



Crime and Disorder Act 1998

1998 CHAPTER 37

PART IV

DEALING WITH OFFENDERS

CHAPTER I

ENGLAND AND WALES

Sexual or violent offenders

^{F1} 58

Textual Amendments

^{F1} S. 58 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

59 Effect of extended sentences.

^{F2}

Textual Amendments

^{F2} S. 59 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336(3), **Sch. 37 Pt. 7**; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 44(4)(p) (with Sch. 2)

60 Re-release of prisoners serving extended sentences.

^{F3}

Status: Point in time view as at 27/03/2014.

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Textual Amendments

F3 S. 60 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336(3), **Sch. 37 Pt. 7**; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 44(4)(p) (with Sch. 2)

Offenders dependent etc. on drugs

^{F4}**61**

Textual Amendments

F4 Ss. 61-64 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F5}**62**

Textual Amendments

F5 Ss. 61-64 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F6}**63**

Textual Amendments

F6 Ss. 61-64 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F7}**64**

Textual Amendments

F7 Ss. 61-64 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Young offenders: reprimands and warnings

^{F8}**65** **Reprimands and warnings.**
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Textual Amendments

F8 S. 65 omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 135(1)**, 151(1) (with s. 135(4)-(7)); S.I. 2013/453, art. 4(d)

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F⁹66 Effect of reprimands and warnings.

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Textual Amendments

F9 S. 66 omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 135(1), 151(1)** (with s. 135(4)-(7)); S.I. 2013/453, art. 4(d)

F¹⁰Young offenders: youth cautions

Textual Amendments

F10 Ss. 66ZA, 66ZB and cross-heading inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 135(2), 151(1)** (with s. 135(4)); S.I. 2013/453, art. 4(d)

66ZA Youth cautions

- (1) A constable may give a child or young person (“Y”) a caution under this section (a “youth caution”) if—
 - (a) the constable decides that there is sufficient evidence to charge Y with an offence,
 - (b) Y admits to the constable that Y committed the offence, and
 - (c) the constable does not consider that Y should be prosecuted or given a youth conditional caution in respect of the offence.
- (2) A youth caution given to a person under the age of 17 must be given in the presence of an appropriate adult.
- (3) If a constable gives a youth caution to a person, the constable must explain the matters referred to in subsection (4) in ordinary language to—
 - (a) that person, and
 - (b) where that person is under the age of 17, the appropriate adult.
- (4) Those matters are—
 - (a) the effect of subsections (1) to (3) and (5) to (7) of section 66ZB, and
 - (b) any guidance issued under subsection (4) of that section.
- (5) The Secretary of State must publish, in such manner as the Secretary of State considers appropriate, guidance as to—
 - (a) the circumstances in which it is appropriate to give youth cautions,
 - (b) the places where youth cautions may be given,
 - (c) the category of constable by whom youth cautions may be given, and
 - (d) the form which youth cautions are to take and the manner in which they are to be given and recorded.
- (6) No caution other than a youth caution or a youth conditional caution may be given to a child or young person.
- (7) In this Chapter “appropriate adult”, in relation to a child or young person, means—
 - (a) a parent or guardian of the child or young person,

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- (b) if the child or young person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,
- (c) a social worker of a local authority, or
- (d) if no person falling within paragraph (a), (b) or (c) is available, any responsible person aged 18 or over who is not a police officer or a person employed by the police.

66ZB Effect of youth cautions

- (1) If a constable gives a youth caution to a person, the constable must as soon as practicable refer the person to a youth offending team.
- (2) Subject to subsection (3), on a referral of a person under subsection (1), the youth offending team—
 - (a) must assess the person, and
 - (b) unless they consider it inappropriate to do so, must arrange for the person to participate in a rehabilitation programme.
- (3) If the person has not previously been referred under subsection (1) and has not previously been given a youth conditional caution, the youth offending team—
 - (a) may assess the person, and
 - (b) may arrange for the person to participate in a rehabilitation programme.
- (4) The Secretary of State must publish, in such manner as the Secretary of State considers appropriate, guidance as to—
 - (a) what should be included in a rehabilitation programme arranged for a person under subsection (2) or (3),
 - (b) the manner in which any failure by a person to participate in a programme is to be recorded, and
 - (c) the persons to whom any such failure must be notified.
- (5) Subsection (6) applies if—
 - (a) a person who has received two or more youth cautions is convicted of an offence committed within two years beginning with the date of the last of those cautions, or
 - (b) a person who has received a youth conditional caution followed by a youth caution is convicted of an offence committed within two years beginning with the date of the youth caution.
- (6) The court by or before which the person is convicted—
 - (a) must not make an order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge) in respect of the offence unless it is of the opinion that there are exceptional circumstances relating to the offence or the person that justify it doing so, and
 - (b) where it does so, must state in open court that it is of that opinion and its reasons for that opinion.
- (7) There may be cited in criminal proceedings—
 - (a) a youth caution given to a person, and
 - (b) a report on a failure by a person to participate in a rehabilitation programme arranged for the person under subsection (2) or (3),
 in the same circumstances as a conviction of the person may be cited.

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- (8) In this section “rehabilitation programme” means a programme with the purpose of rehabilitating participants and preventing them from re-offending.]

[^{F11}Young offenders: youth conditional cautions

Textual Amendments

F11 Ss. 66A-66H (and cross-headings before ss. 66A, 66H) inserted (1.2.2009 for the insertion of ss. 66G, 66H, 1.4.2009 for the insertion of s. 66C, 16.11.2009 for the insertion of ss. 66A, 66B, 66D-66F for specified purposes, 8.4.2013 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 9 para. 3](#) (with [Sch. 27 para. 18](#)); [S.I. 2009/140, art. 2\(e\)\(ii\)](#); [S.I. 2009/860, art. 2\(1\)\(h\)](#); [S.I. 2009/2780, art. 2\(1\)\(c\)\(2\)](#); [S.I. 2013/616, art. 2\(b\)](#)

66A Youth conditional cautions

- (1) An authorised person may give a youth conditional caution to a child or young person (“the offender”) if—

- ^{F12}(a)
(b) each of the five requirements in section 66B is satisfied.

- (2) In this Chapter, “youth conditional caution” means a caution which is given in respect of an offence committed by the offender and which has conditions attached to it with which the offender must comply.

- (3) The conditions which may be attached to such a caution are those which have one or more of the following objects—

- (a) facilitating the rehabilitation of the offender;
(b) ensuring that the offender makes reparation for the offence;
(c) punishing the offender.

- (4) The conditions that may be attached to a youth conditional caution include—

- (a) (subject to section 66C) a condition that the offender pay a financial penalty;
(b) a condition that the offender attend at a specified place at specified times.

“Specified” means specified [^{F13}in the condition].

- (5) Conditions attached by virtue of subsection (4)(b) may not require the offender to attend for more than 20 hours in total, not including any attendance required by conditions attached for the purpose of facilitating the offender's rehabilitation.

- (6) The Secretary of State may by order amend subsection (5) by substituting a different figure.

[If an authorised person gives a youth conditional caution to an offender, the authorised ^{F14}(6A) person must as soon as practicable refer the offender to a youth offending team.]

- (7) In this section, “authorised person” means—

- (a) a constable,
(b) an investigating officer, or
(c) a person authorised by a relevant prosecutor for the purposes of this section.

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Textual Amendments

- F12** S. 66A(1)(a) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 136](#), [151\(1\)](#); S.I. 2013/453, art. 4(d)
- F13** Words in s. 66A(4) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 138\(2\)](#), [151\(1\)](#); S.I. 2013/453, art. 4(d)
- F14** S. 66A(6A) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 137](#), [151\(1\)](#); S.I. 2013/453, art. 4(d)

66B The five requirements

- (1) The first requirement is that the authorised person has evidence that the offender has committed an offence.
- (2) The second requirement is that a relevant prosecutor [^{F15}or the authorised person] decides—
 - (a) that there is sufficient evidence to charge the offender with the offence, and
 - (b) that a youth conditional caution should be given to the offender in respect of the offence.
- (3) The third requirement is that the offender admits to the authorised person that he committed the offence.
- (4) The fourth requirement is that the authorised person explains the effect of the youth conditional caution to the offender and warns him that failure to comply with any of the conditions attached to the caution may result in his being prosecuted for the offence.
- (5) If the offender is aged 16 or under, the explanation and warning mentioned in subsection (4) must be given in the presence of an appropriate adult.
- (6) The fifth requirement is that the offender signs a document which contains—
 - (a) details of the offence,
 - (b) an admission by him that he committed the offence,
 - (c) his consent to being given the youth conditional caution, and
 - (d) the conditions attached to the caution.

Textual Amendments

- F15** Words in s. 66B(2) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 138\(3\)](#), [151\(1\)](#); S.I. 2013/453, art. 4(d)

66C Financial penalties

- (1) A condition that the offender pay a financial penalty (a “financial penalty condition”) may not be attached to a youth conditional caution given in respect of an offence unless the offence is one that is prescribed, or of a description prescribed, in an order made by the Secretary of State.
- (2) An order under subsection (1) must prescribe, in respect of each offence or description of offence in the order, the maximum amount of the penalty that may be specified under subsection (5)(a).

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- (3) The amount that may be prescribed in respect of any offence must not exceed £100.
- (4) The Secretary of State may by order amend subsection (3) by substituting a different figure.
- (5) Where a financial penalty condition is attached to a youth conditional caution, [^{F16}the condition must] specify—
 - (a) the amount of the penalty, and
 - (b) the person to whom the financial penalty is to be paid and how it may be paid.
- (6) To comply with the condition, the offender must pay the penalty in accordance with the provision specified under subsection (5)(b).
- (7) Where a financial penalty is (in accordance with the provision specified under subsection (5)(b)) paid to a person other than a designated officer for a local justice area, the person to whom it is paid must give the payment to such an officer.

Textual Amendments

F16 Words in s. 66C(5) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 138\(4\)](#), 151(1); S.I. 2013/453, art. 4(d)

66D Variation of conditions

- A relevant prosecutor [^{F17}or an authorised person] may, with the consent of the offender, vary the conditions attached to a youth conditional caution by—
- (a) modifying or omitting any of the conditions;
 - (b) adding a condition.

Textual Amendments

F17 Words in s. 66D inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 138\(5\)](#), 151(1); S.I. 2013/453, art. 4(d)

^{F18}66E Failure to comply with conditions

- (1) If the offender fails, without reasonable excuse, to comply with any of the conditions attached to the youth conditional caution, criminal proceedings may be instituted against the person for the offence in question.
- (2) The document mentioned in section 66B(6) is to be admissible in such proceedings.
- (3) Where such proceedings are instituted, the youth conditional caution is to cease to have effect.
- (4) Section 24A(1) of the Criminal Justice Act 2003 (“the 2003 Act”) applies in relation to the conditions attached to a youth conditional caution as it applies in relation to the conditions attached to a conditional caution (within the meaning of Part 3 of that Act).
- (5) Sections 24A(2) to (9) and 24B of the 2003 Act apply in relation to a person who is arrested under section 24A(1) of that Act by virtue of subsection (4) above as they apply in relation to a person who is arrested under that section for failing to comply

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with any of the conditions attached to a conditional caution (within the meaning of Part 3 of that Act).

Textual Amendments

F18 Ss. 66A-66H and cross-heading inserted (1.2.2009 for the insertion of ss. 66G, 66H, 1.4.2009 for the insertion of s. 66C, 16.11.2009 for the insertion of ss. 66A, 66B, 66D-66F for specified purposes, 8.4.2013 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 9 para. 3](#) (with [Sch. 27 para. 18](#)); S.I. 2009/140, art. 2(e)(ii); S.I. 2009/860, art. 2(1)(h); S.I. 2009/2780, art. 2(1)(c)(2); S.I. 2013/616, art. 2(b)

^{F18}66F Restriction on sentencing powers where youth conditional caution given

Where a person who has been given a youth conditional caution is convicted of an offence committed within two years of the giving of the caution, the court by or before which the person is so convicted—

- (a) may not make an order under section 12(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge) in respect of the offence unless it is of the opinion that there are exceptional circumstances relating to the offence or the offender which justify its doing so; and
- (b) where it does make such an order, must state in open court that it is of that opinion and why it is.

Textual Amendments

F18 Ss. 66A-66H and cross-heading inserted (1.2.2009 for the insertion of ss. 66G, 66H, 1.4.2009 for the insertion of s. 66C, 16.11.2009 for the insertion of ss. 66A, 66B, 66D-66F for specified purposes, 8.4.2013 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 9 para. 3](#) (with [Sch. 27 para. 18](#)); S.I. 2009/140, art. 2(e)(ii); S.I. 2009/860, art. 2(1)(h); S.I. 2009/2780, art. 2(1)(c)(2); S.I. 2013/616, art. 2(b)

66G Code of practice on youth conditional cautions

- (1) The Secretary of State must prepare a code of practice in relation to youth conditional cautions.
- (2) The code may, in particular, make provision as to—
 - (a) the circumstances in which youth conditional cautions may be given,
 - (b) the procedure to be followed in connection with the giving of such cautions,
 - (c) the conditions which may be attached to such cautions and the time for which they may have effect,
 - (d) the category of constable or investigating officer by whom such cautions may be given,
 - (e) the persons who may be authorised by a relevant prosecutor for the purposes of section 66A,
 - (f) the form which such cautions are to take and the manner in which they are to be given and recorded,
 - (g) the places where such cautions may be given,
 - (h) the provision which may be made [^{F19} in a condition] under section 66C(5)(b),

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- (i) the monitoring of compliance with conditions attached to such cautions,
 - (j) the exercise of the power of arrest conferred by section 24A(1) of the Criminal Justice Act 2003 (c. 44) as it applies by virtue of section 66E(4),
 - (k) who is to decide how a person should be dealt with under section 24A(2) of that Act as it applies by virtue of section 66E(5).
- (3) After preparing a draft of the code the Secretary of State—
- (a) must publish the draft,
 - (b) must consider any representations made to him about the draft, and
 - (c) may amend the draft accordingly,
- but he may not publish or amend the draft without the consent of the Attorney General.
- (4) After the Secretary of State has proceeded under subsection (3) he must lay the code before each House of Parliament.
- (5) When he has done so he may bring the code into force by order.
- (6) The Secretary of State may from time to time revise a code of practice brought into force under this section.
- (7) Subsections (3) to (6) are to apply (with appropriate modifications) to a revised code as they apply to an original code.

Textual Amendments

F19 Words in s. 66G(2)(h) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 138(6)**, 151(1); S.I. 2013/453, art. 4(d)

Interpretation of Chapter 1

66H Interpretation

In this Chapter—

- (a) “appropriate adult” has the meaning given by section [F20 66ZA(7)];
- (b) “authorised person” has the meaning given by section 66A(7);
- (c) “investigating officer” means an officer of Revenue and Customs, appointed in accordance with section 2(1) of the Commissioners for Revenue and Customs Act 2005, or a person designated as an investigating officer under section 38 of the Police Reform Act 2002 (c. 30);
- (d) “the offender” has the meaning given by section 66A(1);
- (e) “relevant prosecutor” means—
 - (i) the Attorney General,
 - (ii) the Director of the Serious Fraud Office,
 - F21 (iii)
 - (iv) the Director of Public Prosecutions,
 - (v) the Secretary of State, or
 - (vi) a person who is specified in an order made by the Secretary State as being a relevant prosecutor for the purposes of this Chapter;
- F22 [(ea) “youth caution” has the meaning given by section 66ZA(1);]

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(f) “youth conditional caution” has the meaning given by section 66A(2).]

Textual Amendments

- F20** Word in s. 66H(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 24 para. 16\(a\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F21** S. 66H(e)(iii) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 16](#)
- F22** S. 66H(ea) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 24 para. 16\(b\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)

Young offenders: non-custodial orders

^{F23} **67**

Textual Amendments

- F23** S. 67 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

^{F24} **68**

Textual Amendments

- F24** S. 68 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

^{F25} **69**

Textual Amendments

- F25** S. 69 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

^{F26} **70**

Textual Amendments

- F26** S. 70 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

^{F27} **71**

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Textual Amendments

F27 S. 71 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F28}**72**

Textual Amendments

F28 S. 72 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Young offenders: detention and training orders

^{F29}**73**

Textual Amendments

F29 S. 73 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F30}**74**

Textual Amendments

F30 S. 74 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F31}**75**

Textual Amendments

F31 S. 75 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F32}**76**

Textual Amendments

F32 S. 76 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F33}**77**

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Textual Amendments

F33 S. 77 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F34}**78**

Textual Amendments

F34 S. 78 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F35}**79**

Textual Amendments

F35 S. 79 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Sentencing: general

80 Sentencing guidelines.

^{F36}

Textual Amendments

F36 Ss. 80, 81 repealed (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 303(c), 332, 336(3), **Sch. 37 Pt. 7**; S.I. 2004/81, **art. 5(2)(e)**

81 The Sentencing Advisory Panel.

^{F37}

Textual Amendments

F37 Ss. 80, 81 repealed (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 303(c), 332, 336(3), **Sch. 37 Pt. 7**; S.I. 2004/81, **art. 5(2)(e)**

^{F38}**82**

Textual Amendments

F38 S. 82 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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Miscellaneous and supplemental

83 Power to make confiscation orders on committal for sentence.

^{F39}

Textual Amendments

F39 S. 83 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 457, 458(1), **Sch. 12**; S.I. 2003/333, **art. 2(1)**, Sch.

^{F40}**84**

Textual Amendments

F40 S. 84 repealed (28.8.2000) by [2000 c. 25](#), s. 1, **Sch. 3**; S.I. 2000/2125, **art. 2**; and s. 84(2) expressed to be repealed (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), ss. 107(2), 108(2), **Sch. 8**; S.I. 2002/2306, **art. 2(g)(i)(iii)(f)**

^{F41}**85**

Textual Amendments

F41 S. 85 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 27/03/2014.

Changes to legislation:

Crime and Disorder Act 1998, Chapter I is up to date with all changes known to be in force on or before 23 June 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.