

Status: Point in time view as at 30/11/2000.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Crime (Sentences) Act 1997 (c. 43) is up to date with all changes known to be in force on or before 23 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

CONSEQUENTIAL AMENDMENTS

Crime (Sentences) Act 1997 (c. 43)

F1 182

Textual Amendments

F1 Sch. 9 para. 182 repealed (30.11.2000 with effect as mentioned in 2000 c. 43, s. 75, Sch. 8 Note (b) of the repealing Act) by 2000 c. 43, ss. 74, 75, 80(3), Sch. 7 Pt.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

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- (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;
- (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

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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.

(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”.

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- (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 ^{M1}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 ”.
 - (3) In paragraph 7, for the words to be substituted in section 7(4) of the ^{M2}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 ^{M3}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

M1 1968 c. 19.
M2 1971 c. 77.
M3 1989 c. 4.

^{F2}188

Textual Amendments

F2 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

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