

Status: Point in time view as at 28/03/2009.

Changes to legislation: Criminal Justice Act 1991, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 July 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

SCHEDULE 9

Section 71.

AMENDMENTS TO SERVICE LAW

Commencement Information

II Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Army Act 1955 (c.18) and Air Force Act 1955 (c.19)

- 1 [^{F1}In section 71A of the Army Act 1955 and the Air Force Act 1955 (life custody for young offenders), in subsections (1B) and (4)(a), for the words “17 years” there shall be substituted the words “18 years”.]

Textual Amendments

F1 Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by **Armed Forces Act 2006 (c. 52)**, ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

- 2 [^{F2}In section 71AA of those Acts (young service offenders: custodial orders)—
- (a) in subsection (1), for the words “not exceeding” there shall be substituted the words
 - (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained eighteen years of age, the period of 21 days; or
 - (ii) in the case of an offender who is under that age, the period of two months; and
 - (b) shall not exceed”;
 - (b) subsection (1A) and, in subsection (1), the words “subject to subsection (1A) below” shall cease to have effect;
 - (c) before subsection (1B) there shall be inserted the following subsection—

“(1AA) The court shall not make a custodial order committing an offender aged 17 to be detained for a period exceeding twelve months or for a period such that the continuous period for which he is committed to be detained under that order and any one or more other custodial orders exceeds twelve months.”; and

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- (d) in subsection (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.]

Textual Amendments

- F2** Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

- 3 For subsection (2) of section 93 of those Acts (evidence on oath in court-martial) there shall be substituted the following subsections—

“(1B) A witness before a court-martial—

- (a) shall be examined on oath if he has attained the age of fourteen; and
 (b) shall give evidence unsworn if he is under that age.

- (2) Unsworn evidence admitted by virtue of subsection (1B)(b) above may corroborate evidence (sworn or unsworn) given by any other person.”

Commencement Information

- I2** Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).

- 4 [^{F3}In paragraph 10 of Schedule 5A to those Acts (civilian offenders: custodial orders)—

- (a) in sub-paragraph (1), for the words from “detained” to “and in this sub-paragraph” there shall be substituted the words

- (a) shall not be less than the appropriate minimum period, that is to say—

(i) in the case of an offender who has attained the age of 18, the period of 21 days; or

(ii) in the case of an offender who is under 18 years of age, the period of two months;

- (b) shall not exceed the maximum period for which he could have been sentenced to imprisonment if he had attained the age of 21; and

- (c) if the order is made by a Standing Civilian Court, shall not exceed six months.

and in this sub-paragraph ”.

- (b) in sub-paragraph (1A), for the words “17 years” there shall be substituted the words “18 years”; and

- (c) in sub-paragraph (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.]

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Textual Amendments

- F3** Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

- I3** Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, [art. 2\(2\)](#), [Sch. 2](#).

Naval Discipline Act 1957 (c.53)

- 5 [F⁴In section 43A of the Naval Discipline Act 1957 (life custody for young offenders), in subsections (1B) and (4)(a), for the words “17 years” there shall be substituted the words “18 years”.]

Textual Amendments

- F4** Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

- I4** Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, [art. 2\(2\)](#), [Sch. 2](#).

- 6 [F⁵In section 43AA of that Act (young service offenders: custodial orders)—
- (a) in subsection (1), for the words “not exceeding” there shall be substituted the words
 - (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained eighteen years of age, the period of 21 days; or
 - (ii) in the case of an offender who is under that age, the period of two months; and
 - (b) shall not exceed”;
 - (b) subsection (1A) and, in subsection (1), the words “subject to subsection (1A) below”, shall cease to have effect; and
 - (c) before subsection (1B) there shall be inserted the following subsection—

“(1AA) The court shall not make a custodial order committing an offender aged 17 to be detained for a period exceeding twelve months or for a period such that the continuous period for which he is committed to be detained under that order and any one or more other custodial orders exceeds twelve months.”; and
 - (d) in subsection (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “ Section 65 of the Criminal Justice Act 1991 ”.]

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Textual Amendments

- F5** Sch. 9 repealed (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by **Armed Forces Act 2006** (c. 52), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Commencement Information

- I5** Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**, **Sch. 2**.

- 7 For subsections (2) and (3) of section 60 of that Act (evidence on oath in court-martial) there shall be substituted the following subsections—

“(2) A witness before a court-martial—

- (a) shall be examined on oath if he has attained the age of fourteen; and
- (b) shall give evidence unsworn if he is under that age.

(3) Unsworn evidence admitted by virtue of subsection (2)(b) above may corroborate evidence (sworn or unsworn) given by any other person.”

Commencement Information

- I6** Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**, **Sch. 2**.

- 8 ^[F6]In paragraph 10 of Schedule 4A to that Act (civilian offenders: custodial orders)

- (a) in sub-paragraph (1), for the words from “detained” to “and in this sub-paragraph” there shall be substituted the words
 - (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained the age of 18, the period of 21 days; or
 - (ii) in the case of an offender who is under 18 years of age, the period of two months; and
 - (b) shall not exceed the maximum period for which he could have been sentenced to imprisonment if he had attained the age of 21;

and in this sub-paragraph ”;

- (b) in sub-paragraph (1A), for the words “17 years” there shall be substituted the words “18 years”; and
- (c) in sub-paragraph (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.]

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- I7** Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), [Sch. 2](#).

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