

*Status: Point in time view as at 01/12/2004.*

*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 06 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)*

## SCHEDULES

### SCHEDULE 1

Section 4.

#### LOCAL PROBATION BOARDS

##### *Constitution*

- 1 A local probation board shall be a body corporate.
- 2 (1) A local probation board is to consist of a chairman, a chief officer and not less than five other members.
  - (2) One of the other members is to be appointed by the Lord Chancellor from among the judges of the Crown Court (being a judge of the High Court, a Circuit judge or a Recorder).
  - (3) The chairman, the chief officer and the other members are to be appointed by the Secretary of State.
  - (4) Regulations may make provision as to their appointment (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment as a member).
  - (5) Regulations made by virtue of sub-paragraph (4) and coming into force on or after the coming into force of section 4 must make provision—
    - (a) for the selection procedure for the chairman, the chief officer and the other members of the board who are to be appointed by the Secretary of State to include selection panels,
    - (b) in the case of the chief officer, for the board to be represented on any selection panel making a final recommendation to the Secretary of State.
  - (6) Regulations must provide, so far as it is practicable to do so, for the persons appointed to be representative of the local community in the board's area and to live or work (or to have lived or worked) in that area.
  - (7) Below in this Schedule, "member" includes the chairman and chief officer (where the context allows).

##### *Tenure of members*

- 3 (1) A person is to hold and vacate office as a member in accordance with the terms of the instrument appointing him.
  - (2) A person may at any time resign office as a member by giving written notice to the Secretary of State or, as the case may be, the Lord Chancellor.
  - (3) The Secretary of State or, as the case may be, the Lord Chancellor may remove a member from office by giving written notice to him.

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- (4) Regulations may make provision as to the tenure of office of the members (including the circumstances in which they cease to hold office or may be removed or suspended from office).
- (5) The chief officer is to be treated for the purposes of the <sup>M1</sup>Employment Rights Act 1996 as if he were in Crown employment (within the meaning of that Act).
- (6) Sub-paragraphs (1) to (3) have effect subject to sub-paragraph (5) and any regulations made by virtue of sub-paragraph (4).

#### Marginal Citations

M1 1996 c. 18.

#### *Chairman's report*

- 4 Regulations may require the chairman to make a report to the Secretary of State about the performance of the other members, or any of them, and may confer other functions on the chairman.

#### *Remuneration etc.*

- 5 (1) It is for the Secretary of State to pay, or make provision for paying, to or in respect of any person who is or has been a member—
  - (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity,
 determined by him.
- (2) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as a member otherwise than on the expiration of his term of office to receive compensation, the Secretary of State may pay an amount of compensation determined by him to that person.

#### *Procedure*

- 6 Regulations may provide for—
  - (a) the establishment and functions of committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members),
  - (b) the procedure of the boards and of any committees or sub-committees of the boards (including quorum and the validation of proceedings in the event of vacancies or defects in appointment).

#### *Secretary and Treasurer*

- 7 Regulations shall provide—
  - (a) for each local probation board to appoint a secretary or treasurer (including the conditions to be fulfilled for appointment),
  - (b) for the tenure of office of a secretary or treasurer so appointed (including the circumstances in which he ceases to hold office or may be removed or suspended from office).

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### *Staff*

- 8 (1) A local probation board may appoint staff on terms and conditions determined by the local probation board as to—
- (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity.
- (2) But—
- (a) a determination under this paragraph requires the approval of the Secretary of State,
  - (b) the Secretary of State may give directions as to the appointment of staff of a description specified in the directions,
  - (c) the Secretary of State may give directions as to the qualifications, experience or training of staff.

### *Delegation of functions*

- 9 A local probation board may arrange for a committee, sub-committee or member to discharge functions of the board.
- 10 Regulations may provide for prescribed functions or other powers of a local probation board to be exercised by the chief officer on behalf of the board.

### *Payments to boards*

- 11 (1) The Secretary of State may pay to a local probation board any amount he considers appropriate.
- (2) If he considers it appropriate, he may make any payment on conditions.
- (3) The conditions may (among other things)—
- (a) regulate the purposes for which the payment or any part of it may be used,
  - (b) require repayment to the Secretary of State in specified circumstances.

### *Supervision*

- 12 (1) Functions and other powers of local probation boards must be performed in accordance with any directions given to them by the Secretary of State.
- (2) A local probation board must provide the Secretary of State with any information relating to the performance of its functions or other powers which he may from time to time require.

### *Ancillary powers*

- 13 (1) Subject to any directions given by the Secretary of State, a local probation board may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) holding property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of performing its functions,

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- (d) accepting gifts.
- (3) But a local probation board—
  - (a) may not hold land (though it may manage it),
  - (b) may not borrow money, whether by way of overdraft or otherwise, without the approval of the Secretary of State.
- (4) Approval under this paragraph may be either general or special.

#### *Directions*

- 14 (1) Different directions may be given under this Chapter for different purposes.
- (2) Directions under this Chapter may be either general or special.
- (3) Directions under this Chapter may apply in relation to local probation boards generally or in relation to one or more local probation boards identified in the directions.

#### *Annual plan*

- 15 (1) A local probation board must, before the beginning of each financial year—
  - (a) prepare a plan setting out how it intends to exercise its functions in that year, having regard to the circumstances prevailing in its area, and dealing with any other matter which the Secretary of State by directions requires it to deal with in respect of that year,
  - (b) send a copy of the plan to the Secretary of State.
- (2) If the plan does not appear to the Secretary of State to be satisfactory, he may direct the local probation board to modify it.

#### *Reports*

- 16 (1) A local probation board must—
  - (a) make a report to the Secretary of State on the performance of its functions during each financial year, and
  - (b) arrange for the report to be published.
- (2) The Secretary of State may give directions as to—
  - (a) the information to be given in the report and the form in which it is to be given,
  - (b) the time by which the report is to be made,
  - (c) the form and manner in which the report is to be published.

#### *Accounts*

- 17 (1) A local probation board must—
  - (a) keep proper accounts and proper records in relation to the accounts,
  - (b) prepare in respect of each financial year of the board a statement of accounts.
- (2) The Comptroller and Auditor General may examine any accounts of a local probation board, any records relating to the accounts and any auditor's report on them.

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- (3) In the <sup>M2</sup>Audit Commission Act 1998—
- (a) in section 11(2) (consideration of reports and recommendations), for paragraph (f) there is substituted—
    - “(f) local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000”,
  - (b) in Schedule 2 (accounts subject to audit), for paragraph 1(p) there is substituted—
    - “(p) a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000”.
- (4) The Secretary of State must prepare in respect of each financial year consolidated accounts of the local probation boards and send them, not later than the time specified in directions given by the Treasury, to the Comptroller and Auditor General.
- (5) The Comptroller and Auditor General must examine and certify the consolidated accounts and lay copies of them, together with his report on them, before the House of Commons.

**Marginal Citations**

M2 1998 c. 18.

*Complaints*

- 18 Regulations may require each local probation board to make and publicise arrangements for dealing with complaints made by or on behalf of prescribed persons in relation to things done under the arrangements made by the board under section 5.

*Status*

- 19 A local probation board is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property is not to be regarded as property of, or property held on behalf of, the Crown.

*Interpretation*

- 20 “Financial year”, in this Schedule, means—
- (a) the period beginning with the date on which the local probation board is established and ending with the next following 31st March, and
  - (b) each successive period of twelve months.

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## SCHEDULE 2

Section 11.

### CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

**Modifications etc. (not altering text)**

- C1** Sch. 2: transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4

#### *Constitution*

- 1 The Service is to consist of a chairman, and not less than ten other members, appointed by the [<sup>F1</sup>Secretary of State].

**Textual Amendments**

- F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 2 (1) Regulations may provide—
- (a) for the appointment of the chairman and other members and for the co-option by the Service for particular purposes of additional members (including the number, or limits on the number, of persons who may be appointed or co-opted and any conditions to be fulfilled for appointment or co-option),
  - (b) for the tenure of office of the chairman and other members and any co-opted members (including the circumstances in which they cease to hold office or may be removed or suspended from office).
- (2) References below in this Schedule to members of the Service do not include co-opted members.

#### *Remuneration etc. of members*

- 3 (1) The Service may pay, or make provision for paying, to or in respect of any person who is or has been the chairman or another member—
- (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity,
- determined by the [<sup>F1</sup>Secretary of State].
- (2) The Service may, to any extent determined by the [<sup>F1</sup>Secretary of State], reimburse any co-opted members for any expenses or loss of earnings.
- (3) Where a person ceases to be chairman or another member of the Service otherwise than on the expiry of his term of office and it appears to the [<sup>F1</sup>Secretary of State] that there are circumstances which make it right for that person to receive compensation, the Service may pay that person an amount determined by the [<sup>F1</sup>Secretary of State].

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#### Textual Amendments

- F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

#### *Procedure*

- 4 Regulations may provide for—
- (a) the establishment and functions of committees (including committees which include persons who are not the chairman or another member of the Service),
  - (b) the procedure of the Service and of any of its committees (including quorum and the validation of proceedings in the event of vacancies or defects in appointment).

#### *Staff and other officers*

- 5 (1) The Service may appoint—
- (a) staff to perform the functions of officers of the Service, and
  - (b) other staff.
- (2) Regulations may make provision as to the qualifications, experience or training to be required of officers of the Service (whether or not appointed under sub-paragraph (1)(a)).
- (3) One of the staff appointed under sub-paragraph (1)(b) is to be the chief executive.
- (4) The Service must not appoint a person—
- (a) as chief executive, or
  - (b) as a member of the staff of a description specified in a direction given by the [<sup>F1</sup>Secretary of State],
- without the approval of the [<sup>F1</sup>Secretary of State].

#### Textual Amendments

- F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 6 (1) Staff of the Service are to be appointed on terms and conditions determined by the Service as to—
- (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity.
- (2) It is for the Service to determine the terms and conditions of any arrangements under section 13(4) under which individuals perform the functions of officers of the Service.
- (3) But a determination under this paragraph requires the approval of the [<sup>F1</sup>Secretary of State].

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**Textual Amendments**

- F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

*Delegation*

- 7 The Service may arrange for the chairman or any other member to discharge functions of the Service on its behalf.

*Payments to the Service*

- 8 (1) The [<sup>F1</sup>Secretary of State] may, at any time, pay to the Service any amount he considers appropriate.
- (2) If he considers it appropriate, he may make any payment on conditions.

**Textual Amendments**

- F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

*Supervision*

- 9 (1) Functions and other powers of the Service, and functions of any officer of the Service, must be performed in accordance with any directions given by the [<sup>F1</sup>Secretary of State].
- (2) In particular, the directions may make provision for the purpose of ensuring that the services provided are of appropriate quality and meet appropriate standards.
- (3) The Service must provide the [<sup>F1</sup>Secretary of State] with any information relating to the performance of its functions which he may from time to time require.

**Textual Amendments**

- F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

*Ancillary powers*

- 10 (1) Subject to any directions given by the [<sup>F1</sup>Secretary of State], the Service may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) holding land and other property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of performing its functions,



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(d) accepting gifts.

(3) But the Service may not borrow money, whether by way of overdraft or otherwise, without the approval of the [F1Secretary of State].

#### Textual Amendments

**F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

#### Directions

11 (1) Different directions may be given under this Schedule for different purposes.

(2) Directions under this Schedule may be either general or special.

#### Reports and accounts

12 (1) The Service must make a report to the [F1Secretary of State] in respect of each financial year on the performance of its functions.

(2) The [F1Secretary of State] may give directions as to—

- (a) the information to be given in the report and the form in which it is to be given, and
- (b) the time by which the report is to be given.

(3) The [F1Secretary of State] must—

- (a) lay a copy of the report before each House of Parliament,
- (b) arrange for the report to be published in a manner he considers appropriate.

#### Textual Amendments

**F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

13 (1) The Service must—

- (a) keep proper accounts and proper records in relation to the accounts,
- (b) prepare in respect of each financial year of the Service a statement of accounts, and
- (c) send copies of the statement to the [F1Secretary of State] and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.

(2) The statement of accounts must comply with any directions given by the [F1Secretary of State] as to—

- (a) the information to be contained in it,
- (b) the manner in which the information contained in it is to be presented,
- (c) the methods and principles according to which the statement is to be prepared,

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and must contain any additional information the [<sup>F1</sup>Secretary of State] may require to be provided for the information of Parliament.

- (3) The Service must, in accordance with directions given by the [<sup>F1</sup>Secretary of State]—
- (a) appoint an auditor who is not a member of the Service’s staff, and
  - (b) ensure that the auditor makes a report to the [<sup>F1</sup>Secretary of State] about the preparation of the accounts and about the statement of accounts.
- (4) The Comptroller and Auditor General must examine, certify and report on the statement of accounts and must lay copies of the statement and of his report before each House of Parliament.

#### Textual Amendments

**F1** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 14 “Financial year”, in this Schedule, means—
- (a) the period beginning with the date on which the Service is established and ending with the next following 31st March, and
  - (b) each successive period of twelve months.

#### *Complaints*

- 15 The Service must make and publicise a scheme for dealing with complaints made by or on behalf of prescribed persons in relation to the performance by the Service and its officers of their functions.

#### *Status*

- 16 The Service is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property is not to be regarded as property of, or property held on behalf of, the Crown.

#### *General*

- 17 In Schedule 2 to the <sup>M3</sup>Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), at the appropriate place there is inserted—
- “Children and Family Court Advisory and Support Service.”

#### Marginal Citations

**M3** 1967 c. 13.

- 18 (1) Employment with the Service shall be included in the kinds of employment to which a scheme under section 1 of the <sup>M4</sup>Superannuation Act 1972 can apply.
- (2) The Service must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to subparagraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

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**Marginal Citations**

**M4** 1972 c. 11.

- 19 In Part II of Schedule 1 to the <sup>M5</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place there is inserted—

“The Children and Family Court Advisory and Support Service”

**Marginal Citations**

**M5** 1975 c. 24.

SCHEDULE 3

Section 19.

TRANSFER OF PROPERTY

**Modifications etc. (not altering text)**

**C2** Sch. 3: transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4

**Commencement Information**

**II** Sch. 3: s. 19 (which induces Sch. 3) wholly in force at Royal Assent; Sch. 3 expressed to be brought into force at 1.4.2001 by [S.I. 2001/919](#), art. 2(e)

- 1 A scheme may, in particular—
- (a) provide for the creation of rights or interests, or the imposition of liabilities or conditions, in relation to property transferred, or rights or interests acquired, by virtue of the scheme,
  - (b) provide for any property, liabilities or conditions to be determined under the scheme.
- 2
- (1) A scheme is to have effect in relation to any property or liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property or liabilities.
  - (2) A right of pre-emption, right of reverter or other similar right is not to operate or become exercisable as a result of any transfer of property by virtue of the scheme.
  - (3) In the case of such a transfer, any such right is to have effect as if the transferee were the same person in law as the transferor and as if no transfer of the property had taken place.
- 3
- (1) Such compensation as is just is to be paid to any person in respect of any right which would, apart from paragraph 2, have operated in favour of, or become exercisable by, that person but which, in consequence of the operation of that paragraph, cannot subsequently operate in his favour or (as the case may be) become exercisable by him.

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- (2) Any compensation payable by virtue of sub-paragraph (1) is to be paid by the transferor or by the transferee or by both.
  - (3) A scheme may provide for the determination of any disputes as to whether and, if so, how much, compensation is payable by virtue of sub-paragraph (1) and as to the person to whom or by whom it is to be paid.
- 4 Paragraphs 2 and 3 apply in relation to the creation of rights or interests, or the doing of anything else, in relation to property as they apply in relation to a transfer of property; and references to the transferor and transferee are to be read accordingly.
- 5 A certificate issued by the [<sup>F2</sup>Secretary of State] that any property or liability has, or has not, been transferred by virtue of a scheme is conclusive evidence of the transfer or (as the case may be) the fact that there has not been a transfer.

**Textual Amendments**

**F2** Words in Sch. 3 para. 5 substituted (12.1.2004) by The Transfer of Functions (Children, Young People and Families) Order 2003 (S.I. 2003/3191), art. 1(2), Sch. para. 4(2)

SCHEDULE 4

Section 26.

MEANING OF “OFFENCE AGAINST A CHILD”

- 1 The offences mentioned in paragraph (a) of subsection (1) of section 26 are—
- (a) an offence under section 1 of the <sup>M6</sup>Children and Young Persons Act 1933 (cruelty to children),
  - (b) an offence under section 1 of the <sup>M7</sup>Infanticide Act 1938 (infanticide),
  - <sup>F3</sup>(c) .....
  - <sup>F3</sup>(d) .....
  - <sup>F3</sup>(e) .....
  - <sup>F3</sup>(f) .....
  - <sup>F3</sup>(g) .....
  - <sup>F3</sup>(h) .....
  - <sup>F3</sup>(i) .....
  - (j) an offence under section 1 of the <sup>M8</sup>Protection of Children Act 1978 (indecent photographs of children),
  - (k) an offence under section 1 of the <sup>M9</sup>Child Abduction Act 1984 (abduction of child by parent),
  - (l) an offence under section 160 of the <sup>M10</sup>Criminal Justice Act 1988 (possession of indecent photograph of child),
  - [<sup>F4</sup>(m) an offence under any of sections 5 to 26 and 47 to 50 of the Sexual Offences Act 2003 (offences against children).]

**Extent Information**

**E1** sch.4 para.1 extends to UK.see s.81(1)(2)(a) for th eextent

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### Textual Amendments

- F3** Sch. 4 paras. 1(c)-(i) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); S.I. 2004/874, art. 2
- F4** Sch. 4 para. 1(m) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 6 para. 44\(5\)\(a\)](#); S.I. 2004/874, art. 2

### Marginal Citations

- M6** 1933 c. 12.
- M7** 1938 c. 36.
- M8** 1978 c. 37.
- M9** 1984 c. 37.
- M10** 1988 c. 33.

- 2 The offences mentioned in paragraph (b) of that subsection are—
- (a) murder,
  - (b) manslaughter,
  - (c) kidnapping,
  - (d) false imprisonment,
  - (e) an offence under section 18 or 20 of the Offences against the <sup>M11</sup>Person Act 1861 (wounding and causing grievous bodily harm),
  - (f) an offence under section 47 of that Act (assault occasioning actual bodily harm),
  - <sup>F5</sup>(g) .....
  - <sup>F5</sup>(h) .....
  - <sup>F5</sup>(i) .....
  - <sup>F5</sup>(j) .....
  - <sup>F5</sup>(k) .....
  - <sup>F5</sup>(l) .....
  - <sup>F5</sup>(m) .....
  - <sup>F6</sup>[<sup>F7</sup>(n) an offence under any of sections 1 to 4, 30 to 41, 52, 53, 57 to 61, 66 and 67 of the Sexual Offences Act 2003.]
  - <sup>F8</sup>(o) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc. ) Act 2004 (trafficking people for exploitation). ]

### Extent Information

- E2** Sch. 4 para. 2 extends to UK, see s. 81(1)(2)(a) for the extent

### Textual Amendments

- F5** Sch. 4 paras. 2(g)-(m) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); S.I. 2004/874, art. 2
- F6** Sch. 4 para. 2(n) inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 146\(4\), 162\(2\)](#) (with s. 159); S.I. 2003/1, [art. 2](#), [Sch.](#)
- F7** Sch. 4 para. 2(n) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 6 para. 44\(5\)\(b\)](#); S.I. 2004/874, art. 2
- F8** Sch. 4 para. 2(o) inserted (1.12.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 5\(6\), 48\(3\)](#); S.I. 2004/494; S.I. 2004/2999, art. 2, [Sch.](#)

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**Marginal Citations**

**M11** 1861 c. 100.

- 3 A person falls within this paragraph if—
- (a) he commits an offence under section 16 of the Offences against the <sup>M12</sup>Person Act 1861 (threats to kill) by making a threat to kill a child,
  - <sup>F9</sup>(b) .....
  - <sup>F9</sup>(c) .....
  - <sup>F9</sup>(d) .....
  - <sup>F9</sup>(e) .....
  - <sup>F9</sup>(f) .....
  - <sup>F9</sup>(g) .....
  - <sup>F9</sup>(h) .....
  - <sup>F9</sup>(i) .....
  - <sup>F9</sup>(j) .....
  - <sup>F9</sup>(k) .....
  - <sup>F9</sup>(l) .....
  - <sup>F9</sup>(m) .....
  - <sup>F9</sup>(n) .....
  - <sup>F9</sup>(o) .....
  - <sup>F9</sup>(p) .....
  - <sup>F9</sup>(q) .....
  - <sup>F9</sup>(r) .....
  - (s) he commits an offence under section 4(3) of the <sup>M13</sup>Misuse of Drugs Act 1971 by—
    - (i) supplying or offering to supply a Class A drug to a child,
    - (ii) being concerned in the supplying of such a drug to a child, or
    - (iii) being concerned in the making to a child of an offer to supply such a drug,
  - [<sup>F10</sup>(sa) he commits an offence under section 62 or 63 of the Sexual Offences Act 2003 (committing an offence or trespassing with intent to commit a sexual offence) in a case where the intended offence was an offence against a child.]
  - (t) he commits an offence of—
    - (i) aiding, abetting, counselling, procuring or inciting the commission of an offence against a child, or
    - (ii) conspiring or attempting to commit such an offence.

**Extent Information**

**E3** sch.4 para.3 extends to UK.see s.81(1)(2)(a) for the extent

**Textual Amendments**

**F9** Sch. 4 paras. 3(b)-(r) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); [S.I. 2004/874](#), art. 2

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**F10** Sch. 4 para. 3(sa) inserted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 6 para. 44\(5\) \(c\); S.I. 2004/874, art. 2](#)

#### Marginal Citations

**M12** 1861 c. 100.

**M13** 1971 c. 38.

## <sup>F11</sup>SCHEDULE 5

Section 66.

#### Textual Amendments

**F11** Sch. 5 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 6 para. 44\(6\), Sch. 7; S.I. 2004/874, art. 2](#)

## SCHEDULE 6

Section 70.

### TRIGGER OFFENCES

#### Commencement Information

**I2** Sch. 6 wholly in force at 2.7.2001; Sch. 6 not in force at Royal Assent see s. 80; Sch. 6 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232, art. 2\(1\)](#)

1 Offences under the following provisions of the <sup>M14</sup>Theft Act 1968 are trigger offences:

#### Textual Amendments

**F12** Words in Sch. 6 para. 1 inserted (27.7.2004) by [The Criminal Justice and Court Services Act 2000 \(Amendment\) Order 2004 \(S.I. 2004/1892\), arts. 1\(1\), 2\(2\)](#)

#### Commencement Information

**I3** Sch. 6 wholly in force at 2.7.2001; Sch. 6 not in force at Royal Assent see s. 80; Sch. 6 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232, art. 2\(1\)](#)

#### Marginal Citations

**M14** 1968 c. 60.

2 Offences under the following provisions of the <sup>M15</sup>Misuse of Drugs Act 1971 are trigger offences, if committed in respect of a specified Class A drug:

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**Commencement Information**

**I4** Sch. 6 wholly in force at 2.7.2001; Sch. 6 not in force at Royal Assent see s. 80; Sch. 6 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), [art. 2\(1\)](#)

**Marginal Citations**

**M15** [1971 c. 38](#).

- [<sup>F13</sup>3. An offence under section 1(1) of the Criminal Attempts Act 1981 is a trigger offence, if committed in respect of an offence under any of the following provisions of the Theft Act 1968:
- section 1 (theft)
  - section 8 (robbery)
  - section 9 (burglary)
  - section 15 (obtaining property by deception)
  - section 22 (handling stolen goods).

**Textual Amendments**

**F13** Sch. 6 para. 3, para. 4 inserted (27.7.2004) by [The Criminal Justice and Court Services Act 2000 \(Amendment\) Order 2004 \(S.I. 2004/1892\)](#), arts. 1(1), [2\(3\)](#)

4. Offences under the following provisions of the Vagrancy Act 1824 are trigger offences:
- section 3 (begging)
  - section 4 (persistent begging).]

**Textual Amendments**

**F13** Sch. 6 para. 3, para. 4 inserted (27.7.2004) by [The Criminal Justice and Court Services Act 2000 \(Amendment\) Order 2004 \(S.I. 2004/1892\)](#), arts. 1(1), [2\(3\)](#)

SCHEDULE 7

Section 74.

MINOR AND CONSEQUENTIAL AMENDMENTS

**PART I**

NEW NAMES

*Community rehabilitation orders*

- 1 (1) In the provisions of the <sup>M16</sup>Powers of Criminal Courts (Sentencing) Act 2000 listed in sub-paragraph (2)—
- (a) for “probation order” there is substituted “community rehabilitation order”,



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(b) for “probation orders” there is substituted “ community rehabilitation orders ”.

- (2) The provisions are—
- sections 33(1)(b), 35(2) and 36(3)(a),
  - in section 41, subsections (3), (4), (6) to (9) and (11) and the sidenote and preceding cross-heading,
  - in section 42, subsections (1) to (3) and the sidenote,
  - section 43 and the sidenote,
  - section 44,
  - the sidenote to section 45,
  - sections 51(4)(a), 69(5)(b) and 79(3)(a),
  - in section 163, paragraph (b) of the definition of “responsible officer”,
  - in Schedule 2—
    - in paragraph 1, sub-paragraphs (1) to (3),
    - in paragraph 2, sub-paragraphs (1), (2) and (5),
    - in paragraph 3, sub-paragraphs (1) to (3), (7) and (8)(b),
    - in paragraph 5, sub-paragraphs (1), (2), (4) to (7) and (8)(b),
    - in paragraph 6, sub-paragraphs (1) to (3), (5) to (7) and (8)(b),
    - in Schedule 3, paragraphs 1(1)(b), 6(2)(a), 12(3) and 19(2),
    - in Schedule 4—
      - in paragraph 1, sub-paragraphs (1) (in each place), (2), (3) (in both places) and (4) and the preceding cross-heading,
      - in paragraph 2, sub-paragraphs (1) (in both places), (2) to (4) and the preceding cross-heading,
      - paragraph 5(a),
      - paragraph 6(4) (in both places).

**Marginal Citations**

M16 2000 c. 6.

*Community punishment orders*

- 2 (1) In the provisions of the <sup>M17</sup>Powers of Criminal Courts (Sentencing) Act 2000 listed in sub-paragraph (2)—
- (a) for “community service order” there is substituted “ community punishment order ”,
  - (b) for “community service orders” there is substituted “ community punishment orders ”.
- (2) The provisions are—
- section 33(1)(c),
  - in section 35, subsections (2) and (4),
  - section 36(3)(b),
  - in section 46, subsections (3), (4), (6), (8) to (11) and (13) and the sidenote and preceding cross-heading,
  - in section 47, subsections (1) and (3) and the sidenote,

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section 48 and the sidenote,  
 section 49,  
 the sidenote to section 50,  
 section 51(4)(b),  
 in section 59, subsections (3)(b), (6) (in each place) and (8)(b) and the sidenote,  
 sections 69(5)(b) and 73(4)(b),  
 in section 163, paragraph (c) of the definition of “responsible officer”,  
 in Schedule 3—  
 paragraph 1(1)(c),  
 in paragraph 7, sub-paragraphs (1), (2) and (3)(a),  
 paragraphs 18(5) and 22(a),  
 in Schedule 4—  
 in paragraph 3, sub-paragraphs (1) (in the first, second and third places), (2) (in the first and third places) and (3) (in the first place) and the preceding cross-heading,  
 in paragraph 4, sub-paragraphs (1) (in both places), (2) and (3) (in the first place),  
 paragraph 5(b),  
 paragraph 6(4)(c).

**Marginal Citations**

**M17** 2000 c. 6.

*Community punishment and rehabilitation orders*

- 3 (1) In the provisions of the Powers of Criminal Courts (Sentencing) Act 2000 listed in sub-paragraph (2)—
- (a) for “combination order” there is substituted “ community punishment and rehabilitation order ”,
  - (b) for “combination orders” there is substituted “ community punishment and rehabilitation orders ”.
- (2) The provisions are—
- sections 33(1)(d), 35(2) and 36(3)(c),  
 in section 51, subsections (3) to (6), and the sidenote and preceding cross-heading,  
 sections 69(5)(b) and 73(4)(b),  
 in section 163, paragraph (d) of the definition of “responsible officer”,  
 in Schedule 3—  
 in paragraph 1, sub-paragraphs (1)(d) and (4)(a),  
 paragraphs 6(2)(a), 7(3)(b) (in both places) and 12(3),  
 in paragraph 18, sub-paragraphs (4) and (5),  
 in paragraph 19, sub-paragraphs (1) (in each place) and (2),  
 paragraph 22(a),  
 in Schedule 4—  
 paragraph 5 and the preceding cross-heading,

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paragraph 6(4)(a).

*Officers of local probation boards*

- 4 (1) In the following enactments—
- (a) for “a probation officer” there is substituted “ an officer of a local probation board ”,
  - (b) for “the probation officer” there is substituted “ the officer of a local probation board ”.
- (2) The enactments are—
- In the <sup>M18</sup>Children and Young Persons Act 1969—  
section 23(4) (as it has effect pursuant to section 98(3) of the <sup>M19</sup>Crime and Disorder Act 1998 (alternative provision for 15 and 16 year old boys)),  
in section 34, subsections (2) and (3).
  - In the <sup>M20</sup>Criminal Procedure (Insanity and Unfitness to Plead) Act 1991—  
in Schedule 2, in paragraph 3, sub-paragraphs (1)(b) and (3).
  - In the <sup>M21</sup>Criminal Justice Act 1991—  
section 37(4A)(a),  
section 43(5),  
in section 65, subsections (1)(a) and (1A) (in both places),  
in Schedule 3, paragraph 11(5)(b).
  - In the <sup>M22</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993—  
sections 12(2)(a) and 15(4).
  - In the <sup>M23</sup>Criminal Procedure (Scotland) Act 1995—  
sections 209(3)(a) and 234(1)(a).
  - In the <sup>M24</sup>Crime (Sentences) Act 1997—  
section 31(2A)(a).
  - In the Crime and Disorder Act 1998—  
sections 8(8)(a), 18(3) (in both places) and 39(5)(a).
  - In the <sup>M25</sup>Powers of Criminal Courts (Sentencing) Act 2000—  
in section 41, subsections (4), (5)(a), (6) and (9)(a) and (b),  
in section 46, subsections (5)(a) and (b) and (11)(a) and (b),  
in section 54, subsections (2) and (3),  
in section 57, subsections (1) to (4),  
sections 63(1)(b) and 64(2) (in both places),  
in section 69, subsections (4)(a), (6)(a) and (9),  
section 73(5),  
in section 74, subsections (5)(a) and (6),  
in section 103, subsections (3)(a) and (4) (in both places),  
in section 122, subsections (2) and (5),  
sections 157(1)(a) and 162(2)(a) and (b),  
in Schedule 2—  
paragraph 2(2)(a)(i) and (ii),  
paragraph 3(2)(a) and (b).

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### Marginal Citations

- M18** 1969 c. 54.  
**M19** 1998 c. 37.  
**M20** 1991 c. 25.  
**M21** 1991 c. 53.  
**M22** 1993 c. 9.  
**M23** 1995 c. 46.  
**M24** 1997 c. 43.  
**M25** 2000 c. 6.

## PART II

### GENERAL

#### PROSPECTIVE

#### *Children and Young Persons Act 1933 (c. 12)*

- 5 In section 49(6)(c) of the Children and Young Persons Act 1933 (restrictions on reports of proceedings), for “21” there is substituted “ 18 ”.

#### *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 6 In Part I of the Second Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (capacities in respect of which payments may be made under Part V, and paying authorities), for paragraphs 6 and 7 there is substituted—

“6. Member of the staff of a local probation board or of two or more local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000

The local probation board or, as the case may be, the local probation boards acting jointly.

7. Chief officer of a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000

The Secretary of State.”

#### PROSPECTIVE

#### *Prison Act 1952 (c. 52)*

- 7 The Prison Act 1952 is amended as follows.
- 8 In section 13(2) (legal custody of prisoner), for “section 95, 98, 99 or 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ section 99

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of the <sup>M26</sup>Powers of Criminal Courts (Sentencing) Act 2000 or section 61 of the Criminal Justice and Court Services Act 2000 ”.

**Marginal Citations**

M26 2000 c. 6.

- 9 In section 37(4) (closing of prisons), “remand centre” is omitted.
- 10 In section 43 (remand centres, detention centres and youth custody centres)—
- (a) in subsection (2)—
    - (i) in paragraph (a), for “21” there is substituted “ 18 ” and “a remand centre or” is omitted,
    - (ii) paragraphs (b) and (c) are omitted,
  - (b) subsection (3) is omitted,
  - (c) in subsection (4), “remand centres” is omitted,
  - (d) subsection (7) is omitted.
- 11 In section 47 (rules for the management of prisons, remand centres, detention centres and borstal institutions)—
- (a) in subsection (1) and the sidenote, “remand centres” is omitted,
  - (b) in subsection (5), “remand centre” is omitted.

*Army Act 1955 (c. 18)*

- 12 The Army Act 1955 is amended as follows.

PROSPECTIVE

- 13 In section 57(2A) (offences in relation to courts-martial), for “twenty-one” there is substituted “ eighteen ”.
- 14 In section 71(1) (punishments which may be awarded by sentence of a court-martial), after paragraph (bb) there is inserted—
- “(bc) order that the convicted person be disqualified from working with children”.
- 15 (1) In section 71A (juveniles)—
- (a) in subsections (1), (1D) and (1E)(i), for “21” there is substituted “ 18 ”,
  - (b) subsections (1A) to (1C) are omitted,
  - (c) in subsection (1D), paragraph (b) and the “and” preceding it are omitted,
  - (d) in subsection (1E), paragraph (b) and the “or” preceding it are omitted,
  - (e) in subsection (3), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
  - (f) in subsection (4), for “an adult” (in both places) there is substituted “ a person who has attained 18 years of age ”,
  - (g) in subsection (5), “custody for life or” and “and to a sentence of custody for life” are omitted.

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- (2) Sub-paragraph (1)(e) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**I5** Sch.7 para.15 partly in force:Sch.7 para.15(1)(e) and (2) comes into force at RA.see s.80(3)(d)

#### PROSPECTIVE

- 16 In section 71AA (young service offenders: custodial orders)—
- (a) in subsection (1)—
    - (i) for “twenty-one” (in both places) there is substituted “ eighteen ”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall be not less than the period of two months; and”,
  - (b) in subsection (1AA), “aged 17” is omitted,
  - (c) in paragraph (a) of subsection (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the <sup>M27</sup>Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
  - (d) in subsection (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.

#### Marginal Citations

**M27** 2000 c. 6.

#### PROSPECTIVE

- 17 In section 71AB(1) (reasons to be given where custodial sentence awarded to young offender), paragraph (b) and the “or” preceding it are omitted.
- 18 (1) Schedule 5A (powers of court on trial of civilian) is amended as follows.
- (2) In paragraph 10—
- (a) in sub-paragraph (1)—
    - (i) for “under 21” there is substituted “ under 18 ” and for “age of 21” there is substituted “ age of 18 ”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall not be less than the period of two months;”,
  - (b) in sub-paragraph (1A), “under 18 years of age” is omitted,
  - (c) in sub-paragraph (1AA)(a), for “21” there is substituted “ 18 ”,
  - (d) in paragraph (a) of sub-paragraph (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the <sup>M28</sup>Powers of Criminal Courts

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- (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose”,
- (e) in sub-paragraph (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.
- (3) In paragraph 15—
- (a) in sub-paragraph (3), in paragraphs (a) and (b), for “21” there is substituted “ 18 ”,
- (b) in the table—
- (i) in the heading to the first column, for “21” there is substituted “ 18 ”,
- (ii) for the heading to the second column there is substituted “ Offender aged 17 but under 18 ”,
- (iii) in the second column, “Custody for life” is omitted,
- (c) in the note following the table—
- (i) in sub-paragraph (a), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
- (ii) in sub-paragraph (i), for “custody for life” there is substituted “ a custodial order ”.
- (4) Sub-paragraph (3)(c)(i) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**I6** Sch.7 para.18 partly in force:Sch.7 para.18(3)(c)(i) and (4) comes into force at RA.see s.80(3)(d)

#### Marginal Citations

**M28** 2000 c. 6.

#### *Air Force Act 1955 (c. 19)*

19 The Air Force Act 1955 is amended as follows.

#### PROSPECTIVE

- 20 In section 57(2A) (offences in relation to courts-martial), for “twenty-one” there is substituted “ eighteen ”.
- 21 In section 71(1) (punishments which may be awarded by sentence of a court-martial), after paragraph (bb) there is inserted—
- “(bc) order that the convicted person be disqualified from working with children”.
- 22 (1) In section 71A (juveniles)—
- (a) in subsections (1), (1D) and (1E)(i), for “21” there is substituted “ 18 ”,
- (b) subsections (1A) to (1C) are omitted,
- (c) in subsection (1D), paragraph (b) and the “and” preceding it are omitted,
- (d) in subsection (1E), paragraph (b) and the “or” preceding it are omitted,
- (e) in subsection (3), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,

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- (f) in subsection (4), for “an adult” (in both places) there is substituted “ a person who has attained 18 years of age ”,
- (g) in subsection (5), “custody for life or” and “and to a sentence of custody for life” are omitted.

(2) Sub-paragraph (1)(e) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**I7** Sch.7 para.22 partly in force:Sch.7 para.22(1)(e) and (2) comes into force at RA.see s.80(3)(d)

#### PROSPECTIVE

- 23 In section 71AA (young service offenders: custodial orders)—
- (a) in subsection (1)—
    - (i) for “twenty-one” (in both places) there is substituted “ eighteen ”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall be not less than the period of two months; and”,
  - (b) in subsection (1AA), “aged 17” is omitted,
  - (c) in paragraph (a) of subsection (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the <sup>M29</sup>Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
  - (d) in subsection (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.

#### Marginal Citations

**M29** 2000 c. 6.

#### PROSPECTIVE

- 24 In section 71AB(1) (reasons to be given where custodial sentence awarded to young offender), paragraph (b) and the “or” preceding it are omitted.
- 25 (1) Schedule 5A (powers of court on trial of civilian) is amended as follows.
- (2) In paragraph 10—
- (a) in sub-paragraph (1)—
    - (i) for “under 21” there is substituted “ under 18 ” and for “age of 21” there is substituted “ age of 18 ”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall not be less than the period of two months;”,
  - (b) in sub-paragraph (1A), “under 18 years of age” is omitted,
  - (c) in sub-paragraph (1AA)(a), for “21” there is substituted “ 18 ”,



*Status: Point in time view as at 01/12/2004.*

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- (d) in paragraph (a) of sub-paragraph (6), for the words from “any institution” to the end of the paragraph there is substituted “such secure accommodation (within the meaning of section 107 of the Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose”,
  - (e) in sub-paragraph (6A), for “detention in a young offender institution” there is substituted “imprisonment”.
- (3) In paragraph 15—
- (a) in sub-paragraph (3), in paragraphs (a) and (b), for “21” there is substituted “18”,
  - (b) in the table—
    - (i) in the heading to the first column, for “21” there is substituted “18”,
    - (ii) for the heading to the second column there is substituted “Offender aged 17 but under 18”,
    - (iii) in the second column, “Custody for life” is omitted,
  - (c) in the note following the table—
    - (i) in sub-paragraph (a), after “murder” there is inserted “or any other offence the sentence for which is fixed by law as life imprisonment”,
    - (ii) in sub-paragraph (i), for “custody for life” there is substituted “a custodial order”.
- (4) Sub-paragraph (3)(c)(i) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**18** Sch.7 para.25 partly in force:Sch.7 para.25(3)(c)(i) and (4) comes into force at RA.see s.80(3)(d)

#### *Naval Discipline Act 1957 (c. 53)*

26 The Naval Discipline Act 1957 is amended as follows.

#### PROSPECTIVE

- 27 In section 38(3A) (offences in relation to courts-martial), for “twenty-one” there is substituted “eighteen”.
- 28 In section 43(1) (punishments which may be awarded to persons convicted of offences under Part I of that Act), after paragraph (bb) there is inserted—  
“(bc) order that the convicted person be disqualified from working with children”.
- 29 (1) In section 43A (juveniles)—
- (a) in subsections (1), (1D) and (1E)(i), for “21” there is substituted “18”,
  - (b) subsections (1A) to (1C) are omitted,
  - (c) in subsection (1D), paragraph (b) and the “and” preceding it are omitted,
  - (d) in subsection (1E), paragraph (b) and the “or” preceding it are omitted,
  - (e) in subsection (3), after “murder” there is inserted “or any other offence the sentence for which is fixed by law as life imprisonment”,

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- (f) in subsection (4), for “an adult” (in both places) there is substituted “a person who has attained 18 years of age”,
- (g) in subsection (5), “custody for life or” and “and to a sentence of custody for life” are omitted.

(2) Sub-paragraph (1)(e) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**I9** Sch.7 para.29 partly in force:Sch.7 para.29(1)(e) and (2) comes into force at RA. see s.80(3)(d)

#### PROSPECTIVE

- 30 In section 43AA (young service offenders: custodial orders)—
- (a) in subsection (1)—
    - (i) for “twenty-one” (in both places) there is substituted “eighteen”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall be not less than the period of two months; and”,
  - (b) in subsection (1AA), “aged 17” is omitted,
  - (c) in paragraph (a) of subsection (6), for the words from “any institution” to the end of the paragraph there is substituted “such secure accommodation (within the meaning of section 107 of the <sup>M30</sup>Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose”,
  - (d) in subsection (6A), for “detention in a young offender institution” there is substituted “imprisonment”.

#### Marginal Citations

**M30** 2000 c. 6.

#### PROSPECTIVE

- 31 In section 43AB(1) (reasons to be given where custodial sentence awarded to young offender), paragraph (b) and the “or” preceding it are omitted.
- 32 (1) Schedule 4A (powers of court on trial of civilian) is amended as follows.
- (2) In paragraph 10—
- (a) in sub-paragraph (1)—
    - (i) for “under 21” there is substituted “under 18” and for “age of 21” there is substituted “age of 18”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall not be less than the period of two months; and”,
  - (b) in sub-paragraph (1A), “under 18 years of age” is omitted,

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- (c) in sub-paragraph (1AA)(a), for “21” there is substituted “ 18 ”,
  - (d) in paragraph (a) of sub-paragraph (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
  - (e) in sub-paragraph (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.
- (3) In paragraph 15—
- (a) in sub-paragraph (3), in paragraphs (a) and (b), for “21” there is substituted “ 18 ”,
  - (b) in the table—
    - (i) in the heading to the first column, for “21” there is substituted “ 18 ”,
    - (ii) for the heading to the second column there is substituted “ Offender aged 17 but under 18 ”,
    - (iii) in the second column, “Custody for life” is omitted,
  - (c) in the note following the table—
    - (i) in sub-paragraph (a), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
    - (ii) in sub-paragraph (i), for “custody for life” there is substituted “ a custodial order ”.
- (4) Sub-paragraph (3)(c)(i) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**I10** Sch.7 para.32 partly in force:Sch.7 para.32(3)(c)(i) and (4) comes into force at RA.see s.80(3)(d)

PROSPECTIVE

#### *Criminal Justice Act 1961 (c. 39)*

- 33 In section 23(4) of the Criminal Justice Act 1961 (prison rules), for “secure training centres and remand centres” there is substituted “ and secure training centres ”.

PROSPECTIVE

#### *Criminal Justice Act 1967 (c. 80)*

- 34 The Criminal Justice Act 1967 is amended as follows.
- 35 In section 34 (committal of persons under twenty-one accused of extradition crimes etc.), for “twenty-one” there is substituted “ eighteen ”.
- 36 In section 67(6) (computation of sentences of imprisonment passed in England and Wales), “to a remand centre or” is omitted.

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*Social Work (Scotland) Act 1968 (c. 49)*

- 37 In section 94(1) of the Social Work (Scotland) Act 1968 (interpretation)—
- (a) at the appropriate place there is inserted—
- ““community rehabilitation order” has the meaning given by section 43 of the Criminal Justice and Court Services Act 2000”;
- (b) for the definition of “probation order” there is substituted—
- ““probation order”—
- (a) in relation to an order imposed by a court in England or Wales, means a community rehabilitation order,
- (b) in relation to an order imposed by a court in Northern Ireland, has the same meaning as in the<sup>M31</sup>Criminal Justice (Northern Ireland) Order 1996.”.

**Marginal Citations**

**M31** [S.I. 1996/3160 \(N.I. 24\)](#).

*Children and Young Persons Act 1969 (c. 54)*

- 38 The Children and Young Persons Act 1969 is amended as follows.

PROSPECTIVE

F14<sup>39</sup> .....

**Textual Amendments**

**F14** Sch. 7 para. 39 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 46\(3\)](#); [S.I. 2012/2906](#), art. 2(j) (with art. 7(2)(3))

- 40 In section 34(3) (transitional modifications of Part I), for “probation committee” there is substituted “ local probation board ”.
- 41 In section 46(1) (discontinuance of approved schools etc.), “within the meaning of the<sup>M32</sup>Probation Service Act 1993” is omitted.

**Marginal Citations**

**M32** [1993 c. 47](#).

- 42 In section 70(1) (general interpretation), at the appropriate place there is inserted—
- ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.
- 43 (1) Schedule 3 (approved schools and other institutions) is amended as follows.
- (2) In paragraph 6(1), after “<sup>M33</sup>Probation Service Act 1993” there is inserted “ or section 3, 5 or 9 of the Criminal Justice and Court Services Act 2000 ”.

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(3) In paragraph 9—

(a) in sub-paragraph (2)—

- (i) for “either” there is substituted “ any ”,
- (ii) in paragraph (a), “or” is omitted,
- (iii) after paragraph (b) there is inserted—

“(c) section 3 of the Criminal Justice and Court Services Act 2000 (functions of the Secretary of State);

(d) section 5 of that Act (functions of local probation boards); or

(e) section 9 of that Act (approved premises),”

(b) for sub-paragraph (4)(b) there is substituted—

“(b) the amount which in his opinion represents the proportion of the contributions paid by local authorities under section 90 of the Act of 1933 or (as the case may be) the proportion of the sums paid by—

(i) probation committees under rules made under the Probation Service Act 1993,

(ii) the Secretary of State under section 3 or 9 of the Criminal Justice and Court Services Act 2000, and

(iii) local probation boards under section 5 of that Act, which (in either case) should be treated as having been paid on account of expenditure of a capital nature in connection with the former approved institution;”.

(4) In paragraph 10(4)(b), after “Probation Service Act 1993” there is inserted “ or under section 3, 5 or 9 of the Criminal Justice and Court Services Act 2000 ”.

#### Marginal Citations

M33 1993 c. 47.

#### *Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 44 (1) Subject to sub-paragraph (2), in section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” includes a local probation board established under section 4 of this Act.
- (2) An order under section 1(5) of the Local Authorities (Goods and Services) Act 1970 (power to provide that a person or description of persons shall be a public body for the purposes of that Act) may repeal the provisions of sub-paragraph (1) above as they apply to a local probation board specified in the order.

#### *Pensions (Increase) Act 1971 (c. 56)*

- 45 In Schedule 2 to the <sup>M34</sup>Pensions (Increase) Act 1971 (official pensions), after paragraph 53 there is inserted—

“53A A pension payable in accordance with regulations under section 7 of the <sup>M35</sup>Superannuation Act 1972 in respect of service as chairman, chief

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officer, member or member of the staff of a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000.”

**Marginal Citations**  
**M34** 1972 c. 11.  
**M35** 1972 c. 11.

*Local Government Act 1972 (c. 70)*

- 46 In Part I of Schedule 12A to the Local Government Act 1972 (access to information: exempt information)—
- (a) in paragraph 2(a), “or” is omitted,
  - (b) at the end of paragraph 2(b) there is inserted “or
    - (c) a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.”,
  - (c) after paragraph 2 there is inserted—
    - “2A Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.”

*Juries Act 1974 (c. 23)*

F15 47 .....

**Textual Amendments**  
**F15** Sch. 7 para. 47 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(l)(iv)

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 48 The Rehabilitation of Offenders Act 1974 is amended as follows.
- 49 In section 5 (rehabilitation periods for particular sentences)—
- (a) in subsection (4A), for “a person was placed on probation” there is substituted “ a probation order was made ”,
  - (b) in subsection (4A)(b), for “probation order” there is inserted “ order in question ”.
- 50 In section 6(3) (the rehabilitation period applicable to a conviction)—
- (a) for “placed on probation” there is substituted “ a probation order was made ”,
  - (b) for “or probation” there is substituted “ or a breach of the order ”.

*Adoption Act 1976 (c. 36)*

51 The Adoption Act 1976 is amended as follows.

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- 52 In section 65 (guardians ad litem and reporting officers)—
- (a) in subsection (1)—
    - (i) after “as are prescribed” there is inserted “ of an officer of the Service ”,
    - (ii) in paragraph (a), for the words from the beginning to “litem” there is substituted “ to act on behalf ”,
    - (iii) in paragraph (b), “of a person to act as reporting officer” is omitted,
  - (b) in subsection (2)—
    - (i) for “as guardian ad litem or reporting officer” there is substituted “ under subsection (1) ”,
    - (ii) for “be both guardian ad litem and reporting officer” there is substituted “ act under both paragraphs (a) and (b) of subsection (1) ”,
  - (c) after subsection (2) there is inserted—
    - “(3) Rules of court may make provision as to the assistance which an officer of the Service may be required by the court to give to it.
    - (4) In this section “officer of the Service” has the same meaning as in the Criminal Justice and Court Services Act 2000.”,
  - (d) for the sidenote there is substituted “ Duties of officers of the Service ”.
- 53 Section 65A (panels for selection of guardians ad litem and reporting officers) is omitted.

PROSPECTIVE

*Criminal Law Act 1977 (c. 45)*

- 54 The Criminal Law Act 1977 is amended as follows.
- 55 In section 38A(5) (execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine), in the definition of “prison”, for paragraph (ia) there is substituted—
- “(ia) in the case of a person under that age arrested in England and Wales, any prison, or any young offender institution in which one or more persons mentioned in section 61(3), (4) or (5) of the Criminal Justice and Court Services Act 2000 are detained, determined by the Secretary of State (in respect of that person or a description of persons including that person);”.
- 56 In section 38B(5) (further provision for execution of warrants of commitment), in the definition of “prison”, for paragraph (a) there is substituted—
- “(a) in the case of a person who is under the age of 21 years arrested in England and Wales, any prison, or any young offender institution in which one or more persons mentioned in section 61(3), (4) or (5) of the Criminal Justice and Court Services Act 2000 are detained, determined by the Secretary of State (in respect of that person or a description of persons including that person); and”.

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*Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

- 57 In section 26(2) of the Domestic Proceedings and Magistrates' Courts Act 1978 (reconciliation)—
- (a) for “a probation officer” there is substituted “ an officer of the Service (within the meaning of the Criminal Justice and Court Services Act 2000) ”,
  - (b) for “the probation officer or that” there is substituted “ that officer or ”.

*Magistrates' Courts Act 1980 (c. 43)*

- 58 The Magistrates' Courts Act 1980 is amended as follows.

PROSPECTIVE

- 59 In section 11(3) (non-appearance of accused: general provisions), “or detention in a detention centre” is omitted.

PROSPECTIVE

- 60 In section 31 (general limit on power of magistrates' court to impose imprisonment), in subsections (1) and (2), “or youth custody” is omitted.

- 61 Section 72 (report by probation officer on means of parties) is omitted.

PROSPECTIVE

- 62 In section 77(2) (postponement of issue of warrant), “or detention under section 108 of the Powers of<sup>M36</sup>Criminal Courts (Sentencing) Act 2000 (detention of persons aged 18 to 20 for default)” is omitted.

**Marginal Citations**

**M36** 2000 c. 6.

PROSPECTIVE

- 63 In section 82 (restriction on power to impose imprisonment for default)—
- (a) in subsection (1)(c), “youth custody or detention in a detention centre” is omitted,
  - (b) in subsections (1)(c), (3)(a) and (5)(b), for “section 9 of the<sup>M37</sup>Criminal Justice Act 1982” there is substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”,
  - (c) in subsection (4A)(e), for “section 17 of the<sup>M38</sup>Criminal Justice Act 1982” there is substituted “ section 60 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.



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**Marginal Citations**

**M37** 1982 c. 48.

**M38** 1982 c. 48.

PROSPECTIVE

- 64 In section 88 (supervision pending payment)—
- (a) in subsection (4), for “detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ prison ” and for “such detention” there is substituted “ prison ”,
  - (b) in subsection (5), for “such detention” there is substituted “ prison ”.

PROSPECTIVE

- 65 Section 96A (application of Part III to persons aged 18 to 20) is omitted.

PROSPECTIVE

- 66 In section 133 (consecutive terms of imprisonment)—
- (a) in subsection (1), the first, second and fourth mentions of “or youth custody” are omitted,
  - (b) subsection (2A) is omitted.

PROSPECTIVE

- 67 In section 135 (detention of offender for one day in court house or police station), subsection (3) is omitted.

PROSPECTIVE

- 68 In section 136 (committal to custody overnight at police station), subsection (4) is omitted.

PROSPECTIVE

- <sup>F16</sup>69 . . . . .

**Textual Amendments**

**F16** Sch. 7 para. 69 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), art. 2(u)(xxix)

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## PROSPECTIVE

*Imprisonment (Temporary Provisions) Act 1980 (c. 57)*

- 70 In section 6 of the Imprisonment (Temporary Provisions) Act 1980 (detention in the custody of a constable), in subsections (1) and (2), “remand centre” is omitted.

*Criminal Justice Act 1982 (c. 48)*

- 71 In paragraph 7(3)(b) of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements), for “probation committee for that area to appoint or assign a probation officer” there is substituted “ local probation board for that area (established under section 4 of the Criminal Justice and Court Services Act 2000) to appoint or assign an officer of the board ”.

*Mental Health Act 1983 (c. 20)*

- 72 The Mental Health Act 1983 is amended as follows.

## PROSPECTIVE

- 73 In section 48(2)(a) (removal to hospital of other prisoners), “or remand centre” is omitted.
- 74 In section 134(3)(e) (correspondence of patients), for “probation committee (within the meaning of the <sup>M39</sup>Probation Service Act 1993)” there is substituted “ local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 ”.

**Marginal Citations**

**M39** 1993 c. 47.

*Health and Social Services and Social Security Adjudications Act 1983 (c. 41)*

- 75 In section 10(16) of the Health and Social Services and Social Security Adjudications Act 1983 (central council for education and training in social work), paragraph (b) and the “and” preceding it are omitted.

*Police and Criminal Evidence Act 1984 (c. 60)*

## PROSPECTIVE

- 76 The Police and Criminal Evidence Act 1984 is amended as follows.

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PROSPECTIVE

F1777 .....

**Textual Amendments**

**F17** Sch. 7 para. 77 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), Sch. 17 Pt. 2; S.I. 2005/3495, art. 2(1)(u)

78 In section 62 (intimate samples), at the beginning of subsection (1) there is inserted “ Subject to section 63B below ”.

**Commencement Information**

**I11** Sch. 7 para. 78 wholly in force at 2.7.2001; Sch. 7 para. 78 not in force at Royal Assent see s. 80; Sch. 7 para. 78 in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by S.I. 2001/2232, art. 2(m)(i)

*Child Abduction and Custody Act 1985 (c. 60)*

79 The Child Abduction and Custody Act 1985 is amended as follows.  
80 In sections 6(a) and 21(a) (reports), for “a probation officer” there is substituted “an officer of the Service ”.  
81 In section 27 (interpretation), after subsection (4) there is inserted—  
“(5) In this Act “officer of the Service” has the same meaning as in the Criminal Justice and Court Services Act 2000.”

*Local Government Act 1988 (c. 9)*

82 In the Local Government Act 1988, in Schedule 2 (public supply or works contracts: the public authorities), for “A probation committee (within the meaning of the <sup>M40</sup>Probation Service Act 1993)” there is substituted “ A local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 ”.

**Marginal Citations**

**M40** 1993 c. 47.

*Education Reform Act 1988 (c. 40)*

F1883 .....

**Textual Amendments**

**F18** Sch. 7 para. 83 repealed (31.3.2003 for W., 1.6.2003 for E.) by 2002 c. 32, ss. 215(2), 216, 217, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5 Sch. Pt. II; S.I. 2003/1115, art. 3

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*Local Government Finance Act 1988 (c. 41)*

- 84 The Local Government Finance Act 1988 is amended as follows.
- 85 In section 74(1)(c) (levies), for “magistrates’ courts committee or probation committee” there is substituted “ or magistrates’ courts committee ”.
- 86 In section 117(5)(c) (rates and precepts: abolition), for “magistrates’ courts committee or probation committee” there is substituted “ or magistrates’ courts committee ”.

*Children Act 1989 (c. 41)*

- 87 The Children Act 1989 is amended as follows.
- 88 In section 7 (welfare reports)—
- (a) in subsection (1), for “a probation officer” (in both places) there is substituted “ an officer of the Service ”,
  - (b) in subsection (5), for “probation officer” there is substituted “ officer of the Service ”.
- 89 In section 16 (family assistance orders)—
- (a) in subsection (1)(a), for “a probation officer” there is substituted “ an officer of the Service ”,
  - (b) subsections (8) and (9) are omitted.
- 90 In section 31(1)(b) (care and supervision orders), “or of a probation officer” is omitted.
- 91 In section 41 (representation of child and of his interests in certain proceedings)—
- (a) in subsections (1) and (11), for “a guardian ad litem” there is substituted “ an officer of the Service ”,
  - (b) in subsections (2), (4)(a) and (10)(a) and (b), for “guardian ad litem” there is substituted “ officer of the Service ”,
  - (c) in subsection (10)(c), for “guardians ad litem” there is substituted “ officers of the Service ”,
  - (d) subsections (7) to (9) and (12) are omitted,
  - (e) for the cross-heading preceding section 41 there is substituted “ Representation of child ”.
- 92 In section 42 (right of guardian ad litem to have access to local authority records)—
- (a) in subsection (1)—
    - (i) for “a person” there is substituted “ an officer of the Service ”,
    - (ii) for “as a guardian ad litem under this Act” there is substituted “ under section 41 ”,
  - (b) in subsection (2), for “a guardian ad litem” there is substituted “ an officer of the Service ”,
  - (c) for the sidenote there is substituted “ Right of officer of the Service to have access to local authority records ”.
- 93 In section 58(4) (financial provisions applicable on cessation of controlled or assisted community home or disposal etc of premises)—
- (a) in paragraph (a), “or” is omitted,
  - (b) in paragraph (b), after “hostels or homes” there is inserted “or

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- (c) of sums paid under section 3, 5 or 9 of the Criminal Justice and Court Services Act 2000 in relation to expenditure on approved premises (within the meaning of Part I of that Act).”
- 94 In section 68(2)(d), (persons disqualified from being private foster parents), for “has been placed on probation or” there is substituted “ a probation order has been made in respect of him or he has been ”.
- 95 In section 105(1) (interpretation), at the appropriate place there is inserted—  
““officer of the Service” has the same meaning as in the Criminal Justice and Court Services Act 2000;”.
- 96 In Schedule 3 (supervision orders), in paragraph 9, sub-paragraphs (2) to (5) are omitted.
- 97 In Schedule 10 (amendments of adoption legislation), paragraph 29 is omitted.

PROSPECTIVE

*Computer Misuse Act 1990 (c. 18)*

- 98 In section 2(2)(b) of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences), for “of twenty-one years of age or over (not previously convicted)” there is substituted “ who has attained the age of twenty-one years (eighteen in relation to England and Wales) and has no previous convictions ”.

*Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25)*

- 99 The Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 is amended as follows.
- 100 In section 6(1) (general interpretation), at the appropriate place there is inserted—  
““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.

PROSPECTIVE

**No  
commentary  
item  
could be  
found  
for this  
reference  
key-14fac534515f494ce91f45fc358089b1101**

- 102 In Schedule 2 (supervision and treatment orders), in paragraph 1(1)(a), for “probation officer” there is substituted “ an officer of a local probation board ”.

*Status: Point in time view as at 01/12/2004.*

*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 06 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)*

*Criminal Justice Act 1991 (c. 53)*

103      The Criminal Justice Act 1991 is amended as follows.

PROSPECTIVE

F19 104      .....

**Textual Amendments**

**F19** Sch. 7 paras. 104-107 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

105      In section 37A (curfew condition to be included in licence), subsection (7) is omitted.

**Commencement Information**

**I12** [Sch. 7 para. 105](#) wholly in force at 2.7.2001; [Sch. 7 para. 105](#) not in force at Royal Assent see [s. 80](#); [Sch. 7 para. 105](#) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(ii\)](#)

PROSPECTIVE

F19 106      .....

**Textual Amendments**

**F19** Sch. 7 paras. 104-107 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

F19 107      .....

**Textual Amendments**

**F19** Sch. 7 paras. 104-107 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch.

*Status: Point in time view as at 01/12/2004.*

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1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l)

PROSPECTIVE

108 In section 68 (persons aged 17 to be treated as young persons for certain purposes), paragraph (b) is omitted.

PROSPECTIVE

109 In section 92(1) (interpretation of Part IV), in the definition of “prison”, “or remand centre” is omitted.

110 In section 99(1) (general interpretation), at the appropriate place there is inserted—  
““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.

111 In Schedule 3 (reciprocal enforcement of certain orders)—  
(a) in paragraph 10—  
(i) in sub-paragraphs (2)(b) and (3)(c), for “probation committee” there is substituted “ local probation board ”,  
(ii) in sub-paragraph (3)(a), for “a probation officer assigned” there is substituted “ an officer of a local probation board assigned ”,  
(iii) in sub-paragraph (3)(d), for “probation centre” there is substituted “ community rehabilitation centre ”,  
(b) in paragraph 11(4), for “4(1)(d), 5(1)(d)” there is substituted “ 4(1C)(d), 5(1C)(d) ”.

**Commencement Information**

**I13** Sch. 7 para. 111 partly in force; Sch. para. 111 not in force at Royal Assent see s. 80; Sch. 7 para. 111(a) in force at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(ii\)](#)

PROSPECTIVE

112 In Schedule 8 (amendments for treating persons aged 17 as young persons), paragraphs 2 and 6(3) are omitted.

PROSPECTIVE

113 In Schedule 12 (transitional provisions and savings), in paragraphs 15(4) and 16(3), “remand centre or” is omitted.

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## PROSPECTIVE

*Water Industry Act 1991 (c. 56)*

- 114 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), in paragraph 13(2)(a), for “young offender institution or remand centre” there is substituted “ or young offender institution ”.

## PROSPECTIVE

*Prison Security Act 1992 (c. 25)*

- 115 In section 1(6) of the Prison Security Act 1992 (offence of prison mutiny), in the definition of “prison”, for “young offender institution or remand centre” there is substituted “ or young offender institution ”.

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

- 116 The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.
- 117 In section 15(5) (variation of supervised release order), for “probation officer” there is substituted “ officer of a local probation board ”.
- 118 In section 27(1) (interpretation of Part I), at the appropriate place there is inserted—  
 ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.

## PROSPECTIVE

*Intelligence Services Act 1994 (c. 13)*

- 119 In section 5(3B)(b) of the Intelligence Services Act 1994 (warrants: general), after “twenty-one” there is inserted “ (eighteen in relation to England and Wales) ”.

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

- 120 The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- 121 In section 209(7) (supervised release orders), for “probation officer” there is substituted “ officer of a local probation board ”.
- 122 In section 228(2)(b) (probation orders), for “probation committee” there is substituted “ local probation board ”.
- 123 In section 234 (probation orders: persons residing in England and Wales)—  
 (a) in subsection (2), for “probation order made” there is substituted “ community rehabilitation order made ”,



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- (b) in subsection (3)(c), for “probation committee” there is substituted “ local probation board ”,
  - (c) in subsection (4)(a), after “probation orders” there is inserted “ or, as the case may be, community rehabilitation orders ”,
  - (d) in subsection (5)(a), for “probation order” there is substituted “ community rehabilitation order ”,
  - (e) in subsection (5)(b), for “combination order” there is substituted “ community punishment and rehabilitation order ”,
  - (f) in subsection (10), for “probation orders” there is substituted “ community rehabilitation orders ”.
- 124 In section 242 (community service orders: persons residing in England and Wales)
- (a) in subsection (1)(a)(ii), for “community service order” there is substituted “ community punishment order ”,
  - (b) in subsections (1)(a)(iii), (2)(b) and (3)(b), for “community service orders” there is substituted “ community punishment orders ”,
  - (c) in subsection (3)(b)—
    - (i) for “probation committee” there is substituted “ local probation board ”,
    - (ii) for “a probation officer” there is substituted “ an officer of the board ”.
- 125 In section 244 (community service orders: general provisions relating to persons living in England and Wales or Northern Ireland)—
- (a) for subsection (3) there is substituted—
    - “(3) Subject to the following provisions of this section—
      - (a) a community service order made or amended in the circumstances specified in section 242 shall be treated as if it were a community punishment order made in England and Wales and the legislation relating to community punishment orders which has effect in England and Wales shall apply accordingly; and
      - (b) a community service order made or amended in the circumstances specified in section 243 shall be treated as if it were a community service order made in Northern Ireland and the legislation relating to community service orders which has effect in Northern Ireland shall apply accordingly.”
    - (b) in subsections (4)(a) and (6), after “community service orders” there is inserted “ or, as the case may be, community punishment orders ”,
    - (c) in subsection (5), after “a community service order” there is inserted “ or, as the case may be, a community punishment order ”.
- 126 In section 307(1) (interpretation), at the appropriate place there is inserted—
- ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000”.

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*Education Act 1996 (c. 56)*

- 127 The Education Act 1996 is amended as follows.
- 128 In section 468 (school may be struck off for contravention of regulations about employment of teachers), at the end there is inserted—
- “(2) Where the Secretary of State is satisfied that a person who is included (otherwise than provisionally) in the list kept under section 1 of the <sup>M41</sup>Protection of Children Act 1999 (individuals considered unsuitable to work with children) or is subject to an order under section 28 or 29 of the Criminal Justice and Court Services Act 2000 (disqualification from working with children)—
- (a) is employed in a registered or provisionally registered school, or
- (b) is the proprietor of such a school,
- he may order that the school be struck off the register or (as the case may be) that the Registrar is not to register the school.”

**Marginal Citations**

**M41** 1999 c. 14.

- 129 After section 473 there is inserted—

**“473A Removal of disqualification: persons no longer unsuitable to work with children.**

- (1) Subject to section 473B, a person to whom this section applies may make an application under this section to the Tribunal.
- (2) This section applies to any person who is disqualified, by an order made under section 470 or 471 on the grounds that he is unsuitable to work with children—
  - (a) from being the proprietor of any independent school; or
  - (b) from being a teacher or other employee in any school.
- (3) On an application under this section the Tribunal shall determine whether or not the individual shall continue to be subject to the order.
- (4) If the Tribunal is satisfied that the individual is no longer unsuitable to work with children, it shall direct that the order shall cease to have effect; otherwise it shall dismiss the application.
- (5) In this section and section 473B, “the Tribunal” means the tribunal established by section 9 of the <sup>M42</sup>Protection of Children Act 1999.

**473B Conditions for application under section 473A.**

- (1) A person may only make an application under section 473A with the leave of the Tribunal.
- (2) An application for leave under this section may not be made unless the appropriate conditions are satisfied in the person’s case.

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- (3) In the case of a person who was a child when the order was made, the appropriate conditions are satisfied if—
- (a) at least five years have elapsed since the order was made; and
  - (b) in the period of five years ending with the time when he makes the application under this section, he has made no other such application.
- (4) In the case of any other person, the appropriate conditions are satisfied if—
- (a) at least ten years have elapsed since the order was made; and
  - (b) in the period of ten years ending with the time when he makes the application under this section, he has made no other such application.
- (5) The Tribunal shall not grant an application under this section unless it considers—
- (a) that the person’s circumstances have changed since the order was made, or, as the case may be, since he last made an application under this section; and
  - (b) that the change is such that leave should be granted.”

**Marginal Citations**

M42 1999 c. 14.

- 130 In section 474 (removal of disqualification)—
- (a) at the end of subsection (1) there is inserted—

“But this subsection does not apply in relation to the disqualification of a person to whom section 473A applies.”,
  - (b) for the sidenote there is substituted “Removal of disqualification: other cases.”

*Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))*

- 131 The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.
- 132 In Article 10(1A) (probation orders) as it has effect pursuant to paragraph 10(1) of Schedule 3 to the <sup>M43</sup>Criminal Justice Act 1991 (reciprocal enforcement of certain orders), for “probation committee” there is substituted “ local probation board ”.

**Marginal Citations**

M43 1991 c. 53.

- 133 In Article 13(4)(b) (community service orders in respect of convicted persons) as it has effect pursuant to paragraph 7(1) of Schedule 13 to the <sup>M44</sup>Criminal Justice Act 1982 (reciprocal arrangements), for “such orders” there is substituted “ community punishment orders ”.

*Status: Point in time view as at 01/12/2004.*

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#### Marginal Citations

M44 1982 c. 48.

#### PROSPECTIVE

#### *Sexual Offences (Protected Material) Act 1997 (c. 39)*

- 134 In section 2(1) of the Sexual Offences (Protected Material) Act 1997 (meaning of other expressions), in the definition of “prison”, for “young offender institution or remand centre” there is substituted “ or young offender institution ”.

#### *Crime (Sentences) Act 1997 (c. 43)*

- 135 The Crime (Sentences) Act 1997 is amended as follows.
- 136 In section 28 (duty to release certain life prisoners)—
- (a) for the words from the beginning to the end of subsection (5)(a) there is substituted—
- “(1A) In this Chapter—
- (a) references to a life prisoner to whom this section applies are references to a life prisoner in respect of whom an order has been made under subsection (2) of section 82A of the <sup>M45</sup>Powers of Criminal Courts (Sentencing) Act 2000 or a direction under subsection (5) of that section has been given or will be required to be given at the appropriate stage; and
- (b) references to the relevant part of his sentence are references to the part of his sentence specified in the order or direction or, in the case of a life prisoner in respect of whom a direction under subsection (5) of that section has not been given but will be required to be given at the appropriate stage, the whole of his sentence,
- and in this section “appropriate stage”, in relation to such a direction, has the same meaning as in subsection (6) of that section.
- (1B) But if a life prisoner is serving two or more life sentences—
- (a) he is not to be treated for the purposes of this Chapter as a life prisoner to whom this section applies unless such an order or direction has been made or given in respect of each of those sentences or such a direction will be required to be given at the appropriate stage; and
- (b) the provisions of subsections (5) to (8) below do not apply in relation to him until he has served the relevant part of each of them.
- (5) As soon as—
- (a) a life prisoner to whom this section applies has served the relevant part of his sentence”,

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(b) subsection (9) is omitted.

#### Marginal Citations

M45 2000 c. 6.

- 137 In section 33 (life prisoners transferred to England and Wales)—
- (a) for “section 28” (in subsections (1) and (2)) there is substituted “ the provisions of section 28(5) to (8) ”,
  - (b) in subsection (5), for “subsections (5) and (7) of section 28” there is substituted “ the provisions of section 28(5) to (8) ”.
- 138 In section 34(1) (interpretation), the words following the first mention of “sentences” are omitted.

PROSPECTIVE

F20 139

#### Textual Amendments

**F20** Sch. 7 para. 139 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

PROSPECTIVE

F21 140

#### Textual Amendments

**F21** Sch. 7 para. 140 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

141 In section 54(1) (general interpretation), at the appropriate place there is inserted—

““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.

142 In section 57(8) (extent), at the end there is inserted—

“or the extent of Chapter II of Part II so far as it relates to sentences passed by a court-martial

,”

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- and Chapter II of Part II of that Act is to be treated as always having had effect as amended by this paragraph.
- 143 In Schedule 1 (transfer of prisoners within the British Islands), in each of paragraphs 8(5) and 11(6), in the table, for “Probation officer” there is substituted “ Officer of a local probation board ”.
- 144 In Schedule 5 (transitional provisions and savings), paragraph 5(1) is omitted.
- 145 Paragraphs 135 to 138 and 144 above have effect in relation to life sentences passed after commencement.
- 146 Paragraph 147 below applies where a person serving any life sentence passed after commencement—
- (a) is also serving a life sentence passed before commencement, or
  - (b) by reason of any sentence passed before commencement, is a transferred life prisoner within the meaning of section 33,
- and the sentences referred to in paragraphs (a) and (b) are referred to in paragraph 147 below as pre-commencement life sentences.
- 147 Section 28(1B) is to have effect as if—
- (a) any reference to a life sentence included a pre-commencement life sentence,
  - (b) any reference to an order or direction in relation to such a life sentence were to—
    - (i) an order under section 28(2)(b) or a direction under section 28(4) (as originally enacted), or
    - (ii) a certificate under section 33,
  - (c) any reference to the relevant part of such a life sentence were to the part specified in the order, direction or certificate (as the case may be) relating to that sentence.
- 148 In paragraphs 145 and 146 above, “commencement” means the coming into force of section 60 of this Act and “life sentence” has the same meaning as in Chapter II of Part II of that Act.

PROSPECTIVE

*Police Act 1997 (c. 50)*

- 149 In section 93(4)(b) of the Police Act 1997 (authorisations to interfere with property etc.), after “twenty-one” there is inserted “ (eighteen in relation to England and Wales) ”.

*Crime and Disorder Act 1998 (c. 37)*

- 150 The Crime and Disorder Act 1998 is amended as follows.
- 151 In sections <sup>F22</sup> . . . 38(2)(b), 39(3)(b), 41(10), 42(3) and 115(2)(e), for “probation committee” there is substituted “ local probation board ”.

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### Textual Amendments

**F22** Words in [Sch. 7 para. 151](#) repealed (1.10.2002) by [2002 c. 30, s. 107, Sch. 8](#); [S.I. 2002/2306, art. 2\(g\)\(iii\)\(i\)](#)

152 In section 117(1) (interpretation), after the definition of “guardian” there is inserted—

““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.

153 In Schedule 8 (minor and consequential amendments), paragraph 110 is omitted.

### *Protection of Children Act 1999 (c. 14)*

154 The Protection of Children Act 1999 is amended as follows.

155 After section 4 there is inserted—

#### **“4A Applications for removal from list.**

- (1) Subject to section 4B below, an individual who is included in the list kept by the Secretary of State under section 1 above may make an application to the Tribunal under this section.
- (2) On an application under this section the Tribunal shall determine whether or not the individual should continue to be included in the list.
- (3) If the Tribunal is satisfied that the individual is no longer unsuitable to work with children it shall direct his removal from the list; otherwise it shall dismiss the application.

#### **4B Conditions for application under section 4A.**

- (1) An individual may only make an application under section 4A above with the leave of the Tribunal.
- (2) An application for leave under this section may not be made unless the appropriate conditions are satisfied in the individual’s case.
- (3) In the case of an individual who was a child when he was included (otherwise than provisionally) in the list, the appropriate conditions are satisfied if—
  - (a) he has been so included for a continuous period of at least five years; and
  - (b) in the period of five years ending with the time when he makes the application under this section, he has made no other such application.
- (4) In the case of any other individual, the appropriate conditions are satisfied if—
  - (a) he has been included (otherwise than provisionally) in the list for a continuous period of at least ten years; and

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- (b) in the period of ten years ending with the time when he makes the application under this section, he has made no other such application.
- (5) The Tribunal shall not grant an application under this section unless it considers—
  - (a) that the individual’s circumstances have changed since he was included (otherwise than provisionally) in the list, or, as the case may be, since he last made an application under this section; and
  - (b) that the change is such that leave should be granted.

#### **4C Restoration to list.**

- (1) If it appears to a chief officer of police or a director of social services of a local authority that the conditions set out in subsection (2) below are satisfied in the case of an individual, the chief officer or (as the case may be) the director may apply to the High Court for an order under this section to be made in respect of the individual.
- (2) The conditions are that—
  - (a) the individual is no longer included in the list kept by the Secretary of State under section 1 above, and
  - (b) the individual has acted in such a way (whether before or after he ceased to be included in the list) as to give reasonable cause to believe that an order under this section is necessary to protect children in general, or any children in particular, from serious harm from him.
- (3) An application under this section may be made at any time after the individual ceased to be included in the list.
- (4) If the High Court is satisfied that the conditions set out in subsection (2) above are satisfied, it must order the restoration of the individual’s inclusion in the list; otherwise it must dismiss the application.
- (5) Where an order is made under this section, section 4B above has effect with the following modifications—
  - (a) in subsection (3), the reference to the individual being a child when he was included in the list is to be read as a reference to his being a child when the order under this section was made,
  - (b) subsections (3)(a) and (4)(a) are to have effect as if at the end there were inserted “beginning with the making of the order under section 4C below”,
  - (c) in subsection (5)(a), the reference to the individual’s circumstances changing since he was included in the list is to be read as a reference to his circumstances changing since the order under this section was made.
- (6) For the purposes of this section an individual is no longer included in the list if a direction under section 4A(3) above has been given in respect of him and his inclusion in the list is not restored by virtue of an order under this section.
- (7) In this section, “local authority” has the same meaning as in the <sup>M46</sup>Education Act 1996.”



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#### Marginal Citations

M46 1996 c. 56.

- 156 Section 6 (appeals against prohibition or restriction of employment) is omitted.
- 157 In section 9(2) (the Tribunal)—
- (a) in paragraph (a), after “4” there is inserted “ , 4A or 4B ”,
  - (b) for paragraph (b) there is substituted—
    - “(b) on an appeal or determination under regulations made under section 218(6) of the 1988 Act;”,
  - (c) for the “or” before paragraph (d) there is substituted—
    - “(ca) on a determination under section 473A or 473B of the Education Act 1996;”,
  - (d) after paragraph (d) there is inserted “or
    - (e) on a determination under section 32 or 33 of the Criminal Justice and Court Services Act 2000.”
- 158 In section 12 (interpretation)—
- (a) in the definition of “child care position”, for paragraphs (a) to (c) there is substituted—
    - “(a) is a regulated position for the purposes of Part II of the Criminal Justice and Court Services Act 2000; but
    - (b) is not a position within subsection (3) below;”,
  - (b) in subsection (3)(b), for the words from “an independent” to the end there is substituted “ a school which is a children’s home for the purposes of the <sup>M47</sup>Care Standards Act 2000 ”.

#### Marginal Citations

M47 2000 c. 14.

- 159 In section 14 (extent etc.)—
- (a) in subsection (3), for “This Act, except section 8 and this section,” there is substituted “ Subject to subsections (4) and (5) below, this Act ”,
  - (b) after subsection (4) there is inserted—
    - “(5) Section 9 above and the Schedule to this Act extend to the whole of the United Kingdom.”

#### *Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 160 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- 161 In section 33(1) (meaning of “community order”)—
- (a) after paragraph (a) there is inserted—
    - “(aa) an exclusion order”,
  - (b) after paragraph (e) there is inserted—
    - “(ee) a drug abstinence order”.

*Status: Point in time view as at 01/12/2004.*

*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 06 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)*

#### Commencement Information

- I14** Sch. 7 para. 161 partly in force at 2.7.2001; Sch. 7 para. 161 not in force at Royal Assent see s. 80; Sch. 7 para. 161(b) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by S.I. 2001/2232, **art. 2(m)(iii)**
- I15** Sch. 7 para. 161(a) in force at 2.9.2004 by S.I. 2004/2171, **art. 2**

- 162 In section 37(10)(a) (curfew orders), for “section 38 below” there is substituted “section 36B above”.

#### Commencement Information

- I16** Sch. 7 para. 162 wholly in force at 2.7.2001; Sch. 7 para. 162 not in force at Royal Assent see s. 80; Sch. 7 para. 162 in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by S.I. 2001/2232, **art. 2(m)(v)**

- 163 Section 38 (electronic monitoring of curfew orders) is omitted.

#### Commencement Information

- I17** Sch. 7 para. 163 wholly in force at 2.7.2001; Sch. 7 para. 163 not in force at Royal Assent see s. 80; Sch. 7 para. 163 in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by S.I. 2001/2232, **art. 2(m)(iv)**

- 164 In section 40 (curfew orders: supplementary)—
- (a) in subsection (1)(a), the words from “(including” to “available)” are omitted,
- (b) after subsection (2) there is inserted—
- “(3) An order under subsection (2)(a) above may make in paragraphs 2A(4) and (5) and 19(3) of Schedule 3 to this Act any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.”

#### Commencement Information

- I18** Sch. 7 para. 164 partly in force; Sch. 7 para. 164 not in force at Royal Assent see s. 80; Sch. 7 para. 164 in force for specified purposes at 20.6.2001 and for other specified purposes at 2.7.2001 by S.I. 2001/2232, **art. 2(m)(v)**

PROSPECTIVE

F23 165

#### Textual Amendments

- F23** Sch. 7 paras. 165-172 repealed (4.4.2005) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t)** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by **2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch.**

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1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

- 166 In section 42(1) (additional requirements which may be included in probation orders), for “probation period” there is substituted “ community rehabilitation period ”.

PROSPECTIVE

F23 167

#### Textual Amendments

**F23** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

- 168 In section 46(13) (community service orders), “(a) or (b)” is omitted.
- 169 In section 47 (obligations of person subject to community service order)—
- (a) in subsection (4), for paragraphs (a) and (b) there is substituted “ an officer of a local probation board appointed for or assigned to the petty sessions area specified in the order ”,
  - (b) in subsection (5)(a), “(a) or (b)” is omitted.

PROSPECTIVE

F23 170

#### Textual Amendments

**F23** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

- 171 In section 57 (copies of orders)—
- (a) in subsection (2), after “order shall” there is inserted “ (subject to subsection (3A) below) ”,
  - (b) after subsection (3) there is inserted—
    - “(3A) Where—
    - (a) a magistrates’ court amends a drug treatment and testing order under section 55(1) above; and
    - (b) the order as amended provides for a magistrates’ court other than that mentioned in paragraph (a) above to be responsible for the order;

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the court amending the order shall not give copies of the order as amended as mentioned in subsection (2) above but shall forthwith send copies of it to the court responsible for the order and that court shall, as soon as reasonably practicable after the order is amended, give copies to an officer of a local probation board assigned to that court.”

PROSPECTIVE

F23 172 .....

**Textual Amendments**

**F23** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))

PROSPECTIVE

- 173 In section 60(1)(b) (attendance centre orders), after “court” there is inserted “ has power or ”.
- 174 In section 64(2) (selection and duty of supervisor), the words from “and selected under arrangements” to the end of the subsection are omitted.
- 175 In section 66 (facilities for implementing supervision orders), in subsections (2), (9) and (12) (in both places), for “probation committee” there is substituted “ local probation board ”.

PROSPECTIVE

No  
commentary  
item  
could be  
found  
for this  
reference  
key-  
e2693836086e5922ed2910b803149889176

PROSPECTIVE

No  
commentary  
item  
could be

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**found  
for this  
reference  
key-  
e2693836086e5922ed2910b803149889<sup>F24</sup>177**

**Textual Amendments**

**F24** Sch. 7 para. 177 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

PROSPECTIVE

**No  
commentary  
item  
could be  
found  
for this  
reference  
key-  
e2693836086e5922ed2910b803149889178**

PROSPECTIVE

**F25<sup>179</sup>**

**Textual Amendments**

**F25** Sch. 7 para. 179 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

PROSPECTIVE

**No  
commentary  
item  
could be  
found  
for this**

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*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 06 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)*

**reference**  
**key-171b7b7f3c2d34610d483129ca603285180**

PROSPECTIVE

**No** .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**  
**reference**  
**key-171b7b7f3c2d34610d483129ca603285181**

PROSPECTIVE

**No** .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**  
**reference**  
**key-171b7b7f3c2d34610d483129ca603285182**

PROSPECTIVE

183      In section 99 (conversion of sentence of detention or custody to sentence of imprisonment), subsection (2) is omitted.

PROSPECTIVE

**No** .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**  
**reference**  
**key-2d71776d853e9743a974f51998a8e9a9184**

PROSPECTIVE

**No** .....  
**commentary**  
**item**  
**could be**  
**found**

*Status: Point in time view as at 01/12/2004.*

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**for this  
reference**

**key-2d71776d853e9743a974f51998a8e9a9185**

PROSPECTIVE

**No  
commentary  
item**

**could be  
found**

**for this  
reference**

**key-2d71776d853e9743a974f51998a8e9a9186**

PROSPECTIVE

**No  
commentary  
item**

**could be  
found**

**for this  
reference**

**key-2d71776d853e9743a974f51998a8e9a9187**

PROSPECTIVE

188 Section 108 (detention of persons aged at least 18 but under 21 for default or contempt) is omitted.

PROSPECTIVE

F<sup>26</sup>189

#### Textual Amendments

**F26** Sch. 7 para. 189 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), [Sch. 1](#) para. 44(4)(t) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

F<sup>27</sup>190

*Status: Point in time view as at 01/12/2004.*

*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 06 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)*

#### Textual Amendments

**F27** Sch. 7 para. 190 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

PROSPECTIVE

**F28** 191 .....

#### Textual Amendments

**F28** Sch. 7 para. 191 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

PROSPECTIVE

**F29** 192 .....

#### Textual Amendments

**F29** Sch. 7 para. 192 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(u)(xxix)

PROSPECTIVE

193 In section 139 (powers and duties of Crown Court in relation to fines and forfeited recognizances)—

- (a) in subsection (2), “or of detention under section 108 above (detention of persons aged 18 to 20 for default)” is omitted,
- (b) in subsection (3), “or detained” is omitted,
- (c) in subsection (3)(c), “custody for life or detention in a young offender institution” is omitted,
- (d) in subsection (4), “or detention” is omitted,
- (e) in subsection (5), the second “or detention” is omitted.

PROSPECTIVE

194 In section 140(3) (enforcement of fines imposed and recognizances forfeited by Crown Court), “or detention under section 108 above” is omitted.

195 For the sidenote to section 157 (other reports of probation officers and members of youth offending teams), there is substituted “ Other reports of officers of local probation boards and members of youth offending teams ”.

196 In section 160 (rules and orders)—



*Status: Point in time view as at 01/12/2004.*

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- (a) in subsection (2)(a), for the words from “40(1)” to “Schedule 2” there is substituted “ 36B(6), 40(1), 40C(1), 42(2E), 58A(8) or 162 or paragraph 3, 7, or 8 of Schedule 2 ”,
- (b) in subsection (2)(b), for the words from “40(2)” to the end there is substituted “ 40(2)(b), 40C(2), 68, 122(7) or 156(4) or paragraph 7(9) or 8(8) of Schedule 2 ”,
- (c) in subsection (3)(a)—
  - (i) after “15(1)” there is inserted “ 40(2)(a) ”,
  - (ii) after “58” there is inserted “ 58A(4) ”,
  - (iii) for “or 103(2)” there is substituted “ 103(2) or paragraph 1(1A) of Schedule 3 ”,
- (d) for subsection (5) there is substituted—
  - “(5) The following may make different provision for different cases or classes of case—
    - (a) any order under section 36B(5), 37(6), 40(2), 40A(6) or 40C(2) or paragraph 7 or 8 of Schedule 2;
    - (b) any rules under section 36B, 40(1), 40C(1), 42(2E), 47(3C), 58A(8) or 162 or paragraph 7 or 8 of Schedule 2.”

#### Commencement Information

- I19** Sch. 7 para. 196 partly in force; Sch. 7 para. 196 not in force at Royal Assent see s. 80; Sch. 7 para. 196 in force for specified purposes at 20.6.2001 and in force for other specified purposes at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(vi\)](#)
- I20** Sch. 7 para. 196(a)(b)(d) in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), [art. 2](#)
- I21** Sch. 7 para. 196(c)(i)(ii) in force at 2.9.2004 in so far as not already in force by [S.I. 2004/2171](#), [art. 2](#)

- 197 In section 163 (general definitions)—
- (a) in the definition of “attendance centre order”, for “4(1)(c) or 5(1)(c)” there is substituted “ 4(1C)(c) or 5(1C)(c) ”,
  - (b) the definitions of “combination order”, “probation order” and “probation period” are omitted,
  - (c) in the definition of “community punishment order”, for “4(1)(b) or 5(1)(b)” there is substituted “ 4(1C)(b) or 5(1C)(b) ”,
  - (d) in the definition of “curfew order”, after “59 above” there is inserted “ or paragraph 6A of Schedule 3 to this Act ” and after “section 59” (in the second place) there is inserted “ or paragraph 4(1C)(a) of Schedule 3 ”,
  - (e) at the end of the definition of “custodial sentence” there is inserted “ and, in relation to sentences passed before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000, includes a sentence of custody for life and a sentence of detention in a young offender institution ”,
  - (f) at the appropriate places there are inserted—
    - ““affected person”—
    - (a) in relation to an exclusion order, has the meaning given by section 40A(13) above;
    - (b) in relation to a community rehabilitation order, has the meaning given by section 41(12) above; and

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(c) in relation to a community punishment and rehabilitation order, has (by virtue of section 51(4) above), the meaning given by section 41(12) above”,

““community rehabilitation period” means the period for which a person subject to a community rehabilitation or community punishment and rehabilitation order is placed under supervision by the order”,

““drug abstinence order” means an order under section 58A(1) above”,

““exclusion order” means an order under section 40A(1) above”,

““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000”,

(g) in the definition of “responsible officer”—

(i) after paragraph (a) there is inserted—

“(aa) in relation to an exclusion order, has the meaning given by section 40A(14) above”,

(ii) after paragraph (e) there is inserted—

“(ee) in relation to a drug abstinence order, has the meaning given by section 58A(5) above”.

#### Commencement Information

**I22** Sch. 7 para. 197 partly in force; Sch. 7 para. 197 not in force at Royal Assent see s. 80; Sch. 7 para. 197(b) in force and Sch. 7 para. 197(f) in force for specified purposes at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(iii\)](#); Sch. 7 para. 197(f) in force for specified purposes at 20.6.2001 and 2.7.2001 and Sch. 7 para. 197(g) (ii) in force for specified purposes at 20.6.2001 and in force insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(vii\)](#)

**I23** Sch. 7 para. 197(f) in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), [art. 2](#)

**I24** Sch. 7 para. 197(g)(i) in force at 2.9.2004 by [S.I. 2004/2171](#), [art. 2](#)

- 198 (1) Schedule 2 (additional requirements which may be included in probation orders) is amended as follows.
- (2) In paragraphs 2(1)(b)(ii), 3(1), 5(2) and 6(3), for “probation period” there is substituted “community rehabilitation period”.
- (3) In paragraph 2(5), for “probation committee” there is substituted “local probation board”.
- (4) In paragraph 3—
- (a) in sub-paragraphs (1), (6) and (8), for “probation centre” there is substituted “community rehabilitation centre”,
- (b) in sub-paragraph (7), for “probation centres” there is substituted “community rehabilitation centres”,
- (c) for the cross-heading preceding paragraph 3 there is substituted “Requirements as to attendance at community rehabilitation centres”.
- (5) For the heading to the Schedule there is substituted “Additional requirements which may be included in community rehabilitation orders”.

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- 199 (1) Schedule 3 (breach, revocation and amendment of curfew, probation, community service, combination and drug treatment and testing orders) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (1)—
- (i) after paragraph (a) there is inserted—  
“(aa) an exclusion order;”
- (ii) after paragraph (e) there is inserted—  
“(f) a drug abstinence order.”
- (b) in sub-paragraph (2)(b), for “a probation, community service, combination or drug treatment and testing” there is substituted “an exclusion, community rehabilitation, community punishment, community punishment and rehabilitation, drug treatment and testing or drug abstinence”,
- (c) in sub-paragraph (3)—
- (i) after “order” there is inserted “or drug abstinence order”,
- (ii) at the end there is inserted “(or that subsection as applied by section 58B(2) of this Act)”.
- (3) In paragraphs 1(4)(a), 18(4), 19(1) (in each place) and 19(2), for “probation element” there is substituted “community rehabilitation element”.
- (4) In paragraphs 1(4)(b) and 7(3)(b)(ii), for “community service element” there is substituted “community punishment element”.
- (5) In paragraph 2(1), for “probation, community service or combination” there is substituted “exclusion, community rehabilitation, community punishment, community punishment and rehabilitation or drug abstinence”.
- (6) In paragraph 3(2)—
- (a) in paragraph (a), after “testing order” there is inserted “or a drug abstinence order”,
- (b) in paragraph (c), after “testing order” there is inserted “a drug abstinence order”.
- (7) In paragraph 4—
- (a) in sub-paragraph (2), for “(1)(d)” there is substituted “(1C)(d)”,
- (b) in sub-paragraph (3), for “sub-paragraph (1)(d)” there is substituted “sub-paragraph (1A) or (1C)(d)”,
- (c) in sub-paragraph (4), for “(1)(a)” there is substituted “(1C)(a)”,
- (d) in sub-paragraph (6), for “sub-paragraph (1)(d)” there is substituted “sub-paragraph (1A) or (1C)(d)”.
- (8) In paragraph 5—
- (a) in sub-paragraph (2), for “(1)(d)” there is substituted “(1C)(d)”,
- (b) in sub-paragraph (3), for “sub-paragraph (1)(d)” there is substituted “sub-paragraph (1A) or (1C)(d)”.
- (9) After paragraph 6 there is inserted—

*“Curfew orders imposed for breach of relevant order*

- 6A (1) Section 37(1) of this Act (curfew orders) shall apply for the purposes of paragraphs 4(1C)(a) and 5(1C)(a) above as if for the words from the

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beginning to “make” there were substituted “Where a court has power to deal with an offender under Part II of Schedule 3 to this Act for failure to comply with any of the requirements of a relevant order, the court may make in respect of the offender”.

(2) In this paragraph—

“secondary order” means a curfew order made by virtue of paragraph 4(1C)(a) or 5(1C)(a) above;

“original order” means the relevant order the failure to comply with which led to the making of the secondary order.

(3) A secondary order—

(a) shall specify a period of not less than 14 nor more than 28 days for which the order is to be in force; and

(b) may specify different places, or different periods (within the period for which the order is in force), for different days, but shall not specify periods which amount to less than two hours or more than twelve hours in any one day.

(4) Part IV of this Act, except sections 35, 36, 37(3) and (4), 39 and 40(2)(a), has effect in relation to a secondary order as it has effect in relation to any other curfew order, but subject to the further modifications made below.

(5) Section 37(9) applies as if the reference to an offender who on conviction is under 16 were a reference to a person who on the date when his failure to comply with the original order is proved to the court is under 16.

(6) Paragraphs 2A, 4(1A) to (2) and 5(1A) to (2) above and 10 and 11 below apply as if, in respect of the period for which the secondary order is in force, the requirements of that order were requirements of the original order.

But in paragraphs 4 and 5 above, sub-paragraph (1C)(c) applies as if references to the relevant order were to the original order or the secondary order.

(7) In paragraphs 4 and 5 above, sub-paragraph (3) applies as if references to the relevant order were to the original order and the secondary order.

(8) Paragraph 19(3) below applies as if the reference to six months from the date of the original order were a reference to 28 days from the date of the secondary order.”

(10) In paragraph 7—

(a) in sub-paragraph (1), for “4(1)(b) and 5(1)(b)” there is substituted “ 4(1C)(b) and 5(1C)(b) ”,

(b) in sub-paragraph (2), for “4(1)(b) or 5(1)(b) above” there is substituted “ 4(1C)(b) or 5(1C)(b) and “original order” means the relevant order the failure to comply with which led to the making of the secondary order ”,

(c) for sub-paragraphs (4) to (6) there is substituted—

“(4) Part IV of this Act, except sections 35, 36, 46(3) and (8) and 48 to 50, has effect in relation to a secondary order as it has effect in relation to any other community punishment order, but subject to the further modifications made below.

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(5) Paragraphs 2A, 4(1A) to (3) and 5(1A) to (3) above and 10 and 11 below apply as if, in respect of the period for which the secondary order is in force, the requirements of that order were requirements of the original order.

But in paragraphs 4 and 5 above, sub-paragraph (1C)(c) applies as if references to the relevant order were to the original order or the secondary order.

(6) In paragraphs 4 and 5 above, sub-paragraph (3) applies as if references to the relevant order were to the original order and the secondary order.

(7) Paragraph 19(3) below applies as if the reference to six months from the date of the original order were a reference to 28 days from the date of the secondary order.”,

and for the cross-heading preceding the paragraph there is substituted “Community punishment orders imposed for breach of relevant order”.

(11) In paragraph 8—

(a) in sub-paragraph (1)—

(i) for “4(1)(c) and 5(1)(c)” there is substituted “4(1C)(c) and 5(1C)(c)”,

(ii) for the words following “Where a court” there is substituted “has power to deal with an offender under Part II of Schedule 3 to this Act for failure to comply with any of the requirements of a relevant order, the court may”,

(b) in sub-paragraph (2)—

(i) in paragraph (b), after “applicable” there is inserted “section 36B and”,

(ii) for “4(1)(c) or 5(1)(c)” there is substituted “4(1C)(c) or 5(1C)(c)”,

(c) in sub-paragraph (3), for “4(1)(c) or 5(1)(c)” there is substituted “4(1C)(c) or 5(1C)(c)”.

(12) In paragraph 9—

(a) in sub-paragraph (1), for “4(1)(a), (b) or (c) or 5(1)(a), (b) or (c)” there is substituted “4(1C)(a), (b) or (c) or 5(1C)(a), (b) or (c)”,

(b) sub-paragraph (2) is omitted,

(c) in sub-paragraph (3), for “4(1)(d)” there is substituted “4(1C)(d)”.

(13) In paragraphs 10(2)(a) and 13(2)(a), after “testing order” there is inserted “or a drug abstinence order”.

(14) In paragraphs 10(4) and 11(3), for “probation, combination” there is substituted “community rehabilitation, community punishment and rehabilitation”.

(15) In paragraph 12(1), for “probation order or combination” there is substituted “community rehabilitation order or community punishment and rehabilitation”.

(16) In paragraphs 12(1)(b), 12(2)(a) and (b), 12(4)(a) (in both places), 12(4)(b), 12(7) and 20(1), for “probation or combination” there is substituted “community rehabilitation or community punishment and rehabilitation”.

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- (17) In paragraphs 12(4)(b) and 19(2)(a), for “probation period” there is substituted “community rehabilitation period”.
- (18) For the cross-heading preceding paragraph 12 there is substituted “Substitution of conditional discharge for community rehabilitation or community punishment and rehabilitation order”.
- (19) In paragraphs 16 and 21(7), for “4(1)(d)” there is substituted “4(1C)(d)”.
- (20) In paragraph 18—
- (a) in sub-paragraph (3), for “probation” there is substituted “community rehabilitation”,
  - (b) in sub-paragraph (6)(a), for “probation, community service or combination” there is substituted “community rehabilitation, community punishment or community punishment and rehabilitation”.
- (21) In paragraph 19—
- (a) in sub-paragraph (1)—
    - (i) for “sub-paragraphs (2) and (3) below” there is substituted “the following provisions of this paragraph”,
    - (ii) for “the offender or the responsible officer,” there is substituted “an eligible person,”
    - (iii) for “probation or curfew” (in each place) there is substituted “community rehabilitation, curfew or exclusion”,
  - (b) in sub-paragraph (2), after paragraph (a) there is inserted—
    - “(aa) by extending any curfew periods specified in a requirement under the order beyond the end of six months from the date of the original order;
    - (ab) by extending the period during which the offender is prohibited from entering a place specified in a requirement under the order beyond the end of two years from the date of the original order;”,
  - (c) in sub-paragraph (3), after “six months” there is inserted “(or, for an offender aged under 16 on conviction, three months)”,
  - (d) after sub-paragraph (3) there is inserted—
    - “(4) A magistrates’ court shall not under sub-paragraph (1) above amend an exclusion order by extending the period for which the offender is prohibited from entering the place in question beyond the end of two years (or, for an offender aged under 16 on conviction, three months) from the date of the original order.
    - (5) For the purposes of this paragraph the eligible persons are—
      - (a) the offender;
      - (b) the responsible officer; and
      - (c) in relation to an exclusion order, a community rehabilitation order or a community punishment and rehabilitation order, any affected person.

But an application under sub-paragraph (1) above by a person such as is mentioned in paragraph (c) above must be for the cancellation of a requirement which was included

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in the order by virtue of his consent or for the purpose (or partly for the purpose) of protecting him from being approached by the offender, or for the insertion of a requirement which will, if inserted, be such a requirement.

- (6) Without prejudice to the provisions of paragraph 18 above, a magistrates' court acting for the petty sessions area concerned may, on the application of the offender or the responsible officer, by order amend a drug abstinence order by extending the period for which the order has effect (but not beyond the end of three years from the date of the original order)."
- (e) for the cross-heading preceding paragraph 19 there is substituted "Amendment of requirements of community rehabilitation, community punishment and rehabilitation, curfew or exclusion order."
- (22) For the cross-heading preceding paragraph 20 there is substituted "Amendment of treatment requirements of community rehabilitation or community punishment and rehabilitation order on report of practitioner".
- (23) For the cross-heading preceding paragraph 22 there is substituted "Extension of community punishment or community punishment and rehabilitation order".
- (24) In paragraph 24(2), after "requirement, or" there is inserted "to an order under paragraph 18 above".
- (25) In paragraph 25—
- (a) in sub-paragraph (1)(a), after "substituting" there is inserted " , by virtue of paragraph 18 above, ",
  - (b) sub-paragraph (2) is omitted,
  - (c) in sub-paragraph (3), "or (2)" is omitted.
- (26) After paragraph 25 there is inserted—
- "26 (1) On the making under this Part of this Schedule of an order amending a drug treatment and testing order, the proper officer of the court shall (subject to sub-paragraph (3) below) forthwith give copies of the amending order to the responsible officer.
- (2) In sub-paragraph (1) above, "proper officer" means—
- (a) in relation to a magistrates' court, the justices' chief executive for the court; and
  - (b) in relation to the Crown Court, the appropriate officer.
- (3) Where—
- (a) a magistrates' court amends a drug treatment and testing order under this Part of this Schedule; and
  - (b) the amending order provides for a magistrates' court other than that mentioned in paragraph (a) above to be responsible for the order;
- the court amending the order shall not give copies of the amending order as mentioned in sub-paragraph (1) above but shall send copies to the court responsible for the order and the justices' chief executive for that court shall forthwith give copies of the amending order to the responsible officer.

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(4) A responsible officer to whom in accordance with sub-paragraph (1) or (3) above copies of an order are given shall give a copy to the offender and to the treatment provider.”

(27) For the heading to the Schedule there is substituted “ Breach, revocation and amendment of certain community orders ”.

#### Commencement Information

- I25** Sch. 7 para. 199 partly in force; Sch. 7 para. 199 not in force at Royal Assent see s. 80; Sch. 7 para. 199; Sch. 7 para. 199(1)(3)(4)(14)-(18)(20)(22)(23)(27) in force at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(iv\)](#); Sch. 7 para. 199(2)(b)(5)(10)(21)(a)(iii)(e) in force for specified purposes at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(iv\)](#); Sch. 7 para. 199(2)(c)(6)(11)(b)(i)(13)(21)(c)(24)(25)(a) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(viii\)](#); Sch. 7 para. 199(2)(a)(b)(5)(21)(b)(d) in force for specified purposes at 20.6.2001 and in force for other specified purposes at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(viii\)](#)
- I26** Sch. 7 para. 199(2)(a)(b)(5)(21)(b)(d)(e) in force at 2.9.2004 in so far as not already in force by [S.I. 2004/2171](#), [art. 2](#)
- I27** Sch. 7 para. 199(21)(a)(i)(ii) in force at 2.9.2004 by [S.I. 2004/2171](#), [art. 2](#)

200 (1) Schedule 4 (transfer of certain community orders to Scotland or Northern Ireland) is amended as follows.

(2) In paragraphs 1(3) and 2(3)—

- (a) in paragraph (c), for “probation committee” there is substituted “ local probation board ”,
- (b) in paragraph (d), for “probation centre” there is substituted “ community rehabilitation centre ”.

(3) In paragraph 6—

- (a) in sub-paragraph (8), for the definition of “corresponding order” there is substituted—

““corresponding order”—

- (a) in relation to a community rehabilitation order, means a probation order;
- (b) in relation to a community punishment order, means a community service order; and
- (c) in relation to a community punishment and rehabilitation order—
  - (i) if the offender resides in Scotland, or will be residing there at the relevant time, means a probation order including such a requirement as is mentioned in section 229(4) of the <sup>M48</sup>Criminal Procedure (Scotland) Act 1995; and
  - (ii) if he resides in Northern Ireland, or will be residing there at the relevant time, means a combination order;”
- (b) for the cross-heading preceding paragraph 6 there is substituted “ Community rehabilitation, community punishment and community punishment and rehabilitation orders: general provisions ”.



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#### Marginal Citations

**M48** 1995 c. 46.

- 201 (1) Schedule 7 (breach, revocation and amendment of supervision orders) is amended as follows.
- (2) In paragraph 3—
- (a) in sub-paragraph (2)(b), for “sections 38” there is substituted “ sections 36B ”,
- (b) in sub-paragraph (5)(a), for “4(1)(d)” there is substituted “ 4(1C)(d) ”.
- (3) In paragraph 7(7)—
- (a) paragraph (a) is omitted,
- (b) in paragraph (b), “if the justice or youth court has not been so notified” is omitted.

#### Commencement Information

**I28** Sch. 7 para. 201 partly in force; Sch. 7 para. 201 not in force at Royal Assent see s. 80; Sch. 7 para. 201(1)(2)(a) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(ix\)](#)

- 202 (1) Schedule 8 (breach, revocation and amendment of action plan orders and reparation orders) is amended as follows.
- (2) In paragraph 3—
- (a) in sub-paragraph (2)(b), for “sections 38” there is substituted “ sections 36B ”,
- (b) in sub-paragraph (5)(a), for “4(1)(d)” there is substituted “ 4(1C)(d) ”.
- (3) In paragraph 6(7)—
- (a) paragraph (a) is omitted,
- (b) in paragraph (b), “if it has not been so notified” is omitted.

#### Commencement Information

**I29** Sch. 7 para. 202 partly in force; Sch. 7 para. 202 not in force at Royal Assent see s. 80; Sch. 7 para. 202(1)(2)(a) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(x\)](#)

- 203 (1) Schedule 9 (consequential amendments) is amended as follows.
- (2) Paragraphs 5(3), 9, 10, 12, 14, 15, 17, 19, 20, 22, 34(a), 56, 57, 66, 68, 70, 77, 78, 111(4), 143(b), 152 to 156 and 166(3) are omitted.
- (3) Paragraphs 182 and 188 are omitted.
- (4) Sub-paragraph (3) has effect in relation to sentences passed after the coming into force of section 60.
- (5) In paragraph 183, sub-paragraph (2)(b) and the preceding “and”, and sub-paragraphs (3)(b) and (3)(c), are omitted.

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### Commencement Information

- I30** Sch. 7 para. 203 partly in force; Sch. 7 para. 203(3)(4) in force at Royal Assent see s. 80(3)(d); Sch. 7 para. 203(1) in force and Sch. 7 para. 203(2) in force for specified purposes at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(v\)\(vi\)](#)

PROSPECTIVE

<sup>F30</sup>204

### Textual Amendments

- F30** Sch. 7 para. 204 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(u\)\(xxix\)](#)

### *Child Support, Pensions and Social Security Act 2000 (c. 19)*

- 205 The Child Support, Pensions and Social Security Act 2000 is amended as follows.
- 206 In section 62 (loss of benefit for breach of community order)—
- (a) in subsection (8), in the definition of “relevant community order”, for paragraphs (a) to (c) there is substituted—
    - “(a) a community punishment order;
    - (b) a community rehabilitation order;
    - (c) a community punishment and rehabilitation order;”
  - (b) for subsection (11)(c)(ii) there is substituted—
    - “(ii) in the definition of “relevant community order”, for paragraphs (a) to (e) substitute—
    - “(“ a community service order;
    - (b) a probation order;
    - (c) such other description of order made under the <sup>M49</sup>Criminal Procedure (Scotland) Act 1995 as may be prescribed for the purposes of this section; or
    - (d) any order falling in Scotland to be treated as an order specified in paragraphs (a) to (c) ”.””

### Marginal Citations

- M49** 1995 c. 46.

- 207 In section 64 (information provision)—
- (a) in subsection (2), for “Chief Probation Officer for any area in England and Wales” there is substituted “ chief officer of a local probation board ”,
  - (b) in subsections (2)(a) and (7)(c), for “a person employed or appointed by a probation committee” there is substituted “ an officer of a local probation board ”,

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- (c) at the end of subsection (10) there is inserted “ and “local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 ”.

*Learning and Skills Act 2000 (c. 21)*

- 208 The Learning and Skills Act 2000 is amended as follows.
- 209 In sections 115(1)(e) (consultation and coordination) and 120(2)(e) (information: supply by public bodies), for “probation committee” there is substituted “ local probation board ”.
- 210 In section 121(1) (supplementary), after the definition of “local authority” there is inserted—
- ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000,”
- and the definition of “probation committee” is omitted.

PROSPECTIVE

*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 211 In section 81(3)(a) of the Regulation of Investigatory Powers Act 2000 (general interpretation), after “twenty-one” there is inserted “ (eighteen in relation to England and Wales) ”.

SCHEDULE 8

Section 75.

REPEALS

**Commencement Information**

- I31** Sch. 8 partly in force; Sch. 8 in force at Royal Assent for specified repeals see s. 80(3)(e); Sch. 8 in force for specified purposes at 11.1.2001 by S.I. 2000/3302, art. 2; Sch. 8 in force for further specified purposes at 1.4.2001 by S.I. 2001/919, art. 2(g); Sch. 8 in force (E.W.) for specified purposes at 20.6.2001 and in force (E.W.) for other specified purposes at 2.7.2001 by s.I. 2001/2232, art. 2(n)

Chapter	Short title	Extent of repeal
1948 c. 58.	Criminal Justice Act 1948.	In section 27, in subsection (1), the words from “then, if the court” to “not been so notified”, and subsection (2). In section 39(3), “or remand centre”. In section 80(1), the definitions of “local

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		authority” and “remand centre”.
1952 c. 52.	Prison Act 1952.	In section 37(4), “remand centre”. In section 43, subsection (1) (a), in subsection (2), in paragraph (a) “a remand centre or” and paragraphs (b) and (c), subsection (3), in subsection (4), “remand centres” and subsection (7). In section 47, in subsection (1), “remand centres” and, in subsection (5), “remand centre”.
1955 c. 18.	Army Act 1955.	In section 71A, subsections (1A) to (1C), in subsection (1D), paragraph (b) and the “and” preceding it, in subsection (1E), paragraph (b) and the “or” preceding it and, in subsection (5), “custody for life or” and “and to a sentence of custody for life”. In section 71AA(1AA), “aged 17”. In section 71AB(1), paragraph (b) and the “or” preceding it. In Schedule 5A, in paragraph 10(1A), “under 18 years of age” and, in paragraph 15(3), in the second column of the table, “Custody for life”.
1955 c. 19.	Air Force Act 1955.	In section 71A, subsections (1A) to (1C), in subsection (1D), paragraph (b) and the “and” preceding it, in subsection (1E), paragraph (b) and the “or” preceding it and, in subsection (5), “custody for life or” and “and to a sentence of custody for life”. In section 71AA(1AA), “aged 17”.

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		<p>In section 71AB(1), paragraph (b) and the “or” preceding it.</p> <p>In Schedule 5A, in paragraph 10(1A), “under 18 years of age” and, in paragraph 15(3), in the second column of the table, “Custody for life”.</p>
1957 c. 53.	Naval Discipline Act 1957.	<p>In section 43A, subsections (1A) to (1C), in subsection (1D), paragraph (b) and the “and” preceding it, in subsection (1E), paragraph (b) and the “or” preceding it and, in subsection (5), “custody for life or” and “and to a sentence of custody for life”.</p> <p>In section 43AA(1AA), “aged 17”.</p> <p>In section 43AB(1), paragraph (b) and the “or” preceding it.</p> <p>In Schedule 4A, in paragraph 10(1A), “under 18 years of age” and, in paragraph 15(3), in the second column of the table, “Custody for life”.</p>
1959 c. 45.	Metropolitan Magistrates’ Courts Act 1959.	<p>Section 3.</p> <p>In section 4(2), “of the probation system within the inner London probation area”.</p>
1967 c. 80.	Criminal Justice Act 1967.	<p>In section 67(6), “to a remand centre or”.</p>
1968 c. 27.	Firearms Act 1968.	<p>In section 52(1)(a), “in a young offender institution or”.</p>
1969 c. 54.	Children and Young Persons Act 1969.	<p>In section 23 (as it has effect pursuant to section 98(2) of the Crime and Disorder Act 1998), in subsection (1), “a remand centre or”, subsection (4) (b), in subsection (5), “remand centre or” and, in subsection (5A), “a remand centre or”.</p>

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		Children and Young Persons Act 1969.—cont.
		In section 46(1), “within the meaning of the Probation Service Act 1993”.
		In Schedule 3, in paragraph 9(2)(a), “or”.
1971 c. 40.	Fire Precautions Act 1971.	In section 40(2)(a), “remand centre”.
1972 c. 70.	Local Government Act 1972.	In Part I of Schedule 12A, in paragraph 2(a), “or”.
1974 c. 23.	Juries Act 1974.	In Schedule 1, in Part I, in Group B, in the entry for the warden and staff of a probation hostel or bail hostel, “(within the meaning of the Probation Service Act 1993)”.
1976 c. 36.	Adoption Act 1976.	In section 65(1)(b), “of a person to act as reporting officer”.
		Section 65A.
1980 c. 43.	Magistrates’ Courts Act 1980.	In section 11(3), “or detention in a detention centre”.
		In section 31, in subsections (1) and (2), “or youth custody”.
		Section 72.
		In section 77(2), “or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged 18 to 20 for default)”.
		In section 82(1)(c), “youth custody or detention in a detention centre”.
		Section 96A.
		In section 133, in subsection (1), the first, second and fourth mentions of “or youth custody” and subsection (2A).
		Section 135(3).
		Section 136(4).
		In Schedule 6A, the entry relating to Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000.

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1980 c. 57.	Imprisonment (Temporary Provisions) Act 1980.	In section 6, in subsections (1) and (2), “remand centre”.
1983 c. 20.	Mental Health Act 1983.	In section 48(2)(a), “or remand centre”.
1983 c. 41.	Health and Social Services and Social Security Adjudications Act 1983.	In section 10(16), paragraph (b) and the “and” preceding it.
1988 c. 33.	Criminal Justice Act 1988.	In section 75(3), “or of detention under section 108 of that Act of 2000 (detention of persons aged 17 to 20 for contempt)”.
1988 c. 34.	Legal Aid Act 1988.	In section 21(11), “or a remand centre”.
1988 c. 52.	Road Traffic Act 1988.	Section 105(2)(b).
1989 c. 41.	Children Act 1989.	In section 16, subsections (8) and (9). In section 31(1)(b), “or of a probation officer”. In section 41, subsections (7) to (9) and (12). In section 58(4)(a), “or”. In Schedule 3, in paragraph 9, sub-paragraphs (2) to (5). In Schedule 10, paragraph 29.
1990 c. 41.	Courts and Legal Services Act 1990.	In Schedule 16, paragraphs 7 and 17. In Schedule 18, paragraph 25(4)(b).
1991 c. 25.	Criminal Procedure (Insanity and Unfitness to Plead) Act 1991.	In Schedule 1, in paragraph 4(1), paragraph (c) and the “or” preceding it.
1991 c. 53.	Criminal Justice Act 1991.	Section 37A(7). In section 45(1), “or to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000”. Section 68(b). In section 92(1), in the definition of “prison”, “or remand centre”. In Schedule 8, paragraphs 2 and 6(3). In Schedule 12, in paragraphs 15(4) and 16(3), “remand centre or”.

*Status: Point in time view as at 01/12/2004.*

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1992 c. 14.	Local Government Finance Act 1992.	In Schedule 1, in paragraph 1(4), “or section 108 of the Powers of Criminal Courts (Sentencing) Act 2000”.
1993 c. 47.	Probation Service Act 1993.	The whole Act.
1994 c. 19.	Local Government (Wales) Act 1994.	In Schedule 16, paragraph 109.
1994 c. 33.	Criminal Justice and Public Order Act 1994.	In section 117(3)(a), “and a remand centre”. Criminal Justice and Public Order Act 1994.—cont. In section 125(3)(a), “remand centre or”. In Schedule 10, paragraphs 72 and 73.
1994 c. 37.	Drug Trafficking Act 1994.	In section 9, in subsection (2), “or of detention under section 108 of the 2000 Act (detention of persons aged 18 to 20 for default)” and, in subsection (5), “or detention”. In section 10(2), “or detention”. In section 15(13), “or of detention”. In section 16(4)(b), “or detention”. In section 17(4)(b), “or of detention”. In section 21(5)(a), “or of detention”. In section 41(7), “or detention”.
1996 c. 33.	Prisoners’ Earnings Act 1996.	In section 4(2), in the definition of “prisoner”, “or remand centre”.
1997 c. 43.	Crime (Sentences) Act 1997.	Section 28(9). In section 34(1), the words following the first mention of “sentences”. In Schedule 5, paragraph 5(1).
1998 c. 37.	Crime and Disorder Act 1998.	In Schedule 8, paragraph 110.
1999 c. 14.	Protection of Children Act 1999.	Section 6.



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1999 c. 22.	Access to Justice Act 1999.	In Schedule 10, paragraphs 17 and 41 to 45. In Schedule 11, paragraphs 15 and 42.
1999 c. 29.	Greater London Authority Act 1999.	Section 326.
2000 c. 6.	Powers of Criminal Courts (Sentencing) Act 2000.	Section 38. In section 40(1)(a), the words from “(including” to “available”. In section 46(13), “(a) or (b)”. In section 47(5)(a), “(a) or (b)”. In section 64(2), the words from “and selected under arrangements” to the end of the subsection. In section 76(1), paragraphs (c) and (d). In section 78, in subsections (1) and (2), “or detention in a young offender institution”. In section 87(12), paragraph (b) and the preceding “and”. Sections 93 to 98. Section 99(2). In section 106, subsection (1) and, in subsection (3), the words from the beginning to “and”. Section 108. Section 110(6). Section 111(6). Section 137(2)(a). In section 139, in subsection (2), “or of detention under section 108 above (detention of persons aged 18 to 20 for default)”, in subsection (3), “or detained”, in subsection (3) (c), “custody for life or detention in a young offender institution”, in subsection (4), “or detention” and, in subsection (5), the second “or detention”. In section 140(3), “or detention under section 108 above”.

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		<p>In section 163, the definitions of “combination order”, “probation order” and “probation period”.</p> <p>In Schedule 3, paragraph 9(2), in paragraph 25, sub-paragraph (2) and, in sub-paragraph (3), “or (2)”.</p> <p>In Schedule 7, in paragraph 7(7), paragraph (a) and, in paragraph (b), “if the justice or youth court has not been so notified”.</p> <p>In Schedule 8, in paragraph 6(7), paragraph (a) and, in paragraph (b), “if it has not been so notified”.</p> <p>In Schedule 9, paragraphs 5(3), 9, 10, 12, 14, 15, 17, 19, 20, 22, 34(a), 56, 57, 66, 68, 70, 77, 78, 111(4), 143(b), 152 to 156, 166(3), 182, in paragraph 183, sub-paragraph (2)(b) and the preceding “and”, sub-paragraphs (3)(b) and (3)(c) and paragraph 188.</p> <p>In Schedule 10, in paragraph 12(2), the “and” preceding paragraph (d).</p>
2000 c. 21.	Learning and Skills Act 2000.	In section 121(1), the definition of “probation committee”.
2000 c.	Criminal Justice and Court Services Act 2000.	<p>In section 30(1), paragraph (b) of the definition of “qualifying sentence”.</p> <p>In section 69(7), paragraph (b) of the definition of “relevant sentence”.</p>

The repeals—

- (a) in sections 28 and 34 of, and paragraph 5 of Schedule 5 to, the Crime (Sentences) Act 1997, and
  - (b) of paragraphs 182 and 188 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000,
- have effect in relation to sentences passed after the coming into force of section 60 of this Act.

**Status:**

Point in time view as at 01/12/2004.

**Changes to legislation:**

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