



# Crime (Sentences) Act 1997

## 1997 CHAPTER 43

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Community sentences*

#### 35 **Fine defaulters: general.**

- (1) Subsection (2) below applies in any case where a magistrates' court—
- has power under Part III of [<sup>F1</sup>the Magistrates' Courts Act 1980 ("the 1980 Act")] to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction of a magistrates' court (other than a sum ordered to be paid under section 71 of the <sup>M1</sup>Criminal Justice Act 1988 or section 2 of the <sup>M2</sup>Drug Trafficking Act 1994 [<sup>F2</sup>or section 6 of the Proceeds of Crime Act 2002]); or
  - would, but for [<sup>F3</sup>section 89 of the Powers of Criminal Courts (Sentencing) Act 2000] (restrictions on custodial sentences for persons under 21), have power to issue such a warrant for such default.
- (2) The magistrates' court may—
- subject to subsections (4) to (6) [<sup>F4</sup>, (10) and (11)] below, make a community service order; or
  - subject to subsections (7) to (11) below, make a curfew order,  
in respect of the person in default instead of issuing a warrant of commitment or, as the case may be, proceeding under section 81 of the 1980 Act (enforcement of fines imposed on young offenders).
- (3) Where a magistrates' court has power to make an order under subsection (2)(a) or (b) above, it may, if it thinks it expedient to do so, postpone the making of the order until such time and on such conditions, if any, as it thinks just.

[<sup>F5</sup>(4) Section 46(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (community service orders) shall apply for the purposes of subsection (2)(a) above as if for the

*Status: Point in time view as at 28/03/2009.*

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words from the beginning to “make” there were substituted “Where section 35(2) of the Crime (Sentences) Act 1997 applies, the court may make in respect of the offender”; and—

- (a) section 46(3) and (4) of that Act, and
- (b) so far as applicable, the following provisions of section 46 of that Act and the other provisions of Part IV of that Act relating to community service orders, have effect in relation to a community service order made by virtue of this section as they have effect in relation to any community service order made under that Act, subject to the exceptions in subsection (5) below.

<sup>F5</sup>(5) The following are the exceptions, namely—

- (a) the reference in section 46(3)(a) of that Act to 40 hours shall be construed as a reference to 20 hours;
  - (b) section 46(8) of that Act shall not apply;
  - (c) the power conferred by paragraph 4(1)(d) of Schedule 3 to that Act shall be construed as a power to revoke the order or deal with the person in respect of whom the order was made for his default in paying the sum in question or do both of those things;
  - (d) paragraph 4(2)(a) and (3) of that Schedule shall not apply;
  - (e) the reference in paragraph 10(1)(b) of that Schedule to the offence in respect of which the order was made shall be construed as a reference to the default in respect of which the order was made;
  - (f) the power conferred by paragraph 10(3)(b) of that Schedule to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question; and
  - (g) paragraph 11(2)(b) of that Schedule shall not apply.]
- (6) In the case of an amount in default which is described in the first column of the following Table, the period of community service specified in an order under subsection (2)(a) above shall not exceed the number of hours set out opposite that amount in the second column of that Table.

TABLE

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

<sup>F6</sup>(7) Section 37(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (curfew orders) shall apply for the purposes of subsection (2)(b) above as if for the words from the beginning to “make” there were substituted “Where section 35(2) of the Crime (Sentences) Act 1997 applies, the court may make in respect of the offender”; and—

- (a) section 37(3), (5) to (8) and (10) to (12) of that Act, and
- (b) so far as applicable, the other provisions of Part IV of that Act relating to curfew orders,

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have effect in relation to a curfew order made by virtue of this section as they have effect in relation to any curfew order made under that Act, subject to the exceptions in subsection (8) below.

- <sup>F6</sup>(8) The following are the exceptions, namely—
- (a) the power conferred by paragraph 4(1)(d) of Schedule 3 to that Act shall be construed as a power to revoke the order or deal with the person in respect of whom the order was made for his default in paying the sum in question or do both of those things;
  - (b) paragraph 4(2)(a) and (3) of that Schedule shall not apply;
  - (c) the reference in paragraph 10(1)(b) of that Schedule to the offence in respect of which the order was made shall be construed as a reference to the default in respect of which the order was made;
  - (d) the power conferred by paragraph 10(3)(b) of that Schedule to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question; and
  - (e) paragraph 11(2)(b) of that Schedule shall not apply.]
- (9) In the case of an amount in default which is described in the first column of the following Table, the number of days to which an order under subsection (2)(b) above relates shall not exceed the number of days set out opposite that amount in the second column of that Table.

TABLE

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

- (10) A magistrates' court shall not make an order under [<sup>F7</sup>subsection (2)(a) or (b)] above in respect of a person who is under 16.
- (11) A magistrates court shall not make an order under subsection (2)(a) or (b) above unless the court has been notified by the Secretary of State that arrangements for implementing such orders are available in the relevant area and the notice has not been withdrawn.
- (12) In subsection (11) above “the relevant area” means—
- (a) in relation to an order under subsection (2)(a) above, the area proposed to be specified in the order;
  - (b) in relation to an order under subsection (2)(b) above, the area in which the place proposed to be specified in the order is situated.

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[<sup>F8</sup>(12A) Sections 35 and 36 of the Powers of Criminal Courts (Sentencing) Act 2000 (restrictions and procedural requirements for community sentences) do not apply in relation to an order under subsection (2)(a) or (b) above.]

- (13) Where an order has been made under subsection (2)(a) or (b) above for default in paying any sum—
- (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;
  - (b) on payment of a part of that sum to any such person, the total number of hours or days to which the order relates shall be reduced proportionately;
- and the total number is so reduced if it is reduced by such number of complete hours or days as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the whole sum.
- (14) The Secretary of State may by order direct that subsection (5)(a), (6) or (9) above shall be amended by substituting for any number of hours or days there specified such number of hours or days as may be specified in the order.
- (15) The power to make an order under this section shall be exercisable by statutory instrument; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

- F1** Words in s. 35(1)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 132(1)**; S.I. 1998/2327, **art. 2(2)(nn)**.
- F2** Words in s. 35(1)(a) inserted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 32(2)**; S.I. 2003/333, **art. 2, Sch.**
- F3** Words in s. 35(1)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 184(2)**
- F4** Words in s. 35(2)(a) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 50(1)**; S.I. 1998/2327, **art. 2(1)(w)**.
- F5** S. 35(4)(5) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 184(3)**
- F6** S. 35(7)(8) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 184(4)**
- F7** Words in s. 35(10) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 50(6)**; S.I. 1998/2327, **art. 2(1)(w)**.
- F8** S. 35(12A) inserted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 184(5)**

#### Commencement Information

- I1** S. 35 not in force at Royal Assent, see s. 57(2). S. 35 in force at 1.1.1998 by 1997/2200, art. 3 (subject to savings in art. 5)

#### Marginal Citations

- M1** 1988 c.33.  
**M2** 1994 c.37.

<sup>F9</sup>36 .....

#### Textual Amendments

- F9** S. 36 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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

**Changes to legislation:** *Crime (Sentences) Act 1997, Part III is up to date with all changes known to be in force on or before 21 August 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)*

<sup>F10</sup>37 .....

**Textual Amendments**

**F10** S. 37 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

<sup>F11</sup>38 .....

**Textual Amendments**

**F11** S. 38 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*Driving disqualifications*

<sup>F12</sup>39 .....

**Textual Amendments**

**F12** S. 39 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**40 Fine defaulters.**

- (1) This section applies in any case where a magistrates' court—
  - (a) has power under Part III of the 1980 Act to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction of a magistrates' court (other than a sum ordered to be paid under section 71 of the <sup>M3</sup>Criminal Justice Act 1988 or section 2 of the <sup>M4</sup>Drug Trafficking Act 1994 [<sup>F13</sup>or section 6 of the Proceeds of Crime Act 2002] ); or
  - (b) would, but for [<sup>F14</sup>section 89 of the Powers of Criminal Courts (Sentencing) Act 2000] (restrictions on custodial sentences for persons under 21), have power to issue such a warrant for such default.
- (2) Subject to subsection (3) below, the magistrates' court may, instead of issuing a warrant of commitment or, as the case may be, proceeding under section 81 of the 1980 Act (enforcement of fines imposed on young offenders), order the person in default to be disqualified, for such period not exceeding twelve months as it thinks fit, for holding or obtaining a driving licence.
- (3) A magistrates court shall not make an order under subsection (2) above unless the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn.
- (4) Where an order has been made under subsection (2) above for default in paying any sum—
  - (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;

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- (b) on payment of a part of that sum to any such person, the number of weeks or months to which the order relates shall be reduced proportionately; and the total number is so reduced if it is reduced by such number of complete weeks or months as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the whole sum.
- (5) The Secretary of State may by order made by statutory instrument vary the period specified in subsection (2) above; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- [<sup>F15</sup>(6) A court which makes an order under this section disqualifying a person for holding or obtaining a driving licence shall require him to produce any such licence held by him together with its counterpart.
- (7) In this section—
  - “driving licence” means a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988;
  - “counterpart”, in relation to a driving licence, has the meaning given in relation to such a licence by section 108(1) of that Act.]

**Textual Amendments**

**F13** Words in s. 40(1)(a) inserted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 32\(3\)](#); S.I. 2003/333, art. 2, Sch.

**F14** Words in s. 40(1)(b) substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\), Sch. 9 para. 185\(2\)](#)

**F15** S. 40(6)(7) substituted (25.8.2000) for s. 40(6) by [2000 c. 6, ss. 165, 168\(1\), Sch. 9 para. 185\(3\)](#)

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**Commencement Information**

**I2** S. 40 not in force at Royal Assent, see s. 57(2). S. 40 in force at 1.1.1998 by [1997/2200, art. 3](#) (subject to savings in art. 5)

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**Marginal Citations**

**M3** [1988 c.33.](#)

**M4** [1994 c.37.](#)

*Transfer and repatriation of prisoners*

**41 Transfer of prisoners within the British Islands.**

Schedule 1 to this Act (which makes provision with respect to the transfer of prisoners within the British Islands) shall have effect.

**42 Repatriation of prisoners to the British Islands.**

Schedule 2 to this Act (which makes provision, including retrospective provision, with respect to prisoners repatriated to the British Islands) shall have effect.

*Young offenders*

<sup>F16</sup>43 .....

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

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**Textual Amendments**

**F16** S. 43 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

<sup>F17</sup> 44 .....

**Textual Amendments**

**F17** S. 44 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. II paras. 1, 2)

**45 Publication of reports.**

(1) After subsection (4) of section 49 of the 1933 Act (restrictions on reports of proceedings in which children or young persons are concerned) there shall be inserted the following subsections—

“(4A) If a court is satisfied that it is in the public interest to do so, it may, in relation to a child or young person who has been convicted of an offence, by order dispense to any specified extent with the requirements of this section in relation to any proceedings before it to which this section applies by virtue of subsection (2)(a) or (b) above, being proceedings relating to—

- (a) the prosecution or conviction of the offender for the offence;
- (b) the manner in which he, or his parent or guardian, should be dealt with in respect of the offence;
- (c) the enforcement, amendment, variation, revocation or discharge of any order made in respect of the offence;
- (d) where an attendance centre order is made in respect of the offence, the enforcement of any rules made under section 16(3) of the <sup>M5</sup>Criminal Justice Act 1982; or
- (e) where a secure training order is so made, the enforcement of any requirements imposed under section 3(7) of the <sup>M6</sup>Criminal Justice and Public Order Act 1994.

(4B) A court shall not exercise its power under subsection (4A) above without—

- (a) affording the parties to the proceedings an opportunity to make representations; and
- (b) taking into account any representations which are duly made.”

(2) Subsection (1) above shall not apply where the offence was committed before the commencement of this section.

**Marginal Citations**

**M5** 1982 c.48.

**M6** 1994 c.33.

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

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### *Mentally disordered offenders*

#### **46 Power to make hospital and limitation directions.**

After section 45 of the 1983 Act there shall be inserted the following sections—

#### *“ Hospital and limitation directions*

##### **45A Power of higher courts to direct hospital admission.**

- (1) This section applies where, in the case of a person convicted before the Crown Court of an offence the sentence for which is not fixed by law—
  - (a) the conditions mentioned in subsection (2) below are fulfilled; and
  - (b) except where the offence is one the sentence for which falls to be imposed under section 2 of the Crime (Sentences) Act 1997, the court considers making a hospital order in respect of him before deciding to impose a sentence of imprisonment (“the relevant sentence”) in respect of the offence.
- (2) The conditions referred to in subsection (1) above are that the court is satisfied, on the written or oral evidence of two registered medical practitioners—
  - (a) that the offender is suffering from psychopathic disorder;
  - (b) that the mental disorder from which the offender is suffering is of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment; and
  - (c) that such treatment is likely to alleviate or prevent a deterioration of his condition.
- (3) The court may give both of the following directions, namely—
  - (a) a direction that, instead of being removed to and detained in a prison, the offender be removed to and detained in such hospital as may be specified in the direction (in this Act referred to as a “hospital direction”); and
  - (b) a direction that the offender be subject to the special restrictions set out in section 41 above (in this Act referred to as a “limitation direction”).
- (4) A hospital direction and a limitation direction shall not be given in relation to an offender unless at least one of the medical practitioners whose evidence is taken into account by the court under subsection (2) above has given evidence orally before the court.
- (5) A hospital direction and a limitation direction shall not be given in relation to an offender unless the court is satisfied on the written or oral evidence of the registered medical practitioner who would be in charge of his treatment, or of some other person representing the managers of the hospital that arrangements have been made—
  - (a) for his admission to that hospital; and
  - (b) for his admission to it within the period of 28 days beginning with the day of the giving of such directions;
 and the court may, pending his admission within that period, give such directions as it thinks fit for his conveyance to and detention in a place of safety.



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- (6) If within the said period of 28 days it appears to the Secretary of State that by reason of an emergency or other special circumstances it is not practicable for the patient to be received into the hospital specified in the hospital direction, he may give instructions for the admission of the patient to such other hospital as appears to be appropriate instead of the hospital so specified.
- (7) Where such instructions are given—
  - (a) the Secretary of State shall cause the person having the custody of the patient to be informed, and
  - (b) the hospital direction shall have effect as if the hospital specified in the instructions were substituted for the hospital specified in the hospital direction.
- (8) Section 38(1) and (5) and section 39 above shall have effect as if any reference to the making of a hospital order included a reference to the giving of a hospital direction and a limitation direction.
- (9) A hospital direction and a limitation direction given in relation to an offender shall have effect not only as regards the relevant sentence but also (so far as applicable) as regards any other sentence of imprisonment imposed on the same or a previous occasion.
- (10) The Secretary of State may by order provide that this section shall have effect as if the reference in subsection (2) above to psychopathic disorder included a reference to a mental disorder of such other description as may be specified in the order.
- (11) An order made under this section may—
  - (a) apply generally, or in relation to such classes of offenders or offences as may be specified in the order;
  - (b) provide that any reference in this section to a sentence of imprisonment, or to a prison, shall include a reference to a custodial sentence, or to an institution, of such description as may be so specified; and
  - (c) include such supplementary, incidental or consequential provisions as appear to the Secretary of State to be necessary or expedient.

#### **45B Effect of hospital and limitation directions.**

- (1) A hospital direction and a limitation direction shall be sufficient authority—
  - (a) for a constable or any other person directed to do so by the court to convey the patient to the hospital specified in the hospital direction within a period of 28 days; and
  - (b) for the managers of the hospital to admit him at any time within that period and thereafter detain him in accordance with the provisions of this Act.
- (2) With respect to any person—
  - (a) a hospital direction shall have effect as a transfer direction; and
  - (b) a limitation direction shall have effect as a restriction direction.
- (3) While a person is subject to a hospital direction and a limitation direction the responsible medical officer shall at such intervals (not exceeding one year) as the Secretary of State may direct examine and report to the Secretary of State

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on that person; and every report shall contain such particulars as the Secretary of State may require.”

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

**C1** S. 46 excluded (1.1.1998) by S.I. 1997/2200, art. 5(1)

**47 Power to specify hospital units.**

(1) Subject to subsection (2) below, any power to specify a hospital which is conferred by—

- (a) section 37 of the 1983 Act (hospital orders);
- (b) section 45A of that Act (hospital and limitation directions);
- (c) section 47 of that Act (transfer directions); <sup>F18</sup>...

<sup>F19</sup>(d) .....

includes power to specify a hospital unit; and where such a unit is specified in relation to any person in the exercise of such a power, any reference in any enactment (including one contained in this Act) to him being, or being liable to be, detained in a hospital shall be construed accordingly.

(2) In subsection (1) above—

- (a) paragraph (a) shall not apply unless the court also makes an order under section 41 of the 1983 Act (restriction orders);
- (b) paragraph (c) shall not apply unless the Secretary of State also gives a direction under section 49 of that Act (restriction directions); <sup>F20</sup>...

<sup>F21</sup>(c) .....

(3) In this section—

“hospital”, in relation to any exercise of a power, has the same meaning as in the enactment which confers the power;

“hospital unit” means any part of a hospital which is treated as a separate unit.

<sup>F22</sup>(4) A reference in this section to section 37 or 41 of the 1983 Act includes a reference to that section as it applies by virtue of—

- (a) section 5 of the Criminal Procedure (Insanity) Act 1964,
- (b) section 6 or 14 of the Criminal Appeal Act 1968, [<sup>F23</sup>or]
- (c) [<sup>F24</sup>Schedule 4 to the Armed Forces Act 2006 (including as applied by section 16(2) of the Court Martial Appeals Act 1968).]
- (d) section 16 or 23 of the Courts-Martial (Appeals) Act 1968.]

**Textual Amendments**

**F18** Word in s. 47(1) repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); S.I. 2005/579, art. 3(i)

**F19** S. 47(1)(d) repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 10 para. 45\(2\)](#), [Sch. 11](#) (with [Sch. 12 para. 8](#)); S.I. 2005/579, art. 3(g)(i)

**F20** Word in s. 47(2) repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); S.I. 2005/579, art. 3(i)

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- F21** S. 47(2)(c) repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), s. 60, Sch. 10 para. 45(2), **Sch. 11** (with Sch. 12 para. 8); S.I. 2005/579, art. 3(g)(i)
- F22** S. 47(4) substituted (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), s. 60, **Sch. 10 para. 45(3)** (with Sch. 12 para. 8); S.I. 2005/579, art. 3(g)
- F23** Word in s. 47(4)(b) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 143**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F24** S. 47(4)(c) substituted for s. 47(4)(c)(d) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 143**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

#### **48 Offenders conditionally discharged from hospital.**

- (1) The 1983 Act and the 1984 Act shall have effect subject to the amendments specified in Schedule 3 to this Act, being amendments making provision with respect to transfers within the British Islands of responsibility for offenders conditionally discharged from hospital.
- (2) In this section and that Schedule “the 1984 Act” means the <sup>M7</sup>Mental Health (Scotland) Act 1984.

#### **Marginal Citations**

**M7** 1984 c.36.

#### **49 Other amendments of the 1983 Act.**

- (1) In subsection (5) of section 38 of the 1983 Act (interim hospital orders), for the words “six months” there shall be substituted the words “twelve months”.
- (2) In subsection (3) of section 41 of that Act (power of higher courts to restrict discharge from hospital), in paragraph (c)(ii), after the words “section 19 above” there shall be inserted the words “or in pursuance of subsection (3) of that section”.
- (3) In subsection (1) of section 47 of that Act (removal to hospital of persons serving sentences of imprisonment etc.), the words “(not being a mental nursing home)” shall cease to have effect.
- (4) In paragraph 5 of Part II of Schedule 1 to that Act (patients subject to hospital and guardianship orders)—
  - (a) the word “and” immediately following sub-paragraph (a) shall cease to have effect; and
  - (b) after sub-paragraph (b) there shall be inserted the words “and
  - (c) in subsection (3) after the words “may at any time” there shall be inserted the words “, with the consent of the Secretary of State,.”

*Miscellaneous*

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

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**Textual Amendments**  
**F25** S. 50 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F26**<sup>51</sup> .....

**Textual Amendments**  
**F26** S. 51 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F27**<sup>52</sup> **Increased penalty for offence of indecency with children.**

.....

**Textual Amendments**  
**F27** S. 52 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, **Sch. 7**; S.I. 2004/874, art. 2

*Supplemental*

**53** **Financial provisions.**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other Act.

**54** **General interpretation.**

(1) In this Act—

- “the 1933 Act” means the <sup>M8</sup>Children and Young Persons Act 1933;
- “the 1969 Act” means the <sup>M9</sup>Children and Young Persons Act 1969;
- “the 1973 Act” means the <sup>M10</sup>Powers of Criminal Courts Act 1973;
- “the 1980 Act” means the <sup>M11</sup>Magistrates’ Courts Act 1980;
- “the 1982 Act” means the <sup>M12</sup>Criminal Justice Act 1982;
- “the 1983 Act” means the <sup>M13</sup>Mental Health Act 1983;
- “the 1991 Act” means the <sup>M14</sup>Criminal Justice Act 1991.

[<sup>F28</sup>“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;]

**F29**<sup>(2)</sup> .....

(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this Act to have been committed on the last of those days.

[<sup>F30</sup>(4) For the purposes of any provision of this Act which requires the determination of the age of a person by the court, his age shall be deemed to be that which it appears to the court to be after considering any available evidence.]

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#### Textual Amendments

- F28** S. 54(1): definition of “local probation board” inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 141**; S.I. 2001/919, **art. 2(f)(ii)**
- F29** S. 54(2) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 133, **Sch. 10**; S.I. 1998/2327, **art. 2(2)(nn)(3)(x)**.
- F30** S. 54(4) added (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 53**; S.I. 1998/2327, **art. 2(1)(w)**.

#### Marginal Citations

- M8** 1933 c.12.  
**M9** 1969 c.54.  
**M10** 1973 c.62.  
**M11** 1980 c.43.  
**M12** 1982 c.48.  
**M13** 1983 c.20.  
**M14** 1991 c.53.

## 55 Minor and consequential amendments. **E+W**

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.
- (2) For the purposes of any of those enactments as so amended—
- <sup>F31</sup>(a) .....
- (b) a sentence falls to be imposed under subsection (3A) of section 70 of the <sup>M15</sup>Army Act 1955 or the <sup>M16</sup>Air Force Act 1955 or subsection (1A) of section 42 of the <sup>M17</sup>Naval Discipline Act 1957 if it is required by that subsection [<sup>F32</sup>and] the court-martial is not of the opinion there mentioned.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only.

#### Textual Amendments

- F31** S. 55(2)(a) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)
- F32** Word in s. 55(2)(b) substituted (E.W.) (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 54**; S.I. 1998/2327, **art. 2(1)(w)**.

#### Commencement Information

- I3** S. 55 wholly in force at 1.12.1999; S. 55 not in force at Royal Assent, see s. 57(2); S. 55(1)(2)(b) (and 55(2)(a) for specified purposes) in force at 1.10.1997 by S.I. 1997/2200, **art. 2(1)**; S. 55 in force at 1.12.1999 to the extent not already in force at 1.12.1999 by S.I. 1999/3096, **art. 2(d)**

#### Marginal Citations

- M15** 1955 c.18.  
**M16** 1955 c.19.  
**M17** 1957 c.53.

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## 55 Minor and consequential amendments. **S+N.I.**

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.
- (2) For the purposes of any of those enactments as so amended—
  - <sup>F35</sup>(a) .....
  - (b) a sentence falls to be imposed under subsection (3A) of section 70 of the <sup>M23</sup>Army Act 1955 or the <sup>M24</sup>Air Force Act 1955 or subsection (1A) of section 42 of the <sup>M25</sup>Naval Discipline Act 1957 if it is required by that subsection in any case where the court-martial is not of the opinion there mentioned.

### Extent Information

**E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

### Textual Amendments

**F35** S. 55(2)(a) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

### Commencement Information

**I6** S. 55 wholly in force at 1.12.1999; S. 55 not in force at Royal Assent, see s. 57(2); S. 55(1)(2)(b) (and 55(2)(a) for specified purposes) in force at 1.10.1997 by S.I. 1997/2200, **art. 2(1)**; s. 55 in force to the extent not already in force at 1.12.1999 by S.I. 1999/3096, **art. 2(d)**

### Marginal Citations

**M23** 1955 c.18.  
**M24** 1955 c.19.  
**M25** 1957 c.53.

## 56 Transitional provisions, savings and repeals.

- (1) The transitional provisions and savings contained in Schedule 5 to this Act shall have effect; but nothing in this subsection shall be taken as prejudicing the operation of sections 16 and 17 of the <sup>M18</sup>Interpretation Act 1978 (which relate to the effect of repeals).
- (2) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

### Commencement Information

**I4** S. 56(1)(2) in force at 1.10.1997 for specified purposes by S.I. 1997/2200, **art. 2(1)**  
**I5** S. 56(2) in force at 4.4.2005 for specified purposes by S.I. 2005/932, **art. 2(1)(2)(a)** (with art. 2(3))

### Marginal Citations

**M18** 1978 c.30.

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

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## 57 Short title, commencement and extent.

- (1) This Act may be cited as the Crime (Sentences) Act 1997.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) Without prejudice to the provisions of Schedule 5 to this Act, an order under subsection (2) above may make such transitional provisions and savings as appear to the Secretary of State necessary or expedient in connection with any provision brought into force by the order.
- (4) Subject to subsections (5) to (8) below, this Act extends to England and Wales only.
- (5) The following provisions of this Act extend to Scotland, Northern Ireland and the Channel Islands, namely—
  - (a) section 41 and Schedule 1; and
  - (b) section 56(2) and Schedule 6 so far as relating to the repeal of Part III of the <sup>M19</sup>Criminal Justice Act 1961.
- (6) The following provisions of this Act extend to Scotland, namely—
  - (a) section 45;
  - (b) paragraphs 1 and 5 to 8 of Schedule 2 and section 42 so far as relating to those paragraphs;
  - (c) paragraphs 1 and 6 to 10 of Schedule 3 and section 48 so far as relating to those paragraphs;
  - (d) paragraph 16 of Schedule 4 to this Act and section 55 so far as relating to that paragraph; and
  - (e) paragraphs 9, 11 and 12 of Schedule 5 and section 56(1) so far as relating to those paragraphs.
- (7) The following provisions of this Act extend to Northern Ireland, namely—
  - (a) paragraphs 1, 9 and 10 of Schedule 2 and section 42 so far as relating to those paragraphs;
  - (b) paragraphs 2, 3, 7 and 8 of Schedule 3 and section 48 so far as relating to those paragraphs; and
  - (c) paragraphs 10 and 12 of Schedule 5 and section 56(1) so far as relating to those paragraphs.
- (8) [<sup>F34</sup>or the extent of Chapter II of Part II so far as it relates to sentences passed by a court-martial].]  
[<sup>F33</sup>Nothing in subsection (4) above affects the extent of section 47 of this Act so far as it confers a power on the Court Martial or the Court Martial Appeal Court.]

### Subordinate Legislation Made

- P1** S. 57(2)(3): Power partly exercised (23.6.1997): 25.6.1997 appointed for specified provisions by [S.I. 1997/1581](#) and (8.9.1997): 1.10.1997, 1.1.1998 and 1.3.1998 appointed for specified provisions by [S.I. 1997/2200](#)
- S. 57(2)(3); Power partly exercised (17.11.1999); 1.12.1999 appointed for specified provisions by [S.I. 1999/3096](#), [art. 2](#)

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#### **Textual Amendments**

- F33** S. 57(8) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 144](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F34** Words in s. 57(8) inserted (retrospectively) by [2000 c. 43](#), s. 74, [Sch. 7 para. 142](#)

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

- C2** S. 57(5)(b) amended (30.9.1998) by [1998 c. 37](#), s. 119, [Sch. 8 para. 134](#); S.I. 1998/2327, [art. 2\(2\)\(nn\)](#).

#### **Marginal Citations**

- M19** [1961 c.39](#).
- M20** [1955 c.18](#).
- M21** [1955 c.19](#).
- M22** [1957 c.53](#).



**Status:**

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

**Changes to legislation:**

Crime (Sentences) Act 1997, Part III is up to date with all changes known to be in force on or before 21 August 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.