

Status: Point in time view as at 18/09/2012.

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

^{F1}SCHEDULE 1

Section 4.

LOCAL PROBATION BOARDS

Textual Amendments

F1 Sch. 1 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes, 1.4.2010 in so far as not already in force) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), **Sch. 5 Pt. 1**; S.I. 2008/504, art. 4(1)(m)(viii)(2); S.I. 2009/547, art. 2(1)(m)(viii)(2); S.I. 2010/191, art. 2(13)(i)

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^{F2}SCHEDULE 1A

Section 7

FURTHER PROVISION ABOUT THE INSPECTORATE

Textual Amendments	
F2	Sch. 1A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48) , ss. 31(2) , 53(1); S.I. 2007/709, art. 3(m) (with art. 6)
Modifications etc. (not altering text)	
C1	Sch. 1A modified (temp.) (1.10.2008) by The Health and Social Care Act 2008 (Consequential Amendments and Transitory Provisions) Order 2008 (S.I. 2008/2250) , arts. 1(1), 3(10)

Delegation of functions

- 1 (1) A member of the inspectorate may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If a member of the inspectorate delegates the carrying out of an inspection under subparagraph (1) it is nevertheless to be regarded for the purposes of section 7 and this Schedule as carried out by that member.
- (3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

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Inspection programmes and inspection frameworks

- 2 (1) The chief inspector shall from time to time, or at such times as the Secretary of State may specify by order, prepare—
- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
 - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the chief inspector shall consult the Secretary of State and (subject to sub-paragraph (3))—
- (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Chief Inspector of Constabulary,
 - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service,
 - ^{F3}(d)
 - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
 - ^{F4}(f)
 - ^{F5}(g) the Care Quality Commission,
 - (h) the Audit Commission for Local Government and the National Health Service in England ^{F6} ...,
 - (i) the Auditor General for Wales, and
 - (j) any other person or body specified by an order made by the Secretary of State,
- and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The requirement in sub-paragraph (2) to consult, and to send copies to, a person or body listed in paragraphs (a) to (j) of that sub-paragraph is subject to any agreement made between the chief inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.
- (4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (5) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectorate from making visits without notice.

Textual Amendments

- F3** Sch. 1A para. 2(2)(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), **Sch. 1 para. 11(a)** (with art. 2)
- F4** Sch. 1A para. 2(2)(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 74(2)(a), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(z), 36
- F5** Sch. 1A para. 2(2)(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 5 para. 74(2)(b)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)
- F6** Words in Sch. 1A para. 2(2)(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(r), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)

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Inspections by other inspectors of organisations within inspectorate's remit

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
 - (b) the chief inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the chief inspector shall, subject to sub-paragraph (7), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—
- (a) Her Majesty's Chief Inspector of Prisons;
 - (b) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
 - ^{F7}(c)
 - ^{F8}(d) the Care Quality Commission;]
 - (e) the Audit Commission for Local Government and the National Health Service in England ^{F9}....
- (3) The Secretary of State may by order amend sub-paragraph (2).
- (4) In sub-paragraph (1)(a) “specified organisation” means a person or body specified by an order made by the Secretary of State.
- (5) A person or body may be specified under sub-paragraph (4) only if it exercises functions in relation to any matter falling within the scope of the duties of the inspectorate under section 7.
- (6) A person or body may be specified under sub-paragraph (4) in relation to particular functions that it has.
- In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.
- (7) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (8) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.
- This is subject to sub-paragraph (9).
- (9) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the organisation in question, or
 - (b) would not do so if carried out in a particular manner,
- may give consent to the inspection being carried out, or being carried out in that manner.
- (10) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—
- (a) provision about the form of notices;
 - (b) provision prescribing the period within which notices are to be given;

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- (c) provision prescribing circumstances in which notices are, or are not, to be made public;
- (d) provision for revising or withdrawing notices;
- (e) provision for setting aside notices not validly given.

Textual Amendments

- F7** Sch. 1A para. 3(2)(c) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 74\(3\)\(a\)](#), [Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(z), 36
- F8** Sch. 1A para. 3(2)(d) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 74\(3\)\(b\)](#); S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)
- F9** Words in Sch. 1A para. 3(2)(e) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 9 para. 1\(2\)\(r\)](#), [Sch. 18 Pt. 9](#); S.I. 2008/172, art. 4(a)(n)(i)

Co-operation

- 4 The inspectorate shall co-operate with—
- (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Inspectors of Constabulary,
 - (c) Her Majesty's Inspectorate of the Crown Prosecution Service,
 - ^{F10}(d)
 - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
 - ^{F11}(f)
 - [^{F12}(g) the Care Quality Commission,]
 - (h) the Audit Commission for Local Government and the National Health Service in England ^{F13} ...,
 - (i) the Auditor General for Wales, and
 - (j) any other public authority specified by an order made by the Secretary of State,
- where it is appropriate to do so for the efficient and effective discharge of the functions of the inspectorate.

Textual Amendments

- F10** Sch. 1A para. 4(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 11\(b\)](#) (with art. 2)
- F11** Sch. 1A para. 4(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 74\(4\)\(a\)](#), [Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(z), 36
- F12** Sch. 1A para. 4(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 74\(4\)\(b\)](#); S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)
- F13** Words in Sch. 1A para. 4(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 9 para. 1\(2\)\(r\)](#), [Sch. 18 Pt. 9](#); S.I. 2008/172, art. 4(a)(n)(i)

Joint action

- 5 (1) The inspectorate may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of the inspectorate's functions.

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- (2) The chief inspector, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a “joint inspection programme”) setting out—
- (a) what inspections the inspectorate proposes to carry out in the exercise of the power conferred by sub-paragraph (1), and
 - (b) what inspections the chief inspectors within sub-paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.
- (3) The chief inspectors within this sub-paragraph are—
- (a) Her Majesty's Chief Inspector of Prisons;
 - (b) Her Majesty's Chief Inspector of Constabulary;
 - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service;
 - ^{F14}(d)
- (4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
- (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.
- (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

Textual Amendments

F14 Sch. 1A para. 5(3)(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 11\(c\)](#) (with art. 2)

Assistance for other public authorities

- 6 (1) The chief inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the chief inspector thinks fit.]

[^{F15}Joint inspection of courts

Textual Amendments

F15 Sch. 1A para. 7 and cross-heading inserted (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 11\(d\)](#) (with art. 2)

7. (1) The inspectorate may inspect any aspect of the Crown Court or magistrates’ courts in relation to their criminal jurisdiction which could have been inspected by Her Majesty’s Inspectorate of Court Administration immediately before its abolition.

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- (2) Sub-paragraph (1) applies only if the inspection includes matters other than any aspect of the Crown Court or magistrates' courts.
- (3) The power of the inspectorate under this paragraph is in addition to the power under paragraph 5 to act jointly with another public authority.]

SCHEDULE 2

Section 11.

CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Modifications etc. (not altering text)

- C2** 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 [^{F16}nine] other members, appointed by the [^{F17}Secretary of State].

Textual Amendments

- F16** Word in Sch. 2 para. 1 substituted (1.4.2005) by [Children Act 2004 \(c. 31\)](#), s. 67(6), **Sch. 3 para. 14**; [S.I. 2005/700](#), art. 2(2)
- F17** 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 [^{F17}Secretary of State].

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- (2) The Service may, to any extent determined by the [^{F17}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 [^{F17}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 [^{F17}Secretary of State].

Textual Amendments

F17 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 [^{F17}Secretary of State],
 without the approval of the [^{F17}Secretary of State].

Textual Amendments

F17 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.

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- (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 [^{F17}Secretary of State].

Textual Amendments

F17 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 [^{F17}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

F17 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 [^{F17}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 [^{F17}Secretary of State] with any information relating to the performance of its functions which he may from time to time require.

Textual Amendments

F17 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)**

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Ancillary powers

- 10 (1) Subject to any directions given by the [^{F17}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,
 - (d) accepting gifts.
- (3) But the Service may not borrow money, whether by way of overdraft or otherwise, without the approval of the [^{F17}Secretary of State].

Textual Amendments

F17 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 [^{F17}Secretary of State] in respect of each financial year on the performance of its functions.
- (2) The [^{F17}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, and
 - (b) the time by which the report is to be given.
- (3) The [^{F17}Secretary 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

F17 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

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- (c) send copies of the statement to the [F17Secretary 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 [F17Secretary of State] as to—
- the information to be contained in it,
 - the manner in which the information contained in it is to be presented,
 - the methods and principles according to which the statement is to be prepared,
- and must contain any additional information the [F17Secretary of State] may require to be provided for the information of Parliament.
- (3) The Service must, in accordance with directions given by the [F17Secretary of State]—
- appoint an auditor who is not a member of the Service’s staff, and
 - ensure that the auditor makes a report to the [F17Secretary 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

F17 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—
- the period beginning with the date on which the Service is established and ending with the next following 31st March, and
 - 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 ^{M1}Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), at the appropriate place there is inserted—
- “Children and Family Court Advisory and Support Service.”

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Marginal Citations

M1 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 ^{M2}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.

Marginal Citations

M2 1972 c. 11.

- 19 In Part II of Schedule 1 to the ^{M3}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

M3 1975 c. 24.

SCHEDULE 3

Section 19.

TRANSFER OF PROPERTY

Modifications etc. (not altering text)

C3 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

I1 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.

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- (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.
- (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 [^{F18}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

F18 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)**

^{F19}SCHEDULE 4

Section 26.

MEANING OF “OFFENCE AGAINST A CHILD”

Textual Amendments

F19 Sch. 4 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 3; S.I. 2010/1101, art. 5; S.I. 2012/2231, art. 4 (see S.I. 2013/1180, art. 2(b))

- [^{F19}1 The offences mentioned in paragraph (a) of subsection (1) of section 26 are—
- (a) an offence under section 1 of the ^{M4}Children and Young Persons Act 1933 (cruelty to children),
 - (b) an offence under section 1 of the ^{M5}Infanticide Act 1938 (infanticide),
 - ^{F20}(c)
 - ^{F20}(d)

Status: Point in time view as at 18/09/2012.

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- F20(e)
- F20(f)
- F20(g)
- F20(h)
- F20(i)
- (j) an offence under section 1 of the ^{M6}Protection of Children Act 1978 (indecent photographs of children),
- (k) an offence under section 1 of the ^{M7}Child Abduction Act 1984 (abduction of child by parent),
- (l) an offence under section 160 of the ^{M8}Criminal Justice Act 1988 (possession of indecent photograph of child),
- [^{F21}(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

Textual Amendments

- F20 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
- F21 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

- M4 1933 c. 12.
- M5 1938 c. 36.
- M6 1978 c. 37.
- M7 1984 c. 37.
- M8 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 ^{M9}Person Act 1861 (wounding and causing grievous bodily harm),
 - (f) an offence under section 47 of that Act (assault occasioning actual bodily harm),
 - F22(g)
 - F22(h)
 - F22(i)
 - F22(j)
 - F22(k)
 - F22(l)

Status: Point in time view as at 18/09/2012.

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- F22(m)
- [F23[F24(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.]]
- [F25(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

- F22** 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
- F23** 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.
- F24** 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
- F25** 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.S.I. 2004/494; S.I. 2004/2999, art. 2, Sch.

Marginal Citations

M9 1861 c. 100.

- 3 A person falls within this paragraph if—
- (a) he commits an offence under section 16 of the Offences against the ^{M10}Person Act 1861 (threats to kill) by making a threat to kill a child,
 - F26(b)
 - F26(c)
 - F26(d)
 - F26(e)
 - F26(f)
 - F26(g)
 - F26(h)
 - F26(i)
 - F26(j)
 - F26(k)
 - F26(l)
 - F26(m)
 - F26(n)
 - F26(o)
 - F26(p)
 - F26(q)
 - F26(r)
 - (s) he commits an offence under section 4(3) of the ^{M11}Misuse of Drugs Act 1971 by—
 - (i) supplying or offering to supply a Class A drug to a child,

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- (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,
- [^{F27}(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.]
- [^{F28}(sb) he commits an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing [^{F29}the death of a child or vulnerable adult][^{F29}a child or vulnerable adult to die or suffer serious physical harm]) in respect of 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

F26 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

F27 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

F28 Sch. 4 para. 3(sb) inserted (21.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 10 para. 56](#); [S.I. 2005/579](#), art. 2(c)

F29 Words in Sch. 4 para. 3(sb) substituted (E.W.) (2.7.2012) by [Domestic Violence, Crime and Victims \(Amendment\) Act 2012 \(c. 4\)](#), s. 4(2), [Sch. para. 4\(1\)](#) (with Sch. para. 4(2)); [S.I. 2012/1432](#), art. 2

Modifications etc. (not altering text)

C4 Sch. 4 para. 3(t)(i) modified (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 40](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), art. 2(a)

Marginal Citations

M10 1861 c. 100.

M11 1971 c. 38.

Textual Amendments

F30 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

Status: Point in time view as at 18/09/2012.

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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 ^{M12}Theft Act 1968 are trigger offences:
- section 1 (theft)
 - section 8 (robbery)
 - section 9 (burglary)
 - section 10 (aggravated burglary)
 - section 12 (taking motor vehicle or other conveyance without authority)
 - section 12A (aggravated vehicle-taking)
 - ^{F31} ...
 - [^{F32}section 22 (handling stolen goods)]
 - section 25 (going equipped for stealing, etc.)

Textual Amendments

- F31** Words in Sch. 6 para. 1 repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), [Sch. 1 para. 32\(1\)](#), [Sch. 3](#); [S.I. 2006/3200](#), [art. 2](#)
- F32** 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

- M12** [1968 c. 60](#).

- 2 Offences under the following provisions of the ^{M13}Misuse of Drugs Act 1971 are trigger offences, if committed in respect of a specified Class A drug:

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

- M13** [1971 c. 38](#).

- [^{F33} Offences under the following provisions of the [Fraud Act 2006](#) are trigger offences—
- section 1 (fraud)

Status: Point in time view as at 18/09/2012.

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section 6 (possession etc. of articles for use in frauds)
 section 7 (making or supplying articles for use in frauds).]

Textual Amendments

F33 Sch. 6 para. 3 inserted (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), **Sch. 1 para. 32(2)**; S.I. 2006/3200, art. 2

- [^{F34}[^{F35}3A. An offence under section 1(1) of the Criminal Attempts Act 1981 is a trigger offence, if committed in respect of an offence under—
- (a) any of the following provisions of the Theft Act 1968:
- section 1 (theft)
 section 8 (robbery)
 section 9 (burglary)
 section 22 (handling stolen goods), or
- (b) section 1 of the Fraud Act 2006 (fraud).]

Textual Amendments

F34 substituted (1.8.2007) by [The Criminal Justice and Court Services Act 2000 \(Amendment\) Order 2007 \(S.I. 2007/2171\)](#), arts. 1(1), **2**

F35 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

F35 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

F36₁

Status: Point in time view as at 18/09/2012.

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

F36 Sch. 7 paras. 1-3 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))

Community punishment orders

F36₂

Textual Amendments

F36 Sch. 7 paras. 1-3 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))

Community punishment and rehabilitation orders

F36₃

Textual Amendments

F36 Sch. 7 paras. 1-3 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))

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 ^{M14}Children and Young Persons Act 1969—
section 23(4) (as it has effect pursuant to section 98(3) of the ^{M15}Crime and Disorder Act 1998 (alternative provision for 15 and 16 year old boys)),
in section 34, subsections (2) and (3).
 - In the ^{M16}Criminal Procedure (Insanity and Unfitness to Plead) Act 1991—
in Schedule 2, in paragraph 3, sub-paragraphs (1)(b) and (3).
 - In the ^{M17}Criminal Justice Act 1991—

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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 ^{M18}Prisoners and Criminal Proceedings (Scotland) Act 1993—
sections 12(2)(a) and 15(4).
In the ^{M19}Criminal Procedure (Scotland) Act 1995—
[^{F37}section 209(3)(a)].
In the ^{M20}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 ^{M21}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),
^{F38} ...
^{F38} ...
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).

Textual Amendments

- F37** Words in Sch. 7 para. 4(2) substituted (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), **sch. 2 para. 44(2)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))
- F38** Sch. 7 para. 4(2) entries 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)

Marginal Citations

- M14** 1969 c. 54.
M15 1998 c. 37.
M16 1991 c. 25.
M17 1991 c. 53.
M18 1993 c. 9.
M19 1995 c. 46.
M20 1997 c. 43.
M21 2000 c. 6.

Status: Point in time view as at 18/09/2012.

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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 of the ^{M22}Powers of Criminal Courts (Sentencing) Act 2000 or section 61 of the Criminal Justice and Court Services Act 2000 ”.

Marginal Citations

M22 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,

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- (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.
- (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—

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- “(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 ^{M23}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

M23 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 ^{M24}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—

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- (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

M24 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 ”,
(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)

Status: Point in time view as at 18/09/2012.

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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 ^{M25}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

M25 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”,
 - (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—

Status: Point in time view as at 18/09/2012.

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)

- (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 ”,
 (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

19 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)

Status: Point in time view as at 18/09/2012.

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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 ^{M26}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

M26 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,
 - (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 ”,

Status: Point in time view as at 18/09/2012.

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)*

- (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.

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”,
 F39(b)

Status: Point in time view as at 18/09/2012.

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Textual Amendments

- F39** Sch. 7 para. 37(b) 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)

Children and Young Persons Act 1969 (c. 54)

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

PROSPECTIVE

F40 39

Textual Amendments

- F40** 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 ^{M27}Probation Service Act 1993” is omitted.

Marginal Citations

- M27** 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 “^{M28}Probation Service Act 1993” there is inserted “or section 3, 5 or 9 of the Criminal Justice and Court Services Act 2000”.
- (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—

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- “(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

M28 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 ^{M29}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 ^{M30}Superannuation Act 1972 in respect of service as chairman, chief 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

M29 1972 c. 11.

M30 1972 c. 11.

Status: Point in time view as at 18/09/2012.

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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)

^{F41}47

Textual Amendments

F41 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)(i)(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)

^{F42}51

Textual Amendments

F42 Sch. 7 paras. 51-53 repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 5](#) (with [Sch. 4 paras. 2, 6-8](#)); [S.I. 2005/2897](#), art. 2(b)

^{F42}52

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Textual Amendments

F42 Sch. 7 paras. 51-53 repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 5](#) (with [Sch. 4 paras. 2, 6-8](#)); S.I. 2005/2897, art. 2(b)

^{F42}53

Textual Amendments

F42 Sch. 7 paras. 51-53 repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 5](#) (with [Sch. 4 paras. 2, 6-8](#)); S.I. 2005/2897, art. 2(b)

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”.

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.

Status: Point in time view as at 18/09/2012.

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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^{M31}Criminal Courts (Sentencing) Act 2000 (detention of persons aged 18 to 20 for default)” is omitted.

Marginal Citations

M31 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 ^{M32}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 ^{M33}Criminal Justice Act 1982” there is substituted “ section 60 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

Marginal Citations

M32 1982 c. 48.

M33 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 ”,

Status: Point in time view as at 18/09/2012.

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(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

F43 69

Textual Amendments

F43 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)

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

Status: Point in time view as at 18/09/2012.

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(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 ^{M34}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

M34 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.

PROSPECTIVE

F4477

Textual Amendments

F44 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 ”.

Status: Point in time view as at 18/09/2012.

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Commencement Information

II1 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 ^{M35}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

M35 1993 c. 47.

Education Reform Act 1988 (c. 40)

F4583

Textual Amendments

F45 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**

Local Government Finance Act 1988 (c. 41)

F4684

Textual Amendments

F46 Sch. 7 paras. 84-86 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, **art. 3(aa)**

F4685

Status: Point in time view as at 18/09/2012.

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Textual Amendments

F46 Sch. 7 paras. 84-86 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 10](#); S.I. 2005/910, art. 3(aa)

^{F46}86

Textual Amendments

F46 Sch. 7 paras. 84-86 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 10](#); S.I. 2005/910, art. 3(aa)

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”.

Status: Point in time view as at 18/09/2012.

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)*

- 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
 - (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)

^{F47}99

Textual Amendments
F47 Sch. 7 paras. 99-102 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); [S.I. 2005/1705](#), art. 2(f)

^{F47}100

Textual Amendments
F47 Sch. 7 paras. 99-102 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); [S.I. 2005/1705](#), art. 2(f)

Status: Point in time view as at 18/09/2012.

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)

PROSPECTIVE

F47 101

Textual Amendments

F47 Sch. 7 paras. 99-102 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); [S.I. 2005/1705](#), art. 2(f)

F47 102

Textual Amendments

F47 Sch. 7 paras. 99-102 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); [S.I. 2005/1705](#), art. 2(f)

Criminal Justice Act 1991 (c. 53)

103 The Criminal Justice Act 1991 is amended as follows.

PROSPECTIVE

F48 104

Textual Amendments

F48 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))

F48 105

Textual Amendments

F48 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

F48 106

Status: Point in time view as at 18/09/2012.

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

F48 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

F48 107

Textual Amendments

F48 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

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 ”,

F49(b)

Status: Point in time view as at 18/09/2012.

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Textual Amendments

- F49** Sch. 7 para. 111(b) 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))

Commencement Information

- I12** 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.

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—

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““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 ”.

^{F50}122

Textual Amendments

F50 Sch. 7 paras. 122-125 repealed (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), **sch. 2 para. 44(3)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

^{F50}123

Textual Amendments

F50 Sch. 7 paras. 122-125 repealed (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), **sch. 2 para. 44(3)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

^{F50}124

Textual Amendments

F50 Sch. 7 paras. 122-125 repealed (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), **sch. 2 para. 44(3)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

^{F50}125

Textual Amendments

F50 Sch. 7 paras. 122-125 repealed (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), **sch. 2 para. 44(3)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

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”.

Status: Point in time view as at 18/09/2012.

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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 ^{M36}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

M36 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 ^{M37}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

M37 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 ^{M38}Criminal Justice Act 1991 (reciprocal enforcement of certain orders), for “probation committee” there is substituted “ local probation board ”.

Marginal Citations

M38 1991 c. 53.

^{F51}133

Textual Amendments

F51 Sch. 7 para. 133 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 18/09/2012.

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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

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 ^{M39}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”,
- (b) subsection (9) is omitted.

Status: Point in time view as at 18/09/2012.

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Marginal Citations

M39 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

^{F52}139

Textual Amendments

F52 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

^{F53}140

Textual Amendments

F53 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
- ,”

Status: Point in time view as at 18/09/2012.

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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 ^{F54} . . . 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

F54 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.

^{F55}155

Textual Amendments

F55 Sch. 7 para. 155 repealed (E.W.) (12.10.2009) by *Safeguarding Vulnerable Groups Act 2006 (c. 47)*, s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, **Sch.** (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

156 Section 6 (appeals against prohibition or restriction of employment) is omitted.

157 [^{F56}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

(e) on a determination under section 32 or 33 of the Criminal Justice and Court Services Act 2000.”]

Textual Amendments

F56 Sch. 7 para. 157 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes) by *Safeguarding Vulnerable Groups Act 2006 (c. 47)*, s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, **Sch.** (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11); S.I. 2010/1101, art. 5

^{F57}158

Status: Point in time view as at 18/09/2012.

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

F57 Sch. 7 para. 158 repealed (E.W.) (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

- 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.

^{F58}161

Textual Amendments

F58 Sch. 7 para. 161 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))

^{F59}162

Textual Amendments

F59 Sch. 7 para. 162 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))

^{F60}163

Textual Amendments

F60 Sch. 7 para. 163 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)

^{F61}164

Status: Point in time view as at 18/09/2012.

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

F61 Sch. 7 para. 164 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

F62165

Textual Amendments

F62 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))

F62166

Textual Amendments

F62 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))

PROSPECTIVE

F62167

Textual Amendments

F62 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))

F62168

Textual Amendments

F62 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))

F62 169

Textual Amendments

F62 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))

PROSPECTIVE

F62 170

Textual Amendments

F62 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))

F62 171

Textual Amendments

F62 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))

PROSPECTIVE

F62 172

Textual Amendments

F62 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))

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PROSPECTIVE

173 In section 60(1)(b) (attendance centre orders), after “court” there is inserted “ has power or ”.

F63 174

Textual Amendments
 F63 Sch. 7 para. 174 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)

F64 175

Textual Amendments
 F64 Sch. 7 para. 175 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

No
 commentary
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[e2693836086e5922ed2910b803149889](#)176

PROSPECTIVE

No
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[e2693836086e5922ed2910b803149889](#)^{F65}177

Textual Amendments
 F65 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.

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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

No
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e2693836086e5922ed2910b803149889178

PROSPECTIVE

F66¹⁷⁹

Textual Amendments

F66 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
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key-171b7b7f3c2d34610d483129ca603285180

PROSPECTIVE

No
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Status: Point in time view as at 18/09/2012.

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reference
key-171b7b7f3c2d34610d483129ca603285181

PROSPECTIVE

No
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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
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reference
key-2d71776d853e9743a974f51998a8e9a9184

PROSPECTIVE

No
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reference
key-2d71776d853e9743a974f51998a8e9a9185

PROSPECTIVE

No
commentary
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could be
found

Status: Point in time view as at 18/09/2012.

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**for this
reference**

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PROSPECTIVE

**No
commentary
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key-2d71776d853e9743a974f51998a8e9a9187

PROSPECTIVE

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

PROSPECTIVE

F67 189

Textual Amendments

F67 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

F68 190

Textual Amendments

F68 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

F69 191

Status: Point in time view as at 18/09/2012.

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Textual Amendments

F69 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

^{F70}192

Textual Amendments

F70 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)—

- (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 ”,
- ^{F71}(b)
- (c) in subsection (3)(a)—
 - ^{F72}(i)
 - ^{F73}(ii)
 - ^{F73}(iii)
- (d) for subsection (5) there is substituted—

Status: Point in time view as at 18/09/2012.

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- “(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.”

Textual Amendments

- F71** Sch. 7 para. 196(b) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [Sch. 28 Pt. 1](#); [S.I. 2009/3074](#), [art. 2\(u\)\(xxix\)](#)
- F72** Sch. 7 para. 196(c)(i) 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\(u\)\(xxix\)](#)
- F73** Sch. 7 para. 196(c)(ii)(iii) 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\(l\)](#))

Commencement Information

- I13** 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\(m\)\(vi\)](#)
- I14** Sch. 7 para. 196(a)(b)(d) in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), [art. 2](#)
- I15** 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,
 - ^{F74}(c)
 - ^{F75}(d)
 - (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—
 - ^{F76} ...
 - “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
 - ^{F76} ...
 - “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”—
 - ^{F77}(i)

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F78 (ii)

Textual Amendments

- F74** Sch. 7 para. 197(c) 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))
- F75** Sch. 7 para. 197(d) 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)
- F76** Words in Sch. 7 para. 197(f) 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)
- F77** Sch. 7 para. 197(g)(i) 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)
- F78** Sch. 7 para. 197(g)(ii) 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))

Commencement Information

- I16** 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\(m\)\(vii\)](#)
- I17** Sch. 7 para. 197(f) in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), [art. 2](#)
- I18** Sch. 7 para. 197(g)(i) in force at 2.9.2004 by [S.I. 2004/2171](#), [art. 2](#)

F79 198

Textual Amendments

- F79** Sch. 7 paras. 198-200 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))

F79 199

Textual Amendments

- F79** Sch. 7 paras. 198-200 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))

F79 200

Status: Point in time view as at 18/09/2012.

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

F79 Sch. 7 paras. 198-200 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))

F80 201

Textual Amendments

F80 Sch. 7 para. 201 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)

202 (1) Schedule 8 (breach, revocation and amendment of action plan orders and reparation orders) is amended as follows.

F81 (2)

(3) In paragraph 6(7)—

- (a) paragraph (a) is omitted,
- (b) in paragraph (b), “if it has not been so notified” is omitted.

Textual Amendments

F81 Sch. 7 para. 202(2) 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)

Commencement Information

I19 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.

Commencement Information

I20 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\(f\)\(v\)\(vi\)](#)

Status: Point in time view as at 18/09/2012.

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)

PROSPECTIVE

^{F82}204

Textual Amendments

F82 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)

^{F83}205

Textual Amendments

F83 Sch. 7 paras. 205-207 repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); S.I. 2010/293, art. 2(3)(b) (with art. 2(4))

^{F83}206

Textual Amendments

F83 Sch. 7 paras. 205-207 repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); S.I. 2010/293, art. 2(3)(b) (with art. 2(4))

^{F83}207

Textual Amendments

F83 Sch. 7 paras. 205-207 repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); S.I. 2010/293, art. 2(3)(b) (with art. 2(4))

Learning and Skills Act 2000 (c. 21)

^{F84}208

Textual Amendments

F84 Sch. 7 paras. 208-210 repealed (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 2](#); S.I. 2008/3077, art. 4(h)(iv)

^{F84}209

Textual Amendments

F84 Sch. 7 paras. 208-210 repealed (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 2](#); S.I. 2008/3077, art. 4(h)(iv)

Status: Point in time view as at 18/09/2012.

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210 F84

Textual Amendments

F84 Sch. 7 paras. 208-210 repealed (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 2](#); [S.I. 2008/3077](#), art. 4(h)(iv)

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

I21 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 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),

Status: Point in time view as at 18/09/2012.

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		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”. 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”.
1957 c. 53.	Naval Discipline Act 1957.	In section 43A, subsections (1A) to

Status: Point in time view as at 18/09/2012.

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		(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 43AA(1AA), “aged 17”. In section 43AB(1), paragraph (b) and the “or” preceding it. 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”.
1959 c. 45.	Metropolitan Magistrates’ Courts Act 1959.	Section 3. In section 4(2), “of the probation system within the inner London probation area”.
1967 c. 80.	Criminal Justice Act 1967.	In section 67(6), “to a remand centre or”.
1968 c. 27.	Firearms Act 1968.	In section 52(1)(a), “in a young offender institution or”.
1969 c. 54.	Children and Young Persons Act 1969.	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”. 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”.

Status: Point in time view as at 18/09/2012.

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)*

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.
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

Status: Point in time view as at 18/09/2012.

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		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".
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.

Status: Point in time view as at 18/09/2012.

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		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.
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)”.

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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”.

In section 163, the definitions of “combination order”, “probation order” and “probation period”.

In Schedule 3, paragraph 9(2), in paragraph 25, subparagraph (2) and, in subparagraph (3), “or (2)”.

In Schedule 7, in paragraph 7(7), paragraph (a) and, in paragraph (b), “if the justice or youth court has not been so notified”.

Status: Point in time view as at 18/09/2012.

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		In Schedule 8, in paragraph 6(7), paragraph (a) and, in paragraph (b), “if it has not been so notified”.
		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.
		In Schedule 10, in paragraph 12(2), the “and” preceding paragraph (d).
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.	In section 30(1), paragraph (b) of the definition of “qualifying sentence”. In section 69(7), paragraph (b) of the definition of “relevant sentence”.

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 18/09/2012.

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.