



# Criminal Justice and Court Services Act 2000

## 2000 CHAPTER 43

### PART IV

#### GENERAL AND SUPPLEMENTARY

VALID FROM 01/03/2001

#### CHAPTER I

##### GENERAL

VALID FROM 29/10/2001

#### **71 Access to driver licensing records.**

- (1) The Secretary of State may make any information held by him for the purposes of Part III of the <sup>M1</sup>Road Traffic Act 1988 available to the Police Information Technology Organisation for use by constables.
- (2) In respect of any information made available to the Organisation under subsection (1), the Secretary of State may by regulations—
  - (a) determine the purposes for which constables may be given access to the information,
  - (b) determine the circumstances in which any of the information to which they have been given access may be further disclosed by them.
- (3) Before making any regulations applying in respect of constables in police forces in Scotland, the Secretary of State must, to the extent to which the regulations will so apply, consult the Scottish Ministers.

**Status:** Point in time view as at 30/11/2000. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Criminal Justice and Court Services Act 2000, Part IV is up to date with all changes known to be in force on or before 10 September 2023. 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 this section, “information” means information held in any form.

(5) Section 105(2)(b) of that Act (power by regulations to make particulars with respect to persons who are disqualified etc. available for use by the police) is to cease to have effect.

#### Commencement Information

**II** S. 71 partly in force; s. 71 not in force at Royal Assent see s. 80; s. 71(1)-(4) in force at 29.10.2001 by [S.I. 2001/3385](#), [art. 2](#)

#### Marginal Citations

**M1** [1988 c. 52](#).

## 72 Failure to secure regular attendance at school.

(1) In section 444 of the <sup>M2</sup>Education Act 1996 (failure to secure regular attendance at school)—

(a) after subsection (1) there is inserted—

“(1A) If in the circumstances mentioned in subsection (1) the parent knows that his child is failing to attend regularly at the school and fails without reasonable justification to cause him to do so, he is guilty of an offence.”,

(b) in subsection (8), for “this section” there is substituted “ subsection (1) ”,

(c) after that subsection there is inserted—

“(8A) A person guilty of an offence under subsection (1A) is liable on summary conviction—

(a) to a fine not exceeding level 4 on the standard scale, or

(b) to imprisonment for a term not exceeding three months,

or both.

(8B) If, on the trial of an offence under subsection (1A), the court finds the defendant not guilty of that offence but is satisfied that he is guilty of an offence under subsection (1), the court may find him guilty of that offence.”

(2) This section does not apply to an offence committed before the section comes into force.

#### Marginal Citations

**M2** [1996 c. 56](#).

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VALID FROM 01/04/2001

### 73 Parenting orders: responsible officer.

In section 8(8) of the <sup>M3</sup>Crime and Disorder Act 1998 (parenting orders: persons who may be specified as the responsible officer), after paragraph (b) there is inserted—

“(bb) a person nominated by a person appointed as chief education officer under section 532 of the <sup>M4</sup>Education Act 1996”.

#### Marginal Citations

**M3** 1998 c. 37.

**M4** 1996 c. 56.

VALID FROM 20/06/2001

### 74 Amendments.

Schedule 7 (which makes minor and consequential amendments) is to have effect.

#### Commencement Information

**I2** S. 74 partly in force; s. 74 not in force at Royal Assent see s. 80; s. 74 in force for specified purposes at 20.6.2001 and 2.7.2001 by S.I. 2001/2232, art. 2(k)

PROSPECTIVE

### 75 Repeals.

The enactments specified in Schedule 8 are repealed to the extent specified.

## CHAPTER II

### SUPPLEMENTARY

### 76 Subordinate legislation.

- (1) This section applies to any power conferred by this Act on the Lord Chancellor or the Secretary of State to make regulations, rules or an order.
- (2) The power, unless it is a power to make an order under section 19, 20 or 23, shall be exercisable by statutory instrument.

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- (3) The power may be exercised so as to make different provision for different purposes or different areas.
- (4) The power includes power to make—
  - (a) any supplementary, incidental or consequential provision, and
  - (b) any transitory, transitional or saving provision,
 which the Minister exercising the power considers necessary or expedient.
- (5) An order—
  - (a) making any provision by virtue of section 10, 26(2), 36(15), 57(5) or 70(2), or
  - (b) making any provision by virtue of section 77(2) which adds to, replaces or omits any part of the text of an Act,
 may only be made if a draft of the statutory instrument containing the order has been laid before and approved by resolution of each House of Parliament.
- (6) Any other statutory instrument made in exercise of a power to which this section applies shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Subsection (6) does not apply to a statutory instrument containing an order—
  - (a) revoking an order made by virtue of section 10, or
  - (b) made by virtue only of section 80.

## 77 Supplementary and consequential provision, etc.

- (1) The Lord Chancellor or the Secretary of State may by order make—
  - (a) any supplementary, incidental or consequential provision,
  - (b) any transitory, transitional or saving provision,
 which he considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Act.
- (2) The provision which may be made under subsection (1) includes provision amending or repealing any enactment, instrument or document.

## 78 General interpretation.

- (1) In this Act—
  - “community order” has the meaning given by section 33 of the <sup>M5</sup>Powers of Criminal Courts (Sentencing) Act 2000,
  - “enactment” includes an enactment contained in subordinate legislation,
  - “functions” includes powers and duties,
  - “local probation board” has the meaning given by section 4,
  - “subordinate legislation” has the same meaning as in the <sup>M6</sup>Interpretation Act 1978.
- (2) In this Act, “enactment” means an enactment whenever passed or made; but in this Part it means—
  - (a) an Act passed before, or in the same Session as, this Act, and
  - (b) subordinate legislation made before the passing of this Act.

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### Marginal Citations

**M5** 2000 c. 6.

**M6** 1978 c. 30.

## 79 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown by virtue of this Act,
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

## 80 Commencement.

- (1) This Act shall come into force on such day as the Lord Chancellor or the Secretary of State may by order appoint.
- (2) Different days may be appointed under this section for different purposes and different areas.
- (3) Subsection (1) does not apply to—
  - (a) sections 19 to 22,
  - (b) section 60,
  - (c) this Chapter,
  - (d) in Schedule 7, paragraphs 15(1)(e) and (2), 18(3)(c)(i) and (4), 22(1)(e) and (2), 25(3)(c)(i) and (4), 29(1)(e) and (2), 32(3)(c)(i) and (4), 135 to 138, 142, 144 to 148 and 203(3) and (4),
  - (e) the repeals mentioned in the note to Schedule 8.

### Subordinate Legislation Made

- P1** [S. 80](#) power partly exercised: 1.3.2001 appointed for specified provision by [S.I. 2001/340](#), [art. 2](#)  
[S. 80](#) power partly exercised: 1.3.2001 appointed for specified provision by [S.I. 2001/562](#), [art. 2](#)  
[S. 80](#) power partly exercised: 1.4.2001 appointed for specified provisions by [S.I. 2001/919](#), [art. 2](#)  
[S. 80](#) partly exercised: 2.9.2002 appointed for specified provisions by [S.I. 2002/1862](#), [art. 2](#)  
[S. 80](#) power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1651](#), [art. 2](#)  
[S. 80](#) power partly exercised: 31.5.2001 appointed for specified provisions by [S.S.I. 2001/166](#), [art. 3](#)  
[S. 80](#) power partly exercised: different dates appointed for specified provisions by [S.I. 2001/2232](#), [art. 2](#)  
[S. 80](#) power partly exercised: 29.10.2001 appointed for specified provisions by [S.I. 2001/3385](#), [art. 2](#)  
[S. 80](#) power partly exercised: 20.5.2002 appointed for specified provisions by [S.I.2002/1149](#), [art. 2](#)

## 81 Extent.

- (1) Subject to the following provisions, this Act extends to England and Wales only.
- (2) Subsection (1) does not apply to—
  - (a) sections 26 to 33, so far as they relate to the making of orders by, or orders made by, courts-martial or the Courts-Martial Appeal Court,

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- (b) section 60, and paragraphs 135 to 138, 142 and 144 to 148 of Schedule 7, so far as they relate to sentences passed by a court-martial,
  - (c) section 61 so far as it relates to sentences passed by a court-martial or a Standing Civilian Court,
  - (d) section 66 and Schedule 5,
  - (e) section 71,
  - (f) this Chapter,
  - (g) paragraphs 17 and 19 of Schedule 2,
  - (h) any amendment by Schedule 7 of the <sup>M7</sup>Army Act 1955, the <sup>M8</sup>Air Force Act 1955 or the <sup>M9</sup>Naval Discipline Act 1957,
  - (i) paragraph 159 of Schedule 7.
- (3) Sections 35, 36 and 41 extend to England and Wales and Northern Ireland.
- (4) Section 40 extends to Northern Ireland only.
- (5) The amendment or repeal by Schedule 7 or 8 of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.
- (6) For the purposes of the <sup>M10</sup>Scotland Act 1998, any provision of section 66 and Schedule 5 and, so far as relating to those provisions and extending to Scotland, any provision of this Chapter is to be taken to be a pre-commencement enactment within the meaning of that Act.

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**Marginal Citations**

- M7** 1955 c. 18.  
**M8** 1955 c. 19.  
**M9** 1957 c. 53.  
**M10** 1998 c. 46.

**82 Short title.**

This Act may be cited as the Criminal Justice and Court Services Act 2000.

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