

SCHEDULE 2

TRANSITIONAL AND SAVING PROVISIONS

Community sentences

Transitional provisions

7. Until the coming into force of sections 177 and 179 to 180 (community orders) of the 2003 Act in accordance with article 2(2) of this Order, the transitional provisions in paragraphs 8 to 10 shall have effect.

8. Sections 41 to 58 of and Schedules 2 and 4 to the Sentencing Act shall continue to have effect (subject to any necessary modifications) where a person aged 16 or 17 is convicted of an offence as if—

- (a) for “sections 34 to 36 above” in sections 41(1), 46(1), 51(1) and 52(1) there were substituted “sections 148, 150 and 156 of the Criminal Justice Act 2003”;
- (b) sections 41(4), (7) and (9)(a); 42(2)(b) to (3); 46(5)(a), (10), 11(a); 47(3A) to (4); and 52(6) were omitted;
- (c) paragraphs 2(2)(a)(i) and 3(2)(a) of Schedule 2 were omitted; and
- (d) paragraphs 1(3)(a) and 2(3)(a) of Schedule 4, in so far as they relate to paragraph 2(2)(a)(i) of Schedule 2 to the Sentencing Act, were omitted.

9. Notwithstanding the substitution of section 33 (community orders) and the amendment to section 165 (interpretation) of the Sentencing Act by Schedule 32 to the 2003 Act, orders made under sections 41 to 58 of the Sentencing Act (community rehabilitation orders, community punishment orders, community punishment and rehabilitation orders and drug treating and testing orders) shall continue to be regarded as community orders and community sentences for the purposes of the Sentencing Act.

10. Notwithstanding sections 147 (meaning of community sentence), 177 (community orders) and 305 (interpretation) of the 2003 Act, orders made under sections 41 to 58 of the Sentencing Act shall also be regarded as community orders and community sentences for the purposes of the provisions specified in paragraphs (a) and (b)—

- (a) sections 148 to 150, 152, 156, 166 and 174 of the 2003 Act; and
- (b) the amendments made by paragraphs 8, 12(4) and 5, 13(2) and (3), 18(3), 21(3), 31, 38, 73, 89, 123(4), 131, 132 and 134(a) of Schedule 32 to the 2003 Act.

11. Until the coming into force of paragraph 125 (substitution of Schedule 3 to the Sentencing Act) of Schedule 32 to the 2003 Act in accordance with article 4 of this Order, Schedule 3 to the Sentencing Act shall continue to have effect (subject to any necessary modifications) as if—

- (a) the reference in paragraphs 5(2) and 21(6)(b) to “section 79(2) of this Act” were to “section 152(3) of the Criminal Justice Act 2003”; and
- (b) the reference in paragraphs 7(5) and 8(3) to “sections 35 and 36 of this Act” were to “sections 148 and 156 of the Criminal Justice Act 2003”.

Savings

12. Until the coming into force of sections 177 and 179 to 180 of the 2003 Act in accordance with article 2(2) of this Order, the provisions of the 2003 Act specified in paragraph 13 shall have no effect where a person aged 16 or 17 is convicted of an offence or in relation to orders made under sections 41 to 58 of the Sentencing Act by virtue of paragraph 8.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

13. The provisions referred to paragraph 12 are–

- (a) section 303(d)(i) (repeal of Chapter 3 of Part 4 of the Sentencing Act);
- (b) in Schedule 32, the amendments made by paragraphs 5, 14, 32, 36, 64, 69 to 72, 78(3), 96, 97(2)(a) and (3), 98, 100(2)(a) in so far as it substitutes “16” for “21”, (2) (c) and (3), 101, 102(2)(a) and (4), 104(3) and 106(2);
- (c) In Schedule 37, the entries relating to–
 - (i) section 94(1) of the Social Work (Scotland) Act 1968 (c. 49);
 - (ii) sections 35(2), 36B, 37(9) and 41 to 58 of and Schedules 2 and 4 to the Sentencing Act.