

*Status: Point in time view as at 18/06/2012.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, SCHEDULE 9 is up to date with all changes known to be in force on or before 02 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 165.

#### CONSEQUENTIAL AMENDMENTS

#### *Children and Young Persons Act 1933 (c. 12)*

<sup>F1</sup>1 .....

#### Textual Amendments

<sup>F1</sup> Sch. 9 para. 1 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

2 (1) Section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children or young persons are concerned) shall be amended as follows.

<sup>F2</sup>(2) .....

(3) In subsection (4A)—

<sup>F3</sup>(a) .....

(b) for “section 76(6)(b) of the Crime and Disorder Act 1998” there shall be substituted “ section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

<sup>F4</sup>(4) .....

(5) In subsection (11), in each of the definitions of “sexual offence” and “violent offence”, for “section 31(1) of the Criminal Justice Act 1991” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### Textual Amendments

<sup>F2</sup> Sch. 9 para. 2(2) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

<sup>F3</sup> Sch. 9 para. 2(3)(a) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

<sup>F4</sup> Sch. 9 para. 2(4) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

3 (1) Section 58 of the Children and Young Persons Act 1933 (power of Secretary of State to send certain young offenders to approved schools) shall be amended as follows.

(2) In the first paragraph (b), for the words “with respect to whom he is authorised to give directions under subsection (3) of section fifty-three of this Act” there shall be substituted “ sentenced to be detained under section 91 of the Powers of

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Criminal Courts (Sentencing) Act 2000 with respect to whom he is authorised to give directions under section 92 of that Act ”.

- (3) In the second paragraph (a), for “subsection (3)” there shall be substituted “ section 91 ”.

*Prison Act 1952 (c. 52)*

4 In section 13(2) of the Prison Act 1952 (legal custody of prisoner), for “or the Criminal Justice Act 1982” there shall be substituted “ or section 95, 98, 99 or 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

5 (1) Section 43 of the Prison Act 1952 (institutions for young offenders) shall be amended as follows.

- (2) In subsection (1)(d), for “section 73 of the Crime and Disorder Act 1998” there shall be substituted “ section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

- (3) In subsection (7), for “section 12 of the Criminal Justice Act 1982” there shall be substituted “ section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

6 In section 49(5) of the Prison Act 1952 (meaning of “secure accommodation” for purposes of section 49), for “section 75(7) of the Crime and Disorder Act 1998” there shall be substituted “ section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

7 In section 53(1) of the Prison Act 1952 (interpretation), in the definition of “attendance centre”, for “section 16 of the Criminal Justice Act 1982” there shall be substituted “ section 62 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Army Act 1955 (c. 18)*

8 In section 70(3A) of the Army Act 1955 (civil offences), for “section 2, 3 or 4 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109, 110 or 111 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

9 In section 71A(1A) of the Army Act 1955 (juveniles), for “section 2 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

10 In section 71AA(6)(a) of the Army Act 1955 (young service offenders: custodial orders) for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

11 In section 71B(2) of the Army Act 1955 (maximum periods of imprisonment or detention for default in payment of fines), for “section 31(3A) of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 139(4) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

12 In Schedule 5A to the Army Act 1955 (powers of court on trial of civilian), in paragraph 10(6)(a), for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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*Air Force Act 1955 (c. 19)*

- 13 In section 70(3A) of the Air Force Act 1955 (civil offences), for “section 2, 3 or 4 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109, 110 or 111 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 14 In section 71A(1A) of the Air Force Act 1955 (juveniles), for “section 2 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 15 In section 71AA(6)(a) of the Air Force Act 1955 (young service offenders: custodial orders) for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 16 In section 71B(2) of the Air Force Act 1955 (maximum periods of imprisonment or detention for default in payment of fines), for “section 31(3A) of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 139(4) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 17 In Schedule 5A to the Air Force Act 1955 (powers of court on trial of civilian), in paragraph 10(6)(a), for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Naval Discipline Act 1957 (c. 53)*

- 18 In section 42(1A) of the Naval Discipline Act 1957 (civil offences), for “section 2, 3 or 4 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109, 110 or 111 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 19 In section 43A(1A) of the Naval Discipline Act 1957 (juveniles), for “section 2 of the Crime (Sentences) Act 1997” there shall be substituted “ section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 20 In section 43AA(6)(a) of the Naval Discipline Act 1957 (young service offenders: custodial orders) for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 21 In section 43B(2) of the Naval Discipline Act 1957 (maximum periods of imprisonment or detention for default in payment of fines), for “section 31(3A) of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 139(4) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 22 In Schedule 4A to the Naval Discipline Act 1957 (powers of court on trial of civilian), in paragraph 10(6)(a), for “section 1C of the Criminal Justice Act 1982” there shall be substituted “ section 98 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Children and Young Persons Act 1963 (c. 37)*

F<sup>5</sup>23 .....

**Textual Amendments**

- F5** Sch. 9 para. 23 repealed (15.12.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 5; S.I. 2004/3033, art. 3(1)(2)(e)(i)

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*Criminal Justice Act 1967 (c. 80)*

- 24 In section 32(3) of the Criminal Justice Act 1967 (costs in criminal cases)—
  - (a) in paragraph (a), for “section 3 of the Powers of Criminal Courts Act 1973” there shall be substituted “ paragraph 5 of Schedule 2 to the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
  - (b) in paragraph (b), for “section 30 of the Magistrates’ Courts Act 1980” there shall be substituted “ section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 25 (1) Section 67 of the Criminal Justice Act 1967 (computation of sentences of imprisonment or detention passed in England and Wales) shall be amended as follows.
  - (2) In subsection (2), for “section 23 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 119 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
  - (3) In subsection (5), for “section 53(3) of the Children and Young Persons Act 1933” there shall be substituted “ section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 26 (1) In section 104 of the Criminal Justice Act 1967 (interpretation), subsection (1) shall continue to have effect with the amendment made by paragraph 26(a) of Schedule 5 to the Powers of Criminal Courts Act 1973, that is to say, with the substitution for the definition of “extended sentence certificate” of the following definition—
  - ““extended sentence certificate” means a certificate issued under section 28 of the Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section;”.
 (2) In that subsection, for the definition of “suspended sentence” there shall be substituted the following definition—
  - ““suspended sentence” means a sentence to which an order under section 118(1) of the Powers of Criminal Courts (Sentencing) Act 2000 relates.”
- 27 In section 106(2) of the Criminal Justice Act 1967 (extent to Scotland), in paragraph (b), for the words from the beginning to “102” there shall be substituted “ section 102 ”.

*Criminal Appeal Act 1968 (c. 19)*

- 28 (1) Section 10 of the Criminal Appeal Act 1968 (appeal against sentence in cases dealt with by Crown Court otherwise than on conviction on indictment) shall be amended as follows.
  - F6(2) .....
  - (3) In subsection (3)—
    - (a) in paragraph (c)(iii), for “section 23 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 119 of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and

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- (b) in paragraph (cc), for “section 40(2) or (3A) of the Criminal Justice Act 1991” there shall be substituted “ section 116(2) or (4) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Textual Amendments**

- F6** Sch. 9 para. 28(2) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

- 29 In section 11(4) of the Criminal Appeal Act 1968 (supplementary provision as to appeal against sentence), for the words from “section 23(1)” to “partly” there shall be substituted “ section 119(1) of the Powers of Criminal Courts (Sentencing) Act 2000 in respect of a ”.

- 30 In section 50(1A) of the Criminal Appeal Act 1968 (right of appeal where offender discharged), for “Section 1C of the Powers of Criminal Courts Act 1973” there shall be substituted “ Section 14 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Firearms Act 1968 (c. 27)*

- 31 In section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime), in subsection (2A)(c), for “section 77 of the Crime and Disorder Act 1998” there shall be substituted “ section 104 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Health Services and Public Health Act 1968 (c. 46)*

- 32 In section 64 of the Health Services and Public Health Act 1968 (financial assistance by Secretary of State to certain voluntary organisations), at the end of subsection (3)(a) there shall be inserted the following sub-paragraph—  
“(xxi) sections 63 to 66 and 92 of, and Schedules 6 and 7 to, the Powers of Criminal Courts (Sentencing) Act 2000;”.

**F733** .....

**Textual Amendments**

- F7** Sch. 9 para. 33 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

*Social Work (Scotland) Act 1968 (c. 49)*

- 34 In section 94(1) of the Social Work (Scotland) Act 1968 (interpretation)—  
**F8**(a) .....  
**F9**(b) .....

**Textual Amendments**

- F8** Sch. 9 para. 34(a) repealed (1.4.2001) by [2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 203\(2\)](#), [Sch. 8](#); S.I. 2001/919, art. 2(f)(vi)(g)

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**F9** Sch. 9 para. 34(b) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

*Theft Act 1968 (c. 60)*

35 In section 35(2) of the Theft Act 1968 (application of sections 27 and 28 to proceedings for offences committed before commencement of that Act), for “Sections 27 and 28 of this Act” there shall be substituted “ Section 27 of this Act and section 148 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Civil Evidence Act 1968 (c. 64)*

36 In section 11(5)(a) of the Civil Evidence Act 1968 (convictions as evidence in civil proceedings), for “section 1C of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 14 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70)*

37 In section 10(5)(a) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (convictions as evidence in civil proceedings), for “section 13 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 14 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Children and Young Persons Act 1969 (c. 54)*

38 In section 23 of the Children and Young Persons Act 1969 (remands and committals to local authority accommodation), in subsection (12), in the definition of “sexual offence” and “violent offence”, for “Part I of the Criminal Justice Act 1991” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F10<sup>39</sup> .....

**Textual Amendments**  
**F10** Sch. 9 para. 39 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

40 In section 30(1) of the Children and Young Persons Act 1969 (detention of young offenders in community homes), for “section 53 of the Act of 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F11<sup>41</sup> .....

**Textual Amendments**  
**F11** Sch. 9 para. 41 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

F12<sup>42</sup> .....

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### Textual Amendments

**F12** Sch. 9 para. 42 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

#### *Administration of Justice Act 1970 (c. 31)*

- 43 (1) Part I of Schedule 9 to the Administration of Justice Act 1970 (orders for costs, compensation etc. enforceable as on a summary conviction) shall be amended as follows.
- (2) For paragraph 10 there shall be substituted the following paragraph—
- “10 Where under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 a court orders the payment of compensation.”
- (3) In paragraph 12, for “section 55 of the Children and Young Persons Act 1933” there shall be substituted “section 137 of the Powers of Criminal Courts (Sentencing) Act 2000”.

#### *Attachment of Earnings Act 1971 (c. 32)*

- 44 In section 3(3C) of the Attachment of Earnings Act 1971 (court’s power to make order), for “section 35 of the Powers of Criminal Courts Act 1973” there shall be substituted “section 130 of the Powers of Criminal Courts (Sentencing) Act 2000”.

#### *Consumer Credit Act 1974 (c. 39)*

- 45 In section 119(2) of the Consumer Credit Act 1974 (unreasonable refusal to deliver pawn), for the words from “section 28” to “that section,” there shall be substituted “section 148 of the Powers of Criminal Courts (Sentencing) Act 2000 (restitution orders)”.

#### *Solicitors Act 1974 (c. 47)*

- 46 In section 43 of the Solicitors Act 1974 (control of employment of certain persons), in subsection (7), for the words from “under Part I” to “that Act,” there shall be substituted “discharging a person absolutely or conditionally in respect of an offence shall, notwithstanding anything in section 14 of the Powers of Criminal Courts (Sentencing) Act 2000,”.

#### *Rehabilitation of Offenders Act 1974 (c. 53)*

- 47 In section 1 of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions), in subsection (4), for “section 1C of the Powers of Criminal Courts Act 1973” there shall be substituted “section 14 of the Powers of Criminal Courts (Sentencing) Act 2000”.
- 48 (1) Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences) shall be amended as follows.
- (2) In subsection (1)(d)—



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- (a) after “life” there shall be inserted “ under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
  - (b) for “or for a term exceeding thirty months, passed under section 53 of the Children and Young Persons Act 1933” there shall be substituted “ or a sentence of detention for a term exceeding thirty months passed under section 91 of the said Act of 2000 ”.
- (3) In subsection (2), in Table B, for “section 53 of the said Act of 1933” there shall be substituted “ section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (4) In subsection (4B), as inserted by paragraph 6(3) of Schedule 4 to the <sup>M1</sup>Youth Justice and Criminal Evidence Act 1999—
- (a) for “Part I of the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”;
  - (b) for “section 8” there shall be substituted “ section 23 ”; and
  - (c) for “section 9” there shall be substituted “ section 24 ”.
- (5) In subsection (4C) as so inserted—
- (a) for “the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”;
  - (b) for “section 8” there shall be substituted “ section 23 ”; and
  - (c) for “section 9” there shall be substituted “ section 24 ”.
- (6) In subsection (5)(e), for “any provision of the Children and Young Persons Act 1969” there shall be substituted “ section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (7) In subsection (6)(c), for “section 19 of the Criminal Justice Act 1948” there shall be substituted “ section 60 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (8) In subsection (6A), for “section 73 of the Crime and Disorder Act 1998” there shall be substituted “ section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (9) In subsection (9)(b), for “section 53 of the said Act of 1933” there shall be substituted “ section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (10) In subsection (10)—
- (a) for “the Children and Young Persons Act 1969” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
  - (b) for “the said Act of 1969” there shall be substituted “ the Children and Young Persons Act 1969 ”.

**Marginal Citations**  
M1 1999 c. 23.

<sup>F13</sup>49 .....

**Textual Amendments**  
F13 Sch. 9 para. 49 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)



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*Bail Act 1976 (c. 63)*

- 50 (1) Section 2 of the Bail Act 1976 (definitions) shall be amended as follows.
- (2) In subsection (1)(c), for “section 30(1) of the Magistrates’ Courts Act 1980” there shall be substituted “ section 11(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In subsection (2)—
- (a) for the definition of “bail hostel” and “probation hostel” there shall be substituted the following definition—
- ““bail hostel” means premises for the accommodation of persons remanded on bail;”
- and
- (b) after the definition of “offence” there shall be inserted the following definition—
- ““probation hostel” means premises for the accommodation of persons who may be required to reside there by a probation order;”.
- 51 In section 3 of the Bail Act 1976 (general provisions), in subsection (9), for “subsection (2) of section 30 of the Magistrates’ Courts Act 1980” there shall be substituted “ subsection (3) of section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 52 In section 4 of the Bail Act 1976 (general right to bail of accused person and others), in subsection (3), for “Part II of Schedule 2 to the Criminal Justice Act 1991 (breach of requirement of probation, community service, combination or curfew order)” there shall be substituted “ Part II of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach of certain community orders) ”.
- 53 In section 5 of the Bail Act 1976 (supplementary provisions about decisions on bail), in subsection (6A)(a)—
- (a) after the words “in custody under” there shall be inserted “ section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (remand for medical examination) or ”;
- (b) at the end of sub-paragraph (ii) there shall be inserted “ or ”; and
- (c) for sub-paragraphs (iii) and (iv) there shall be substituted the following sub-paragraph—
- “(iii) section 18 (initial procedure on information against adult for offence triable either way);”.
- 54 (1) Schedule 1 to the Bail Act 1976 (persons entitled to bail: supplementary provisions) shall be amended as follows.
- (2) In Part I, in paragraph 8(3)—
- (a) for “section 30(2) of the Magistrates’ Courts Act 1980” there shall be substituted “ section 11(3) of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
- (b) for “the said section 30(2)” there shall be substituted “ the said section 11(3) ”.

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- (3) In Part III, in paragraph 4, in the definition of “default”, for “section 6 or 16 of the Powers of Criminal Courts Act 1973” there shall be substituted “Part II of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000”.

*Criminal Law Act 1977 (c. 45)*

- 55 In section 3(1) of the Criminal Law Act 1977 (penalties for conspiracy), for “section 30(1) of the Powers of Criminal Courts Act 1973” there shall be substituted “section 127 of the Powers of Criminal Courts (Sentencing) Act 2000”.
- 56 In section 38A of the Criminal Law Act 1977 (execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine), in subsection (5), in the definition of “prison”, for “section 12(10) of the Criminal Justice Act 1982” there shall be substituted “section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000”.
- 57 In section 38B of the Criminal Law Act 1977 (further provision for execution of certain warrants of commitment), in subsection (5), in the definition of “prison”, for “section 12(10) of the Criminal Justice Act 1982” there shall be substituted “section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000”.

*Ancient Monuments and Archaeological Areas Act 1979 (c. 46)*

- 58 In section 5(2) of the Ancient Monuments and Archaeological Areas Act 1979 (execution of works for preservation of a scheduled monument by Secretary of State), for “section 35 of the Powers of Criminal Courts Act 1973” there shall be substituted “section 130 of the Powers of Criminal Courts (Sentencing) Act 2000”.
- 59 In section 29 of the Ancient Monuments and Archaeological Areas Act 1979 (compensation orders for damage to monuments under guardianship in England and Wales), for “section 35 of the Powers of Criminal Courts Act 1973” there shall be substituted “section 130 of the Powers of Criminal Courts (Sentencing) Act 2000”.

*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)*

- 60 [F14]In section 1(2) of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (exclusion orders), for “sections 1A and 1C of the Powers of Criminal Courts Act 1973” there shall be substituted “sections 12 and 14 of the Powers of Criminal Courts (Sentencing) Act 2000”.]

**Textual Amendments**

- F14** Sch. 9 para. 60 repealed (S.) (1.2.2008) by Licensing (Scotland) Act 2005 (asp 16), s. 150(2), sch. 7 (with s. 143); S.S.I. 2007/472, art. 2, sch.

*Magistrates’ Courts Act 1980 (c. 43)*

- 61 In section 11(3) of the Magistrates’ Courts Act 1980 (non-appearance of accused), for “section 23 of the Powers of Criminal Courts Act 1973” there shall be substituted “section 119 of the Powers of Criminal Courts (Sentencing) Act 2000”.

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- 62 [F15] In section 17A(4) of the Magistrates' Courts Act 1980 (initial procedure: accused to indicate intention as to plea), for "section 38 below" there shall be substituted " section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 ".]

#### Textual Amendments

**F15** Sch. 9 para. 62 repealed (18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

- 63 [F16] In section 20(2) of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable), for "section 38 below" there shall be substituted " section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 ".]

#### Textual Amendments

**F16** Sch. 9 para. 63 repealed (18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

- 64 (1) Section 24 of the Magistrates' Courts Act 1980 (summary trial of information against child or young person for indictable offence) shall be amended as follows.
- (2) [F17] In subsection (1)(a), for "subsection (2) of section 53 of the Children and Young Persons Act 1933" there shall be substituted " subsection (1) or (2) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ".]
- (3) In subsection (3), for "section 1(1) of the Criminal Justice Act 1982" there shall be substituted " section 89(1) of the said Act of 2000 ".

#### Textual Amendments

**F17** Sch. 9 para. 64(2) repealed (18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

- 65 [F18] In section 33 of the Magistrates' Courts Act 1980 (maximum penalties on summary conviction in pursuance of section 22), in subsection (1)(b), for "section 38 below" there shall be substituted " section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 (committal to Crown Court for sentence) ".]

#### Textual Amendments

**F18** Sch. 9 para. 65 repealed (18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

- 66 In section 77(2) of the Magistrates' Courts Act 1980 (postponement of issue of warrant of commitment)—
- (a) for "section 9 of the Criminal Justice Act 1982" there shall be substituted " section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 "; and

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- (b) for “17” there shall be substituted “ 18 ”.
- 67 (1) Section 81 of the Magistrates’ Courts Act 1980 (enforcement of fines imposed on young offenders) shall be amended as follows.
- (2) In subsection (1), for “section 1 of the Criminal Justice Act 1982” there shall be substituted “ section 89 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In subsection (3), for “section 17(1) of the Criminal Justice Act 1982” there shall be substituted “ section 60(1) of the said Act of 2000 ”.
- (4) in subsection (8), for “section 35 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 130 of the said Act of 2000 ”.
- 68 In section 88(4) of the Magistrates’ Courts Act 1980 (supervision pending payment), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 69 In section 91(3) of the Magistrates’ Courts Act 1980 (transfer of fines from Scotland or Northern Ireland), for “section 32(1) of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 140(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 70 In section 96A of the Magistrates’ Courts Act 1980 (application of Part III to persons aged 18 to 20), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 71 In section 108(1A) of the Magistrates’ Courts Act 1980 (right of appeal where offender absolutely or conditionally discharged), for “Section 1C of the Powers of Criminal Courts Act 1973” there shall be substituted “ Section 14 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 72 In section 113 of the Magistrates’ Courts Act 1980 (bail on appeal or case stated), in subsection (3), for “or 38 above” there shall be substituted “ above or section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 73 In section 125(4)(c) of the Magistrates’ Courts Act 1980 (warrants which constable may execute when not in his possession), as amended by paragraph 8 of Schedule 4 to the <sup>M2</sup>Youth Justice and Criminal Evidence Act 1999, in sub-paragraph (v), for “the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Marginal Citations**

M2 1999 c. 23.

- 74 In section 126 of the Magistrates’ Courts Act 1980 (execution of certain warrants in Channel Islands and Isle of Man), as amended by paragraph 9 of Schedule 4 to the <sup>M3</sup>Youth Justice and Criminal Evidence Act 1999, in paragraph (f), for “the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Marginal Citations**

M3 1999 c. 23.

*Status: Point in time view as at 18/06/2012.*

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- 75 In section 128(6) of the Magistrates' Courts Act 1980 (remand in custody or on bail), for "or 30 above" there shall be substituted "above or section 11 of the Powers of Criminal Courts (Sentencing) Act 2000".
- 76 In section 133(1) of the Magistrates' Courts Act 1980 (consecutive terms of imprisonment and detention), for "Subject to section 102 of the Crime and Disorder Act 1998," there shall be substituted "Subject to section 84 of the Powers of Criminal Courts (Sentencing) Act 2000,".
- 77 In section 135(3) of the Magistrates' Courts Act 1980 (detention of offender for one day in court-house or police station), for "section 9 of the Criminal Justice Act 1982" there shall be substituted "section 108 of the Powers of Criminal Courts (Sentencing) Act 2000".
- 78 In section 136(4) of the Magistrates' Courts Act 1980 (committal to custody overnight at police station), for "section 9 of the Criminal Justice Act 1982" there shall be substituted "section 108 of the Powers of Criminal Courts (Sentencing) Act 2000".
- 79 In section 143(2) of the Magistrates' Courts Act 1980 (power to alter sums specified in certain provisions)—
- (a) for paragraphs (cb) and (d) there shall be substituted the following paragraphs—
    - "(cb) section 131(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on compensation order of magistrates' court);
    - (d) section 135 of that Act; (limit on fine imposed on young offender by magistrates' court);";
  - (b) in paragraph (j), for "section 31(3A) of the Powers of Criminal Courts Act 1973" there shall be substituted "section 139(4) of the Powers of Criminal Courts (Sentencing) Act 2000"; and
  - (c) in paragraph (p), for "section 58(2) and (3) of the Criminal Justice Act 1991" there shall be substituted "section 150(2) and (3) of the Powers of Criminal Courts (Sentencing) Act 2000".
- 80 <sup>[F19]</sup>(1) In Schedule 6A to the Magistrates' Courts Act 1980 (fines that may be altered under section 143), the entries relating to—
- (a) the Children and Young Persons Act 1969,
  - (b) the Powers of Criminal Courts Act 1973,
  - (c) the Criminal Justice Act 1982, and
  - (d) the Criminal Justice Act 1991,
- shall be omitted.
- (2) At the end of that Schedule there shall be inserted the following entry—

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**“POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000**

Section 123(3) (failure to comply with suspended sentence supervision order)	£1,000
In Schedule 3, paragraphs 4(1) and 5(1) (failure to comply with certain community orders)	£1,000

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In Schedule 5, paragraph 2(1) (failure to comply with attendance centre order or attendance centre rules)	£1,000
In Schedule 7, paragraph 2(2) (failure to comply with supervision order)	£1,000”]

#### Textual Amendments

**F19** Sch. 9 para. 80 repealed (30.11.2009 for specified purposes) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(u)(xxvii)

#### *Public Passenger Vehicles Act 1981 (c. 14)*

- 81 In Schedule 3 to the Public Passenger Vehicles Act 1981 (supplementary provisions as to qualifications for public service vehicle operator’s licence), in paragraph 1(6), for “section 14 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### *Criminal Attempts Act 1981 (c. 47)*

- 82 In section 4(5)(b) of the Criminal Attempts Act 1981 (penalties)—
- (a) for “section 31(1) and (2)” there shall be substituted “ section 78(1) and (2) ”; and
  - (b) for “the Magistrates’ Courts Act 1980” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### *Contempt of Court Act 1981 (c. 49)*

- 83 In section 12(5) of the Contempt of Court Act 1981 (application of certain provisions in case of contempt of magistrates’ court)—
- (a) at the beginning there shall be inserted “ Section 135 of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on fines in respect of young persons) and ”; and
  - (b) for the words “, namely: section 36 (restriction on fines in respect of young persons);” there shall be substituted “ ; and those provisions of the Magistrates’ Courts Act 1980 are ”.
- 84 In section 14 of the Contempt of Court Act 1981 (proceedings in England and Wales), in the subsection (2A) inserted by the <sup>M4</sup>Criminal Justice Act 1982, for “section 17 of the Criminal Justice Act 1982” there shall be substituted “ section 60 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### Marginal Citations

**M4** 1982 c. 48.

- 85 In section 16(3) of the Contempt of Court Act 1981 (enforcement of fines imposed by certain superior courts), for “sections 31 and 32 of the Powers of Criminal Courts Act 1973” there shall be substituted “ sections 139 and 140 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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- 86 In Schedule 1 to the Contempt of Court Act 1981 (times when proceedings are active for purposes of section 2), in paragraph 6, for “section 1 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 1 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*[<sup>F20</sup>Senior Courts Act 1981] (c. 54)*

**Textual Amendments**

**F20** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)

- 87 In section 81(1) of the [<sup>F20</sup>Senior Courts Act 1981] (bail), in paragraph (g)—
- (a) after the word “under” there shall be inserted “ section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (remand for medical examination) or ”;
  - (b) at the end of sub-paragraph (ii) there shall be inserted “ or ”; and
  - (c) sub-paragraph (iv) and the word “or” immediately preceding it shall be omitted.
- 88 In section 140 of the [<sup>F20</sup>Senior Courts Act 1981] (enforcement of fines and forfeited recognizances), in each of subsections (3) and (5), for “sections 31 and 32 of the Powers of Criminal Courts Act 1973” there shall be substituted “ sections 139 and 140 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Criminal Justice Act 1982 (c. 48)*

- 89 (1) Part III of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements (Northern Ireland): persons residing in England and Wales or Scotland) shall be amended as follows.
- (2) In paragraph 7(3), for “relevant officers by the Powers of Criminal Courts Act 1973” there shall be substituted “ responsible officers by the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In paragraph 9(6)(b), for “relevant officer under the Powers of Criminal Courts Act 1973” there shall be substituted “ responsible officer under the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Mental Health Act 1983 (c. 20)*

- 90 (1) Section 37 of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship) shall be amended as follows.
- (2) In subsection (1), for “section 2(2) of the Crime (Sentences) Act 1997” there shall be substituted “ section 109(2) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In subsection (1A), for “section 3 or 4 of the Crime (Sentences) Act 1997” there shall be substituted “ section 110 or 111 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (4) After subsection (1A) there shall be inserted the following subsection—



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“(1B) For the purposes of subsections (1) and (1A) above, a sentence falls to be imposed under section 109(2), 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000 if it is required by that provision and the court is not of the opinion there mentioned.”

(5) In subsection (8) as amended by paragraph 54 of Schedule 8 to the <sup>M5</sup>Crime and Disorder Act 1998—

- (a) for “Part I of the Criminal Justice Act 1991” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
- (b) for “section 58” there shall be substituted “ section 150 ”.

(6) In subsection (8) as amended by paragraph 11 of Schedule 4 to the <sup>M6</sup>Youth Justice and Criminal Evidence Act 1999—

- (a) for “Part I of the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
- (b) for “any such order as is mentioned in section 7(7)(b) of the Children and Young Persons Act 1969 or section 58 of the Criminal Justice Act 1991” there shall be substituted “ a supervision order (within the meaning of that Act) or an order under section 150 of that Act (binding over of parent or guardian) ”.

#### Marginal Citations

- M5** 1998 c. 37.  
**M6** 1999 c. 23.

91 [F21]In section 43 of the Mental Health Act 1983 (power of magistrates’ court to commit for restriction order), in subsection (4), for “section 38 of the Magistrates’ Courts Act 1980” there shall be substituted “ section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.]

#### Textual Amendments

- F21** Sch. 9 para. 91 repealed (18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

#### *Telecommunications Act 1984 (c. 12)*

F22 92 .....

#### Textual Amendments

- F22** Sch. 9 para. 92 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), [Sch. 9 Pt. 1](#) (with Sch. 8 Pt. 1)

#### *Child Abduction Act 1984 (c. 37)*

93 In the Schedule to the Child Abduction Act 1984 (modifications of section 1 for children in certain cases), in paragraph 2(1)—

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- <sup>F23</sup>(a) .....
- (b) for “that Act” there shall be substituted “ the Children and Young Persons Act 1969 ”.

#### Textual Amendments

**F23** Sch. 9 para. 93(a) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

#### *Repatriation of Prisoners Act 1984 (c. 47)*

- 94 (1) In the Schedule to the Repatriation of Prisoners Act 1984 (operation of certain enactments in relation to transferred prisoner), paragraph 2, both—
- (a) as that paragraph has effect, and is deemed always to have had effect, by virtue of paragraph 2 of Schedule 2 to the<sup>M7</sup>Crime (Sentences) Act 1997, and
  - (b) as that paragraph has effect by virtue of paragraph 3 of Schedule 2 to the 1997 Act,
- shall be amended as follows.
- (2) In sub-paragraph (3), at the end of paragraph (b) there shall be inserted “ and ”, and after that paragraph there shall be inserted the following paragraph—
- “(c) when he began serving his sentence for the purposes of section 116(1)(a) of the Powers of Criminal Courts (Sentencing) Act 2000,”.

#### Marginal Citations

**M7** 1997 c. 43.

#### *Police and Criminal Evidence Act 1984 (c. 60)*

- 95 In section 17(1) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc.), in paragraph (cb), for “section 53 of the Children and Young Persons Act 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 96 In section 38 of the Police and Criminal Evidence Act 1984 (duties of custody officer after charge), in subsection (6A), in the definition of “sexual offence” and “violent offence”, for “Part I of the Criminal Justice Act 1991” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 97 In section 63A(3B) of the Police and Criminal Evidence Act 1984 (supplementary provision as to samples), for “section 53 of the Children and Young Persons Act 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 98 In section 75(3) of the Police and Criminal Evidence Act 1984 (provisions supplementary to section 74), in paragraph (a), for “section 13 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 14 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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*Prosecution of Offences Act 1985 (c. 23)*

99 In section 19(3)(c) of the Prosecution of Offences Act 1985 (provision for payment of certain costs of medical practitioner), for “section 30 of the Magistrates’ Courts Act 1980” there shall be substituted “ section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Protection of Military Remains Act 1986 (c. 35)*

100 In section 7(1) of the Protection of Military Remains Act 1986 (supplementary provision with respect to offences), for “Section 43 of the Powers of Criminal Courts Act 1973” there shall be substituted “ Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Public Order Act 1986 (c. 64)*

101 In section 30(5) of the Public Order Act 1986 (domestic football banning orders), for “sections 1A and 1C of the Powers of Criminal Courts Act 1973” there shall be substituted “ sections 12 and 14 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Criminal Justice Act 1988 (c. 33)*

102 In section 36(2) of the Criminal Justice Act 1988 (review of sentencing), for “section 2(2), 3(2) or 4(2) of the Crime (Sentences) Act 1997” there shall be substituted “ section 109(2), 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

103 In section 50 of the Criminal Justice Act 1988 (suspended sentences on certain civilians in military courts), in subsection (3)(b), for “the Powers of Criminal Courts Act 1973” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

104 In section 60(1) of the Criminal Justice Act 1988 (periods of imprisonment for default), for “Tables in section 31(3A) of the Powers of Criminal Courts Act 1973 and” there shall be substituted “ Table in ”.

F24 105 .....

**Textual Amendments**  
F24 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with [arts. 10-13](#))

F24 106 .....

**Textual Amendments**  
F24 Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with [arts. 10-13](#))

F24 107 .....

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**Textual Amendments**

**F24** Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12; S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

**F24**108 .....

**Textual Amendments**

**F24** Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12; S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

**F24**109 .....

**Textual Amendments**

**F24** Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12; S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

**F24**110 .....

**Textual Amendments**

**F24** Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12; S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

**F24**111 .....

**Textual Amendments**

**F24** Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12; S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

**F24**112 .....

**Textual Amendments**

**F24** Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12; S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

**F24**113 .....

**Textual Amendments**

**F24** Sch. 9 paras. 105-113 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12; S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

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- 114 In Schedule 15 to the Criminal Justice Act 1988 (minor and consequential amendments), in paragraph 80, for “that Act” there shall be substituted “ the [<sup>F20</sup>Senior Courts Act 1981] ”.

#### Textual Amendments

- F20** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)

#### *Copyright, Designs and Patents Act 1988 (c. 48)*

- 115 In section 108(6) of the Copyright, Designs and Patents Act 1988 (articles infringing copyright: order for delivery up in criminal proceedings), for “section 43 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 116 In section 199(6) of the Copyright, Designs and Patents Act 1988 (illicit recordings: order for delivery up in criminal proceedings), for “section 43 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### *Road Traffic Act 1988 (c. 52)*

- 117 In section 164(5) of the Road Traffic Act 1988 (power of constables to require production of driving licence), for “or section 44 of the Powers of Criminal Courts Act 1973” there shall be substituted “ , section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### *Road Traffic Offenders Act 1988 (c. 53)*

- 118 In section 25(4) of the Road Traffic Offenders Act 1988 (duty to request information as to date of birth or sex), for “section 56(5) of the Criminal Justice Act 1967” there shall be substituted “ section 7 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 119 (1) Section 26 of the Road Traffic Offenders Act 1988 (interim disqualification) shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for the words from “subsection (1)” to “applies” there shall be substituted “ section 6 of the Powers of Criminal Courts (Sentencing) Act 2000 or any enactment mentioned in subsection (4) of that section ”; and
- (b) in paragraph (b), for “section 39 of the Magistrates’ Courts Act 1980” there shall be substituted “ section 10 of that Act ”.
- (3) In subsection (2), for “section 1 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 1 of that Act ”.
- 120 In section 27(3) of the Road Traffic Offenders Act 1988 (production of licence), for “section 44 of the Powers of Criminal Courts Act 1973,” there shall be substituted “ section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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- 121 In section 34(4A) of the Road Traffic Offenders Act 1988 (disqualification for certain offences), for “section 44 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 147 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 122 In section 35(5) of the Road Traffic Offenders Act 1988 (disqualification for repeated offences), for “section 44 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 147 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 123 (1) Section 46 of the Road Traffic Offenders Act 1988 (combination of disqualification and endorsement with certain other orders) shall be amended as follows.
- (2) In subsection (1), for “section 1C(3) of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 14(3) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In subsection (2), for “section 1C(1) of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Extradition Act 1989 (c. 33)*

<sup>F25</sup>124 .....

**Textual Amendments**

**F25** Sch. 9 para. 124 repealed (1.1.2004) by Extradition Act 2003 (c. 41), s. 221, Sch. 4; S.I. 2003/3103, art. 2 (with arts. 3-5) (as amended (11.12.2003) by S.I. 2003/3258, art. 2 and (18.12.2003) by S.I. 2003/3312, art. 2)

*Football Spectators Act 1989 (c. 37)*

<sup>F26</sup>125 .....

**Textual Amendments**

**F26** Sch. 9 para. 125 repealed (28.8.2000) by 2000 c. 25, s. 1(3), Sch. 3; S.I. 2000/2125, art. 2

*Children Act 1989 (c. 41)*

- 126 In section 21(2)(c) of the Children Act 1989 (provision of accommodation for children on remand etc.)—
- (a) for “section 16(3A) or” there shall be substituted “ paragraph 7(5) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000 or section ”; and
- <sup>F27</sup>(b) .....

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**Textual Amendments**

**F27** Sch. 9 para. 126(b) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

<sup>F28</sup>127 .....

**Textual Amendments**

**F28** Sch. 9 para. 127 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

<sup>F29</sup>128 .....

**Textual Amendments**

**F29** Sch. 9 para. 128 repealed (7.6.2005) by Inquiries Act 2005 (c. 12), s. 51(1), Sch. 3 (with ss. 44, 50); S.I. 2005/1432, art. 2

<sup>F30</sup>129 .....

**Textual Amendments**

**F30** Sch. 9 para. 129 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

130 In Part III of Schedule 2 to the Children Act 1989 (contributions towards maintenance of children looked after by local authorities), in paragraph 21(7), for “section 53 of the Children and Young Persons Act 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

<sup>F31</sup>131 .....

**Textual Amendments**

**F31** Sch. 9 para. 131 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

<sup>F32</sup>132 .....

**Textual Amendments**

**F32** Sch. 9 para. 132 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(xxvii)

*Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25)*

133 In section 5(4) of the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (modifications for cases where accused is not guilty by reason of insanity etc.), for “Section 1A(1) of the Powers of Criminal Courts Act 1973” there shall



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be substituted “ Section 12(1) of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Criminal Justice Act 1991 (c. 53)*

- 134 In section 16(b) of the Criminal Justice Act 1991 (reciprocal enforcement of certain orders), for “corresponding” there shall be substituted “ certain ”.
- 135 In section 23(1) of the Criminal Justice Act 1991 (default in certain cases), for “Tables in section 31(3A) of the 1973 Act and” there shall be substituted “ Table in ”.
- 136 In section 24(3) of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support), for “section 32 of the 1973 Act” there shall be substituted “ section 140 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 137 In section 33(3A) of the Criminal Justice Act 1991 (duty to release prisoners) for “section 58 of the Crime and Disorder Act 1998” there shall be substituted “ section 85 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 138 In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), in subsection (2)—
- (a) in paragraph (a), for “section 58 of the Crime and Disorder Act 1998” there shall be substituted “ section 85 of the Powers of Criminal Courts (Sentencing) Act 2000 ”;
  - (b) in paragraph (c), for “paragraph 3(1)(d) or 4(1)(d) of Schedule 2 to this Act” there shall be substituted “ paragraph 4(1)(d) or 5(1)(d) of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
  - (c) in paragraph (h), for “section 40 below” there shall be substituted “ section 116 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 139 In section 40A of the Criminal Justice Act 1991 (release on licence following return to prison), in subsection (1)(a), for “section 40 above” there shall be substituted “ section 116 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 140 In section 43(1) of the Criminal Justice Act 1991 (young offenders), for “section 53 of the 1933 Act” there shall be substituted “ section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 141 (1) Section 44 of the Criminal Justice Act 1991 (extended sentences for sexual or violent offenders), as substituted by section 59 of the <sup>M8</sup>Crime and Disorder Act 1998, shall be amended as follows.
- (2) In each of subsections (1) and (8), for “section 58 of the Crime and Disorder Act 1998” there shall be substituted “ section 85 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In subsection (2), for “sections 40 and” there shall be substituted “ section ”.

**Marginal Citations**

**M8** 1998 c. 37.

- 142 In section 44A of the Criminal Justice Act 1991 (re-release of prisoners serving extended sentences), in subsection (1), for “section 58 of the Crime and Disorder

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- Act 1998” there shall be substituted “ section 85 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 143 In section 45(1) of the Criminal Justice Act 1991 (fine defaulters and contemnors)  
—
- (a) for “, 35 and 40” there shall be substituted “ and 35 ”; and
- (b) for “section 9 of the 1982 Act” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 144 (1) Section 51 of the Criminal Justice Act 1991 (interpretation of Part II) shall be amended as follows.
- (2) In subsection (1), in the definition of “sexual offence” and “violent offence”, for “Part I of this Act” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In subsection (2D), for “section 58 of the Crime and Disorder Act 1998” there shall be substituted “ section 85 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (4) For subsection (4) there shall be substituted the following subsection—
- “(4) Section 161(4) of the Powers of Criminal Courts (Sentencing) Act 2000 (meaning of “protecting the public from serious harm”) shall apply for the purposes of this Part as it applies for the purposes of that Act.”
- 145 In section 65(1) of the Criminal Justice Act 1991 (supervision of young offenders after release), for “section 53 of the 1933 Act” there shall be substituted “ section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 146 In section 82(4) of the Criminal Justice Act 1991 (duties of prisoner custody officers acting in pursuance of prisoner escort arrangements), for “section 34A of the 1973 Act” there shall be substituted “ section 142 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 147 (1) Part III of Schedule 3 to the Criminal Justice Act 1991 (transfer of probation orders from Northern Ireland) shall be amended as follows.
- (2) In paragraph 10(3)—
- (a) in paragraph (b), for “mental hospital within the meaning of paragraph 5 of Schedule 1A to the 1973 Act” there shall be substituted “ hospital or mental nursing home within the meaning of the Mental Health Act 1983, not being hospital premises at which high security psychiatric services within the meaning of that Act are provided ”; and
- (b) in paragraph (d), for “Schedule 1A to the 1973 Act” there shall be substituted “ Schedule 2 to the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In paragraph 11—
- (a) in sub-paragraph (2)(b), for the words from the beginning to “Schedule 2 to this Act” there shall be substituted “ the provisions of sections 41 and 42 of and Schedules 2 and 3 to the Powers of Criminal Courts (Sentencing) Act 2000 (so far as relating to such orders) ”;
- (b) in sub-paragraph (3)(a), for “the 1973 Act” there shall be substituted “ section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 ”;
- (c) in sub-paragraph (3)(b), for “that Act and Schedule 2 to this Act” there shall be substituted “ Schedule 3 to that Act ”;
- (d) in sub-paragraph (4)—

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- (i) for “the 1973 Act” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
  - (ii) for the words from “paragraph 3(1)(d)” to the end there shall be substituted “ paragraph 4(1)(d), 5(1)(d), 10(3) or 11(2) of Schedule 3 to that Act ”; and
  - (e) in sub-paragraph (5)—
    - (i) for “the 1973 Act”, in the first place where it occurs, there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
    - (ii) for “the 1973 Act”, in the second place where it occurs, there shall be substituted “ that Act ”.
- 148 In Schedule 4 to the Criminal Justice Act 1991 (increase of certain maxima), in Part I, in the first column of the entry relating to section 63(3)(a) of the Magistrates’ Courts Act 1980, for “that Act” there shall be substituted “ the 1980 Act ”.
- 149 In Schedule 12 to the Criminal Justice Act 1991 (transitional provisions and savings), after paragraph 6 (which is repealed by this Act) there shall be inserted the following paragraph—
- “6A Section 17 of this Act shall not apply in relation to offences committed before the commencement of that section.”

*Social Security Administration Act 1992 (c. 5)*

- 150 In section 121(2) of the Social Security Administration Act 1992 (unpaid contributions: supplementary), for the words from “Part I” to “probation or” there shall be substituted “ section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Aggravated Vehicle-Taking Act 1992 (c. 11)*

- 151 In section 1(2) of the Aggravated Vehicle-Taking Act 1992 (supplementary provisions about offence of aggravated vehicle-taking), for “section 30 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 127 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Local Government Finance Act 1992 (c. 14)*

- 152 In Schedule 1 to the Local Government Finance Act 1992 (persons disregarded for purposes of discount), in paragraph 1(4), for “section 9 of the Criminal Justice Act 1982” there shall be substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Probation Service Act 1993 (c. 47)*

F33 153 .....

**Textual Amendments**

**F33** Sch. 9 para. 153 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 pt. II para. 203(2), Sch. 8; S.I. 2001/919, art. 2(f)(vi)(g)

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F34 154 .....

**Textual Amendments**

**F34** Sch. 9 para. 154 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 203(2), **Sch. 8**; S.I. 2001/919, **art. 2(f)(vi)(g)**

F35 155 .....

**Textual Amendments**

**F35** Sch. 9 para. 155 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 203(2), **Sch. 8**; S.I. 2001/919, **art. 2(f)(vi)(g)**

F36 156 .....

**Textual Amendments**

**F36** Sch. 9 para. 156 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 203(2), **Sch. 8**; S.I. 2001/919, **art. 2(f)(vi)(g)**

*Pension Schemes Act 1993 (c. 48)*

157 In section 68(2) of the Pension Schemes Act 1993 (unpaid premiums: supplementary), for the words from “Part I” to “probation or” there shall be substituted “ section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Vehicle Excise and Registration Act 1994 (c. 22)*

158 In section 32(1) of the Vehicle Excise and Registration Act 1994 (offences: supplementary), in paragraph (a), for “section 1A of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

159 In section 41(1) of the Vehicle Excise and Registration Act 1994 (provisions supplementary to sections 37 to 40), for “section 1A of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Criminal Justice and Public Order Act 1994 (c. 33)*

160 In section 25 of the Criminal Justice and Public Order Act 1994 (restrictions on bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences), in subsection (5), in the definition of “the relevant enactments”, for “section 53(2) of the Children and Young Persons Act 1933” there shall be substituted “ section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

161 In section 136 of the Criminal Justice and Public Order Act 1994 (cross-border execution of warrants), in subsection (7A) as inserted by paragraph 23 of Schedule 4 to the <sup>M9</sup>Youth Justice and Criminal Evidence Act 1999, for “the Youth Justice and

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Criminal Evidence Act 1999” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Marginal Citations**

**M9** 1999 c. 23.

162 In Schedule 1 to the Criminal Justice and Public Order Act 1994 (escort arrangements: England and Wales), in paragraph 4, in the definition of “offender”, for “or detention and training under section 73 of the Crime and Disorder Act 1998” there shall be substituted “ or detention and training under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Drug Trafficking Act 1994 (c. 37)*

<sup>F37</sup>163 .....

**Textual Amendments**

**F37** Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

<sup>F37</sup>164 .....

**Textual Amendments**

**F37** Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

<sup>F37</sup>165 .....

**Textual Amendments**

**F37** Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

<sup>F37</sup>166 .....

**Textual Amendments**

**F37** Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

<sup>F37</sup>167 .....

**Textual Amendments**

**F37** Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

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F37 168 .....

**Textual Amendments**

F37 Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

F37 169 .....

**Textual Amendments**

F37 Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

F37 170 .....

**Textual Amendments**

F37 Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

F37 171 .....

**Textual Amendments**

F37 Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

F37 172 .....

**Textual Amendments**

F37 Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

F37 173 .....

**Textual Amendments**

F37 Sch. 9 paras. 163-173 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

*Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)*

174 In Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995 (qualifications for standard licence), in paragraph 3(3), for “section 14 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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*Children (Scotland) Act 1995 (c. 36)*

- 175 In section 33 of the Children (Scotland) Act 1995 (effect of orders etc. made in different parts of the United Kingdom), in subsection (5)(b), after “the Children and Young Persons Act 1969” there shall be inserted “ or sections 63 to 67 of and Schedules 6 and 7 to the Powers of Criminal Courts (Sentencing) Act 2000 ”.

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 176<sup>F38</sup>(1) Section 234 of the Criminal Procedure (Scotland) Act 1995 (probation orders: persons residing in England and Wales) shall be amended as follows.
- (2) In subsection (2)—
- (a) for “Schedule 1A to the 1973 Act” there shall be substituted “ Schedule 2 to the 2000 Act ”; and
  - (b) for “3(3)(a)” there shall be substituted “ 3(4)(a) ”.
- (3) In subsection (4)—
- (a) for “Schedule 1A to the 1973 Act” there shall be substituted “ Schedule 2 to the 2000 Act ”; and
  - (b) for “Schedule 1A”, in the second place where it occurs, there shall be substituted “ Schedule 2 ”.
- (4) In subsection (5)—
- (a) for “Schedule 2 to the 1991 Act” there shall be substituted “ Schedule 3 to the 2000 Act ”;
  - (b) for “section 2 of the 1973 Act” there shall be substituted “ section 41 of that Act ”; and
  - (c) for “section 11 of the 1991 Act” there shall be substituted “ section 51 of that Act ”.
- (5) In subsection (6)—
- (a) for “Schedule 2 to the 1991 Act” there shall be substituted “ Schedule 3 to the 2000 Act ”;
  - (b) for “sub-paragraphs (3) and (4) of paragraph 3” there shall be substituted “ sub-paragraphs (4) and (5) of paragraph 4 ”; and
  - (c) for “sub-paragraph (3)” there shall be substituted “ sub-paragraph (4) ”.
- (6) In subsection (10)—
- (a) for “section 10 of the 1973 Act” there shall be substituted “ paragraph 6 of Schedule 4 to the 2000 Act ”;
  - (b) for “that section” there shall be substituted “ that Schedule ”; and
  - (c) for “section 2” there shall be substituted “ section 41 ”.
- (7) For subsection (11) there shall be substituted the following subsection—
- “(11) In this section “the 2000 Act” means the Powers of Criminal Courts (Sentencing) Act 2000.”]

**Textual Amendments**

**F38** Sch. 9 paras. 176-178 repealed (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), [sch. 2 para. 43](#); S.S.I. 2010/413, art. 2, sch. (with art. 3(1))



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- 177<sup>F38</sup> (1) Section 242 of the Criminal Procedure (Scotland) Act 1995 (community service orders: persons residing in England and Wales) shall be amended as follows.
- (2) In subsection (1), in the paragraph (d) treated as substituted in section 238(2) of that Act, for “section 14 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In subsection (2), for “section 14 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (4) In subsection (3), for “relevant officers by the Powers of Criminal Courts Act 1973” there shall be substituted “ responsible officers by the Powers of Criminal Courts (Sentencing) Act 2000 ”.]

#### Textual Amendments

**F38** Sch. 9 paras. 176-178 repealed (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), [sch. 2 para. 43](#); S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

- 178 <sup>F38</sup>In section 244 of the Criminal Procedure (Scotland) Act 1995 (community service orders: general provisions relating to persons living in England and Wales or Northern Ireland), in subsection (6)(b), for “relevant officer under the Powers of Criminal Courts Act 1973” there shall be substituted “ responsible officer under the Powers of Criminal Courts (Sentencing) Act 2000 ”.]

#### Textual Amendments

**F38** Sch. 9 paras. 176-178 repealed (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), s. 206(1), [sch. 2 para. 43](#); S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

#### *London Local Authorities Act 1995 (c. x)*

- 179 In section 26(1) of the London Local Authorities Act 1995 (powers of seizure), for “section 43 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### *Criminal Evidence (Amendment) Act 1997 (c. 17)*

- 180 In section 1(6) of the Criminal Evidence (Amendment) Act 1997 (meaning of references to person serving sentence of imprisonment), for “section 53 of the Children and Young Persons Act 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### *Social Security (Recovery of Benefits) Act 1997 (c. 27)*

- 181 In Part I of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997 (exempted payments), in paragraph 2, for “section 35 of the Powers of Criminal Courts Act 1973” there shall be substituted “ section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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*Crime (Sentences) Act 1997 (c. 43)*

F39 182 .....

**Textual Amendments**

**F39** Sch. 9 para. 182 repealed (30.11.2000 with effect as mentioned in 2000 c. 43, s. 75, Sch. 8 Note (b) of the repealing Act) by 2000 c. 43, ss. 74, 75, 80(3), Sch. 7 Pt. II para. 203(3), Sch. 8

183 (1) Section 34 of the Crime (Sentences) Act 1997 (interpretation of Chapter II of Part II) shall be amended as follows.

(2) In subsection (2)—

- (a) for “section 53 of the 1933 Act” there shall be substituted “ section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
- (b) for “section 8 of the 1982 Act” there shall be substituted “ section 93 or 94 of that Act ”.

(3) In subsection (3)—

- (a) for “section 53 of the 1933 Act” there shall be substituted “ section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”;
- (b) for “section 8 of the 1982 Act” there shall be substituted “ section 93 or 94 of that Act of 2000 ”; and
- (c) for “those sections” there shall be substituted “ section 71A of the Army Act 1955 and the Air Force Act 1955 and section 43A of the Naval Discipline Act 1957 ”.

184 (1) Section 35 of the Crime (Sentences) Act 1997 (community orders for fine defaulters) shall be amended as follows.

(2) In subsection (1)(b), for “section 1 of the 1982 Act” there shall be substituted “ section 89 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

(3) For subsections (4) and (5) there shall be substituted the following subsections—

“(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 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.

(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;

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- (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.”

(4) For subsections (7) and (8) there shall be substituted the following subsections—

“(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,

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.

(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.”

(5) After subsection (12) there shall be inserted the following subsection—

“(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.”

185 (1) Section 40 of the Crime (Sentences) Act 1997 (driving disqualifications for fine defaulters) shall be amended as follows.

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- (2) In subsection (1)(b), for “section 1 of the 1982 Act” there shall be substituted “section 89 of the Powers of Criminal Courts (Sentencing) Act 2000”.
- (3) For subsection (6) there shall be substituted the following subsections—
- “(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.”
- 186 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British islands) shall be amended as follows.
- (2) In paragraph 6(3)(aa), for “section 76(6)(b) of the Crime and Disorder Act 1998” there shall be substituted “section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000”.
- (3) In paragraph 8—
- (a) in sub-paragraph (2), for “sections 75 to 77 of the Crime and Disorder Act 1998” there shall be substituted “sections 86 and 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000”;
- (b) in sub-paragraph (4), for “sections 76 and 77 of the Crime and Disorder Act 1998” there shall be substituted “sections 86, 103 and 104 of the Powers of Criminal Courts (Sentencing) Act 2000”; and
- (c) in sub-paragraph (6), for “section 9 of this Act” there shall be substituted “section 87 of the Powers of Criminal Courts (Sentencing) Act 2000”.
- (4) In paragraph 9—
- (a) in sub-paragraph (2), for “sections 75 to 77 of the Crime and Disorder Act 1998” there shall be substituted “sections 86, 102 to 104, 116 and 117 of the Powers of Criminal Courts (Sentencing) Act 2000”;
- (b) in sub-paragraph (4), for “sections 76 and 77 of the Crime and Disorder Act 1998” there shall be substituted “sections 86, 103, 104, 116 and 117 of the Powers of Criminal Courts (Sentencing) Act 2000”; and
- (c) in sub-paragraph (7), for “section 9 of this Act” there shall be substituted “section 87 of the Powers of Criminal Courts (Sentencing) Act 2000”.
- (5) In paragraph 20(1), in the definition of “sentence of imprisonment”, for “section 8 of the 1982 Act” there shall be substituted “section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000”.
- 187 (1) Schedule 4 to the Crime (Sentences) Act 1997 (minor and consequential amendments) shall be amended as follows.
- (2) In paragraph 6(2), in the words to be substituted in paragraph 2(4) of Schedule 2 to the<sup>M10</sup>Criminal Appeal Act 1968, for “Section 9 of the Crime (Sentences) Act 1997” there shall be substituted “Section 87 of the Powers of Criminal Courts (Sentencing) Act 2000”.

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- (3) In paragraph 7, for the words to be substituted in section 7(4) of the <sup>M11</sup>Immigration Act 1971 (that is to say, the words “section 9 of the Crime (Sentences) Act 1997”) there shall be substituted “ section 87 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (4) In paragraph 14, for the words to be substituted in paragraph 9(5) of Schedule 2 to the <sup>M12</sup>Prevention of Terrorism (Temporary Provisions) Act 1989, (that is to say, the words “section 9 of the Crime (Sentences) Act 1997”) there shall be substituted “ section 87 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (5) In paragraph 15(10), for “that Act” there shall be substituted “ the 1991 Act ”.

#### Marginal Citations

- M10** 1968 c. 19.  
**M11** 1971 c. 77.  
**M12** 1989 c. 4.

<sup>F40</sup>188 .....

#### Textual Amendments

- F40** Sch. 9 para. 188 repealed (30.11.2000 with effect as mentioned in 2000 c. 43, s. 75, Sch. 8 Note (b) of the repealing Act) by 2000 c. 43, ss. 74, 75, 80(1), Sch. 7 Pt. II para. 203(3), Sch. 8

#### *Sex Offenders Act 1997 (c. 51)*

<sup>F41</sup>189 .....

#### Textual Amendments

- F41** Sch. 9 para. 189 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 43(5), Sch. 7; S.I. 2004/874, art. 2

<sup>F42</sup>190 .....

#### Textual Amendments

- F42** Sch. 9 para. 190 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 43(5), Sch. 7; S.I. 2004/874, art. 2

#### *Data Protection Act 1998 (c. 29)*

- 191 In section 56 of the Data Protection Act 1998 (prohibition of requirement as to production of certain records), in the Table in subsection (6), in the second column of the entry numbered 2, for “section 53 of the Children and Young Persons Act 1933” there shall be substituted “ section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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*Crime and Disorder Act 1998 (c. 37)*

192 In section 1 of the Crime and Disorder Act 1998 (anti-social behaviour orders), in subsection (11), for the words from “section 1A” to “Act”)” there shall be substituted “ section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

F43 193 .....

**Textual Amendments**

F43 Sch. 9 para. 193 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 43(5), Sch. 7; S.I. 2004/874, art. 2

F44 194 .....

**Textual Amendments**

F44 Sch. 9 para. 194 repealed (15.12.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 12; S.I. 2004/3033, art. 3(1)(2)(e)(ii)(ee)

F45 195 .....

**Textual Amendments**

F45 Sch. 9 para. 195 repealed (15.12.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 12; S.I. 2004/3033, art. 3(1)(2)(e)(ii)(ee)

196 In section 18 of the Crime and Disorder Act 1998 (interpretation of Chapter I of Part I), for subsection (2) there shall be substituted the following subsection—

“(2) In this Chapter, “protecting the public from serious harm” shall be construed in accordance with section 161(4) of the Powers of Criminal Courts (Sentencing) Act 2000.”

197 In section 38(4) of the Crime and Disorder Act 1998 (meaning of “youth justice services”)—

- (a) in paragraph (j), for “section 75 below” there shall be substituted “ section 102 of the Powers of Criminal Courts (Sentencing) Act 2000 (period of detention and training under detention and training orders) ”; and
- (b) in paragraph (k), as inserted by paragraph 28 of Schedule 4 to the <sup>M13</sup>Youth Justice and Criminal Evidence Act 1999, for “Part I of the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Marginal Citations**

M13 1999 c. 23.

198 In section 66 of the Crime and Disorder Act 1998 (effect of reprimands and warnings), in subsection (4), for “section 1A of the 1973 Act” there shall be substituted “ section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

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- 199 In section 114(3) of the Crime and Disorder Act 1998 (parliamentary procedure for certain orders), for the words from “38(5),” to “76(2)” there shall be substituted “38(5) or 41(6)”.
- 200 In section 117(1) of the Crime and Disorder Act 1998 (general interpretation), in the definition of “custodial sentence”, for “Part I of the 1991 Act” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- 201<sup>F46</sup>(1) Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons are sent for trial under section 51 of that Act) shall be amended as follows.
- (2) In paragraph 10(2), for “section 38 of the 1980 Act” there shall be substituted “ section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In paragraph 13(2), for “subsection (2) of section 53 of the 1933 Act” there shall be substituted “ subsection (1) or (2) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.]

#### Textual Amendments

**F46** Sch. 9 para. 201 repealed (18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

- 202 (1) Schedule 8 to the Crime and Disorder Act 1998 (minor and consequential amendments) shall be amended as follows.
- (2) In paragraph 86(1), in the subsection (1) to be substituted in section 41 of the <sup>M14</sup>Criminal Justice Act 1991, for “section 9 of the Crime (Sentences) Act 1997” there shall be substituted “ section 87 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.
- (3) In paragraph 90, in the subsection (2) to be substituted in section 47 of the <sup>M15</sup>Criminal Justice Act 1991, for “section 9 of the Crime (Sentences) Act 1997” there shall be substituted “ section 87 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### Marginal Citations

**M14** 1991 c. 53.

**M15** 1991 c. 53.

- 203 In Schedule 9 to the Crime and Disorder Act 1998 (transitional provisions and savings), in paragraph 14(2), for “section 40 of the 1991 Act” there shall be substituted “ section 116 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

#### *Access to Justice Act 1999 (c. 22)*

- 204 In section 96 of the Access to Justice Act 1999 (execution by person not in possession of warrant), in the section 125D to be inserted in the <sup>M16</sup>Magistrates’ Courts Act 1980, in subsection (3)(f), for “the Youth Justice and Criminal Evidence Act 1999” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.



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**Marginal Citations**

**M16** 1980 c. 43.

*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

205 In paragraph 3(9) of Schedule 2 to the Youth Justice and Criminal Evidence Act 1999 (reporting restrictions: miscellaneous amendments), in the subsection (13) to be inserted in section 49 of the <sup>M17</sup>Children and Young Persons Act 1933—

- (a) in paragraph (c)(i), for “section 16(3) of the Criminal Justice Act 1982” there shall be substituted “ section 62(3) of the Powers of Criminal Courts (Sentencing) Act 2000 ”;
- (b) in paragraph (c)(ii), for “section 76(6)(b) of the Crime and Disorder Act 1998” there shall be substituted “ section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 ”; and
- (c) in paragraph (g), for “section 31(1) of the Criminal Justice Act 1991” there shall be substituted “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Marginal Citations**

**M17** 1933 c. 12.

**Status:**

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**Changes to legislation:**

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