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## STATUTORY INSTRUMENTS

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# 1998 No. 2327

## The Crime and Disorder Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998

**2.**—(1) The following provisions of the 1998 Act shall, subject to articles 5 to 8 below, come into force on 30th September 1998—

- (a) sections 5 to 9 (crime and disorder strategies; parenting orders);
- (b) section 10(1) to (5) (appeals against parenting orders);
- (c) sections 11 and 12 (child safety orders);
- (d) section 13(1) and (2) (appeals against child safety orders);
- (e) sections 14 and 15 (local child curfew schemes);
- (f) sections 17 and 18 (duty to consider crime and disorder implications; interpretation);
- (g) sections 28 to 37 (racially aggravated offences; abolition of doli incapax; effect of child's evidence at trial; abolition of death penalty for treason and piracy; aim of youth justice system);
- (h) section 38(4) (definition of youth justice services);
- (i) sections 41 and 42 and Schedule 2 (Youth Justice Board), to the extent that they are not already in force;
- (j) section 43(1) (time limits);
- (k) sections 47 and 48 (powers of youth courts; and of stipendiary magistrates to sit alone);
- (l) section 50 (early administrative hearings);
- (m) section 52(6) (indictable-only offences) and Schedule 3, for the purpose of making both regulations under paragraph 1 of that Schedule and rules which make such provision as is mentioned in paragraph 2(7) of that Schedule;
- (n) sections 53 to 64 and Schedule 4 (criminal justice system: miscellaneous; dealing with sexual or violent offenders; and those dependent on drugs);
- (o) sections 67 to 70 and Schedule 5 (reparation orders; action plan orders);
- (p) section 71(5) (selection of supervisor for supervision order);
- (q) section 72 (breach of requirements in supervision orders);
- (r) sections 82 and 83 (increase in sentences for racial aggravation; power to make confiscation orders on committal for sentence);
- (s) sections 85 to 96 and Schedule 6 (interpretation; extended sentences for sex and violent offenders in Scotland; drug treatment and testing orders in Scotland; offences racially aggravated in Scotland);
- (t) section 97, for the purpose of making an order under section 23 of the 1969 Act (prescribed description of children and young persons who may be remanded or committed to local authority secure accommodation);
- (u) section 100(1), for the purpose of making orders under section 37A of the 1991 Act (responsible officers for offenders released on licence with curfew conditions);

- (v) sections 101 and 102 (early release: two or more sentences; restriction on consecutive sentences for released prisoners);
  - (w) sections 104 to 108 and Schedule 7 (release on licence following recall or return to prison; pre-consolidation amendments; amendments to Chapter I of Part II of the 1997 Act; repeal of Chapter I of Part III of the Crime and Punishment (Scotland) Act 1997(1));
  - (x) sections 110 to 113 and 115 (calculation of period of detention at custom office etc. where person previously detained; early release in Scotland: two or more sentences; restriction on consecutive sentences for released prisoners: Scotland; deputy authorising officer under Part III of Police Act 1997; disclosure of information);
  - (y) sections 118 and 119 and the provisions of Schedule 8 mentioned in paragraph (2) below (provision for Northern Ireland; minor and consequential amendments);
  - (z) section 120(1) and paragraphs 1 to 4, 6, 8, 11, 12(1) and (3) to (9), and 13 to 15 of Schedule 9 (transitional provisions and savings); and
  - (aa) section 120(2) and Schedule 10 so far as they repeal the provisions mentioned in paragraph (3) below (repeals).
- (2) The provisions of Schedule 8 referred to in paragraph (1)(y) above are—
- (a) paragraph 2;
  - (b) paragraph 4;
  - (c) paragraph 9(1)(b);
  - (d) paragraph 10(a);
  - (e) paragraph 11;
  - (f) paragraph 13;
  - (g) paragraph 16;
  - (h) paragraph 18;
  - (i) paragraphs 20 and 21;
  - (j) paragraph 24;
  - (k) paragraph 30;
  - (l) paragraph 34(1) and (2);
  - (m) paragraph 38;
  - (n) paragraph 40(1);
  - (o) paragraphs 42 and 43;
  - (p) paragraphs 46 and 47;
  - (q) paragraph 50(5);
  - (r) paragraphs 53 and 54;
  - (s) paragraphs 56 to 60;
  - (t) paragraph 62;
  - (u) paragraphs 68 to 72;
  - (v) paragraphs 74 and 75;
  - (w) paragraph 77(b);
  - (x) paragraph 78(a) and (c);
  - (y) paragraphs 79 to 82;

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- (z) paragraph 83(1)(a) and (4) to (6);
- (aa) paragraphs 84 and 85;
- (bb) paragraph 87;
- (cc) paragraph 88(1), (2) and (3)(b);
- (dd) paragraph 89;
- (ee) paragraphs 91 and 92;
- (ff) paragraphs 96(1) to (5) and (7);
- (gg) paragraphs 97 and 98;
- (hh) paragraphs 100 to 108;
- (ii) paragraph 113;
- (jj) paragraphs 115 and 116;
- (kk) paragraphs 118 to 124;
- (ll) paragraph 130;
- (mm) paragraph 131(3);
- (nn) paragraphs 132 to 134;
- (oo) paragraph 135(1), (2)(b) and (3) to (8); and
- (pp) paragraphs 136 to 143.

(3) The provisions which are referred to in paragraph (1)(aa) above are the entries in Schedule 10 to the 1998 Act relating to—

- (a) the Treason Act 1790(2);
  - (b) the Treason Act 1795(3);
  - (c) the Treason by Women Act (Ireland) 1796(4);
  - (d) the Treason Act 1817(5);
  - (e) the Treason Felony Act 1848(6);
  - (f) the Sentence of Death (Expectant Mothers) Act 1931(7);
  - (g) the 1933 Act;
  - (h) the Criminal Justice Act (Northern Ireland) 1945(8);
  - (i) section 56(3) and (13) of the Criminal Justice Act 1967(9);
  - (j) the Criminal Appeal Act 1968(10);
  - (k) the 1969 Act;
  - (l) the Criminal Justice Act 1972(11);
- (m) sections 1B, 1C, 11, 14, 31 and 32 of, and Schedules 1A and 5 to, the 1973 Act, and the words from “For the purposes” to “available evidence” in section 2(1) of that Act;

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(2) 30 Geo 3 c. 48.

(3) 36 Geo 3 c. 7.

(4) 36 Geo 3 c. 31.

(5) 57 Geo 3 c. 6.

(6) 11 & 12 Vict c. 12.

(7) 21 & 22 Geo 5 c. 24.

(8) 1945 c. 15 (N.I.).

(9) 1967 c. 80.

(10) 1968 c. 19.

(11) 1972 c. 71.

- (n) the Bail Act 1976(**12**);
- (o) sections 38, 38A and 108 of, and Schedule 7 to, the 1980 Act;
- (p) sections 3, 18, 19 and 66 of, and Schedule 14 to, the 1982 Act;
- (q) the Family Law Reform Act 1987(**13**);
- (r) the Criminal Justice Act 1988(**14**);
- (s) the Prisons (Scotland) Act 1989(**15**);
- (t) sections 6, 33 and 37(4) of, and Schedules 2 and 11 to, the 1991 Act;
- (u) the Prisoners and Criminal Proceedings (Scotland) Act 1993(**16**);
- (v) sections 35 and 130(4) of the 1994 Act;
- (w) the Criminal Procedure (Scotland) Act 1995(**17**);
- (x) sections 1, 8, 10 to 27, 35, 43 and 54 of, and Schedules 1, 2, 4, 5 and 6 to, the 1997 Act;
- (y) the Crime and Punishment (Scotland) Act 1997; and
- (z) the Police Act 1997(**18**).

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(12) 1976 c. 63.

(13) 1987 c. 42.

(14) 1988 c. 33.

(15) 1989 c. 45.

(16) 1993 c. 9.

(17) 1995 c. 46.

(18) 1997 c. 50.