.

112 In paragraph 4 of Schedule 1 to the 1994 Act (escort arrangements: England and Wales), in the definition of “the offender”, after the words “section 1 of this Act” there shall be inserted the words “or detention and training under section 73 of the Crime and Disorder Act 1998”.

113 (1) In sub-paragraph (1) of paragraph 3 of Schedule 2 to the 1994 Act (certification of custody officers: England and Wales)—

(a) in paragraph (b), for the words “person in charge” there shall be substituted the word “monitor”; and

(b) in paragraph (c), for the words “person in charge” there shall be substituted the word “governor”.

(2) In sub-paragraph (2) of that paragraph, for the words “or person in charge” there shall be substituted the words “, monitor or governor”.

Drug Trafficking Act 1994 (c. 37)

114 In subsection (7) of section 2 of the Drug Trafficking Act 1994 (confiscation orders), paragraph (a) shall cease to have effect.

Proceeds of Crime (Scotland) Act 1995 (c. 43)

115 At the end of section 18 of the Proceeds of Crime (Scotland) Act 1995 (order to make material available) there shall be added the following subsection—

“(12) In this section “constable” includes a person commissioned by the Commissioners of Customs and Excise.”

116 In subsection (6) of section 19 of that Act (authority for search)—

(a) for the words “subsection (10)” there shall be substituted the words “subsections (10) and (12)”; and

(b) for the words “it applies” there shall be substituted the words “they apply”.

Criminal Procedure (Scotland) Act 1995 (c. 46)

117 (1) For section 18(3) of the 1995 Act (prints and samples) there shall be substituted the following subsection—

“(3) Subject to subsection (4) below, all record of any relevant physical data taken from or provided by a person under subsection (2) above, all samples taken under subsection (6) below and all information derived from such

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samples shall be destroyed as soon as possible following a decision not to institute criminal proceedings against the person or on the conclusion of such proceedings otherwise than with a conviction or an order under section 246(3) of this Act.”

- (2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 August 1997.

- 118 In subsection (3) of section 49 of the 1995 Act (references to children’s hearings), in paragraph (b), after the words “the sheriff” there shall be inserted the words “or district”.
- 119 In section 106(1)(bb) of the 1995 Act (appeals against automatic sentences), which is prospectively inserted by section 18(1) of the Crime and Punishment (Scotland) Act 1997, for the words “205B(3) or 209(1A)” there shall be substituted the words “or 205B(3)”.
- 120 In section 108A of the 1995 Act (prosecutor’s right of appeal against refusal to impose automatic sentence), which is prospectively inserted by section 18(2) of the Crime and Punishment (Scotland) Act 1997, for the words “205B(3) or 209(1A)” there shall be substituted the words “or 205B(3)”.
- 121 In section 118(4A) of the 1995 Act (disposal of appeals), which is prospectively inserted by section 18(5) of the Crime and Punishment (Scotland) Act 1997, in paragraph (c), sub-paragraph (iii) shall cease to have effect.
- 122 In section 167 of the 1995 Act (findings and sentences in summary proceedings), in subsection (7), at the beginning there shall be inserted the words “Subject to section 204A of this Act,”.
- 123 In subsection (5C) of section 175 of the 1995 Act (right of appeal in summary proceedings), the words “paragraph (a) of” shall be omitted.
- 124 In subsection (1) of section 307 of the 1995 Act (interpretation), in the definition of “officer of law”—
- (a) after paragraph (b) there shall be inserted the following paragraph—
 - “(ba) any person commissioned by the Commissioners of Customs and Excise;” and
 - (b) in paragraph (e), for the words “class or persons” there shall be substituted the words “class of persons”.

Criminal Procedure and Investigations Act 1996 (c. 25)

- 125 In subsection (2) of section 1 of the Criminal Procedure and Investigations Act 1996 (application of Part I of that Act)—
- (a) after paragraph (c) there shall be inserted the following paragraph—
 - “(cc) a person is charged with an offence for which he is sent for trial under section 51 (no committal proceedings for indictable-only offences) of the Crime and Disorder Act 1998,”; and
 - (b) at the end there shall be inserted the words “or
- (f) a bill of indictment charging a person with an indictable offence is preferred under section 22B(3)(a) of the Prosecution of Offences Act 1985.”

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- 126 In section 5 of that Act (compulsory disclosure by accused), after subsection (3) there shall be inserted the following subsection—
- “(3A) Where this Part applies by virtue of section 1(2)(cc), this section does not apply unless—
- (a) copies of the documents containing the evidence have been served on the accused under regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998; and
- (b) a copy of the notice under subsection (7) of section 51 of that Act has been served on him under that subsection.”
- 127 In subsection (1) of section 13 of that Act (time limits: transitional)—
- (a) after the words “section 1(2)(b) or (c),” there shall be inserted the words—
- “(cc) the accused is sent for trial under section 51 of the Crime and Disorder Act 1998 (where this Part applies by virtue of section 1(2)(cc)),”; and
- (b) after the words “section 1(2)(e)” there shall be inserted the words “or (f)”.
- 128 In subsection (1)(a) of section 28 of that Act (introduction to Part III), after the words “committed for trial” there shall be inserted the words “, or sent for trial under section 51 of the Crime and Disorder Act 1998,”.
- 129 In subsection (1) of section 39 of that Act (meaning of pre-trial hearing), after the words “committed for trial for the offence concerned” there shall be inserted the words “, after the accused has been sent for trial for the offence under section 51 of the Crime and Disorder Act 1998,”.

Crime (Sentences) Act 1997 (c. 43)

- 130 (1) In subsection (3) of section 28 of the 1997 Act (duty to release certain life prisoners), after paragraph (b) there shall be inserted the words “and
- (c) the provisions of this section as compared with those of sections 33(2) and 35(1) of the Criminal Justice Act 1991 (“the 1991 Act”)”.
- (2) In subsection (7) of that section, in paragraph (c), for the words from “the time when” to the end there shall be substituted the words “he has served one-half of that sentence”.
- 131 (1) In subsection (2) of section 31 of the 1997 Act (duration and conditions of licences), the words “(which shall include on his release conditions as to his supervision by a probation officer)” shall cease to have effect.
- (2) After that subsection there shall be inserted the following subsection—
- “(2A) The conditions so specified shall include on the prisoner’s release conditions as to his supervision by—
- (a) a probation officer appointed for or assigned to the petty sessions area within which the prisoner resides for the time being;
- (b) where the prisoner is under the age of 22, a social worker of the social services department of the local authority within whose area the prisoner resides for the time being; or
- (c) where the prisoner is under the age of 18, a member of a youth offending team established by that local authority under section 39 of the Crime and Disorder Act 1998.”

- (3) In subsection (6) of that section, for the words “section 24(2) above” there shall be substituted the words “section 46(3) of the 1991 Act”, and for the words “the words in parentheses” there shall be substituted the words “subsection (2A) above”.
- 132 (1) In subsection (1) of section 35 of the 1997 Act (fine defaulters: general), for the words “the 1980 Act” there shall be substituted the words “the Magistrates' Courts Act 1980 (“the 1980 Act”)”.
- (2) In subsection (5)(e) of that section, for the words “paragraph 3(2)(a)” there shall be substituted the words “sub-paragraphs (2)(a) and (2A) of paragraph 3”.
- (3) In subsection (8) of that section—
- (a) in paragraph (a), the words “to revoke the order and deal with an offender for the offence in respect of which the order was made” shall cease to have effect; and
- (b) in paragraph (b), for the words “paragraph 3(2)(a)” there shall be substituted the words “sub-paragraphs (2)(a) and (2A) of paragraph 3”.
- 133 In section 54 of the 1997 Act (general interpretation), subsection (2) shall cease to have effect.
- 134 Subsection (5)(b) of section 57 of the 1997 Act (short title, commencement and extent) shall have effect as if the reference to the Channel Islands included a reference to the Isle of Man.
- 135 (1) Schedule 1 to the 1997 Act (transfer of prisoners within the British Islands) shall be amended as follows.
- (2) In sub-paragraph (3) of paragraph 6—
- (a) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) in relation to a person who is supervised in pursuance of a detention and training order, being ordered to be detained for any failure to comply with requirements under section 76(6)(b) of the Crime and Disorder Act 1998;”;
- (b) in paragraph (b), for the words “recalled to prison under the licence” there shall be substituted the words “recalled or returned to prison”.
- (3) In paragraph 8—
- (a) in sub-paragraph (2), for the words from “sections 10” to “27 of this Act” there shall be substituted the words “sections 33 to 39, 41 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75 to 77 of the Crime and Disorder Act 1998”;
- (b) in sub-paragraph (4), for the words from “sections 16” to “27 of this Act” there shall be substituted the words “sections 37 to 39, 43 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the Crime and Disorder Act 1998”;
- (c) in sub-paragraph (5), after the words “Any provision of” there shall be inserted the words “Part II of the 1991 Act or”; and
- (d) after sub-paragraph (5) there shall be inserted the following sub-paragraphs—
- “(6) Section 41 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if section 67 of the Criminal Justice Act 1967 (computation of sentences of imprisonment passed in

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England and Wales) or, as the case may require, section 9 of this Act extended to Scotland.

(7) Section 65(7)(b) of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to a young offender institution were a reference to a young offenders institution.”

(4) In paragraph 9—

- (a) in sub-paragraph (1), paragraph (a) and, in paragraph (b), the words “to that and” shall cease to have effect;
- (b) in sub-paragraph (2), for the words from “sections 10” to “27 of this Act” there shall be substituted the words “sections 33 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75 to 77 of the Crime and Disorder Act 1998”;
- (c) in sub-paragraph (4), for the words from “section 16” to “27 of this Act” there shall be substituted the words “sections 37 to 40A, 43 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the Crime and Disorder Act 1998”;
- (d) sub-paragraph (5) shall cease to have effect;
- (e) in sub-paragraph (6), after the words “Any provision of” there shall be inserted the words “Part II of the 1991 Act or”; and
- (f) after sub-paragraph (6) there shall be inserted the following sub-paragraphs—

“(7) Section 41 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if section 67 of the Criminal Justice Act 1967 or, as the case may require, section 9 of this Act extended to Northern Ireland.

(8) Section 65(7)(b) of the 1991 Act, as applied by sub-paragraph (1), (2) or (4) above, shall have effect as if the reference to a young offender institution were a reference to a young offenders centre.”

(5) In paragraph 10—

- (a) in sub-paragraph (2)(a)—
 - (i) for the words from “sections” to ““1997 Act”)” there shall be substituted the words “sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”)”; and
 - (ii) after the word “3,” there shall be inserted words “6(1)(b)(i) and (iii)”;
- (b) in sub-paragraph (2)(b), for the words “sub-paragraphs (3) and (4)” there shall be substituted the words “sub-paragraph (3)”;
- (c) sub-paragraph (4) shall cease to have effect;
- (d) in sub-paragraph (5)(a), for the words from “sections 15” to “37 of the 1997 Act” there shall be substituted the words “sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act”;
- (e) for sub-paragraph (6)(b) there shall be substituted the following sub-paragraph—
 - “(b) in the said sub-paragraph (2) the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far

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as it relates to a person sentenced under section 205(3) of the Criminal Procedure (Scotland) Act 1995.”; and

- (f) for sub-paragraph (7) there shall be substituted the following sub-paragraph—

“(7) Any provision of Part I of the 1993 Act which is applied by sub-paragraph (2) or (5) above shall have effect (as so applied) as if any reference to a chief social work officer were a reference to a chief social worker of a local authority social services department.”

- (6) In paragraph 11—

- (a) in sub-paragraph (2)(a)—

(i) for the words from “sections” to ““1997 Act”)” there shall be substituted the words “sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act”; and

(ii) after the word “3,” there shall be inserted the words “6(1)(b)(i) and (iii),”;

- (b) in sub-paragraph (4)(a), for the words from “sections 15” to “37 of the 1997 Act” there shall be substituted the words “sections 1A, 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act”;

- (c) in sub-paragraph (5), for the words “Sub-paragraph (5)” there shall be substituted the words “Sub-paragraph (6)”; and

- (d) in sub-paragraph (6), the words “or Part III of the 1997 Act” shall cease to have effect and, in the Table, for the entry relating to the expression “young offenders institution” there shall be substituted the following entry—

“Probation officer appointed for or assigned to such petty sessions area	Probation Officer appointed by the Probation Board for Northern Ireland”.
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- (7) In sub-paragraph (5) of paragraph 12, in the Table, the entry relating to the expression “Prison rules” shall cease to have effect.

- (8) In sub-paragraph (5) of paragraph 13, in the Table, the entry relating to the expression “Prison rules” shall cease to have effect.

- (9) In sub-paragraph (1)(a) of paragraph 17 (prisoners unlawfully at large), after the words “section 49(1)” there shall be inserted the words “and (5)”.

- (10) In sub-paragraph (1) of paragraph 20, in the definition of “supervision”, after the word “purpose” there shall be inserted the words “or a detention and training order”.

136 In Schedule 2 to the 1997 Act (repatriation of prisoners to the British Islands), paragraphs 4 and 8 are hereby repealed.

137 In Schedule 4 to the 1997 Act (minor and consequential amendments), the following provisions are hereby repealed, namely—

- (a) in paragraph 6, sub-paragraph (1)(b);
(b) paragraphs 9 and 11; and
(c) in paragraph 12, sub-paragraph (4).

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- 138 (1) In Schedule 5 to the 1997 Act (transitional provisions and savings), paragraphs 1 to 4 and 6 are hereby repealed and the following provisions shall cease to have effect, namely—
- (a) paragraph 5(2);
 - (b) paragraphs 8, 9(1) and 10(1);
 - (c) in paragraph 11, sub-paragraph (1), in sub-paragraph (2)(c), the words “or Part III of the 1997 Act” and, in sub-paragraph (3), the words from the beginning to “1995; and”; and
 - (d) in paragraph 12, sub-paragraph (1) and, in sub-paragraph (2)(c), the words “or Part III of the 1997 Act”.
- (2) In paragraph 11(2) of that Schedule—
- (a) in paragraph (a)—
 - (i) for the words from “sections 15” to “1997 Act” there shall be substituted the words “sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”); and
 - (ii) for the words “the 1989 Act” there shall be substituted the words “the Prisons (Scotland) Act 1989 (“the 1989 Act”); and
 - (b) in paragraph (b), for the words from “sections 15” to “1997 Act” there shall be substituted the words “sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act”.
- (3) In paragraph 12(2) of that Schedule—
- (a) in paragraph (a)—
 - (i) for the words from “sections 15” to “1997 Act” there shall be substituted the words “sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the Prisoners and Criminal Proceedings (Scotland) Act (“the 1993 Act”); and
 - (ii) for the words “the 1989 Act” there shall be substituted the words “the Prisons (Scotland) Act 1989 (“the 1989 Act”); and
 - (b) in paragraph (b), for the words from “sections 15” to “1997 Act” there shall be substituted the words “sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act”.
- 139 In Schedule 6 to the 1997 Act (repeals), the entries relating to sections 33 to 51 and 65 of the 1991 Act are hereby repealed.

Crime and Punishment (Scotland) Act 1997 (c. 48)

- 140 Section 4 of the Crime and Punishment (Scotland) Act 1997 (supervised release orders) is hereby repealed.
- 141 (1) In Schedule 1 to that Act (minor and consequential amendments), the following provisions are hereby repealed, namely—
- (a) paragraphs 1, 9(7), 10(2)(a), 13(3) and 21(3); and
 - (b) in paragraph 14, sub-paragraphs (2)(a), (3)(e), (4) to (7), (9), (10)(a), (11)(b), (12), (13) to (15) and (17).
- (2) In paragraph 14 of that Schedule, for sub-paragraph (16) there shall be substituted the following sub-paragraph—

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“(16) In section 27(1) (interpretation), in the definition of “supervised release order” the words “(as inserted by section 14 of this Act)” shall cease to have effect.”

142 Schedule 2 to that Act (transitional provisions) is hereby repealed.

143 (1) Schedule 3 to that Act (repeals) shall be amended in accordance with this paragraph.

(2) In the entry relating to the Prisons (Scotland) Act 1989, in the third column, the words “In section 39, subsection (7)” are hereby repealed.

(3) In the entry relating to the Prisoners and Criminal Proceedings (Scotland) Act 1993—

(a) the words relating to sections 1, 3(2), 5, 6(1), 7, 9, 12(3), 16, 17(1), 20, 24, and Schedule 1;

(b) in the words relating to section 14, the words “and in subsection (4), the words “short-term””;

(c) in the words relating to 27(1)—

(i) the words “the definitions of “short term prisoner” and “long-term prisoner” and”;

(ii) in the words relating to the definition of “supervised release order” the words “and the words from “but” to the end”; and

(d) the words relating to section 27(2), (3), (5) and (6),

are hereby repealed.

(4) In the entry relating to the Criminal Procedure (Scotland) Act 1995, in the third column, the words relating to section 44 are hereby repealed.

Sex Offenders Act 1997 (c. 51)

144 In subsection (1)(a) of section 4 of the Sex Offenders Act 1997 (young sex offenders), after the word “under” there shall be inserted the words “a detention and training order or”.