



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART III

MISCELLANEOUS AND SUPPLEMENTAL

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 ^{M1}Children and Young Persons Act 1933;

“the 1969 Act” means the ^{M2}Children and Young Persons Act 1969;

“the 1973 Act” means the ^{M3}Powers of Criminal Courts Act 1973;

“the 1980 Act” means the ^{M4}Magistrates’ Courts Act 1980;

“the 1982 Act” means the ^{M5}Criminal Justice Act 1982;

“the 1983 Act” means the ^{M6}Mental Health Act 1983;

“the 1991 Act” means the ^{M7}Criminal Justice Act 1991.

[^{F1}“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;]

^{F2}(2)

(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.

Status: Point in time view as at 28/03/2009.

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[^{F3}(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.]

Textual Amendments

- F1** 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)**
- F2** S. 54(2) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 133, **Sch. 10**; S.I. 1998/2327, **art. 2(2)(nn)(3)(x)**.
- F3** 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

- M1** 1933 c.12.
M2 1969 c.54.
M3 1973 c.62.
M4 1980 c.43.
M5 1982 c.48.
M6 1983 c.20.
M7 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—
- ^{F4}(a)
- (b) a sentence falls to be imposed under subsection (3A) of section 70 of the ^{M8}Army Act 1955 or the ^{M9}Air Force Act 1955 or subsection (1A) of section 42 of the ^{M10}Naval Discipline Act 1957 if it is required by that subsection [^{F5}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

- F4** 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)
- F5** 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

- I1** 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

- M8** 1955 c.18.

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M9 1955 c.19.

M10 1957 c.53.

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—
 - ^{F8}(a)
 - (b) a sentence falls to be imposed under subsection (3A) of section 70 of the ^{M16}Army Act 1955 or the ^{M17}Air Force Act 1955 or subsection (1A) of section 42 of the ^{M18}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

F8 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

I4 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

M16 1955 c.18.

M17 1955 c.19.

M18 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 ^{M11}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

I2 S. 56(1)(2) in force at 1.10.1997 for specified purposes by S.I. 1997/2200, **art. 2(1)**

I3 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))

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Marginal Citations

M11 1978 c.30.

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 ^{M12}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) [^{F7}or the extent of Chapter II of Part II so far as it relates to sentences passed by a court-martial].]

[^{F6}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.]

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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](#)

Textual Amendments

- F6** 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
F7 Words in s. 57(8) inserted (retrospectively) by [2000 c. 43](#), s. 74, [Sch. 7 para. 142](#)

Modifications etc. (not altering text)

- C1** 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

- M12** [1961 c.39](#).
M13 [1955 c.18](#).
M14 [1955 c.19](#).
M15 [1957 c.53](#).

Status:

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