

Status: Point in time view as at 30/09/1998.

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Crime (Sentences) Act 1997 (c.43) is up to date with all changes known to be in force on or before 08 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 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Crime (Sentences) Act 1997 (c.43)

- 130 (1) In subsection (3) of section 28 of the 1997 Act (duty to release certain life prisoners), after paragraph (b) there shall be inserted the words “and
- (c) the provisions of this section as compared with those of sections 33(2) and 35(1) of the ^{M1}Criminal Justice Act 1991 (“the 1991 Act”).
- (2) In subsection (7) of that section, in paragraph (c), for the words from “the time when” to the end there shall be substituted the words “he has served one-half of that sentence”.

Commencement Information

- II** Sch. 8 para. 130 wholly in force; Sch. 8 para. 130 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

Marginal Citations

- M1** 1991 c. 53.

- 131 (1) In subsection (2) of section 31 of the 1997 Act (duration and conditions of licences), the words “(which shall include on his release conditions as to his supervision by a probation officer)” shall cease to have effect.
- (2) After that subsection there shall be inserted the following subsection—
- “(2A) The conditions so specified shall include on the prisoner’s release conditions as to his supervision by—
- (a) a probation officer appointed for or assigned to the petty sessions area within which the prisoner resides for the time being;
- (b) where the prisoner is under the age of 22, a social worker of the social services department of the local authority within whose area the prisoner resides for the time being; or
- (c) where the prisoner is under the age of 18, a member of a youth offending team established by that local authority under section 39 of the Crime and Disorder Act 1998.”
- (3) In subsection (6) of that section, for the words “section 24(2) above” there shall be substituted the words “section 46(3) of the 1991 Act”, and for the words “the words in parentheses” there shall be substituted the words “subsection (2A) above”.

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Commencement Information

I2 Sch. 8 para. 131 wholly in force; Sch. 8 para. 131 not in force at Royal Assent see s. 121; Sch. 8 para. 131(3) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8); Sch. 8 para. 131(1)(2) in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), Sch. 1 (subject to savings in art. 9); Sch. 8 para. 131(1)(2) in force 1.4.2000 to the extent that they are not already in force by S.I. 2000/924, art. 2

- 132 (1) In subsection (1) of section 35 of the 1997 Act (fine defaulters: general), for the words “the 1980 Act” there shall be substituted the ^{M2}words “ the Magistrates’ Courts Act 1980 (“the 1980 Act”) ”.
- (2) In subsection (5)(e) of that section, for the words “paragraph 3(2)(a)” there shall be substituted the words “ sub-paragraphs (2)(a) and (2A) of paragraph 3 ”.
- (3) In subsection (8) of that section—
- (a) in paragraph (a), the words “to revoke the order and deal with an offender for the offence in respect of which the order was made” shall cease to have effect; and
 - (b) in paragraph (b), for the words “paragraph 3(2)(a)” there shall be substituted the words “ sub-paragraphs (2)(a) and (2A) of paragraph 3 ”.

Commencement Information

I3 Sch. 8 para. 132 wholly in force; Sch. 8 para. 132 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

Marginal Citations

M2 1980 c.43.

- 133 In section 54 of the 1997 Act (general interpretation), subsection (2) shall cease to have effect.

Commencement Information

I4 Sch. 8 para. 133 wholly in force; Sch. 8 para. 133 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 134 Subsection (5)(b) of section 57 of the 1997 Act (short title, commencement and extent) shall have effect as if the reference to the Channel Islands included a reference to the Isle of Man.

Extent Information

E1 Sch. 8 para. 134 extends to Isle of Man, see s. 121(9)

Commencement Information

I5 Sch. 8 para. 134 wholly in force; Sch. 8 para. 134 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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- 135 (1) Schedule 1 to the 1997 Act (transfer of prisoners within the British Islands) shall be amended as follows.
- (2) In sub-paragraph (3) of paragraph 6—
- (a) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) in relation to a person who is supervised in pursuance of a detention and training order, being ordered to be detained for any failure to comply with requirements under section 76(6)(b) of the Crime and Disorder Act 1998;”;
- (b) in paragraph (b), for the words “recalled to prison under the licence” there shall be substituted the words “recalled or returned to prison”.
- (3) In paragraph 8—
- (a) in sub-paragraph (2), for the words from “sections 10” to “27 of this Act” there shall be substituted the words “sections 33 to 39, 41 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75 to 77 of the Crime and Disorder Act 1998”;
- (b) in sub-paragraph (4), for the words from “sections 16” to “27 of this Act” there shall be substituted the words “sections 37 to 39, 43 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the Crime and Disorder Act 1998”;
- (c) in sub-paragraph (5), after the words “Any provision of” there shall be inserted the words “Part II of the 1991 Act or”;
- (d) after sub-paragraph (5) there shall be inserted the following sub-paragraphs—
- “(6) Section 41 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if section 67 of the^{M3}Criminal Justice Act 1967 (computation of sentences of imprisonment passed in England and Wales) or, as the case may require, section 9 of this Act extended to Scotland.
- (7) Section 65(7)(b) of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to a young offender institution were a reference to a young offenders institution.”
- (4) In paragraph 9—
- (a) in sub-paragraph (1), paragraph (a) and, in paragraph (b), the words “to that and” shall cease to have effect;
- (b) in sub-paragraph (2), for the words from “sections 10” to “27 of this Act” there shall be substituted the words “sections 33 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75 to 77 of the Crime and Disorder Act 1998”;
- (c) in sub-paragraph (4), for the words from “section 16” to “27 of this Act” there shall be substituted the words “sections 37 to 40A, 43 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the Crime and Disorder Act 1998”;
- (d) sub-paragraph (5) shall cease to have effect;
- (e) in sub-paragraph (6), after the words “Any provision of” there shall be inserted the words “Part II of the 1991 Act or”;
- (f) after sub-paragraph (6) there shall be inserted the following sub-paragraphs—

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“(7) Section 41 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if section 67 of the ^{M4}Criminal Justice Act 1967 or, as the case may require, section 9 of this Act extended to Northern Ireland.

(8) Section 65(7)(b) of the 1991 Act, as applied by sub-paragraph (1), (2) or (4) above, shall have effect as if the reference to a young offender institution were a reference to a young offenders centre.”

(5) In paragraph 10—

(a) in sub-paragraph (2)(a)—

(i) for the words from “sections” to “ “1997 Act”)” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the ^{M5}Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”) ”; and

(ii) after the word “3,” there shall be inserted words “ 6(1)(b)(i) and (iii) ”;

(b) in sub-paragraph (2)(b), for the words “sub-paragraphs (3) and (4)” there shall be substituted the words “ sub-paragraph (3) ”;

(c) sub-paragraph (4) shall cease to have effect;

(d) in sub-paragraph (5)(a), for the words from “sections 15” to “37 of the 1997 Act” there shall be substituted the words “ sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”;

(e) for sub-paragraph (6)(b) there shall be substituted the following sub-paragraph—

“(b) in the said sub-paragraph (2) the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far as it relates to a person sentenced under section 205(3) of the ^{M6}Criminal Procedure (Scotland) Act 1995.”; and

(f) for sub-paragraph (7) there shall be substituted the following sub-paragraph—

“(7) Any provision of Part I of the 1993 Act which is applied by sub-paragraph (2) or (5) above shall have effect (as so applied) as if any reference to a chief social work officer were a reference to a chief social worker of a local authority social services department.”

(6) In paragraph 11—

(a) in sub-paragraph (2)(a)—

(i) for the words from “sections” to “ “1997 Act”)” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”; and

(ii) after the word “3,” there shall be inserted the words “ 6(1)(b)(i) and (iii), ”;

(b) in sub-paragraph (4)(a), for the words from “sections 15” to “37 of the 1997 Act” there shall be substituted the words “ sections 1A, 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”;

(c) in sub-paragraph (5), for the words “Sub-paragraph (5)” there shall be substituted the words “ Sub-paragraph (6) ”; and

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- (d) in sub-paragraph (6), the words “or Part III of the 1997 Act” shall cease to have effect and, in the Table, for the entry relating to the expression “young offenders institution” there shall be substituted the following entry—

“Probation officer appointed for or assigned to such petty sessions area	Probation Officer appointed by the Probation Board for Northern Ireland”.
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- (7) In sub-paragraph (5) of paragraph 12, in the Table, the entry relating to the expression “Prison rules” shall cease to have effect.
- (8) In sub-paragraph (5) of paragraph 13, in the Table, the entry relating to the expression “Prison rules” shall cease to have effect.
- (9) In sub-paragraph (1)(a) of paragraph 17 (prisoners unlawfully at large), after the words “section 49(1)” there shall be inserted the words “ and (5) ”.
- (10) In sub-paragraph (1) of paragraph 20, in the definition of “supervision”, after the word “purpose” there shall be inserted the words “ or a detention and training order ”.

Commencement Information

- I6** Sch. 8 para. 135 wholly in force at 1.4.2000; Sch. 8 para. 135 not in force at Royal Assent see s. 121; Sch. 8 para. 135(1)(2)(b)(3)-(8) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8); Sch. 8 para. 135(2)(a)(9)(10) in force at 1.4.2000 by S.I. 1999/3426, art. 3(b)

Marginal Citations

- M3** 1967 c.80.
M4 1967 c.80.
M5 1993 c.9.
M6 1995 c.46.

- 136 In Schedule 2 to the 1997 Act (repatriation of prisoners to the British Islands), paragraphs 4 and 8 are hereby repealed.

Commencement Information

- I7** Sch. 8 para.136 wholly in force; Sch. 8 para. 136 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 137 In Schedule 4 to the 1997 Act (minor and consequential amendments), the following provisions are hereby repealed, namely—
- (a) in paragraph 6, sub-paragraph (1)(b);
 - (b) paragraphs 9 and 11; and
 - (c) in paragraph 12, sub-paragraph (4).

Commencement Information

- I8** Sch. 8 para. 137 wholly in force; Sch. 8 para. 137 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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- 138 (1) In Schedule 5 to the 1997 Act (transitional provisions and savings), paragraphs 1 to 4 and 6 are hereby repealed and the following provisions shall cease to have effect, namely—
- (a) paragraph 5(2);
 - (b) paragraphs 8, 9(1) and 10(1);
 - (c) in paragraph 11, sub-paragraph (1), in sub-paragraph (2)(c), the words “or Part III of the 1997 Act” and, in sub-paragraph (3), the words from the beginning to “1995; and”; and
 - (d) in paragraph 12, sub-paragraph (1) and, in sub-paragraph (2)(c), the words “or Part III of the 1997 Act”.
- (2) In paragraph 11(2) of that Schedule—
- (a) in paragraph (a)—
 - (i) for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the^{M7}Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”) ”; and
 - (ii) for the words “the 1989 Act” there shall be substituted the^{M8}words “ the Prisons (Scotland) Act 1989 (“the 1989 Act”) ”; and
 - (b) in paragraph (b), for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”.
- (3) In paragraph 12(2) of that Schedule—
- (a) in paragraph (a)—
 - (i) for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the^{M9}Prisoners and Criminal Proceedings (Scotland) Act (“the 1993 Act”) ”; and
 - (ii) for the words “the 1989 Act” there shall be substituted the^{M10}words “ the Prisons (Scotland) Act 1989 (“the 1989 Act”) ”; and
 - (b) in paragraph (b), for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”.

Commencement Information

I9 Sch. 8 para. 138 wholly in force; Sch. 8 para. 138 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

Marginal Citations

M7 1993 c.9.
M8 1989 c.45.
M9 1993 c.9.
M10 1989 c.45.

- 139 In Schedule 6 to the 1997 Act (repeals), the entries relating to sections 33 to 51 and 65 of the 1991 Act are hereby repealed.

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Commencement Information

I10 Sch. 8 para. 139 wholly in force; Sch. 8 para. 139 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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