Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

VALID FROM 01/12/1998

SCHEDULE 1

Section 24(4).

SCHEDULE 2A TO THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

"SCHEDULE 2A

Section 54(2C).

RETENTION AND DISPOSAL OF PROPERTY SEIZED UNDER SECTION 54(2A) OF THIS ACT

Application

1 This schedule applies to property seized under section 54(2A) of this Act.

Retention

2 (1) Subject to sub-paragraph (2) below, property to which this Schedule applies may be retained for a period of twenty-eight days beginning with the day on which it was seized.

(2) Where proceedings for an offence are instituted within the period specified in sub-paragraph (1) above against any person, the property may be retained for a period beginning on the day on which it was seized and ending on the day when—

(a) the prosecutor certifies that the property is not, or is no longer, required as a production in criminal proceedings or for any purpose relating to such proceedings;

(b) the accused in such proceedings—

(i) is sentenced or otherwise dealt with for the offence; or

(ii) is acquitted of the offence; or

(c) the proceedings are expressly abandoned by the prosecutor or are deserted*simpliciter*.

Arrangements for custody of property

3 (1) Subject to the proviso to section 17(3)(b) of the [M1]Police (Scotland) Act 1967 (duty to comply with instructions received from prosecutor), the chief constable shall, in accordance with the provisions of this Schedule, make such arrangements as he considers appropriate for the care, custody, return or disposal of property to which this Schedule applies.

(2) Any reference in this Schedule to property being in the possession of, delivered by or disposed of by, the chief constable includes a reference to its being in the possession of, delivered by or disposed of by, another person under arrangements made under sub-paragraph (1) above.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Disposal

4 Where the period of retention permitted by paragraph 2 above expires and the chief constable has reason to believe that the person from whom the property was seized is not the owner or the person having right to possession of it, he shall take reasonable steps to ascertain the identity of the owner or of the person with that right and to notify him of the procedures determined under paragraph 5(1) below.

5 (1) Subject to sub-paragraphs (5) and (6) below, the owner or any person having right to possession of any property to which this Schedule applies and which, at the expiry of the period of retention permitted by paragraph 2 above, is in the possession of the chief constable may at any time prior to its disposal under paragraph 6 below claim that property in accordance with such procedure as the chief constable may determine.

(2) Subject to sub-paragraphs (3), (5) and (6) below, where the chief constable considers that the person making a claim in accordance with the procedure determined under sub-paragraph (1) above is the owner of the property or has a right to possession of it, he shall deliver the property to the claimant.

(3) Subject to sub-paragraph (4) below, the chief constable may impose such conditions connected with the delivery to the claimant of property under sub-paragraph (2) above as he thinks fit and, without prejudice to that generality, such conditions may relate to the payment of such reasonable charges (including any reasonable expenses incurred in relation to the property by or on behalf of him) as he may determine.

(4) No condition relating to the payment of any charge shall be imposed by the chief constable on the owner or person having right of possession of the property where he is satisfied that that person did not know, and had no reason to suspect, that the property to which this Schedule applies was likely to be used in a manner which gave rise to its seizure.

(5) This paragraph does not apply where the period of retention expires in such manner as is mentioned in paragraph 2(2)(b)(i) above and the court by which he was convicted has made a suspended forfeiture order or a restraint order in respect of the property to which this Schedule applies.

(6) This paragraph shall cease to apply where at any time—
(a) the property to which this Schedule applies—
(i) is seized under any other power available to a constable; or
(ii) passes into the possession of the prosecutor; or
(b) proceedings for an offence are instituted, where the property to which this Schedule applies is required as a production.

6 (1) Where this sub-paragraph applies, the chief constable may—
(a) sell property to which this Schedule applies; or
(b) if in his opinion it would be impracticable to sell such property, dispose of it.

(2) Sub-paragraph (1) above applies—
(a) at any time after the expiry of the relevant period where, within that period—
(i) no claim has been made under paragraph 5 above; or
(ii) any such a claim which has been made has been rejected by the chief constable; and

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) where a claim has been made under paragraph 5 above and not determined within the relevant period, at any time after the rejection of that claim by the chief constable.

(3) In sub-paragraph (2) above, the "relevant period" means a period of six months beginning with the day on which the period of retention permitted by paragraph 2 above expired.

(4) Sections 71, 72 and 77(1) of this Act shall apply to a disposal under this paragraph as they apply to a disposal under section 68 of this Act.

Appeals

7 (1) A claimant under sub-paragraph (2) of paragraph 5 above may appeal to the sheriff against any decision of the chief constable made under that paragraph as respects the claim.

(2) The previous owner of any property disposed of for value under paragraph 6 above may appeal to the sheriff against any decision of the chief constable made under section 72 of this Act as applied by sub-paragraph (4) of that paragraph.

(3) Subsections (3) to (5) of section 76 of this Act shall apply to an appeal under this paragraph as they apply to an appeal under that section.

Interpretation

8 In this Schedule—

"chief constable" means the chief constable for the police area in which the property to which this Schedule applies was seized, and includes a constable acting under the direction of the chief constable for the purposes of this Schedule;

"restraint order" shall be construed in accordance with section 28(1) of the [M2]Proceeds of Crime (Scotland) Act 1995;

"suspended forfeiture order" shall be construed in accordance with section 21(2) of that Act."

Marginal Citations

M1 1967 c.77.

M2 1995 c.43.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/08/1998

SCHEDULE 2

Section 41(11).

THE YOUTH JUSTICE BOARD: FURTHER PROVISIONS

Commencement Information

I1 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 121; Sch. 2 paras 1-2 in force for certain purposes at 1.8.1998 by 1998/1883; Sch. 2 in force at 30.9.1998 to the extent that it is not already in force by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

. . . . . .

VALID FROM 30/09/1998

SCHEDULE 3

Section 52(6).

PROCEDURE WHERE PERSONS ARE SENT FOR TRIAL UNDER SECTION 51

. . . . . .

VALID FROM 30/09/1998

SCHEDULE 4

Section 64(5).

ENFORCEMENT ETC. OF DRUG TREATMENT AND TESTING ORDERS

. . . . . .

VALID FROM 30/09/1998

SCHEDULE 5

Sections 68(3) and 70(5).

ENFORCEMENT ETC. OF REPARATION AND ACTION PLAN ORDERS

Commencement Information

I28 Sch. 5 wholly in force; Sch. 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)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

. . . . . .

VALID FROM 30/09/1998

SCHEDULE 6

Section 94(2).

DRUG TREATMENT AND TESTING ORDERS: AMENDMENT OF THE 1995 ACT

Commencement Information

I29 Sch. 6 wholly in force; Sch. 6 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 I

AMENDMENTS RELATING TO COMBINATION OF ORDERS

1 In section 228(1) (probation orders), for the words "section 245D" there shall be substituted the words " sections 234J and 245D ".

2 (1) Section 232 (failure to comply with requirements of probation orders) shall be amended as follows.

(2) In subsection (3A)—

(a) for the words "a restriction of liberty order" there shall be substituted—

"(a) a restriction of liberty order; or

(b) a restriction of liberty order and a drug treatment and testing order,"; and

(b) at the end there shall be added the words " or, as the case may be, the restriction of liberty order and the drug treatment and testing order. "

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

"(3B) Where the court intends to sentence an offender under subsection (2)(b) above and the offender is by virtue of section 234J of this Act subject to a drug treatment and testing order, it shall, before sentencing the offender under that paragraph, revoke the drug treatment and testing order."

3 For section 245D there shall be substituted the following section—

"**245D Combination of restriction of liberty order with other orders.**

(1) Subsection (3) applies where the court—

(a) intends to make a restriction of liberty order under section 245A(1) of this Act; and

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) considers it expedient that the offender should also be subject to a probation order made under section 228(1) of this Act or to a drug treatment and testing order made under section 234B(2) of this Act or to both such orders.

(2) In deciding whether it is expedient to make a probation order or a drug treatment and testing order by virtue of paragraph (b) of subsection (1) above, the court shall—

(a) have regard to the circumstances, including the nature of the offence and the character of the offender; and

(b) obtain a report as to the circumstances and character of the offender.

(3) Where this subsection applies, the court, notwithstanding sections 228(1), 234B(2) and 245A(1) of this Act, may make a restriction of liberty order and either or both of a probation order and a drug treatment and testing order.

(4) Where the court makes a restriction of liberty order and a probation order by virtue of subsection (3) above, the clerk of the court shall send a copy of each order to—

(a) any person responsible for monitoring the offender's compliance with the restriction of liberty order; and

(b) the officer of the local authority who is to supervise the probationer.

(5) Where the court makes a restriction of liberty order and a drug treatment and testing order by virtue of subsection (3) above, the clerk of the court shall send a copy of each order to—

(a) any person responsible for monitoring the offender's compliance with the restriction of liberty order;

(b) the treatment provider, within the meaning of section 234C(1) of this Act; and

(c) the officer of the local authority who is appointed or assigned to be the supervising officer under section 234C(6) of this Act.

(6) Where the court makes a restriction of liberty order, a probation order and a drug treatment and testing order the clerk of the court shall send copies of each of the orders to the persons mentioned—

(a) in subsection (4) above;

(b) in paragraph (b) of subsection (5) above; and

(c) in paragraph (c) of that subsection, if that person would not otherwise receive such copies.

(7) Where the offender by an act or omission fails to comply with a requirement of an order made by virtue of subsection (3) above—

(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 powers conferred by section 234G(2)(b) of this Act in relation to a drug treatment and testing order to which the offender is subject by virtue of subsection (3) above and by section 245F(2) of this Act in relation to the restriction of liberty order;

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) 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 powers conferred by section 232(2)(c) of this Act in relation to a probation order to which the offender is subject by virtue of subsection (3) above and by section 245F(2)(b) of this Act in relation to the restriction of liberty order; and

(c) if the failure relates to a requirement contained in a restriction of liberty order and is dealt with under section 245F(2)(b) of this Act, the court may, in addition, exercise the powers conferred by section 232(2)(c) of this Act in relation to a probation order and by section 234G(2)(b) of this Act in relation to a drug treatment and testing order to which, in either case, the offender is subject by virtue of subsection (3) above.

(8) In any case to which this subsection applies, the offender may, without prejudice to subsection (7) above, be dealt with as respects that case under section 232(2) or, as the case may be, section 234G or section 245F(2) of this Act but he shall not be liable to be otherwise dealt with as respects that case.

(9) Subsection (8) applies in a case where—

(a) the offender by an act or omission fails to comply with both a requirement contained in a restriction of liberty order and in a probation order to which he is subject by virtue of subsection (3) above;

(b) the offender by an act or omission fails to comply with both a requirement contained in a restriction of liberty order and in a drug treatment and testing order to which he is subject by virtue of subsection (3) above;

(c) the offender by an act or omission fails to comply with a requirement contained in each of a restriction of liberty order, a probation order and a drug treatment and testing order to which he is subject by virtue of subsection (3) above."

4 (1) Section 245G (disposal on revocation of restriction of liberty order) shall be amended as follows.

(2) In subsection (2), for the words from "by" to the end there shall be substituted the words "by virtue of section 245D(3) of this Act, subject to a probation order or a drug treatment and testing order or to both such orders, it shall, before disposing the offender under subsection (1) above—

(a) where he is subject to a probation order, discharge that order;

(b) where he is subject to a drug treatment and testing order, revoke that order; and

(c) where he is subject to both such orders, discharge the probation order and revoke the drug treatment and testing order."

(3) After subsection (2) there shall be added—

"(3) Where the court orders a probation order discharged or a drug treatment and testing order revoked the clerk of the court shall forthwith give copies of that order to the persons mentioned in subsection (4) or, as the case may be, (5) of section 245D of this Act.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Where the court orders a probation order discharged and a drug treatment and testing order revoked, the clerk of the court shall forthwith give copies of that order to the persons mentioned in section 245D(6) of this Act."

PART II

AMENDMENTS RELATING TO APPEALS

5 In section 106 (solemn appeals), in paragraph (d), after the words "probation order" there shall be inserted the words " , drug treatment and testing order ".

6 (1) Section 108 (right of appeal of prosecutor) shall be amended as follows.

(2) In subsection (1), after paragraph (d) there shall be inserted the following paragraph—

"(dd) a drug treatment and testing order;".

(3) In subsection (2)(b)(iii), for the word "or", where it first occurs, there shall be substituted the word " to ".

7 (1) Section 175 (appeals in summary cases) shall be amended as follows.

(2) In subsection (2)(c), after the words "probation order" there shall be inserted the words " , drug treatment and testing order ".

(3) In subsection (4), after paragraph (d) there shall be inserted the following paragraph—

"(dd) a drug treatment and testing order;".

(4) In subsection (4A)(b)(iii), for the word "or", where it first occurs, there shall be substituted the word " to ".

VALID FROM 30/09/1998

SCHEDULE 7

Section 106.

PRE-CONSOLIDATION AMENDMENTS: POWERS OF CRIMINAL COURTS

Commencement Information

I30 Sch. 7 wholly in force; Sch. 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)

Children and Young Persons Act 1933 (c.12)

1 (1) In subsection (1A) of section 55 of the 1933 Act (power to order parent or guardian to pay fine etc.), in paragraph (a), for the words "section 15(2A)" there shall be substituted the words " section 15(3)(a) ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) For paragraph (b) of that subsection there shall be substituted the following paragraphs—

"(b) a court would impose a fine on a child or young person under section 19(3) of the [M9]Criminal Justice Act 1982 (breach of attendance centre order or attendance centre rules); or

(bb) a court would impose a fine on a child or young person under paragraph 3(1)(a) or 4(1)(a) of Schedule 2 to the [M10]Criminal Justice Act 1991 (breach of requirement of a relevant order (within the meaning given by that Schedule) or of a combination order);".

(3) After subsection (5) of that section there shall be added the following subsection—

"(6) In relation to any other child or young person, references in this section to his parent shall be construed in accordance with section 1 of the [M11]Family Law Reform Act 1987."

Marginal Citations

M9 1982 c.48.
M10 1991 c.53.
M11 1987 c.42.

Criminal Justice Act 1967 (c.80)

2 (1) In subsection (1)(b)(i) of section 56 of the Criminal Justice Act 1967 (committal for sentence for offences tried summarily), for the words from "section 93" to "34 to 36" there shall be substituted the words " section 34, 35 or 36 ".

(2) In subsection (2) of that section, for the words from "section 8(6)" to the end there shall be substituted the words " section 1B(5) of the [M12]Powers of Criminal Courts Act 1973 (conditionally discharged person convicted of further offence) and section 24(2) of that Act (offender convicted during operational period of suspended sentence). "

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

(4) For subsection (5) of that section there shall be substituted the following subsections—

"(5) Where under subsection (1) above a magistrates' court commits a person to be dealt with by the Crown Court in respect of an offence, the Crown Court may after inquiring into the circumstances of the case deal with him in any way in which the magistrates' court could deal with him if it had just convicted him of the offence.

(5A) Subsection (5) above does not apply where under subsection (1) above a magistrates' court commits a person to be dealt with by the Crown Court in respect of a suspended sentence, but in such a case the powers under section 23 of the [M13]Powers of Criminal Courts Act 1973 (power of court to deal with suspended sentence) shall be exercisable by the Crown Court.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5B) Without prejudice to subsections (5) and (5A) above, where under subsection (1) above or any enactment to which this section applies a magistrates' court commits a person to be dealt with by the Crown Court, any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the Crown Court.

(5C) Where under subsection (1) above a magistrates' court commits a person to be dealt with by the Crown Court in respect of an offence triable only on indictment in the case of an adult (being an offence which was tried summarily because of the offender's being under 18 years of age), the Crown Court's powers under subsection (5) above in respect of the offender after he attains the age of 18 years shall be powers to do either or both of the following—

(a) to impose a fine not exceeding £5,000;

(b) to deal with the offender in respect of the offence in any way in which the magistrates' court could deal with him if it had just convicted him of an offence punishable with imprisonment for a term not exceeding six months.

(5D) For the purposes of this section the age of an offender shall be deemed to be that which it appears to the court to be after considering any available evidence."

(5) Subsection (13) of that section shall cease to have effect.

Modifications etc. (not altering text)

C1 Sch. 7 para. 2(4) excluded (19.9.1998) by S.I. 1998/2327, **art. 6(1)**

Marginal Citations

M12 1973 c.62.

M13 1973 c.62.

Children and Young Persons Act 1969 (c.54)

3 After subsection (8) of section 7 of the 1969 Act (alterations in treatment of young offenders etc.) there shall be added the following subsection—

"(9) The reference in subsection (8) above to a person's parent shall be construed in accordance with section 1 of the [M14]Family Law Reform Act 1987 (and not in accordance with section 70(1A) of this Act)."

Marginal Citations

M14 1987 c.42.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

4 In section 12 of the 1969 Act (power to include requirements in supervision orders), after subsection (3) there shall be added the following subsection—

"(4) Directions given by the supervisor by virtue of subsection (2)(b) or (c) above shall, as far as practicable, be such as to avoid—

(a) any conflict with the offender's religious beliefs or with the requirements of any other community order (within the meaning of Part I of the [M15]Criminal Justice Act 1991) to which he may be subject; and

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

Marginal Citations

M15 1991 c.53.

5 (1) In subsection (1) of section 12B of the 1969 Act (power to include in supervision order requirements as to mental treatment)—

(a) for the words "medical practitioner", in the first place where they occur, there shall be substituted the words " registered medical practitioner ";

(b) for the words "his detention in pursuance of a hospital order under Part III" there shall be substituted the words " the making of a hospital order or guardianship order within the meaning ";

(c) in paragraph (a), for the words "fully registered medical practitioner" there shall be substituted the words " registered medical practitioner ";

(d) after that paragraph there shall be inserted the following paragraph—

"(aa) treatment by or under the direction of a chartered psychologist specified in the order;";

(e) in paragraph (b), for the words "a place" there shall be substituted the words " an institution or place "; and

(f) in paragraph (c), for the words "the said Act of 1983" there shall be substituted the [M16]words " the Mental Health Act 1983 ".

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

"(1A) In subsection (1) of this section "registered medical practitioner" means a fully registered person within the meaning of the [M17]Medical Act 1983 and "chartered psychologist" means a person for the time being listed in the British Psychological Society's Register of Chartered Psychologists."

(3) After subsection (2) of that section there shall be added the following subsection—

"(3) Subsections (2) and (3) of section 54 of the [M18]Mental Health Act 1983 shall have effect with respect to proof for the purposes of subsection (1) above of a supervised person's mental condition as they have effect with respect to proof of an offender's mental condition for the purposes of section 37(2)(a) of that Act."

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations
M16 1983 c.20.
M17 1983 c.54.
M18 1983 c.20.

6 In section 16(11) of the 1969 Act (provisions supplementary to section 15), the words "seventeen or" shall cease to have effect.

7 (1) In subsection (1)(a) of section 16A of the 1969 Act (application of sections 17 to 19 of Criminal Justice Act 1982), for the words "section 15(2A) or (4)" there shall be substituted the words " section 15(3)(a) ".

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

(a) in sub-paragraph (i), after the word "from" there shall be inserted the words " subsection (4A) of section 18 and "; and

(b) in sub-paragraph (ii), for the words "subsection (6)" there shall be substituted the words " subsection (4B) of section 18 and subsection (6) of section 19 ".

8 In section 34(1)(c) of the 1969 Act (power of Secretary of State to amend references to young person), the words "7(7), 7(8)," shall cease to have effect.

9 Section 69(5) of the 1969 Act (power to include in commencement order certain consequential provisions) shall cease to have effect.

10 In section 70 of the 1969 Act (interpretation), for subsections (1A) and (1B) there shall be substituted the following subsections—

"(1A) In the case of a child or young person—

(a) whose father and mother were not married to each other at the time of his birth, and

(b) with respect to whom a residence order is in force in favour of the father,

any reference in this Act to the parent of the child or young person includes (unless the contrary intention appears) a reference to the father.

(1B) In subsection (1A) of this section, the reference to a child or young person whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the [M19]Family Law Reform Act 1987 and "residence order" has the meaning given by section 8(1) of the [M20]Children Act 1989."

Marginal Citations
M19 1987 c.42.
M20 1989 c.41.

11 In Schedule 6 to the 1969 Act (repeals), the entries relating to sections 55, 56(1) and 59(1) of the 1933 Act (which entries have never come into force or are spent) are hereby repealed.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Criminal Justice Act 1972 (c.71)

12 Section 49 of the Criminal Justice Act 1972 (community service order in lieu of warrant of commitment for failure to pay fine etc.) shall cease to have effect.

Powers of Criminal Courts Act 1973 (c.62)

13 (1) In subsection (6) of section 1 of the 1973 Act (deferment of sentence), for the words "13(1), (2) and (5)" there shall be substituted the words " 13(1) to (3) and (5) ".

(2) In subsection (8) of that section, for paragraph (a) there shall be substituted the following paragraph—

"(a) is power to deal with him, in respect of the offence for which passing of sentence has been deferred, in any way in which the court which deferred passing sentence could have dealt with him; and".

14 (1) In subsection (9) of section 1B of the 1973 Act (commission of further offence by person conditionally discharged), for the words from "those which" to the end there shall be substituted the words "powers to do either or both of the following—

(a) to impose a fine not exceeding £5,000 for the offence in respect of which the order was made;

(b) to deal with the offender for that offence in any way in which a magistrates' court could deal with him if it had just convicted him of an offence punishable with imprisonment for a term not exceeding six months."

(2) Subsection (10) of that section (which is superseded by provision inserted by this Schedule in section 57 of the 1973 Act) shall cease to have effect.

15 In section 1C(1) of the 1973 Act (effect of absolute or conditional discharge)—

(a) in paragraph (a), for the words "the following provisions" there shall be substituted the words " section 1B "; and

(b) paragraph (b) and the word "and" immediately preceding it shall cease to have effect.

16 In section 2(1) of the 1973 Act (probation orders), the words from "For the purposes" to "available evidence" (which are superseded by provision inserted by this Schedule in section 57 of the 1973 Act) shall cease to have effect.

17 Section 11 of the 1973 Act (which is superseded by the paragraph 8A inserted by this Schedule in Schedule 2 to the 1991 Act) shall cease to have effect.

Modifications etc. (not altering text)

C2 Sch. 7 para. 17 excluded (19.9.1998) by S.I. 1998/2327, **art. 6(2)**

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

18 (1) For subsection (2) of section 12 of the 1973 Act (supplementary provision as to probation and discharge) there shall be substituted the following subsection—

"(2) Where an order for conditional discharge has been made on appeal, for the purposes of this Act it shall be deemed—

(a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;

(b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court."

(2) In subsection (3) of that section, for the words from "any question whether a probationer" to "period of conditional discharge," there shall be substituted the words " any question whether any person in whose case an order for conditional discharge has been made has been convicted of an offence committed during the period of conditional discharge ".

(3) For subsection (4) of that section there shall be substituted the following subsection—

"(4) Nothing in section 1A of this Act shall be construed as preventing a court, on discharging an offender absolutely or conditionally in respect of any offence, from making an order for costs against the offender or imposing any disqualification on him or from making in respect of the offence an order under section 35 or 43 of this Act or section 28 of the [M21]Theft Act 1968."

Marginal Citations

M21 1968 c.60.

19 (1) In subsection (1) of section 14 of the 1973 Act (community service orders in respect of convicted persons), after the word "imprisonment", in the first place where it occurs, there shall be inserted the words " (not being an offence the sentence for which is fixed by law or falls to be imposed under section 2(2), 3(2) or 4(2) of the [M22]Crime (Sentences) Act 1997) ".

(2) In that subsection, after the words "young offenders" there shall be inserted the words " ; and for the purposes of this subsection a sentence falls to be imposed under section 2(2), 3(2) or 4(2) of the [M23]Crime (Sentences) Act 1997 if it is required by that provision and the court is not of the opinion there mentioned ".

(3) In subsection (7) of that section, for the words "paragraph (b)(i) or (ii)" there shall be substituted the words " paragraph (b) ".

(4) Subsection (8) of that section shall cease to have effect.

Marginal Citations

M22 1997 c.43.

M23 1997 c.43.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

20 For subsection (3) of section 15 of the 1973 Act (obligations of person subject to community service order) there shall be substituted the following subsection—

"(3) The instructions given by the relevant officer under this section shall, as far as practicable, be such as to avoid—

(a) any conflict with the offender's religious beliefs or with the requirements of any other community order (within the meaning of Part I of the [M24]Criminal Justice Act 1991) to which he may be subject; and

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

Marginal Citations

M24 1991 c.53.

21 In section 21(3)(b) of the 1973 Act (meaning of "sentence of imprisonment" for purposes of restriction on imposing sentences of imprisonment on persons not legally represented), after the words "contempt of court" there shall be inserted the words " or any kindred offence ".

22 In subsection (3) of section 22 of the 1973 Act (suspended sentences of imprisonment)—

(a) for the words "make a probation order in his case in respect of another offence" there shall be substituted the words " impose a community sentence in his case in respect of that offence or any other offence "; and

(b) at the end there shall be inserted the words " ; and in this subsection "community sentence" has the same meaning as in Part I of the [M25]Criminal Justice Act 1991. "

Marginal Citations

M25 1991 c.53.

23 (1) In section 31 of the 1973 Act (powers etc. of Crown Court in relation to fines and forfeited recognizances), the following provisions shall cease to have effect—

(a) in subsection (3A), the words "Subject to subsections (3B) and (3C) below,";

(b) subsections (3B) and (3C); and

(c) in subsection (4), the words "4 or".

(2) In subsection (6) of that section—

(a) the words "about committal by a magistrates' court to the Crown Court" shall cease to have effect; and

(b) after the words "dealt with him" there shall be inserted the words " or could deal with him ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In subsection (8) of that section, for the words "(2) to (3C)" there shall be substituted the words " (2) to (3A) ".

24 (1) In subsection (2) of section 32 of the 1973 Act (enforcement etc. of fines imposed and recognizances forfeited by Crown Court), for the words "section 85(1)" there shall be substituted the words " section 85(2) ".

(2) In subsection (3) of that section, after the words "to the Crown Court" there shall be inserted the words " (except the reference in subsection (1)(b) above) ".

(3) For subsection (4) of that section there shall be substituted the following subsection—

"(4) A magistrates' court shall not, under section 85(1) or 120 of the [M26]Magistrates' Courts Act 1980 as applied by subsection (1) above, remit the whole or any part of a fine imposed by, or sum due under a recognizance forfeited by—

(a) the Crown Court,

(b) the criminal division of the Court of Appeal, or

(c) the House of Lords on appeal from that division,

without the consent of the Crown Court."

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

Marginal Citations

M26 1980 c.43.

25 In section 46 of the 1973 Act (reports of probation officers), after subsection (2) there shall be added the following subsection—

"(3) For the purposes of this section—

(a) references to an offender's parent shall be construed in accordance with section 1 of the [M27]Family Law Reform Act 1987; and

(b) "guardian" has the same meaning as in the [M28]Children and Young Persons Act 1933."

Marginal Citations

M27 1987 c.42.

M28 1933 c.12.

26 (1) For subsection (5) of section 57 of the 1973 Act (interpretation) there shall be substituted the following subsection—

"(5) Where a compensation order or supervision order has been made on appeal, for the purposes of this Act (except section 26(5)) it shall be deemed—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;

(b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court."

(2) After subsection (6) of that section there shall be added the following subsection—

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

27 (1) In paragraph 2 of Schedule 1A to the 1973 Act (additional requirements in probation orders), for sub-paragraph (7) there shall be substituted the following sub-paragraph—

"(7) Instructions given by a probation officer under sub-paragraph (4) or (6) above shall, as far as practicable, be such as to avoid—

(a) any conflict with the offender's religious beliefs or with the requirements of any other community order (within the meaning of Part I of the [M29]Criminal Justice Act 1991) to which he may be subject; and

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

(2) In paragraph 3 of that Schedule, for sub-paragraph (4) there shall be substituted the following sub-paragraph—

"(4) Instructions given by a probation officer under sub-paragraph (3) above shall, as far as practicable, be such as to avoid—

(a) any conflict with the offender's religious beliefs or with the requirements of any other community order (within the meaning of Part I of the [M30]Criminal Justice Act 1991) to which he may be subject; and

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

(3) In paragraph 5 of that Schedule, for the words "duly qualified medical practitioner", wherever they occur, there shall be substituted the words " registered medical practitioner ".

(4) In that paragraph (both as amended by subsection (3) of section 38 of the 1997 Act and so far as that paragraph has effect without that amendment), in sub-paragraph (4), after the words "have been" there shall be inserted the words " or can be ".

(5) In sub-paragraph (10) of that paragraph, before the definition of "chartered psychologist" there shall be inserted the following definition—

""registered medical practitioner" means a fully registered person within the meaning of the [M31]Medical Act 1983;".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) In paragraph 6 of that Schedule (both as amended by subsection (4) of section 38 of the 1997 Act and so far as that paragraph has effect without that amendment), in sub-paragraph (4), after the words "have been" there shall be inserted the words " or can be ".

(7) Sub-paragraph (7) of that paragraph shall cease to have effect.

Marginal Citations
M29 1991 c.53.
M30 1991 c.53.
M31 1983 c.54.

Magistrates' Courts Act 1980 (c.43)

28 In section 30(2)(a) of the 1980 Act (remand for medical examination), for the words "duly qualified medical practitioner" there shall be substituted the words " registered medical practitioner ".

29 (1) In subsection (2) of section 38 of the 1980 Act (committal for sentence on summary trial of offence triable either way), the words ", in accordance with section 56 of the Criminal Justice Act 1967," shall cease to have effect.

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

"(2A) Where the court commits a person under subsection (2) above, section 56 of the [M32]Criminal Justice Act 1967 (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly."

Marginal Citations
M32 1967 c.80.

30 (1) In subsection (2) of section 38A of the 1980 Act (committal for sentence on indication of guilty plea to offence triable either way), the words ", in accordance with section 56 of the Criminal Justice Act 1967," shall cease to have effect.

(2) In subsection (5) of that section, for the words "the court might have dealt with him" there shall be substituted the words " the magistrates' court could deal with him if it had just convicted him of the offence ".

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

"(5A) Where the court commits a person under subsection (2) above, section 56 of the [M33]Criminal Justice Act 1967 (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly."

Modifications etc. (not altering text)
C3 Sch. 7 para. 30(2) excluded (19.9.1998) by S.I. 1998/2327, **art. 6(1)**

Marginal Citations
M33 1967 c.80.

31 In section 39(6)(b) of the 1980 Act (cases where magistrates' court may remit offender to another such court for sentence), for the words "section 34 or 36" there shall be substituted the words " section 34, 35 or 36 ".

32 In section 85(1)(a) of the 1980 Act (power to remit fine), for the words "section 74" there shall be substituted the words " section 77 ".

Criminal Justice Act 1982 (c.48)

33 In section 3(1) of the 1982 Act (restriction on imposing custodial sentences on persons under 21 not legally represented)—

(a) in paragraph (a), the words "under section 1A above" shall cease to have effect;

(b) in paragraph (c), for the words "section 8(2)" there shall be substituted the words " section 8(1) or (2) "; and

(c) in paragraph (d), for the words "section 53(2)" there shall be substituted the words " section 53(1) or (3) ".

34 (1) In subsection (3) of section 13 of the 1982 Act (conversion of sentence of detention in a young offender institution to sentence of imprisonment), for the words "section 15 below" there shall be substituted the words " section 65 of the [M34]Criminal Justice Act 1991 (supervision of young offenders after release) ".

(2) In subsection (6) of that section, for the words "section 8(2)" there shall be substituted the words " section 8(1) or (2) ".

Marginal Citations
M34 1991 c.53.

35 In subsection (2) of section 16 of the 1982 Act (meaning of "attendance centre"), for the words from "of orders made" to the end there shall be substituted the words " of orders made under section 17 below. "

36 (1) In subsection (1) of section 17 of the 1982 Act (attendance centre orders), for the words "Subject to subsections (3) and (4) below," there shall be substituted the

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

words " Where a person under 21 years of age is convicted by or before a court of an offence punishable with imprisonment (not being an offence the sentence for which is fixed by law or falls to be imposed under section 2(2), 3(2) or 4(2) of the [M35]Crime (Sentences) Act 1997), or ".

(2) In that subsection, for paragraph (a) there shall be substituted the following paragraph—

"(a) would have power, but for section 1 above, to commit a person under 21 years of age to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone, or".

(3) In that subsection, in paragraph (b), for the words "any such person" there shall be substituted the words " a person under 21 years of age " and after that paragraph there shall be inserted the following paragraph—

"(bb) has power to deal with a person under 16 years of age under that Part of that Schedule for failure to comply with any of the requirements of a curfew order, or".

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

"(1A) For the purposes of subsection (1) above—

(a) the reference to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of young offenders; and

(b) a sentence falls to be imposed under section 2(2), 3(2) or 4(2) of the [M36]Crime (Sentences) Act 1997 if it is required by that provision and the court is not of the opinion there mentioned."

(5) For subsection (8) of that section there shall be substituted the following subsection—

"(8) The times at which an offender is required to attend at an attendance centre shall, as far as practicable, be such as to avoid—

(a) any conflict with the offender's religious beliefs or with the requirements of any other community order (within the meaning of Part I of the [M37]Criminal Justice Act 1991) to which he may be subject; and

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

Marginal Citations

M35 1997 c.43.
M36 1997 c.43.
M37 1991 c.53.

37 (1) In section 18 of the 1982 Act (discharge and variation of attendance centre orders), for subsection (4A) there shall be substituted the following subsections—

"(4A) Any power conferred by this section—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) on a magistrates' court to discharge an attendance centre order made by such a court, or

(b) on the Crown Court to discharge an attendance centre order made by the Crown Court,

includes power to deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

(4B) A person sentenced by a magistrates' court under subsection (4A) above for an offence may appeal to the Crown Court against the sentence."

(2) Subsection (7) of that section shall cease to have effect.

(3) In that section, after subsection (9) there shall be added the following subsections—

"(10) Where an offender has been ordered to attend at an attendance centre in default of the payment of a sum of money or for such a failure or abstention as is mentioned in section 17(1)(a) above, subsection (4A) above shall have effect in relation to the order as if the words ", for the offence in respect of which the order was made," and "for that offence" were omitted.

(11) Where an attendance centre order has been made on appeal, for the purposes of this section it shall be deemed—

(a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;

(b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court;

and subsection (4A) above shall have effect in relation to an attendance centre order made on appeal as if the words "if the order had not been made" were omitted."

Modifications etc. (not altering text)

C4 Sch. 7 para. 37(2)(3) excluded (19.9.1998) by S.I. 1998/2327, **art. 6(3)**

38 (1) In subsection (1) of section 19 of the 1982 Act (breaches of attendance centre orders or attendance centre rules), for the words "has been made" there shall be substituted the words " is in force ".

(2) In subsection (5) of that section, after the word "failed" there shall be inserted the words " without reasonable excuse ".

(3) After subsection (7) of that section there shall be added the following subsections—

"(8) Where an offender has been ordered to attend at an attendance centre in default of the payment of a sum of money or for such a failure or abstention as is mentioned in section 17(1)(a) above, subsections (3) and (5) above shall have effect in relation to the order as if the words ", for the offence in respect of which the order was made," and "for that offence" were omitted.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) Where an attendance centre order has been made on appeal, for the purposes of this section it shall be deemed—

(a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;

(b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court;

and, in relation to an attendance centre order made on appeal, subsection (3)(a) above shall have effect as if the words "if the order had not been made" were omitted and subsection (5) above shall have effect as if the words "if it had not made the order" were omitted."

Modifications etc. (not altering text)

C5 Sch. 7 para. 38(3) excluded (19.9.1998) by S.I. 1998/2327, **art. 6(3)**

Criminal Justice Act 1988 (c.33)

39 Paragraph 40 of Schedule 15 to the Criminal Justice Act 1988 (minor and consequential amendments) shall cease to have effect.

Criminal Justice Act 1991 (c.53)

40 In section 11 of the 1991 Act (orders combining probation and community service), after subsection (1) there shall be inserted the following subsection—

"(1A) The reference in subsection (1) above to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of young offenders."

41 (1) In subsection (5)(c) of section 12 of the 1991 Act (curfew orders), for the words "supervising officer" there shall be substituted the words " responsible officer ".

(2) After subsection (6A) of that section there shall be inserted the following subsection—

"(6B) The court by which a curfew order is made shall give a copy of the order to the offender and to the person responsible for monitoring the offender's whereabouts during the curfew periods specified in the order."

(3) After subsection (7) of that section there shall be added the following subsection—

"(8) References in this section to the offender's being under the age of sixteen years are references to his being under that age on conviction."

42 In section 31(1) of the 1991 Act (interpretation of Part I), in paragraph (b) of the definition of "custodial sentence", for the words "section 53" there shall be substituted the words " section 53(3) ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

43 (1) In subsection (3) of section 40 of the 1991 Act (convictions during currency of original sentences), for the words from "for sentence" to the end there shall be substituted the words " to be dealt with under subsection (3A) below ".

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

"(3A) Where a person is committed to the Crown Court under subsection (3) above, the Crown Court may order him to be returned to prison for the whole or any part of the period which—

(a) begins with the date of the order; and

(b) is equal in length to the period between the date on which the new offence was committed and the date mentioned in subsection (1) above.

(3B) Subsection (3)(b) above shall not be taken to confer on the magistrates' court a power to commit the person to the Crown Court for sentence for the new offence, but this is without prejudice to any such power conferred on the magistrates' court by any other enactment."

(3) In subsection (4) of that section, for the words "subsection (2)" there shall be substituted the words " subsection (2) or (3A) ".

44 In each of subsections (3)(b) and (4)(a) of section 57 of the 1991 Act (responsibility of parent or guardian for financial penalties), for the words "section 35(4)(a)" there shall be substituted the words " section 35(4) ".

45 In section 58 of the 1991 Act (binding over of parent or guardian), after subsection (8) there shall be added the following subsection—

"(9) For the purposes of this section—

(a) "guardian" has the same meaning as in the 1933 Act; and

(b) taking "care" of a person includes giving him protection and guidance and "control" includes discipline."

46 (1) In paragraph 1 of Schedule 2 to the 1991 Act (enforcement etc. of community orders), after sub-paragraph (4) there shall be added the following sub-paragraph—

"(5) Where a probation order, community service order, combination order or curfew order has been made on appeal, for the purposes of this Schedule it shall be deemed—

(a) if it was made on an appeal brought from a magistrates' court, to have been made by a magistrates' court;

(b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court."

(2) In each of paragraphs 3(1) and 4(1) of that Schedule, for paragraph (c) there shall be substituted the following paragraph—

"(c) where—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) the relevant order is a probation order and the offender is under the age of twenty-one years, or

(ii) the relevant order is a curfew order and the offender is under the age of sixteen years,

and the court has been notified as required by subsection (1) of section 17 of the 1982 Act, it may (subject to paragraph 6(6) below) make in respect of him an order under that section (attendance centre orders); or".

(3) In paragraph 4(1) of that Schedule—

(a) after the word "failed" there shall be inserted the words " without reasonable excuse "; and

(b) in paragraph (d), for the words "by or before the court" there shall be substituted the words " before the Crown Court ".

(4) In paragraph 6 of that Schedule, in sub-paragraph (1), for the words "or (b)" there shall be substituted the words " , (b) or (c) ".

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

"(3A) A community service order shall not be made under paragraph 3(1)(b) or 4(1)(b) above in respect of a person who is under the age of sixteen years."

(6) For sub-paragraph (5) of that paragraph there shall be substituted the following sub-paragraph—

"(5) Where the provisions of this Schedule have effect as mentioned in sub-paragraph (4) above in relation to a community service order under paragraph 3(1)(b) or 4(1)(b) above—

(a) the power conferred on the court by each of paragraphs 3(1)(d) and 4(1)(d) above and paragraph 7(2)(a)(ii) below to deal with the offender for the offence in respect of which the order was made shall be construed as a power to deal with the offender, for his failure to comply with the original order, in any manner in which the court could deal with him if that failure to comply had just been proved to the satisfaction of the court;

(b) the reference in paragraph 7(1)(b) below to the offence in respect of which the order was made shall be construed as a reference to the failure to comply in respect of which the order was made; and

(c) the power conferred on the court by paragraph 8(2)(b) below to deal with the offender for the offence in respect of which the order was made shall be construed as a power to deal with the offender, for his failure to comply with the original order, in any manner in which the court which made the original order could deal with him if that failure had just been proved to the satisfaction of that court;

and in this sub-paragraph "the original order" means the relevant order the failure to comply with whose requirements led to the making of the community service order under paragraph 3(1)(b) or 4(1)(b)."

(7) After sub-paragraph (5) of that paragraph there shall be added the following sub-paragraph—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(6) The provisions of sections 17 to 19 of the 1982 Act (making, discharge, variation and breach of attendance centre order) shall apply for the purposes of paragraphs 3(1)(c) and 4(1)(c) above but as if there were omitted—

(a) subsection (13) of section 17;

(b) from subsection (4A) of section 18 and subsections (3) and (5) of section 19, the words ", for the offence in respect of which the order was made," and "for that offence"."

(8) After paragraph 6 of that Schedule there shall be inserted the following paragraph—

"6A (1) Where a relevant order was made by a magistrates' court in the case of an offender under 18 years of age in respect of an offence triable only on indictment in the case of an adult, any powers exercisable under paragraph 3(1)(d) above by that or any other court in respect of the offender after he has attained the age of 18 years shall be powers to do either or both of the following—

(a) to impose a fine not exceeding £5,000 for the offence in respect of which the order was made;

(b) to deal with the offender for that offence in any way in which a magistrates' court could deal with him if it had just convicted him of an offence punishable with imprisonment for a term not exceeding six months.

(2) In sub-paragraph (1)(b) above any reference to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of young offenders."

(9) In paragraph 7(5) of that Schedule, after the word "above" there shall be inserted the words " for an offence ".

(10) In paragraph 8(2) of that Schedule, for paragraph (b) there shall be substituted the following paragraph—

"(b) revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which the court which made the order could deal with him if he had just been convicted of that offence by or before the court which made the order."

(11) After paragraph 8 of that Schedule there shall be inserted the following paragraph—

"8A (1) This paragraph applies where a probation order is in force in respect of any offender and on the application of the offender or the responsible officer it appears to a magistrates' court acting for the petty sessions area concerned that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice—

(a) for the probation order to be revoked; and

(b) for an order to be made under section 1A(1)(b) of the 1973 Act discharging the offender conditionally for the offence for which the probation order was made.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) No application may be made under paragraph 7 above for a probation order to be revoked and replaced with an order for conditional discharge under section 1A(1)(b) of the 1973 Act; but otherwise nothing in this paragraph shall affect the operation of paragraphs 7 and 8 above.

(3) Where this paragraph applies and the probation order was made by a magistrates' court—

(a) the magistrates' court dealing with the application may revoke the probation order and make an order under section 1A(1)(b) of the 1973 Act discharging the offender in respect of the offence for which the probation order was made, subject to the condition that he commits no offence during the period specified in the order under section 1A(1)(b); and

(b) the period specified in the order under section 1A(1)(b) shall be the period beginning with the making of that order and ending with the date when the probation period specified in the probation order would have ended.

(4) Where this paragraph applies and the probation order was made by the Crown Court, the magistrates' court may send the application to the Crown Court to be heard by that court, and if it does so shall also send to the Crown Court such particulars of the case as may be desirable.

(5) Where an application under this paragraph is heard by the Crown Court by virtue of sub-paragraph (4) above—

(a) the Crown Court may revoke the probation order and make an order under section 1A(1)(b) of the 1973 Act discharging the offender in respect of the offence for which the probation order was made, subject to the condition that he commits no offence during the period specified in the order under section 1A(1)(b); and

(b) the period specified in the order under section 1A(1)(b) shall be the period beginning with the making of that order and ending with the date when the probation period specified in the probation order would have ended.

(6) For the purposes of sub-paragraphs (3) and (5) above, subsection (1) of section 1A of the 1973 Act shall apply as if—

(a) for the words from the beginning to "may make an order either" there were substituted the words "Where paragraph 8A of Schedule 2 to the [M38]Criminal Justice Act 1991 applies, the court which under sub-paragraph (3) or (5) of that paragraph has power to dispose of the application may (subject to the provisions of that sub-paragraph) make an order in respect of the offender"; and

(b) paragraph (a) of that subsection were omitted.

(7) An application under this paragraph may be heard in the offender's absence if—

(a) the application is made by the responsible officer; and

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) that officer produces to the court a statement by the offender that he understands the effect of an order for conditional discharge and consents to the making of the application;

and where the application is so heard section 1A(3) of the 1973 Act shall not apply.

(8) No application may be made under this paragraph while an appeal against the probation order is pending.

(9) Without prejudice to paragraph 11 below, on the making of an order under section 1A(1)(b) of the 1973 Act by virtue of this paragraph the court shall forthwith give copies of the order to the responsible officer, and the responsible officer shall give a copy to the offender.

(10) Each of sections 1(11), 2(9) and 66(4) of the Crime and Disorder Act 1998 (which prevent a court from making an order for conditional discharge in certain cases) shall have effect as if the reference to the court by or before which a person is convicted of an offence there mentioned included a reference to a court dealing with an application under this paragraph in respect of the offence."

(12) After paragraph 11 of that Schedule there shall be inserted the following paragraphs—

"11A Paragraph 6A above shall apply for the purposes of paragraphs 7 and 8 above as it applies for the purposes of paragraph 3 above, but as if in paragraph 6A(1) for the words "powers exercisable under paragraph 3(1)(d) above" there were substituted the words "powers to deal with the offender which are exercisable under paragraph 7(2)(a)(ii) or 8(2)(b) below".

11B Where under this Part of this Schedule a relevant order is revoked and replaced by an order for conditional discharge under section 1A(1)(b) of the 1973 Act and—

(a) the order for conditional discharge is not made in the circumstances mentioned in section 1B(9) of the 1973 Act (order made by magistrates' court in the case of an offender under eighteen in respect of offence triable only on indictment in the case of an adult), but

(b) the relevant order was made in those circumstances,

section 1B(9) of the 1973 Act shall apply as if the order for conditional discharge had been made in those circumstances."

Modifications etc. (not altering text)

C6 Sch. 7 para. 46(1)(2)(8) excluded (19.9.1998) by S.I. 1998/2327, **art. 6(4)**

Marginal Citations

M38 1991 c.53.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Crime (Sentences) Act 1997 (c.43)

47 Section 1 of the 1997 Act (conditions relating to mandatory and minimum custodial sentences) shall cease to have effect.

48 (1) In subsection (2) of section 3 of the 1997 Act (minimum of seven years for third class A drug trafficking offence)—
(a) for the words "specific circumstances" there shall be substituted the words " particular circumstances "; and
(b) for the words "the prescribed custodial sentence unjust" there shall be substituted the words " it unjust to do so ".

(2) In subsection (3) of that section, for the words "specific circumstances" there shall be substituted the words " particular circumstances ".

49 (1) In subsection (2) of section 4 of the 1997 Act (minimum of three years for third domestic burglary)—
(a) for the words "specific circumstances" there shall be substituted the words " particular circumstances "; and
(b) for the words "the prescribed custodial sentence unjust" there shall be substituted the words " it unjust to do so ".

(2) In subsection (3) of that section, for the words "specific circumstances" there shall be substituted the words " particular circumstances ".

50 (1) In subsection (2)(a) of section 35 of the 1997 Act (community sentences for fine defaulters), for the words "and (11)" there shall be substituted the words " , (10) and (11) ".

(2) In subsection (5) of that section, paragraph (c) shall cease to have effect.

(3) In that subsection, the word "and" at the end of paragraph (d) shall cease to have effect and after paragraph (e) there shall be added the following paragraphs—
"(f) the reference in paragraph 7(1)(b) of that Schedule to the offence in respect of which the order was made shall be construed as a reference to the default in respect of which the order was made;
(g) the power conferred by paragraph 7(2)(a)(ii) of that Schedule to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question; and
(h) paragraph 8(2)(b) of that Schedule shall not apply."

(4) In subsection (7) of that section, for the words "section 12(5)" there shall be substituted the words " section 12(6) ".

(5) In subsection (8) of that section, the word "and" at the end of paragraph (a) shall cease to have effect and after paragraph (b) there shall be added the following paragraphs—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(c) the reference in paragraph 7(1)(b) of that Schedule to the offence in respect of which the order was made shall be construed as a reference to the default in respect of which the order was made;

(d) the power conferred by paragraph 7(2)(a)(ii) of that Schedule to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question; and

(e) paragraph 8(2)(b) of that Schedule shall not apply."

(6) In subsection (10) of that section, for the words "subsection (2)(b)" there shall be substituted the words " subsection (2)(a) or (b) ".

VALID FROM 04/01/1999

51 (1) In subsection (3) of section 37 of the 1997 Act (community sentences for persistent petty offenders)—

(a) in paragraph (a), for the words "(4) and (6)" there shall be substituted the words " (4), (5A) and (6) "; and

(b) in paragraph (b), for the words "(5) and (6)" there shall be substituted the words " (5), (5A) and (6) ".

(2) For subsections (4) and (5) of that section there shall be substituted the following subsections—

"(4) In this section "community service order" has the same meaning as in the 1973 Act and—

(a) section 14(2) of that Act; and

(b) so far as applicable, the other provisions of that Act relating to community service orders and the provisions of Part I of the 1991 Act so relating,

shall have effect in relation to an order under subsection (3)(a) above as they have effect in relation to a community service order made under the 1973 Act in respect of an offender.

(5) In this section "curfew order" has the same meaning as in Part I of the 1991 Act and—

(a) section 12(6) of that Act; and

(b) so far as applicable, the other provisions of that Part relating to curfew orders,

shall have effect in relation to an order under subsection (3)(b) above as they have effect in relation to a curfew order made under that Act in respect of an offender.

(5A) A court shall not make an order under subsection (3)(a) or (b) above in respect of a person who on conviction is under 16."

52 In section 50 of the 1997 Act (disclosure of pre-sentence reports), after subsection (6) there shall be added the following subsection—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(7) In this section "guardian" has the same meaning as in the 1933 Act."

53 In section 54 of the 1997 Act (general interpretation), after subsection (3) there shall be added the following subsection—

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

54 In section 55(2) of the 1997 Act (interpretation of minor and consequential amendments), for the words "in any case where" (in both places where they occur) there shall be substituted the word " and ".

SCHEDULE 8

Section 119.

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 30/09/1998

Children and Young Persons Act 1933 (c.12)

VALID FROM 01/04/2000

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),".

Commencement Information

I31 Sch. 8 para. 2 wholly in force; Sch. 8 para. 2 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 04/01/1999

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."

Commencement Information

I32 Sch. 8 para. 3 wholly in force; Sch. 8 para. 3 not in force at Royal Assent, see s. 121; Sch. 8 para. 3 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)**; Sch. 8 para. 3 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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) ".

Commencement Information

I33 Sch. 8 para. 4 wholly in force; Sch. 8 para. 4 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 04/01/1999

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 [M39]Prosecution of Offences Act 1985."

(2) After paragraph (iA) of the proviso to that subsection there shall be inserted the following paragraph—

"(iB) in a case to which paragraph (ac) above applies, the bill of indictment may include, either in substitution for or in

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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;".

Commencement Information

I34 Sch. 8 para. 5 wholly in force; Sch. 8 para. 5 not in force at Royal Assent, see s. 121; Sch. 8 para. 5(1)(a)(2) 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)**; Sch. 8 para. 5(1)(b) in force at 1.6.1999 by S.I. 1999/1279, **art. 2(f)**; Sch. 8 para. 5(1)(a)(2) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

Marginal Citations

M39 1985 c.23.

VALID FROM 01/04/2000

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

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(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).”

Extent Information

E1 Sch.8 para.7(2) extends to England and Wales only, see s. 121(6)(g).

VALID FROM 04/01/1999

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, ”.

Commencement Information

I35 Sch. 8 para. 8 wholly in force; Sch. 8 para. 8 not in force at Royal Assent, see s. 121; Sch. 8 para. 8 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)**; Sch. 8 para. 8 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 30/09/1998

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)—

(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 [M40]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.

Commencement Information

I36 Sch. 8 para. 9 wholly in force at 1.4.2000; Sch. 8 para. 9 not in force at Royal Assent see s. 121; Sch. 8 para. 9(1)(b) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 paras. 9(1)(a)(2) in force at 1.4.2000 by S.I. 1999/3426, **art. 3(b)**

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M40 1991 c.53.

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.

Commencement Information

I37 Sch. 8 para. 10 wholly in force at 1.4.2000; Sch. 8 para. 10 not in force at Royal Assent see s. 121; Sch. 8 para. 10(a) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 10(b) in force at 1.4.2000 by S.I. 1999/3426, **art. 3(b)** (subject to savings in art. 4(5))

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 [M41]Criminal Justice Act 1991 at any time during the period beginning with the first and ending with the last of those occasions."

Commencement Information

I38 Sch. 8 para. 11 wholly in force; Sch. 8 para. 11 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M41 1991 c.53.

VALID FROM 30/09/1998

Criminal Appeal Act 1968 (c.19)

VALID FROM 04/01/1999

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) ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I39 Sch. 8 para. 12 wholly in force; Sch. 8 para. 12 not in force at Royal Assent, see s. 121; Sch. 8 para. 12 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)**; Sch. 8 para. 12 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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."

Commencement Information

I40 Sch. 8 para. 13 wholly in force; Sch. 8 para. 13 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)**(subject to savings in arts. 5-8)

VALID FROM 01/04/2000

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;

(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 ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/09/1998

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 ".

Commencement Information

I41 Sch. 8 para. 16 wholly in force; Sch. 8 para. 16 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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,"

Commencement Information

I42 Sch. 8 para. 17 wholly in force; Sch. 3 para. 17 not in force at Royal Assent see s. 121; Sch. 8 para. 17 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); Sch. 8 para. 17 to the extent that it is not already in force, comes into force at 1.4.2000 by S.I. 2000/924, **art. 2**

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.

Commencement Information

I43 Sch. 8 para. 18 wholly in force; Sch. 8 para. 18 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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."

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I44 Sch. 8 para. 19 wholly in force; Sch. 3 para. 19 not in force at Royal Assent see s. 121; Sch. 8 para. 19 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); Sch. 8 para. 19 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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.

Commencement Information

I45 Sch. 8 para. 20 wholly in force; Sch. 8 para. 20 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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".

(2) Schedule 2 to the [M42]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

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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."

Commencement Information

I46 Sch. 8 para. 21 wholly in force; Sch. 8 para. 21 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M42 1991 c.53.

VALID FROM 01/04/2000

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."

Commencement Information

I47 Sch. 8 para. 23 partly in force; Sch. 3 para. 23 not in force at Royal Assent see s. 121; Sch. 8 para. 23 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); Sch. 8 para. 23 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/09/1998

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. "

Commencement Information

I48 Sch. 8 para. 24 wholly in force; Sch. 8 para. 24 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 30/09/1998

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)."

Commencement Information

I49 Sch. 8 para. 25 wholly in force; Sch. 8 para. 25 not in force at Royal Assent, see s. 121; Sch. 8 para 25 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); Sch. 8 para. 25 in force at 1.4.2000 for specified purposes and at 1.6.2000 otherwise by S.I. 2000/924, arts. 3, 4, **Sch.**

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."

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In 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 ".

Commencement Information

I50 Sch. 8 para. 26 wholly in force; Sch. 3 para. 26 not in force at Royal Assent see s. 121; Sch. 8 para. 26 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); Sch. 8 para. 26 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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 [M43]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."

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I51 Sch. 8 para. 27 wholly in force; Sch. 3 para. 27 not in force at Royal Assent see s. 121; Sch. 8 para. 27 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); Sch. 8 para. 27 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

Marginal Citations

M43 1991 c.53.

VALID FROM 04/01/1999

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 ".

Commencement Information

I52 Sch. 8 para. 28 wholly in force; Sch. 8 para. 28 not in force at Royal Assent, see s. 121; Sch. 8 para. 28 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)**; Sch. 8 para. 28 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 04/01/1999

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 ".

Commencement Information

I53 Sch. 8 para. 29 wholly in force; Sch. 8 para. 29 not in force at Royal Assent, see s. 121; Sch. 8 para. 29 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)**; Sch. 8 para. 29 in force 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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."

Commencement Information

I54 Sch. 8 para. 30 wholly in force; Sch. 8 para. 30 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 01/04/2000

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 ".

Commencement Information

I55 Sch. 8 para. 32 wholly in force; Sch. 8 para. 32 not in force at Royal Assent see s. 121; Sch. 8 para. 32 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); Sch. 8 para. 32 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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."

Commencement Information

I56 Sch. 8 para. 33 wholly in force; Sch. 3 para. 33 not in force at Royal Assent see s. 121; Sch. 8 para. 33 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); Sch. 8 para. 33 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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, ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) 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—

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."

Commencement Information

I57 Sch. 8 para. 34 wholly in force; Sch. 8 para. 34 not in force at Royal Assent see s. 121; Sch. 8 para. 34(1)(2) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 34(3) 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); Sch. 8 para. 34(3) in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

VALID FROM 01/12/1998

Rehabilitation of Offenders Act 1974 (c.53)

VALID FROM 01/04/2000

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—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(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;".

VALID FROM 30/09/1998

Bail Act 1976 (c.63)

VALID FROM 04/01/1999

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."

Commencement Information

I58 Sch. 8 para. 37 wholly in force; Sch. 8 para. 37 not in force at Royal Assent, see s. 121; Sch. 8 para. 37 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)**; Sch. 8 para. 37 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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) ".

Commencement Information

I59 Sch. 8 para. 38 wholly in force; Sch. 8 para. 38 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 30/09/1998

Magistrates' Courts Act 1980 (c.43)

VALID FROM 01/04/2000

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 ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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 ".

Commencement Information

I60 Sch. 8 para. 40 wholly in force; Sch. 8 para. 40 not in force at Royal Assent see s. 121; Sch. 8 para. 40(1) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 40(2) 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)**; Sch. 8 para. 40(2) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 01/04/2000

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;".

Commencement Information

I61 Sch. 8 para. 42 wholly in force; Sch. 8 para. 42 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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.

Commencement Information

I62 Sch. 8 para. 43 wholly in force; Sch. 8 para. 43 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 04/01/1999

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

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(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."

Commencement Information

I63 Sch. 8 para. 44 wholly in force; Sch. 8 para. 44 not in force at Royal Assent, see s. 121; Sch. 8 para. 44 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)**; Sch. 8 para. 44 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 04/01/1999

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."

Commencement Information

I64 Sch. 8 para. 45 wholly in force; Sch. 8 para. 45 not in force at Royal Assent, see s. 121; Sch. 8 para. 45 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)**; Sch. 8 para. 45 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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, ".

Commencement Information

I65 Sch. 8 para. 46 wholly in force; Sch. 8 para. 46 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/09/1998

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."

Commencement Information

I66 Sch. 8 para. 47 wholly in force; Sch. 8 para. 47 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 04/01/1999

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 ".

Commencement Information

I67 Sch. 8 para. 48 wholly in force; Sch. 8 para. 48 not in force at Royal Assent, see s. 121; Sch. 8 para. 48 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)**; Sch. 8 para. 48 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 30/09/1998

Criminal Justice Act 1982 (c.48)

VALID FROM 04/01/1999

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

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) sent in custody for trial under section 51 of the Crime and Disorder Act 1998."

Commencement Information

I68 Sch. 8 para. 49 wholly in force; Sch. 8 para. 49 not in force at Royal Assent, see s. 121; Sch. 8 para. 49 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)**; Sch. 8 para. 49 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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, "

Modifications etc. (not altering text)

C7 Sch. 8 para. 50(1) applied (1.4.2000) by S.I. 1999/3426, **art. 4(1)(a)(ii)**

Commencement Information

I69 Sch. 8 para. 50 wholly in force at 1.4.2000; Sch. 8 para. 50 not in force at Royal Assent see s. 121; Sch. 8 para. 50(5) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 50(1)-(4) in force at 1.4.2000 by S.I. 1999/3426, **art. 3(b)** (with art. 4(3))

VALID FROM 01/04/2000

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.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 04/01/1999

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 ".

Commencement Information

I70 Sch. 8 para. 52 partly in force; Sch. 8 para. 52 not in force at Royal Assent, see s. 121; Sch. 8 para. 52(2) 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(1) in force at 1.4.2000 by S.I. 1999/3426, **art. 3(b)**; Sch. 8 para. 52(2) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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 [M44]Criminal Justice Act 1991."

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

"(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."

Commencement Information

I71 Sch. 8 para. 53 wholly in force; Sch. 8 para. 53 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M44 1991 c.53.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/09/1998

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,".

Commencement Information

I72 Sch. 8 para. 54 wholly in force; Sch. 8 para. 54 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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 [M45]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.

Marginal Citations

M45 1993 c.9.

VALID FROM 30/09/1998

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 [M46]Criminal Justice Act 1991 or section 28(5) or 29(1) of the [M47]Crime (Sentences) Act 1997;".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I73 Sch. 8 para. 56 wholly in force; Sch. 8 para. 56 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M46 1991 c.53.
M47 1997 c.43.

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

(a) for the words "section 48 of the [M48]Criminal Justice Act 1991 (discretionary life prisoners transferred to England and Wales)" there shall be substituted the words " section 33 of the [M49]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) ".

Commencement Information

I74 Sch. 8 para. 57 wholly in force; Sch. 8 para. 57 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M48 1991 c.53.
M49 1997 c.43.

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 [M50]Criminal Justice Act 1991 and section 28(5) and (7) of the [M51]Crime (Sentences) Act 1997;".

Commencement Information

I75 Sch. 8 para. 58 wholly in force; Sch. 8 para. 58 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M50 1991 c.53.
M51 1997 c.43.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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 [M52]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 [M53]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 [M54]Criminal Justice Act 1991 and section 28(5) and (7) of the [M55]Crime (Sentences) Act 1997;".

Commencement Information

I76 Sch. 8 para. 59 wholly in force; Sch. 8 para. 59 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M52 1991 c.53.
M53 1997 c.43.
M54 1991 c.53.
M55 1997 c.43.

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 [M56]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."

Commencement Information

I77 Sch. 8 para. 60 wholly in force; Sch. 8 para. 60 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M56 1997 c.43.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/09/1998

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 [M57]Police Act 1997; and

(b) a reprimand or warning given under section 65 of the Crime and Disorder Act 1998."

Commencement Information

I78 Sch. 8 para. 61 wholly in force; Sch. 8 para. 61 not in force at Royal Assent, see s. 121; Sch. 8 para. 61 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); Sch. 8 para. 61 in force at 1.4.2000 for specified purposes and at 1.6.2000 to the extent that it is not already in force by S.I. 2000/924, arts. 3, 4, **Sch.**

Marginal Citations

M57 1997 c.50.

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)."

Commencement Information

I79 Sch. 8 para. 62 wholly in force; Sch. 8 para. 62 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 04/01/1999

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—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(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)."

Commencement Information

I80 Sch. 8 para. 63 wholly in force; Sch. 8 para. 63 not in force at Royal Assent, see s. 121; Sch. 8 para. 63 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)**; Sch. 8 para. 63 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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."

Commencement Information

I81 Sch. 8 para. 64 wholly in force; Sch. 8 para. 64 not in force at Royal Assent, see s. 121; Sch. 8 para. 64 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)**; Sch. 8 para. 64 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 04/01/1999

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."

Commencement Information

I82 Sch. 8 para. 65 wholly in force; Sch. 8 para. 65 not in force at Royal Assent, see s. 121; Sch. 8 para. 65 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)**; Sch. 8 para. 65 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 04/01/1999

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 ".

Commencement Information

I83 Sch. 8 para. 66 wholly in force; Sch. 8 para. 66 not in force at Royal Assent, see s. 121; Sch. 8 para. 66 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)**; Sch. 8 para. 66 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 04/01/1999

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—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(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 ".

Commencement Information

I84 Sch. 8 para. 67 wholly in force; Sch. 8 para. 67 not in force at Royal Assent, see s. 121; Sch. 8 para. 67 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)**; Sch. 8 para. 67 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 30/09/1998

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."

Commencement Information

I85 Sch. 8 para. 68 wholly in force; Sch. 8 para. 68 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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) ".

Commencement Information

I86 Sch. 8 para. 69 wholly in force; Sch. 8 para. 69 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/09/1998

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 [M58]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."

Commencement Information

I87 Sch. 8 para. 70 wholly in force; Sch. 8 para. 70 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M58 1993 c.9.

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 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 [M59]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."

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I88 Sch. 8 para. 71 wholly in force; Sch. 8 para. 71 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M59 1993 c.9.

VALID FROM 30/09/1998

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."

Commencement Information

I89 Sch. 8 para. 72 wholly in force; Sch. 8 para. 72 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 24/08/2000

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;".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I90 Sch. 8 para. 73 wholly in force; Sch. 3 para. 73 not in force at Royal Assent see s. 121; Sch. 8 para. 73 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); Sch. 8 para. 73 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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."

Commencement Information

I91 Sch. 8 para. 74 wholly in force; Sch. 8 para. 74 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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;".

Commencement Information

I92 Sch. 8 para. 75 wholly in force; Sch. 8 para. 75 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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 ".

Commencement Information

I93 Sch. 8 para. 76 wholly in force; Sch. 3 para. 76 not in force at Royal Assent see s. 121; Sch. 8 para. 76 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); Sch. 8 para. 76 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

77 In subsection (3) of section 15 of the 1991 Act (regulation of community orders)—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in 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;".

Commencement Information

I94 Sch. 8 para. 77 wholly in force; Sch. 8 para. 77 not in force at Royal Assent see s. 121; Sch. 8 para. 77(b) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 77(a) 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); Sch. 8 para. 77(a) in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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;".

Commencement Information

I95 Sch. 8 para. 78 wholly in force at 1.4.2000; Sch. 8 para. 78 not in force at Royal Assent see s. 121; Sch. 8 para. 78(a)(c) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 78(2) in force at 1.4.2000 by S.I. 1999/3426, **art. 3(b)**

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 [M60]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 ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I96 Sch. 8 para. 79 wholly in force; Sch. 8 para. 79 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M60 1997 c.43.

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.

Commencement Information

I97 Sch. 8 para. 80 wholly in force; Sch. 8 para. 80 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) 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."

Commencement Information

I98 Sch. 8 para. 81 wholly in force; Sch. 8 para. 81 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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 ".

Commencement Information

I99 Sch. 8 para. 82 wholly in force; Sch. 8 para. 82 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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."

(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—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) 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."

Commencement Information

I100 Sch. 8 para. 83 wholly in force at 1.1.1999; Sch. 8 para. 83 not in force at Royal Assent see s. 121; Sch. 8 para. 83(1)(a)(4)-(6) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 83 in force at 1.1.1999 by S.I. 1998/3263, **art. 2**

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."

Commencement Information

I101 Sch. 8 para. 84 wholly in force; Sch. 8 para. 84 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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."

Commencement Information

I102 Sch. 8 para. 85 wholly in force; Sch. 8 para. 85 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

[F1]86 . . . . . .

Textual Amendments

F1 Sch. 8 para. 86 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 118(5)(a)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)

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) ".

Commencement Information

I103 Sch. 8 para. 87 wholly in force; Sch. 8 para. 87 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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) ".

Commencement Information

I104 Sch. 8 para. 88 wholly in force at 1.1.1999; Sch. 8 para. 88 not in force at Royal Assent see s. 121; Sch. 8 para. 88(1)(2)(3)(b) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 88(3)(a) in force at 1.1.1999 by S.I. 1998/3263, **art. 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 ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I105 Sch. 8 para. 89 wholly in force; Sch. 8 para. 89 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

PROSPECTIVE

[F2]90 . . . . . .

Textual Amendments

F2 Sch. 8 para. 90 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 118(5)(b)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)

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."

Commencement Information

I106 Sch. 8 para. 91 wholly in force; Sch. 8 para. 91 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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 ".

Commencement Information

I107 Sch. 8 para. 92 wholly in force; Sch. 8 para. 92 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 04/01/1999

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—

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(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."

Commencement Information

I108 Sch. 8 para. 93 wholly in force; Sch. 8 para. 93 not in force at Royal Assent, see s. 121; Sch. 8 para. 93 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)**; Sch. 8 para. 93 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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."

Commencement Information

I109 Sch. 8 para. 94 wholly in force; Sch. 3 para. 94 not in force at Royal Assent see s. 121; Sch. 8 para. 94 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); Sch. 8 para. 94 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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."

Commencement Information

I110 Sch. 8 para. 95 wholly in force; Sch. 3 para. 95 not in force at Royal Assent see s. 121; Sch. 8 para. 95 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),

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Sch. 1 (subject to savings in art. 9); Sch. 8 para. 95 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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 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.

Commencement Information

I111 Sch. 8 para. 96 wholly in force; Sch. 8 para. 96 not in force at Royal Assent see s. 121; Sch. 8 para. 96(1)-(5)(7) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

8 para. 96(6) 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); Sch. 8 para. 96(6) in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, **art. 2**

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 [M61]Crime (Sentences) Act 1997 in respect of life prisoners within the meaning of that Chapter".

Commencement Information

I112 Sch. 8 para. 97 wholly in force; Sch. 8 para. 97 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M61 1997 c.43.

VALID FROM 30/09/1998

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

VALID FROM 01/06/1999

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, ".

(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."

Modifications etc. (not altering text)

C8 Sch. 8 para. 98(2) restricted (19.9.1998) by S.I. 1998/2327, **art.7(1)**.

Commencement Information

I113 Sch. 8 para. 98 wholly in force; Sch. 8 para. 98 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 28/01/1999

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) "; and

(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."

Modifications etc. (not altering text)

C9 Sch. 8 para. 100 explained (19.9.1998) by S.I. 1998/2327, **art.7(2)**.

Commencement Information

I114 Sch. 8 para. 100 wholly in force; Sch. 8 para. 100 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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—

"(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 ".

Modifications etc. (not altering text)

C10 Sch. 8 para. 101(a) restricted (19.9.1998) by S.I. 1998/2327, **art.7(3)**.

Commencement Information

I115 Sch. 8 para. 101 wholly in force; Sch. 8 para. 101 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

102 In section 11 of the 1993 Act (duration of licences), subsections (3)(b) and (4) shall cease to have effect.

Modifications etc. (not altering text)

C11 Sch. 8 para. 102 restricted (19.9.1998) by S.I. 1998/2327, **art.7(4)**.

Commencement Information

I116 Sch. 8 para. 102 wholly in force; Sch. 8 para. 102 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

103 In section 14 of the 1993 Act (supervised release of short-term prisoners), subsections (2) and (3) shall cease to have effect.

Modifications etc. (not altering text)

C12 Sch. 8 para. 103 restricted (19.9.1998) by S.I. 1998/2327, **art.8(1)**.

Commencement Information

I117 Sch. 8 para. 103 wholly in force; Sch. 8 para. 103 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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, ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Paragraph (b) of that subsection shall cease to have effect.

Modifications etc. (not altering text)

C13 Sch. 8 para. 104(3) restricted (19.9.1998) by S.I. 1998/2327, **art.7(4)**.

Commencement Information

I118 Sch. 8 para. 104 wholly in force; Sch. 8 para. 104 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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."

Commencement Information

I119 Sch. 8 para. 105 wholly in force; Sch. 8 para. 105 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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. "

Commencement Information

I120 Sch. 8 para. 106 wholly in force; Sch. 8 para. 106 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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."

Commencement Information

I121 Sch. 8 para. 107 wholly in force; Sch. 8 para. 107 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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."

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I122 Sch. 8 para. 108 wholly in force; Sch. 8 para. 108 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 01/04/2000

Probation Service Act 1993 (c.47)

109 In subsection (1)(dd) of section 4 of the [M62]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 be substituted the words " a detention and training order (within the meaning of section 73 of the Crime and Disorder Act 1998) ".

Marginal Citations

M62 1993 c.47.

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.

VALID FROM 30/09/1998

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

VALID FROM 01/04/2000

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 ".

VALID FROM 01/04/2000

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 ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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 ".

Commencement Information

I123 Sch. 8 para. 113 wholly in force; Sch. 8 para. 113 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 01/04/2000

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.

VALID FROM 30/09/1998

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."

Commencement Information

I124 Sch. 8 para. 115 wholly in force; Sch. 8 para. 115 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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 ".

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I125 Sch. 8 para. 116 wholly in force; Sch. 8 para. 116 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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 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.

VALID FROM 30/09/1998

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 ".

Commencement Information

I126 Sch. 8 para. 118 wholly in force; Sch. 8 para. 118 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 30/09/1998

119 In section 106(1)(bb) of the 1995 Act (appeals against automatic sentences), which is prospectively inserted by section 18(1) of the [M63]Crime and Punishment (Scotland) Act 1997, for the words "205B(3) or 209(1A)" there shall be substituted the words " or 205B(3) ".

Commencement Information

I127 Sch. 8 para. 119 wholly in force; Sch. 8 para. 119 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M63 1997 c.48.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 30/09/1998

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 [M64]Crime and Punishment (Scotland) Act 1997, for the words "205B(3) or 209(1A)" there shall be substituted the words " or 205B(3) ".

Commencement Information

I128 Sch. 8 para. 120 wholly in force; Sch. 8 para. 120 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M64 1997 c.48.

VALID FROM 30/09/1998

121 In section 118(4A) of the 1995 Act (disposal of appeals), which is prospectively inserted by section 18(5) of the [M65]Crime and Punishment (Scotland) Act 1997, in paragraph (c), sub-paragraph (iii) shall cease to have effect.

Commencement Information

I129 Sch. 8 para. 121 wholly in force; Sch. 8 para. 121 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M65 1997 c.48.

VALID FROM 30/09/1998

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, ".

Commencement Information

I130 Sch. 8 para. 122 wholly in force; Sch. 8 para. 122 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 30/09/1998

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.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I131 Sch. 8 para. 123 wholly in force; Sch. 8 para. 123 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 30/09/1998

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 ".

Commencement Information

I132 Sch. 8 para. 124 wholly in force; Sch. 8 para. 124 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 04/01/1999

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 [M66]Prosecution of Offences Act 1985."

Commencement Information

I133 Sch. 8 para. 125 wholly in force; Sch. 8 para. 125 not in force at Royal Assent, see s. 121; Sch. 8 para. 125(a) 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)**; Sch. 8 para. 125(b) in force at 1.6.1999 by S.I. 1999/1279, **art. 2(f)**; Sch. 8 para. 125(a) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

Marginal Citations

M66 1985 c.23.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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."

Commencement Information

I134 Sch. 8 para. 126 partly in force; Sch. 8 para. 126 not in force at Royal Assent, see s. 121; Sch. 8 para. 126 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)**; Sch. 8 para. 126 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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) ".

Commencement Information

I135 Sch. 8 para. 127 partly in force; Sch. 8 para. 127 not in force at Royal Assent, see s. 121; Sch. 8 para. 127(a) 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)**; Sch. 8 para. 127(b) in force at 1.6.1999 by S.I. 1999/1279, **art. 2(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, ".

Commencement Information

I136 Sch. 8 para. 128 wholly in force; Sch. 8 para. 128 not in force at Royal Assent, see s. 121; Sch. 8 para. 128 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)**; Sch. 8 para. 128 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

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

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

words " , after the accused has been sent for trial for the offence under section 51 of the Crime and Disorder Act 1998, ".

Commencement Information

I137 Sch. 8 para. 129 wholly in force; Sch. 8 para. 129 not in force at Royal Assent, see s. 121; Sch. 8 para. 129 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)**; Sch. 8 para. 129 in force to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

VALID FROM 30/09/1998

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 [M67]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 ".

Commencement Information

I138 Sch. 8 para. 130 wholly in force; Sch. 8 para. 130 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M67 1991 c. 53.

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."

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) 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 ".

Commencement Information

I139 Sch. 8 para. 131 wholly in force; Sch. 8 para. 131 not in force at Royal Assent see s. 121; Sch, 8 para. 131(3) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 131(1)(2) 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); Sch. 8 para. 131(1)(2) in force 1.4.2000 to the extent that they are not already in force by S.I. 2000/924, **art. 2**

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 [M68]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 ".

Commencement Information

I140 Sch. 8 para. 132 wholly in force; Sch. 8 para. 132 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M68 1980 c.43.

133 In section 54 of the 1997 Act (general interpretation), subsection (2) shall cease to have effect.

Commencement Information

I141 Sch. 8 para. 133 wholly in force; Sch. 8 para. 133 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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.

Extent Information

E2 Sch. 8 para. 134 extends to Isle of Man, see s. 121(9)

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I142 Sch. 8 para. 134 wholly in force; Sch. 8 para. 134 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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;"; and

(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 [M69]Criminal Justice Act 1967 (computation of sentences of imprisonment passed in 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 ";

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(d) 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 [M70]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 [M71]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 as it relates to a person sentenced under section 205(3) of the [M72]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), ";

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) 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".

(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 ".

Commencement Information

I143 Sch. 8 para. 135 wholly in force at 1.4.2000; Sch. 8 para. 135 not in force at Royal Assent see s. 121; Sch. 8 para. 135(1)(2)(b)(3)-(8) in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8); Sch. 8 para. 135(2)(a)(9)(10) in force at 1.4.2000 by S.I. 1999/3426, **art. 3(b)**

Marginal Citations

M69 1967 c.80.
M70 1967 c.80.
M71 1993 c.9.
M72 1995 c.46.

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

Commencement Information

I144 Sch. 8 para.136 wholly in force; Sch. 8 para. 136 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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).

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I145 Sch. 8 para. 137 wholly in force; Sch. 8 para. 137 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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 [M73]Prisoners and Criminal Proceedings (Scotland) Act 1993 ("the 1993 Act") "; and

(ii) for the words "the 1989 Act" there shall be substituted the [M74]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 [M75]Prisoners and Criminal Proceedings (Scotland) Act ("the 1993 Act") "; and

(ii) for the words "the 1989 Act" there shall be substituted the [M76]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 ".

Commencement Information

I146 Sch. 8 para. 138 wholly in force; Sch. 8 para. 138 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

Marginal Citations

M73 1993 c.9.

M74 1989 c.45.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

M75 1993 c.9.
M76 1989 c.45.

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.

Commencement Information
I147 Sch. 8 para. 139 wholly in force; Sch. 8 para. 139 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 30/09/1998

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.

Commencement Information
I148 Sch. 8 para. 140 wholly in force; Sch. 8 para. 140 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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—

"(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."

Commencement Information
I149 Sch. 8 para. 141 wholly in force; Sch. 8 para. 141 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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

Commencement Information
I150 Sch. 8 para. 142 wholly in force; Sch. 8 para. 142 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

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

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) 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.

Commencement Information

I151 Sch. 8 para. 143 wholly in force; Sch. 8 para. 143 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

VALID FROM 01/04/2000

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 ".

VALID FROM 07/08/1998

SCHEDULE 9

Section 120(1).

TRANSITIONAL PROVISIONS AND SAVINGS

Commencement Information

I152 Sch. 9 partly in force; Sch. 9 not in force at Royal Assent see s. 121; Sch. 9 para. 9 in force at 7.8.1998 by S.I.1998/1883, **art. 3**; certain paras. in force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8) and for the purpose of warning a person under s. 65 in any area specified in Sch.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

3 of the said S.I. by S.I. 1998/2327, **art. 3(3)** (as amended by 1998/2412); Sch. 9 para. 7 in force at 1.7.1999 by S.I. 1998/3263, **art. 6**.

. . . . . .

VALID FROM 30/09/1998

SCHEDULE 10

Section 120(2).

REPEALS

Modifications etc. (not altering text)

C14 Sch. 10 excluded (19.9.1998) by S.I. 1998/2327, **arts.7(4)**,8(1).

Commencement Information

I165 Sch. 10 partly in force; Sch. 10 not in force at Royal Assent see s. 121; Sch. 10 in force for certain purposes at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(3)** (subject to savings in arts. 5-8); Certain repeals in Sch. 10 in force at 30.9.1998 in certain areas by S.I. 1998/2327, art. 3(1), **Sch. 1** (subject to savings in art. 9); Certain repeals in Sch. 10 in force at 4.1.1999 for certain purposes by S.I. 1998/2327, **art. 4(2)**; Certain repeals in Sch. 10 in force at 1.1.1999 by S.I. 1998/3263, **art. 2**; Sch. 10 in force for certain purposes at 1.6.1999 by S.I. 1999/1279, **art. 2(g)**; Sch. 10 in force for certain purposes at 1.4.2000 by S.I. 1999/3426, **art. 3(c)** (with art. 4); entries in Sch. 10 relating to the words "by a probation officer" in s. 2(1) of 1973 c. 62 and to s. 31(2) of 1997 c. 43 in force at 1.4.2000 to the extent that they are not already in force by S.I. 2000/924, **art. 2**; entry in Sch. 10 relating to ss. 125 and 126 of the Magistrates' Courts Act 1980 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

Chapter	Short title	Extent of repeal
30 Geo 3 c.48.	Treason Act 1790.	The whole Act.
36 Geo 3 c.7.	Treason Act 1795.	The whole Act.
36 Geo 3 c.31.	Treason by Women Act (Ireland) 1796.	The whole Act.
57 Geo 3 c.6.	Treason Act 1817.	The whole Act.
11 & 12 Vict c.12.	Treason Felony Act 1848.	Section 2.
21 & 22 Geo 5 c.24.	Sentence of Death (Expectant Mothers) Act 1931.	The whole Act.
23 Geo 5 c.12.	Children and Young Persons Act 1933.	In section 47(2), the words from the beginning to "court; and". In Schedule 2, in paragraph 15(a), the word "shall", in the second place where it

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		occurs, and, in paragraph 17, the words "or, if a metropolitan stipendiary magistrate, may sit alone".
1945 c.15 (N.I.).	Criminal Justice Act (Northern Ireland) 1945.	Sections 32 and 33.
1967 c.80.	Criminal Justice Act 1967.	In section 56, subsections (3), (6) and (13).
		Section 67(5)(c).
1968 c.19.	Criminal Appeal Act 1968.	In section 10(2), the words "(other than a supervision order within the meaning of that Part)".
1969 c.54.	Children and Young Persons Act 1969.	Section 12D.
		Section 13(2).
		In section 16, subsection (10) and, in subsection (11), the words "seventeen or".
		Section 23(14)(a).
		In section 34, in subsection (1), paragraph (a) and, in paragraph (c), the words
		" 7(7), 7(8)," .
		Section 69(5).
		In Schedule 6, the entries relating to sections 55, 56(1) and 59(1) of the Children and Young Persons Act 1933.
1972 c.71.	Criminal Justice Act 1972.	Section 49.
1973 c.62.	Powers of Criminal Courts Act 1973.	In section 1, in subsections (8)(b) and (8A) the words "37 or".
		Section 1B(10).
		In section 1C(1), paragraph (b) and the word "and" immediately preceding it.
		In section 2(1), the words "by a probation officer" and the words from "For

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		the purposes" to "available evidence".
		Section 11.
		Section 14(8).
		In section 31, in subsection (3A), the words "Subject to subsections (3B) and (3C) below,", subsections (3B) and (3C), in subsection (4), the words "4 or" and, in subsection (6), the words "about committal by a magistrates' court to the Crown Court".
		Section 32(5).
		Section 42(2).
		In Schedule 1A, paragraph 6(7).
		In Schedule 5, paragraph 35.
1976 c.63.	Bail Act 1976.	In section 3(5), the words "If it appears that he is unlikely to remain in Great Britain until the time appointed for him to surrender to custody".
1980 c.43.	Magistrates' Courts Act 1980.	Section 37.
		In sections 38(2) and 38A(2), the words ", in accordance with section 56 of the Criminal Justice Act 1967,".
		In section 108(2), the words "a probation order or".
		In section 125(4)(c), the word "and" at the end of sub-paragraph (ii).
		In section 126, the word "and" at the end of paragraph (c).
		In Schedule 7, paragraph 120(b).
1982 c.48.	Criminal Justice Act 1982.	Section 1A(4A).
		Section 1B.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		In section 1C(2), the words "but if he is under 18 at the time of the direction, only for a temporary purpose".
		In section 3(1)(a), the words "under section 1A above".
		Section 18(7).
		In section 19, in subsection (3)(a), the words "revoke it and" and, in subsection (5), the words "revoke the attendance centre order and".
		Section 66(3).
		In Schedule 14, paragraph 28.
1987 c.42.	Family Law Reform Act 1987.	Section 8(1).
		In Schedule 2, paragraph 26.
1988 c.33.	Criminal Justice Act 1988.	Section 69(2).
		In Schedule 15, paragraph 40.
1989 c.45.	Prisons (Scotland) Act 1989.	In section 39(7), the words from "and the foregoing" to the end.
1991 c.53.	Criminal Justice Act 1991.	In section 6(4), the word "and" immediately following paragraph (e).
		In section 31(1), in the definition of "custodial sentence", in paragraph (b), the words "or a secure training order under section 1 of the Criminal Justice and Public Order Act 1994".
		Section 33(4).
		In section 37, in subsection (1), the words "any suspension under section 38(2) below or, as the case may be," and, in subsection (4), the words "(which shall include on his release conditions as to his

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		supervision by a probation officer)”.
		Section 38.
		In section 45(4), the words “any suspension under section 38(2) below; or”.
		In section 61(1), paragraph (b) and the word “or” immediately preceding that paragraph.
		Section 62.
		In Schedule 2, in paragraphs 3(1)(d) and 4(1)(d), the words “revoke the order and” and, in paragraph 17(1), the words from “and the court” to the end.
		In Schedule 11, paragraphs 10, 11 and 14.
		In Schedule 12, paragraph 17(3).
1993 c.9.	Prisoners and Criminal Proceedings (Scotland) Act 1993.	Section 11(3)(b) and (4).
		Section 14(2) and (3).
		Section 16(7)(b).
		In paragraph 6B(1) of Schedule 6, the word “and” after head (a).
1993 c.47.	Probation Service Act 1993.	Section 17(5A).
1994 c.33.	Criminal Justice and Public Order Act 1994.	Sections 1 to 4.
		Section 20.
		In section 35, in subsection (1), the words “who has attained the age of fourteen years” and subsection (6).
		Section 130(4).
		In Schedule 10, paragraph 42.
1994 c.37.	Drug Trafficking Act 1994.	Section 2(7)(a).

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1995 c.46.	Criminal Procedure (Scotland) Act 1995.	Section 118(4A)(c)(iii).
		In section 175(5C), the words "paragraph (a) of".
		In section 209(1), the words "not less than twelve months but".
1997 c.43.	Crime (Sentences) Act 1997.	Section 1.
		Section 8.
		Sections 10 to 27.
		In section 31(2), the words "(which shall include on his release conditions as to his supervision by a probation officer)".
		In section 35, in subsection (5), paragraph (c) and the word "and" at the end of paragraph (d), and in subsection (8), 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" and the word "and" at the end of that paragraph.
		Section 43(4).
		Section 54(2).
		In Schedule 1, in paragraph 9(1), paragraph (a) and, in paragraph (b), the words "to that and", paragraph 9(5), paragraph 10(4), in paragraph 11(6), the words "or Part III of the 1997 Act", in paragraph 12(5), in the Table, the entry relating to the expression "prison rules" and, in paragraph 13(5), in the Table, the entry relating to the expression "prison rules".
		In Schedule 2, paragraphs 4 and 8.

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		In Schedule 4, paragraph 6(1)(b), paragraphs 9 and 11 and paragraph 12(4). In Schedule 5, paragraphs 1 to 4, paragraph 5(2), paragraph 6, paragraph 8, paragraph 9(1), paragraph 10(1), 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 in paragraph 12, sub-paragraph (1) and, in sub-paragraph (2)(c), the words "or Part III of the 1997 Act". In Schedule 6, the entries relating to sections 33 to 51 and 65 of the Criminal Justice Act 1991.
1997 c.48.	Crime and Punishment (Scotland) Act 1997.	Section 4. Chapter I of Part III. In Schedule 1, paragraph 1, paragraph 9(7), paragraph 10(2)(a), paragraph 13(3), in paragraph 14, sub-paragraphs (2)(a), (3)(e), (4) to (7), (9), (10)(a), (11)(b), (12), (13) to (15) and (17), and paragraph 21(3). Schedule 2. In Schedule 3, in the entry relating to the Prisons (Scotland) Act 1989, the words "In section 39, subsection (7)", in the entry relating to the Prisoners and Criminal Proceedings (Scotland) Act 1993, the words relating to sections 1, 3(2), 5, 6(1), 7, 9, 12(3), 16, 17(1), 20, 24, 27(2), (3), (5) and (6) and Schedule 1, in the words relating to section 14, the words "and, in subsection (4), the words

Status: *Point in time view as at 31/07/1998.*
Changes to legislation: *Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		"short-term"", in the words relating to section 27(1), the words "the definitions of "short term prisoner" and "long-term prisoner" and" and "and the words from "but" to the end" and, in the entry relating to the Criminal Procedure (Scotland) Act 1995, the words relating to section 44.
1997 c.50.	Police Act 1997.	In section 94(4), the word "and" immediately preceding paragraph (c).

Modifications etc. (not altering text)

C15 Sch. 10: repeal of s. 11 of the 1973 Act excluded (19.9.1998) by S.I. 1998/2327, **art. 6(2)**

Status:
Point in time view as at 31/07/1998.

Changes to legislation:
Crime and Disorder Act 1998 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.