

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

VALID FROM 01/04/2009

SCHEDULE 1

Section 1

FURTHER PROVISIONS ABOUT YOUTH REHABILITATION ORDERS

.....

VALID FROM 30/11/2009

SCHEDULE 2

Section 2

BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDERS

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

- C1** Sch. 2 modified by Criminal Procedure (Scotland) Act 1995 (c. 46), s. 234(6A) (as inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 44(6)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(v))
-

VALID FROM 30/11/2009

SCHEDULE 3

Section 3

TRANSFER OF YOUTH REHABILITATION ORDERS TO NORTHERN IRELAND

.....

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 30/11/2009

SCHEDULE 4 Section 6

YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

.....

VALID FROM 14/07/2008

SCHEDULE 5 Section 13(2)

OFFENCES SPECIFIED FOR THE PURPOSES OF SECTIONS
225(3A) AND 227(2A) OF CRIMINAL JUSTICE ACT 2003

.....

VALID FROM 03/11/2008

SCHEDULE 6 Section 23

CREDIT FOR PERIOD OF REMAND ON BAIL: TRANSITIONAL PROVISIONS

.....

PROSPECTIVE

SCHEDULE 7 Section 39(6)

YOUTH DEFAULT ORDERS: MODIFICATION OF PROVISIONS
APPLYING TO YOUTH REHABILITATION ORDERS

General

1 Any reference to the offender is, in relation to a youth default order, to be read as a reference to the person in default; and any reference to the time when the offender is convicted is to be read as a reference to the time when the order is made.

Unpaid work requirement

2 ^{F15}(1)

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) [^{F16}In its application to a youth default order, paragraph 10 (unpaid work requirement) of Schedule 6 to the Sentencing Code has effect as if for paragraphs (a) and (b) of sub-paragraph (3)] there were substituted—

- “(a) not less than 20, and
- (b) in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £200	40
An amount exceeding £200 but not exceeding £500	60
An amount exceeding £500	100”.

[^{F17}(3) In its application to a youth default order, subsection (3) of section 198 of the Sentencing Code (when a youth rehabilitation order is in force) has effect subject to section 39(7)(a) of the Criminal Justice and Immigration Act 2008.]

Textual Amendments

- F15** Sch. 7 para. 2(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(2)(a) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F16** Words in Sch. 7 para. 2(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(2)(b) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F17** Sch. 7 para. 2(3) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(2)(c) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C2** Sch. 7 para. 2(1) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3); S.I. 2012/1236, reg. 2

Attendance centre requirement

3 (1) In its application to a youth default order, [^{F18}paragraph 14 of Schedule 6 to the Sentencing Code] (attendance centre requirement) is modified as follows.

(2) [^{F19}Sub-paragraph (3)] has effect as if—

- (a) in paragraph (a), for the words following “conviction” there were substituted ^{F20}“... in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
---------------	------------------------

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

An amount not exceeding £250	8
An amount exceeding £250 but not exceeding £500	14
An amount exceeding £500	24”,

- (b) in paragraph (b), for the words following “conviction” there were substituted ^{F21}“... in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £250	8
An amount exceeding £250 but not exceeding £500	14
An amount exceeding £500	24”,

- (c) in paragraph (c), for “must not be more than 12” there were substituted ^{F22}“... in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £250	8
An amount exceeding £250 but not exceeding £500	10
An amount exceeding £500	12”.

Textual Amendments

- F18** Words in Sch. 7 para. 3(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F19** Words in Sch. 7 para. 3(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(b)(i)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F20** Words in Sch. 7 para. 3(2)(a) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(b)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F21** Words in Sch. 7 para. 3(2)(b) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(b)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F22** Words in Sch. 7 para. 3(2)(c) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(b)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C3** Sch. 7 para. 3(2) modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Curfew requirement

- 4 (1) In its application to a youth default order, [F23 paragraph 18 of Schedule 6 to the Sentencing Code] (curfew requirement) is modified as follows.
- (2) That paragraph has effect as if after [F24 sub-paragraph (4)] there were inserted—
- [F25“(4A)] In the case of an amount in default which is specified in the first column of the following Table, the number of days on which the person in default is subject to the curfew requirement must not exceed the number of days set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of days</i>
An amount not exceeding £200	20
An amount exceeding £200 but not exceeding £500	30
An amount exceeding £500 but not exceeding £1,000	60
An amount exceeding £1,000 but not exceeding £2,000	90
An amount exceeding £2,000	180”.

Textual Amendments

- F23** Words in Sch. 7 para. 4(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(4)(a) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F24** Words in Sch. 7 para. 4(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(4)(b)(i) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F25** Word in Sch. 7 para. 4(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(4)(b)(ii) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Enforcement, revocation and amendment of youth default order

- 5 (1) In its application to a youth default order, [F26 Schedule 7 to the Sentencing Code (breach, revocation or amendment of youth rehabilitation order)] is modified as follows.
- (2) Any reference to the offence in respect of which the youth rehabilitation order was made is to be read as a reference to the default in respect of which the youth default order was made.
- (3) Accordingly, any power of the court to revoke a youth rehabilitation order and deal with the offender for the offence is to be taken to be a power to revoke the youth default order and deal with him in any way in which the court which made the youth default order could deal with him for his default in paying the sum in question.
- (4) [F27 Paragraph 3] has effect as if for paragraphs (a) and (b) there were substituted “ as having been made by a magistrates' court ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F28}(5) The following provisions are omitted—
- (a) in paragraph 6—
 - (i) sub-paragraph (5)(a),
 - (ii) the words “add or” in sub-paragraph (5)(b), and
 - (iii) sub-paragraph (11);
 - (b) paragraph 9;
 - (c) paragraph 11;
 - (d) paragraph 12(8);
 - (e) paragraph 21(6);
 - (f) paragraph 23(2)(b).]

Textual Amendments

- F26** Words in Sch. 7 para. 5(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(5)(a) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F27** Words in Sch. 7 para. 5(4) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(5)(b) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F28** Sch. 7 para. 5(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(5)(c) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Power to alter amount of money or number of hours or days

- 6 The Secretary of State may by order amend paragraph 2, 3 or 4 by substituting for any reference to an amount of money or a number of hours or days there specified a reference to such other amount or number as may be specified in the order.

Transfer of youth default order to Northern Ireland

- 7 (1) In its application to a youth default order, [^{F29}Schedule 8 to the Sentencing Code (transfer of youth rehabilitation orders to Northern Ireland)] is modified as follows.
- (2) [^{F30}Paragraph 15] has effect as if, after sub-paragraph (2) there were inserted—
- “(3) Nothing in sub-paragraph (1) affects the application of section 39(7) [^{F31}of the Criminal Justice and Immigration Act 2008] to a youth default order made or amended in accordance with [^{F32}Part 1 of this Schedule].”
- [^{F33}(3) Paragraph 16 has effect as if after sub-paragraph (5) there were inserted—
- “(5A) The home court may not impose a fine on the offender.”]

Textual Amendments

- F29** Words in Sch. 7 para. 7(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(6)(a) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F30** Words in Sch. 7 para. 7(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(6)(b)(i) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F31** Words in Sch. 7 para. 7(2) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(6)(b)(ii) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Status: Point in time view as at 08/07/2008.

Changes to legislation: *Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F32** Words in Sch. 7 para. 7(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(6)(b)(iii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F33** Sch. 7 para. 7(3) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(6)(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

VALID FROM 14/07/2008

SCHEDULE 8

Section 47

APPEALS IN CRIMINAL CASES
.....

VALID FROM 01/02/2009

SCHEDULE 9

Section 48

ALTERNATIVES TO PROSECUTION FOR PERSONS UNDER 18
.....

VALID FROM 19/12/2008

SCHEDULE 10

Section 49

PROTECTION FOR SPENT CAUTIONS UNDER REHABILITATION OF OFFENDERS ACT 1974
.....

VALID FROM 03/11/2008

SCHEDULE 11

Section 51

ELECTRONIC MONITORING OF PERSONS RELEASED ON BAIL SUBJECT TO CONDITIONS

- 1 The Bail Act 1976 (c. 63) has effect subject to the following amendments.
- 2 In section 3 (general provisions) for subsection (6ZAA) substitute—
- “(6ZAA) The requirements which may be imposed under subsection (6) include electronic monitoring requirements.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The imposition of electronic monitoring requirements is subject to section 3AA (in the case of a child or young person), section 3AB (in the case of other persons) and section 3AC (in all cases).

(6ZAB) In this section and sections 3AA to 3AC “electronic monitoring requirements” means requirements imposed for the purpose of securing the electronic monitoring of a person's compliance with any other requirement imposed on him as a condition of bail.”

- 3 (1) Section 3AA (electronic monitoring of compliance with bail conditions) is amended as follows.
- (2) In the heading to the section, for “Electronic monitoring of compliance with bail conditions” substitute “ Conditions for the imposition of electronic monitoring requirements: children and young persons ”.
- (3) For subsection (1) substitute—
- “(1) A court may not impose electronic monitoring requirements on a child or young person unless each of the following conditions is met.”
- (4) For subsection (4) substitute—
- “(4) The third condition is that the court is satisfied that the necessary provision for dealing with the person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.”
- (5) In subsection (5), for “such a requirement” substitute “ electronic monitoring requirements ”.
- (6) Subsections (6) to (10) and (12) (which are superseded by section 3AC) are omitted.

4 After section 3AA insert—

“3AB Conditions for the imposition of electronic monitoring requirements: other persons

- (1) A court may not impose electronic monitoring requirements on a person who has attained the age of seventeen unless each of the following conditions is met.
- (2) The first condition is that the court is satisfied that without the electronic monitoring requirements the person would not be granted bail.
- (3) The second condition is that the court is satisfied that the necessary provision for dealing with the person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.
- (4) If the person is aged seventeen, the third condition is that a youth offending team has informed the court that in its opinion the imposition of electronic monitoring requirements will be suitable in his case.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

3AC Electronic monitoring: general provisions

- (1) Where a court imposes electronic monitoring requirements as a condition of bail, the requirements must include provision for making a person responsible for the monitoring.
- (2) A person may not be made responsible for the electronic monitoring of a person on bail unless he is of a description specified in an order made by the Secretary of State.
- (3) The Secretary of State may make rules for regulating—
 - (a) the electronic monitoring of persons on bail;
 - (b) without prejudice to the generality of paragraph (a), the functions of persons made responsible for such monitoring.
- (4) The rules may make different provision for different cases.
- (5) Any power of the Secretary of State to make an order or rules under this section is exercisable by statutory instrument.
- (6) A statutory instrument containing rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) For the purposes of section 3AA or 3AB a local justice area is a relevant area in relation to a proposed electronic monitoring requirement if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.
- (8) Nothing in sections 3, 3AA or 3AB is to be taken to require the Secretary of State to ensure that arrangements are made for the electronic monitoring of persons released on bail.”

VALID FROM 14/07/2008

SCHEDULE 12

Section 52

BAIL FOR SUMMARY OFFENCES AND CERTAIN OTHER OFFENCES TO BE TRIED SUMMARILY

- 1 The Bail Act 1976 (c. 63) is amended as follows.
- 2 In section 3(6D)(a) (condition to be imposed on person in relation to whom paragraph 6B(1)(a) to (c) of Part 1 of Schedule 1 to that Act apply), after “apply” insert “ (including where P is a person to whom the provisions of Part 1A of Schedule 1 apply) ”.
- 3 After section 9 (offence of agreeing to indemnify sureties in criminal proceedings) insert—

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“9A Bail decisions relating to persons aged under 18 who are accused of offences mentioned in Schedule 2 to the Magistrates' Courts Act 1980

- (1) This section applies whenever—
 - (a) a magistrates' court is considering whether to withhold or grant bail in relation to a person aged under 18 who is accused of a scheduled offence; and
 - (b) the trial of that offence has not begun.
- (2) The court shall, before deciding whether to withhold or grant bail, consider whether, having regard to any representations made by the prosecutor or the accused person, the value involved does not exceed the relevant sum for the purposes of section 22.
- (3) The duty in subsection (2) does not apply in relation to an offence if—
 - (a) a determination under subsection (4) has already been made in relation to that offence; or
 - (b) the accused person is, in relation to any other offence of which he is accused which is not a scheduled offence, a person to whom Part 1 of Schedule 1 to this Act applies.
- (4) If where the duty in subsection (2) applies it appears to the court clear that, for the offence in question, the amount involved does not exceed the relevant sum, the court shall make a determination to that effect.
- (5) In this section—
 - (a) “relevant sum” has the same meaning as in section 22(1) of the Magistrates' Courts Act 1980 (certain either way offences to be tried summarily if value involved is less than the relevant sum);
 - (b) “scheduled offence” means an offence mentioned in Schedule 2 to that Act (offences for which the value involved is relevant to the mode of trial); and
 - (c) “the value involved” is to be construed in accordance with section 22(10) to (12) of that Act.”

4 Schedule 1 (persons entitled to bail: supplementary provisions) is amended as follows.

- 5 (1) Paragraph 1 (defendants to whom Part 1 applies) becomes sub-paragraph (1) of that paragraph.
- (2) In that sub-paragraph at the beginning insert “ Subject to sub-paragraph (2), ”.
- (3) After that sub-paragraph insert—
- “(2) But those provisions do not apply by virtue of sub-paragraph (1)(a) if the offence, or each of the offences punishable with imprisonment, is—
- (a) a summary offence; or
 - (b) an offence mentioned in Schedule 2 to the Magistrates' Courts Act 1980 (offences for which the value involved is relevant to the mode of trial) in relation to which—
 - (i) a determination has been made under section 22(2) of that Act (certain either way offences to be tried summarily if

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

value involved is less than the relevant sum) that it is clear that the value does not exceed the relevant sum for the purposes of that section; or

(ii) a determination has been made under section 9A(4) of this Act to the same effect.”

6 After Part 1 insert—

“PART 1A

DEFENDANTS ACCUSED OR CONVICTED OF IMPRISONABLE OFFENCES TO WHICH PART 1 DOES NOT APPLY

Defendants to whom Part 1A applies

- 1 The following provisions of this Part apply to the defendant if—
- (a) the offence or one of the offences of which he is accused or convicted is punishable with imprisonment, but
 - (b) Part 1 does not apply to him by virtue of paragraph 1(2) of that Part.

Exceptions to right to bail

- 2 The defendant need not be granted bail if—
- (a) it appears to the court that, having been previously granted bail in criminal proceedings, he has failed to surrender to custody in accordance with his obligations under the grant of bail; and
 - (b) the court believes, in view of that failure, that the defendant, if released on bail (whether subject to conditions or not) would fail to surrender to custody.
- 3 The defendant need not be granted bail if—
- (a) it appears to the court that the defendant was on bail in criminal proceedings on the date of the offence; and
 - (b) the court is satisfied that there are substantial grounds for believing that the defendant, if released on bail (whether subject to conditions or not) would commit an offence while on bail.
- 4 The defendant need not be granted bail if the court is satisfied that there are substantial grounds for believing that the defendant, if released on bail (whether subject to conditions or not), would commit an offence while on bail by engaging in conduct that would, or would be likely to, cause—
- (a) physical or mental injury to any person other than the defendant; or
 - (b) any person other than the defendant to fear physical or mental injury.
- 5 The defendant need not be granted bail if the court is satisfied that the defendant should be kept in custody for his own protection or, if he is a child or young person, for his own welfare.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 6 The defendant need not be granted bail if he is in custody in pursuance of a sentence of a court or a sentence imposed by an officer under the Armed Forces Act 2006.
- 7 The defendant need not be granted bail if —
- (a) having been released on bail in or in connection with the proceedings for the offence, he has been arrested in pursuance of section 7 of this Act; and
 - (b) the court is satisfied that there are substantial grounds for believing that the defendant, if released on bail (whether subject to conditions or not) would fail to surrender to custody, commit an offence while on bail or interfere with witnesses or otherwise obstruct the course of justice (whether in relation to himself or any other person).
- 8 The defendant need not be granted bail where the court is satisfied that it has not been practicable to obtain sufficient information for the purpose of taking the decisions required by this Part of this Schedule for want of time since the institution of the proceedings against him.

Application of paragraphs 6A to 6C of Part 1

- 9 Paragraphs 6A to 6C of Part 1 (exception applicable to drug users in certain areas and related provisions) apply to a defendant to whom this Part applies as they apply to a defendant to whom that Part applies.”

SCHEDULE 13

Section 53

ALLOCATION OF CASES TRIABLE EITHER WAY ETC.

- 1 Schedule 3 to the Criminal Justice Act 2003 (c. 44) (allocation of cases triable either way, and sending cases to the Crown Court etc.) has effect subject to the following amendments.
- 2 In paragraph 2, in the paragraph set out in sub-paragraph (2), after “committed” insert “ for sentence ”.
- 3 In paragraph 6, for subsection (2)(c) of the section set out in that paragraph substitute—
- “(c) that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3 or (if applicable) section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.”
- 4 In paragraph 8, in sub-paragraph (2)(a) for “trial on indictment” substitute “ summary trial ”.
- 5 (1) Paragraph 9 is amended as follows.
- (2) In sub-paragraph (3) after “(1A)” insert “ , (1B) ”.
 - (3) After sub-paragraph (3) insert—

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- “(4) In subsection (3) for “the said Act of 2000” substitute “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.”
- 6 Paragraph 13 is omitted.
- 7 Paragraph 22 is omitted.
- 8 Before paragraph 23 insert—
- “22A(1) Section 3 (committal for sentence on summary trial of offence triable either way) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for the words from “greater punishment” to the end of the paragraph substitute “ the Crown Court should, in the court’s opinion, have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment ”, and
- (b) omit paragraph (b) (and the word “or” immediately preceding it).
- (3) In subsection (4), after “section” insert “ 17D or ”.
- (4) In subsection (5), in paragraph (b) omit the words “paragraph (b) and”.”
- 9 In paragraph 23, in subsection (5) of the first of the sections inserted by that paragraph (section 3A), for “a specified offence” substitute “ an offender convicted of a specified offence ”.
- 10 In paragraph 24 after sub-paragraph (4) insert—
- “(4A) In subsection (2) for “committed” substitute “ sent ”.”

VALID FROM 26/01/2009

SCHEDULE 14

Section 68

SPECIAL RULES RELATING TO PROVIDERS OF INFORMATION SOCIETY SERVICES

.....

SCHEDULE 15

Section 73

SEXUAL OFFENCES: GROOMING AND ADOPTION

VALID FROM 14/07/2008

Meeting a child following sexual grooming

- 1 In section 15(1) of the Sexual Offences Act 2003 (c. 42) (meeting a child following sexual grooming etc) for paragraphs (a) and (b) substitute—

Status: Point in time view as at 08/07/2008.

Changes to legislation: *Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- “(a) A has met or communicated with another person (B) on at least two occasions and subsequently—
- (i) A intentionally meets B,
 - (ii) A travels with the intention of meeting B in any part of the world or arranges to meet B in any part of the world, or
 - (iii) B travels with the intention of meeting A in any part of the world,
- (b) A intends to do anything to or in respect of B, during or after the meeting mentioned in paragraph (a)(i) to (iii) and in any part of the world, which if done will involve the commission by A of a relevant offence.”

Adoption

- 2 The Sexual Offences Act 2003 (c. 42) has effect subject to the following amendments.
- 3 In section 27(1)(b) (family relationships) after “but for” insert “ section 39 of the Adoption Act 1976 or ”.
- 4 In section 29(1)(b) (sections 25 and 26: sexual relationships which pre-date family relationships) after “if” insert “ section 39 of the Adoption Act 1976 or ”.
- 5 (1) Section 64 (sex with an adult relative: penetration) is amended as follows.
- (2) In subsection (1) after “(A)” insert “ (subject to subsection (3A)) ”.
- (3) In subsection (3) after “In subsection (2)—” insert—
- “(za) “parent” includes an adoptive parent;
 - (zb) “child” includes an adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act 2002;”.
- (4) After that subsection insert—
- “(3A) Where subsection (1) applies in a case where A is related to B as B's child by virtue of subsection (3)(zb), A does not commit an offence under this section unless A is 18 or over.”
- (5) After subsection (5) insert—
- “(6) Nothing in—
- (a) section 47 of the Adoption Act 1976 (which disapplies the status provisions in section 39 of that Act for the purposes of this section in relation to adoptions before 30 December 2005), or
 - (b) section 74 of the Adoption and Children Act 2002 (which disapplies the status provisions in section 67 of that Act for those purposes in relation to adoptions on or after that date),
- is to be read as preventing the application of section 39 of the Adoption Act 1976 or section 67 of the Adoption and Children Act 2002 for the purposes of subsection (3)(za) and (zb) above.”
- 6 (1) Section 65 (sex with an adult relative: consenting to penetration) is amended as follows.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In subsection (1) after “(A)” insert “ (subject to subsection (3A)) ”.
- (3) In subsection (3) after “In subsection (2)—” insert—
- “(za) “parent” includes an adoptive parent;
 - (zb) “child” includes an adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act 2002;”.
- (4) After that subsection insert—
- “(3A) Where subsection (1) applies in a case where A is related to B as B's child by virtue of subsection (3)(zb), A does not commit an offence under this section unless A is 18 or over.”
- (5) After subsection (5) insert—
- “(6) Nothing in—
- (a) section 47 of the Adoption Act 1976 (which disappplies the status provisions in section 39 of that Act for the purposes of this section in relation to adoptions before 30 December 2005), or
 - (b) section 74 of the Adoption and Children Act 2002 (which disappplies the status provisions in section 67 of that Act for those purposes in relation to adoptions on or after that date),
- is to be read as preventing the application of section 39 of the Adoption Act 1976 or section 67 of the Adoption and Children Act 2002 for the purposes of subsection (3)(za) and (zb) above.”
- 7 In section 47(1) of the Adoption Act 1976 (c. 36) (disapplication of section 39 (status conferred by adoption) for the purposes of miscellaneous enactments) for “sections 10 and 11 (incest) of the Sexual Offences Act 1956” substitute “ or sections 64 and 65 of the Sexual Offences Act 2003 (sex with an adult relative) ”.

SCHEDULE 16

Section 74

HATRED ON THE GROUNDS OF SEXUAL ORIENTATION

VALID FROM 23/03/2010	
1	Part 3A of the Public Order Act 1986 (c. 64) (hatred against persons on religious grounds) has effect subject to the following amendments.
VALID FROM 23/03/2010	
2	In the heading for Part 3A at the end insert “ OR GROUNDS OF SEXUAL ORIENTATION ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 23/03/2010

- 3 In the italic cross-heading before section 29A at the end insert “ *and “hatred on the grounds of sexual orientation”*”.

VALID FROM 23/03/2010

- 4 After that section insert—

“29AB Meaning of “hatred on the grounds of sexual orientation”

In this Part “hatred on the grounds of sexual orientation” means hatred against a group of persons defined by reference to sexual orientation (whether towards persons of the same sex, the opposite sex or both).”

VALID FROM 23/03/2010

- 5 In the italic cross-heading before section 29B at the end insert “ *or hatred on the grounds of sexual orientation”*”.

- 6 (1) Section 29B (use of words or behaviour or display of written material) is amended as follows.
- (2) In subsection (1), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.
- (3) Omit subsection (3).

Commencement Information

I30 Sch. 16 para. 6(3) in force at Royal Assent, see s. 153(1)(j)

VALID FROM 23/03/2010

- 7 In section 29C(1) (publishing or distributing written material), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.

VALID FROM 23/03/2010

- 8 In section 29D(1) (public performance of play), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.

VALID FROM 23/03/2010

- 9 In section 29E(1) (distributing, showing or playing a recording), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 23/03/2010

10 In section 29F(1) (broadcasting or including programme in programme service), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.

VALID FROM 23/03/2010

11 In section 29G(1) (possession of inflammatory material), for “religious hatred to be stirred up thereby” substitute “ thereby to stir up religious hatred or hatred on the grounds of sexual orientation ”.

12 (1) Section 29H (powers of entry and search) is amended as follows.

(2) In subsection (1), omit “in England and Wales”.

(3) Omit subsection (2).

13 (1) Section 29I (power to order forfeiture) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (a), omit “in the case of an order made in proceedings in England and Wales,”; and

(b) omit paragraph (b).

(3) Omit subsection (4).

14 After section 29J insert—

“29JA Protection of freedom of expression (sexual orientation)

In this Part, for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred.”

15 In section 29K(1) (savings for reports of parliamentary or judicial proceedings), for “or in the Scottish Parliament” substitute “ , in the Scottish Parliament or in the National Assembly for Wales ”.

16 (1) Section 29L (procedure and punishment) is amended as follows.

(2) In subsections (1) and (2), omit “in England and Wales”.

(3) In subsection (3), in paragraph (b), for “six months” substitute “ 12 months ”.

(4) After that subsection insert—

“(4) In subsection (3)(b) the reference to 12 months shall be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.”

VALID FROM 23/03/2010

17 In section 29N (interpretation), after the definition of “dwelling” insert—

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

““hatred on the grounds of sexual orientation” has the meaning given by section 29AB;”.

VALID FROM 30/11/2009

SCHEDULE 17

Section 75

OFFENCES RELATING TO NUCLEAR MATERIAL AND NUCLEAR FACILITIES

PART 1

AMENDMENTS OF NUCLEAR MATERIAL (OFFENCES) ACT 1983

1 The Nuclear Material (Offences) Act 1983 (c. 18) has effect subject to the following amendments.

2 (1) Section 1 (extended scope of certain offences) is amended as follows.

 (2) In subsection (1)(b) (offences under certain enactments) for “section 78 of the Criminal Justice (Scotland) Act 1980” substitute “ section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995 ”.

 (3) After subsection (1) insert—

 “(1A) If—

- (a) a person, whatever his nationality, does outside the United Kingdom an act directed at a nuclear facility, or which interferes with the operation of such a facility,
- (b) the act causes death, injury or damage resulting from the emission of ionising radiation or the release of radioactive material, and
- (c) had he done that act in any part of the United Kingdom, it would have made him guilty of an offence mentioned in subsection (1) (a) or (b) above,

 the person shall in any part of the United Kingdom be guilty of such of the offences mentioned in subsection (1)(a) and (b) as are offences of which the act would have made him guilty had he done it in that part of the United Kingdom.”

 (4) Omit subsection (2) (definition of “act”).

3 After section 1 insert—

“1A Increase in penalties for offences committed in relation to nuclear material etc.

 (1) If—

- (a) a person is guilty of an offence to which subsection (2), (3) or (4) applies, and

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the penalty provided by this subsection would not otherwise apply,
the person shall be liable, on conviction on indictment, to imprisonment for life.
- (2) This subsection applies to an offence mentioned in section 1(1)(a) or (b) where the act making the person guilty of the offence was done in England and Wales or Northern Ireland and either—
 - (a) the act was done in relation to or by means of nuclear material, or
 - (b) the act—
 - (i) was directed at a nuclear facility, or interfered with the operation of such a facility, and
 - (ii) caused death, injury or damage resulting from the emission of ionising radiation or the release of radioactive material.
- (3) This subsection applies to an offence mentioned in section 1(1)(c) or (d) where the act making the person guilty of the offence—
 - (a) was done in England and Wales or Northern Ireland, and
 - (b) was done in relation to or by means of nuclear material.
- (4) This subsection applies to an offence mentioned in section 1(1)(a) to (d) where the offence is an offence in England and Wales or Northern Ireland by virtue of section 1(1) or (1A).

1B Offences relating to damage to environment

- (1) If a person, whatever his nationality, in the United Kingdom or elsewhere contravenes subsection (2) or (3) he is guilty of an offence.
- (2) A person contravenes this subsection if without lawful authority—
 - (a) he receives, holds or deals with nuclear material, and
 - (b) he does so either—
 - (i) intending to cause, or for the purpose of enabling another to cause, damage to the environment by means of that material, or
 - (ii) being reckless as to whether, as a result of his so receiving, holding or dealing with that material, damage would be caused to the environment by means of that material.
- (3) A person contravenes this subsection if without lawful authority—
 - (a) he does an act directed at a nuclear facility, or which interferes with the operation of such a facility, and
 - (b) he does so either—
 - (i) intending to cause, or for the purpose of enabling another to cause, damage to the environment by means of the emission of ionising radiation or the release of radioactive material, or
 - (ii) being reckless as to whether, as a result of his act, damage would be caused to the environment by means of such an emission or release.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.

1C Offences of importing or exporting etc. nuclear material: extended jurisdiction

- (1) If a person, whatever his nationality, outside the United Kingdom contravenes subsection (2) below he shall be guilty of an offence.
- (2) A person contravenes this subsection if he is knowingly concerned in—
- (a) the unlawful export or shipment as stores of nuclear material from one country to another, or
 - (b) the unlawful import of nuclear material into one country from another.
- (3) For the purposes of subsection (2)—
- (a) the export or shipment as stores of nuclear material from a country, or
 - (b) the import of nuclear material into a country,
- is unlawful if it is contrary to any prohibition or restriction on the export, shipment as stores or import (as the case may be) of nuclear material having effect under or by virtue of the law of that country.
- (4) A statement in a certificate issued by or on behalf of the government of a country outside the United Kingdom to the effect that a particular export, shipment as stores or import of nuclear material is contrary to such a prohibition or restriction having effect under or by virtue of the law of that country, shall be evidence (in Scotland, sufficient evidence) that the export, shipment or import was unlawful for the purposes of subsection (2).
- (5) In any proceedings a document purporting to be a certificate of the kind mentioned in subsection (4) above shall be taken to be such a certificate unless the contrary is proved.
- (6) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years.
- (7) In this section “country” includes territory.

1D Offences under section 1C: investigations and proceedings etc.

- (1) Where the Commissioners for Her Majesty's Revenue and Customs investigate, or propose to investigate, any matter with a view to determining—
- (a) whether there are grounds for believing that an offence under section 1C above has been committed, or
 - (b) whether a person should be prosecuted for such an offence,
- the matter is to be treated as an assigned matter within the meaning of CEMA 1979 (see section 1(1) of that Act).

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) Section 138 of CEMA 1979 (provisions as to arrest of persons) applies to a person who has committed, or whom there are reasonable grounds to suspect of having committed, an offence under section 1C above as it applies to a person who has committed, or whom there are reasonable grounds to suspect of having committed, an offence for which he is liable to be arrested under the customs and excise Acts.

(3) Sections 145 to 148 and 150 to 155 of CEMA 1979 (provisions as to legal proceedings) apply in relation to an offence under section 1C above, and to the penalty and proceedings for the offence, as they apply in relation to offences, penalties and proceedings under the customs and excise Acts.

(4) In this section—

“CEMA 1979” means the Customs and Excise Management Act 1979;

“the customs and excise Acts”, “shipment” and “stores” have the same meanings as in CEMA 1979 (see section 1(1) of that Act).”

4 For section 2 substitute—

“2 Offences involving preparatory acts and threats

(1) If a person, whatever his nationality, in the United Kingdom or elsewhere contravenes subsection (2), (3), (4) or (7) he shall be guilty of an offence.

(2) A person contravenes this subsection if without lawful authority—

(a) he receives, holds or deals with nuclear material, and

(b) he does so either—

(i) intending to cause, or for the purpose of enabling another to cause, relevant injury or damage by means of that material, or

(ii) being reckless as to whether, as a result of his so receiving, holding or dealing with that material, relevant injury or damage would be caused by means of that material.

(3) A person contravenes this subsection if without lawful authority—

(a) he does an act directed at a nuclear facility, or which interferes with the operation of such a facility, and

(b) he does so either—

(i) intending to cause, or for the purpose of enabling another to cause, relevant injury or damage by means of the emission of ionising radiation or the release of radioactive material, or

(ii) being reckless as to whether, as a result of his act, relevant injury or damage would be caused by means of such an emission or release.

(4) A person contravenes this subsection if he—

(a) makes a threat of a kind falling within subsection (5), and

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) intends that the person to whom the threat is made shall fear that it will be carried out.
- (5) A threat falls within this subsection if it is a threat that the person making it or any other person will cause any of the consequences set out in subsection (6) either—
 - (a) by means of nuclear material, or
 - (b) by means of the emission of ionising radiation or the release of radioactive material resulting from an act which is directed at a nuclear facility, or which interferes with the operation of such a facility.
- (6) The consequences mentioned in subsection (5) are—
 - (a) relevant injury or damage, or
 - (b) damage to the environment.
- (7) A person contravenes this subsection if, in order to compel a State, international organisation or person to do, or abstain from doing, any act, he threatens that he or any other person will obtain nuclear material by an act which, whether by virtue of section 1(1) above or otherwise, is an offence mentioned in section 1(1)(c) above.
- (8) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.
- (9) In this section references to relevant injury or damage are references to death or to injury or damage of a type which constitutes an element of any offence mentioned in section 1(1)(a) or (b) above.

2A Inchoate and secondary offences: extended jurisdiction

- (1) If a person, whatever his nationality—
 - (a) does an act outside the United Kingdom, and
 - (b) his act, if done in any part of the United Kingdom, would constitute an offence falling within subsection (2),
 he shall be guilty in that part of the United Kingdom of the offence.
- (2) The offences are—
 - (a) attempting to commit a nuclear offence;
 - (b) conspiring to commit a nuclear offence;
 - (c) inciting the commission of a nuclear offence;
 - (d) aiding, abetting, counselling or procuring the commission of a nuclear offence.
- (3) In subsection (2) a “nuclear offence” means any of the following (wherever committed)—
 - (a) an offence mentioned in section 1(1)(a) to (d) above (other than a blackmail offence), the commission of which is (or would have been) in relation to or by means of nuclear material;
 - (b) an offence mentioned in section 1(1)(a) or (b) above, the commission of which involves (or would have involved) an act—
 - (i) directed at a nuclear facility, or which interferes with the operation of such a facility, and

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) which causes death, injury or damage resulting from the emission of ionising radiation or the release of radioactive material;
- (c) an offence under section 1B, 1C or 2(1) and (2) or (3) above;
- (d) an offence under section 50(2) or (3), 68(2) or 170(1) or (2) of the Customs and Excise Management Act 1979 the commission of which is (or would have been) in connection with a prohibition or restriction relating to the exportation, shipment as stores or importation of nuclear material;
- (e) for the purposes of subsection (2)(b) to (d)—
- (i) a blackmail offence, the commission of which is in relation to or by means of nuclear material;
- (ii) an offence under section 2(1) and (4) or (7) above;
- (iii) an offence of attempting to commit an offence mentioned in paragraphs (a) to (d).
- (4) In subsection (3) “a blackmail offence” means—
- (a) an offence under section 21 of the Theft Act 1968,
- (b) an offence under section 20 of the Theft Act (Northern Ireland) 1969, or
- (c) an offence of extortion.
- (5) In subsection (2)(c) the reference to incitement is—
- (a) a reference to incitement under the law of Scotland, or
- (b) in relation to any time before the coming into force of Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to England and Wales or Northern Ireland, a reference to incitement under the common law of England and Wales or (as the case may be) of Northern Ireland.”
- 5 After section 3 (supplemental) insert—
- “3A Application to activities of armed forces**
- (1) Nothing in this Act applies in relation to acts done by the armed forces of a country or territory—
- (a) in the course of an armed conflict, or
- (b) in the discharge of their functions.
- (2) If in any proceedings a question arises whether an act done by the armed forces of a country or territory was an act falling within subsection (1), a certificate issued by or under the authority of the Secretary of State and stating that it was, or was not, such an act shall be conclusive of that question.
- (3) In any proceedings a document purporting to be such a certificate as is mentioned in subsection (2) shall be taken to be such a certificate unless the contrary is proved.”
- 6 (1) Section 6 (material to which the Act applies) is amended as follows.
- (2) Before subsection (1) insert—

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(A1) This section applies for the purposes of this Act.”

(3) In subsection (1), omit “in this Act”.

(4) After subsection (1) insert—

“(1A) “A nuclear facility” means a facility (including associated buildings and equipment) used for peaceful purposes in which nuclear material is produced, processed, used, handled, stored or disposed of.

(1B) For the purposes of subsections (1) and (1A)—

- (a) nuclear material is not used for peaceful purposes if it is used or retained for military purposes, and
- (b) a facility is not used for peaceful purposes if it contains any nuclear material which is used or retained for military purposes.”

(5) In subsection (2) (question whether or not nuclear material used for peaceful purposes to be determined conclusively by certificate of Secretary of State to that effect) after “material” insert “ or facility ”.

(6) For subsection (5) substitute—

“(5) “Act” includes omission.

(6) “The Convention” means the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (formerly the Convention on the Physical Protection of Nuclear Material and renamed by virtue of the Amendment adopted at Vienna on 8th July 2005).

(7) “The environment” includes land, air and water and living organisms supported by any of those media.

(8) “Radioactive material” means nuclear material or any other radioactive substance which—

- (a) contains nuclides that undergo spontaneous disintegration in a process accompanied by the emission of one or more types of ionising radiation, such as alpha radiation, beta radiation, neutron particles or gamma rays, and
- (b) is capable, owing to its radiological or fissile properties, of—
 - (i) causing bodily injury to a person,
 - (ii) causing damage or destruction to property,
 - (iii) endangering a person's life, or
 - (iv) causing damage to the environment.”

(7) For the sidenote, substitute “ Interpretation ”.

7 In section 7 (application to the Channel Islands, Isle of Man etc.) in subsection (2), for “any colony” substitute “ any British overseas territory ”.

PART 2

AMENDMENTS OF CUSTOMS AND EXCISE MANAGEMENT ACT 1979

8 (1) The Customs and Excise Management Act 1979 (c. 2) is amended as follows.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In section 1 (interpretation) in subsection (1) insert at the appropriate place—
- ““nuclear material” has the same meaning as in the Nuclear Material (Offences) Act 1983 (see section 6 of that Act);”.
- (3) In section 50 (penalty for improper importation of goods)—
- (a) in subsection (4) (penalty for offence) for “or (5B)” substitute “ , (5B) or (5C) ”;
- (b) after subsection (5B) insert—
- “(5C) In the case of an offence under subsection (2) or (3) above in connection with a prohibition or restriction relating to the importation of nuclear material, subsection (4)(b) above shall have effect as if for the words “7 years” there were substituted the words “ 14 years ”.”
- (4) In section 68 (offences in relation to exportation of prohibited or restricted goods)—
- (a) in subsection (3) (penalty for offence) for “or (4A)” substitute “ , (4A) or (4B) ”;
- (b) after subsection (4A) insert—
- “(4B) In the case of an offence under subsection (2) above in connection with a prohibition or restriction relating to the exportation or shipment as stores of nuclear material, subsection (3)(b) above shall have effect as if for the words “7 years” there were substituted the words “ 14 years ”.”
- (5) In section 170 (penalty for fraudulent evasion of duty, etc.)—
- (a) in subsection (3) (penalty for offence) for “or (4B)” substitute “ , (4B) or (4C) ”;
- (b) after subsection (4B) insert—
- “(4C) In the case of an offence under subsection (1) or (2) above in connection with a prohibition or restriction relating to the importation, exportation or shipment as stores of nuclear material, subsection (3)(b) above shall have effect as if for the words “7 years” there were substituted the words “ 14 years ”.”
- 9 (1) Her Majesty may by Order in Council provide for any provisions of section 1, 50, 68 or 170 of the Customs and Excise Management Act 1979 (c. 2) as amended by paragraph 8 to extend, with or without modifications, to any of the Channel Islands or any British overseas territory.
- (2) Section 147(2) applies in relation to an Order in Council under sub-paragraph (1) as it applies in relation to an order made by the Secretary of State.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 01/10/2009

SCHEDULE 18 Section 91(1)

PENALTIES SUITABLE FOR ENFORCEMENT IN
ENGLAND AND WALES OR NORTHERN IRELAND

.....

VALID FROM 01/10/2009

SCHEDULE 19 Section 91(2)

GROUNDS FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES

.....

VALID FROM 01/12/2008

SCHEDULE 20 Section 118

CLOSURE ORDERS: PREMISES ASSOCIATED WITH PERSISTENT DISORDER OR NUISANCE

.....

VALID FROM 22/06/2009

SCHEDULE 21 Section 122

NUISANCE OR DISTURBANCE ON HSS PREMISES

.....

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

SCHEDULE 22

Section 126

POLICE MISCONDUCT AND PERFORMANCE PROCEDURES

.....

VALID FROM 03/11/2008

SCHEDULE 23

Section 127

INVESTIGATION OF COMPLAINTS OF POLICE MISCONDUCT ETC.

.....

VALID FROM 14/07/2008

SCHEDULE 24

Section 140

SECTION 327A OF CRIMINAL JUSTICE ACT 2003: MEANING OF “CHILD SEX OFFENCE”

The following is the Schedule to be inserted as Schedule 34A to the Criminal Justice Act 2003 (c. 44)—

“SCHEDULE 34A

CHILD SEX OFFENCES FOR PURPOSES OF SECTION 327A

Offences under provisions repealed by Sexual Offences Act 2003

- 1 An offence under—
 - (a) section 5 or 6 of the Sexual Offences Act 1956 (intercourse with girl under 13 or 16), or
 - (b) section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16).
- 2 An offence under any of—
 - (a) section 1 of that Act (rape),
 - (b) section 10 of that Act (incest by a man), and
 - (c) sections 12 to 16 of that Act (buggery, indecency between men, indecent assault and assault with intent to commit buggery),where the victim or (as the case may be) the other party was under 18 at the time of the offence.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- | | |
|-----------------------|--|
| 3 | An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards child under 14). |
| 4 | An offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape where the intended offence was an offence against a person under 18. |
| 5 | An offence under section 54 of the Criminal Law Act 1977 (incitement of child under 16 to commit incest). |
| 6 | An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust). |
| <i>Other offences</i> | |
| 7 | An offence under any of— <ul style="list-style-type: none"> (a) sections 5 to 8 of the Sexual Offences Act 2003 (rape and other offences against children under 13), (b) sections 9 to 15 of that Act (child sex offences), (c) sections 16 to 19 of that Act (abuse of position of trust), (d) sections 25 and 26 of that Act (familial child sex offences), and (e) sections 47 to 50 of that Act (abuse of children through prostitution and pornography). |
| 8 | An offence under any of— <ul style="list-style-type: none"> (a) sections 1 to 4 of that Act (rape, assault and causing sexual activity without consent), (b) sections 30 to 41 of that Act (persons with a mental disorder impeding choice, inducements etc to persons with a mental disorder, and care workers for persons with a mental disorder), and (c) section 61 of that Act (administering a substance with intent), where the victim of the offence was under 18 at the time of the offence. |
| 9 | An offence under section 62 or 63 of that Act (committing an offence with intent to commit a sexual offence and trespass with intent to commit a sexual offence) where the intended offence was an offence against a person under 18. |
| 10 | An offence under section 66 or 67 of that Act (exposure and voyeurism) where the victim or intended victim of the offence was under 18 at the time of the offence. |
| 11 | An offence under— <ul style="list-style-type: none"> (a) section 1 of the Protection of Children Act 1978 (indecent photographs of children), or (b) section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child). |
| 12 | An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles) where the prohibited goods included any indecent photograph showing a person under 18. |
| 13 | An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) in relation to an image showing a person under 18. |

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

General

- 14 A reference in this Schedule to an offence (“offence A”) includes—
- (a) a reference to an attempt to commit offence A,
 - (b) a reference to a conspiracy to commit offence A,
 - (c) a reference to incitement to commit offence A,
 - (d) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed, and
 - (e) a reference to aiding and abetting, counselling or procuring the commission of offence A.
- 15 A reference in this Schedule to an offence (“offence A”) includes—
- (a) a reference to an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning given by the section in question) is offence A, and
 - (b) a reference to an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is offence A;
- and section 48 of that Act (attempts etc. outside England and Wales) applies for the purposes of paragraph (b) as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to that paragraph.”

VALID FROM 31/10/2009

SCHEDULE 25

Section 145

AMENDMENTS TO ARMED FORCES LEGISLATION

.....

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 26

Section 148

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 14/07/2008

PART 1

FINE DEFAULTERS

PROSPECTIVE

Magistrates' Courts Act 1980 (c. 43)

- 1 In section 81(3) of the Magistrates' Courts Act 1980 (enforcement of fines imposed on young offenders) for paragraph (a) substitute—
- “(a) a youth default order under section 39 of the Criminal Justice and Immigration Act 2008; or”.

Criminal Justice Act 2003 (c. 44)

- 2 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 221(2) (provision of attendance centres) after paragraph (b) insert—
- “(c) default orders under section 300 of this Act, or
- (d) youth default orders under section 39 of the Criminal Justice and Immigration Act 2008.”
- (3) In section 300 (power to impose unpaid work requirement or curfew requirement on fine defaulter)—
- (a) in subsection (1)—
- (i) for “16” substitute “ 18 ”, and
- (ii) omit paragraph (b), and
- (b) in subsection (2), omit from “or, as the case may be” to “young offender”.
- (4) In Schedule 31 (modifications of community order provisions for purposes of default order) after paragraph 3 insert—

“Attendance centre requirement

- 3A In its application to a default order, section 214(2) (attendance centre requirement) is modified by the substitution for “not be less than 12 or more than 36” of “be—
- (a) not less than 12, and
- (b) in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

Status: Point in time view as at 08/07/2008.

Changes to legislation: *Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £200	18 hours
An amount exceeding £200 but not exceeding £500	21 hours
An amount exceeding £500 but not exceeding £1,000	24 hours
An amount exceeding £1,000 but not exceeding £2,500	30 hours
An amount exceeding £2,500	36 hours”.”

(5) In paragraph 4(5)(a) of that Schedule (modifications of community order provisions for purposes of default order) omit “, (5)”.

(6) In paragraph 5 of that Schedule, for “or 3” substitute “, 3 or 3A”.

PART 2

OTHER AMENDMENTS

VALID FROM 14/07/2008

Prison Act 1952 (c. 52)

3 In section 43(1)(aa) of the Prison Act 1952 (provision by Secretary of State of young offender institutions), at the end insert “ or other persons who may be lawfully detained there ”.

VALID FROM 14/07/2008

Criminal Justice Act 1961 (c. 39)

4 In section 38(3)(c) of the Criminal Justice Act 1961 (construction of references to imprisonment or detention in case of children and young persons) after “in accordance with” insert “ a determination of the Secretary of State or of a person authorised by him, in accordance with arrangements made by the Secretary of State or in accordance with ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 03/11/2008

Children and Young Persons Act 1969 (c. 54)

- 5 (1) Section 23AA of the Children and Young Persons Act 1969 (electronic monitoring of remand conditions) is amended as follows.
- (2) In subsection (4)—
- (a) paragraph (a) is omitted; and
 - (b) in paragraph (b), for “those arrangements” substitute “arrangements currently available in each local justice area which is a relevant area”.
- (3) In subsection (8) for “Subsections (8) to (10) of section 3AA” substitute “Subsections (4) to (7) of section 3AC”.

VALID FROM 14/07/2008

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

- 6 In section 13A(3) of the Criminal Appeal (Northern Ireland) Act 1980 (grounds for allowing appeal against finding of unfitness to be tried), in paragraph (a) for “the finding” substitute “a finding”.

VALID FROM 14/07/2008

Wildlife and Countryside Act 1981 (c. 69)

- 7 In section 19XA(1) of the Wildlife and Countryside Act 1981 (constables' powers in connection with samples) for “by this section” substitute “by section 19”.

VALID FROM 14/07/2008

Mental Health Act 1983 (c. 20)

- 8 In section 37 of the Mental Health Act 1983 (powers of court to order hospital admission or guardianship), in subsection (1A)(c) for “any of sections 225 to 228” substitute “section 225(2) or 226(2)”.

Repatriation of Prisoners Act 1984 (c. 47)

- 9 The Repatriation of Prisoners Act 1984 has effect subject to the following amendments.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I31 Sch. 26 para. 9 in force at 9.6.2008 by S.I. 2008/1466, art. 2(c)(i)

VALID FROM 14/07/2008

10 Before section 1 insert— “ Transfer of prisoners to or from the United Kingdom ”.

VALID FROM 14/07/2008

11 (1) Section 1 (issue of warrant for transfer) is amended as follows.

(2) In subsections (2) and (3) for “warrant under this Act” substitute “ warrant under this section ”.

(3) In subsection (4)—

(a) for “warrant under this Act” (in both places) substitute “ warrant under this section ”;

(b) in paragraph (b) omit the words “under this Act”.

(4) In subsection (5) (as it applies in cases in which the relevant Minister is the Scottish Ministers and in cases in which the relevant Minister is the Secretary of State) for “warrant under this Act” substitute “ warrant under this section ”.

(5) In subsection (6) after “warrant” (in the first place it appears) insert “ under this section ”.

(6) In subsection (7)(b) after “under” insert “ any of ”.

(7) In subsection (8)—

(a) after “similar to” insert “ any of ”;

(b) after “respect to” insert “—

(a) ”; and

(c) at the end insert “; or

(b) the transfer between different countries and territories (or different parts of a country or territory) of responsibility for the detention and release of persons who are required to be so detained in one of those countries or territories (or parts of a country or territory) but are present in the other country or territory (or part of a country or territory).”

12 (1) Section 2 (transfer out of the United Kingdom) is amended as follows.

(2) In subsection (1) after “warrant” insert “ under section 1 ”.

(3) In subsection (4)—

(a) in paragraph (a) for “warrant under this Act” substitute “ warrant under section 1 ”; and

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in paragraph (b)(i) (as it continues to have effect in relation to prisoners sentenced for offences committed before 4th April 2005) after “33(1)(b)” insert “, (1A)”.

- (4) In subsection (7) for “warrant under this Act” substitute “ warrant under section 1 ”.

Commencement Information

I32 Sch. 26 para. 12(1)(3)(b) in force at 9.6.2008 by S.I. 2008/1466, art. 2(c)(i)

VALID FROM 14/07/2008

- 13 (1) Section 3 (transfer into the United Kingdom) is amended as follows.
- (2) In subsection (1), after “a warrant” insert “ under section 1 ”.
- (3) In subsections (2), (4) and (6), for “warrant under this Act” substitute “ warrant under section 1 ”.
- (4) In subsection (7)—
- (a) at the beginning insert “ Part 1 of ”; and
 - (b) for “warrant under this Act” substitute “ warrant under section 1 ”.
- (5) Subsection (10) is omitted.

VALID FROM 14/07/2008

- 14 (1) Section 4 (temporary return) is amended as follows
- (2) In subsection (1)—
- (a) for “warrant under this Act” substitute “ warrant under section 1 ”;
 - (b) in paragraph (a), after “Kingdom” (in the second place it appears) insert “, or from which responsibility for his detention and release has previously been transferred to the United Kingdom, ”;
 - (c) in paragraph (b), after “transferred” insert “, or to which responsibility for his detention and release has previously been transferred, ”.
- (3) In subsection (2)—
- (a) for “a warrant under this Act” substitute “ a warrant under section 1 ”;
 - (b) for “earlier warrant under this Act” substitute “ earlier warrant under section 1 or section 4A ”.
- (4) In subsection (3)—
- (a) for “issued under this Act” substitute “ issued under section 1 ”;
 - (b) after “an earlier warrant” insert “ under section 1 or section 4A ”.
- (5) In subsection (4) for “warrant under this Act” substitute “ warrant under section 1 ”.
- (6) After subsection (5) insert—
- “(6) Any reference in subsection (5)(a) to the prisoner having previously been transferred into or from Scotland includes a reference to responsibility for

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

his detention and release having previously been transferred to or from the Scottish Ministers (as the case may be).”.

VALID FROM 14/07/2008

15 Before section 5 (operation of warrant and retaking prisoners) insert— “
Supplementary and general provisions”.

VALID FROM 14/07/2008

16 (1) Section 5 (operation of warrant and retaking prisoners) is amended as follows.

(2) In subsection (1)—

(a) for “under this Act” substitute “ under section 1 ”; and

(b) after “this section” insert “ (apart from subsection (9)) ”.

(3) After subsection (8) insert—

“(9) Where—

(a) a warrant under section 4A has been issued, and

(b) the relevant person is a person to whom subsection (3) of that section applies,

subsections (2) to (8) above apply for the purposes of that warrant (but with the modifications contained in subsection (10)), except (without prejudice to section 4C(4) or any enactment contained otherwise than in this Act) in relation to any time when the relevant person is required to be detained in accordance with provisions contained in the warrant by virtue of section 4C(1)(b).

(10) In their application for the purposes of a warrant under section 4A those subsections shall have effect as if—

(a) any reference to the warrant under section 1 (however expressed) were a reference to the warrant under section 4A;

(b) any reference to the prisoner were a reference to the relevant person;

(c) in subsection (4)—

(i) in paragraph (a) for “that person” there were substituted “ the authorised person ”; and

(ii) paragraph (b) were omitted; and

(d) in subsection (8)(a) for “transfer of a prisoner to or from Scotland” there were substituted “ transfer of responsibility for the detention and release of the relevant person to the Scottish Ministers ”.”

VALID FROM 14/07/2008

17 (1) Section 6 (revocation etc. of warrants) is amended as follows.

(2) In subsection (1)—

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(a) for “warrant under this Act” (in the first place they appear) substitute “warrant under section 1”;

(b) in paragraph (b) for “this Act” substitute “that section”.

(3) After subsection (1) insert—

“(1A) Subject to section 4A(8), if at any time it appears to the relevant Minister appropriate, in order that effect may be given to any such arrangements as are mentioned in section 4A(5)(a) for a warrant under section 4A to be revoked or varied, he may as the case may require—

(a) revoke that warrant; or

(b) revoke that warrant and issue a new warrant under section 4A containing provision superseding some or all of the provisions of the previous warrant.”

(4) In subsections (2) and (3) after “subsection (1)(b)” insert “or (1A)(b)”.

(5) In subsection (5)(a), for the words from “where” to the end substitute “in a case where—

(i) the warrant was issued under section 1 and provides for the transfer of the prisoner to or from Scotland; or

(ii) the warrant was issued under section 4A and provides for the transfer of responsibility for the detention and release of the relevant person to those Ministers;”.

VALID FROM 14/07/2008

18 (1) Section 8 is amended as follows.

(2) In subsection (1) after the definition of “the prisoner” insert “; and

“the relevant person” has the meaning given by section 4A(5)(b).”

(3) In subsection (3)—

(a) in paragraph (a) after “section 1(1)(a)” insert “or 4A(5)(a)”;

(b) in paragraph (b) for “such a party” substitute “a party to such international arrangements as are mentioned in section 1(1)(a)”;

(c) after paragraph (b) (but before the “or” after that paragraph) insert—

“(ba) that the appropriate authority of a country or territory which is a party to such international arrangements as are mentioned in section 4A(5)(a) has agreed to the transfer of responsibility for the detention and release of a particular person in accordance with those arrangements.”.

19 (1) The Schedule (operation of certain enactments in relation to the prisoner) is amended as follows.

(2) For the cross-heading before paragraph 1 substitute— “ Part 1 Warrants under section 1 Application of Part 1 ”.

(3) In paragraph 1—

(a) at the beginning insert “ This Part of ”;

(b) after “under” insert “ section 1 of ”; and

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) after “; and in” insert “ this Part of”.
- (4) In paragraph 2 (as it applies in England and Wales in relation to offences committed before 4 April 2005)—
- (a) in sub-paragraph (1A)(a) (which defines the enactments relating to release on licence) after “33(1)(b) insert “ , (1A) ”; and
- (b) after sub-paragraph (2) insert—
- “(2A) If the warrant specifies that the offence or any of the offences in relation to which a determinate sentence is to be served corresponds to murder or an offence specified in Schedule 15 to the Criminal Justice Act 2003 (specified violent or sexual offences), any reference (however expressed) in Part 2 of the Criminal Justice Act 1991 to a person sentenced for an offence specified in that Schedule is to be read as including a reference to the prisoner.”
- (5) In paragraph 2 (as it applies in England and Wales in relation to offences committed on or after 4 April 2005), after sub-paragraph (3) insert—
- “(3A) If the warrant specifies that the offence or any of the offences in relation to which a determinate sentence is to be served corresponds to murder or an offence specified in Schedule 15 to the Criminal Justice Act 2003 (specified violent or sexual offences), any reference (however expressed) in Chapter 6 of Part 12 of that Act to a person sentenced for an offence specified in that Schedule is to be read as including a reference to the prisoner.”
- (6) After paragraph 8 insert—

“PART 2

WARRANTS UNDER SECTION 4A TRANSFERRING RESPONSIBILITY TO THE RELEVANT MINISTER

- 9 This Part of this Schedule applies where a warrant is issued under section 4A providing for the transfer of responsibility for the detention and release of the relevant person to the relevant Minister (within the meaning of that section).
- 10 Paragraphs 2 to 8 above apply as they apply where a warrant is issued under section 1, but with the following modifications.
- 11 Any reference to “the relevant provisions” is to be read as a reference to the provisions contained in the warrant by virtue of section 4C(1)(b).
- 12 (1) Any reference to the prisoner is to be read as a reference to the relevant person.
- (2) Sub-paragraph (1) does not apply to the words “a short-term or long-term prisoner” in paragraph 2(3) (as it applies in Scotland to repatriated prisoners any of whose sentences were imposed on or after 1 October 1993).
- 13 In paragraph 2 (as it applies in Scotland to repatriated prisoners any of whose sentences were imposed on or after 1 October 1993) the reference to prisoners repatriated to Scotland is to be read as a reference to any relevant person—

Status: Point in time view as at 08/07/2008.

Changes to legislation: *Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in whose case the warrant under section 4A transfers responsibility for his detention and release from a country or territory outside the British Islands to the Scottish Ministers; and
 - (b) whose sentence or any of whose sentences in that country or territory were imposed on or after 1 October 1993.
- 14 The reference in paragraph 7 to the time of the prisoner's transfer into the United Kingdom is to be read as a reference to the time at which the warrant under section 4A was issued."

Commencement Information

I33 Sch. 26 para. 19(1)(4) in force at 9.6.2008 by S.I. 2008/1466, art. 2(c)(i) (with art. 4)

VALID FROM 16/11/2009

Police and Criminal Evidence Act 1984 (c. 60)

- 20 (1) In section 37B of the Police and Criminal Evidence Act 1984 (consultation with the Director of Public Prosecutions) in subsection (9) (meaning of caution)—
- (a) after paragraph (a) (and before the word “and” immediately following it) insert—
 - “(aa) a youth conditional caution within the meaning of Chapter 1 of Part 4 of the Crime and Disorder Act 1998”; and
 - (b) in paragraph (b), for “of the Crime and Disorder Act 1998” substitute “ of that Act ”.
- (2) In section 63B of that Act (testing for presence of Class A drugs) in subsection (7) (disclosure of information obtained from drug samples) in paragraph (aa) after “Criminal Justice Act 2003” insert “ or a youth conditional caution under Chapter 1 of Part 4 of the Crime and Disorder Act 1998 ”.

VALID FROM 14/07/2008

Criminal Justice Act 1987 (c. 38)

- 21 In section 1(17) of the Criminal Justice Act 1987 (application of Serious Fraud Office provisions to Northern Ireland), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Criminal Justice Act 1988 (c. 33)

VALID FROM 14/07/2008

- 22 The Criminal Justice Act 1988 has effect subject to the following amendments.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

23 In section 36 (reviews of sentencing), in subsection (2)(b)(iii) for “any of sections 225 to 228” substitute “ section 225(2) or 226(2) ”.

24 In section 160(1) (offence of possession of indecent photographs of children) for “Subject to subsection (1A),” substitute “ Subject to section 160A, ”.

Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17))

25 In article 15(5) of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (possession of indecent photographs of children) after “Article 2(2)” insert “ , (2A) ”.

VALID FROM 14/07/2008

Football Spectators Act 1989 (c. 37)

26 In paragraph 1(c), (k) and (q) of Schedule 1 to the Football Spectators Act 1989 (offences)—
(a) for “Part III” substitute “ Part 3 or 3A ”; and
(b) for “(racial hatred)” substitute “ (hatred by reference to race etc) ”.

VALID FROM 14/07/2008

Criminal Justice (International Co-operation) Act 1990 (c. 5)

27 In section 6(7) of the Criminal Justice (International Co-operation) Act 1990 (transfer of overseas prisoner to give evidence or assist investigation in the United Kingdom), for the words from “having been” to the end of paragraph (b) substitute “—
(b) having been transferred there, or responsibility for his detention and release having been transferred there, from the United Kingdom under the Repatriation of Prisoners Act 1984;
(c) having been transferred there, or responsibility for his detention and release having been transferred there, under any similar provision or arrangement from any other country or territory,”.

VALID FROM 14/07/2008

Broadcasting Act 1990 (c. 42)

28 (1) Section 167 of the Broadcasting Act 1990 (power to make copies of recordings) is amended as follows.
(2) In subsection (4)(b), after “section 24” insert “ or 29H ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) In subsection (5)(b), after “section 22” insert “ or 29F ”.

Criminal Justice Act 1991 (c. 53)

- 29 (1) The Criminal Justice Act 1991 is amended as follows.
- (2) In section 43(5) (young offenders), for “under this Part” substitute “ under any provision of this Part other than section 33(1A) ”.
- (3) In section 44(6) (disapplication of certain provisions for prisoners serving extended sentences) for “section 46” substitute “ section 46(2) ”.
- (4) In section 46(3) (definition of persons liable to removal from the United Kingdom) after “for the purposes of this section” insert “ and the following provisions of this Part ”.
- (5) In section 46B(5) (re-entry into United Kingdom of offender removed early from prison), after “subsections (1)” insert “ , (1A) ”.
- (6) In paragraph 10(3)(d) of Schedule 3 (reciprocal enforcement of certain orders)—
- (a) for “references in paragraph 3 to a day centre were references to” substitute “ in paragraph 3 “day centre” meant ”, and
 - (b) at the end insert “ or an attendance centre provided under section 221 of that Act ”.
- (7) Sub-paragraph (6) extends to England and Wales and Northern Ireland only.

Commencement Information

I34 Sch. 26 para. 29(1)(2)(5) in force at 9.6.2008 by S.I. 2008/1466, art. 2(c)(ii)

VALID FROM 14/07/2008

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

- 30 In section 10 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (life prisoners transferred to Scotland), after subsection (4) insert—
- “(4A) The reference in subsection (4)(b) above to a person who has been transferred to Scotland in pursuance of a warrant under the Repatriation of Prisoners Act 1984 includes a reference to a person who is detained in Scotland in pursuance of a warrant issued by the Scottish Ministers under section 4A of that Act (warrant transferring responsibility for detention and release of offender).
- (4B) Such a person is to be taken to have been transferred when the warrant under section 4A of that Act was issued in respect of that person.”

Crime (Sentences) Act 1997 (c. 43)

- 31 The Crime (Sentences) Act 1997 has effect subject to the following amendments.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I35 Sch. 26 para. 31 in force at 9.6.2008 by S.I. 2008/1466, art. 2(c)(iii)

VALID FROM 14/07/2008

- 32 (1) Schedule 1 (transfer of prisoners within the British Islands) is amended as follows.
- (2) In paragraph 8(2)(a) (as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4th April 2005), after “46” insert “ , 50A ”.
 - (3) In paragraph 8(4)(a) (as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4th April 2005), after “46” insert “ , 50A ”.
 - (4) Any reference in paragraph 8(2)(a) or (4)(a) to section 39 of the 1991 Act is to be read as a reference to section 254(1) of the Criminal Justice Act 2003 (c. 44) in relation to any prisoner to whom paragraph 19 of Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950) applies.
 - (5) In paragraph 9(2)(a) (as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4th April 2005), after “46” insert “ , 50A ”.
 - (6) In paragraph 9(4)(a) (as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4th April 2005), after “46” insert “ , 50A ”.
 - (7) Any reference in paragraph 9(2)(a) or (4)(a) to section 39 of the 1991 Act is to be read as a reference to section 254(1) of the Criminal Justice Act 2003 in relation to any prisoner to whom paragraph 19 of Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 applies.
- 33 (1) Schedule 2 (repatriation of prisoners to the British Islands) is amended as follows.
- (2) In paragraph 2(2) (as it continues to have effect in relation to persons to whom it applied before 4th April 2005), in the definition of enactments relating to release on licence, after “33(1)(b),” insert “ , (1A), ”.
 - (3) In paragraph 3(2) (as it continues to have effect in relation to persons to whom it applied before 4th April 2005), in the definition of enactments relating to release on licence, after “33(1)(b),” insert “ , (1A), ”.
 - (4) In paragraph 5 (which modifies paragraph 2 of the Schedule to the Repatriation of Prisoners Act 1984 (c. 47) in its application to certain descriptions of prisoner), after sub-paragraph (1)(b) insert—
 - “(c) prisoners detained in Scotland in pursuance of warrants which—
 - (i) are issued by the Scottish Ministers under section 4A of the Repatriation of Prisoners Act 1984 (warrant transferring responsibility for detention and release); and

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(ii) relate to sentences that were imposed before 1 October 1993.”

Commencement Information

I36 Sch. 26 para. 33(1)-(3) in force at 9.6.2008 by S.I. 2008/1466, art. 2(c)(iii)

VALID FROM 16/11/2009

Crime and Disorder Act 1998 (c. 37)

- 34 (1) Section 38(4) of the Crime and Disorder Act 1998 (which defines “youth justice services” for the purposes of sections 38 to 41) is amended as follows.
- (2) After paragraph (a) insert—
- “(aa) the provision of assistance to persons determining whether reprimands or warnings should be given under section 65 below;”.
- (3) After paragraph (b) insert—
- “(ba) the provision of assistance to persons determining whether youth conditional cautions (within the meaning of Chapter 1 of Part 4) should be given and which conditions to attach to such cautions;
- (bb) the supervision and rehabilitation of persons to whom such cautions are given;”.

Youth Justice and Criminal Evidence Act 1999 (c. 23)

- 35 The Youth Justice and Criminal Evidence Act 1999 has effect subject to the following amendments.
- 36 (1) Section 35 (child complainants and other child witnesses) is amended as follows.
- (2) In subsection (3) (offences to which section applies), in paragraph (a)—
- (a) before sub-paragraph (v) insert—
- “(iva) any of sections 33 to 36 of the Sexual Offences Act 1956;”;
- (b) in sub-paragraph (vi), at end insert “ or any relevant superseded enactment ”.
- (3) After that subsection insert—
- “(3A) In subsection (3)(a)(vi) “relevant superseded enactment” means—
- (a) any of sections 1 to 32 of the Sexual Offences Act 1956;
- (b) the Indecency with Children Act 1960;
- (c) the Sexual Offences Act 1967;
- (d) section 54 of the Criminal Law Act 1977.”
- 37 (1) Section 62 (meaning of “sexual offence” and other references to offences) is amended as follows.
- (2) In subsection (1) at end insert “ or any relevant superseded offence ”.
- (3) After that subsection insert—

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(1A) In subsection (1) “relevant superseded offence” means—

- (a) rape or burglary with intent to rape;
- (b) an offence under any of sections 2 to 12 and 14 to 17 of the Sexual Offences Act 1956 (unlawful intercourse, indecent assault, forcible abduction etc.);
- (c) an offence under section 128 of the Mental Health Act 1959 (unlawful intercourse with person receiving treatment for mental disorder by member of hospital staff etc.);
- (d) an offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards child under 14);
- (e) an offence under section 54 of the Criminal Law Act 1977 (incitement of child under 16 to commit incest).”

38 The amendments made by paragraphs 36 and 37 are deemed to have had effect as from 1 May 2004.

39 Where an order under section 61 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (application of Part 2 of Act to service courts) makes provision as regards the application of any provision of section 35 or 62 of that Act which is amended or inserted by paragraph 36 or 37, the order may have effect in relation to times before the making of the order.

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

40 The Powers of Criminal Courts (Sentencing) Act 2000 has effect subject to the following amendments.

Commencement Information

I37 Sch. 26 para. 40 in force at 9.6.2008 by S.I. 2008/1466, art. 2(c)(iv)

VALID FROM 14/07/2008

41 In section 12 (absolute and conditional discharge), in subsection (1) for “section 225, 226, 227 or 228” substitute “ section 225(2) or 226(2) ”.

VALID FROM 27/04/2009

42 In section 24(5)(a) (first meeting: duration of contract), after “under paragraph” insert “ 9ZD, ”.

VALID FROM 27/04/2009

43 In section 28(a) (offender etc. referred back to court), for “Part I” substitute “ Parts 1 and 1ZA ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

- 44 In section 92 (detention under sections 90 and 91: place of detention etc.) omit subsection (3).
- 45 In section 116 (power to order return to prison where offence committed during original sentence)—
- (a) in subsection (1)(b) for “under Part II of the Criminal Justice Act 1991 (early release of prisoners)” substitute “ under any provision of Part 2 of the Criminal Justice Act 1991 (early release of prisoners) other than section 33(1A) ”, and
 - (b) in subsection (7), for “section 84 above” substitute “ section 265 of the Criminal Justice Act 2003 (restriction on consecutive sentences for released prisoners) ”.

Commencement Information

I38 Sch. 26 para. 45(a) in force at 9.6.2008 by S.I. 2008/1466, art. 2(c)(iv)

VALID FROM 14/07/2008

- 46 In section 130 (compensation orders), in subsection (2) for “section 225, 226, 227 or 228” substitute “ section 225(2) or 226(2) ”.

VALID FROM 14/07/2008

- 47 In section 146 (driving disqualification for any offence), in subsection (2) for “section 225, 226, 227 or 228” substitute “ section 225(2) or 226(2) ”.

VALID FROM 14/07/2008

- 48 In section 164 (further interpretative provisions), in subsection (3)(c) for “any of sections 225 to 228” substitute “ section 225(2) or 226(2) ”.

VALID FROM 27/04/2009

- 49 (1) Schedule 1 (youth offender panels: further court proceedings) is amended as follows.
- (2) In the heading for Part 1, at the end insert “ : REVOCATION OF REFERRAL ORDER ”.
- (3) In paragraphs 5(3), 9 and 14(2)(b), after “under paragraph” insert “ 9ZD, ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: *Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

Criminal Justice and Court Services Act 2000 (c. 43)

- 50 In section 1 of the Criminal Justice and Court Services Act 2000 (purposes of the Chapter)—
- (a) in subsection (1A)(a) for “authorised persons to be given assistance in” substitute “ the giving of assistance to persons ”, and
 - (b) in subsection (4) for “ “authorised person” and “conditional caution” have” substitute “conditional caution” has ”.

VALID FROM 14/07/2008

Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564) (N.I. 2)

- 51 In Article 10 of the Life Sentences (Northern Ireland) Order 2001 (life prisoners transferred to Northern Ireland), after paragraph (5) insert—
- “(6) The reference in paragraph (4)(b) to a person transferred to Northern Ireland in pursuance of a warrant under the Repatriation of Prisoners Act 1984 includes a person who is detained in Northern Ireland in pursuance of a warrant under section 4A of that Act (warrant transferring responsibility for detention and release of offender).”

VALID FROM 14/07/2008

Crime (International Co-operation) Act 2003 (c. 32)

- 52 In section 48(2)(b) of the Crime (International Co-operation) Act 2003 (transfer of EU etc prisoner to assist UK investigation), for the words from “having been” to the end of paragraph (b) substitute “—
- (a) having been transferred there, or responsibility for his detention and release having been transferred there, from the United Kingdom under the Repatriation of Prisoners Act 1984;
 - (b) having been transferred there, or responsibility for his detention and release having been transferred there, under any similar provision or arrangement from any other country or territory.”

VALID FROM 14/07/2008

Sexual Offences Act 2003 (c. 42)

- 53 The Sexual Offences Act 2003 has effect subject to the following amendments.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/10/2009

- 54 (1) In section 83(6)(a) (notification requirements: initial notification) after “court” insert “ or kept in service custody ”.
- (2) This paragraph extends to England and Wales and Northern Ireland only.

VALID FROM 31/10/2009

- 55 (1) In section 85(4)(a) (notification requirements: periodic notification) after “court” insert “ or kept in service custody ”.
- (2) This paragraph extends to England and Wales and Northern Ireland only.

- 56 (1) Section 133 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) of the definition of “cautioned”, for “by a police officer” substitute “ (or, in Northern Ireland, cautioned by a police officer) ”;
- (b) at the appropriate place insert—
- ““kept in service custody” means kept in service custody by virtue of an order under section 105(2) of the Armed Forces Act 2006 (but see also subsection (3));”.
- (3) After subsection (2) insert—
- “(3) In relation to any time before the commencement of section 105(2) of the Armed Forces Act 2006, “kept in service custody” means being kept in military, air-force or naval custody by virtue of an order made under section 75A(2) of the Army Act 1955 or of the Air Force Act 1955 or section 47G(2) of the Naval Discipline Act 1957 (as the case may be).”
- (4) This paragraph extends to England and Wales and Northern Ireland only.

- 57 (1) In section 138 (orders and regulations), at the end insert—
- “(4) Orders or regulations made by the Secretary of State under this Act may—
- (a) make different provision for different purposes;
- (b) include supplementary, incidental, consequential, transitional, transitory or saving provisions.”
- (2) The amendment made by sub-paragraph (1), and the repeals in Part 4 of Schedule 28 of sections 86(4) and 87(6) of the Sexual Offences Act 2003 (which are consequential on that amendment), extend to England and Wales and Northern Ireland only.

VALID FROM 26/01/2009

- 58 (1) Schedule 3 (sexual offences in respect of which offender becomes subject to notification requirements) is amended as follows.
- (2) After paragraph 35 insert—

Status: Point in time view as at 08/07/2008.

Changes to legislation: *Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“35A An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) if the offender—

- (a) was 18 or over, and
- (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”

(3) After paragraph 92 insert—

“92A An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) if the offender—

- (a) was 18 or over, and
- (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”

(4) In paragraphs 93(1) and 93A(1) (service offences) for “35” substitute “ 35A ”.

(5) This paragraph extends to England and Wales and Northern Ireland only.

Criminal Justice Act 2003 (c. 44)

VALID FROM 14/07/2008

59 The Criminal Justice Act 2003 has effect subject to the following amendments.

VALID FROM 08/07/2009

60 (1) Section 23A (financial penalties) is amended as follows.

(2) In subsection (5), for paragraphs (b) and (c) substitute—

“(b) the person to whom the financial penalty is to be paid and how it may be paid.”

(3) In subsection (6), for “to the specified officer” substitute “ in accordance with the provision specified under subsection (5)(b). ”

(4) After subsection (6) insert—

“(6A) Where a financial penalty is (in accordance with the provision specified under subsection (5)(b)) paid to a person other than a designated officer for a local justice area, the person to whom it is paid must give the payment to such an officer.”

(5) Omit subsections (7) to (9).

VALID FROM 08/07/2009

61 After section 23A insert—

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“23B Variation of conditions

A relevant prosecutor may, with the consent of the offender, vary the conditions attached to a conditional caution by—

- (a) modifying or omitting any of the conditions;
- (b) adding a condition.”

VALID FROM 08/07/2009

- 62 In section 25 (codes of practice) in subsection (2) after paragraph (g) insert—
 “(ga) the provision which may be made by a relevant prosecutor under section 23A(5)(b),”.

VALID FROM 15/07/2008

- 63 In sections 88(3), 89(9) and 91(5) (days to be disregarded in calculating certain time periods relating to bail and custody under Part 10), before paragraph (a) insert—
 “(za) Saturday,”.

VALID FROM 14/07/2008

- 64 In section 142 (purposes of sentencing), in subsection (2)(c) for “any of sections 225 to 228” substitute “ section 225(2) or 226(2) ”.

VALID FROM 14/07/2008

- 65 In section 150 (circumstances in which community sentence not available), in paragraph (d) for “any of sections 225 to 228” to the end substitute “ section 225(2) or 226(2) of this Act (requirement to impose sentence of imprisonment for life or detention for life) ”.

VALID FROM 14/07/2008

- 66 In section 152 (general restrictions on imposing custodial sentences), in subsection (1)(b) for “any of sections 225 to 228” substitute “ section 225(2) or 226(2) ”.

VALID FROM 14/07/2008

- 67 In section 153 (length of discretionary custodial sentences: general provision), in subsection (1), omit “falling to be”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

68 In section 163 (general power of Crown Court to fine) for “any of sections 225 to 228” substitute “ section 225(2) or 226(2) ”.

VALID FROM 14/07/2008

69 In section 224 (meaning of “specified offence” etc), in subsection (3) the definition of relevant offence is omitted.

VALID FROM 23/03/2010

70 Section 233 (offences under service law) is omitted.

VALID FROM 14/07/2008

71 In section 264 (consecutive terms), in subsection (6)(a)(i) after “means” insert “ one-half of ”.

VALID FROM 14/07/2008

72 In section 305 (interpretation of Part 12), in subsection (4)—

- (a) for paragraphs (c) and (d) substitute—
 - “(c) a sentence falls to be imposed under subsection (2) of section 225 if the court is obliged to pass a sentence of imprisonment for life under that subsection;
 - (d) a sentence falls to be imposed under subsection (2) of section 226 if the court is obliged to pass a sentence of detention for life under that subsection;”, and
- (b) paragraph (e) is omitted.

VALID FROM 14/07/2008

73 In section 273 (life prisoners transferred to England and Wales), after subsection (4) insert—

“(5) The reference in subsection (2)(b) above to a person who has been transferred to England and Wales in pursuance of a warrant issued under the Repatriation of Prisoners Act 1984 includes a reference to a person who is detained in England and Wales in pursuance of a warrant under section 4A of that Act (warrant transferring responsibility for detention and release of offender).”

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

- 74 (1) Section 325 (arrangements for assessing etc risks posed by certain offenders) is amended as follows.
- (2) In subsection (8), for “section 326” substitute “ sections 326 and 327A ”.
- (3) After that subsection insert—
- “(8A) Responsible authorities must have regard to any guidance issued under subsection (8) in discharging those functions.”

VALID FROM 14/07/2008

- 75 In section 326(5)(a) (review of arrangements), for “and this section” substitute “ , this section and section 327A ”.

VALID FROM 14/07/2008

- 76 In section 330(5)(a) (orders subject to the affirmative procedure) after “section 223,” insert—
- “section 227(6),
section 228(7)”.

- 77 In Part 4 of Schedule 37, in the entry relating to the Magistrates' Courts Act 1980, in the second column, omit the words “In section 33(1), paragraph (b) and the word “and” immediately preceding it”.

VALID FROM 14/07/2008

*Criminal Justice Act 2003 (Commencement No. 8 and
Transitional and Saving Provisions) Order 2005 (S.I. 2005/950)*

- 78 In paragraph 14 of Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (saving from certain provisions of the Criminal Justice Act 2003 for sentences of imprisonment of less than 12 months), for “sections 244 to 268” substitute “ sections 244 to 264 and 266 to 268 ”.

VALID FROM 30/11/2009

Terrorism Act 2006 (c. 11)

- 79 (1) Schedule 1 to the Terrorism Act 2006 (Convention offences) is amended as follows.
- (2) In the cross-heading before paragraph 6 (offences involving nuclear material), after “material” add “ or nuclear facilities ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In paragraph 6(1), after “section 1(1)” insert “ (a) to (d) ”.
- (4) For paragraph 6(2) and (3) substitute—
- “(2) An offence mentioned in section 1(1)(a) or (b) of that Act where the act making the person guilty of the offence (whether done in the United Kingdom or elsewhere)—
- (a) is directed at a nuclear facility or interferes with the operation of such a facility, and
 - (b) causes death, injury or damage resulting from the emission of ionising radiation or the release of radioactive material.
- (3) An offence under any of the following provisions of that Act—
- (a) section 1B (offences relating to damage to environment);
 - (b) section 1C (offences of importing or exporting etc. nuclear material: extended jurisdiction);
 - (c) section 2 (offences involving preparatory acts and threats).
- (4) Expressions used in this paragraph and that Act have the same meanings in this paragraph as in that Act.”
- (5) After paragraph 6 insert—
- “6A (1) Any of the following offences under the Customs and Excise Management Act 1979—
- (a) an offence under section 50(2) or (3) (improper importation of goods) in connection with a prohibition or restriction relating to the importation of nuclear material;
 - (b) an offence under section 68(2) (exportation of prohibited or restricted goods) in connection with a prohibition or restriction relating to the exportation or shipment as stores of nuclear material;
 - (c) an offence under section 170(1) or (2) (fraudulent evasion of duty etc.) in connection with a prohibition or restriction relating to the importation, exportation or shipment as stores of nuclear material.
- (2) In this paragraph “nuclear material” has the same meaning as in the Nuclear Material (Offences) Act 1983 (see section 6 of that Act).”

VALID FROM 14/07/2008

Natural Environment and Rural Communities Act 2006 (c. 16)

80

In paragraph 7 of Schedule 5 to the Natural Environment and Rural Communities Act 2006 (powers of wildlife inspectors extended to certain other Acts) after paragraph (d) insert—

“(da) section 19XB(1) and (4) (offences in connection with enforcement powers);”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

Police and Justice Act 2006 (c. 48)

- 81 (1) The Police and Justice Act 2006 is amended as follows.
- (2) In subsection (1) of section 49 (orders and regulations)—
- (a) at the end of paragraph (a) insert “ or ”;
 - (b) omit paragraph (c) and the “or” preceding it.
- (3) In paragraph 30 of Schedule 1 (National Policing Improvement Agency: inspections) omit sub-paragraph (3).

VALID FROM 31/10/2009

Armed Forces Act 2006 (c. 52)

- 82 (1) The Armed Forces Act 2006 has effect subject to the following amendments.
- (2) In paragraph 12(ah) of Schedule 2 (offences)—
- (a) for “and 18 to 23” substitute “ , 18 to 23 and 29B to 29G ”, and
 - (b) for “racial or religious hatred” substitute “ hatred by reference to race etc ”.
- (3) In paragraph 1(2) of Schedule 5 (service community orders: general)—
- (a) for “12, 13, 15, 16(5), 17(5) and (6)” substitute “ 13, 16(5), 17(6) ”, and
 - (b) after “21” insert “ , 25A ”.
- (4) In paragraph 10(2)(b) of Schedule 5 (overseas community orders: general)—
- (a) for “12, 13, 15, 16(5), 17(5) and (6)” substitute “ 13, 16(5), 17(6) ”, and
 - (b) for “and 23(1)(a)(ii)” substitute “ , 23(1)(a)(ii) and 25A ”.

VALID FROM 01/04/2010

Offender Management Act 2007 (c. 21)

- 83 In section 1 of the Offender Management Act 2007 (meaning of “the probation purposes”)—
- (a) in subsection (1)(b) for “authorised persons to be given assistance in” substitute “ the giving of assistance to persons ”, and
 - (b) in subsection (4) for “ “authorised person” and “conditional caution” have” substitute “conditional caution” has ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 27

Section 148

TRANSITORY, TRANSITIONAL AND SAVING PROVISIONS

VALID FROM 14/07/2008

PART 1

YOUTH JUSTICE

VALID FROM 30/11/2009

Abolition of certain youth orders and related amendments

- 1
- (1) Section 1, subsections (1) and (2) of section 6, the amendments in Part 1 of Schedule 4 and the repeals and revocations in Part 1 of Schedule 28 do not have effect in relation to—
 - (a) any offence committed before they come into force, or
 - (b) any failure to comply with an order made in respect of an offence committed before they come into force.
 - (2) So far as an amendment in Part 2 of Schedule 4 relates to any of the following orders, the amendment has effect in relation to orders made before, as well as after, the amendment comes into force—
 - (a) a referral order made under the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6);
 - (b) a reparation order made under that Act;
 - (c) a community order made under section 177 of the Criminal Justice Act 2003 (c. 44).

VALID FROM 30/11/2009

Reparation orders

- 2
- (1) Sub-paragraph (2) applies if the amendments of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 (action plan orders and reparation orders) made by paragraph 108(1) to (5) of Schedule 4 (reparation orders: court before which offender to appear or be brought) come into force before the amendments of Schedule 8 to that Act made by paragraph 62 of that Schedule.
 - (2) After paragraph 108(1) to (5) of Schedule 4 comes into force, and until paragraph 62 of that Schedule comes into force, paragraph 3 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 has effect as if—
 - (a) in sub-paragraph (5)(a) and (c), for “the appropriate court” there were substituted “ a youth court ”, and
 - (b) in sub-paragraph (6), for “appropriate” there were substituted “ youth ”.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) Sub-paragraph (4) applies if the amendments of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 (action plan orders and reparation orders) made by paragraph 62 of Schedule 4 come into force before the amendments of Schedule 8 to that Act made by paragraph 108(1) to (5) of that Schedule (reparation orders: court before which offender to appear or be brought).

(4) After paragraph 62 of Schedule 4 comes into force, and until paragraph 108(1) to (5) of that Schedule comes into force, paragraph 1 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 has effect as if—

- (a) for “an action plan order or” there were substituted “ a ”, and
- (b) the words “69(8) or, as the case may be,” were omitted.

VALID FROM 30/11/2009

Making of youth rehabilitation orders: other existing orders

3 In paragraph 29(3)(c) of Schedule 1 (requirements not to conflict with other obligations), the reference to a youth rehabilitation order is to be read as including a reference to any youth community order within the meaning of section 147(2) of the Criminal Justice Act 2003 (c. 44) (as it has effect immediately before the commencement of paragraph 72 of Schedule 4 to this Act).

VALID FROM 30/11/2009

Instructions: other existing orders

4 In section 5(3)(c) (instructions not to conflict with other obligations), the reference to a youth rehabilitation order is to be read as including a reference to any youth community order within the meaning of section 147(2) of the Criminal Justice Act 2003 (as it has effect immediately before the commencement of paragraph 72 of Schedule 4 to this Act).

VALID FROM 30/11/2009

Fine default: section 35 of the Crime (Sentences) Act 1997

5 The amendments, repeals and revocations in section 6, Schedule 4 and Part 1 of Schedule 28 of provisions which are necessary to give effect to section 35 of the Crime (Sentences) Act 1997 (c. 43) (fine defaulters) do not have effect in relation to a sum ordered to be paid where—

- (a) the sum is treated as adjudged to be paid on conviction, and
- (b) the act or omission to which the sum relates occurred, or the order was made, before the commencement of those repeals and amendments.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Restrictions on imposing community sentences

- 6 In subsection (5) of section 148 of the Criminal Justice Act 2003 (restrictions on imposing community sentences), as inserted by section 10 of this Act, the reference to a youth rehabilitation order is to be read as including a reference to any youth community order within the meaning of section 147(2) of the Criminal Justice Act 2003 (as it has effect immediately before the commencement of paragraph 72 of Schedule 4 to this Act).

VALID FROM 30/11/2009

Attendance centre rules

- 7 The reference in paragraph 1(2)(a)(ii) of Schedule 2 to rules made under subsection (1)(d) or (e) of section 222 of the Criminal Justice Act 2003 includes a reference to rules made, or having effect as if made, before the coming into force of that section under section 62(3) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (provision, regulation and management of attendance centres).

PART 2

SENTENCING

Release and recall of prisoners

- 8 Nothing in the amendments made by section 26 affects the operation of Part 2 of the Criminal Justice Act 1991 (c. 53) in relation to a long-term prisoner within the meaning of that Part who (for the purposes of that Part) has served one-half of his sentence before the commencement of that section.

Commencement Information

I39 Sch. 27 para. 8 in force at 9.6.2008 by [S.I. 2008/1466](#), [art. 2\(d\)](#)

- 9 Section 33(1A) of the Criminal Justice Act 1991 (c. 53) (which is inserted by section 26(2)) does not apply to a long-term prisoner serving a sentence (for one or more offences committed before 4th April 2005) by virtue of having been transferred to the United Kingdom in pursuance of a warrant under section 1 of the Repatriation of Prisoners Act 1984 (c. 47) if—
- (a) the warrant was issued before the commencement of section 26(2); and
 - (b) the offence or one of the offences for which the prisoner is serving that sentence corresponds to murder or to any offence specified in Schedule 15 to the Criminal Justice Act 2003 (c. 44).

Commencement Information

I40 Sch. 27 para. 9 in force at 9.6.2008 by [S.I. 2008/1466](#), [art. 2\(d\)](#)

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

- 10 The amendments made by subsections (3) and (5) of section 28 do not apply in relation to any person who is released on licence under section 36(1) of the Criminal Justice Act 1991 before the commencement of section 28.

VALID FROM 14/07/2008

- 11 In section 255A and 255C of the Criminal Justice Act 2003 (which are inserted by section 29) “specified offence prisoner” is to be read as including a prisoner serving a determinate sentence by virtue of having been transferred to the United Kingdom in pursuance of a warrant under section 1 of the Repatriation of Prisoners Act 1984 if—
- (a) the warrant was issued before the commencement of section 29; and
 - (b) the offence or one of the offences for which the prisoner is serving that sentence corresponds to murder or to any offence specified in Schedule 15 to the Criminal Justice Act 2003.

VALID FROM 14/07/2008

- 12 The amendment made by subsection (1) of section 32 applies in relation to any person who is recalled under section 254(1) of the Criminal Justice Act 2003 on or after the commencement of section 32 but it is immaterial when the person was released on licence under Part 2 of the Criminal Justice Act 1991.

VALID FROM 14/07/2008

Fine defaulters

- 13 (1) Section 39 and Schedule 7 do not apply—
- (a) in relation to a sum adjudged to be paid by a conviction if the offence was committed before the commencement of that section, or
 - (b) where a sum ordered to be paid is treated as adjudged to be paid by a conviction, if the act or omission to which the sum relates occurred, or the order was made, before the commencement of that section.
- (2) Section 40 and paragraph 2(4) and (6) of Schedule 26 do not apply—
- (a) in relation to a sum adjudged to be paid by a conviction if the offence was committed before the commencement of that section, or
 - (b) where a sum ordered to be paid is treated as adjudged to be paid by a conviction, if the act or omission to which the sum relates occurred, or the order was made, before the commencement of that section.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

PART 3

APPEALS

Appeals against conviction etc.

- 14 The amendment made by section 42 applies in relation to an appeal under Part 1 of the Criminal Appeal Act 1968 (c. 19) if the reference by the Criminal Cases Review Commission is made on or after the date on which that section comes into force.
- 15 The amendment made by section 43 applies in relation to an appeal under Part 1 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47) if the reference by the Criminal Cases Review Commission is made on or after the date on which that section comes into force.

Prosecution appeals

- 16 (1) The amendment made by section 44 applies in relation to an appeal under Part 9 of the Criminal Justice Act 2003 (c. 44) if the proceedings on appeal begin on or after the date on which that section comes into force.
- (2) For the purposes of this paragraph, the proceedings on appeal begin—
- (a) if the prosecution appeals with leave of the Crown Court judge, on the date the application for leave is served on the Crown Court officer or, in the case of an oral application, on the date the application is made, or
 - (b) if the prosecution appeals with leave of the Court of Appeal, on the date the application for leave is served on the Crown Court officer.
- (3) In this paragraph, references to service on the Crown Court officer are to be read in accordance with the Criminal Procedure Rules 2005 (S.I.2005/384).
- 17 (1) The amendment made by section 45 applies in relation to an appeal under Part IV of the Criminal Justice (Northern Ireland) Order 2004 (S.I. 2004/1500 (N.I.9)) if the proceedings on appeal begin on after the date on which that section comes into force.
- (2) For the purposes of this paragraph, the proceedings on appeal begin—
- (a) if the prosecution appeals with leave of the Crown Court judge, on the date the application for leave is made,
 - (b) if the prosecution appeals with leave of the Court of Appeal, on the date the application for leave is served on the proper officer, or
 - (c) if leave to appeal is not required, on the date the prosecution informs the Crown Court judge that it intends to appeal.
- (3) In this paragraph, “the proper officer” has the same meaning as in the Criminal Appeal (Prosecution Appeals) Rules (Northern Ireland) 2005 (S.R (N.I.) 2005/159).

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

PART 4

OTHER CRIMINAL JUSTICE PROVISIONS

VALID FROM 16/11/2009

Alternatives to prosecution for offenders under 18

- 18 The amendments made by Schedule 9 do not apply in relation to offences committed before the commencement of section 48.

VALID FROM 19/12/2008

Protection for spent cautions under Rehabilitation of Offenders Act 1974

- 19 (1) Subject to the following provisions of this paragraph, the Rehabilitation of Offenders Act 1974 (c. 53) (as amended by Schedule 10 to this Act) applies to cautions given before the commencement date as it applies to cautions given on or after that date.
- (2) A caution given before the commencement date shall be regarded as a spent caution at a time determined in accordance with sub-paragraphs (3) to (8).
- (3) A caution other than a conditional caution (as defined in section 8A(2)(a) of the 1974 Act) shall be regarded as a spent caution on the commencement date.
- (4) If the period of three months from the date on which a conditional caution was given ends on or before the commencement date, the caution shall be regarded as a spent caution on the commencement date unless sub-paragraph (7) applies.
- (5) If the period of three months from the date on which a conditional caution was given ends after the commencement date, the caution shall be regarded as a spent caution at the end of that period of three months unless sub-paragraph (7) applies.
- (6) Sub-paragraph (7) applies if—
- (a) before the date on which the caution would be regarded as a spent caution in accordance with sub-paragraph (4) or (5) (“the relevant date”), the person concerned is convicted of the offence in respect of which the caution was given, and
- (b) the rehabilitation period for the offence ends after the relevant date.
- (7) The caution shall be regarded as a spent caution at the end of the rehabilitation period for the offence.
- (8) If, on or after the date on which the caution becomes regarded as a spent caution in accordance with sub-paragraph (4) or (5), the person concerned is convicted of the offence in respect of which the caution was given—

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 20
- (a) the caution shall be treated for the purposes of Schedule 2 to the 1974 Act as not having become spent in relation to any period before the end of the rehabilitation period for the offence, and
 - (b) the caution shall be regarded as a spent caution at the end of that rehabilitation period.
- (9) In this paragraph, “the commencement date” means the date on which section 49 comes into force.
- In the application of subsection (7) of section 9A of the Rehabilitation of Offenders Act 1974 (as inserted by paragraph 4 of Schedule 10) to offences committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference to 51 weeks is to be read as a reference to 6 months.

Extension of powers of non-legal staff

- 21
- A designation made under section 7A of the Prosecution of Offences Act 1985 (c. 23) (powers of non-legal staff) which has effect immediately before the date on which section 55 comes into force continues to have effect on and after that date as if made under section 7A as amended by that section.

VALID FROM 01/12/2008

Compensation for miscarriages of justice

- 22
- (1) Section 61(3) has effect in relation to any application for compensation made in relation to—
- (a) a conviction which is reversed, and
 - (b) a pardon which is given,
- on or after the commencement date.
- (2) Section 61(4), (6) and (7) have effect in relation to—
- (a) any application for compensation made on or after the commencement date, and
 - (b) any application for compensation made before that date in relation to which the question whether there is a right to compensation has not been determined before that date by the Secretary of State under section 133(3) of the 1988 Act.
- (3) Section 61(5) has effect in relation to any conviction quashed on an appeal out of time in respect of which an application for compensation has not been made before the commencement date.
- (4) Section 61(5) so has effect whether a conviction was quashed before, on or after the commencement date.
- (5) In the case of—
- (a) a conviction which is reversed, or
 - (b) a pardon which is given,

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

before the commencement date but in relation to which an application for compensation has not been made before that date, any such application must be made before the end of the period of 2 years beginning with that date.

(6) But the Secretary of State may direct that an application for compensation in relation to a case falling within sub-paragraph (5) which is made after the end of that period is to be treated as if it had been made before the end of that period if the Secretary of State considers that there are exceptional circumstances which justify doing so.

(7) In this paragraph—

“the 1988 Act” means the Criminal Justice Act 1988 (c. 33);

“application for compensation” means an application for compensation made under section 133(2) of the 1988 Act;

“the commencement date” means the date on which section 61 comes into force;

“reversed” has the same meaning as in section 133 of the 1988 Act (as amended by section 61(5)).

PART 5

CRIMINAL LAW

VALID FROM 26/01/2009

Penalties for possession of extreme pornographic images

23 In section 67(4)(a) the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44).

Indecent photographs of children

24 (1) Section 69(3) applies in relation to things done as mentioned in—

- (a) section 1(1) of the Protection of Children Act 1978 (c. 37) (offences relating to indecent photographs of children), or
- (b) section 160(1) of the Criminal Justice Act 1988 (c. 33) (offence of possession of indecent photographs of children),

after the commencement of section 69.

(2) Section 70(3) applies in relation to things done as mentioned in—

- (a) Article 3(1) of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (offences relating to indecent photographs of children), or
- (b) Article 15(1) of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (offence of possession of indecent photographs of children),

after the commencement of section 70.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 26/01/2009

Maximum penalty for publication etc. of obscene articles

- 25 Section 71 does not apply to offences committed before the commencement of that section.

VALID FROM 30/11/2009

Offences relating to nuclear material and nuclear facilities

- 26 The new section 2 inserted into the Nuclear Material (Offences) Act 1983 (c. 18) by paragraph 4 of Schedule 17 and the repeal in Part 5 of Schedule 28 of section 14 of the Terrorism Act 2006 (c. 11) do not apply in relation to anything done before the date on which Schedule 17 comes into force.

VALID FROM 14/07/2008

Reasonable force for purposes of self-defence etc.

- 27 (1) Section 76 applies whether the alleged offence took place before, or on or after, the date on which that section comes into force.
- (2) But that section does not apply in relation to—
- (a) any trial on indictment where the arraignment took place before that date, or
 - (b) any summary trial which began before that date,
- or in relation to any proceedings in respect of any trial within paragraph (a) or (b).
- (3) Where the alleged offence is a service offence, that section similarly does not apply in relation to—
- (a) any proceedings before a court where the arraignment took place before that date, or
 - (b) any summary proceedings which began before that date,
- or in relation to any proceedings in respect of any proceedings within paragraph (a) or (b).
- (4) For the purposes of sub-paragraph (3) summary proceedings are to be regarded as beginning when the hearing of the charge, or (as the case may be) the summary trial of the charge, begins.
- (5) In this paragraph—
- “service offence” means—
- (a) any offence against any provision of Part 2 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), Part 2 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or Part 1 of the Naval Discipline Act 1957 (c. 53); or
 - (b) any offence under Part 1 of the Armed Forces Act 2006 (c. 52);

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“summary proceedings” means summary proceedings conducted by a commanding officer or appropriate superior authority.

PROSPECTIVE

Unlawfully obtaining etc. personal data: defences

28 The amendment made by section 78 does not apply in relation to an offence committed before the commencement of that section.

VALID FROM 14/07/2008

PART 6

INTERNATIONAL CO-OPERATION IN RELATION TO CRIMINAL JUSTICE MATTERS

VALID FROM 01/10/2009

Mutual recognition of financial penalties

- 29 (1) The amendments made by subsection (1) of section 80, and subsection (2) of that section, do not apply in relation to financial penalties (within the meaning of that section) imposed before that section comes into force.
- (2) Section 82 does not apply in relation to financial penalties (within the meaning of that section) imposed before that section comes into force.
- (3) Section 84 does not apply in relation to financial penalties (within the meaning of that section) imposed before that section comes into force.
- (4) Section 87 does not apply in relation to financial penalties (within the meaning of that section) imposed before that section comes into force.

Repatriation of prisoners

30 The amendment made by section 93 does not apply to warrants under section 1 of the Repatriation of Prisoners Act 1984 issued before the commencement of that section.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 03/08/2009

PART 7

VIOLENT OFFENDER ORDERS

Penalties for offences

- 31 In section 113(7)(a) in its application in relation to England and Wales the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44).

Service custody and detention

- 32 (1) In relation to any time before the commencement of section 105(2) of the Armed Forces Act 2006 (c. 52)—
- (a) the definition of “kept in service custody” in section 117(1) of this Act does not apply; and
 - (b) any reference in Part 7 to being kept in service custody is to be read as a reference to being kept in military, air-force or naval custody by virtue of an order made under section 75A(2) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18) or of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or section 47G(2) of the Naval Discipline Act 1957 (c. 53) (as the case may be).
- (2) In relation to any time before the commencement of the definition of “service detention” in section 374 of the Armed Forces Act 2006—
- (a) the definition of “service detention” in section 117(1) of this Act does not apply; and
 - (b) any reference in Part 7 to service detention is to be read as a reference to detention under section 71(1)(e) of the Army Act 1955 or of the Air Force Act 1955 or section 43(1)(e) of the Naval Discipline Act 1957.

VALID FROM 01/02/2009

PART 8

ANTI-SOCIAL BEHAVIOUR

Review of anti-social behaviour orders etc.

- 33 (1) The amendments made by section 123 do not apply in relation to an anti-social behaviour order, or a section 1B or 1C order, made more than 9 months before the day on which that section comes into force, unless the order has been varied by a further order made no more than 9 months before that day.
- (2) In sub-paragraph (1) “section 1B or 1C order” means an order under section 1B or section 1C of the Crime and Disorder Act 1998 (c. 37).

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Individual support orders

- 34 (1) The amendments made by section 124 do not apply in relation to an anti-social behaviour order, or a section 1B or 1C order, made more than 9 months before the day on which that section comes into force, unless the order has been varied by a further order made no more than 9 months before that day.
- (2) In sub-paragraph (1) “section 1B or 1C order” means an order under section 1B or section 1C of the Crime and Disorder Act 1998 (c. 37).

VALID FROM 01/12/2008

PART 9

POLICE

Police misconduct and performance procedures

- 35 (1) This paragraph applies if paragraphs 7, 8(3), 15 and 16 of Schedule 22 come into force before the relevant provisions of the Legal Services Act 2007 (c. 29) come into force.
- (2) Until the relevant provisions of the Legal Services Act 2007 come into force—
- (a) section 84 of the Police Act 1996 (c. 16) (as substituted by paragraph 7 of that Schedule and as referred to in the subsection (4) of section 85 of that Act substituted by paragraph 8(3) of that Schedule) has effect as if, in subsection (4), for the definition of “relevant lawyer” there were substituted—
- ““relevant lawyer” means counsel or a solicitor;” and
- (b) section 4 of the Ministry of Defence Police Act 1987 (c. 4) (as substituted by paragraph 15 of that Schedule and as referred to in subsection (7) of the section 4A of that Act substituted by paragraph 16 of that Schedule) has effect as if, in subsection (4), for the definition of “relevant lawyer” there were substituted—
- ““relevant lawyer” means counsel or a solicitor;”.
- (3) In this paragraph “the relevant provisions of the Legal Services Act 2007” means the provisions of that Act which provide, for the purposes of that Act, for a person to be an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act).

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

PART 10

SPECIAL IMMIGRATION STATUS

Conditions on designated persons

- 36 In the application of section 133 to England and Wales in relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (51 week maximum term of sentences) the reference in section 133(6) (b) to 51 weeks is to be read as a reference to six months.

VALID FROM 14/07/2008

PART 11

MISCELLANEOUS

VALID FROM 01/04/2009

Persistent sales of tobacco to persons under 18

- 37 The new sections 12A and 12B inserted into the Children and Young Persons Act 1933 (c. 12) by section 143 do not apply where any of the offences mentioned in those new sections were committed before the commencement of that section.

Sexual offences

- 38 The amendment made by sub-paragraph (1) of paragraph 57 of Schedule 26 is not to be read as affecting the validity of any supplementary, incidental, consequential, transitional, transitory or saving provisions included in orders or regulations made by the Secretary of State under the Sexual Offences Act 2003 (c. 42) before the commencement of that sub-paragraph.

*Status: Point in time view as at 08/07/2008.**Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 28

Section 149

REPEALS AND REVOCATIONS

VALID FROM 30/11/2009

PART 1

YOUTH REHABILITATION ORDERS

<i>Title</i>	<i>Extent of repeal or revocation</i>
Children and Young Persons Act 1933 (c. 12)	In section 34(7), the words “section 163 of the Powers of Criminal Courts (Sentencing) Act 2000 or”. In section 49— (a) in subsection (4A), paragraph (d) (but not the word “and” immediately following it); (b) in subsection (13)(c), subparagraph (i) together with the word “and” immediately following it.
Social Work (Scotland) Act 1968 (c. 49)	In section 94(1), in the definition of “supervision order”, the words “the Powers of Criminal Courts (Sentencing) Act 2000 or”.
Children and Young Persons Act 1969 (c. 54)	Section 25. In section 70(1), the definition of “supervision order”.
Northern Ireland (Modification of Enactments — No. 1) Order 1973 (S.I. 1973/2163)	In Schedule 1, the entry relating to section 25(2) of the Children and Young Persons Act 1969.
Transfer of Functions (Local Government, etc.) (Northern Ireland) Order 1973 (S.R. & O. 1973 No. 256)	In Schedule 2, the entry relating to section 25 of the Children and Young Persons Act 1969.
Bail Act 1976 (c. 63)	In section 4(3), the words “to be dealt with”.
Magistrates' Courts Act 1980 (c. 43)	In Schedule 6A, the entries relating to Schedules 3, 5 and 7 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
Contempt of Court Act 1981 (c. 49)	In section 14, the subsection (2A) inserted by the Criminal Justice Act 1982 (c. 48).
Criminal Justice Act 1982 (c. 48)	In Schedule 13— (a) in paragraph 7(2)(b), the words “(within the meaning of Part 12 of the Criminal Justice Act 2003)”;

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	<p>(b) in paragraph 7(3)(b), the words “within the meaning of Part 12 of the Criminal Justice Act 2003”;</p> <p>(c) in paragraph 9(3)(a), the words “under section 177 of the Criminal Justice Act 2003”;</p> <p>(d) in paragraph 9(4)(a), the words “(within the meaning of Part 12 of the Criminal Justice Act 2003)”;</p> <p>(e) in paragraph 9(5), the words “(within the meaning of the Part 12 of the Criminal Justice Act 2003)”;</p> <p>(f) in paragraph 9(6), the words “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.</p> <p>In Schedule 14, paragraph 60.</p>
Mental Health Act 1983 (c. 20)	<p>In section 37(8)(c), the words “a supervision order (within the meaning of that Act) or”.</p>
Health and Social Services and Social Security Adjudications Act 1983 (c. 41)	<p>In Schedule 2, paragraphs 15(b) and 16.</p>
Children Act 1989 (c. 41)	<p>In section 21(2)(c), in sub-paragraph (i), the words “paragraph 7(5) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000 or” and the word “or” at the end of that sub-paragraph.</p> <p>In section 105(6), in paragraph (b), the words from “or an” to the end of that paragraph.</p> <p>In Schedule 13, paragraph 35(3).</p>
Criminal Justice Act 1991 (c. 53)	<p>In paragraph 11 of Schedule 3—</p> <p>(a) in sub-paragraph (2)(a), the words “under section 177 of the Criminal Justice Act 2003”;</p> <p>(b) in sub-paragraph (4), the words “under section 177 of the Criminal Justice Act 2003”.</p> <p>In Schedule 11, paragraph 3.</p>
Children (Prescribed Orders — Northern Ireland, Guernsey and Isle of Man) Regulations 1991 (S.I. 1991/ 2032)	<p>In regulation 8(1)—</p> <p>(a) sub-paragraph (a)(ii);</p> <p>(b) sub-paragraph (b)(i), (ii), (iv) and (v);</p> <p>(c) sub-paragraph (c)(ii) and (iii).</p>
Prisoners (Return to Custody) Act 1995 (c. 16)	<p>Section 2(2).</p>
Children (Northern Ireland Consequential Amendments) Order 1995 (S.I. 1995/ 756)	<p>Article 7(2) and (3).</p>
Crime and Disorder Act 1998 (c. 37)	<p>In section 38(4)—</p> <p>(a) paragraph (g);</p>

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

(b) in paragraph (h), the words “or a supervision order”.

In Schedule 8, paragraph 13(1).

Chapters 1, 2, 4 and 5 of Part 4.

In section 74(3)(a), the words “or with the requirements of any community order or any youth community order to which he may be subject”.

In section 75, the words “action plan orders and” and “so far as relating to reparation orders”.

In section 137(2)—

- (a) paragraphs (a) to (c);
- (b) in paragraph (d), the words “action plan order or”.

In section 159, the words “paragraph 3(1), 10(6) or 18(1) of Schedule 3 to this Act,” “paragraph 1(1) of Schedule 5 to this Act,” and “paragraph 7(2) of Schedule 7 to this Act, or”.

In section 160—

- (a) ^{F36} ...
- (b) in subsection (3)(a), “40(2)(a)”;
- (c) ^{F36} ...

In section 163, the definitions of—

- (a) “action plan order”;
- (b) “affected person”;
- (c) “attendance centre”;
- (d) “attendance centre order”;
- (e) “community sentence”;
- (f) “curfew order”;
- (g) “exclusion order”;
- (h) “supervision order”;
- (i) “supervisor”;
- (j) “youth community order”;

and paragraphs (a), (aa) and (f) of the definition of “responsible officer”.

Schedules 3 and 5 to 7.

In Schedule 8—

- (a) in the heading, the words “action plan orders and”;
- (b) paragraph 1 and the heading preceding that paragraph;
- (c) in the cross-heading before paragraph 2, the words “action plan order or”;
- (d) in paragraph 2—
 - (i) in sub-paragraph (2), in paragraph (a), sub-paragraphs (ii) and (iii) and in paragraphs (b) and (c) the words “action plan order or”;

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	<ul style="list-style-type: none">(ii) in sub-paragraphs (5) and (7), the words “action plan order or”;(iii) in sub-paragraph (8), the words “or action plan order” in both places; <p>(d) paragraphs 3 and 4;</p> <p>(e) in the cross-heading before paragraph 5, the words “action plan order or”;</p> <p>(f) in paragraph 5(1)(a), the words “action plan order or”;</p> <p>(g) in paragraph 6(9)(a), (b) and (c), the words “action plan order or”.</p> <p>In Schedule 9, paragraphs 1, 2(2), (3)(a) and (4), 28(2), 33, 34(b), 39, 41, 42, 49, 80, 93(a), 126(b), 127, 129, 131 and 132.</p> <p>In Schedule 10, paragraphs 4 to 6 and 12 to 15.</p> <p>In Schedule 11, paragraphs 4(1)(a), (2) and (3) and 5.</p>
Care Standards Act 2000 (c. 14)	In Schedule 4, paragraph 28(3).
Criminal Justice and Court Services Act 2000 (c. 43)	Section 46. Section 52. Section 70(5). In Schedule 7— <ul style="list-style-type: none">(a) in paragraph 4(2), in the entry relating to the Powers of Criminal Courts (Sentencing) Act 2000, the entries beginning “sections 63(1)(b)” and “in section 69”;(b) paragraphs 37(b), 69, 163, 164, 174, 175 and 192;(c) in paragraph 196, paragraphs (a), (b), (c)(i) and (iii) and (d);(d) in paragraph 197—<ul style="list-style-type: none">(i) paragraph (a);(ii) paragraph (d);(iii) in paragraph (f), the definitions of “affected person” and “exclusion order”;(iv) paragraph (g)(i);(e) paragraphs 201, 202(2) and 204.
Anti-social Behaviour Act 2003 (c. 38)	Section 88. Schedule 2.
Criminal Justice Act 2003 (c. 44)	In section 147, subsections (1)(b) and (2). In section 148— <ul style="list-style-type: none">(a) in subsection (2), the words “which consists of or includes a community order”;(b) subsection (3).

Status: Point in time view as at 08/07/2008.

Changes to legislation: *Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

In section 156(2), “or (3)(a)”.

In section 161—

(a) in subsection (1), the words “aged 14 or over”;

(b) subsection (7).

In section 176, the definition of “youth community order”.

In section 197(1)(b), the words “the offender is aged 18 or over and”.

Section 199(4).

Section 211(5).

In section 221(2), paragraph (b) together with the word “or” immediately preceding it.

Section 279.

In section 330(5)(a), the entry relating to section 161(7).

In Schedule 8, paragraphs 12, 15 and 17(5).

Schedule 24.

In Schedule 32, paragraphs 2(2), 8(2)(a), 14, 64(3)(a)(ii), 70(5)(a) and (7), 73, 89(2), 95 to 105, 106(2), 107, 122, 123(3), (5) and (8), 125, 127, 128, 129, 131(3) and 138.

Textual Amendments

F36 Sch. 28 Pt. 1 entries repealed (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(1)(j)(ii), [Sch. 23 Pt. 4](#) (with s. 180)

VALID FROM 14/07/2008

PART 2

SENTENCING

<i>Title</i>	<i>Extent of repeal or revocation</i>
Criminal Justice Act 1991 (c. 53)	<p>In section 45—</p> <p>(a) in subsection (3), subsection (2) of the substituted text, and</p> <p>(b) subsection (4).</p> <p>Section 46(1).</p> <p>In section 46A—</p> <p>(a) in subsection (1), the words “Subject to subsection (2) below,”;</p> <p>(b) subsection (2);</p> <p>(c) subsection (8).</p> <p>In section 50(2), the words from “but nothing” to the end.</p>

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Crime (Sentences) Act 1997 (c. 43)	In section 31(1), “(1) or (2)”. In Schedule 5, in paragraph 7, the words “the corresponding subsection of”.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 17— (a) in subsection (1), paragraph (c) together with the word “and” immediately preceding it; (b) subsection (5). Section 92(3).
Criminal Justice Act 2003 (c. 44)	In section 142(2)(a), the words “at the time of conviction”. In section 153(1), the words “falling to be”. In section 224(3), the definition of “relevant offence”. In section 227(1)(a), the words “, other than a serious offence,”. In section 228— (a) in subsection (1)(b)(ii), the words from “or by section 226(3)” to the end, and (b) subsection (3)(a) and the word “and” immediately following it. In section 229— (a) in subsection (2) the words from the beginning to “18”, and (b) subsections (3) and (4). Sections 233 and 234. In section 247— (a) in subsection (2), the word “and” (at the end of paragraph (a)) and paragraph (b), and (b) subsections (3), (4), (5) and (6). Section 254(3) to (5). In section 256— (a) in subsection (2), the words “or (b)”; (b) subsections (3) and (5). In section 260— (a) subsections (3) and (3A); (b) in subsection (6), in paragraph (a), the words “or (3)(e)” and paragraph (b). In section 264A(3), the words from “and none” to the end. In section 300— (a) in subsection (1), paragraph (b) together with the word “or” immediately preceding it; (b) in subsection (2)— (a) the words from “or, as the case may be” to “young offender”; (b) the word “or” at the end of paragraph (a).

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	Section 305(4)(e). Schedules 16 and 17. In Schedule 31, in paragraph 4(5)(a), “(5)”.
Referral Orders (Amendment of Referral Conditions) Regulations 2003 (S.I. 2003/1605)	Regulation 2(2) and (3).
Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950)	Paragraph 30 of Schedule 2.
Armed Forces Act 2006 (c. 52)	In section 221— (a) in subsection (3)(a) and (b) the words “in section 226(2)”, and (b) subsection (4). In section 223(3), the words “to (4)”. In section 270— (a) subsection (7), and (b) in subsection (8), the word “Accordingly”. In Schedule 16, paragraphs 218 and 225.

VALID FROM 14/07/2008

PART 3

APPEALS

<i>Title</i>	<i>Extent of repeal</i>
Criminal Appeal Act 1968 (c. 19)	In section 4(2), the words “for the offence of which he remains convicted on that count”. In section 6— (a) subsection (5); (b) in subsection (7), the definition of interim hospital order. Section 11(6). In section 14— (a) subsection (5); (b) in subsection (7), the definition of interim hospital order. Section 16B(3). In section 31, in the heading, the words “under Part 1”. Section 31C(1) and (2).
Courts-Martial (Appeals) Act 1968 (c. 20)	Section 16(5). Section 25B(3).

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Judicature (Northern Ireland) Act 1978 (c. 23)	Section 36C(1) and (2). In section 43(1A), the word “or” at the end of paragraph (a). In section 49— (a) in subsection (2), the words from “or, where subsection (3) applies” to the end; (b) subsection (3).
Criminal Appeal (Northern Ireland) Act 1980 (c. 47)	Section 10(6).
Mental Health Act 1983 (c. 20)	In Schedule 4, paragraph 23(d)(ii).
Criminal Justice Act 1988 (c. 33)	In section 36(9), the word “and” at the end of paragraph (ab).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 155— (a) in subsection (1), the words from “or, where subsection (2) below applies” to the end; (b) subsections (2) and (3).
Criminal Justice Act 2003 (c. 44)	Section 272(1).

PART 4

OTHER CRIMINAL JUSTICE PROVISIONS

Commencement Information

141 Sch. 28 Pt. 4 partly in force; Sch. 28 Pt. 4 partly in force at Royal Assent, see s. 153(1)(a) and further in force for certain purposes at 8.7.2008, see s. 153(2)(a)

<i>Title</i>	<i>Extent of repeal</i>
Children and Young Persons Act 1969 (c. 54)	Section 23AA(4)(a).
Bail Act 1976 (c. 63)	Section 3AA(6) to (10) and (12).
Magistrates' Courts Act 1980 (c. 43)	Section 13(5). Section 24(1B).
Prosecution of Offences Act 1985 (c. 23)	Section 7A(6).
Criminal Justice (Terrorism and Conspiracy) Act 1998 (c. 40)	Section 8.
Access to Justice Act 1999 (c. 22)	Section 17A(5).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 3— (a) in subsection (2), paragraph (b) and the word “or” immediately preceding it;

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	(b) in subsection (5), in paragraph (b), the words “paragraph (b) and”.
Sexual Offences Act 2003 (c. 42)	Section 86(4). Section 87(6).
Criminal Justice Act 2003 (c. 44)	Section 23A(7) to (9). In Schedule 3, paragraphs 13, 22 and 57(2). In Schedule 36, paragraph 50. In Part 4 of Schedule 37, in the entry relating to the Magistrates' Courts Act 1980, in the second column, the words “In section 33(1), paragraph (b) and the word “and” immediately preceding it”.

PART 5

CRIMINAL LAW

Commencement Information

I42 Sch. 28 Pt. 5 partly in force at Royal Assent, see s. 153(1)(j) and further in force for certain purposes at 8.7.2008, see s. 153(2)(d)

<i>Title</i>	<i>Extent of repeal</i>
Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8)	In section 1, the words “any blasphemous libel, or”.
Law of Libel Amendment Act 1888 (c. 64)	In section 3, the words “blasphemous or”. In section 4, the words “blasphemous or”.
Nuclear Material (Offences) Act 1983 (c. 18)	Section 1(2). In section 6(1), the words “in this Act”.
Public Order Act 1986 (c. 64)	Section 29B(3). In section 29H— (a) in subsection (1), the words “in England and Wales”; (b) subsection (2). In section 29I— (a) in subsection (2)(a), the words “in the case of an order made in proceedings in England and Wales,”; (b) subsections (2)(b) and (4). In section 29L(1) and (2), the words “in England and Wales”.
Sexual Offences Act 2003 (c. 42)	In Schedule 2, in paragraph 1(d), the words “in relation to a photograph or pseudo-photograph showing a child under 16”.
Terrorism Act 2006 (c. 11)	Section 14.

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 14/07/2008

PART 6

INTERNATIONAL CO-OPERATION IN RELATION TO CRIMINAL JUSTICE MATTERS

<i>Title</i>	<i>Extent of repeal</i>
Commissioners for Revenue and Customs Act 2005 (c. 11)	In Schedule 2, paragraph 14.
Repatriation of Prisoners Act 1984 (c. 47)	In section 1(4)(b) the words “under this Act”. Section 3(10). In section 8(1) the word “and” after the definition of “order”.
Police and Justice Act 2006 (c. 48)	Section 44(4).

VALID FROM 01/04/2009

PART 7

ANTI-SOCIAL BEHAVIOUR

<i>Title</i>	<i>Extent of repeal</i>
Police and Justice Act 2006 (c. 48)	In Schedule 14, paragraph 55(5).

VALID FROM 14/07/2008

PART 8

POLICING

<i>Title</i>	<i>Extent of repeal</i>
Police Act 1996 (c. 16)	In section 50(4), the words “, subject to subsection (3)(b),”. In section 54(2), the words “and the Central Police Training and Development Authority”. In section 97— (a) in subsection (6), in each of paragraphs (b) and (c), the words “or

Status: Point in time view as at 08/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

	is required to resign as an alternative to dismissal”;
	(b) in subsection (7), the words “, or required to resign as an alternative to dismissal,”.
	In Schedule 6, paragraph 6.
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraphs 95 and 107.
Criminal Justice and Police Act 2001 (c. 16)	In section 125— (a) subsections (3) and (4); (b) in subsection (5), paragraph (b), together with the word “and” immediately preceding it.
Police Reform Act 2002 (c. 30)	In Schedule 3— (a) paragraphs 20A(8), 20B(5) and 20E(5); (b) paragraph 20G together with the cross heading immediately preceding it; (c) in paragraphs 21A(5) and 24B(2), the words from “(and the other provisions” to the end; (d) paragraph 22(1)(c) (together with the word “or” immediately preceding it); (e) in paragraph 25, the word “and” immediately after each of sub-paragraphs (2)(b), (3)(b) and (5)(b).
Railways and Transport Safety Act 2003 (c. 20)	Section 43.
Police and Justice Act 2006 (c. 48)	In section 49(1), paragraph (c) together with the word “or” immediately preceding it. In Schedule 1, paragraph 30(3). In Schedule 2, paragraph 19.
Legal Services Act 2007 (c. 29)	In Schedule 21, paragraphs 73 and 119.

Status:

Point in time view as at 08/07/2008.

Changes to legislation:

Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 06 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.