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## SCHEDULES

### SCHEDULE 1

Section 12

#### AMENDMENTS RELATED TO PART 1

##### *The 1984 Act*

- 1 The 1984 Act is amended as follows.
- 2 In section 18 (entry and search after arrest), for subsection (5) there is substituted—
  - “(5) A constable may conduct a search under subsection (1)—
    - (a) before the person is taken to a police station or released on bail under section 30A, and
    - (b) without obtaining an authorisation under subsection (4),if the condition in subsection (5A) is satisfied.
  - (5A) The condition is that the presence of the person at a place (other than a police station) is necessary for the effective investigation of the offence.”
- 3 In section 21 (access and copying), at the end there is inserted—

“(9) The references to a constable in subsections (1), (2), (3)(a) and (5) include a person authorised under section 16(2) to accompany a constable executing a warrant.”
- 4 In section 22 (retention), at the end there is inserted—

“(7) The reference in subsection (1) to anything seized by a constable includes anything seized by a person authorised under section 16(2) to accompany a constable executing a warrant.”
- 5 In section 34 (limitation on police detention), for subsection (7) there is substituted—

“(7) For the purposes of this Part a person who—
  - (a) attends a police station to answer to bail granted under section 30A,
  - (b) returns to a police station to answer to bail granted under this Part, or
  - (c) is arrested under section 30D or 46A,is to be treated as arrested for an offence and that offence is the offence in connection with which he was granted bail.”
- 6 In section 35(1) (designated police stations), for “section 30(3) and (5) above” there is substituted “sections 30(3) and (5), 30A(5) and 30D(2)”.
- 7 In section 36 (custody officers at police stations), after subsection (7) there is inserted—

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“(7A) Subject to subsection (7B), subsection (7) applies where a person attends a police station which is not a designated station to answer to bail granted under section 30A as it applies where a person is taken to such a station.

(7B) Where subsection (7) applies because of subsection (7A), the reference in subsection (7)(b) to the officer who took him to the station is to be read as a reference to the officer who granted him bail.”

8 In section 41(2) (calculation of periods of time), after paragraph (c) there is inserted—

“(ca) in the case of a person who attends a police station to answer to bail granted under section 30A, the time when he arrives at the police station;”.

9 In section 45A(2)(a) (functions which may be performed by video-conferencing), after “taken to” there is inserted “, or answering to bail at, ”.

10 In section 47 (bail after arrest)—

(a) in subsection (6), after “granted bail” there is inserted “ under this Part ”, and

(b) in subsection (7), after “released on bail” there is inserted “ under this Part ”.

*Criminal Justice Act 1987 (c. 38)*

11 In section 2 of the Criminal Justice Act 1987 (director’s investigation powers), after subsection (6) there is inserted—

“(6A) Where an appropriate person accompanies a constable, he may exercise the powers conferred by subsection (5) but only in the company, and under the supervision, of the constable.”

12 In subsection (7) of that section (meaning of appropriate person), for “subsection (6) above” there is substituted “ this section ”.

13 In subsection (8D) of that section (references to evidence obtained by Director), after “by a constable” there is inserted “ or by an appropriate person ”.

*Criminal Justice and Police Act 2001 (c. 16)*

14 In section 56 of the Criminal Justice and Police Act 2001 (property seized by constables etc.), after subsection (4) there is inserted—

“(4A) Subsection (1)(a) includes property seized on any premises—

(a) by a person authorised under section 16(2) of the 1984 Act to accompany a constable executing a warrant, or

(b) by a person accompanying a constable under section 2(6) of the Criminal Justice Act 1987 in the execution of a warrant under section 2(4) of that Act.”

*Armed Forces Act 2001 (c. 19)*

15 In section 2(9) of the Armed Forces Act 2001 (offences for purpose of definition of prohibited article), at the end of paragraph (d) there is inserted “; and

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- (e) offences under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).”

*Police Reform Act 2002 (c. 30)*

- 16 Schedule 4 to the Police Reform Act 2002 (powers exercisable by police civilians) is amended as follows.
- 17 In paragraph 17 (access to excluded and special procedure material) after paragraph (b) there is inserted—
- “(bb) section 15 of that Act (safeguards) shall have effect in relation to the issue of any warrant under paragraph 12 of that Schedule to that person as it has effect in relation to the issue of a warrant under that paragraph to a constable;
- (bc) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued under paragraph 12 of that Schedule (whether to that person or to any other person) in respect of premises in the relevant police area as if references in that section to a constable included references to that person;”.
- 18 In paragraph 20 (access and copying in case of things seized by constables) after “by a constable” there is inserted “ or by a person authorised to accompany him under section 16(2) of that Act ”.
- 19 After paragraph 24 (extended powers of seizure) there is inserted—

**“Persons accompanying investigating officers**

- 24A (1) This paragraph applies where a person (“an authorised person”) is authorised by virtue of section 16(2) of the 1984 Act to accompany an investigating officer designated for the purposes of paragraph 16 (or 17) in the execution of a warrant.
- (2) The reference in paragraph 16(h) (or 17(e)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
- (3) In relation to any such seizure, paragraph 16(h) (or 17(e)) is to be read as if it provided for the references to a constable and to an officer in section 21(1) and (2) of the 1984 Act to include references to the authorised person.
- (4) The reference in paragraph 16(i) (or 17(f)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
- (5) In relation to anything so seized, paragraph 16(i)(ii) (or 17(f)(ii)) is to be read as if it provided for—
- (a) the references to the supervision of a constable in subsections (3) and (4) of section 21 of the 1984 Act to include references to the supervision of a person designated for the purposes of paragraph 16 (or paragraph 17), and

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- (b) the reference to a constable in subsection (5) of that section to include a reference to such a person or an authorised person accompanying him.
  - (6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 24, the references in sub-paragraphs (a) and (b) of that paragraph to the designated person include references to the authorised person.”
- 20 In paragraph 34 (powers of escort officer to take arrested person to prison), in sub-paragraph (1)(a), for “subsection (1) of section 30” there is substituted “subsection (1A) of section 30”.

## SCHEDULE 2

Section 28

### CHARGING OR RELEASE OF PERSONS IN POLICE DETENTION

- 1 The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.
- 2 (1) Section 37 (duties of custody officers before charge) is amended as follows.
- (2) In subsection (7) for paragraphs (a) and (b) there is substituted—
- “(a) shall be released without charge and on bail for the purpose of enabling the Director of Public Prosecutions to make a decision under section 37B below,
  - (b) shall be released without charge and on bail but not for that purpose,
  - (c) shall be released without charge and without bail, or
  - (d) shall be charged.”
- (3) After that subsection there is inserted—
- “(7A) The decision as to how a person is to be dealt with under subsection (7) above shall be that of the custody officer.
  - (7B) Where a person is released under subsection (7)(a) above, it shall be the duty of the custody officer to inform him that he is being released to enable the Director of Public Prosecutions to make a decision under section 37B below.”
- (4) In subsection (8)(a) after “(7)(b)” there is inserted “ or (c) ”.
- 3 After that section there is inserted—

#### “37A Guidance

- (1) The Director of Public Prosecutions may issue guidance—
  - (a) for the purpose of enabling custody officers to decide how persons should be dealt with under section 37(7) above or 37C(2) below, and
  - (b) as to the information to be sent to the Director of Public Prosecutions under section 37B(1) below.
- (2) The Director of Public Prosecutions may from time to time revise guidance issued under this section.

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- (3) Custody officers are to have regard to guidance under this section in deciding how persons should be dealt with under section 37(7) above or 37C(2) below.
- (4) A report under section 9 of the Prosecution of Offences Act 1985 (report by DPP to Attorney General) must set out the provisions of any guidance issued, and any revisions to guidance made, in the year to which the report relates.
- (5) The Director of Public Prosecutions must publish in such manner as he thinks fit—
  - (a) any guidance issued under this section, and
  - (b) any revisions made to such guidance.
- (6) Guidance under this section may make different provision for different cases, circumstances or areas.

### **37B Consultation with the Director of Public Prosecutions**

- (1) Where a person is released on bail under section 37(7)(a) above, an officer involved in the investigation of the offence shall, as soon as is practicable, send to the Director of Public Prosecutions such information as may be specified in guidance under section 37A above.
- (2) The Director of Public Prosecutions shall decide whether there is sufficient evidence to charge the person with an offence.
- (3) If he decides that there is sufficient evidence to charge the person with an offence, he shall decide—
  - (a) whether or not the person should be charged and, if so, the offence with which he should be charged, and
  - (b) whether or not the person should be given a caution and, if so, the offence in respect of which he should be given a caution.
- (4) The Director of Public Prosecutions shall give written notice of his decision to an officer involved in the investigation of the offence.
- (5) If his decision is—
  - (a) that there is not sufficient evidence to charge the person with an offence, or
  - (b) that there is sufficient evidence to charge the person with an offence but that the person should not be charged with an offence or given a caution in respect of an offence,a custody officer shall give the person notice in writing that he is not to be prosecuted.
- (6) If the decision of the Director of Public Prosecutions is that the person should be charged with an offence, or given a caution in respect of an offence, the person shall be charged or cautioned accordingly.
- (7) But if his decision is that the person should be given a caution in respect of the offence and it proves not to be possible to give the person such a caution, he shall instead be charged with the offence.
- (8) For the purposes of this section, a person is to be charged with an offence either—

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- (a) when he is in police detention after returning to a police station to answer bail or is otherwise in police detention at a police station, or
  - (b) in accordance with section 29 of the Criminal Justice Act 2003.
- (9) In this section “caution” includes—
- (a) a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003, and
  - (b) a warning or reprimand under section 65 of the Crime and Disorder Act 1998.

### **37C Breach of bail following release under section 37(7)(a)**

- (1) This section applies where—
- (a) a person released on bail under section 37(7)(a) above or subsection (2)(b) below is arrested under section 46A below in respect of that bail, and
  - (b) at the time of his detention following that arrest at the police station mentioned in section 46A(2) below, notice under section 37B(4) above has not been given.
- (2) The person arrested—
- (a) shall be charged, or
  - (b) shall be released without charge, either on bail or without bail.
- (3) The decision as to how a person is to be dealt with under subsection (2) above shall be that of a custody officer.
- (4) A person released on bail under subsection (2)(b) above shall be released on bail subject to the same conditions (if any) which applied immediately before his arrest.

### **37D Release under section 37(7)(a): further provision**

- (1) Where a person is released on bail under section 37(7)(a) or section 37C(2)(b) above, a custody officer may subsequently appoint a different time, or an additional time, at which the person is to attend at the police station to answer bail.
- (2) The custody officer shall give the person notice in writing of the exercise of the power under subsection (1).
- (3) The exercise of the power under subsection (1) shall not affect the conditions (if any) to which bail is subject.
- (4) Where a person released on bail under section 37(7)(a) or 37C(2)(b) above returns to a police station to answer bail or is otherwise in police detention at a police station, he may be kept in police detention to enable him to be dealt with in accordance with section 37B or 37C above or to enable the power under subsection (1) above to be exercised.
- (5) If the person is not in a fit state to enable him to be so dealt with or to enable that power to be exercised, he may be kept in police detention until he is.

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- (6) Where a person is kept in police detention by virtue of subsection (4) or (5) above, section 37(1) to (3) and (7) above (and section 40(8) below so far as it relates to section 37(1) to (3)) shall not apply to the offence in connection with which he was released on bail under section 37(7)(a) or 37C(2)(b) above.”

#### Commencement Information

- II** Sch. 2 para. 3 wholly in force at 1.10.2007; Sch. 2 para. 3 not in force at Royal Assent, see s. 336(3); Sch. 2 para. 3 in force for certain purposes at 29.1.2004 by [S.I. 2004/81](#), [art. 4](#); Sch. 2 para. 3 in force for certain purposes at 3.7.2004 by [S.I. 2004/1629](#), [art. 2](#) and Sch. 2 para. 3 in force for certain further purposes at 1.10.2007 by [S.I. 2007/2874](#), [art. 2\(1\)\(3\)](#)

- 4 In section 40 (review of police detention) in subsection (9) after “37(9)” there is inserted “ or 37D(5) ”.
- 5 In section 46A (power of arrest for failure to answer police bail) after subsection (1) insert—
- “(1A) A person who has been released on bail under section 37(7)(a) or 37C(2)(b) above may be arrested without warrant by a constable if the constable has reasonable grounds for suspecting that the person has broken any of the conditions of bail.”
- 6 (1) Section 47 (bail after arrest) is amended as follows.
- (2) In subsection (1) (release on bail under Part 4 shall be release on bail granted in accordance with certain provisions of the Bail Act 1976) for “Subject to subsection (2) below” there is substituted “ Subject to the following provisions of this section ”.
- (3) In subsection (1A) (bail conditions may be imposed when a person is released under section 38(1)) after “section”, in the first place where it occurs, there is inserted “ 37(7)(a) above or section ”.
- (4) After that subsection there is inserted—
- “(1B) No application may be made under section 5B of the Bail Act 1976 if a person is released on bail under section 37(7)(a) or 37C(2)(b) above.
- (1C) Subsections (1D) to (1F) below apply where a person released on bail under section 37(7)(a) or 37C(2)(b) above is on bail subject to conditions.
- (1D) The person shall not be entitled to make an application under section 43B of the Magistrates' Courts Act 1980.
- (1E) A magistrates' court may, on an application by or on behalf of the person, vary the conditions of bail; and in this subsection “vary” has the same meaning as in the Bail Act 1976.
- (1F) Where a magistrates' court varies the conditions of bail under subsection (1E) above, that bail shall not lapse but shall continue subject to the conditions as so varied.”

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## SCHEDULE 3

Section 41

### ALLOCATION OF CASES TRIABLE EITHER WAY, AND SENDING CASES TO THE CROWN COURT ETC

#### PART 1

##### PRINCIPAL AMENDMENTS

VALID FROM 18/06/2012

#### *Magistrates' Courts Act 1980 (c. 43)*

- 1           The Magistrates' Courts Act 1980 is amended as follows.
- 2           (1) Section 17A (initial indication as to plea) is amended as follows.
- (2) For paragraph (b) of subsection (4) there is substituted—
- “(b) he may (unless section 17D(2) below were to apply) be committed to the Crown Court under section 3 or (if applicable) 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.”
- (3) After subsection (9) there is inserted—
- “(10) If in respect of the offence the court receives a notice under section 51B or 51C of the Crime and Disorder Act 1998 (which relate to serious or complex fraud cases and to certain cases involving children respectively), the preceding provisions of this section and the provisions of section 17B below shall not apply, and the court shall proceed in relation to the offence in accordance with section 51 or, as the case may be, section 51A of that Act.”
- 3           After section 17C there is inserted—
- “17D Maximum penalty under section 17A(6) or 17B(2)(c) for certain offences**
- (1) If—
- (a) the offence is a scheduled offence (as defined in section 22(1) below);
- (b) the court proceeds in relation to the offence in accordance with section 17A(6) or 17B(2)(c) above; and
- (c) the court convicts the accused of the offence,
- the court shall consider whether, having regard to any representations made by him or by the prosecutor, the value involved (as defined in section 22(10) below) appears to the court to exceed the relevant sum (as specified for the purposes of section 22 below).



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- (2) If it appears to the court clear that the value involved does not exceed the relevant sum, or it appears to the court for any reason not clear whether the value involved does or does not exceed the relevant sum—
- (a) subject to subsection (4) below, the court shall not have power to impose on the accused in respect of the offence a sentence in excess of the limits mentioned in section 33(1)(a) below; and
  - (b) sections 3 and 4 of the Powers of Criminal Courts (Sentencing) Act 2000 shall not apply as regards that offence.
- (3) Subsections (9) to (12) of section 22 below shall apply for the purposes of this section as they apply for the purposes of that section (reading the reference to subsection (1) in section 22(9) as a reference to subsection (1) of this section).
- (4) Subsection (2)(a) above does not apply to an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking).

#### **17E Functions under sections 17A to 17D capable of exercise by single justice**

- (1) The functions of a magistrates' court under sections 17A to 17D above may be discharged by a single justice.
- (2) Subsection (1) above shall not be taken as authorising—
  - (a) the summary trial of an information (otherwise than in accordance with section 17A(6) or 17B(2)(c) above); or
  - (b) the imposition of a sentence,
 by a magistrates' court composed of fewer than two justices.”

4 In section 18 (initial procedure on information against adult for offence triable either way), for subsection (5) there is substituted—

- “(5) The functions of a magistrates' court under sections 19 to 23 below may be discharged by a single justice, but this subsection shall not be taken as authorising—
- (a) the summary trial of an information (otherwise than in accordance with section 20(7) below); or
  - (b) the imposition of a sentence,
- by a magistrates' court composed of fewer than two justices.”

5 For section 19 (court to begin by considering which mode of trial appears more suitable) there is substituted—

#### **“19 Decision as to allocation**

- (1) The court shall decide whether the offence appears to it more suitable for summary trial or for trial on indictment.
- (2) Before making a decision under this section, the court—
  - (a) shall give the prosecution an opportunity to inform the court of the accused's previous convictions (if any); and

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(b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.

(3) In making a decision under this section, the court shall consider—

- (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
- (b) any representations made by the prosecution or the accused under subsection (2)(b) above,

and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 170 of the Criminal Justice Act 2003.

(4) Where—

- (a) the accused is charged with two or more offences; and
- (b) it appears to the court that the charges for the offences could be joined in the same indictment or that the offences arise out of the same or connected circumstances,

subsection (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

(5) In this section any reference to a previous conviction is a reference to—

- (a) a previous conviction by a court in the United Kingdom; or
- (b) a previous finding of guilt in—
  - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence); or
  - (ii) any proceedings before a Standing Civilian Court.

(6) If, in respect of the offence, the court receives a notice under section 51B or 51C of the Crime and Disorder Act 1998 (which relate to serious or complex fraud cases and to certain cases involving children respectively), the preceding provisions of this section and sections 20, 20A and 21 below shall not apply, and the court shall proceed in relation to the offence in accordance with section 51(1) of that Act.”

6 For section 20 (procedure where summary trial appears more suitable) there is substituted—

**“20 Procedure where summary trial appears more suitable**

- (1) If the court decides under section 19 above that the offence appears to it more suitable for summary trial, the following provisions of this section shall apply (unless they are excluded by section 23 below).
- (2) The court shall explain to the accused in ordinary language—

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- (a) that it appears to the court more suitable for him to be tried summarily for the offence;
  - (b) that he can either consent to be so tried or, if he wishes, be tried on indictment; and
  - (c) in the case of a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003), that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the committing court is of such opinion as is mentioned in subsection (2) of that section.
- (3) The accused may then request an indication (“an indication of sentence”) of whether a custodial sentence or non-custodial sentence would be more likely to be imposed if he were to be tried summarily for the offence and to plead guilty.
- (4) If the accused requests an indication of sentence, the court may, but need not, give such an indication.
- (5) If the accused requests and the court gives an indication of sentence, the court shall ask the accused whether he wishes, on the basis of the indication, to reconsider the indication of plea which was given, or is taken to have been given, under section 17A or 17B above.
- (6) If the accused indicates that he wishes to reconsider the indication under section 17A or 17B above, the court shall ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (7) If the accused indicates that he would plead guilty the court shall proceed as if—
  - (a) the proceedings constituted from that time the summary trial of the information; and
  - (b) section 9(1) above were complied with and he pleaded guilty under it.
- (8) Subsection (9) below applies where—
  - (a) the court does not give an indication of sentence (whether because the accused does not request one or because the court does not agree to give one);
  - (b) the accused either—
    - (i) does not indicate, in accordance with subsection (5) above, that he wishes; or
    - (ii) indicates, in accordance with subsection (5) above, that he does not wish,to reconsider the indication of plea under section 17A or 17B above; or
  - (c) the accused does not indicate, in accordance with subsection (6) above, that he would plead guilty.
- (9) The court shall ask the accused whether he consents to be tried summarily or wishes to be tried on indictment and—

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- (a) if he consents to be tried summarily, shall proceed to the summary trial of the information; and
- (b) if he does not so consent, shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.

**20A Procedure where summary trial appears more suitable: supplementary**

- (1) Where the case is dealt with in accordance with section 20(7) above, no court (whether a magistrates' court or not) may impose a custodial sentence for the offence unless such a sentence was indicated in the indication of sentence referred to in section 20 above.
- (2) Subsection (1) above is subject to sections 3A(4), 4(8) and 5(3) of the Powers of Criminal Courts (Sentencing) Act 2000.
- (3) Except as provided in subsection (1) above—
  - (a) an indication of sentence shall not be binding on any court (whether a magistrates' court or not); and
  - (b) no sentence may be challenged or be the subject of appeal in any court on the ground that it is not consistent with an indication of sentence.
- (4) Subject to section 20(7) above, the following shall not for any purpose be taken to constitute the taking of a plea—
  - (a) asking the accused under section 20 above whether (if the offence were to proceed to trial) he would plead guilty or not guilty; or
  - (b) an indication by the accused under that section of how he would plead.
- (5) Where the court gives an indication of sentence under section 20 above, it shall cause each such indication to be entered in the register.
- (6) In this section and in section 20 above, references to a custodial sentence are to a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000, and references to a non-custodial sentence shall be construed accordingly.”

7 For section 21 (procedure where trial on indictment appears more suitable) there is substituted—

**“21 Procedure where trial on indictment appears more suitable**

If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment, the court shall tell the accused that the court has decided that it is more suitable for him to be tried on indictment, and shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

8 (1) Section 23 (power of court, with consent of legally represented accused, to proceed in his absence) is amended as follows.

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(2) In subsection (4)—

- (a) for the words preceding paragraph (a) there is substituted “ If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment then— ”, and
- (b) in paragraph (b), for the words from “to inquire” to the end there is substituted “ in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998. ”.

(3) For subsection (5) there is substituted—

“(5) If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment, section 21 above shall not apply and the court shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

9 (1) Section 24 (summary trial of information against child or young persons for indictable offence), as amended by section 42 of this Act, is amended as follows.

(2) For subsection (1) there is substituted—

“(1) Where a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an indictable offence he shall, subject to sections 51 and 51A of the Crime and Disorder Act 1998 and to sections 24A and 24B below, be tried summarily.”

(3) Subsections (1A) and (2) are omitted.

10 After section 24 there is inserted—

**“24A Child or young person to indicate intention as to plea in certain cases**

(1) This section applies where—

- (a) a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998 (“the 1998 Act”); and
- (b) but for the application of the following provisions of this section, the court would be required at that stage, by virtue of section 51(7) or (8) or 51A(3)(b), (4) or (5) of the 1998 Act to determine, in relation to the offence, whether to send the person to the Crown Court for trial (or to determine any matter, the effect of which would be to determine whether he is sent to the Crown Court for trial).

(2) Where this section applies, the court shall, before proceeding to make any such determination as is referred to in subsection (1)(b) above (the “relevant determination”), follow the procedure set out in this section.

(3) Everything that the court is required to do under the following provisions of this section must be done with the accused person in court.

(4) The court shall cause the charge to be written down, if this has not already been done, and to be read to the accused.

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- (5) The court shall then explain to the accused in ordinary language that he may indicate whether (if the offence were to proceed to trial) he would plead guilty or not guilty, and that if he indicates that he would plead guilty—
- (a) the court must proceed as mentioned in subsection (7) below; and
  - (b) (in cases where the offence is one mentioned in section 91(1) of the Powers of Criminal Courts (Sentencing) Act 2000) he may be sent to the Crown Court for sentencing under section 3B or (if applicable) 3C of that Act if the court is of such opinion as is mentioned in subsection (2) of the applicable section.
- (6) The court shall then ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (7) If the accused indicates that he would plead guilty, the court shall proceed as if—
- (a) the proceedings constituted from the beginning the summary trial of the information; and
  - (b) section 9(1) above was complied with and he pleaded guilty under it,
- and, accordingly, the court shall not (and shall not be required to) proceed to make the relevant determination or to proceed further under section 51 or (as the case may be) section 51A of the 1998 Act in relation to the offence.
- (8) If the accused indicates that he would plead not guilty, the court shall proceed to make the relevant determination and this section shall cease to apply.
- (9) If the accused in fact fails to indicate how he would plead, for the purposes of this section he shall be taken to indicate that he would plead not guilty.
- (10) Subject to subsection (7) above, the following shall not for any purpose be taken to constitute the taking of a plea—
- (a) asking the accused under this section whether (if the offence were to proceed to trial) he would plead guilty or not guilty;
  - (b) an indication by the accused under this section of how he would plead.

#### **24B Intention as to plea by child or young person: absence of accused**

- (1) This section shall have effect where—
- (a) a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998;
  - (b) but for the application of the following provisions of this section, the court would be required at that stage to make one of the determinations referred to in paragraph (b) of section 24A(1) above (“the relevant determination”);
  - (c) the accused is represented by a legal representative;

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- (d) the court considers that by reason of the accused's disorderly conduct before the court it is not practicable for proceedings under section 24A above to be conducted in his presence; and
  - (e) the court considers that it should proceed in the absence of the accused.
- (2) In such a case—
- (a) the court shall cause the charge to be written down, if this has not already been done, and to be read to the representative;
  - (b) the court shall ask the representative whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
  - (c) if the representative indicates that the accused would plead guilty the court shall proceed as if the proceedings constituted from the beginning the summary trial of the information, and as if section 9(1) above was complied with and the accused pleaded guilty under it;
  - (d) if the representative indicates that the accused would plead not guilty the court shall proceed to make the relevant determination and this section shall cease to apply.
- (3) If the representative in fact fails to indicate how the accused would plead, for the purposes of this section he shall be taken to indicate that the accused would plead not guilty.
- (4) Subject to subsection (2)(c) above, the following shall not for any purpose be taken to constitute the taking of a plea—
- (a) asking the representative under this section whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
  - (b) an indication by the representative under this section of how the accused would plead.

#### **24C Intention as to plea by child or young person: adjournment**

- (1) A magistrates' court proceeding under section 24A or 24B above may adjourn the proceedings at any time, and on doing so on any occasion when the accused is present may remand the accused.
- (2) Where the court remands the accused, the time fixed for the resumption of proceedings shall be that at which he is required to appear or be brought before the court in pursuance of the remand or would be required to be brought before the court but for section 128(3A) below.

#### **24D Functions under sections 24A to 24C capable of exercise by single justice**

- (1) The functions of a magistrates' court under sections 24A to 24C above may be discharged by a single justice.
- (2) Subsection (1) above shall not be taken as authorising—
  - (a) the summary trial of an information (other than a summary trial by virtue of section 24A(7) or 24B(2)(c) above); or
  - (b) the imposition of a sentence,

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	by a magistrates' court composed of fewer than two justices.”
11	<p>(1) Section 25 (power to change from summary trial to committal proceedings and vice versa), as amended by section 42 of this Act, is amended as follows.</p> <p>(2) In subsection (1), for “(2) to (4)” there is substituted “ (2) to (2D) ”.</p> <p>(3) For subsection (2) there is substituted—</p> <p style="padding-left: 40px;">“(2) Where the court is required under section 20(9) above to proceed to the summary trial of the information, the prosecution may apply to the court for the offence to be tried on indictment instead.</p> <p style="padding-left: 40px;">(2A) An application under subsection (2) above—</p> <p style="padding-left: 80px;">(a) must be made before the summary trial begins; and</p> <p style="padding-left: 80px;">(b) must be dealt with by the court before any other application or issue in relation to the summary trial is dealt with.</p> <p style="padding-left: 40px;">(2B) The court may grant an application under subsection (2) above but only if it is satisfied that the sentence which a magistrates' court would have power to impose for the offence would be inadequate.</p> <p style="padding-left: 40px;">(2C) Where—</p> <p style="padding-left: 80px;">(a) the accused is charged on the same occasion with two or more offences; and</p> <p style="padding-left: 80px;">(b) it appears to the court that they constitute or form part of a series of two or more offences of the same or a similar character,</p> <p style="padding-left: 40px;">subsection (2B) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.</p> <p style="padding-left: 40px;">(2D) Where the court grants an application under subsection (2) above, it shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”</p> <p>(4) Subsections (3) to (8) are omitted.</p>
12	<p>For subsections (1) and (2) of section 26 (power to issue summons to accused in certain circumstances) there is substituted—</p> <p style="padding-left: 40px;">“(1) Where, in the circumstances mentioned in section 23(1)(a) above, the court is not satisfied that there is good reason for proceeding in the absence of the accused, the justice or any of the justices of which the court is composed may issue a summons directed to the accused requiring his presence before the court.</p> <p style="padding-left: 40px;">(2) In a case within subsection (1) above, if the accused is not present at the time and place appointed for the proceedings under section 19 or section 22(1) above, the court may issue a warrant for his arrest.”</p>
13	<p>In section 33 (maximum penalties on summary conviction in pursuance of section 22), in subsection (1), paragraph (b) and the word “and” immediately preceding it are omitted.</p>



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14	Section 42 (restriction on justices sitting after dealing with bail) shall cease to have effect.
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*Crime and Disorder Act 1998 (c. 37)*

VALID FROM 18/05/2012

15	The Crime and Disorder Act 1998 is amended as follows.
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VALID FROM 18/06/2012

16	In section 50 (early administrative hearings), in subsection (1) (court may consist of single justice unless accused falls to be dealt with under section 51), the words “unless the accused falls to be dealt with under section 51 below” are omitted.
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VALID FROM 18/06/2012

17	After section 50 there is inserted—
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**“50A Order of consideration for either-way offences**

- (1) Where an adult appears or is brought before a magistrates' court charged with an either-way offence (the “relevant offence”), the court shall proceed in the manner described in this section.
- (2) If notice is given in respect of the relevant offence under section 51B or 51C below, the court shall deal with the offence as provided in section 51 below.
- (3) Otherwise—
  - (a) if the adult (or another adult with whom the adult is charged jointly with the relevant offence) is or has been sent to the Crown Court for trial for an offence under section 51(2)(a) or 51(2)(c) below—
    - (i) the court shall first consider the relevant offence under subsection (3), (4), (5) or, as the case may be, (6) of section 51 below and, where applicable, deal with it under that subsection;
    - (ii) if the adult is not sent to the Crown Court for trial for the relevant offence by virtue of sub-paragraph (i) above, the court shall then proceed to deal with the relevant offence in accordance with sections 17A to 23 of the 1980 Act;
  - (b) in all other cases—
    - (i) the court shall first consider the relevant offence under sections 17A to 20 (excluding subsections (8) and (9) of section 20) of the 1980 Act;
    - (ii) if, by virtue of sub-paragraph (i) above, the court would be required to proceed in relation to the offence as

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mentioned in section 17A(6), 17B(2)(c) or 20(7) of that Act (indication of guilty plea), it shall proceed as so required (and, accordingly, shall not consider the offence under section 51 or 51A below);

(iii) if sub-paragraph (ii) above does not apply—

(a) the court shall consider the relevant offence under sections 51 and 51A below and, where applicable, deal with it under the relevant section;

(b) if the adult is not sent to the Crown Court for trial for the relevant offence by virtue of paragraph (a) of this sub-paragraph, the court shall then proceed to deal with the relevant offence as contemplated by section 20(9) or, as the case may be, section 21 of the 1980 Act.

(4) Subsection (3) above is subject to any requirement to proceed as mentioned in subsections (2) or (6)(a) of section 22 of the 1980 Act (certain offences where value involved is small).

(5) Nothing in this section shall prevent the court from committing the adult to the Crown Court for sentence pursuant to any enactment, if he is convicted of the relevant offence.”

18 For section 51 (no committal proceedings for indictable-only offences) there is substituted—

**“51 Sending cases to the Crown Court: adults**

(1) Where an adult appears or is brought before a magistrates' court (“the court”) charged with an offence and any of the conditions mentioned in subsection (2) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.

(2) Those conditions are—

(a) that the offence is an offence triable only on indictment other than one in respect of which notice has been given under section 51B or 51C below;

(b) that the offence is an either-way offence and the court is required under section 20(9)(b), 21, 23(4)(b) or (5) or 25(2D) of the Magistrates' Courts Act 1980 to proceed in relation to the offence in accordance with subsection (1) above;

(c) that notice is given to the court under section 51B or 51C below in respect of the offence.

(3) Where the court sends an adult for trial under subsection (1) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—

(a) (if it is an either-way offence) appears to the court to be related to the offence mentioned in subsection (1) above; or

(b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (1) above or to the either-way

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offence, and which fulfils the requisite condition (as defined in subsection (11) below).

- (4) Where an adult who has been sent for trial under subsection (1) above subsequently appears or is brought before a magistrates' court charged with an either-way or summary offence which—
- (a) appears to the court to be related to the offence mentioned in subsection (1) above; and
  - (b) (in the case of a summary offence) fulfils the requisite condition, the court may send him forthwith to the Crown Court for trial for the either-way or summary offence.
- (5) Where—
- (a) the court sends an adult (“A”) for trial under subsection (1) or (3) above;
  - (b) another adult appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an either-way offence; and
  - (c) that offence appears to the court to be related to an offence for which A was sent for trial under subsection (1) or (3) above,
- the court shall where it is the same occasion, and may where it is a subsequent occasion, send the other adult forthwith to the Crown Court for trial for the either-way offence.
- (6) Where the court sends an adult for trial under subsection (5) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence for which he is sent for trial; and
  - (b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the either-way offence, and which fulfils the requisite condition.
- (7) Where—
- (a) the court sends an adult (“A”) for trial under subsection (1), (3) or (5) above; and
  - (b) a child or young person appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an indictable offence for which A is sent for trial under subsection (1), (3) or (5) above, or an indictable offence which appears to the court to be related to that offence,
- the court shall, if it considers it necessary in the interests of justice to do so, send the child or young person forthwith to the Crown Court for trial for the indictable offence.
- (8) Where the court sends a child or young person for trial under subsection (7) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—
- (a) (if it is an indictable offence) appears to the court to be related to the offence for which he is sent for trial; and

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- (b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the indictable offence, and which fulfils the requisite condition.
- (9) Subsections (7) and (8) above are subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain cases involving children and young persons to be tried summarily).
- (10) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.
- (11) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.
- (12) In the case of an adult charged with an offence—
  - (a) if the offence satisfies paragraph (c) of subsection (2) above, the offence shall be dealt with under subsection (1) above and not under any other provision of this section or section 51A below;
  - (b) subject to paragraph (a) above, if the offence is one in respect of which the court is required to, or would decide to, send the adult to the Crown Court under—
    - (i) subsection (5) above; or
    - (ii) subsection (6) of section 51A below,
 the offence shall be dealt with under that subsection and not under any other provision of this section or section 51A below.
- (13) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.

### **51A Sending cases to the Crown Court: children and young persons**

- (1) This section is subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain offences involving children or young persons to be tried summarily).
- (2) Where a child or young person appears or is brought before a magistrates' court ("the court") charged with an offence and any of the conditions mentioned in subsection (3) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.
- (3) Those conditions are—
  - (a) that the offence falls within subsection (12) below;
  - (b) that the offence is such as is mentioned in subsection (1) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (other than one mentioned in paragraph (d) below in relation to which it appears to the court as mentioned there) and the court considers that if he is found guilty of the offence it ought to be possible to sentence him in pursuance of subsection (3) of that section;
  - (c) that notice is given to the court under section 51B or 51C below in respect of the offence;

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- (d) that the offence is a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003) and it appears to the court that if he is found guilty of the offence the criteria for the imposition of a sentence under section 226(3) or 228(2) of that Act would be met.
- (4) Where the court sends a child or young person for trial under subsection (2) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—
- (a) (if it is an indictable offence) appears to the court to be related to the offence mentioned in subsection (2) above; or
  - (b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (2) above or to the indictable offence, and which fulfils the requisite condition (as defined in subsection (9) below).
- (5) Where a child or young person who has been sent for trial under subsection (2) above subsequently appears or is brought before a magistrates' court charged with an indictable or summary offence which—
- (a) appears to the court to be related to the offence mentioned in subsection (2) above; and
  - (b) (in the case of a summary offence) fulfils the requisite condition,
- the court may send him forthwith to the Crown Court for trial for the indictable or summary offence.
- (6) Where—
- (a) the court sends a child or young person (“C”) for trial under subsection (2) or (4) above; and
  - (b) an adult appears or is brought before the court on the same or a subsequent occasion charged jointly with C with an either-way offence for which C is sent for trial under subsection (2) or (4) above, or an either-way offence which appears to the court to be related to that offence,
- the court shall where it is the same occasion, and may where it is a subsequent occasion, send the adult forthwith to the Crown Court for trial for the either-way offence.
- (7) Where the court sends an adult for trial under subsection (6) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence for which he was sent for trial; and
  - (b) (if it is a summary offence) appears to the court to be related to the offence for which he was sent for trial or to the either-way offence, and which fulfils the requisite condition.
- (8) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.

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- (9) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.
- (10) In the case of a child or young person charged with an offence—
- (a) if the offence satisfies any of the conditions in subsection (3) above, the offence shall be dealt with under subsection (2) above and not under any other provision of this section or section 51 above;
  - (b) subject to paragraph (a) above, if the offence is one in respect of which the requirements of subsection (7) of section 51 above for sending the child or young person to the Crown Court are satisfied, the offence shall be dealt with under that subsection and not under any other provision of this section or section 51 above.
- (11) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.
- (12) An offence falls within this subsection if—
- (a) it is an offence of homicide; or
  - (b) each of the requirements of section 51A(1) of the Firearms Act 1968 would be satisfied with respect to—
    - (i) the offence; and
    - (ii) the person charged with it,
 if he were convicted of the offence.

### **51B Notices in serious or complex fraud cases**

- (1) A notice may be given by a designated authority under this section in respect of an indictable offence if the authority is of the opinion that the evidence of the offence charged—
- (a) is sufficient for the person charged to be put on trial for the offence; and
  - (b) reveals a case of fraud of such seriousness or complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.
- (2) That opinion must be certified by the designated authority in the notice.
- (3) The notice must also specify the proposed place of trial, and in selecting that place the designated authority must have regard to the same matters as are specified in paragraphs (a) to (c) of section 51D(4) below.
- (4) A notice under this section must be given to the magistrates' court at which the person charged appears or before which he is brought.
- (5) Such a notice must be given to the magistrates' court before any summary trial begins.
- (6) The effect of such a notice is that the functions of the magistrates' court cease in relation to the case, except—
- (a) for the purposes of section 51D below;
  - (b) as provided by paragraph 2 of Schedule 3 to the Access to Justice Act 1999; and

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- (c) as provided by section 52 below.
- (7) The functions of a designated authority under this section may be exercised by an officer of the authority acting on behalf of the authority.
- (8) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).
- (9) In this section “designated authority” means—
  - (a) the Director of Public Prosecutions;
  - (b) the Director of the Serious Fraud Office;
  - (c) the Commissioners of the Inland Revenue;
  - (d) the Commissioners of Customs and Excise; or
  - (e) the Secretary of State.

### **51C Notices in certain cases involving children**

- (1) A notice may be given by the Director of Public Prosecutions under this section in respect of an offence falling within subsection (3) below if he is of the opinion—
  - (a) that the evidence of the offence would be sufficient for the person charged to be put on trial for the offence;
  - (b) that a child would be called as a witness at the trial; and
  - (c) that, for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court.
- (2) That opinion must be certified by the Director of Public Prosecutions in the notice.
- (3) This subsection applies to an offence—
  - (a) which involves an assault on, or injury or a threat of injury to, a person;
  - (b) under section 1 of the Children and Young Persons Act 1933 (cruelty to persons under 16);
  - (c) under the Sexual Offences Act 1956, the Protection of Children Act 1978 or the Sexual Offences Act 2003;
  - (d) of kidnapping or false imprisonment, or an offence under section 1 or 2 of the Child Abduction Act 1984;
  - (e) which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a), (b), (c) or (d) above.
- (4) Subsections (4), (5) and (6) of section 51B above apply for the purposes of this section as they apply for the purposes of that.
- (5) The functions of the Director of Public Prosecutions under this section may be exercised by an officer acting on behalf of the Director.
- (6) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).
- (7) In this section “child” means—

*Status: Point in time view as at 06/04/2007.*

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- (a) a person who is under the age of 17; or
- (b) any person of whom a video recording (as defined in section 63(1) of the Youth Justice and Criminal Evidence Act 1999) was made when he was under the age of 17 with a view to its admission as his evidence in chief in the trial referred to in subsection (1) above.

### **51D Notice of offence and place of trial**

- (1) The court shall specify in a notice—
  - (a) the offence or offences for which a person is sent for trial under section 51 or 51A above; and
  - (b) the place at which he is to be tried (which, if a notice has been given under section 51B above, must be the place specified in that notice).
- (2) A copy of the notice shall be served on the accused and given to the Crown Court sitting at that place.
- (3) In a case where a person is sent for trial under section 51 or 51A above for more than one offence, the court shall specify in that notice, for each offence—
  - (a) the subsection under which the person is so sent; and
  - (b) if applicable, the offence to which that offence appears to the court to be related.
- (4) Where the court selects the place of trial for the purposes of subsection (1) above, it shall have regard to—
  - (a) the convenience of the defence, the prosecution and the witnesses;
  - (b) the desirability of expediting the trial; and
  - (c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 75(1) of the Supreme Court Act 1981.

### **51E Interpretation of sections 50A to 51D**

For the purposes of sections 50A to 51D above—

- (a) “adult” means a person aged 18 or over, and references to an adult include a corporation;
- (b) “either-way offence” means an offence triable either way;
- (c) an either-way offence is related to an indictable offence if the charge for the either-way offence could be joined in the same indictment as the charge for the indictable offence;
- (d) a summary offence is related to an indictable offence if it arises out of circumstances which are the same as or connected with those giving rise to the indictable offence.”

#### **Commencement Information**

**I2** Sch. 3 para. 18 partly in force; Sch. 3 para. 18 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 18 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 29](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 3 para. 18 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))



*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

VALID FROM 18/06/2012

19 (1) After section 52 there is inserted—

**“52A Restrictions on reporting**

- (1) Except as provided by this section, it shall not be lawful—
- (a) to publish in the United Kingdom a written report of any allocation or sending proceedings in England and Wales; or
  - (b) to include in a relevant programme for reception in the United Kingdom a report of any such proceedings,
- if (in either case) the report contains any matter other than that permitted by this section.
- (2) Subject to subsections (3) and (4) below, a magistrates' court may, with reference to any allocation or sending proceedings, order that subsection (1) above shall not apply to reports of those proceedings.
- (3) Where there is only one accused and he objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.
- (4) Where in the case of two or more accused one of them objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.
- (5) An order under subsection (2) above shall not apply to reports of proceedings under subsection (3) or (4) above, but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by subsection (6) below.
- (6) It shall not be unlawful under this section to publish or include in a relevant programme a report of allocation or sending proceedings containing any matter other than that permitted by subsection (7) below—
- (a) where, in relation to the accused (or all of them, if there are more than one), the magistrates' court is required to proceed as mentioned in section 20(7) of the 1980 Act, after the court is so required;
  - (b) where, in relation to the accused (or any of them, if there are more than one), the court proceeds other than as mentioned there, after conclusion of his trial or, as the case may be, the trial of the last to be tried.
- (7) The following matters may be contained in a report of allocation or sending proceedings published or included in a relevant programme without an order under subsection (2) above before the time authorised by subsection (6) above—
- (a) the identity of the court and the name of the justice or justices;
  - (b) the name, age, home address and occupation of the accused;

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- (c) in the case of an accused charged with an offence in respect of which notice has been given to the court under section 51B above, any relevant business information;
  - (d) the offence or offences, or a summary of them, with which the accused is or are charged;
  - (e) the names of counsel and solicitors engaged in the proceedings;
  - (f) where the proceedings are adjourned, the date and place to which they are adjourned;
  - (g) the arrangements as to bail;
  - (h) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.
- (8) The addresses that may be published or included in a relevant programme under subsection (7) above are addresses—
- (a) at any relevant time; and
  - (b) at the time of their publication or inclusion in a relevant programme.
- (9) The following is relevant business information for the purposes of subsection (7) above—
- (a) any address used by the accused for carrying on a business on his own account;
  - (b) the name of any business which he was carrying on on his own account at any relevant time;
  - (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
  - (d) the address of any such firm;
  - (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
  - (f) the address of the registered or principal office of any such company;
  - (g) any working address of the accused in his capacity as a person engaged by any such company;
- and here “engaged” means engaged under a contract of service or a contract for services.
- (10) Subsection (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports of court proceedings.
- (11) In this section—
- “allocation or sending proceedings” means, in relation to an information charging an indictable offence—
- (a) any proceedings in the magistrates' court at which matters are considered under any of the following provisions—
    - (i) sections 19 to 23 of the 1980 Act;
    - (ii) section 51, 51A or 52 above;
  - (b) any proceedings in the magistrates' court before the court proceeds to consider any matter mentioned in paragraph (a) above; and

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- (c) any proceedings in the magistrates' court at which an application under section 25(2) of the 1980 Act is considered;
- “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;
- “relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990);
- “relevant time” means a time when events giving rise to the charges to which the proceedings relate occurred.

### **52B Offences in connection with reporting**

- (1) If a report is published or included in a relevant programme in contravention of section 52A above, each of the following persons is guilty of an offence—
- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
  - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
  - (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of the editor of a newspaper.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) Proceedings for an offence under this section shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney General.
- (4) Proceedings for an offence under this section shall not, in Northern Ireland, be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.
- (5) Subsection (11) of section 52A above applies for the purposes of this section as it applies for the purposes of that section.”.
- (2) In section 121 (short title, commencement and extent)—
- (a) in subsection (6), after paragraph (b) there is inserted—  
“(bb) sections 52A and 52B;”, and
  - (b) in subsection (8), after “(5) above,” there is inserted “ sections 52A and 52B above, ”.

VALID FROM 18/05/2012

- 20 (1) Schedule 3 (procedure where persons are sent for trial under section 51 of the Crime and Disorder Act 1998) is amended as follows.

*Status: Point in time view as at 06/04/2007.*

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- (2) In paragraph 1(1)—
- (a) after “51” there is inserted “ or 51A ”, and
  - (b) in paragraph (b), for “subsection (7) of that section” there is substituted “ section 51D(1) of this Act ”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1)—
    - (i) after “51” there is inserted “ or 51A ”, and
    - (ii) for “subsection (7) of that section” there is substituted “ section 51D(1) of this Act ”, and
  - (b) sub-paragraphs (4) and (5) are omitted.
- (4) In paragraph 4, in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”.
- (5) In paragraph 5, in sub-paragraph (2), after “51” there is inserted “ or 51A ”.
- (6) Paragraph 6 is amended as follows—
- (a) in sub-paragraph (1), after “51” there is inserted “ or 51A ”,
  - (b) in sub-paragraph (2), for the words from the second “offence” to the end there is substituted “ indictable offence for which he was sent for trial or, as the case may be, any of the indictable offences for which he was so sent ”, and
  - (c) in sub-paragraph (9), for “indictable-only” there is substituted “ indictable ”.
- (7) In paragraph 7—
- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
  - (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence ”,
  - (c) in sub-paragraph (3), after “each” there is inserted “ remaining ”,
  - (d) in sub-paragraph (7), for “consider” there is substituted “ decide ”, and
  - (e) after sub-paragraph (8) there is inserted—
 

“(9) In this paragraph, a “main offence” is—

    - (a) an offence for which the person has been sent to the Crown Court for trial under section 51(1) of this Act; or
    - (b) an offence—
      - (i) for which the person has been sent to the Crown Court for trial under subsection (5) of section 51 or subsection (6) of section 51A of this Act (“the applicable subsection”); and
      - (ii) in respect of which the conditions for sending him to the Crown Court for trial under the applicable subsection (as set out in paragraphs (a) to (c) of section 51(5) or paragraphs (a) and (b) of section 51A(6)) continue to be satisfied.”
- (8) In paragraph 8—
- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,

*Status: Point in time view as at 06/04/2007.*

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- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence (within the meaning of paragraph 7 above) ”,
- (c) in sub-paragraph (2)(a), after “each” there is inserted “ remaining ”, and
- (d) in sub-paragraph (2)(d), for “consider” there is substituted “ decide ”.

(9) In paragraph 9—

- (a) in sub-paragraph (1), for “consider” there is substituted “ decide ”, and
- (b) for sub-paragraphs (2) and (3), there is substituted—

“(2) Before deciding the question, the court—

- (a) shall give the prosecution an opportunity to inform the court of the accused’s previous convictions (if any); and
- (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.

(3) In deciding the question, the court shall consider—

- (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
- (b) any representations made by the prosecution or the accused under sub-paragraph (2)(b) above,

and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 170 of the Criminal Justice Act 2003.

(4) Where—

- (a) the accused is charged on the same occasion with two or more offences; and
- (b) it appears to the court that they constitute or form part of a series of two or more offences of the same or a similar character;

sub-paragraph (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

(5) In this paragraph any reference to a previous conviction is a reference to—

- (a) a previous conviction by a court in the United Kingdom, or
- (b) a previous finding of guilt in—
  - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), or
  - (ii) any proceedings before a Standing Civilian Court.”

(10) In paragraph 10—

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(a) for sub-paragraph (2), there is substituted—

“(2) The court shall explain to the accused in ordinary language—

- (a) that it appears to the court more suitable for him to be tried summarily for the offence;
- (b) that he can either consent to be so tried or, if he wishes, be tried on indictment; and
- (c) in the case of a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003), that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the committing court is of such opinion as is mentioned in subsection (2) of that section.”, and

(b) in sub-paragraph (3), for “by a jury” there is substituted “ on indictment ”.

(11) In paragraph 11, in sub-paragraph (a), for “by a jury” there is substituted “ on indictment ”.

(12) Paragraph 12 shall cease to have effect.

(13) In paragraph 13—

- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence ”,
- (c) in sub-paragraph (2), the words from “unless” to the end are omitted, and
- (d) for sub-paragraph (3) there is substituted—

“(3) In this paragraph, a “main offence” is—

- (a) an offence for which the child or young person has been sent to the Crown Court for trial under section 51A(2) of this Act; or
- (b) an offence—
  - (i) for which the child or young person has been sent to the Crown Court for trial under subsection (7) of section 51 of this Act; and
  - (ii) in respect of which the conditions for sending him to the Crown Court for trial under that subsection (as set out in paragraphs (a) and (b) of that subsection) continue to be satisfied.”

(14) In paragraph 15, in each of sub-paragraphs (3) and (4), for “considered” there is substituted “ decided ”.

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

VALID FROM 18/06/2012

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

F122 .....

**Textual Amendments**

**F1** Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

VALID FROM 08/05/2008

[<sup>F2</sup>22A(1) Section 3 (committal for sentence on summary trial of offence triable either way) is amended as follows.

- (2) In subsection (2)—
  - (a) in paragraph (a) for the words from “greater punishment” to the end of the paragraph substitute the Crown Court should, in the court's opinion, have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment, and
  - (b) omit paragraph (b) (and the word “or” immediately preceding it).
- (3) In subsection (4), after “section” insert 17D or.
- (4) In subsection (5), in paragraph (b) omit the words “paragraph (b) and”.]

**Textual Amendments**

**F2** Sch. 3 para. 22A inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1) (a), [Sch. 13 para. 8](#)

23 After section 3 there is inserted—

**“3A Committal for sentence of dangerous adult offenders**

- (1) This section applies where on the summary trial of a specified offence triable either way a person aged 18 or over is convicted of the offence.
- (2) If, in relation to the offence, it appears to the court that the criteria for the imposition of a sentence under section 225(3) or 227(2) of the Criminal Justice Act 2003 would be met, the court must commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 5(1) below.
- (3) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.

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- (4) In reaching any decision under or taking any step contemplated by this section—
- (a) the court shall not be bound by any indication of sentence given in respect of the offence under section 20 of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable); and
  - (b) nothing the court does under this section may be challenged or be the subject of any appeal in any court on the ground that it is not consistent with an indication of sentence.
- (5) Nothing in this section shall prevent the court from committing a specified offence to the Crown Court for sentence under section 3 above if the provisions of that section are satisfied.
- (6) In this section, references to a specified offence are to a specified offence within the meaning of section 224 of the Criminal Justice Act 2003.

### **3B Committal for sentence on indication of guilty plea by child or young person**

- (1) This section applies where—
- (a) a person aged under 18 appears or is brought before a magistrates' court (“the court”) on an information charging him with an offence mentioned in subsection (1) of section 91 below (“the offence”);
  - (b) he or his representative indicates under section 24A or (as the case may be) 24B of the Magistrates' Courts Act 1980 (child or young person to indicate intention as to plea in certain cases) that he would plead guilty if the offence were to proceed to trial; and
  - (c) proceeding as if section 9(1) of that Act were complied with and he pleaded guilty under it, the court convicts him of the offence.
- (2) If the court is of the opinion that—
- (a) the offence; or
  - (b) the combination of the offence and one or more offences associated with it,
- was such that the Crown Court should, in the court’s opinion, have power to deal with the offender as if the provisions of section 91(3) below applied, the court may commit him in custody or on bail to the Crown Court for sentence in accordance with section 5A(1) below.
- (3) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.

### **3C Committal for sentence of dangerous young offenders**

- (1) This section applies where on the summary trial of a specified offence a person aged under 18 is convicted of the offence.
- (2) If, in relation to the offence, it appears to the court that the criteria for the imposition of a sentence under section 226(3) or 228(2) of the Criminal Justice Act 2003 would be met, the court must commit the offender in



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custody or on bail to the Crown Court for sentence in accordance with section 5A(1) below.

- (3) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.
- (4) Nothing in this section shall prevent the court from committing a specified offence to the Crown Court for sentence under section 3B above if the provisions of that section are satisfied.
- (5) In this section, references to a specified offence are to a specified offence within the meaning of section 224 of the Criminal Justice Act 2003.”

#### Commencement Information

**I3** Sch. 3 para. 23 partly in force; Sch. 3 para. 23 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 23 in force for certain purposes at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 29](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 3 para. 23 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

- 24 (1) Section 4 (committal for sentence on indication of guilty plea to offence triable either way) is amended as follows.
  - (2) For subsection (1)(b), there is substituted—

“(b) he or (where applicable) his representative indicates under section 17A, 17B or 20(7) of the Magistrates' Courts Act 1980 that he would plead guilty if the offence were to proceed to trial; and”.
  - (3) In subsection (1)(c), for “the Magistrates' Courts Act 1980” there is substituted “that Act”.
  - (4) After subsection (1) there is inserted—

“(1A) But this section does not apply to an offence as regards which this section is excluded by section 17D of that Act (certain offences where value involved is small).”
  - (5) For subsection (3), there is substituted—

“(3) If the power conferred by subsection (2) above is not exercisable but the court is still to determine to, or to determine whether to, send the offender to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998 for one or more related offences—
    - (a) it shall adjourn the proceedings relating to the offence until after it has made those determinations; and
    - (b) if it sends the offender to the Crown Court for trial for one or more related offences, it may then exercise that power.”
  - (6) In subsection (4)(b), after “section 3(2)” there is inserted “ or, as the case may be, section 3A(2) ”.
  - (7) After subsection (7) there is inserted—

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“(8) In reaching any decision under or taking any step contemplated by this section—

- (a) the court shall not be bound by any indication of sentence given in respect of the offence under section 20 of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable); and
- (b) nothing the court does under this section may be challenged or be the subject of any appeal in any court on the ground that it is not consistent with an indication of sentence.”

VALID FROM 18/06/2012

25

After section 4 there is inserted—

**“4A Committal for sentence on indication of guilty plea by child or young person with related offences**

- (1) This section applies where—
  - (a) a person aged under 18 appears or brought before a magistrates' court (“the court”) on an information charging him with an offence mentioned in subsection (1) of section 91 below (“the offence”);
  - (b) he or his representative indicates under section 24A or (as the case may be) 24B of the Magistrates' Courts Act 1980 (child or young person to indicate intention as to plea in certain cases) that he would plead guilty if the offence were to proceed to trial; and
  - (c) proceeding as if section 9(1) of that Act were complied with and he pleaded guilty under it, the court convicts him of the offence.
- (2) If the court has sent the offender to the Crown Court for trial for one or more related offences, that is to say one or more offences which, in its opinion, are related to the offence, it may commit him in custody or on bail to the Crown Court to be dealt with in respect of the offence in accordance with section 5A(1) below.
- (3) If the power conferred by subsection (2) above is not exercisable but the court is still to determine to, or to determine whether to, send the offender to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998 for one or more related offences—
  - (a) it shall adjourn the proceedings relating to the offence until after it has made those determinations; and
  - (b) if it sends the offender to the Crown Court for trial for one or more related offences, it may then exercise that power.
- (4) Where the court—
  - (a) under subsection (2) above commits the offender to the Crown Court to be dealt with in respect of the offence; and
  - (b) does not state that, in its opinion, it also has power so to commit him under section 3B(2) or, as the case may be, section 3C(2) above,

section 5A(1) below shall not apply unless he is convicted before the Crown Court of one or more of the related offences.

*Status: Point in time view as at 06/04/2007.*

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- (5) Where section 5A(1) below does not apply, the Crown Court may deal with the offender in respect of the offence in any way in which the magistrates' court could deal with him if it had just convicted him of the offence.
- (6) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.
- (7) Section 4(7) above applies for the purposes of this section as it applies for the purposes of that section.”

VALID FROM 18/06/2012

26 For section 5 (power of Crown Court on committal for sentence under sections 3 and 4) there is substituted—

**“5 Power of Crown Court on committal for sentence under sections 3, 3A and 4**

- (1) Where an offender is committed by a magistrates' court for sentence under section 3, 3A or 4 above, the Crown Court shall inquire into the circumstances of the case and may deal with the offender in any way in which it could deal with him if he had just been convicted of the offence on indictment before the court.
- (2) In relation to committals under section 4 above, subsection (1) above has effect subject to section 4(4) and (5) above.
- (3) Section 20A(1) of the Magistrates' Courts Act 1980 (which relates to the effect of an indication of sentence under section 20 of that Act) shall not apply in respect of any specified offence (within the meaning of section 224 of the Criminal Justice Act 2003)—
- (a) in respect of which the offender is committed under section 3A(2) above; or
  - (b) in respect of which—
    - (i) the offender is committed under section 4(2) above; and
    - (ii) the court states under section 4(4) above that, in its opinion, it also has power to commit the offender under section 3A(2) above.”

27 After section 5 there is inserted—

**“5A Power of Crown Court on committal for sentence under sections 3B, 3C and 4A**

- (1) Where an offender is committed by a magistrates' court for sentence under section 3B, 3C or 4A above, the Crown Court shall inquire into the circumstances of the case and may deal with the offender in any way in

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which it could deal with him if he had just been convicted of the offence on indictment before the court.

(2) In relation to committals under section 4A above, subsection (1) above has effect subject to section 4A(4) and (5) above.”

#### Commencement Information

**I4** Sch. 3 para. 27 partly in force; Sch. 3 para. 27 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 27 in force for certain purposes at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 29 (subject to **art. 2(2)**, Sch. 2); Sch. 3 para. 27 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

28 In section 6 (committal for sentence in certain cases where offender committed in respect of another offence), in subsection (4)(b), for “3 and 4” there is substituted “3 to 4A”.

#### Commencement Information

**I5** Sch. 3 para. 28 partly in force; Sch. 3 para. 28 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 28 in force for certain purposes at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 29 (subject to **art. 2(2)**, Sch. 2); Sch. 3 para. 28 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

## PART 2

### MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 18/06/2012

#### *Territorial Waters Jurisdiction Act 1878 (c. 73)*

29 In section 4 of the Territorial Waters Jurisdiction Act 1878 (provisions as to procedure), in the paragraph beginning “Proceedings before a justice of the peace”, for the words from the beginning to “his trial” there is substituted—

“Any stage of proceedings—

- (a) before the summary trial of the offence; or
- (b) before the offender has been sent for trial for the offence.”

VALID FROM 18/06/2012

#### *Bankers' Books Evidence Act 1879 (c. 11)*

30 (1) The Bankers' Books Evidence Act 1879 is amended as follows.

(2) In section 4 (proof that book is a banker’s book), the paragraph beginning “Where the proceedings” is omitted.

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(3) In section 5 (verification of copy), the paragraph beginning “Where the proceedings” is omitted.

VALID FROM 18/06/2012

*Explosive Substances Act 1883 (c. 3)*

31 In section 6 of the Explosive Substances Act 1883 (inquiry by Attorney-General, and apprehension of absconding witnesses), subsection (3) is omitted.

VALID FROM 18/06/2012

*Criminal Justice Act 1925 (c. 86)*

32 In section 49 of the Criminal Justice Act 1925 (interpretation, etc), subsection (2) is omitted.

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

33 In section 42 of the Children and Young Persons Act 1933 (extension of power to take deposition of child or young person), in subsection (2)(a), for “committed” in both places there is substituted “sent”.

**Commencement Information**

**I6** Sch. 3 para. 33 partly in force; Sch. 3 para. 33 not in force at Royal Assent, see. s. 336(3); Sch. 3 para. 33 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(a\)](#); Sch. 3 para. 33 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

*Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)*

34 (1) Section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a), for “committed” there is substituted “sent”;
- (b) paragraphs (aa) to (ac) are omitted;
- (c) for paragraph (i) there is substituted—

“(i) where the person charged has been sent for trial, the bill of indictment against him may include, either in substitution for or in addition to any count charging an offence specified in the notice under section 57D(1) of the Crime and Disorder Act 1998, any counts founded on material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to that Act, was served on the

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person charged, being counts which may lawfully be joined in the same indictment;”,

- (d) paragraphs (iA) and (iB) are omitted,
- (e) in paragraph (ii), for “the committal” there is substituted “such notice”, and
- (f) the words from “and in paragraph (iA)” to the end are omitted.

(3) In subsection (3)(b), for “committed” there is substituted “sent”.

**Commencement Information**

- I7** Sch. 3 para. 34 partly in force; Sch. 3 para. 34 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 34(1)(2)(a)(c)(i)(e)(3) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. paras. 1\(1\)\(b\)](#), [2\(a\)](#); Sch. 3 para. 34 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

*Criminal Justice Act 1948 (c. 58)*

- 35 (1) The Criminal Justice Act 1948 is amended as follows.
- (2) In section 27 (remand and committal of persons aged 17 to 20), in subsection (1), for “commits him for trial or” there is substituted “sends him to the Crown Court for trial or commits him there for”.
  - (3) In section 41 (evidence by certificate), subsection (5A) is omitted.
  - (4) In section 80 (interpretation), the definition of “Court of summary jurisdiction” is omitted.

**Commencement Information**

- I8** Sch. 3 para. 35 partly in force; Sch. 3 para. 35 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 35(1)(2) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(c\)](#); Sch. 3 para. 35 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

*Prison Act 1952 (c. 52)*

- 36 Until their repeal by (respectively) section 59 of, and paragraph 10(a)(ii) of Schedule 7 to, the Criminal Justice and Court Services Act 2000, paragraph (a) of subsection (1), and paragraphs (b) and (c) of subsection (2), of section 43 of the Prison Act 1952 (remand centres, detention centres and youth custody centres) are to have effect as if references to being committed for trial were references to being sent for trial.

**Commencement Information**

- I9** Sch. 3 para. 36 partly in force; Sch. 3 para. 36 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 36 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(d\)](#); Sch. 3 para. 36 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

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VALID FROM 28/03/2009

*Army Act 1955 (3 & 4 Eliz. 2 c. 18)*

- 37 In section 187 of the Army Act 1955 (proceedings before a civil court where persons suspected of illegal absence), at the end of subsection (4) there is inserted— “The references in this subsection to provisions of the Magistrates' Courts Act 1980 and to corresponding enactments are to be taken to refer to those provisions and enactments as if no amendment to them had been made by the Criminal Justice Act 2003.”

VALID FROM 28/03/2009

*Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)*

- 38 In section 187 of the Air Force Act 1955 (proceedings before a civil court where persons suspected of illegal absence), at the end of subsection (4) there is inserted— “The references in this subsection to provisions of the Magistrates' Courts Act 1980 and to corresponding enactments are to be taken to refer to those provisions and enactments as if no amendment to them had been made by the Criminal Justice Act 2003.”

*Geneva Conventions Act 1957 (c. 52)*

- 39 In section 5 of the Geneva Conventions Act 1957 (reduction of sentence and custody of protected persons)—
- (a) in subsection (1), for “committal” there is substituted “having been sent”,
  - (b) in subsection (2), for “committal”, where it first appears, there is substituted “having been sent”.

**Commencement Information**

- I10** Sch. 3 para. 39 partly in force; Sch. 3 para. 39 not in force at Royal Assent, see. s. 336(3); Sch. 3 para. 39 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(e\)](#); Sch. 3 para. 39 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

VALID FROM 28/03/2009

*Naval Discipline Act 1957 (c. 53)*

- 40 In section 109 of the Naval Discipline Act 1957 (proceedings before summary courts), at the end of subsection (4) there is inserted— “The references in this

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subsection to provisions are to be taken to refer to those provisions as if no amendment to them had been made by the Criminal Justice Act 2003. ”

VALID FROM 18/06/2012

*Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)*

- 41 In paragraph 4 of the Schedule to the Backing of Warrants (Republic of Ireland) Act 1965 (supplementary procedures as to proceedings under section 2)—
- (a) the words “and section 2 of the Poor Prisoners Defence Act 1930 (legal aid before examining justices)” are omitted, and
  - (b) for “it had determined not to commit for trial” there is substituted “ the offence were to be dealt with summarily and the court had dismissed the information ”.

*Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)*

- 42 In section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (issue of witness summons on application to Crown Court)—
- (a) for subsection (4) there is substituted—
    - “(4) Where a person has been sent for trial for any offence to which the proceedings concerned relate, an application must be made as soon as is reasonably practicable after service on that person, in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998, of the documents relevant to that offence.”, and
  - (b) subsection (5) is omitted.

**Commencement Information**

- III** Sch. 3 para. 42 partly in force; Sch. 3 para. 42 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 42 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 2\(b\)](#); Sch. 3 para. 42 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

VALID FROM 18/06/2012

*Criminal Justice Act 1967 (c. 80)*

- 43 (1) The Criminal Justice Act 1967 is amended as follows.
- (2) In section 9 (proof by written statement), in subsection (1), the words “, other than committal proceedings,” are omitted.
  - (3) In section 36 (interpretation), in subsection (1), the definition of “committal proceedings” is omitted.



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*Criminal Appeal Act 1968 (c. 19)*

- 44 (1) The Criminal Appeal Act 1968 is amended as follows.
- (2) In section 1 (right of appeal), in subsection (3), for “committed him” there is substituted “sent him to the Crown Court”.
- (3) In section 9 (appeal against sentence following conviction on indictment), in subsection (2), the words from “section 41” to “either way offence” are omitted.

**Commencement Information**

**I12** Sch. 3 para. 44 partly in force; Sch. 3 para. 44 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 44(1)(2) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, art. 2, Sch. para. 1(1)(f); Sch. 3 para. 44 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

VALID FROM 18/06/2012

*Firearms Act 1968 (c. 27)*

- 45 In Schedule 6 to the Firearms Act 1968 (prosecution and punishment of offences), in Part 2, paragraph 3 is omitted.

VALID FROM 18/06/2012

*Theft Act 1968 (c. 60)*

- 46 In section 27 of the Theft Act 1968 (evidence and procedure on charge of theft or handling stolen goods), subsection (4A) is omitted.

VALID FROM 18/06/2012

*Criminal Justice Act 1972 (c. 71)*

- 47 In section 46 of the Criminal Justice Act 1972 (admissibility of written statements outside England and Wales), subsections (1A) to (1C) are omitted.

*Bail Act 1976 (c. 63)*

- 48 (1) The Bail Act 1976 is amended as follows.
- (2) In section 3 (general provisions)—
- (a) in subsection (8)—
- (i) for “committed” there is substituted “sent”, and
- (ii) after “for trial or” there is inserted “committed him on bail to the Crown Court”, and

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- (b) subsections (8A) and (8B), and the subsection (10) inserted by paragraph 12(b) of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33), are omitted.
- (3) In section 5 (supplementary provisions about decisions on bail)—
  - (a) in subsection (6)(a), for “committing” there is substituted “ sending ”, and
  - (b) in subsection (6A)(a)—
    - (i) after “under” there is inserted “ section 52(5) of the Crime and Disorder Act 1998, ”,
    - (ii) sub-paragraph (i) is omitted,
    - (iii) after sub-paragraph (ii) there is inserted—
      - “(iia) section 17C (intention as to plea: adjournment);”, and
    - (iv) at the end of sub-paragraph (iii) there is inserted “or
      - (iv) section 24C (intention as to plea by child or young person: adjournment);”.
- (4) In section 6 (offence of absconding by person released on bail), in subsection (6)(b), for “commits” there is substituted “ sends ”.
- (5) In section 9 (offence of agreeing to indemnify sureties in criminal proceedings), in subsection (3)(b), for “commits” there is substituted “ sends ”.

#### Commencement Information

**I13** Sch. 3 para. 48 partly in force; Sch. 3 para. 48 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 48(1)(2)(a)(i)(3)(a)(b)(i)(4)(5) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. paras. 1\(1\)\(g\), 2\(c\)](#); Sch. 3 para. 48 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

#### *Interpretation Act 1978 (c. 30)*

- 49 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined)—
- (a) in the definition of “Committed for trial”, paragraph (a) is omitted,
  - (b) after the entry for “Secretary of State” there is inserted—
    - ““Sent for trial” means, in relation to England and Wales, sent by a magistrates' court to the Crown Court for trial pursuant to section 51 or 51A of the Crime and Disorder Act 1998.”

#### Commencement Information

**I14** Sch. 3 para. 49 partly in force; Sch. 3 para. 49 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 49 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(h\)](#); Sch. 3 para. 49 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

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VALID FROM 18/06/2012

*Customs and Excise Management Act 1979 (c. 2)*

50 In section 147 of the Customs and Excise Management Act 1979 (proceedings for offences), subsection (2) is omitted.

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

- 51 (1) The Magistrates' Courts Act 1980 is amended as follows.
- (2) In section 2, as substituted by the Courts Act 2003 (trial of summary offences), in subsection (2), for “as examining justices over” there is substituted “ under sections 51 and 51A of the Crime and Disorder Act 1998 in respect of ”.
- (3) Sections 4 to 8 (which relate to committal proceedings) shall cease to have effect and the cross-heading preceding section 4 is omitted.
- (4) In section 8B, as inserted by the Courts Act 2003 (effect of rulings at pre-trial hearing), in subsection (6), the words “commits or” are omitted.
- (5) In section 29 (power of magistrates' court to remit a person under 17 for trial to a juvenile court in certain circumstances), in subsection (2)(b)(i), for the words from “proceeds” to the end there is substituted “ sends him to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998; and ”.
- (6) The following sections shall cease to have effect—
- (a) section 97A (summons or warrant as to committal proceedings),
  - (b) section 103 (evidence of persons under 14 in committal proceedings for assault, sexual offences etc), and
  - (c) section 106 (false written statements tendered in evidence).
- (7) In section 128 (remand in custody or on bail)—
- (a) in subsection (1)(b), the words “inquiring into or” are omitted,
  - (b) in subsection (1A)(a)—
    - (i) “5,” is omitted, and
    - (ii) for “or 18(4)” there is substituted “ , 18(4) or 24C ”,
  - (c) in subsection (3A)—
    - (i) “5,” is omitted, and
    - (ii) for “or 18(4)” there is substituted “ , 18(4) or 24C ”,
  - (d) in subsection (3C)(a)—
    - (i) “5,” is omitted, and
    - (ii) for “or 18(4)” there is substituted “ , 18(4) or 24C ”, and
  - (e) in subsection (3E)(a)—
    - (i) “5,” is omitted, and
    - (ii) for “or 18(4)” there is substituted “ , 18(4) or 24C ”.
- (8) In section 129 (further remand), in subsection (4)—
- (a) for “commits a person” there is substituted “ sends a person to the Crown Court ”, and

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- (b) for “committed” there is substituted “ sent ”.
- (9) In section 130 (transfer of remand hearings), in subsection (1)—
  - (a) “5,” is omitted, and
  - (b) for “or 18(4)” there is substituted “ , 18(4) or 24C ”.
- (10) In section 145 (rules: supplementary provisions), in subsection (1), paragraph (f) is omitted.
- (11) In section 150 (interpretation of other terms), in subsection (1), the definition of “committal proceedings” is omitted.
- (12) In section 155 (short title, extent and commencement), in subsection (2)(a), the words “8 (except subsection (9))” are omitted.
- (13) In Schedule 3 (corporations)—
  - (a) in paragraph 2, sub-paragraph (a) is omitted,
  - (b) in paragraph 6, for “inquiry into, and trial of,” there is substituted “ trial of ”.
- (14) In Schedule 5 (transfer of remand hearings)—
  - (a) paragraph 2 is omitted, and
  - (b) in paragraph 5, for “5, 10 or 18(4)” there is substituted “ 10, 17C, 18(4) or 24C ”.

#### Commencement Information

**I15** Sch. 3 para. 51 partly in force; Sch. 3 para. 51 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 51(1)(2)(5)(8) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), **art. 2**, [Sch. para. 1\(1\)\(i\)](#); Sch. 3 para. 51 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

VALID FROM 18/06/2012

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

52 In section 2 of the Criminal Attempts Act 1981 (application of procedures and other provisions to offences under section 1), in subsection (2)(g), the words “or committed for trial” are omitted.

VALID FROM 18/06/2012

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

53 In section 4 of the Contempt of Court Act 1981 (contemporary reports of proceedings), in subsection (3), for paragraph (b) there is substituted—  
 “(b) in the case of a report of allocation or sending proceedings of which publication is permitted by virtue only of subsection (6) of section 52A of the Crime and Disorder Act 1998 (“the 1998 Act”), if published as soon as practicable after publication is so permitted;

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- (c) in the case of a report of an application of which publication is permitted by virtue only of sub-paragraph (5) or (7) of paragraph 3 of Schedule 3 to the 1998 Act, if published as soon as practicable after publication is so permitted.”

*Supreme Court Act 1981 (c. 54)*

- 54 (1) The Supreme Court Act 1981 is amended as follows.
- (2) In section 76 (committal for trial: alteration of place of trial)—
- (a) in subsection (1), for the words from “varying” (where it first appears) to “to Crown Court)” there is substituted “ substituting some other place for the place specified in a notice under section 51D(1) of the Crime and Disorder Act 1998 (a “section 51D notice”) ”,
- (b) in subsection (3), for the words “fixed by the magistrates' court, as specified in a notice under a relevant transfer provision” there is substituted “ specified in a section 51D notice ”,
- (c) subsection (5) is omitted, and
- (d) in the heading, for “**Committal**” there is substituted “ Sending ”.
- (3) In section 77 (committal for trial: date of trial)—
- (a) in subsection (1), for “committal for trial or the giving of a notice of transfer under a relevant transfer provision” there is substituted “ being sent for trial ”,
- (b) in subsection (2), for “committed by a magistrates' court or in respect of whom a notice of transfer under a relevant transfer provision has been given” there is substituted “ sent for trial ”,
- (c) in subsection (3), for “of committal for trial or of a notice of transfer” there is substituted “ when the defendant is sent for trial ”,
- (d) subsection (4) is omitted, and
- (e) in the heading, for “**Committal**” there is substituted “ **Sending** ”.
- (4) In section 80 (process to compel appearance), in subsection (2), for “committed” there is substituted “ sent ”.
- (5) In section 81—
- (a) in subsection (1)—
- (i) in paragraph (a)—
- (a) the words “who has been committed in custody for appearance before the Crown Court or in relation to whose case a notice of transfer has been given under a relevant transfer provision or” are omitted, and
- (b) after “51” there is inserted “ or 51A ”,
- (ii) in paragraph (g), sub-paragraph (i) is omitted, and
- (b) subsection (7) is omitted.

**Commencement Information**

**I16** Sch. 3 para. 54 partly in force; Sch. 3 para. 54 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 54(1)(3)(a)-(c)(4)(5)(a)(i)(b) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch.](#)

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paras. 1(1)(j), 2(d); Sch. 3 para. 54 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

*Mental Health Act 1983 (c. 20)*

- 55 (1) The Mental Health Act 1983 is amended as follows.
- (2) In section 43 (power of magistrates' court to commit for restriction order), for subsection (4) there is substituted—
- “(4) The powers of a magistrates' court under section 3 or 3B of the Powers of Criminal Courts (Sentencing) Act 2000 (which enable such a court to commit an offender to the Crown Court where the court is of the opinion, or it appears to the court, as mentioned in the section in question) shall also be exercisable by a magistrates' court where it is of that opinion (or it so appears to it) unless a hospital order is made in the offender's case with a restriction order.”
- (3) In section 52 (further provisions as to persons remanded by magistrates' courts)—
- (a) in subsection (2), for “committed” there is substituted “sent”,
  - (b) in subsection (5), for “committed” there is substituted “sent”,
  - (c) in subsection (6), for “committed” there is substituted “sent”, and
  - (d) in subsection (7), for the words from “inquire” to “1980” there is substituted “send him to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998”, and in paragraph (b) of that subsection, the words “where the court proceeds under subsection (1) of that section” are omitted.

**Commencement Information**

**I17** Sch. 3 para. 55 partly in force; Sch. 3 para. 55 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 55(1)(3) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch para. 1\(1\)\(k\)](#); Sch. 3 para. 55 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

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

- 56 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 62 (intimate samples), in subsection (10)—
- (a) sub-paragraph (i) of paragraph (a) is omitted, and
  - (b) in paragraph (aa), for sub-paragraphs (i) and (ii) there is substituted “paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal); and”.
- (3) In section 71 (microfilm copies), the paragraph beginning “Where the proceedings” is omitted.
- (4) In section 76 (confessions), subsection (9) is omitted.
- (5) In section 78 (exclusion of unfair evidence), subsection (3) is omitted.

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### Commencement Information

**118** Sch. 3 para. 56 partly in force; Sch. 3 para. 56 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 56(1)(2)(b) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, art. 2, Sch. para. 1(1)(I); Sch. 3 para. 56 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

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

- 57 (1) The Prosecution of Offences Act 1985 is amended as follows.
- (2) In section 7A (powers of non-legal staff), for subsection (6) there is substituted—
- “(6) This section applies to an offence if it is triable only on indictment or is an offence for which the accused has been sent for trial.”
- (3) In section 16 (defence costs)—
- (a) in subsection (1), paragraph (b) is omitted, and
- (b) in subsection (2)—
- (i) in paragraph (a), for “committed” there is substituted “sent”, and
- (ii) paragraph (aa) is omitted, and
- (c) subsection (12) is omitted.
- (4) In section 21 (interpretation), in subsection (6)(b), for “committed” there is substituted “sent”.
- (5) In section 22 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings), in subsection (11)—
- (a) in paragraph (a) of the definition of “appropriate court”, for “committed for trial, sent for trial under section 51 of the Crime and Disorder Act 1998” there is substituted “sent for trial”,
- (b) for the definition of “custody of the Crown Court” there is substituted—
- ““custody of the Crown Court” includes custody to which a person is committed in pursuance of—
- (a) section 43A of the Magistrates' Courts Act 1980 (magistrates' court dealing with a person brought before it following his arrest in pursuance of a warrant issued by the Crown Court); or
- (b) section 52 of the Crime and Disorder Act 1998 (provisions supplementing section 51);”.
- (6) In section 23 (discontinuance of proceedings in magistrates' court), in subsection (2), for paragraphs (a) to (c) there is substituted—
- “(a) any stage of the proceedings after the court has begun to hear evidence for the prosecution at a summary trial of the offence; or
- (b) any stage of the proceedings after the accused has been sent for trial for the offence.”
- (7) In section 23A (discontinuance of proceedings after accused has been sent for trial)—
- (a) in paragraph (b) of subsection (1), the words from “under” to “1998” are omitted, and

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(b) in subsection (2), for “51(7)” there is substituted “ 51D(1) ”.

**Commencement Information**

**I19** Sch. 3 para. 57 partly in force; Sch. 3 para. 57 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 57(1)(2)(3)(b)(i)(4)(5)(a)(b)(6)(7)(a)(b) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. paras. 1\(1\)\(m\), 2\(e\)](#); Sch. 3 para. 57(1) (3)-(7) in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

VALID FROM 18/06/2012

*Criminal Justice Act 1987 (c. 38)*

- 58 (1) The Criminal Justice Act 1987 is amended as follows.
- (2) Sections 4 to 6 (which relate to the transfer of cases to the Crown Court) shall cease to have effect.
- (3) In section 11 (restrictions on reporting)—
- (a) in subsection (2), paragraph (a) is omitted,
  - (b) subsection (3) is omitted,
  - (c) in subsection (7), “(3),” is omitted,
  - (d) in subsection (8), “(3),” is omitted,
  - (e) subsections (9) and (10) are omitted,
  - (f) in subsection (11), paragraphs (a) and (d) are omitted.

*Coroners Act 1988 (c. 13)*

- 59 (1) The Coroners Act 1988 is amended as follows.
- (2) In section 16 (adjournment of inquest in event of criminal proceedings)—
- (a) in subsection (1)(b), for “charged before examining justices with” there is substituted “ sent for trial for ”, and
  - (b) for subsection (8) there is substituted—
 

“(8) In this section, the “relevant criminal proceedings” means the proceedings—

    - (a) before a magistrates' court to determine whether the person charged is to be sent to the Crown Court for trial; or
    - (b) before any court to which that person is sent for trial.”
- (3) In section 17 (provisions supplementary to section 16)—
- (a) in subsection (2), for “committed” there is substituted “ sent ”, and
  - (b) in subsection (3)(b), for “committed” there is substituted “ sent ”.

**Commencement Information**

**I20** Sch. 3 para. 59 partly in force; Sch. 3 para. 59 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 59 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(n\)](#); Sch. 3 para. 59



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in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

*Criminal Justice Act 1988 (c. 33)*

- 60 (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 23 (first-hand hearsay), subsection (5) is omitted.
- (3) In section 24 (business etc documents), subsection (5) is omitted.
- (4) In section 26 (statements in certain documents), the paragraph beginning “This section shall not apply” is omitted.
- (5) In section 27 (proof of statements contained in documents), the paragraph beginning “This section shall not apply” is omitted.
- (6) In section 30 (expert reports), subsection (4A) is omitted.
- (7) In section 40 (power to join in indictment count for common assault etc), in subsection (1)—
- (a) the words “were disclosed to a magistrates' court inquiring into the offence as examining justices or” are omitted,
- (b) after “51” there is inserted “ or 51A ”.
- (8) Section 41 (power of Crown Court to deal with summary offence where person committed for either way offence) shall cease to have effect.

**Commencement Information**

**I21** Sch. 3 para. 60 partly in force; Sch. 3 para. 60 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 60(1)(7)(b) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, art. 2, Sch. para. 2(f); Sch. 3 para. 60 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

VALID FROM 18/06/2012

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

- 61 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 11 (evidence by certificate as to driver, user or owner), subsection (3A) is omitted.
- (3) In section 13 (admissibility of records as evidence), subsection (7) is omitted.
- (4) In section 16 (documentary evidence as to specimens), subsection (6A) is omitted.
- (5) In section 20 (speeding offences etc), subsection (8A) is omitted.

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VALID FROM 18/06/2012

*Criminal Justice Act 1991 (c. 53)*

- 62 (1) The Criminal Justice Act 1991 is amended as follows.
- (2) Section 53 (notices of transfer in certain cases involving children) shall cease to have effect.
- (3) Schedule 6 (notices of transfer: procedures in lieu of committal) shall cease to have effect.

*Sexual Offences (Amendment) Act 1992 (c. 34)*

- 63 In section 6 of the Sexual Offences (Amendment) Act 1992 (interpretation), in subsection (3)(c), for “commits him” there is substituted “ sends him to the Crown Court ”.

**Commencement Information**

**I22** Sch. 3 para. 63 partly in force; Sch. 3 para. 63 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 63 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(o\)](#); Sch. 3 para. 63 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

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

- 64 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 34 (effect of accused’s failure to mention facts when questioned or charged), in subsection (2)—
- (a) paragraph (a) is omitted, and
- (b) in paragraph (b), for sub-paragraphs (i) and (ii), there is substituted “ paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 ”.
- (3) In section 36 (effect of accused’s failure or refusal to account for objects, substances or marks), in subsection (2)—
- (a) paragraph (a) is omitted, and
- (b) in paragraph (b), for sub-paragraphs (i) and (ii), there is substituted “ paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 ”.
- (4) In section 37 (effect of accused’s failure or refusal to account for presence at a particular place), in subsection (2)—
- (a) paragraph (a) is omitted, and
- (b) in paragraph (b), for sub-paragraphs (i) and (ii), there is substituted “ paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 ”.

**Commencement Information**

**I23** Sch. 3 para. 64 partly in force; Sch. 3 para. 64 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 64(1)(2)(b)(3)(b)(4)(b) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)](#)

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(p); Sch. 3 para. 64 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

VALID FROM 28/03/2009

*Reserve Forces Act 1996 (c. 14)*

65 In Schedule 2 to the Reserve Forces Act 1996 (deserters and absentees without leave), in paragraph 3, after sub-paragraph (2) there is inserted—

“(2A) The reference in sub-paragraph (2) to provisions of the Magistrates' Courts Act 1980 is to be taken to refer to those provisions as if no amendment to them had been made by the Criminal Justice Act 2003.”

*Criminal Procedure and Investigations Act 1996 (c. 25)*

- 66 (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.
- (2) In section 1 (application of this Part), in subsection (2)—
- (a) paragraphs (a) to (c) are omitted, and
  - (b) in paragraph (cc), the words from “under” to the end are omitted.
- (3) In section 5 (compulsory disclosure by accused)—
- (a) in subsection (1), for “(2) to” there is substituted “ (3A) and ”,
  - (b) subsections (2) and (3) are omitted, and
  - (c) in subsection (3A), in paragraph (b), for “subsection (7) of section 51” there is substituted “ subsection (1) of section 51D ”.
- (4) In section 13 (time limits: transitional), in subsection (1), paragraphs (a) to (c) of the modified section 3(8) are omitted.
- (5) In section 21 (common law rules as to disclosure), in subsection (3), for paragraphs (b) and (c) there is substituted—
- “(b) the accused is sent for trial (where this Part applies by virtue of section 1(2)(cc)),”.
- (6) In section 28 (introduction to Part 3), in subsection (1)—
- (a) for paragraph (a) there is substituted—
    - “(a) on or after the appointed day the accused is sent for trial for the offence concerned,”, and
  - (b) paragraph (b) is omitted.
- (7) In section 39 (meaning of pre-trial hearing), in subsection (1), for paragraph (a) there is substituted—
- “(a) after the accused has been sent for trial for the offence, and”.
- (8) Section 68 (use of written statements and depositions at trial) and Schedule 2 (statements and depositions) shall cease to have effect.

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#### Commencement Information

- I24** Sch. 3 para. 66 partly in force; Sch. 3 para. 66 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 66(1)(2)(b)(3)(c)(6)(a)(7) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. paras. 1\(1\)\(q\), 2\(g\)](#); Sch. 3 para. 66 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

VALID FROM 18/06/2012

#### *Sexual Offences (Protected Material) Act 1997 (c. 39)*

- 67 In section 9 of the Sexual Offences (Protected Material) Act 1997 (modification and amendment of certain enactments), subsection (1) is omitted.

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

- 68 The Crime and Disorder Act 1998 is amended as follows.

#### Commencement Information

- I25** Sch. 3 para. 68 partly in force; Sch. 3 para. 68 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 33 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 2\(h\)](#); Sch. 3 para. 68 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

- 69 In section 52 (provisions supplementing section 51)—
- (a) in subsection (1), after “51” there is inserted “ or 51A ”,
  - (b) in subsection (3), after “51” there is inserted “ or 51A ”,
  - (c) in subsection (5), after “51” there is inserted “ or 51A ”,
  - (d) in subsection (6), after “51” there is inserted “ or 51A ”, and
  - (e) in the heading, after “51” there is inserted “ and 51A ”.

#### Commencement Information

- I26** Sch. 3 para. 69 partly in force; Sch. 3 para. 69 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 69 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 2\(h\)](#); Sch. 3 para. 69 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

PROSPECTIVE

- 70 In section 121 (short title, commencement and extent), in subsection (8), before “paragraphs 7(1)” there is inserted “ paragraph 3 of Schedule 3 to this Act, section 52(6) above so far as relating to that paragraph, ”.

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VALID FROM 05/11/2012

- 71 In paragraph 3 of Schedule 3 (reporting restrictions)—
- (a) in each of paragraphs (a) and (b) of sub-paragraph (1), for “Great Britain” there is substituted “ the United Kingdom ”,
  - (b) in sub-paragraph (8), after paragraph (b) there is inserted—
    - “(bb) where the application made by the accused under paragraph 2(1) above relates to a charge for an offence in respect of which notice has been given to the court under section 51B of this Act, any relevant business information;”
  - (c) after sub-paragraph (9) there is inserted—
    - “(9A) The following is relevant business information for the purposes of sub-paragraph (8) above—
      - (a) any address used by the accused for carrying on a business on his own account;
      - (b) the name of any business which he was carrying on on his own account at any relevant time;
      - (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
      - (d) the address of any such firm;
      - (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
      - (f) the address of the registered or principal office of any such company;
      - (g) any working address of the accused in his capacity as a person engaged by any such company;
 and here “engaged” means engaged under a contract of service or a contract for services.”, and
  - (d) after sub-paragraph (11) there is inserted—
    - “(11A) Proceedings for an offence under this paragraph shall not, in Northern Ireland, be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.”

#### Commencement Information

- I27** Sch. 3 para. 71(a)-(c) in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [28.5.2013](#) for specified purposes, [S.I. 2013/1103](#), [art. 2\(1\)\(c\),\(2\),\(3\)](#), [art. 3, 4](#))
- I28** Sch. 3 para. 71(a)-(c) in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

*Status: Point in time view as at 06/04/2007.*

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VALID FROM 18/06/2012

- 72 In paragraph 4 of Schedule 3 (power of justice to take depositions etc), in subparagraph (12), for the definition of “the relevant date” there is substituted—
- ““the relevant date” means the expiry of the period referred to in paragraph 1(1) above.”

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

- 73 (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In section 27 (video recorded evidence in chief), subsection (10) is omitted.
- (3) In section 42 (interpretation and application of section 41), in subsection (3)—
- (a) paragraphs (a) and (b) are omitted, and
  - (b) in paragraph (c), after “51” there is inserted “ or 51A ”.

**Commencement Information**

- I29** Sch. 3 para. 73 partly in force; Sch. 3 para. 73 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 73(1)(3)(b) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 2\(i\)](#); Sch. 3 para. 73 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 74 (1) The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- (2) In section 8 (power and duty to remit young offenders to youth courts for sentence), in subsection (2), for paragraph (a) there is substituted—
- “(a) if the offender was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998, to a youth court acting for the place where he was sent to the Crown Court for trial;”.
- (3) In section 89 (restriction on imposing imprisonment), in subsection (2)—
- (a) in paragraph (b), the words “trial or” are omitted, and
  - (b) in paragraph (c), after “51” there is inserted “ or 51A ”.
- (4) In section 140 (enforcement of fines etc), in subsection (1)(b)—
- (a) the words “was committed to the Crown Court to be tried or dealt with or by which he” are omitted, and
  - (b) after “51” there is inserted “ or 51A ”.
- (5) In section 148 (restitution orders), in subsection (6), for paragraph (b) there is substituted—
- “(b) such documents as were served on the offender in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998.”
- (6) In Schedule 11, paragraph 9 is omitted.

*Status: Point in time view as at 06/04/2007.*

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### Commencement Information

- I30** Sch. 3 para. 74 partly in force; Sch. 3 para. 74 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 74(1)(2)(3)(b)(4)(b)(5) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, art. 2, Sch. paras. 1(1)(r), 2(j); Sch. 3 para. 74 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

VALID FROM 18/06/2012

### *Proceeds of Crime Act 2002 (c. 29)*

- 75 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 6 (making of confiscation order), in subsection (2)(b), for “section 3, 4 or 6” there is substituted “ section 3, 3A, 3B, 3C, 4, 4A or 6 ”.
- (3) In section 27 (defendant absconds after being convicted or committed), in subsection (2)(b), for “section 3, 4 or 6” there is substituted “ section 3, 3A, 3B, 3C, 4, 4A or 6 ”.
- (4) In section 70 (committal by magistrates' court), in subsection (5), after “way)” there is inserted “ or under section 3B(2) of that Act (committal of child or young person) ”.

PROSPECTIVE

## SCHEDULE 4

Section 62

### QUALIFYING OFFENCES FOR PURPOSES OF SECTION 62

#### PART 1

#### LIST OF OFFENCES

#### *Offences Against the Person*

##### *Murder*

- 1 Murder.

##### *Attempted murder*

- 2 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit murder.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

*Soliciting murder*

3 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

*Manslaughter*

4 Manslaughter.

*[<sup>F3</sup>Corporate manslaughter*

**Textual Amendments**

**F3** Sch. 4 para. 4A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, **Sch. 2 para. 2**; S.I. 2008/401, **art. 2**

4A An offence under section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007.]

**Textual Amendments**

**F3** Sch. 4 para. 4A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, **Sch. 2 para. 2**; S.I. 2008/401, **art. 2**

*Wounding or causing grievous bodily harm with intent*

5 An offence under section 18 of the Offences against the Person Act 1861 (c. 100).

*Kidnapping*

6 Kidnapping.

*Sexual Offences*

*Rape*

7 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) or section 1 of the Sexual Offences Act 2003 (c. 42).

*Attempted rape*

8 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit an offence under section 1 of the Sexual Offences Act 1956 or section 1 of the Sexual Offences Act 2003.

*Intercourse with a girl under thirteen*

9 An offence under section 5 of the Sexual Offences Act 1956.



*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

*Incest by a man with a girl under thirteen*

- 10 An offence under section 10 of the Sexual Offences Act 1956 alleged to have been committed with a girl under thirteen.

*Assault by penetration*

- 11 An offence under section 2 of the Sexual Offences Act 2003.

*Causing a person to engage in sexual activity without consent*

- 12 An offence under section 4 of the Sexual Offences Act 2003 where it is alleged that the activity caused involved penetration within subsection (4)(a) to (d) of that section.

*Rape of a child under thirteen*

- 13 An offence under section 5 of the Sexual Offences Act 2003.

*Attempted rape of a child under thirteen*

- 14 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 5 of the Sexual Offences Act 2003.

*Assault of a child under thirteen by penetration*

- 15 An offence under section 6 of the Sexual Offences Act 2003.

*Causing a child under thirteen to engage in sexual activity*

- 16 An offence under section 8 of the Sexual Offences Act 2003 (c. 42) where it is alleged that an activity involving penetration within subsection (2)(a) to (d) of that section was caused.

*Sexual activity with a person with a mental disorder impeding choice*

- 17 An offence under section 30 of the Sexual Offences Act 2003 where it is alleged that the touching involved penetration within subsection (3)(a) to (d) of that section.

*Causing or inciting a person with a mental disorder  
impeding choice to engage in sexual activity*

- 18 An offence under section 31 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

### *Drugs Offences*

#### *Unlawful importation of Class A drug*

- 19 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

#### *Unlawful exportation of Class A drug*

- 20 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

#### *Fraudulent evasion in respect of Class A drug*

- 21 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

#### *Producing or being concerned in production of Class A drug*

- 22 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

#### *Supplying or offering to supply Class A drug*

- 23 An offence under section 4(3) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

### *Theft Offences*

#### *Robbery*

- 24 An offence under section 8(1) of the Theft Act 1968 (c. 60) where it is alleged that, at some time during the commission of the offence, the defendant had in his possession a firearm or imitation firearm (as defined by section 57 of the Firearms Act 1968 (c. 27)).

### *Criminal Damage Offences*

#### *Arson endangering life*

- 25 An offence under section 1(2) of the Criminal Damage Act 1971 (c. 48) alleged to have been committed by destroying or damaging property by fire.

#### *Causing explosion likely to endanger life or property*

- 26 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

*Status: Point in time view as at 06/04/2007.*

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*Intent or conspiracy to cause explosion likely to endanger life or property*

27 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

*War Crimes and Terrorism*

*Genocide, crimes against humanity and war crimes*

28 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

*Grave breaches of the Geneva Conventions*

29 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

*Directing terrorist organisation*

30 An offence under section 56 of the Terrorism Act 2000 (c. 11).

*Hostage-taking*

31 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

*Hijacking and Other Offences Relating to Aviation, Maritime and Rail Security*

*Hijacking of aircraft*

32 An offence under section 1 of the Aviation Security Act 1982 (c. 36).

*Destroying, damaging or endangering the safety of an aircraft*

33 An offence under section 2 of the Aviation Security Act 1982.

*[<sup>F4</sup>Hijacking of spacecraft*

**Textual Amendments**

**F4** Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 24](#); [S.I. 2021/817, reg. 2, Sch. para. 117](#) (with [reg. 3](#))

33A An offence under paragraph 1 of Schedule 4 to the Space Industry Act 2018.

**Textual Amendments**

**F4** Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 24](#); [S.I. 2021/817, reg. 2, Sch. para. 117](#) (with [reg. 3](#))

*Destroying, damaging or endangering the safety of spacecraft*

33B An offence under paragraph 2 of Schedule 4 to the Space Industry Act 2018.]

*Status: Point in time view as at 06/04/2007.*

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### Textual Amendments

- F4** Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 24](#); S.I. 2021/817, reg. 2, [Sch. para. 117](#) (with [reg. 3](#))

#### *Hijacking of ships*

- 34 An offence under section 9 of the Aviation and Maritime Security Act 1990 (c. 31).

#### *Seizing or exercising control of fixed platforms*

- 35 An offence under section 10 of the Aviation and Maritime Security Act 1990.

#### *Destroying ships or fixed platforms or endangering their safety*

- 36 An offence under section 11 of the Aviation and Maritime Security Act 1990.

#### *Hijacking of Channel Tunnel trains*

- 37 An offence under article 4 of the Channel Tunnel (Security) Order 1994 (S.I.1994/570).

#### *Seizing or exercising control of the Channel Tunnel system*

- 38 An offence under article 5 of the Channel Tunnel (Security) Order 1994 (S.I.1994/570).

#### *Conspiracy*

#### *Conspiracy*

- 39 An offence under section 1 of the Criminal Law Act 1977 (c. 45) of conspiracy to commit an offence listed in this Part of this Schedule.

### PART 2

#### SUPPLEMENTARY

- 40 A reference in Part 1 of this Schedule to an offence includes a reference to an offence of aiding, abetting, counselling or procuring the commission of the offence.

- 41 A reference in Part 1 of this Schedule to an enactment includes a reference to the enactment as enacted and as amended from time to time.

*Status: Point in time view as at 06/04/2007.*

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## SCHEDULE 5

Section 75

### QUALIFYING OFFENCES FOR PURPOSES OF PART 10

#### PART 1

##### LIST OF OFFENCES FOR ENGLAND AND WALES

###### *Offences Against the Person*

###### *Murder*

1 Murder.

###### **Commencement Information**

**I31** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

###### *Attempted murder*

2 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit murder.

###### **Commencement Information**

**I31** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

###### *Soliciting murder*

3 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

###### **Commencement Information**

**I31** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

###### *Manslaughter*

4 Manslaughter.

###### **Commencement Information**

**I31** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

*Status: Point in time view as at 06/04/2007.*

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## Kidnapping

### 5 Kidnapping.

#### Commencement Information

**I31** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

## Sexual Offences

### Rape

### 6 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) or section 1 of the Sexual Offences Act 2003 (c. 42).

#### Commencement Information

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

### Attempted rape

### 7 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 1 of the Sexual Offences Act 1956 or section 1 of the Sexual Offences Act 2003.

#### Commencement Information

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

### Intercourse with a girl under thirteen

### 8 An offence under section 5 of the Sexual Offences Act 1956.

#### Commencement Information

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

### Incest by a man with a girl under thirteen

### 9 An offence under section 10 of the Sexual Offences Act 1956 alleged to have been committed with a girl under thirteen.

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

*Assault by penetration*

10 An offence under section 2 of the Sexual Offences Act 2003 (c. 42).

**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

*Causing a person to engage in sexual activity without consent*

11 An offence under section 4 of the Sexual Offences Act 2003 where it is alleged that the activity caused involved penetration within subsection (4)(a) to (d) of that section.

**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

*Rape of a child under thirteen*

12 An offence under section 5 of the Sexual Offences Act 2003.

**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

*Attempted rape of a child under thirteen*

13 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit an offence under section 5 of the Sexual Offences Act 2003.

**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

*Assault of a child under thirteen by penetration*

14 An offence under section 6 of the Sexual Offences Act 2003.

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**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Causing a child under thirteen to engage in sexual activity*

- 15 An offence under section 8 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (2)(a) to (d) of that section was caused.

**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Sexual activity with a person with a mental disorder impeding choice*

- 16 An offence under section 30 of the Sexual Offences Act 2003 where it is alleged that the touching involved penetration within subsection (3)(a) to (d) of that section.

**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Causing a person with a mental disorder impeding choice to engage in sexual activity*

- 17 An offence under section 31 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

**Commencement Information**

**I32** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Drugs Offences*

*Unlawful importation of Class A drug*

- 18 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).



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**Commencement Information**

**I33** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Unlawful exportation of Class A drug*

- 19 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

**Commencement Information**

**I33** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Fraudulent evasion in respect of Class A drug*

- 20 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

**Commencement Information**

**I33** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Producing or being concerned in production of Class A drug*

- 21 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

**Commencement Information**

**I33** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Criminal Damage Offences*

*Arson endangering life*

- 22 An offence under section 1(2) of the Criminal Damage Act 1971 (c. 48) alleged to have been committed by destroying or damaging property by fire.

**Commencement Information**

**I34** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Status: Point in time view as at 06/04/2007.*

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*Causing explosion likely to endanger life or property*

23 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

**Commencement Information**

**I34** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Intent or conspiracy to cause explosion likely to endanger life or property*

24 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

**Commencement Information**

**I34** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*War Crimes and Terrorism*

*Genocide, crimes against humanity and war crimes*

25 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

**Commencement Information**

**I35** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Grave breaches of the Geneva Conventions*

26 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

**Commencement Information**

**I35** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Directing terrorist organisation*

27 An offence under section 56 of the Terrorism Act 2000 (c. 11).

**Commencement Information**

**I35** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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### *Hostage-taking*

28 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

#### **Commencement Information**

**I35** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

### *Conspiracy*

#### *Conspiracy*

29 An offence under section 1 of the Criminal Law Act 1977 (c. 45) of conspiracy to commit an offence listed in this Part of this Schedule.

#### **Commencement Information**

**I36** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

## **PART 2**

### LIST OF OFFENCES FOR NORTHERN IRELAND

#### *Offences Against the Person*

##### *Murder*

30 Murder.

##### *Attempted murder*

31 An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.

##### *Soliciting murder*

32 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

##### *Manslaughter*

33 Manslaughter.

##### *Kidnapping*

34 Kidnapping.

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*Status: Point in time view as at 06/04/2007.*

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### *Sexual Offences*

#### *Rape*

35 Rape.

#### *Attempted rape*

36 An offence under section 2 of the Attempted Rape, etc., Act (Northern Ireland) 1960.

#### *Intercourse with a girl under fourteen*

37 An offence under section 4 of the Criminal Law Amendment Act 1885 (c. 69) of unlawfully and carnally knowing a girl under fourteen.

#### *Incest by a man with a girl under fourteen*

38 An offence under section 1(1) of the Punishment of Incest Act 1908 (c. 45) alleged to have been committed with a girl under fourteen.

### *Drugs Offences*

#### *Unlawful importation of Class A drug*

39 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

#### *Unlawful exportation of Class A drug*

40 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

#### *Fraudulent evasion in respect of Class A drug*

41 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

#### *Producing or being concerned in production of Class A drug*

42 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in respect of a Class A drug (as defined by section 2 of that Act).

### *Criminal Damage Offences*

#### *Arson endangering life*

43 An offence under Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977 alleged to have been committed by destroying or damaging property by fire.

*Status: Point in time view as at 06/04/2007.*

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*Causing explosion likely to endanger life or property*

44 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

*Intent or conspiracy to cause explosion likely to endanger life or property*

45 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

*War Crimes and Terrorism*

*Genocide, crimes against humanity and war crimes*

46 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

*Grave breaches of the Geneva Conventions*

47 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

*Directing terrorist organisation*

48 An offence under section 56 of the Terrorism Act 2000 (c. 11).

*Hostage-taking*

49 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

*Conspiracy*

*Conspiracy*

50 An offence under Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of conspiracy to commit an offence listed in this Part of this Schedule.

**PART 3**

SUPPLEMENTARY

51 A reference in this Schedule to an offence includes a reference to an offence of aiding, abetting, counselling or procuring the commission of the offence.

**Commencement Information**

**I37** Sch. 5 Pt. 3 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

52 A reference in this Schedule to an enactment includes a reference to the enactment as enacted and as amended from time to time.

*Status: Point in time view as at 06/04/2007.*

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### Commencement Information

**I38** Sch. 5 Pt. 3 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

## SCHEDULE 6

Section 113

### EVIDENCE OF BAD CHARACTER: ARMED FORCES

- 1 Sections 98 to 106, 109, 110 and 112, in so far as they are not applied in relation to proceedings before service courts by provision contained in or made under any other Act, have effect in relation to such proceedings (whether in the United Kingdom or elsewhere) as they have effect in relation to criminal proceedings.
- 2 Section 103, as it applies in relation to proceedings before service courts, has effect with the substitution in subsection (4)(a) of “charge sheet” for “written charge or indictment”.
- 3 (1) Section 107 has effect in relation to proceedings before courts-martial (whether in the United Kingdom or elsewhere) with the following modifications.
- (2) In subsection (1)—
- (a) for “judge and jury” substitute “ court-martial ”;
  - (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”;
  - (c) for the words after paragraph (b) substitute “ the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a retrial, dissolve the court. ”
- (3) In subsection (2)—
- (a) for “jury” substitute “ court ”;
  - (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”.
- (4) In subsection (3)—
- (a) for paragraph (a) substitute—
    - “(a) a court is required to determine under section 115B(2) of the Army Act 1955, section 115B(2) of the Air Force Act 1955 or section 62B(2) of the Naval Discipline Act 1957 whether a person charged with an offence did the act or made the omission charged,”;
  - (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”;
  - (c) for the words after paragraph (c) substitute “the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a rehearing, dissolve the court.”
- (5) For subsection (4) substitute—
- “(4) This section does not prejudice any other power a judge advocate may have to direct a court to acquit a person of an offence or to dissolve a court.”

*Status: Point in time view as at 06/04/2007.*

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- 4 Section 110, as it applies in relation to proceedings before service courts, has effect with the substitution of the following for subsection (1)—

“(1) Where the court makes a relevant ruling—

- (a) it must state in open court (but, in the case of a ruling by a judge advocate in proceedings before a court-martial, in the absence of the other members of the court) its reasons for the ruling;
- (b) if it is a Standing Civilian Court, it must cause the ruling and the reasons for it to be entered in the note of the court’s proceedings.”

- 5 Section 111 has effect as if [<sup>F5</sup>the expression]“rules of court” included rules regulating the practice and procedure of service courts.

#### Textual Amendments

- F5** Words in Sch. 6 para. 5 substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, **Sch. para. 52** (with art. 2(2))

- 6 (1) In this Schedule, and in section 107 as applied by this Schedule, “court-martial” means a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53).

(2) In this Schedule “service court” means—

- (a) a court-martial;
- (b) a summary appeal court constituted under section 83ZA of the Army Act 1955, section 83ZA of the Air Force Act 1955 or section 52FF of the Naval Discipline Act 1957;
- (c) the Courts-Martial Appeal Court;
- (d) a Standing Civilian Court.

## SCHEDULE 7

Section 135

### HEARSAY EVIDENCE: ARMED FORCES

#### *Application to proceedings before service courts*

- 1 Sections 114 to 121, 123, 124, 126, 127 to 129 and 133 and 134, in so far as they are not applied in relation to proceedings before service courts by provision contained in or made under any other Act, have effect in relation to such proceedings (whether in the United Kingdom or elsewhere) as they have effect in relation to criminal proceedings.

#### Commencement Information

- I39** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, **Sch. 1 para. 31** (subject to **art. 2(2)**, **Sch. 2**)

*Status: Point in time view as at 06/04/2007.*

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- 2 (1) In their application to such proceedings those sections have effect with the following modifications.
- (2) In section 116(2)(c) for “United Kingdom” substitute “ country where the court is sitting ”.
- (3) In section 117 insert after subsection (7)—
- “(8) In subsection (4) “criminal proceedings” includes summary proceedings under section 76B of the Army Act 1955, section 76B of the Air Force Act 1955 or section 52D of the Naval Discipline Act 1957; and the definition of “criminal proceedings” in section 134(1) has effect accordingly.”
- (4) In section 123(4) for paragraph (a) substitute—
- “(a) in the case of proceedings before a court-martial, proceedings held for the determination of the issue must take place before the judge advocate in the absence of the other members of the court;”.
- (5) In section 127, for subsection (7) substitute—
- “(7) The appropriate rules are those regulating the practice and procedure of service courts.”
- [<sup>F6</sup>(6) Section 132 has effect as if the expression “rules of court” included rules regulating the practice and procedure of service courts.]
- (7) In section 134 insert after subsection (1)—
- “(1A) In this Part “criminal investigation” includes any investigation which may lead—
- (a) to proceedings before a court-martial or Standing Civilian Court, or
- (b) to summary proceedings under section 76B of the Army Act 1955, section 76B of the Air Force Act 1955 or section 52D of the Naval Discipline Act 1957.”

#### Textual Amendments

**F6** Sch. 7 para. 2(6) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), [art. 3](#), [Sch. para. 53](#) (with [art. 2\(2\)](#))

#### Commencement Information

**I40** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 3 (1) Section 122 has effect in relation to proceedings before courts-martial (whether in the United Kingdom or elsewhere) with the following modifications.
- (2) In subsection (1) for “judge and jury” substitute “ court-martial ”.
- (3) In subsection (2)—
- (a) for “jury when they retire to consider their” substitute “ court when it retires to consider its ”.
- (b) for “the court” in paragraph (a) substitute “ the judge advocate ”;



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- (c) for “the jury” in paragraph (b) substitute “ the court ”.

**Commencement Information**

**I41** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 31 (subject to art. 2(2), Sch. 2)

- 4 (1) Section 125 has effect in relation to proceedings before courts-martial (whether in the United Kingdom or elsewhere) with the following modifications.

- (2) In subsection (1)—

- (a) for “judge and jury” substitute “ court-martial ”;  
(b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”;  
(c) for the words after paragraph (b) substitute “the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a retrial, dissolve the court.”

- (3) In subsection (2)—

- (a) for “jury” substitute “ court ”;  
(b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”.

- (4) In subsection (3)—

- (a) for paragraph (a) substitute—  
“(a) a court is required to determine under section 115B(2) of the Army Act 1955, section 115B(2) of the Air Force Act 1955 or section 62B(2) of the Naval Discipline Act 1957 whether a person charged with an offence did the act or made the omission charged,”;  
(b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”;  
(c) for the words after paragraph (b) substitute “ the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a rehearing, dissolve the court. ”

- (5) For subsection (4) substitute—

“(4) This section does not prejudice any other power a judge advocate may have to direct a court to acquit a person of an offence or to dissolve a court.”

**Commencement Information**

**I42** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 31 (subject to art. 2(2), Sch. 2)

*Amendments*

- 5 For paragraph 1 of Schedule 1 to the Courts-Martial (Appeals) Act 1968 (c. 20) (use at retrial under Naval Discipline Act 1957 of record of evidence given at original trial) substitute—

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- “1 Evidence given at the retrial of any person under section 19 of this Act shall be given orally if it was given orally at the original trial, unless—
- (a) all the parties to the retrial agree otherwise;
  - (b) section 116 of the Criminal Justice Act 2003 applies (admissibility of hearsay evidence where a witness is unavailable); or
  - (c) the witness is unavailable to give evidence, otherwise than as mentioned in subsection (2) of that section, and section 114(1) (d) of that Act applies (admission of hearsay evidence under residual discretion).”

**Commencement Information**

**I43** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 31](#) (subject to [art. 2\(2\), Sch. 2](#))

- 6 For paragraph 3 of that Schedule (use at retrial under Army Act 1955 of record of evidence given at original trial) substitute—

- “3 Evidence given at the retrial of any person under section 19 of this Act shall be given orally if it was given orally at the original trial, unless—
- (a) all the parties to the retrial agree otherwise;
  - (b) section 116 of the Criminal Justice Act 2003 applies (admissibility of hearsay evidence where a witness is unavailable); or
  - (c) the witness is unavailable to give evidence, otherwise than as mentioned in subsection (2) of that section, and section 114(1) (d) of that Act applies (admission of hearsay evidence under residual discretion).”

**Commencement Information**

**I44** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 31](#) (subject to [art. 2\(2\), Sch. 2](#))

- 7 For paragraph 5 of that Schedule (use at retrial under Air Force Act 1955 of record of evidence given at original trial) substitute—

- “5 Evidence given at the retrial of any person under section 19 of this Act shall be given orally if it was given orally at the original trial, unless—
- (a) all the parties to the retrial agree otherwise;
  - (b) section 116 of the Criminal Justice Act 2003 applies (admissibility of hearsay evidence where a witness is unavailable); or

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- (c) the witness is unavailable to give evidence, otherwise than as mentioned in subsection (2) of that section, and section 114(1) (d) of that Act applies (admission of hearsay evidence under residual discretion).”

#### Commencement Information

**I45** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 31 (subject to **art. 2(2)**, Sch. 2)

#### Interpretation

- 8 In this Schedule, and in any provision of this Part as applied by this Schedule—
- “court-martial” means a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53);
- “service court” means—
- (a) a court-martial;
  - (b) a summary appeal court constituted under section 83ZA of the Army Act 1955, section 83ZA of the Air Force Act 1955 or section 52FF of the Naval Discipline Act 1957;
  - (c) the Courts-Martial Appeal Court;
  - (d) a Standing Civilian Court.

#### Commencement Information

**I46** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 31 (subject to **art. 2(2)**, Sch. 2)

## SCHEDULE 8

Section 179

### BREACH, REVOCATION OR AMENDMENT OF COMMUNITY ORDER

#### Modifications etc. (not altering text)

**C1** Sch. 8 modified (4.4.2010) by Criminal Procedure (Scotland) Act 1995 (c. 46), s. 234(6) (as substituted by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 70(8)**; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(29) (subject to **art. 2(2)**, Sch. 2 (as amended by S.I. 2005/2122, **art. 2**))) (as amended by S.I. 2007/391, **art. 2** (which S.I. was revoked by S.I. 2009/616, **art. 3**) (which S.I. was revoked by S.I. 2009/3111, **art. 2**)) (as amended (3.4.2009) by S.I. 2009/616, **arts. 1, 2**) (as amended (30.11.2009) by S.I. 2009/3111, **arts. 1, 2**))

*Status: Point in time view as at 06/04/2007.*

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## PART 1

### PRELIMINARY

#### *Interpretation*

- 1 In this Schedule—
- “the offender”, in relation to a community order, means the person in respect of whom the order is made;
  - “the [F7]local justice area] concerned”, area in relation to a community order, means the [F7]local justice area] for the time being specified in the order;
  - “the responsible officer” has the meaning given by section 197.

#### **Textual Amendments**

- F7** Words in Sch. 8 para. 1 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 106\(a\)](#)

#### **Commencement Information**

- I47** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 2 In this Schedule—
- (a) references to a drug rehabilitation requirement of a community order being subject to review are references to that requirement being subject to review in accordance with section 210(1)(b);
  - (b) references to the court responsible for a community order imposing a drug rehabilitation requirement which is subject to review are to be construed in accordance with section 210(2).

#### **Commencement Information**

- I48** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 3 For the purposes of this Schedule—
- (a) a requirement falling within any paragraph of section 177(1) is of the same kind as any other requirement falling within that paragraph, and
  - (b) an electronic monitoring requirement is a requirement of the same kind as any requirement falling within section 177(1) to which it relates.

#### **Commencement Information**

- I49** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

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### *Orders made on appeal*

- 4 Where a community order has been made on appeal, it is to be taken for the purposes of this Schedule to have been made by the Crown Court.

#### **Commencement Information**

- I50** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

## **PART 2**

### **BREACH OF REQUIREMENT OF ORDER**

#### *Duty to give warning*

- 5 (1) If the responsible officer is of the opinion that the offender has failed without reasonable excuse to comply with any of the requirements of a community order, the officer must give him a warning under this paragraph unless—
- (a) the offender has within the previous twelve months been given a warning under this paragraph in relation to a failure to comply with any of the requirements of the order, or
  - (b) the officer causes an information to be laid before a justice of the peace in respect of the failure.
- (2) A warning under this paragraph must—
- (a) describe the circumstances of the failure,
  - (b) state that the failure is unacceptable, and
  - (c) inform the offender that, if within the next twelve months he again fails to comply with any requirement of the order, he will be liable to be brought before a court.
- (3) The responsible officer must, as soon as practicable after the warning has been given, record that fact.
- (4) In relation to any community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the reference in sub-paragraph (1)(b) to a justice of the peace is to be read as a reference to the Crown Court.

#### **Modifications etc. (not altering text)**

- C2** Sch. 8 para. 5(1)(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 2, 12](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### **Commencement Information**

- I51** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

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### *Breach of order after warning*

- 6 (1) If—
- (a) the responsible officer has given a warning under paragraph 5 to the offender in respect of a community order, and
  - (b) at any time within the twelve months beginning with the date on which the warning was given, the responsible officer is of the opinion that the offender has since that date failed without reasonable excuse to comply with any of the requirements of the order,
- the officer must cause an information to be laid before a justice of the peace in respect of the failure in question.
- (2) In relation to any community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.

#### **Modifications etc. (not altering text)**

- C3** Sch. 8 para. 6(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 2, 12](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### **Commencement Information**

- I52** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### *Issue of summons or warrant by justice of the peace*

- 7 (1) This paragraph applies to—
- (a) a community order made by a magistrates' court, or
  - (b) any community order which was made by the Crown Court and includes a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court.
- <sup>F8</sup>(2) If at any time while a community order to which this paragraph applies is in force it appears on information to a justice of the peace <sup>F9</sup>. . . that the offender has failed to comply with any of the requirements of the order, the justice may—
- (a) issue a summons requiring the offender to appear at the place and time specified in it, or
  - (b) if the information is in writing and on oath, issue a warrant for his arrest.
- (3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought—
- (a) in the case of a community order imposing a drug rehabilitation requirement which is subject to review, before the magistrates' court responsible for the order, or
  - <sup>F10</sup>(b) in any other case, before a magistrates' court [<sup>F11</sup>acting in the local justice area] in which the offender resides or, if it is not known where he resides, before a magistrates' court acting for the petty sessions area concerned.]

*Status: Point in time view as at 06/04/2007.*

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- (4) Where a summons issued under sub-paragraph (2)(a) requires the offender to appear before a magistrates' court and the offender does not appear in answer to the summons, the magistrates' court may issue a warrant for the arrest of the offender.

#### Textual Amendments

- F8** By [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 106\(b\)](#), it is provided (1.4.2005) that in Sch. 8 para. 7(2) for the words "acting for the petty sessions area" there be substituted the words "acting in the local justice area"
- F9** Words in Sch. 8 para. 7(2) omitted (31.3.2005) by virtue of [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 29, 60](#), [Sch. 5 para. 7\(2\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)
- F10** Sch. 8 para. 7(3)(b) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 29, 60](#), [Sch. 5 para. 7\(3\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)
- F11** Words in Sch. 8 para. 7(3)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 106\(b\)](#)

#### Commencement Information

- I53** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

#### *Issue of summons or warrant by Crown Court*

- 8 (1) This paragraph applies to a community order made by the Crown Court which does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court.
- (2) If at any time while a community order to which this paragraph applies is in force it appears on information to the Crown Court that the offender has failed to comply with any of the requirements of the order, the Crown Court may—
- issue a summons requiring the offender to appear at the place and time specified in it, or
  - if the information is in writing and on oath, issue a warrant for his arrest.
- (3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought before the Crown Court.
- (4) Where a summons issued under sub-paragraph (2)(a) requires the offender to appear before the Crown Court and the offender does not appear in answer to the summons, the Crown Court may issue a warrant for the arrest of the offender.

#### Modifications etc. (not altering text)

- C4** Sch. 8 para. 8 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 181, 184, 383](#), [Sch. 5 paras. 3, 13](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

- I54** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

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### *Powers of magistrates' court*

- 9 (1) If it is proved to the satisfaction of a magistrates' court before which an offender appears or is brought under paragraph 7 that he has failed without reasonable excuse to comply with any of the requirements of the community order, the court must deal with him in respect of the failure in any one of the following ways—
- (a) by amending the terms of the community order so as to impose more onerous requirements which the court could include if it were then making the order;
  - (b) where the community order was made by a magistrates' court, by dealing with him, for the offence in respect of which the order was made, in any way in which the court could deal with him if he had just been convicted by it of the offence;
  - (c) where—
    - (i) the community order was made by a magistrates' court,
    - (ii) the offence in respect of which the order was made was not an offence punishable by imprisonment,
    - (iii) the offender is aged 18 or over, and
    - (iv) the offender has wilfully and persistently failed to comply with the requirements of the order,
 by dealing with him, in respect of that offence, by imposing a sentence of imprisonment for a term not exceeding 51 weeks.
- (2) In dealing with an offender under sub-paragraph (1), a magistrates' court must take into account the extent to which the offender has complied with the requirements of the community order.
- (3) In dealing with an offender under sub-paragraph (1)(a), the court may extend the duration of particular requirements (subject to any limit imposed by Chapter 4 of Part 12 of this Act) but may not extend the period specified under section 177(5).
- (4) In dealing with an offender under sub-paragraph (1)(b), the court may, in the case of an offender who has wilfully and persistently failed to comply with the requirements of the community order, impose a custodial sentence (where the order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2).
- (5) Where a magistrates' court deals with an offender under sub-paragraph (1)(b) or (c), it must revoke the community order if it is still in force.
- [<sup>F12</sup>(5A) Where a magistrates' court dealing with an offender under sub-paragraph (1)(a) would not otherwise have the power to amend the community order under paragraph 16 (amendment by reason of change of residence), that paragraph has effect as if the references to the appropriate court were references to the court dealing with the offender.]
- (6) Where a community order was made by the Crown Court and a magistrates' court would (apart from this sub-paragraph) be required to deal with the offender under sub-paragraph (1)(a), (b) or (c), it may instead commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (7) A magistrates' court which deals with an offender's case under sub-paragraph (6) must send to the Crown Court—



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- (a) a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements of the community order in the respect specified in the certificate, and
  - (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.
- (8) A person sentenced under sub-paragraph (1)(b) or (c) for an offence may appeal to the Crown Court against the sentence.

#### Textual Amendments

**F12** Sch. 8 para. 9(5A) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 29, 60, [Sch. 5 para. 7\(4\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)

#### Commencement Information

**I55** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### *Powers of Crown Court*

- 10 (1) Where under paragraph 8 or by virtue of paragraph 9(6) an offender appears or is brought before the Crown Court and it is proved to the satisfaction of that court that he has failed without reasonable excuse to comply with any of the requirements of the community order, the Crown Court must deal with him in respect of the failure in any one of the following ways—
- (a) by amending the terms of the community order so as to impose more onerous requirements which the Crown Court could impose if it were then making the order;
  - (b) by dealing with him, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
  - (c) where—
    - (i) the offence in respect of which the order was made was not an offence punishable by imprisonment,
    - (ii) the offender is aged 18 or over,
    - (iii) the offender has wilfully and persistently failed to comply with the requirements of the order,by dealing with him, in respect of that offence, by imposing a sentence of imprisonment for a term not exceeding 51 weeks.
- (2) In dealing with an offender under sub-paragraph (1), the Crown Court must take into account the extent to which the offender has complied with the requirements of the community order.
- (3) In dealing with an offender under sub-paragraph (1)(a), the court may extend the duration of particular requirements (subject to any limit imposed by Chapter 4 of Part 12 of this Act) but may not extend the period specified under section 177(5).

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- (4) In dealing with an offender under sub-paragraph (1)(b), the Crown Court may, in the case of an offender who has wilfully and persistently failed to comply with the requirements of the community order, impose a custodial sentence (where the order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2).
- (5) Where the Crown Court deals with an offender under sub-paragraph (1)(b) or (c), it must revoke the community order if it is still in force.
- (6) In proceedings before the Crown Court under this paragraph any question whether the offender has failed to comply with the requirements of the community order is to be determined by the court and not by the verdict of a jury.

**Modifications etc. (not altering text)**

- C5** Sch. 8 para. 10 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 para. 14](#) (as amended (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 145, 153, [Sch. 25 para. 32](#); S.I. 2009/1028, [art. 2\(b\)](#)); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#); S.I. 2009/1028, [art. 2\(b\)](#))
- C6** Sch. 8 para. 10(1)(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 8](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#))
- C7** Sch. 8 para. 10(4) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 8\(4\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#))

**Commencement Information**

- I56** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Restriction of powers in paragraphs 9 and 10 where treatment required*

- 11 (1) An offender who is required by any of the following requirements of a community order—
  - (a) a mental health treatment requirement,
  - (b) a drug rehabilitation requirement, or
  - (c) an alcohol treatment requirement,
 to submit to treatment for his mental condition, or his dependency on or propensity to misuse drugs or alcohol, is not to be treated for the purposes of paragraph 9 or 10 as having failed to comply with that requirement on the ground only that he had refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances.
- (2) A court may not under paragraph 9(1)(a) or 10(1)(a) amend a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement unless the offender expresses his willingness to comply with the requirement as amended.

*Status: Point in time view as at 06/04/2007.*

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#### Commencement Information

- I57** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### Supplementary

- 12 Where a community order was made by a magistrates' court in the case of an offender under 18 years of age in respect of an offence triable only on indictment in the case of an adult, any powers exercisable under paragraph 9(1)(b) in respect of the offender after he attains the age of 18 are powers to do either or both of the following—
- (a) to impose a fine not exceeding £5,000 for the offence in respect of which the order was made;
  - (b) to deal with the offender for that offence in any way in which a magistrates' court could deal with him if it had just convicted him of an offence punishable with imprisonment for a term not exceeding 51 weeks.

#### Commencement Information

- I58** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

## PART 3

### REVOCATION OF ORDER

#### *Revocation of order with or without re-sentencing: powers of magistrates' court*

- 13 (1) This paragraph applies where a community order, other than an order made by the Crown Court and falling within paragraph 14(1)(a), is in force and on the application of the offender or the responsible officer it appears to the appropriate magistrates' court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice—
- (a) for the order to be revoked, or
  - (b) for the offender to be dealt with in some other way for the offence in respect of which the order was made.
- (2) The appropriate magistrates' court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which it could deal with him if he had just been convicted by the court of the offence.

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- (3) The circumstances in which a community order may be revoked under sub-paragraph (2) include the offender’s making good progress or his responding satisfactorily to supervision or treatment (as the case requires).
- (4) In dealing with an offender under sub-paragraph (2)(b), a magistrates' court must take into account the extent to which the offender has complied with the requirements of the community order.
- (5) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.
- (6) Where a magistrates' court proposes to exercise its powers under this paragraph otherwise than on the application of the offender, it must summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.
- (7) In this paragraph “the appropriate magistrates' court” means—
  - (a) in the case of an order imposing a drug rehabilitation requirement which is subject to review, the magistrates' court responsible for the order, and
  - (b) in the case of any other community order, a magistrates' court [<sup>F13</sup>acting in the local justice area] concerned..

#### **Textual Amendments**

**F13** Words in Sch. 8 para. 13(7)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 106\(c\)](#)

#### **Commencement Information**

**I59** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950, art. 2, Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391, art. 2](#))

#### *Revocation of order with or without re-sentencing: powers of Crown Court*

- 14 (1) This paragraph applies where—
  - (a) there is in force a community order made by the Crown Court which does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, and
  - (b) the offender or the responsible officer applies to the Crown Court for the order to be revoked or for the offender to be dealt with in some other way for the offence in respect of which the order was made.
- (2) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may—
  - (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for

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that offence by the court which made the order if the order had not been made.

- (3) The circumstances in which a community order may be revoked under sub-paragraph (2) include the offender's making good progress or his responding satisfactorily to supervision or treatment (as the case requires).
- (4) In dealing with an offender under sub-paragraph (2)(b), the Crown Court must take into account the extent to which the offender has complied with the requirements of the order.
- (5) Where the Crown Court proposes to exercise its powers under this paragraph otherwise than on the application of the offender, it must summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

#### Modifications etc. (not altering text)

- C8** Sch. 8 para. 14 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 4, 15](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- C9** Sch. 8 para. 14(2)(b)(ii) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 8\(1\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

- I60** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### Supplementary

- 15 Paragraph 12 applies for the purposes of paragraphs 13 and 14 as it applies for the purposes of paragraph 9 above, but as if for the words “paragraph 9(1)(b)” there were substituted “paragraph 13(2)(b)(ii) or 14(2)(b)(ii)”.

#### Commencement Information

- I61** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

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## PART 4

### AMENDMENT OF ORDER

#### Modifications etc. (not altering text)

**C10** Sch. 8 Pt. 4 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 5, 16](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

#### *Amendment by reason of change of residence*

- 16 (1) This paragraph applies where, at any time while a community order is in force in respect of an offender, the appropriate court is satisfied that the offender proposes to change, or has changed, his residence from the [F14]local justice area] concerned to another [F14]local justice area] .
- (2) Subject to sub-paragraphs (3) and (4), the appropriate court may, and on the application of the responsible officer must, amend the community order by substituting the other [F14]local justice area] for the area specified in the order.
- (3) The court may not under this paragraph amend a community order which contains requirements which, in the opinion of the court, cannot be complied with unless the offender continues to reside in the [F14]local justice area] concerned unless, in accordance with paragraph 17, it either—
- (a) cancels those requirements, or
  - (b) substitutes for those requirements other requirements which can be complied with if the offender ceases to reside in that area.
- (4) The court may not amend under this paragraph a community order imposing a programme requirement unless it appears to the court that the accredited programme specified in the requirement is available in the other [F14]local justice area] .
- (5) In this paragraph “the appropriate court” means—
- (a) in relation to any community order imposing a drug rehabilitation requirement which is subject to review, the court responsible for the order,
  - (b) in relation to any community order which was made by the Crown Court and does not include any direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the Crown Court, and
  - (c) in relation to any other community order, a magistrates' court [F15]acting in the local justice area] concerned.

#### Textual Amendments

- F14** Words in Sch. 8 para. 16(1)-(4) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(d\)](#)
- F15** Words in Sch. 8 para. 16(5)(c) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(d\)](#)

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Commencement Information

**I62** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by S.I. 2005/950, **art. 2**, Sch. 1 para. 32 (subject to Sch. 2) (as amended by S.I. 2007/391, **art. 2**)

#### *Amendment of requirements of community order*

- 17 (1) The appropriate court may, on the application of the offender or the responsible officer, by order amend a community order—
- (a) by cancelling any of the requirements of the order, or
  - (b) by replacing any of those requirements with a requirement of the same kind, which the court could include if it were then making the order.
- (2) The court may not under this paragraph amend a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement unless the offender expresses his willingness to comply with the requirement as amended.
- (3) If the offender fails to express his willingness to comply with a mental health treatment requirement, drug rehabilitation requirement or alcohol treatment requirement as proposed to be amended by the court under this paragraph, the court may—
- (a) revoke the community order, and
  - (b) deal with him, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (4) In dealing with the offender under sub-paragraph (3)(b), the court—
- (a) must take into account the extent to which the offender has complied with the requirements of the order, and
  - (b) may impose a custodial sentence (where the order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2).
- (5) Paragraph 12 applies for the purposes of this paragraph as it applies for the purposes of paragraph 9, but as if for the words “paragraph 9(1)(b)” there were substituted “paragraph 17(3)(b)”.
- (6) In this paragraph “the appropriate court” has the same meaning as in paragraph 16.

#### Modifications etc. (not altering text)

- C11** Sch. 8 para. 17 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52)**, ss. 184, 383, **Sch. 5 para. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- C12** Sch. 8 para. 17(3)(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52)**, ss. 181, 383, **Sch. 5 para. 8(1)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- C13** Sch. 8 para. 17(4)(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52)**, ss. 181, 383, **Sch. 5 para. 8(4)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

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#### **Commencement Information**

**I63** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

#### *Amendment of treatment requirements of community order on report of practitioner*

- 18 (1) Where the medical practitioner or other person by whom or under whose direction an offender is, in pursuance of any requirement to which this sub-paragraph applies, being treated for his mental condition or his dependency on or propensity to misuse drugs or alcohol—
- (a) is of the opinion mentioned in sub-paragraph (3), or
  - (b) is for any reason unwilling to continue to treat or direct the treatment of the offender,
- he must make a report in writing to that effect to the responsible officer and that officer must apply under paragraph 17 to the appropriate court for the variation or cancellation of the requirement.
- (2) The requirements to which sub-paragraph (1) applies are—
- (a) a mental health treatment requirement,
  - (b) a drug rehabilitation requirement, and
  - (c) an alcohol treatment requirement.
- (3) The opinion referred to in sub-paragraph (1) is—
- (a) that the treatment of the offender should be continued beyond the period specified in that behalf in the order,
  - (b) that the offender needs different treatment,
  - (c) that the offender is not susceptible to treatment, or
  - (d) that the offender does not require further treatment.
- (4) In this paragraph “the appropriate court” has the same meaning as in paragraph 16.

#### **Commencement Information**

**I64** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

#### *Amendment in relation to review of drug rehabilitation requirement*

- 19 Where the responsible officer is of the opinion that a community order imposing a drug rehabilitation requirement which is subject to review should be so amended as to provide for each subsequent periodic review (required by section 211) to be made without a hearing instead of at a review hearing, or vice versa, he must apply under paragraph 17 to the court responsible for the order for the variation of the order.



*Status: Point in time view as at 06/04/2007.*

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**Modifications etc. (not altering text)**

**C14** Sch. 8 para. 19 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 6](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

**I65** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Extension of unpaid work requirement*

- 20 (1) Where—
- (a) a community order imposing an unpaid work requirement is in force in respect of any offender, and
  - (b) on the application of the offender or the responsible officer, it appears to the appropriate court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made,
- the court may, in relation to the order, extend the period of twelve months specified in section 200(2).
- (2) In this paragraph “the appropriate court” has the same meaning as in paragraph 16.

**Commencement Information**

**I66** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

**PART 5**

POWERS OF COURT IN RELATION TO ORDER FOLLOWING SUBSEQUENT CONVICTION

*Powers of magistrates' court following subsequent conviction*

- 21 (1) This paragraph applies where—
- (a) an offender in respect of whom a community order made by a magistrates' court is in force is convicted of an offence by a magistrates' court, and
  - (b) it appears to the court that it would be in the interests of justice to exercise its powers under this paragraph, having regard to circumstances which have arisen since the community order was made.
- (2) The magistrates' court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for

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that offence by the court which made the order if the order had not been made.

- (3) In dealing with an offender under sub-paragraph (2)(b), a magistrates' court must take into account the extent to which the offender has complied with the requirements of the community order.
- (4) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.

**Modifications etc. (not altering text)**

**C15** Sch. 8 para. 21 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 184, 383, [Sch. 8 para. 18](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

**I67** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 22 (1) Where an offender in respect of whom a community order made by the Crown Court is in force is convicted of an offence by a magistrates' court, the magistrates' court may commit the offender in custody or release him on bail until he can be brought before the Crown Court.
- (2) Where the magistrates' court deals with an offender's case under sub-paragraph (1), it must send to the Crown Court such particulars of the case as may be desirable.

**Modifications etc. (not altering text)**

**C16** Sch. 8 para. 22 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 7](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

**I68** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Powers of Crown Court following subsequent conviction*

- 23 (1) This paragraph applies where—
- (a) an offender in respect of whom a community order is in force—
- (i) is convicted of an offence by the Crown Court, or
- (ii) is brought or appears before the Crown Court by virtue of paragraph 22 or having been committed by the magistrates' court to the Crown Court for sentence, and
- (b) it appears to the Crown Court that it would be in the interests of justice to exercise its powers under this paragraph, having regard to circumstances which have arisen since the community order was made.

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- (2) The Crown Court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (3) In dealing with an offender under sub-paragraph (2)(b), the Crown Court must take into account the extent to which the offender has complied with the requirements of the community order.

**Modifications etc. (not altering text)**

**C17** Sch. 8 para. 23 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 184, 383, [Sch. 5 para. 19](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**C18** Sch. 8 para. 23(2)(b)(ii) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 8\(1\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

**I69** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

**PART 6**

SUPPLEMENTARY

- 24 (1) No order may be made under paragraph 16, and no application may be made under paragraph 13, 17 or 20, while an appeal against the community order is pending.
- (2) Sub-paragraph (1) does not apply to an application under paragraph 17 which—
- (a) relates to a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement, and
  - (b) is made by the responsible officer with the consent of the offender.

**Commencement Information**

**I70** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 25 (1) Subject to sub-paragraph (2), where a court proposes to exercise its powers under Part 4 or 5 of this Schedule, otherwise than on the application of the offender, the court—
- (a) must summon him to appear before the court, and

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- (b) if he does not appear in answer to the summons, may issue a warrant for his arrest.
- (2) This paragraph does not apply to an order cancelling a requirement of a community order or reducing the period of any requirement, or substituting a new [<sup>F16</sup>local justice area] or a new place for the one specified in the order.

#### Textual Amendments

**F16** Words in Sch. 8 para. 25(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 106\(e\)](#)

#### Commencement Information

**I71** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

VALID FROM 30/11/2009

- [<sup>F17</sup>25A(1) This paragraph applies to any hearing relating to an offender held by a magistrates' court in any proceedings under this Schedule.
- (2) The court may adjourn the hearing, and, where it does so, may—
- (a) direct that the offender be released forthwith, or
  - (b) remand the offender.
- (3) Where the court remands the offender under sub-paragraph (2)—
- (a) it must fix the time and place at which the hearing is to be resumed, and
  - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
- (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
- (a) it may fix the time and place at which the hearing is to be resumed, but
  - (b) if it does not do so, it must not resume the hearing unless it is satisfied that the offender and the responsible officer have had adequate notice of the time and place for the resumed hearing.
- (5) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
- (6) This paragraph—
- (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
  - (b) is not to be taken to affect the application of that section to hearings of any other description.]

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### Textual Amendments

**F17** Sch. 8 para. 25A inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 109](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(xv\)](#)

26 Paragraphs 9(1)(a), 10(1)(a) and 17(1)(b) have effect subject to the provisions mentioned in subsection (2) of section 177, and to subsections (3) and (6) of that section.

### Modifications etc. (not altering text)

**C19** Sch. 8 para. 26 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 184, 383, [Sch. 5 para. 20](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

### Commencement Information

**I72** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by S.I. 2005/950, [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by S.I. 2007/391, [art. 2](#))

- 27 (1) On the making under this Schedule of an order revoking or amending a community order, the proper officer of the court must—
- (a) provide copies of the revoking or amending order to the offender and the responsible officer,
  - (b) in the case of an amending order which substitutes a new <sup>F18</sup>local justice area], provide a copy of the amending order to—
    - (i) the local probation board acting for that area, and
    - (ii) the magistrates' court acting <sup>F19</sup>in that area], and
  - (c) in the case of an amending order which imposes or amends a requirement specified in the first column of Schedule 14, provide a copy of so much of the amending order as relates to that requirement to the person specified in relation to that requirement in the second column of that Schedule<sup>F20</sup>, and
  - (d) where the court acts for a petty sessions area other than the one specified in the order prior to the revocation or amendment, provide a copy of the revoking or amending order to a magistrates' court acting for the area so specified.]
- (2) Where under sub-paragraph (1)(b) the proper officer of the court provides a copy of an amending order to a magistrates' court <sup>F21</sup>acting in a different area], the officer must also provide to that court such documents and information relating to the case as it considers likely to be of assistance to a court <sup>F22</sup>acting in that area] in the exercise of its functions in relation to the order.
- (3) In this paragraph “proper officer” means—
- (a) in relation to a magistrates' court, the <sup>F23</sup>designated officer] for the court; and
  - (b) in relation to the Crown Court, the appropriate officer.

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### Textual Amendments

- F18** Words in Sch. 8 para. 27(1)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 106\(f\)\(i\)](#)
- F19** Words in Sch. 8 para. 27(1)(b)(ii) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 106\(f\)\(i\)](#)
- F20** Sch. 8 para. 27(1)(d) and preceding word inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 29, 60, Sch. 5 para. 7\(5\); S.I. 2005/579, art. 3\(d\)](#)
- F21** Words in Sch. 8 para. 27(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 106\(f\)\(ii\)](#)
- F22** Words in Sch. 8 para. 27(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 106\(f\)\(ii\)](#)
- F23** Words in Sch. 8 para. 27(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 106\(f\)\(iii\)](#)

### Modifications etc. (not altering text)

- C20** Sch. 8 para. 27 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 184, 383, Sch. 5 para. 21; S.I. 2009/812, art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

### Commencement Information

- I73** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950, art. 2, Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391, art. 2](#))

## SCHEDULE 9

Section 180

### TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

### Modifications etc. (not altering text)

- C21** Sch. 9 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 180, 383; S.I. 2009/812, art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

## PART 1

### SCOTLAND

- 1 (1) Where the court considering the making of a community order is satisfied that the offender resides in Scotland, or will reside there when the order comes into force, the court may not make a community order in respect of the offender unless it appears to the court—
- (a) in the case of an order imposing a requirement mentioned in subparagraph (2), that arrangements exist for persons to comply with such a requirement in the locality in Scotland in which the offender resides, or will be residing when the order comes into force, and that provision can be made for him to comply with the requirement under those arrangements, and

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- (b) in any case, that suitable arrangements for his supervision can be made by the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39) in whose area he resides, or will be residing when the order comes into force.
- (2) The requirements referred to in sub-paragraph (1)(a) are—
- (a) an unpaid work requirement,
  - (b) an activity requirement,
  - (c) a programme requirement,
  - (d) a mental health treatment requirement,
  - (e) a drug rehabilitation requirement,
  - (f) an alcohol treatment requirement, and
  - (g) an electronic monitoring requirement.
- (3) Where—
- (a) the appropriate court for the purposes of paragraph 16 of Schedule 8 (amendment by reason of change of residence) is satisfied that an offender in respect of whom a community order is in force proposes to reside or is residing in Scotland, and
  - (b) it appears to the court that the conditions in sub-paragraph (1)(a) and (b) are satisfied,
- the power of the court to amend the order under Part 4 of Schedule 8 includes power to amend it by requiring it to be complied with in Scotland and the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(b).
- (4) For the purposes of sub-paragraph (3), any reference in sub-paragraph (1)(a) and (b) to the time when the order comes into force is to be treated as a reference to the time when the amendment comes into force.
- (5) The court may not by virtue of sub-paragraph (1) or (3) require an attendance centre requirement to be complied with in Scotland.
- (6) A community order made or amended in accordance with this paragraph must—
- (a) specify the locality in Scotland in which the offender resides or will be residing when the order or amendment comes into force;
  - (b) specify as the corresponding order for the purposes of this Schedule an order that may be made by a court in Scotland;
  - (c) specify as the appropriate court for the purposes of subsection (4) of section 228 of the Criminal Procedure (Scotland) Act 1995 (c. 46) a court of summary jurisdiction (which, in the case of an offender convicted on indictment, must be the sheriff court) having jurisdiction in the locality specified under paragraph (a);
- and section 216 (<sup>F24</sup>[local justice area] to be specified) does not apply in relation to an order so made or amended.

#### Textual Amendments

**F24** Words in Sch. 9 para. 1(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 107](#)

*Status: Point in time view as at 06/04/2007.*

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#### **Commencement Information**

**I74** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 2
- (1) Where a court is considering the making or amendment of a community order by virtue of paragraph 1, Chapter 4 of Part 12 of this Act has effect subject to the following modifications.
  - (2) Any reference to the responsible officer has effect as a reference to the officer of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39) responsible for the offender’s supervision or, as the case may be, discharging in relation to him the functions in respect of community service orders assigned by sections 239 to 245 of the Criminal Procedure (Scotland) Act 1995.
  - (3) The following provisions are omitted—
    - (a) subsection (7) of section 201 (activity requirement),
    - (b) subsection (7) of section 202 (programme requirement),
    - (c) subsection (4) of section 206 (residence requirement), and
    - (d) subsection (4) of section 218 (availability of arrangements in local area).
  - (4) In section 207 (mental health treatment requirement), for subsection (2)(a) there is substituted—
    - “(a) treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a State hospital within the meaning of that Act;”.
  - (5) In section 215 (electronic monitoring requirement), in subsection (3), the words from “and” onwards are omitted.

#### **Commencement Information**

**I75** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

## **PART 2**

### NORTHERN IRELAND

- 3
- (1) Where the court considering the making of a community order is satisfied that the offender resides in Northern Ireland, or will reside there when the order comes into force, the court may not make a community order in respect of the offender unless it appears to the court—
    - (a) in the case of an order imposing a requirement mentioned in subparagraph (2), that arrangements exist for persons to comply with such a requirement in the petty sessions district in Northern Ireland in which the offender resides, or will be residing when the order comes into force, and that provision can be made for him to comply with the requirement under those arrangements, and



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- (b) in any case, that suitable arrangements for his supervision can be made by the Probation Board for Northern Ireland.
- (2) The requirements referred to in sub-paragraph (1) are—
- (a) an unpaid work requirement,
  - (b) an activity requirement,
  - (c) a programme requirement,
  - (d) a mental health treatment requirement,
  - (e) a drug rehabilitation requirement,
  - (f) an alcohol treatment requirement,
  - (g) an attendance centre requirement, and
  - (h) an electronic monitoring requirement.
- (3) Where—
- (a) the appropriate court for the purposes of paragraph 16 of Schedule 8 (amendment by reason of change of residence) is satisfied that the offender to whom a community order relates proposes to reside or is residing in Northern Ireland, and
  - (b) it appears to the court that the conditions in sub-paragraphs (1)(a) and (b) are satisfied,
- the power of the court to amend the order under Part 4 of Schedule 8 includes power to amend it by requiring it to be complied with in Northern Ireland and the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1) (b).
- (4) For the purposes of sub-paragraph (3), any reference in sub-paragraph (1)(a) and (b) to the time when the order comes into force is to be treated as a reference to the time when the amendment comes into force.
- (5) A community order made or amended in accordance with this paragraph must specify the petty sessions district in Northern Ireland in which the offender resides or will be residing when the order or amendment comes into force; and section 216 (<sup>F25</sup>local justice area] to be specified) does not apply in relation to an order so made or amended.
- (6) A community order made or amended in accordance with this paragraph must also specify as the corresponding order for the purposes of this Schedule an order that may be made by a court in Northern Ireland.

#### Textual Amendments

**F25** Words in Sch. 9 para. 3(5) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 107](#)

#### Commencement Information

**I76** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950, art. 2, Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391, art. 2](#))

- 4 (1) Where a court is considering the making or amendment of a community order by virtue of paragraph 3, Chapter 4 of Part 12 of this Act has effect subject to the following modifications.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

- (2) Any reference to the responsible officer has effect as a reference to the probation officer responsible for the offender’s supervision or, as the case may be, discharging in relation to the offender the functions conferred by Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
- (3) The following provisions are omitted—
- (a) subsection (7) of section 201 (activity requirement),
  - (b) subsection (7) of section 202 (programme requirement),
  - (c) subsection (4) of section 206 (residence requirement), and
  - (d) subsection (4) of section 218 (availability of arrangements in local area).
- (4) In section 207 (mental health treatment requirement), for subsection (2)(a) there is substituted—
- “(a) treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health, Social Services and Public Safety for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));”.
- (5) In section 214 (attendance centre requirement), any reference to an attendance centre has effect as a reference to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
- (6) In section 215 (electronic monitoring requirement), in subsection (3), the words from “and” onwards are omitted.

#### **Commencement Information**

**I77** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### **PART 3**

#### GENERAL PROVISIONS

- 5 In this Part of this Schedule—
- “corresponding order” means the order specified under paragraph 1(6)(b) or 3(6);
- “home court” means—
- (a) if the offender resides in Scotland, or will be residing there at the relevant time, the sheriff court having jurisdiction in the locality in which he resides or proposes to reside, and
  - (b) if he resides in Northern Ireland, or will be residing there at the relevant time, the court of summary jurisdiction acting for the petty sessions district in which he resides or proposes to reside;
- “the local authority officer concerned”, in relation to an offender, means the officer of a council constituted under section 2 of the Local Government

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etc. (Scotland) Act 1994 (c. 39) responsible for his supervision or, as the case may be, discharging in relation to him the functions in respect of community service orders assigned by sections 239 to 245 of the Criminal Procedure (Scotland) Act 1995 (c. 46);

“the probation officer concerned”, in relation to an offender, means the probation officer responsible for his supervision or, as the case may be, discharging in relation to him the functions conferred by Part 2 of the Criminal Justice (Northern Ireland) Order 1996;

“the relevant time” means the time when the order or the amendment to it comes into force.

#### Commencement Information

**I78** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 6 Where a community order is made or amended in accordance with paragraph 1 or 3, the court which makes or amends the order must provide the home court with a copy of the order as made or amended, together with such other documents and information relating to the case as it considers likely to be of assistance to that court; and paragraphs (b) to (d) of subsection (1) of section 219 (provision of copies of relevant orders) do not apply.

#### Commencement Information

**I79** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 7 In section 220 (duty of offender to keep in touch with responsible officer) the reference to the responsible officer is to be read in accordance with paragraph 2(2) or 4(2).

#### Commencement Information

**I80** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 8 Where a community order is made or amended in accordance with paragraph 1 or 3, then, subject to the following provisions of this Part of this Schedule—
- (a) the order is to be treated as if it were a corresponding order made in the part of the United Kingdom in which the offender resides, or will be residing at the relevant time, and
  - (b) the legislation relating to such orders which has effect in that part of the United Kingdom applies accordingly.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Commencement Information

**181** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 9 Before making or amending a community order in those circumstances the court must explain to the offender in ordinary language—
- (a) the requirements of the legislation relating to corresponding orders which has effect in the part of the United Kingdom in which he resides or will be residing at the relevant time,
  - (b) the powers of the home court under that legislation, as modified by this Part of this Schedule, and
  - (c) its own powers under this Part of this Schedule.

#### Commencement Information

**182** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 10 The home court may exercise in relation to the community order any power which it could exercise in relation to the corresponding order made by a court in the part of the United Kingdom in which the home court exercises jurisdiction, by virtue of the legislation relating to such orders which has effect in that part, except the following—
- (a) any power to discharge or revoke the order (other than a power to revoke the order where the offender has been convicted of a further offence and the court has imposed a custodial sentence),
  - (b) any power to deal with the offender for the offence in respect of which the order was made,
  - (c) in the case of a community order imposing an unpaid work requirement, any power to vary the order by substituting for the number of hours of work specified in it any greater number than the court which made the order could have specified, and
  - (d) in the case of a community order imposing a curfew requirement, any power to vary the order by substituting for the period specified in it any longer period than the court which made the order could have specified.

#### Commencement Information

**183** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 11 If at any time while legislation relating to corresponding orders which has effect in Scotland or Northern Ireland applies by virtue of paragraph 7 to a community order made in England and Wales—
- (a) it appears to the home court—

*Status: Point in time view as at 06/04/2007.*

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- (i) if that court is in Scotland, on information from the local authority officer concerned, or
  - (ii) if that court is in Northern Ireland, upon a complaint being made to a justice of the peace acting for the petty sessions district for the time being specified in the order,
- that the offender has failed to comply with any of the requirements of the order, or
- (b) it appears to the home court—
    - (i) if that court is in Scotland, on the application of the offender or of the local authority officer concerned, or
    - (ii) if it is in Northern Ireland, on the application of the offender or of the probation officer concerned,
- that it would be in the interests of justice for a power conferred by paragraph 13 or 14 of Schedule 8 to be exercised,
- the home court may require the offender to appear before the court which made the order or the court which last amended the order in England and Wales.

#### Commencement Information

**184** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 12 Where an offender is required by virtue of paragraph 11 to appear before a court in England and Wales that court—
- (a) may issue a warrant for his arrest, and
  - (b) may exercise any power which it could exercise in respect of the community order if the offender resided in England and Wales,
- and any enactment relating to the exercise of such powers has effect accordingly, and with any reference to the responsible officer being read as a reference to the local authority officer or probation officer concerned.

#### Commencement Information

**185** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 13 Paragraph 12(b) does not enable the court to amend the community order unless—
- (a) where the offender resides in Scotland, it appears to the court that the conditions in paragraph 1(1)(a) and (b) are satisfied in relation to any requirement to be imposed, or
  - (b) where the offender resides in Northern Ireland, it appears to the court that the conditions in paragraph 3(1)(a) and (b) are satisfied in relation to any requirement to be imposed.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I86** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)); (as amended by [S.I. 2007/391](#), [art. 2](#))

- 14 The preceding paragraphs of this Schedule have effect in relation to the amendment of a community order by virtue of paragraph 12(b) as they have effect in relation to the amendment of such an order by virtue of paragraph 1(3) or 3(3).

**Commencement Information**

**I87** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 15 Where an offender is required by virtue of paragraph (a) of paragraph 11 to appear before a court in England and Wales—
- (a) the home court must send to that court a certificate certifying that the offender has failed to comply with such of the requirements of the order as may be specified in the certificate, together with such other particulars of the case as may be desirable, and
  - (b) a certificate purporting to be signed by the clerk of the home court is admissible as evidence of the failure before the court which made the order.

**Commencement Information**

**I88** Sch. 9 wholly in force at 4.4.2009; Sch. 9 not in force at Royal Assent, see s. 336(3); Sch. 9 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 33](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

SCHEDULE 10

Section 187

REVOCATION OR AMENDMENT OF CUSTODY PLUS ORDERS  
AND AMENDMENT OF INTERMITTENT CUSTODY ORDERS

**Modifications etc. (not altering text)**

**C22** [Sch. 10](#) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 199\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

*Interpretation*

- 1 (1) In this Schedule—  
“the appropriate court” means—

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

(a) where the custody plus order or intermittent custody order was made by the Crown Court, the Crown Court, and

(b) in any other case, a magistrates' court [<sup>F26</sup>acting in the local justice area] concerned;

“the offender”, in relation to a custody plus order or intermittent custody order, means the person in respect of whom the order is made;

“the responsible officer” has the meaning given by section 197.

“the [<sup>F27</sup>local justice area] concerned”, in relation to a custody plus order or intermittent custody order, means the [<sup>F27</sup>local justice area] for the time being specified in the order;

(2) In this Schedule any reference to a requirement being imposed by, or included in, a custody plus order or intermittent custody order is to be read as a reference to compliance with the requirement being required by the order to be a condition of a licence.

#### Textual Amendments

**F26** Words in Sch. 10 para. 1(1) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 108(a)(i)

**F27** Words in Sch. 10 para. 1(1) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 108(a)(ii)

#### Commencement Information

**I89** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see s. 336(3); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.

#### Orders made on appeal

2 Where a custody plus order or intermittent custody order has been made on appeal, it is to be taken for the purposes of this Schedule to have been made by the Crown Court.

#### Commencement Information

**I90** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see s. 336(3); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.

#### Revocation of custody plus order or removal from intermittent custody order of requirements as to licence conditions

3 (1) Where at any time while a custody plus order or intermittent custody order is in force, it appears to the appropriate court on the application of the offender or the responsible officer that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice to do so, the court may—

(a) in the case of a custody plus order, revoke the order, and

(b) in the case of an intermittent custody order, amend the order so that it contains only provision specifying periods for the purposes of section 183(1)(b)(i).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

- (2) The revocation under this paragraph of a custody plus order does not affect the sentence of imprisonment to which the order relates, except in relation to the conditions of the licence.

#### Commencement Information

**I91** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see s. 336(3); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.

#### *Amendment by reason of change of residence*

- 4 (1) This paragraph applies where, at any time during the term of imprisonment to which a custody plus order or intermittent custody order relates, the appropriate court is satisfied that the offender proposes to change, or has changed, his residence during the licence period from the [F28]local justice area] concerned to another [F28]local justice area] .
- (2) Subject to sub-paragraphs (3) and (4), the appropriate court may, and on the application of the Secretary of State or the responsible officer must, amend the custody plus order or intermittent custody order by substituting the other [F28]local justice area] for the area specified in the order.
- (3) The court may not amend under this paragraph a custody plus order or intermittent custody order which contains requirements which, in the opinion of the court, cannot be complied with unless the offender resides in the [F28]local justice area] concerned unless, in accordance with paragraph 5, it either—
- (a) cancels those requirements, or
  - (b) substitutes for those requirements other requirements which can be complied with if the offender does not reside in that area.
- (4) The court may not amend under this paragraph any custody plus order or intermittent custody order imposing a programme requirement unless it appears to the court that the accredited programme specified in the requirement is available in the other [F28]local justice area] .

#### Textual Amendments

**F28** Words in Sch. 10 para. 4 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I.2005/886), art. 2, Sch. para. 108(b)

#### Commencement Information

**I92** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see s. 336(3); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.

#### *Amendment of requirements of custody plus order or intermittent custody order*

- 5 (1) At any time during the term of imprisonment to which a custody plus order or intermittent custody order relates, the appropriate court may, on the application of the offender, the Secretary of State or the responsible officer, by order amend any requirement of the custody plus order or intermittent custody order—



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- (a) by cancelling the requirement, or
  - (b) by replacing it with a requirement of the same kind imposing different obligations, which the court could include if it were then making the order.
- (2) For the purposes of sub-paragraph (1)—
- (a) a requirement falling within any paragraph of section 182(1) is of the same kind as any other requirement falling within that paragraph, and
  - (b) an electronic monitoring requirement is a requirement of the same kind as any requirement falling within section 182(1) to which it relates.
- (3) Sub-paragraph (1)(b) has effect subject to the provisions mentioned in subsection (2) of section 182, and to subsections (3) and (5) of that section.

#### Commencement Information

**193** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see s. 336(3); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.

#### *Alteration of pattern of temporary release*

- 6 (1) At any time during the term of imprisonment to which an intermittent custody order relates, the appropriate court may, on the application of the offender, the Secretary of State or the responsible officer, amend the order—
- (a) so as to specify different periods for the purposes of section 183(1)(b)(i), or
  - (b) so as to provide that he is to remain in prison until the number of days served by him in prison is equal to the number of custodial days.
- (2) The appropriate court may not by virtue of sub-paragraph (1) amend an intermittent custody order unless it has received from the Secretary of State notification that suitable prison accommodation is available for the offender during the periods which, under the order as amended, will be custodial periods.
- (3) In this paragraph “custodial period” has the same meaning as in section 184(3).

#### Commencement Information

**194** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see s. 336(3); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.

#### *Supplementary*

- 7 No application may be made under paragraph 3(1), 5(1) or 6(1) while an appeal against the sentence of which the custody plus or intermittent custody order forms part is pending.

#### Commencement Information

**195** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see s. 336(3); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.

*Status: Point in time view as at 06/04/2007.*

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- 8 (1) Subject to sub-paragraph (2), where a court proposes to exercise its powers under paragraph 5 or 6, otherwise than on the application of the offender, the court—
- (a) must summon him to appear before the court, and
  - (b) if he does not appear in answer to the summons, may issue a warrant for his arrest.
- (2) This paragraph does not apply to an order cancelling any requirement of a custody plus or intermittent custody order.

#### Commencement Information

**I96** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see s. 336(3); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.

- 9 (1) On the making under this Schedule of an order revoking or amending a custody plus order or amending an intermittent custody order, the proper officer of the court must—
- (a) provide copies of the revoking or amending order to the offender and the responsible officer,
  - (b) in the case of an amending order which substitutes a new [F29]local justice area], provide a copy of the amending order to—
    - (i) the local probation board [F30]acting in that area], and
    - (ii) the magistrates' court [F30]acting in that area],
  - (c) in the case of an order which cancels or amends a requirement specified in the first column of Schedule 14, provide a copy of so much of the amending order as relates to that requirement to the person specified in relation to that requirement in the second column of that Schedule.
- (2) Where under sub-paragraph (1)(b) the proper officer of the court provides a copy of an amending order to a magistrates' court [F31]acting in a different area], the officer must also provide to that court such documents and information relating to the case as it considers likely to be of assistance to a court [F32]acting in that area] in the exercise of its functions in relation to the order.

#### Textual Amendments

- F29** Words in Sch. 10 para. 9(1)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 108(c)(i)
- F30** Words in Sch. 10 para. 9(1)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 108(c)(i)
- F31** Words in Sch. 10 para. 9(2) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 108(c)(ii)
- F32** Words in Sch. 10 para. 9(2) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 108(c)(ii)

#### Modifications etc. (not altering text)

- C23** Sch. 10 para. 9(1)(b)(ii) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 199(2), 383; S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**Status:** Point in time view as at 06/04/2007.

**Changes to legislation:** Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)

**C24** Sch. 10 para. 9(2) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 199\(2\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

**I97** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent, see [s. 336\(3\)](#); Sch. 10 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), Sch.

PROSPECTIVE

## SCHEDULE 11

### TRANSFER OF CUSTODY PLUS ORDERS AND INTERMITTENT CUSTODY ORDERS TO SCOTLAND OR NORTHERN IRELAND

F33

#### Textual Amendments

**F33** Sch. 11 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 89\(1\)\(b\)](#), 151(1); [S.I. 2012/2906](#), [art. 2\(a\)](#)

## SCHEDULE 12

Section 193

### BREACH OR AMENDMENT OF SUSPENDED SENTENCE ORDER, AND EFFECT OF FURTHER CONVICTION

#### PART 1

#### PRELIMINARY

#### *Interpretation*

1 In this Schedule—

“the offender”, in relation to a suspended sentence order, means the person in respect of whom the order is made;

“the [<sup>F34</sup>local justice area] concerned”, in relation to a suspended sentence order, means the [<sup>F34</sup>local justice area] for the time being specified in the order;

“the responsible officer” has the meaning given by section 197.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Textual Amendments

**F34** Words in Sch. 12 para. 1 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 110\(a\)](#)

#### Commencement Information

**I98** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

### 2 In this Schedule—

- (a) any reference to a suspended sentence order being subject to review is a reference to such an order being subject to review in accordance with section 191(1)(b) or to a drug rehabilitation requirement of such an order being subject to review in accordance with section 210(1)(b);
- (b) any reference to the court responsible for a suspended sentence order which is subject to review is to be construed in accordance with section 191(3) or, as the case may be, 210(2).

#### Modifications etc. (not altering text)

**C25** Sch. 12 para. 2(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 205\(3\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

**I99** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

### *Orders made on appeal*

### 3 Where a suspended sentence order is made on appeal it is to be taken for the purposes of this Schedule to have been made by the Crown Court.

#### Modifications etc. (not altering text)

**C26** Sch. 12 para. 3 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 205\(3\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

**I100** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Status: Point in time view as at 06/04/2007.*

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## PART 2

### BREACH OF COMMUNITY REQUIREMENT OR CONVICTION OF FURTHER OFFENCE

#### Modifications etc. (not altering text)

**C27** Sch. 12 Pt. 2 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 206, 383, [Sch. 7](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

#### *Duty to give warning in relation to community requirement*

- 4 (1) If the responsible officer is of the opinion that the offender has failed without reasonable excuse to comply with any of the community requirements of a suspended sentence order, the officer must give him a warning under this paragraph unless—
- (a) the offender has within the previous twelve months been given a warning under this paragraph in relation to a failure to comply with any of the community requirements of the order, or
  - (b) the officer causes an information to be laid before a justice of the peace in respect of the failure.
- (2) A warning under this paragraph must—
- (a) describe the circumstances of the failure,
  - (b) state that the failure is unacceptable, and
  - (c) inform the offender that if within the next twelve months he again fails to comply with any requirement of the order, he will be liable to be brought before a court.
- (3) The responsible officer must, as soon as practicable after the warning has been given, record that fact.
- (4) In relation to any suspended sentence order which is made by the Crown Court and does not include a direction that any failure to comply with the community requirements of the order is to be dealt with by a magistrates' court, the reference in sub-paragraph (1)(b) to a justice of the peace is to be read as a reference to the Crown Court.

#### Commencement Information

**I101** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Breach of order after warning*

- 5 (1) If—
- (a) the responsible officer has given a warning under paragraph 4 to the offender in respect of a suspended sentence order, and
  - (b) at any time within the twelve months beginning with the date on which the warning was given, the responsible officer is of the opinion that the offender has since that date failed without reasonable excuse to comply with any of the community requirements of the order,

*Status: Point in time view as at 06/04/2007.*

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the officer must cause an information to be laid before a justice of the peace in respect of the failure in question.

- (2) In relation to any suspended sentence order which is made by the Crown Court and does not include a direction that any failure to comply with the community requirements of the order is to be dealt with by a magistrates' court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.

#### Commencement Information

**I102** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Issue of summons or warrant by justice of the peace*

- 6 (1) This paragraph applies to—
- (a) a suspended sentence order made by a magistrates' court, or
  - (b) any suspended sentence order which was made by the Crown Court and includes a direction that any failure to comply with the community requirements of the order is to be dealt with by a magistrates' court.
- <sup>F35</sup>(2) If at any time while a suspended sentence order to which this paragraph applies is in force it appears on information to a justice of the peace <sup>F36</sup>. . . that the offender has failed to comply with any of the community requirements of the order, the justice may—
- (a) issue a summons requiring the offender to appear at the place and time specified in it, or
  - (b) if the information is in writing and on oath, issue a warrant for his arrest.
- (3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought—
- (a) in the case of a suspended sentence order which is subject to review, before the court responsible for the order,
  - <sup>F37</sup>(b) in any other case, before a magistrates' court acting for the petty sessions area in which the offender resides or, if it is not known where he resides, before a magistrates' court [<sup>F38</sup>acting in the local justice area] concerned.]
- (4) Where a summons issued under sub-paragraph (2)(a) requires the offender to appear before a magistrates' court and the offender does not appear in answer to the summons, the magistrates' court may issue a warrant for the arrest of the offender.

#### Textual Amendments

- F35** By [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 110\(b\)](#), it is provided (1.4.2005) that in Sch. 12 para. 6(2) for the words "acting for the petty sessions area" there be substituted the words "acting in the local justice area"
- F36** Sch. 12 para. 6(2) omitted (31.3.2005) by virtue of [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 29, 60, [Sch. 5 para. 8\(2\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)
- F37** Sch. 12 para. 6(3)(b) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 29, 60, [Sch. 5 para. 8\(3\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)

*Status: Point in time view as at 06/04/2007.*

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**F38** Words in Sch. 12 para. 6(3)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 110\(b\)](#)

#### Commencement Information

**I103** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Issue of summons or warrant by Crown Court*

- 7
- (1) This paragraph applies to a suspended sentence order made by the Crown Court which does not include a direction that any failure to comply with the community requirements of the order is to be dealt with by a magistrates' court.
  - (2) If at any time while a suspended sentence order to which this paragraph applies is in force it appears on information to the Crown Court that the offender has failed to comply with any of the community requirements of the order, the Crown Court may—
    - (a) issue a summons requiring the offender to appear at the place and time specified in it, or
    - (b) if the information is in writing and on oath, issue a warrant for his arrest.
  - (3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought before the Crown Court.
  - (4) Where a summons issued under sub-paragraph (1)(a) requires the offender to appear before the Crown Court and the offender does not appear in answer to the summons, the Crown Court may issue a warrant for the arrest of the offender.

#### Commencement Information

**I104** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Powers of court on breach of community requirement or conviction of further offence*

- 8
- (1) This paragraph applies where—
    - (a) it is proved to the satisfaction of a court before which an offender appears or is brought under paragraph 6 or 7 or by virtue of section 192(6) that he has failed without reasonable excuse to comply with any of the community requirements of the suspended sentence order, or
    - (b) an offender is convicted of an offence committed during the operational period of a suspended sentence (other than one which has already taken effect) and either—
      - (i) he is so convicted by or before a court having power under paragraph 11 to deal with him in respect of the suspended sentence, or
      - (ii) he subsequently appears or is brought before such a court.
  - (2) The court must consider his case and deal with him in one of the following ways—
    - (a) the court may order that the suspended sentence is to take effect with its original term and custodial period unaltered,

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- (b) the court may order that the sentence is to take effect with either or both of the following modifications—
    - (i) the substitution for the original term of a lesser term complying with section 181(2), and
    - (ii) the substitution for the original custodial period of a lesser custodial period complying with section 181(5) and (6),
  - (c) the court may amend the order by doing any one or more of the following—
    - (i) imposing more onerous community requirements which the court could include if it were then making the order,
    - (ii) subject to subsections (3) and (4) of section 189, extending the supervision period, or
    - (iii) subject to subsection (3) of that section, extending the operational period.
- (3) The court must make an order under sub-paragraph (2)(a) or (b) unless it is of the opinion that it would be unjust to do so in view of all the circumstances, including the matters mentioned in sub-paragraph (4); and where it is of that opinion the court must state its reasons.
- (4) The matters referred to in sub-paragraph (3) are—
- (a) the extent to which the offender has complied with the community requirements of the suspended sentence order, and
  - (b) in a case falling within sub-paragraph (1)(b), the facts of the subsequent offence.
- [<sup>F39</sup>(4A) Where a magistrates' court dealing with an offender under sub-paragraph (2)(c) would not otherwise have the power to amend the suspended sentence order under paragraph 14 (amendment by reason of change of residence), that paragraph has effect as if the references to the appropriate court were references to the court dealing with the offender.]
- (5) Where a court deals with an offender under sub-paragraph (2) in respect of a suspended sentence, the appropriate officer of the court must notify the appropriate officer of the court which passed the sentence of the method adopted.
- (6) Where a suspended sentence order was made by the Crown Court and a magistrates' court would (apart from this sub-paragraph) be required to deal with the offender under sub-paragraph (2)(a), (b) or (c) it may instead commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (7) A magistrates' court which deals with an offender's case under sub-paragraph (6) must send to the Crown Court—
- (a) a certificate signed by a justice of the peace certifying that the offender has failed to comply with the community requirements of the suspended sentence order in the respect specified in the certificate, and
  - (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.
- (8) In proceedings before the Crown Court under this paragraph any question whether the offender has failed to comply with the community requirements of the suspended sentence order and any question whether the offender has been convicted of an



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offence committed during the operational period of the suspended sentence is to be determined by the court and not by the verdict of a jury.

#### Textual Amendments

**F39** Sch. 12 para. 8(4A) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 29, 60, [Sch. 5 para. 8\(4\)](#); S.I. 2005/579, [art. 3\(d\)](#)

#### Commencement Information

**I105** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Further provisions as to order that suspended sentence is to take effect*

- 9 (1) When making an order under paragraph 8(2)(a) or (b) that a sentence is to take effect (with or without any variation of the original term and custodial period), the court—
- (a) must also make a custody plus order, and
  - (b) may order that the sentence is to take effect immediately or that the term of that sentence is to commence on the expiry of another term of imprisonment passed on the offender by that or another court.
- (2) The power to make an order under sub-paragraph (1)(b) has effect subject to section 265 (restriction on consecutive sentences for released prisoners).
- (3) For the purpose of any enactment conferring rights of appeal in criminal cases, any order made by the court under paragraph 8(2)(a) or (b) is to be treated as a sentence passed on the offender by that court for the offence for which the suspended sentence was passed.

#### Commencement Information

**I106** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Restriction of powers in paragraph 8 where treatment required*

- 10 (1) An offender who is required by any of the following community requirements of a suspended sentence order—
- (a) a mental health treatment requirement,
  - (b) a drug rehabilitation requirement, or
  - (c) an alcohol treatment requirement,
- to submit to treatment for his mental condition, or his dependency on or propensity to misuse drugs or alcohol, is not to be treated for the purposes of paragraph 8(1) (a) as having failed to comply with that requirement on the ground only that he had refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances.
- (2) A court may not under paragraph 8(2)(c)(i) amend a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement unless the offender expresses his willingness to comply with the requirement as amended.

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**Commencement Information**

**I107** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 34](#) (subject to [art. 2\(2\), Sch. 2](#))

*Court by which suspended sentence may be dealt with under paragraph 8(1)(b)*

- 11 (1) An offender may be dealt with under paragraph 8(1)(b) in respect of a suspended sentence by the Crown Court or, where the sentence was passed by a magistrates' court, by any magistrates' court before which he appears or is brought.
- (2) Where an offender is convicted by a magistrates' court of any offence and the court is satisfied that the offence was committed during the operational period of a suspended sentence passed by the Crown Court—
- (a) the court may, if it thinks fit, commit him in custody or on bail to the Crown Court, and
  - (b) if it does not, must give written notice of the conviction to the appropriate officer of the Crown Court.

**Commencement Information**

**I108** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 34](#) (subject to [art. 2\(2\), Sch. 2](#))

*Procedure where court convicting of further offence does not deal with suspended sentence*

- 12 (1) If it appears to the Crown Court, where that court has jurisdiction in accordance with sub-paragraph (2), or to a justice of the peace having jurisdiction in accordance with that sub-paragraph—
- (a) that an offender has been convicted in the United Kingdom of an offence committed during the operational period of a suspended sentence, and
  - (b) that he has not been dealt with in respect of the suspended sentence,
- that court or justice may, subject to the following provisions of this paragraph, issue a summons requiring the offender to appear at the place and time specified in it, or a warrant for his arrest.
- (2) Jurisdiction for the purposes of sub-paragraph (1) may be exercised—
- (a) if the suspended sentence was passed by the Crown Court, by that court;
  - (b) if it was passed by a magistrates' court, by a justice [<sup>F40</sup>acting in the local justice area in which the court acted].
- (3) Where—
- (a) an offender is convicted in Scotland or Northern Ireland of an offence, and
  - (b) the court is informed that the offence was committed during the operational period of a suspended sentence passed in England or Wales,
- the court must give written notice of the conviction to the appropriate officer of the court by which the suspended sentence was passed.
- (4) Unless he is acting in consequence of a notice under sub-paragraph (3), a justice of the peace may not issue a summons under this paragraph except on information and

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may not issue a warrant under this paragraph except on information in writing and on oath.

- (5) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court by which the suspended sentence was passed.

#### Textual Amendments

**F40** Words in Sch. 12 para. 12(2)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 110\(c\)](#)

#### Commencement Information

**I109** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

### PART 3

#### AMENDMENT OF SUSPENDED SENTENCE ORDER

#### Modifications etc. (not altering text)

- C28** Sch. 12 Pt. 3 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 201](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- C29** Sch. 12 Pt. 3 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 205\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### *Cancellation of community requirements of suspended sentence order*

- 13 (1) Where at any time while a suspended sentence order is in force, it appears to the appropriate court on the application of the offender or the responsible officer that, having regard to the circumstances which have arisen since the order was made, it would be in the interests of justice to do so, the court may cancel the community requirements of the suspended sentence order.
- (2) The circumstances in which the appropriate court may exercise its power under sub-paragraph (1) include the offender's making good progress or his responding satisfactorily to supervision.
- (3) In this paragraph "the appropriate court" means—
- in the case of a suspended sentence order which is subject to review, the court responsible for the order,
  - in the case of a suspended sentence order which was made by the Crown Court and does not include any direction that any failure to comply with the community requirements of the order is to be dealt with by a magistrates' court, the Crown Court, and
  - in any other case, a magistrates' court [<sup>F41</sup>acting in the local justice area] concerned.

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#### **Textual Amendments**

**F41** Words in Sch. 12 para. 13(3)(c) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 110\(d\)](#)

#### **Commencement Information**

**I110** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Amendment by reason of change of residence*

- 14 (1) This paragraph applies where, at any time while a suspended sentence order is in force, the appropriate court is satisfied that the offender proposes to change, or has changed, his residence from the [<sup>F42</sup>local justice area] concerned to another [<sup>F42</sup>local justice area].
- (2) Subject to sub-paragraphs (3) and (4), the appropriate court may, and on the application of the responsible officer must, amend the suspended sentence order by substituting the other [<sup>F42</sup>local justice area] for the area specified in the order.
- (3) The court may not amend under this paragraph a suspended sentence order which contains requirements which, in the opinion of the court, cannot be complied with unless the offender resides in the [<sup>F42</sup>local justice area] concerned unless, in accordance with paragraph 15 it either—
- (a) cancels those requirements, or
  - (b) substitutes for those requirements other requirements which can be complied with if the offender does not reside in that area.
- (4) The court may not amend under this paragraph any suspended sentence order imposing a programme requirement unless it appears to the court that the accredited programme specified in the requirement is available in the other [<sup>F42</sup>local justice area].
- (5) In this paragraph “the appropriate court” has the same meaning as in paragraph 13.

#### **Textual Amendments**

**F42** Words in Sch. 12 para. 14 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 110\(e\)](#)

#### **Commencement Information**

**I111** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Amendment of community requirements of suspended sentence order*

- 15 (1) At any time during the supervision period, the appropriate court may, on the application of the offender or the responsible officer, by order amend any community requirement of a suspended sentence order—
- (a) by cancelling the requirement, or

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- (b) by replacing it with a requirement of the same kind, which the court could include if it were then making the order.
- (2) For the purposes of sub-paragraph (1)—
  - (a) a requirement falling within any paragraph of section 190(1) is of the same kind as any other requirement falling within that paragraph, and
  - (b) an electronic monitoring requirement is a requirement of the same kind as any requirement falling within section 190(1) to which it relates.
- (3) The court may not under this paragraph amend a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement unless the offender expresses his willingness to comply with the requirement as amended.
- (4) If the offender fails to express his willingness to comply with a mental health treatment requirement, drug rehabilitation requirement or alcohol treatment requirement as proposed to be amended by the court under this paragraph, the court may—
  - (a) revoke the suspended sentence order and the suspended sentence to which it relates, and
  - (b) deal with him, for the offence in respect of which the suspended sentence was imposed, in any way in which it could deal with him if he had just been convicted by or before the court of the offence.
- (5) In dealing with the offender under sub-paragraph (4)(b), the court must take into account the extent to which the offender has complied with the requirements of the order.
- (6) In this paragraph “the appropriate court” has the same meaning as in paragraph 13.

**Modifications etc. (not altering text)**

**C30** Sch. 12 para. 15 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 205\(2\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#) (as amended (temp.) (24.4.2009 for certain purposes, otherwise 31.10.2009) by [S.I. 2009/1059](#), [arts. 1\(3\)](#), 206, [Sch. 2 paras. 3\(d\)](#), [14\(3\)\(d\)](#))

**Commencement Information**

**I112** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Amendment of treatment requirements on report of practitioner*

- 16 (1) Where the medical practitioner or other person by whom or under whose direction an offender is, in pursuance of any requirement to which this sub-paragraph applies, being treated for his mental condition or his dependency on or propensity to misuse drugs or alcohol—
- (a) is of the opinion mentioned in sub-paragraph (3), or
  - (b) is for any reason unwilling to continue to treat or direct the treatment of the offender,

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he must make a report in writing to that effect to the responsible officer and that officer must apply under paragraph 15 to the appropriate court for the variation or cancellation of the requirement.

- (2) The requirements to which sub-paragraph (1) applies are—
- (a) a mental health treatment requirement,
  - (b) a drug rehabilitation requirement, and
  - (c) an alcohol treatment requirement.
- (3) The opinion referred to in sub-paragraph (1) is—
- (a) that the treatment of the offender should be continued beyond the period specified in that behalf in the order,
  - (b) that the offender needs different treatment,
  - (c) that the offender is not susceptible to treatment, or
  - (d) that the offender does not require further treatment.
- (4) In this paragraph “the appropriate court” has the same meaning as in paragraph 13.

**Commencement Information**

**I113** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 34](#) (subject to [art. 2\(2\), Sch. 2](#))

*Amendment in relation to review of drug rehabilitation requirement*

- 17 Where the responsible officer is of the opinion that a suspended sentence order imposing a drug rehabilitation requirement which is subject to review should be so amended as to provide for each periodic review (required by section 211) to be made without a hearing instead of at a review hearing, or vice versa, he must apply under paragraph 15 to the court responsible for the order for the variation of the order.

**Commencement Information**

**I114** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 34](#) (subject to [art. 2\(2\), Sch. 2](#))

*Extension of unpaid work requirement*

- 18 (1) Where—
- (a) a suspended sentence order imposing an unpaid work requirement is in force in respect of the offender, and
  - (b) on the application of the offender or the responsible officer, it appears to the appropriate court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made,
- the court may, in relation to the order, extend the period of twelve months specified in section 200(2).
- (2) In this paragraph “the appropriate court” has the same meaning as in paragraph 13.

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**Commencement Information**

**I115** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Supplementary*

- 19 (1) No application may be made under paragraph 13, 15 or 18, and no order may be made under paragraph 14, while an appeal against the suspended sentence is pending.
- (2) Sub-paragraph (1) does not apply to an application under paragraph 15 which—
- (a) relates to a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement, and
  - (b) is made by the responsible officer with the consent of the offender.

**Commencement Information**

**I116** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 20 (1) Subject to sub-paragraph (2), where a court proposes to exercise its powers under paragraph 15, otherwise than on the application of the offender, the court—
- (a) must summon him to appear before the court, and
  - (b) if he does not appear in answer to the summons, may issue a warrant for his arrest.
- (2) This paragraph does not apply to an order cancelling any community requirement of a suspended sentence order.

**Commencement Information**

**I117** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 21 Paragraphs 8(2)(c) and 15(1)(b) have effect subject to the provisions mentioned in subsection (2) of section 190, and to subsections (3) and (5) of that section.

**Commencement Information**

**I118** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 22 (1) On the making under this Schedule of an order amending a suspended sentence order, the proper officer of the court must—
- (a) provide copies of the amending order to the offender and the responsible officer,
  - (b) in the case of an amending order which substitutes a new <sup>[F43]</sup>local justice area], provide a copy of the amending order to—

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- (i) the local probation board acting for that area, and
  - (ii) the magistrates' court [<sup>F44</sup>acting in that area], and
  - (c) in the case of an amending order which imposes or amends a requirement specified in the first column of Schedule 14, provide a copy of so much of the amending order as relates to that requirement to the person specified in relation to that requirement in the second column of that Schedule<sup>F45</sup>, and
  - (d) where the court acts for a petty sessions area other than the one specified in the order prior to the revocation or amendment, provide a copy of the revoking or amending order to a magistrates' court acting for the area so specified.]
- (2) Where under sub-paragraph (1)(b) the proper officer of the court provides a copy of an amending order to a magistrates' court [<sup>F46</sup>acting in a different area], the officer must also provide to that court such documents and information relating to the case as it considers likely to be of assistance to a court [<sup>F47</sup>acting in that area] in the exercise of its functions in relation to the order.
- (3) In this paragraph “proper officer” means—
- (a) in relation to a magistrates' court, the [<sup>F48</sup>designated officer] for the court; and
  - (b) in relation to the Crown Court, the appropriate officer.

#### Textual Amendments

- F43** Words in Sch. 12 para. 22(1)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, **Sch. para. 110(f)(i)**
- F44** Words in Sch. 12 para. 22(1)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, **Sch. para. 110(f)(i)**
- F45** Sch. 12 para. 22(1)(d) and preceding word inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 29, 60, **Sch. 5 para. 8(5)**; S.I. 2005/579, **art. 3(d)**
- F46** Words in Sch. 12 para. 22(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, **Sch. para. 110(f)(ii)**
- F47** Words in Sch. 12 para. 22(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, **Sch. para. 110(f)(ii)**
- F48** Words in Sch. 12 para. 22(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, **Sch. para. 110(f)(iii)**

#### Commencement Information

- I119** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, Sch. 1 para. 34 (subject to [art. 2\(2\)](#), [Sch. 2](#))



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## SCHEDULE 13

Section 194

### TRANSFER OF SUSPENDED SENTENCE ORDERS TO SCOTLAND OR NORTHERN IRELAND

#### Modifications etc. (not altering text)

**C31** Sch. 13 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), [ss. 201, 383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

### PART 1

#### SCOTLAND

- 1 (1) Where the court considering the making of a suspended sentence order is satisfied that the offender resides in Scotland, or will reside there when the order comes into force, the court may not make a suspended sentence order in respect of the offender unless it appears to the court—
- (a) in the case of an order imposing a requirement mentioned in sub-paragraph (2), that arrangements exist for persons to comply with such a requirement in the locality in Scotland in which the offender resides, or will be residing when the order comes into force, and that provision can be made for him to comply with the requirement under those arrangements, and
  - (b) in any case, that suitable arrangements for his supervision can be made by the local authority in whose area he resides, or will be residing when the order comes into force.
- (2) The requirements referred to in sub-paragraph (1)(a) are—
- (a) an unpaid work requirement,
  - (b) an activity requirement,
  - (c) a programme requirement,
  - (d) a mental health treatment requirement,
  - (e) a drug rehabilitation requirement,
  - (f) an alcohol treatment requirement, and
  - (g) an electronic monitoring requirement.
- (3) Where—
- (a) the appropriate court for the purposes of paragraph 14 of Schedule 12 (amendment by reason of change of residence) is satisfied that an offender in respect of whom a suspended sentence order is in force proposes to reside or is residing in Scotland, and
  - (b) it appears to the court that the conditions in sub-paragraph (1)(a) and (b) are satisfied,
- the power of the court to amend the order under Part 3 of Schedule 12 includes power to amend it by requiring it to be complied with in Scotland and the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(b).
- (4) For the purposes of sub-paragraph (3), any reference in sub-paragraph (1)(a) and (b) to the time when the order comes into force is to be treated as a reference to the time when the amendment comes into force.

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- (5) The court may not by virtue of sub-paragraph (1) or (3) require an attendance centre requirement to be complied with in Scotland.
- (6) The court may not provide for an order made in accordance with this paragraph to be subject to review under section 191 or 210; and where an order which is subject to review under either of those sections is amended in accordance with this paragraph, the order shall cease to be so subject.

#### Modifications etc. (not altering text)

**C32** Sch. 13 para. 1(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**C33** Sch. 13 para. 1(5)(6) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(2\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

**I120** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 2 A suspended sentence order made or amended in accordance with paragraph 1 must—
- (a) specify the local authority area in which the offender resides or will be residing when the order or amendment comes into force, and
  - (b) require the local authority for that area to appoint or assign an officer who will be responsible for discharging in relation to him the functions conferred on responsible officers by Part 12 of this Act;
- and section 216 (<sup>F49</sup>local justice area] to be specified) does not apply in relation to an order so made or amended.

#### Textual Amendments

**F49** Words in Sch. 13 para. 2 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 111\(a\)](#)

#### Commencement Information

**I121** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 3 (1) Where a court makes or amends a suspended sentence order in accordance with paragraph 1, the court must provide the relevant documents to—
- (a) the local authority for the area specified in the order, and
  - (b) the sheriff court having jurisdiction in the locality in which the offender resides or proposes to reside;
- and paragraphs (b) to (d) of subsection (1) of section 219 (provision of copies of relevant orders) do not apply in relation to an order so made or amended.
- (2) In this paragraph, “the relevant documents” means—
- (a) a copy of the order as made or amended, and

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- (b) such other documents and information relating to the case as the court making or amending the order considers likely to be of assistance.

**Modifications etc. (not altering text)**

**C34** Sch. 13 para. 3 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(2\)](#), [383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

**I122** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 4
- (1) In relation to the making or amendment of a suspended sentence order in accordance with paragraph 1, and (except for the purposes of paragraph 20) in relation to an order so made or amended, Chapter 4 of Part 12 of this Act has effect subject to the following modifications.
- (2) Any reference to the responsible officer has effect as a reference to the officer appointed or assigned under paragraph 2(b).
- (3) The following provisions are omitted—
- (a) subsection (7) of section 201 (activity requirement),
- (b) subsection (7) of section 202 (programme requirement),
- (c) subsection (4) of section 206 (residence requirement),
- (d) subsection (4) of section 218 (availability of arrangements in local area).
- (4) In section 207 (mental health treatment requirement), for subsection (2)(a) there is substituted—
- “(a) treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a state hospital within the meaning of that Act;”.
- (5) In section 215 (electronic monitoring requirement), in subsection (3), the words from “and” onwards are omitted.

**Commencement Information**

**I123** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 5
- In this Part of this Schedule “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39); and any reference to the area of such an authority is a reference to the local government area within the meaning of that Act.

**Commencement Information**

**I124** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Status: Point in time view as at 06/04/2007.*

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## PART 2

### NORTHERN IRELAND

- 6 (1) Where the court considering the making of a suspended sentence order is satisfied that the offender resides in Northern Ireland, or will reside there when the order comes into force, the court may not make a suspended sentence order in respect of the offender unless it appears to the court—
- (a) in the case of an order imposing a requirement mentioned in sub-paragraph (2), that arrangements exist for persons to comply with such a requirement in the petty sessions district in Northern Ireland in which the offender resides, or will be residing when the order comes into force, and that provision can be made for him to comply with the requirement under those arrangements, and
  - (b) in any case, that suitable arrangements for his supervision can be made by the Probation Board for Northern Ireland.
- (2) The requirements referred to in sub-paragraph (1)(a) are—
- (a) an unpaid work requirement,
  - (b) an activity requirement,
  - (c) a programme requirement,
  - (d) a mental health treatment requirement,
  - (e) a drug rehabilitation requirement,
  - (f) an alcohol treatment requirement,
  - (g) an attendance centre requirement, and
  - (h) an electronic monitoring requirement.
- (3) Where—
- (a) the appropriate court for the purposes of paragraph 14 of Schedule 12 (amendment by reason of change of residence) is satisfied that an offender in respect of whom a suspended sentence order is in force proposes to reside or is residing in Northern Ireland, and
  - (b) it appears to the court that the conditions in sub-paragraphs (1)(a) and (b) are satisfied,
- the power of the court to amend the order under Part 3 of Schedule 12 includes power to amend it by requiring it to be complied with in Northern Ireland and the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1) (b).
- (4) For the purposes of sub-paragraph (3), any reference in sub-paragraph (1)(a) and (b) to the time when the order comes into force is to be treated as a reference to the time when the amendment comes into force.
- (5) The court may not provide for an order made in accordance with this paragraph to be subject to review under section 191 or 210; and where an order which is subject to review under either of those sections is amended in accordance with this paragraph, the order shall cease to be so subject.

*Status: Point in time view as at 06/04/2007.*

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**Modifications etc. (not altering text)**

- C35** Sch. 13 para. 6(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- C36** Sch. 13 para. 6(5) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(2\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

- I125** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 7 A suspended sentence order made or amended in accordance with paragraph 6 must—
- (a) specify the petty sessions district in Northern Ireland in which the offender resides or will be residing when the order or amendment comes into force, and
  - (b) require the Probation Board for Northern Ireland to appoint or assign a probation officer who will be responsible for discharging in relation to him the functions conferred on responsible officers by Part 12 of this Act;
- and section 216 (<sup>F50</sup>local justice area] to be specified) does not apply in relation to an order so made or amended..

**Textual Amendments**

- F50** Words in Sch. 13 para. 7 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 111\(a\)](#)

**Commencement Information**

- I126** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 8 (1) Where a court makes or amends a suspended sentence order in accordance with paragraph 6, the court must provide the relevant documents to—
- (a) the Probation Board for Northern Ireland, and
  - (b) the court of summary jurisdiction acting for the petty sessions district in which the offender resides or proposes to reside;
- and paragraphs (b) to (d) of subsection (1) of section 219 (provision of copies of relevant orders) do not apply in relation to an order so made or amended.
- (2) In this paragraph, “the relevant documents” means—
- (a) a copy of the order as made or amended, and
  - (b) such other documents and information relating to the case as the court making or amending the order considers likely to be of assistance.

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**Modifications etc. (not altering text)**

**C37** Sch. 13 para. 8 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(2\)](#), [383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

**I127** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 9
- (1) In relation to the making or amendment of a suspended sentence order in accordance with paragraph 6, and (except for the purposes of paragraph 20) in relation to an order so made or amended, Chapter 4 of Part 12 of this Act has effect subject to the following modifications.
  - (2) Any reference to the responsible officer has effect as a reference to the probation officer appointed or assigned under paragraph 7(b).
  - (3) The following provisions are omitted—
    - (a) subsection (7) of section 201 (activity requirement),
    - (b) subsection (7) of section 202 (programme requirement),
    - (c) subsection (4) of section 206 (residence requirement),
    - (d) subsection (4) of section 218 (availability of arrangements in local area).
  - (4) In section 207 (mental health treatment requirement), for subsection (2)(a) there is substituted—
    - “(a) treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health, Social Services and Public Safety for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));”.
  - (5) In section 214 (attendance centre requirement), any reference to an attendance centre has effect as a reference to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
  - (6) In section 215 (electronic monitoring requirement), in subsection (3), the words from “and” onwards are omitted.

**Commencement Information**

**I128** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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### PART 3

#### GENERAL PROVISIONS: BREACH OR AMENDMENT

##### Modifications etc. (not altering text)

**C38** Sch. 13 Pt. 3 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(3\)](#), [383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

- 10 This Part of this Schedule applies at any time while a suspended sentence order made or amended in accordance with paragraph 1 or 6 is in force in respect of an offender.

##### Commencement Information

**I129** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 11 In this Part of this Schedule—
- “home court” means—
- (a) if the offender resides in Scotland, or will be residing there at the relevant time, the sheriff court having jurisdiction in the locality in which the offender resides or proposes to reside, and
  - (b) if he resides in Northern Ireland, or will be residing there at the relevant time, the court of summary jurisdiction acting for the petty sessions district in which he resides or proposes to reside;
- “local authority” and “local authority area” are to be read in accordance with paragraph 5;
- “original court” means the court in England and Wales which made or last amended the order;
- “the relevant officer” means—
- (a) where the order specifies a local authority area in Scotland, the local authority officer appointed or assigned under paragraph 2(b), and
  - (b) where the court specifies a petty sessions district in Northern Ireland, the probation officer appointed or assigned under paragraph 7(b);
- “the relevant time” means the time when the order or the amendment to it comes into force.

##### Commencement Information

**I130** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 12 (1) Where this Part of this Schedule applies, Schedule 12 has effect subject to the following modifications.
- (2) Any reference to the responsible officer has effect as a reference to the relevant officer.

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- (3) Any reference to a magistrates' court [<sup>F51</sup>acting in the local justice area] concerned has effect as a reference to a magistrates' court [<sup>F52</sup>acting in the same local justice area] as the original court; and any reference to a justice of the peace [<sup>F51</sup>acting in the local justice area] concerned has effect as a reference to a justice of the peace [<sup>F52</sup>acting in the same local justice area] as that court.
- (4) Any reference to the appropriate court has effect as a reference to the original court.
- (5) In paragraphs 4 and 5, any reference to causing an information to be laid before a justice of the peace has effect—
- (a) if the home court is in Scotland, as a reference to providing information to the home court with a view to it issuing a citation, and
  - (b) if the home court is in Northern Ireland, as a reference to making a complaint to a justice of the peace in Northern Ireland.
- <sup>F53</sup>(5A) In paragraph 6(3)(b), the words “before a magistrates' court acting for the petty sessions area in which the offender resides or, if it is not known where he resides,” are omitted.]
- (6) In paragraph 14—
- (a) if the home court is in Scotland—
    - (i) any reference to the [<sup>F54</sup>local justice area] concerned has effect as a reference to the local authority area specified in the order, and
    - (ii) any other reference to a [<sup>F54</sup>local justice area] has effect as a reference to a local authority area, and
  - (b) if the home court is in Northern Ireland—
    - (i) any reference to the [<sup>F54</sup>local justice area] concerned has effect as a reference to the petty sessions district specified in the order, and
    - (ii) any other reference to a [<sup>F54</sup>local justice area] has effect as a reference to a petty sessions district.
- (7) Paragraph 22 is omitted.
- (8) No court in England and Wales may—
- (a) exercise any power in relation to any failure by the offender to comply with any community requirement of the order unless the offender has been required in accordance with paragraph 14(1)(b) or (2)(a) of this Schedule to appear before that court;
  - (b) exercise any power under Part 3 of Schedule 12 unless the offender has been required in accordance with paragraph 15(2) or 16 of this Schedule to appear before that court.

#### Textual Amendments

- F51** Words in Sch. 13 para. 12(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 111\(b\)](#)
- F52** Words in Sch. 13 para. 12(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 111\(b\)](#)
- F53** Sch. 13 para. 12(5A) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 29, 60, Sch. 5 para. 9; S.I. 2005/579, art. 3\(d\)](#)



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**F54** Words in Sch. 13 para. 12(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 111\(c\)](#)

#### Commencement Information

**I131** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 13 (1) Sub-paragraph (2) applies where it appears to the home court—
- (a) if that court is in Scotland, on information from the relevant officer, or
  - (b) if that court is in Northern Ireland, upon a complaint being made by the relevant officer,
- that the offender has failed without reasonable excuse to comply with any of the community requirements of the suspended sentence order.
- (2) The home court may—
- (a) if it is in Scotland—
    - (i) issue a citation requiring the offender to appear before it at the time specified in the citation, or
    - (ii) issue a warrant for the offender’s arrest;
  - (b) if it is in Northern Ireland—
    - (i) issue a summons requiring the offender to appear before it at the time specified in the summons, or
    - (ii) issue a warrant for the offender’s arrest.

#### Commencement Information

**I132** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 14 (1) The court before which an offender appears or is brought by virtue of paragraph 13 must—
- (a) determine whether the offender has failed without reasonable excuse to comply with any of the community requirements of the suspended sentence order, or
  - (b) require the offender to appear before the original court.
- (2) If the home court determines that the offender has failed without reasonable excuse to comply with any of the community requirements of the order—
- (a) the home court must require the offender to appear before the original court, and
  - (b) when the offender appears before the original court, paragraph 8 of Schedule 12 applies as if it had already been proved to the satisfaction of the original court that the offender failed without reasonable excuse to comply with such of the community requirements of the order as may have been determined.
- (3) An offender who is required by any of the following community requirements of a suspended sentence order—
- (a) a mental health treatment requirement,
  - (b) a drug rehabilitation requirement, or
  - (c) an alcohol treatment requirement,

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to submit to treatment for his mental condition, or his dependency on or propensity to misuse drugs or alcohol, is not to be treated for the purposes of sub-paragraph (2) as having failed to comply with that requirement on the ground only that he had refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances.

- (4) The evidence of one witness shall, for the purposes of sub-paragraph (2), be sufficient.
- (5) Where the home court is in Scotland and the order contains an electronic monitoring requirement, section 245H of the Criminal Procedure (Scotland) Act 1995 (c. 46) (documentary evidence) applies to proceedings under this paragraph as it applies to proceedings under section 245F of that Act (breach of restriction of liberty order).
- (6) Where an offender is required by virtue of sub-paragraph (2) to appear before the original court—
  - (a) the home court must send to the original court a certificate certifying that the offender has failed without reasonable excuse to comply with the requirements of the order in the respect specified, and
  - (b) such a certificate signed by the clerk of the home court is admissible before the original court as conclusive evidence of the matters specified in it.

#### **Commencement Information**

**I133** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 35 (subject to art. 2(2), Sch. 2)

- 15 (1) The home court may exercise any power under Part 3 of Schedule 12 (amendment of suspended sentence order) as if it were the original court, except that the home court may not exercise the power conferred by paragraph 15(4) of that Schedule.
- (2) Where paragraph 15(4) of Schedule 12 applies the home court must require the offender to appear before the original court.
- (3) Subject to sub-paragraph (4), where the home court proposes to exercise the power conferred by paragraph 15(1) of Schedule 12, otherwise than on the application of the offender, the court—
  - (a) if it is in Scotland—
    - (i) must issue a citation requiring the offender to appear before it, and
    - (ii) if he does not appear in answer to the citation, may issue a warrant for the offender's arrest;
  - (b) if it is in Northern Ireland—
    - (i) must issue a summons requiring the offender to appear before it, and
    - (ii) if he does not appear in answer to the summons, may issue a warrant for the offender's arrest;

and paragraph 20 of Schedule 12 does not apply to the home court.
- (4) Sub-paragraph (3) does not apply to an order cancelling any community requirement of a suspended sentence order.

*Status: Point in time view as at 06/04/2007.*

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- (5) Where the home court is considering amending a suspended sentence order, any reference in Chapter 4 of Part 12 of this Act to a local probation board has effect as a reference to a local authority in Scotland or, as the case may be, the Probation Board for Northern Ireland.

**Commencement Information**

**I134** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 35 (subject to **art. 2(2)**, Sch. 2)

- 16 Where by virtue of paragraph 15 any application is made to the home court under Part 3 of Schedule 12, the home court may (instead of dealing with the application) require the offender to appear before the original court.

**Commencement Information**

**I135** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 35 (subject to **art. 2(2)**, Sch. 2)

- 17 No court may amend or further amend a suspended sentence order unless it appears to the court that the conditions in paragraph 1(1)(a) and (b) or, as the case may be, paragraph 6(1)(a) and (b) are satisfied in relation to any requirement to be imposed; but this paragraph does not apply to any amendment by virtue of paragraph 20(2).

**Commencement Information**

**I136** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 35 (subject to **art. 2(2)**, Sch. 2)

- 18 The preceding paragraphs of this Schedule have effect in relation to any amendment of a suspended order by any court as they have effect in relation to the amendment of such an order by virtue of paragraph 1(3) or 6(3).

**Commencement Information**

**I137** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 35 (subject to **art. 2(2)**, Sch. 2)

- 19 On the making of an order amending a suspended sentence order—
- (a) the court must provide copies of the amending order to the offender and the relevant officer, and
  - (b) in the case of an amending order which substitutes a new local authority area or petty sessions district, paragraphs 2 and 3 or, as the case may be, 7 and 8 have effect in relation to the order as they have effect in relation to an order made or amended in accordance with paragraph 1 or 6.

**Commencement Information**

**I138** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 35 (subject to **art. 2(2)**, Sch. 2)

*Status: Point in time view as at 06/04/2007.*

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- 20 (1) This paragraph applies where the home court is satisfied that the offender is residing or proposes to reside in England and Wales.
- (2) Subject to sub-paragraphs (3) and (4), the home court may, and on the application of the relevant officer must, amend the suspended sentence order by requiring it to be complied with in England and Wales.
- (3) The court may not amend under this paragraph a suspended sentence order which contains requirements which, in the opinion of the court, cannot be complied with in the [<sup>F55</sup>local justice area] in which the offender is residing or proposes to reside unless, in accordance with paragraph 15 of Schedule 12 it either—
- (a) cancels those requirements, or
  - (b) substitutes for those requirements other requirements which can be complied with if the offender resides in that area.
- (4) The court may not amend under this paragraph any suspended sentence order imposing a programme requirement unless it appears to the court that the accredited programme specified in the requirement is available in the [<sup>F55</sup>local justice area] in England and Wales in which the offender is residing or proposes to reside.
- (5) The suspended sentence order as amended must specify the petty sessions area in which the offender resides or proposes to reside.
- (6) On the making under this paragraph of an order amending a suspended sentence order, the home court must—
- (a) provide copies of the amending order to the offender, the relevant officer and the local probation board [<sup>F56</sup>acting in the new local justice area], and
  - (b) provide the magistrates' court [<sup>F57</sup>acting in that area] with a copy of the amending order and such other documents and information relating to the case as the home court considers likely to be of assistance to a court [<sup>F57</sup>acting in that area] in the exercise of its functions in relation to the order.
- (7) Where an order has been amended under this paragraph, the preceding paragraphs of this Schedule shall cease to apply to the order as amended.

#### Textual Amendments

- F55** Words in Sch. 13 para. 20(3)(4) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 111\(d\)](#)
- F56** Words in Sch. 13 para. 20(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 111\(e\)](#)
- F57** Words in Sch. 13 para. 20(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 111\(e\)](#)

#### Modifications etc. (not altering text)

- C39** Sch. 13 para. 20(6)(b) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(4\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

- I139** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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## PART 4

### SUPPLEMENTARY

- 21 Subsections (1) and (3) of section 245C of the Criminal Procedure (Scotland) Act 1995 (c. 46) (provision of remote monitoring) have effect as if they included a reference to the electronic monitoring of the community requirements of a suspended sentence order made or amended in accordance with paragraph 1 of this Schedule.

#### Commencement Information

**I140** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 22 (1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (c. 24) (which provides, among other things, for service in England and Wales of Scottish citations or warrants) applies to any citation or warrant issued under paragraph 13(2)(a) or 15(3)(a) as it applies to a citation or warrant granted under section 134 of the Criminal Procedure (Scotland) Act 1995.
- (2) A summons issued by a court in Northern Ireland under paragraph 13(2)(b) or 15(3)(b) may, in such circumstances as may be prescribed by rules of court, be served in England and Wales or Scotland.

#### Commencement Information

**I141** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

## SCHEDULE 14

Section 219

### PERSONS TO WHOM COPIES OF REQUIREMENTS TO BE PROVIDED IN PARTICULAR CASES

#### Commencement Information

**I142** Sch. 14 wholly in force at 4.4.2005; Sch. 14 not in force at Royal Assent, see s. 336(3); Sch. 14 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); Sch. 14 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 36](#) (subject to [Sch. 2](#))

#### Requirement

- An activity requirement.
- An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender.

#### Person to whom copy of requirement is to be given

- The person specified under section 201(1)(a).
- The person intended to be protected.

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A residence requirement relating to residence in an institution.	The person in charge of the institution.
A mental health treatment requirement.	The person specified under section 207(2)(c) or the person in charge of the institution or place specified under section 207(2)(a) or (b).
A drug rehabilitation requirement.	The person in charge of the institution or place specified under section 209(4)(a) or (b).
An alcohol treatment requirement.	The person specified under section 212(5)(c) or the person in charge of the institution or place specified under section 212(5)(a) or (b).
An attendance centre requirement.	The officer in charge of the attendance centre specified in the requirement.
An electronic monitoring requirement.	Any person who by virtue of section 215(3) will be responsible for the electronic monitoring. Any person by virtue of whose consent the requirement is included in the order.

## SCHEDULE 15

Section 224

### SPECIFIED OFFENCES FOR PURPOSES OF CHAPTER 5 OF PART 12

#### PART 1

##### SPECIFIED VIOLENT OFFENCES

#### 1      Manslaughter.

**Commencement Information**

**I143** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### 2      Kidnapping.

**Commencement Information**

**I144** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### 3      False imprisonment.

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**Commencement Information**

**I145** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 4 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).

**Commencement Information**

**I146** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 5 An offence under section 16 of that Act (threats to kill).

**Commencement Information**

**I147** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 6 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).

**Commencement Information**

**I148** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 7 An offence under section 20 of that Act (malicious wounding).

**Commencement Information**

**I149** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 8 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).

**Commencement Information**

**I150** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 9 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).

**Commencement Information**

**I151** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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- 10 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).

**Commencement Information**

**I152** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 11 An offence under section 27 of that Act (abandoning children).

**Commencement Information**

**I153** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 12 An offence under section 28 of that Act (causing bodily injury by explosives).

**Commencement Information**

**I154** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 13 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).

**Commencement Information**

**I155** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 14 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).

**Commencement Information**

**I156** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 15 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).

**Commencement Information**

**I157** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 16 An offence under section 32 of that Act (endangering the safety of railway passengers).



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**Commencement Information**

**I158** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

17 An offence under section 35 of that Act (injuring persons by furious driving).

**Commencement Information**

**I159** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

18 An offence under section 37 of that Act (assaulting officer preserving wreck).

**Commencement Information**

**I160** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

19 An offence under section 38 of that Act (assault with intent to resist arrest).

**Commencement Information**

**I161** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

20 An offence under section 47 of that Act (assault occasioning actual bodily harm).

**Commencement Information**

**I162** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

21 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).

**Commencement Information**

**I163** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

22 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).

**Commencement Information**

**I164** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

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- 23 An offence under section 1 of the Infant Life (Preservation) Act 1929 (c. 34) (child destruction).

**Commencement Information**

**I165** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 24 An offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to children).

**Commencement Information**

**I166** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 25 An offence under section 1 of the Infanticide Act 1938 (c. 36) (infanticide).

**Commencement Information**

**I167** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 26 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).

**Commencement Information**

**I168** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 27 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).

**Commencement Information**

**I169** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 28 An offence under section 17(1) of that Act (use of firearm to resist arrest).

**Commencement Information**

**I170** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 29 An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).

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**Commencement Information**

**I171** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

30 An offence under section 18 of that Act (carrying a firearm with criminal intent).

**Commencement Information**

**I172** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

31 An offence under section 8 of the Theft Act 1968 (c. 60) (robbery or assault with intent to rob).

**Commencement Information**

**I173** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

32 An offence under section 9 of that Act of burglary with intent to—  
(a) inflict grievous bodily harm on a person, or  
(b) do unlawful damage to a building or anything in it.

**Commencement Information**

**I174** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

33 An offence under section 10 of that Act (aggravated burglary).

**Commencement Information**

**I175** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

34 An offence under section 12A of that Act (aggravated vehicle-taking) involving an accident which caused the death of any person.

**Commencement Information**

**I176** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

35 An offence of arson under section 1 of the Criminal Damage Act 1971 (c. 48).

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**Commencement Information**

**I177** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

36 An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.

**Commencement Information**

**I178** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

37 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).

**Commencement Information**

**I179** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

38 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).

**Commencement Information**

**I180** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

39 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).

**Commencement Information**

**I181** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

40 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).

**Commencement Information**

**I182** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

41 An offence under section 4 of that Act (offences in relation to certain dangerous articles).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I183** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

42 An offence under section 127 of the Mental Health Act 1983 (c. 20) (ill-treatment of patients).

**Commencement Information**

**I184** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

43 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).

**Commencement Information**

**I185** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

44 An offence under section 1 of the Public Order Act 1986 (c. 64) (riot).

**Commencement Information**

**I186** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

45 An offence under section 2 of that Act (violent disorder).

**Commencement Information**

**I187** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

46 An offence under section 3 of that Act (affray).

**Commencement Information**

**I188** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

47 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).

**Commencement Information**

**I189** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Status: Point in time view as at 06/04/2007.*

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- 48 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).

**Commencement Information**

**I190** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 49 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).

**Commencement Information**

**I191** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 50 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).

**Commencement Information**

**I192** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 51 An offence under section 9 of that Act (hijacking of ships).

**Commencement Information**

**I193** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 52 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).

**Commencement Information**

**I194** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 53 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).

**Commencement Information**

**I195** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 54 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I196** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

55 An offence under section 13 of that Act (offences involving threats).

**Commencement Information**

**I197** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

56 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

**Commencement Information**

**I198** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

57 An offence under section 4 of the Protection from Harassment Act 1997 (c. 40) (putting people in fear of violence).

**Commencement Information**

**I199** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

58 An offence under section 29 of the Crime and Disorder Act 1998 (c. 37) (racially or religiously aggravated assaults).

**Commencement Information**

**I200** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

59 An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986 (c. 64)).

**Commencement Information**

**I201** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

VALID FROM 12/01/2010

**I<sup>F58</sup>59A** An offence under section 54 of the Terrorism Act 2000 (weapons training).

*Status: Point in time view as at 06/04/2007.*

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**Textual Amendments**

**F58** Sch. 15 paras. 59A-59D inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 138(2)**, 182(2) (b) (with [Sch. 22 para. 37](#))

VALID FROM 12/01/2010

**59B** An offence under section 56 of that Act (directing terrorist organisation).

**Textual Amendments**

**F58** Sch. 15 paras. 59A-59D inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 138(2)**, 182(2) (b) (with [Sch. 22 para. 37](#))

VALID FROM 12/01/2010

**59C** An offence under section 57 of that Act (possession of article for terrorist purposes).

**Textual Amendments**

**F58** Sch. 15 paras. 59A-59D inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 138(2)**, 182(2) (b) (with [Sch. 22 para. 37](#))

VALID FROM 12/01/2010

**59D** An offence under section 59 of that Act (inciting terrorism overseas).]

**Textual Amendments**

**F58** Sch. 15 paras. 59A-59D inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 138(2)**, 182(2) (b) (with [Sch. 22 para. 37](#))

**60** An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

**Commencement Information**

**I202** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, Sch. 1 para. 37 (subject to [art. 2\(2\)](#), [Sch. 2](#))



*Status: Point in time view as at 06/04/2007.*

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VALID FROM 12/01/2010

[<sup>F59</sup>60A An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).

**Textual Amendments**

**F59** Sch. 15 paras. 60A-60C inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 138\(3\)](#), [182\(2\)\(b\)](#) (with [Sch. 22 para. 37](#))

VALID FROM 12/01/2010

60B An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).

**Textual Amendments**

**F59** Sch. 15 paras. 60A-60C inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 138\(3\)](#), [182\(2\)\(b\)](#) (with [Sch. 22 para. 37](#))

VALID FROM 12/01/2010

60C An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate).]

**Textual Amendments**

**F59** Sch. 15 paras. 60A-60C inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 138\(3\)](#), [182\(2\)\(b\)](#) (with [Sch. 22 para. 37](#))

61 An offence under section 1 of the Female Genital Mutilation Act 2003 (c. 31) (female genital mutilation).

**Commencement Information**

**I203** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

62 An offence under section 2 of that Act (assisting a girl to mutilate her own genitalia).

**Commencement Information**

**I204** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

63 An offence under section 3 of that Act (assisting a non-UK person to mutilate overseas a girl's genitalia).

*Status: Point in time view as at 06/04/2007.*

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#### Commencement Information

**I205** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

[<sup>F60</sup>63A An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).]

#### Textual Amendments

**F60** Sch. 15 para. 63A inserted (21.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 65**; S.I. 2005/579, **art. 2(b)(c)**

VALID FROM 12/01/2010

[<sup>F61</sup>63B An offence under section 5 of the Terrorism Act 2006 (preparation of terrorist acts).

#### Textual Amendments

**F61** Sch. 15 paras. 63B-63F inserted (12.1.2010) by Coroners and Justice Act 2009 (c. 25), ss. **138(4)**, 182(2) (b) (with Sch. 22 para. 37)

VALID FROM 12/01/2010

63C An offence under section 6 of that Act (training for terrorism).

#### Textual Amendments

**F61** Sch. 15 paras. 63B-63F inserted (12.1.2010) by Coroners and Justice Act 2009 (c. 25), ss. **138(4)**, 182(2) (b) (with Sch. 22 para. 37)

VALID FROM 12/01/2010

63D An offence under section 9 of that Act (making or possession of radioactive device or material).

#### Textual Amendments

**F61** Sch. 15 paras. 63B-63F inserted (12.1.2010) by Coroners and Justice Act 2009 (c. 25), ss. **138(4)**, 182(2) (b) (with Sch. 22 para. 37)

*Status: Point in time view as at 06/04/2007.*

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VALID FROM 12/01/2010

63E An offence under section 10 of that Act (use of radioactive device or material for terrorist purposes etc).

**Textual Amendments**

**F61** Sch. 15 paras. 63B-63F inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 138(4)**, 182(2) (b) (with [Sch. 22 para. 37](#))

VALID FROM 12/01/2010

63F An offence under section 11 of that Act (terrorist threats relating to radioactive devices etc).]

**Textual Amendments**

**F61** Sch. 15 paras. 63B-63F inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 138(4)**, 182(2) (b) (with [Sch. 22 para. 37](#))

64 An offence of—  
(a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,  
(b) conspiring to commit an offence so specified, or  
(c) attempting to commit an offence so specified.

**Modifications etc. (not altering text)**

**C40** Sch. 15 para. 64(a) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), **ss. 63(1)(2)**, 94, **Sch. 6 para. 48(a)** (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), **art. 2(a)**

**Commencement Information**

**I206** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

65 An attempt to commit murder or a conspiracy to commit murder.

**Commencement Information**

**I207** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

**PART 2**

SPECIFIED SEXUAL OFFENCES

66 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) (rape).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I208** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

67 An offence under section 2 of that Act (procurement of woman by threats).

**Commencement Information**

**I209** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

68 An offence under section 3 of that Act (procurement of woman by false pretences).

**Commencement Information**

**I210** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

69 An offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse).

**Commencement Information**

**I211** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

70 An offence under section 5 of that Act (intercourse with girl under thirteen).

**Commencement Information**

**I212** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

71 An offence under section 6 of that Act (intercourse with girl under 16).

**Commencement Information**

**I213** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

72 An offence under section 7 of that Act (intercourse with a defective).

**Commencement Information**

**I214** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

73 An offence under section 9 of that Act (procurement of a defective).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I215** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

74 An offence under section 10 of that Act (incest by a man).

**Commencement Information**

**I216** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

75 An offence under section 11 of that Act (incest by a woman).

**Commencement Information**

**I217** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

76 An offence under section 14 of that Act (indecent assault on a woman).

**Commencement Information**

**I218** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

77 An offence under section 15 of that Act (indecent assault on a man).

**Commencement Information**

**I219** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

78 An offence under section 16 of that Act (assault with intent to commit buggery).

**Commencement Information**

**I220** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

79 An offence under section 17 of that Act (abduction of woman by force or for the sake of her property).

**Commencement Information**

**I221** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

80 An offence under section 19 of that Act (abduction of unmarried girl under eighteen from parent or guardian).

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**Commencement Information**

**I222** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

81 An offence under section 20 of that Act (abduction of unmarried girl under sixteen from parent or guardian).

**Commencement Information**

**I223** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

82 An offence under section 21 of that Act (abduction of defective from parent or guardian).

**Commencement Information**

**I224** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

83 An offence under section 22 of that Act (causing prostitution of women).

**Commencement Information**

**I225** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

84 An offence under section 23 of that Act (procurement of girl under twenty-one).

**Commencement Information**

**I226** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

85 An offence under section 24 of that Act (detention of woman in brothel).

**Commencement Information**

**I227** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

86 An offence under section 25 of that Act (permitting girl under thirteen to use premises for intercourse).

**Commencement Information**

**I228** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

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87 An offence under section 26 of that Act (permitting girl under sixteen to use premises for intercourse).

**Commencement Information**

**I229** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

88 An offence under section 27 of that Act (permitting defective to use premises for intercourse).

**Commencement Information**

**I230** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

89 An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under sixteen).

**Commencement Information**

**I231** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

90 An offence under section 29 of that Act (causing or encouraging prostitution of defective).

**Commencement Information**

**I232** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

91 An offence under section 32 of that Act (soliciting by men).

**Commencement Information**

**I233** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

92 An offence under section 33 of that Act (keeping a brothel).

**Commencement Information**

**I234** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

93 An offence under section 128 of the Mental Health Act 1959 (c. 72) (sexual intercourse with patients).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I235** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

94 An offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecent conduct towards young child).

**Commencement Information**

**I236** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

95 An offence under section 4 of the Sexual Offences Act 1967 (c. 60) (procuring others to commit homosexual acts).

**Commencement Information**

**I237** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

96 An offence under section 5 of that Act (living on earnings of male prostitution).

**Commencement Information**

**I238** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

97 An offence under section 9 of the Theft Act 1968 (c. 60) of burglary with intent to commit rape.

**Commencement Information**

**I239** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

98 An offence under section 54 of the Criminal Law Act 1977 (c. 45) (inciting girl under sixteen to have incestuous sexual intercourse).

**Commencement Information**

**I240** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

99 An offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children).



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**Commencement Information**

**I241** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

100 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles).

**Commencement Information**

**I242** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

101 An offence under section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of a child).

**Commencement Information**

**I243** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

102 An offence under section 1 of the Sexual Offences Act 2003 (c. 42) (rape).

**Commencement Information**

**I244** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

103 An offence under section 2 of that Act (assault by penetration).

**Commencement Information**

**I245** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

104 An offence under section 3 of that Act (sexual assault).

**Commencement Information**

**I246** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

105 An offence under section 4 of that Act (causing a person to engage in sexual activity without consent).

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**Commencement Information**

**I247** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

106 An offence under section 5 of that Act (rape of a child under 13).

**Commencement Information**

**I248** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

107 An offence under section 6 of that Act (assault of a child under 13 by penetration).

**Commencement Information**

**I249** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

108 An offence under section 7 of that Act (sexual assault of a child under 13).

**Commencement Information**

**I250** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

109 An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).

**Commencement Information**

**I251** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

110 An offence under section 9 of that Act (sexual activity with a child).

**Commencement Information**

**I252** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

111 An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).

**Commencement Information**

**I253** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

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- 112 An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).

**Commencement Information**

**I254** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 113 An offence under section 12 of that Act (causing a child to watch a sexual act).

**Commencement Information**

**I255** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 114 An offence under section 13 of that Act (child sex offences committed by children or young persons).

**Commencement Information**

**I256** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 115 An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).

**Commencement Information**

**I257** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 116 An offence under section 15 of that Act (meeting a child following sexual grooming etc.).

**Commencement Information**

**I258** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 117 An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child).

**Commencement Information**

**I259** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 118 An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to engage in sexual activity).

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**Commencement Information**

**I260** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

119 An offence under section 18 of that Act (abuse of position of trust: sexual activity in the presence of a child).

**Commencement Information**

**I261** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

120 An offence under section 19 of that Act (abuse of position of trust: causing a child to watch a sexual act).

**Commencement Information**

**I262** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

121 An offence under section 25 of that Act (sexual activity with a child family member).

**Commencement Information**

**I263** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

122 An offence under section 26 of that Act (inciting a child family member to engage in sexual activity).

**Commencement Information**

**I264** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

123 An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice).

**Commencement Information**

**I265** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

124 An offence under section 31 of that Act (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity).

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**Commencement Information**

**I266** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

125 An offence under section 32 of that Act (engaging in sexual activity in the presence of a person with a mental disorder impeding choice).

**Commencement Information**

**I267** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

126 An offence under section 33 of that Act (causing a person with a mental disorder impeding choice to watch a sexual act).

**Commencement Information**

**I268** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

127 An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder).

**Commencement Information**

**I269** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

128 An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception).

**Commencement Information**

**I270** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

129 An offence under section 36 of that Act (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder).

**Commencement Information**

**I271** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

130 An offence under section 37 of that Act (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception).

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**Commencement Information**

**I272** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

131 An offence under section 38 of that Act (care workers: sexual activity with a person with a mental disorder).

**Commencement Information**

**I273** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

132 An offence under section 39 of that Act (care workers: causing or inciting sexual activity).

**Commencement Information**

**I274** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

133 An offence under section 40 of that Act (care workers: sexual activity in the presence of a person with a mental disorder).

**Commencement Information**

**I275** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

134 An offence under section 41 of that Act (care workers: causing a person with a mental disorder to watch a sexual act).

**Commencement Information**

**I276** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

135 An offence under section 47 of that Act (paying for sexual services of a child).

**Commencement Information**

**I277** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

136 An offence under section 48 of that Act (causing or inciting child prostitution or pornography).

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**Commencement Information**

**I278** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

137 An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).

**Commencement Information**

**I279** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

138 An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).

**Commencement Information**

**I280** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

139 An offence under section 52 of that Act (causing or inciting prostitution for gain).

**Commencement Information**

**I281** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

140 An offence under section 53 of that Act (controlling prostitution for gain).

**Commencement Information**

**I282** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

141 An offence under section 57 of that Act (trafficking into the UK for sexual exploitation).

**Commencement Information**

**I283** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

142 An offence under section 58 of that Act (trafficking within the UK for sexual exploitation).

**Commencement Information**

**I284** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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- 143 An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation).

**Commencement Information**

**I285** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 144 An offence under section 61 of that Act (administering a substance with intent).

**Commencement Information**

**I286** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 145 An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence).

**Commencement Information**

**I287** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 146 An offence under section 63 of that Act (trespass with intent to commit a sexual offence).

**Commencement Information**

**I288** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 147 An offence under section 64 of that Act (sex with an adult relative: penetration).

**Commencement Information**

**I289** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 148 An offence under section 65 of that Act (sex with an adult relative: consenting to penetration).

**Commencement Information**

**I290** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 149 An offence under section 66 of that Act (exposure).



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**Commencement Information**

**I291** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

150 An offence under section 67 of that Act (voyeurism).

**Commencement Information**

**I292** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

151 An offence under section 69 of that Act (intercourse with an animal).

**Commencement Information**

**I293** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

152 An offence under section 70 of that Act (sexual penetration of a corpse).

**Commencement Information**

**I294** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

153 An offence of—

- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,
- (b) conspiring to commit an offence so specified, or
- (c) attempting to commit an offence so specified.

**Modifications etc. (not altering text)**

**C41** Sch. 15 para. 153(a) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(1)(2), 94, [Sch. 6 para. 48\(a\)](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504, art. 2\(a\)](#)

**Commencement Information**

**I295** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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VALID FROM 14/07/2008

## [<sup>F62</sup>SCHEDULE 15A

### OFFENCES SPECIFIED FOR THE PURPOSES OF SECTIONS 225(3A) AND 227(2A)

#### Textual Amendments

**F62** Sch. 15A inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 13(2), 153, Sch. 5; S.I. 2008/1586, art. 2(1), Sch. 1 para. 4

## SCHEDULE 16

Section 229

### SCOTTISH OFFENCES SPECIFIED FOR THE PURPOSES OF SECTION 229(4)

#### 1 Rape.

##### Commencement Information

**I296** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 38 (subject to art. 2(2), Sch. 2)

#### 2 Clandestine injury to women.

##### Commencement Information

**I297** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 38 (subject to art. 2(2), Sch. 2)

#### 3 Abduction of woman or girl with intent to rape or ravish.

##### Commencement Information

**I298** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 38 (subject to art. 2(2), Sch. 2)

#### 4 Assault with intent to rape or ravish.

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**Commencement Information**

**I299** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

5 Indecent assault.

**Commencement Information**

**I300** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

6 Lewd, indecent or libidinous behaviour or practices.

**Commencement Information**

**I301** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

7 Shameless indecency.

**Commencement Information**

**I302** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

8 Sodomy.

**Commencement Information**

**I303** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

9 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36), but only where the prohibited goods include indecent photographs of persons.

**Commencement Information**

**I304** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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- 10 An offence under section 52 of the Civic Government (Scotland) Act 1982 (c. 45) (taking and distribution of indecent images of children).

**Commencement Information**

**I305** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 11 An offence under section 52A of that Act (possession of indecent images of children).

**Commencement Information**

**I306** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 12 An offence under section 1 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) (incest).

**Commencement Information**

**I307** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 13 An offence under section 2 of that Act (intercourse with a stepchild).

**Commencement Information**

**I308** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 14 An offence under section 3 of that Act (intercourse with child under 16 by person in position of trust).

**Commencement Information**

**I309** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 15 An offence under section 5 of that Act (unlawful intercourse with girl under 16).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I310** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

16 An offence under section 6 of that Act (indecent behaviour towards girl between 12 and 16).

**Commencement Information**

**I311** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

17 An offence under section 8 of that Act (detention of woman in brothel or other premises).

**Commencement Information**

**I312** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

18 An offence under section 10 of that Act (person having parental responsibilities causing or encouraging sexual activity in relation to a girl under 16).

**Commencement Information**

**I313** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

19 An offence under subsection (5) of section 13 of that Act (homosexual offences).

**Commencement Information**

**I314** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

20 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) (abuse of position of trust).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I315** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 21 An offence of—
- (a) attempting, conspiring or inciting another to commit any offence specified in the preceding paragraphs, or
  - (b) aiding, abetting, counselling or procuring the commission of any offence specified in paragraphs 9 to 20.

**Commencement Information**

**I316** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 22 Any offence (other than an offence specified in any of the preceding paragraphs) inferring personal violence.

**Commencement Information**

**I317** Sch. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 38](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

SCHEDULE 17

Section 229

NORTHERN IRELAND OFFENCES SPECIFIED FOR THE PURPOSES OF SECTION 229(4)

**PART 1**

VIOLENT OFFENCES

- 1 Manslaughter.

**Commencement Information**

**I318** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 2 Kidnapping.

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I319** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

3 Riot.

**Commencement Information**

**I320** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

4 Affray.

**Commencement Information**

**I321** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

5 False imprisonment.

**Commencement Information**

**I322** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

6 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).

**Commencement Information**

**I323** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

7 An offence under section 16 of that Act (threats to kill).

**Commencement Information**

**I324** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Status: Point in time view as at 06/04/2007.*

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- 8 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).

**Commencement Information**

**I325** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 9 An offence under section 20 of that Act (malicious wounding).

**Commencement Information**

**I326** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 10 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).

**Commencement Information**

**I327** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 11 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).

**Commencement Information**

**I328** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 12 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).

**Commencement Information**

**I329** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 13 An offence under section 27 of that Act (abandoning children).



*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I330** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

14 An offence under section 28 of that Act (causing bodily injury by explosives).

**Commencement Information**

**I331** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

15 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).

**Commencement Information**

**I332** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

16 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).

**Commencement Information**

**I333** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

17 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).

**Commencement Information**

**I334** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

18 An offence under section 32 of that Act (endangering the safety of railway passengers).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I335** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

19 An offence under section 35 of that Act (injuring persons by furious driving).

**Commencement Information**

**I336** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

20 An offence under section 37 of that Act (assaulting officer preserving wreck).

**Commencement Information**

**I337** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

21 An offence under section 47 of that Act of assault occasioning actual bodily harm.

**Commencement Information**

**I338** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

22 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).

**Commencement Information**

**I339** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

23 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).

**Commencement Information**

**I340** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Status: Point in time view as at 06/04/2007.*

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- 24 An offence under section 25 of the Criminal Justice (Northern Ireland) Act 1945 (c. 15) (child destruction).

**Commencement Information**

**I341** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 25 An offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (c. 5) (infanticide).

**Commencement Information**

**I342** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 26 An offence under section 7(1)(b) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (assault with intent to resist arrest).

**Commencement Information**

**I343** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 27 An offence under section 20 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (cruelty to children).

**Commencement Information**

**I344** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 28 An offence under section 8 of the Theft Act (Northern Ireland) 1969 (c. 16) (robbery or assault with intent to rob).

**Commencement Information**

**I345** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 29 An offence under section 9 of that Act of burglary with intent to—  
(a) inflict grievous bodily harm on a person, or  
(b) do unlawful damage to a building or anything in it.

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I346** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), Sch. 2)

30 An offence under section 10 of that Act (aggravated burglary).

**Commencement Information**

**I347** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), Sch. 2)

31 An offence of arson under Article 3 of the Criminal Damage Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4)).

**Commencement Information**

**I348** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), Sch. 2)

32 An offence under Article 3(2) of that Order (destroying or damaging property) other than an offence of arson.

**Commencement Information**

**I349** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), Sch. 2)

33 An offence under [<sup>F64</sup>Article 58(1)] of the Firearms (Northern Ireland) Order [<sup>F65</sup>2004 (S.I. 2004/702 (N.I. 3))] (possession of firearm with intent to endanger life).

**Textual Amendments**

**F64** Words in Sch. 17 para. 33 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), [Sch. 7 para. 32](#) (with art. 81); S.R. 2005/4, [art. 3](#) (with arts. 4-7)

**F65** Words in Sch. 17 para. 33 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), [Sch. 7 para. 32](#) (with art. 81); S.R. 2005/4, [art. 3](#) (with arts. 4-7)

**Commencement Information**

**I350** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), Sch. 2)

*Status: Point in time view as at 06/04/2007.*

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- 34 An offence under [<sup>F66</sup>Article 58(2)] of that Order (possession of firearm with intent to cause fear of violence).

**Textual Amendments**

**F66** Words in Sch. 17 para. 34 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 33** (with art. 81); S.R. 2005/4, **art. 3** (with arts. 4-7)

**Commencement Information**

**I351** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, Sch. 1 para. 39 (subject to art. 2(2), Sch. 2)

- 35 An offence under [<sup>F67</sup>Article 59(1)] of that Order (use of firearm to resist arrest).

**Textual Amendments**

**F67** Words in Sch. 17 para. 35 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 34** (with art. 81); S.R. 2005/4, **art. 3** (with arts. 4-7)

**Commencement Information**

**I352** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, Sch. 1 para. 39 (subject to art. 2(2), Sch. 2)

- 36 An offence under [<sup>F68</sup>Article 59(2)] of that Order (possession of firearm at time of committing or being arrested for an offence specified in [<sup>F69</sup>Schedule 4] to that Order).

**Textual Amendments**

**F68** Words in Sch. 17 para. 36 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 35** (with art. 81); S.R. 2005/4, **art. 3** (with arts. 4-7)

**F69** Words in Sch. 17 para. 36 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82, {Sch. 7 para. 35}; S.R. 2005/4, **art. 3**

**Commencement Information**

**I353** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, Sch. 1 para. 39 (subject to art. 2(2), Sch. 2)

- 37 An offence under [<sup>F70</sup>Article 60] of that Order (carrying a firearm with criminal intent).

**Textual Amendments**

**F70** Words in Sch. 17 para. 37 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 36** (with art. 81); S.R. 2005/4, **art. 3** (with arts. 4-7)

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I354** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

38 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).

**Commencement Information**

**I355** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

39 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).

**Commencement Information**

**I356** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

40 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).

**Commencement Information**

**I357** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

41 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).

**Commencement Information**

**I358** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

42 An offence under section 4 of that Act (offences in relation to certain dangerous articles).

**Commencement Information**

**I359** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

*Status: Point in time view as at 06/04/2007.*

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- 43 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).

**Commencement Information**

**I360** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 44 An offence under Article 121 of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I.4)) (ill-treatment of patients).

**Commencement Information**

**I361** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 45 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).

**Commencement Information**

**I362** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 46 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).

**Commencement Information**

**I363** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 47 An offence under section 9 of that Act (hijacking of ships).

**Commencement Information**

**I364** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 48 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I365** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

49 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).

**Commencement Information**

**I366** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

50 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).

**Commencement Information**

**I367** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

51 An offence under section 13 of that Act (offences involving threats).

**Commencement Information**

**I368** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

52 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

**Commencement Information**

**I369** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

53 An offence under Article 9 of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)) (causing death or grievous bodily injury by dangerous driving).



*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I370** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

54 An offence under Article 14 of that Order (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs).

**Commencement Information**

**I371** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

55 An offence under Article 6 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9)) (putting people in fear of violence).

**Commencement Information**

**I372** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

56 An offence under section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaulting or obstructing a constable etc.).

**Commencement Information**

**I373** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

57 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

**Commencement Information**

**I374** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

58 An offence under section 1 of the Female Genital Mutilation Act 2003 (c. 31) (female genital mutilation).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I375** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

59 An offence under section 2 of that Act (assisting a girl to mutilate her own genitalia).

**Commencement Information**

**I376** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

60 An offence under section 3 of that Act (assisting a non-UK person to mutilate overseas a girl's genitalia).

**Commencement Information**

**I377** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

60A An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).

61 An offence of—

- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,
- (b) conspiring to commit an offence so specified, or
- (c) attempting to commit an offence so specified.

**Modifications etc. (not altering text)**

**C42** Sch. 17 para. 61(a) modified (prosp.) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(1)(2), 94, [Sch. 6 para. 48\(b\)](#) (with [Sch. 13 para. 5](#))

**Commencement Information**

**I378** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

62 An attempt to commit murder or a conspiracy to commit murder.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I379** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), [Sch. 2](#))

**PART 2**

SEXUAL OFFENCES

63 Rape.

**Commencement Information**

**I380** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), [Sch. 2](#))

64 Indecent assault upon a female.

**Commencement Information**

**I381** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), [Sch. 2](#))

65 An offence under section 52 of the Offences against the Person Act 1861 (c. 100) (indecent assault upon a female).

**Commencement Information**

**I382** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), [Sch. 2](#))

66 An offence under section 53 of that Act (abduction of woman etc.).

**Commencement Information**

**I383** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), Sch. 1 para. 39 (subject to [art. 2\(2\)](#), [Sch. 2](#))

67 An offence under section 54 of that Act (abduction of woman by force).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I384** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

68 An offence under section 55 of that Act (abduction of unmarried girl under 16 from parent or guardian).

**Commencement Information**

**I385** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

69 An offence under section 2 of the Criminal Law Amendment Act 1885 (c. 69) (procuration).

**Commencement Information**

**I386** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

70 An offence under section 3 of that Act (procurement of woman or girl by threats etc. or administering drugs).

**Commencement Information**

**I387** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

71 An offence under section 4 of that Act (intercourse or attempted intercourse with girl under 14).

**Commencement Information**

**I388** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

72 An offence under section 5 of that Act (intercourse or attempted intercourse with girl under 17).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I389** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

73 An offence under section 6 of that Act (permitting girl under 17 to use premises for intercourse).

**Commencement Information**

**I390** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

74 An offence under section 7 of that Act (abduction of girl under 18 from parent or guardian).

**Commencement Information**

**I391** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

75 An offence under section 8 of that Act (unlawful detention of woman or girl in brothel etc.).

**Commencement Information**

**I392** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

76 An offence under section 1 of the Vagrancy Act 1898 (c. 39) (living on earnings of prostitution or soliciting or importuning in a public place).

**Commencement Information**

**I393** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

77 An offence under section 1 of the Punishment of Incest Act 1908 (c. 45) (incest by a man).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I394** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

78 An offence under section 2 of that Act (incest by a woman).

**Commencement Information**

**I395** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

79 An offence under section 21 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (causing or encouraging seduction or prostitution of girl under 17).

**Commencement Information**

**I396** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

80 An offence under section 22 of that Act (indecent conduct towards child).

**Commencement Information**

**I397** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

81 An offence under section 9 of the Theft Act (Northern Ireland) 1969 (c. 16) of burglary with intent to commit rape.

**Commencement Information**

**I398** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

82 An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (indecent photographs of children).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I399** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 83 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles).

**Commencement Information**

**I400** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 84 An offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)) (inciting girl under 16 to have incestuous sexual intercourse).

**Commencement Information**

**I401** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 85 An offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19)) (procuring others to commit homosexual acts).

**Commencement Information**

**I402** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 86 An offence under Article 8 of that Order (living on earnings of male prostitution).

**Commencement Information**

**I403** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 87 An offence under Article 122 of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)) (protection of women suffering from severe mental handicap).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I404** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

88 An offence under Article 123 of that Order (protection of patients).

**Commencement Information**

**I405** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

89 An offence under Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17) (possession of indecent photograph of a child).

**Commencement Information**

**I406** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

90 An offence under section 15 of the Sexual Offences Act 2003 (c. 42) (meeting a child following sexual grooming etc.).

**Commencement Information**

**I407** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

91 An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child).

**Commencement Information**

**I408** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

92 An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to engage in sexual activity).



*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I409** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

93 An offence under section 18 of that Act (abuse of position of trust: sexual activity in the presence of a child).

**Commencement Information**

**I410** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

94 An offence under section 19 of that Act (abuse of position of trust: causing a child to watch a sexual act).

**Commencement Information**

**I411** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

95 An offence under section 47 of that Act (paying for sexual services of a child).

**Commencement Information**

**I412** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

96 An offence under section 48 of that Act (causing or inciting child prostitution or pornography).

**Commencement Information**

**I413** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

97 An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I414** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

98 An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).

**Commencement Information**

**I415** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

99 An offence under section 52 of that Act (causing or inciting prostitution for gain).

**Commencement Information**

**I416** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

100 An offence under section 53 of that Act (controlling prostitution for gain).

**Commencement Information**

**I417** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

101 An offence under section 57 of that Act (trafficking into the UK for sexual exploitation).

**Commencement Information**

**I418** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

102 An offence under section 58 of that Act (trafficking within the UK for sexual exploitation).

**Commencement Information**

**I419** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

103 An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation).

**Commencement Information**

**I420** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

104 An offence under section 66 of that Act (exposure).

**Commencement Information**

**I421** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

105 An offence under section 67 of that Act (voyeurism).

**Commencement Information**

**I422** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

106 An offence under section 69 of that Act (intercourse with an animal).

**Commencement Information**

**I423** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

107 An offence under section 70 of that Act (sexual penetration of a corpse).

**Commencement Information**

**I424** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 39](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

108 An offence under Article 20 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (assault with intent to commit buggery).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Commencement Information**

**I425** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

109 An offence under Article 21 of that Order (indecent assault on a male).

**Commencement Information**

**I426** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

110 An offence of—

- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,
- (b) conspiring to commit an offence so specified, or
- (c) attempting to commit an offence so specified.

**Modifications etc. (not altering text)**

**C43** Sch. 17 para. 110(a) modified (prosp.) by [Serious Crime Act 2007 \(c. 27\), ss. 63\(1\)\(2\), 94, Sch. 6 para. 48\(b\)](#) (with [Sch. 13 para. 5](#))

**Commencement Information**

**I427** Sch. 17 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 39](#) (subject to [art. 2\(2\), Sch. 2](#))

SCHEDULE 18

Section 230

RELEASE OF PRISONERS SERVING SENTENCES OF  
 IMPRISONMENT OR DETENTION FOR PUBLIC PROTECTION

*Release on licence*

- 1 (1) Section 31 of the Crime (Sentences) Act 1997 (c. 43) (duration and conditions of licences for life prisoners), is amended as follows.
  - (2) In subsection (1) (licence to remain in force until death), after “life prisoner” there is inserted “, other than a prisoner to whom section 31A below applies/text”.
  - (3) After that subsection there is inserted—
    - “(1A) Where a prisoner to whom section 31A below applies is released on licence, the licence shall remain in force until his death unless—
      - (a) it is previously revoked under section 32(1) or (2) below; or

*Status: Point in time view as at 06/04/2007.*

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- (b) it ceases to have effect in accordance with an order made by the Secretary of State under section 31A below.”

#### Commencement Information

**I428** Sch. 18 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 40 (subject to art. 2(2), Sch. 2)

2 After that section there is inserted—

#### “31A Imprisonment or detention for public protection: termination of licences

- (1) This section applies to a prisoner who—
- (a) is serving one or more preventive sentences, and
  - (b) is not serving any other life sentence.
- (2) Where—
- (a) the prisoner has been released on licence under this Chapter; and
  - (b) the qualifying period has expired,
- the Secretary of State shall, if directed to do so by the Parole Board, order that the licence is to cease to have effect.
- (3) Where—
- (a) the prisoner has been released on licence under this Chapter;
  - (b) the qualifying period has expired; and
  - (c) if he has made a previous application under this subsection, a period of at least twelve months has expired since the disposal of that application,
- the prisoner may make an application to the Parole Board under this subsection.
- (4) Where an application is made under subsection (3) above, the Parole Board—
- (a) shall, if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;
  - (b) shall otherwise dismiss the application.
- (5) In this section—
- “preventive sentence” means a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or a sentence of detention for public protection under section 226 of that Act;
- “the qualifying period”, in relation to a prisoner who has been released on licence, means the period of ten years beginning with the date of his release.”

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**Commencement Information**

**I429** Sch. 18 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 40](#) (subject to [art. 2\(2\), Sch. 2](#))

3 In section 34(2) of that Act (meaning of “life sentence”), after paragraph (c) there is inserted—

“(d) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, and

(e) a sentence of detention for public protection under section 226 of that Act.”

**Commencement Information**

**I430** Sch. 18 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 40](#) (subject to [art. 2\(2\), Sch. 2](#))

*Determination of tariffs*

4 In section 82A of the Sentencing Act (determination of tariffs), after subsection (4) there is inserted—

“(4A) No order under subsection (4) above may be made where the life sentence is—

(a) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, or

(b) a sentence of detention for public protection under section 226 of that Act.”

**Commencement Information**

**I431** Sch. 18 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 40](#) (subject to [art. 2\(2\), Sch. 2](#))

SCHEDULE 19

Section 239(7)

THE PAROLE BOARD: SUPPLEMENTARY PROVISIONS

*Status and Capacity*

1 (1) The Board is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board’s property is not to be regarded as property of, or held on behalf of, the Crown.

(2) It is within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental to or conducive to the discharge of—

(a) its functions under Chapter 6 of Part 12 in respect of fixed-term prisoners, and

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- (b) its functions under Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (c. 43) in relation to life prisoners within the meaning of that Chapter.

#### Commencement Information

**I432** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.; Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 41 (subject to art. 2(2), Sch. 2)

#### Membership

- 2 (1) The Board is to consist of a chairman and not less than four other members appointed by the Secretary of State.
- (2) The Board must include among its members—
- (a) a person who holds or has held judicial office;
  - (b) a registered medical practitioner who is a psychiatrist;
  - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or after-care of discharged prisoners; and
  - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.
- (3) A member of the Board—
- (a) holds and vacates office in accordance with the terms of his appointment;
  - (b) may resign his office by notice in writing addressed to the Secretary of State;
- and a person who ceases to hold office as a member of the Board is eligible for re-appointment.

#### Commencement Information

**I433** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.; Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 41 (subject to art. 2(2), Sch. 2)

#### Payments to members

- 3 (1) The Board may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The Board may pay or make provision for paying to or in respect of any member such sums by way of pension, allowances or gratuities as the Secretary of State may determine.
- (3) If a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances that make it right that he should receive compensation, the Secretary of State may direct the Board to make to that person a payment of such amount as the Secretary of State may determine.
- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

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#### **Commencement Information**

**I434** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1), Sch. 1 para. 41** (subject to **art. 2(2), Sch. 2**)

#### *Proceedings*

- 4
- (1) Subject to the provisions of section 239(5), the arrangements relating to meetings of the Board are to be such as the Board may determine.
  - (2) The arrangements may provide for the discharge, under the general direction of the Board, of any of the Board's functions by a committee or by one or more of the members or employees of the Board.
  - (3) The validity of the proceedings of the Board are not to be affected by any vacancy among the members or by any defect in the appointment of a member.

#### **Commencement Information**

**I435** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1), Sch. 1 para. 41** (subject to **art. 2(2), Sch. 2**)

#### *Staff*

- 5
- (1) The Board may appoint such number of employees as it may determine.
  - (2) The remuneration and other conditions of service of the persons appointed under this paragraph are to be determined by the Board.
  - (3) Any determination under sub-paragraph (1) or (2) requires the approval of the Secretary of State given with the consent of the Treasury.
  - (4) The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) shall not require insurance to be effected by the Board.

#### **Commencement Information**

**I436** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1), Sch. 1 para. 41** (subject to **art. 2(2), Sch. 2**)

- 6
- (1) Employment with the Board shall continue to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of Other Bodies there shall continue to be inserted— “ Parole Board. ”.
  - (2) The Board shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to this



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paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.

#### Commencement Information

**I437** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

#### *Financial provisions*

- 7 (1) The Secretary of State shall pay to the Board—
- (a) any expenses incurred or to be incurred by the Board by virtue of paragraph 3 or 5; and
  - (b) with the consent of the Treasury, such sums as he thinks fit for enabling the Board to meet other expenses.
- (2) Any sums required by the Secretary of State for making payments under subparagraph (1) are to be paid out of money provided by Parliament.

#### Commencement Information

**I438** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

#### *Authentication of Board's seal*

- 8 The application of the seal of the Board is to be authenticated by the signature of the Chairman or some other person authorised for the purpose.

#### Commencement Information

**I439** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

#### *Presumption of authenticity of documents issued by Board*

- 9 Any document purporting to be an instrument issued by the Board and to be duly executed under the seal of the Board or to be signed on behalf of the Board shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

#### Commencement Information

**I440** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

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### *Accounts and audit*

- 10 (1) It is the duty of the Board—
- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
  - (c) to send copies of each such statement to the Secretary of State and the Comptroller and Auditor General not later than 31st August next following the end of the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Board and shall lay a copy of every such statement and of his report before each House of Parliament.
- (3) In this paragraph and paragraph 11 “financial year” means a period of 12 months ending with 31st March.

#### **Commencement Information**

**I441** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2](#), [Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 41](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

### *Reports*

- 11 The Board must as soon as practicable after the end of each financial year make to the Secretary of State a report on the performance of its functions during the year; and the Secretary of State must lay a copy of the report before each House of Parliament.

#### **Commencement Information**

**I442** Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2](#), [Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 41](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

## SCHEDULE 20

Section 262

### PRISONERS LIABLE TO REMOVAL FROM UNITED KINGDOM: MODIFICATIONS OF CRIMINAL JUSTICE ACT 1991

- 1 In this Schedule “the 1991 Act” means the Criminal Justice Act 1991 (c. 53).
- 2 In section 42 of the 1991 Act (additional days for disciplinary offences), in subsection (2) before the word “and” at the end of paragraph (a) there is inserted—
- “(aa) any period which he must serve before he can be removed under section 46A below;”.
- 3 (1) In section 46 of the 1991 Act (persons liable to removal from the United Kingdom) in subsection (3) after paragraph (d) there is inserted “or

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(e) he is liable to removal under section 10 of the Immigration and Asylum Act 1999”.

(2) Sub-paragraph (1) does not apply to any prisoner whose sentence relates to an offence committed before the commencement of this Schedule.

4 After section 46 of the 1991 Act there is inserted—

**“46A Early removal of persons liable to removal from United Kingdom**

(1) Subject to subsection (2) below, where a short-term or long-term prisoner is liable to removal from the United Kingdom, the Secretary of State may under this section remove him from prison at any time after he has served the requisite period.

(2) Subsection (1) above does not apply where—

- (a) the sentence is an extended sentence within the meaning of section 85 of the Powers of Criminal Courts (Sentencing) Act 2000,
- (b) the sentence is for an offence under section 1 of the Prisoners (Return to Custody) Act 1995,
- (c) the prisoner is subject to a hospital order, hospital direction or transfer direction under section 37, 45A or 47 of the Mental Health Act 1983,
- (d) the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003, or
- (e) the interval between—
  - (i) the date on which the prisoner will have served the requisite period for the term of the sentence, and
  - (ii) the date on which he will have served one-half of the sentence,is less than 14 days.

(3) A prisoner removed from prison under this section—

- (a) is so removed only for the purpose of enabling the Secretary of State to remove him from the United Kingdom under powers conferred by—
  - (i) Schedule 2 or 3 to the Immigration Act 1971, or
  - (ii) section 10 of the Immigration and Asylum Act 1999, and
- (b) so long as remaining in the United Kingdom, remains liable to be detained in pursuance of his sentence until he falls to be released under section 33 or 35 above.

(4) So long as a prisoner removed from prison under this section remains in the United Kingdom but has not been returned to prison, any duty or power of the Secretary of State under section 33, 35 or 36 is exercisable in relation to him as if he were in prison.

(5) In this section “the requisite period” means—

- (a) for a term of three months or more but less than four months, a period of 30 days;
- (b) for a term of four months or more but less than 18 months, a period equal to one-quarter of the term;

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- (c) for a term of 18 months or more, a period that is 135 days less than one-half of the term.
- (6) The Secretary of State may by order made by statutory instrument—
  - (a) amend the definition of “the requisite period” in subsection (5) above,
  - (b) make such transitional provision as appears to him necessary or expedient in connection with the amendment.
- (7) No order shall be made under subsection (6) above unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (8) In relation to any time before the commencement of sections 80 and 81 of the Sexual Offences Act 2003, the reference in subsection (2)(d) above to Part 2 of that Act is to be read as a reference to Part 1 of the Sex Offenders Act 1997.

#### **46B Re-entry into United Kingdom of offender removed early from prison**

- (1) This section applies in relation to a person who, after being removed from prison under section 46A above, has been removed from the United Kingdom before he has served one-half of his sentence.
- (2) If a person to whom this section applies enters the United Kingdom at any time before his sentence expiry date, he is liable to be detained in pursuance of his sentence from the time of his entry into the United Kingdom until whichever is the earlier of the following—
  - (a) the end of a period (“the further custodial period”) beginning with that time and equal in length to the outstanding custodial period, and
  - (b) his sentence expiry date.
- (3) A person who is liable to be detained by virtue of subsection (2) above is, if at large, to be taken for the purposes of section 49 of the Prison Act 1952 (persons unlawfully at large) to be unlawfully at large.
- (4) Subsection (2) above does not prevent the further removal from the United Kingdom of a person falling within that subsection.
- (5) Where, in the case of a person returned to prison by virtue of subsection (2) above, the further custodial period ends before the sentence expiry date, subsections (1) and (2) of section 33 above apply in relation to him as if any reference to one-half or two-thirds of the prisoner’s sentence were a reference to the further custodial period.
- (6) If a person returned to prison by virtue of subsection (2) above falls by virtue of subsection (5) above to be released on licence under section 33(1) or (2) above after the date on which (but for his removal from the United Kingdom) he would have served three-quarters of his sentence, section 37(1) above has effect in relation to him as if for the reference to three-quarters of his sentence there were substituted a reference to the whole of his sentence.
- (7) If a person who is released on licence under section 33(1) or (2) above at the end of the further custodial period is recalled to prison under section 39(1)

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or (2) above, section 33A(3) above shall not apply, but it shall be the duty of the Secretary of State—

- (a) if the person is recalled before the date on which (but for his removal from the United Kingdom) he would have served three-quarters of his sentence, to release him on licence on that date, and
- (b) if he is recalled after that date, to release him on the sentence expiry date.

(8) A licence granted by virtue of subsection (7)(a) above shall remain in force until the sentence expiry date.

(9) In this section—

“further custodial period” has the meaning given by subsection (2) (a) above;

“outstanding custodial period”, in relation to a person to whom this section applies, means the period beginning with the date on which he was removed from the United Kingdom and ending with the date on which (but for his removal) he would have served one-half of his sentence;

“sentence expiry date”, in relation to a person to whom this section applies, means the date on which (but for his removal from the United Kingdom) he would have served the whole of this sentence.”

## SCHEDULE 21

Section 269(5)

### DETERMINATION OF MINIMUM TERM IN RELATION TO MANDATORY LIFE SENTENCE

#### *Interpretation*

1 In this Schedule—

“child” means a person under 18 years;

“mandatory life sentence” means a life sentence passed in circumstances where the sentence is fixed by law;

“minimum term”, in relation to a mandatory life sentence, means the part of the sentence to be specified in an order under section 269(2);

“whole life order” means an order under subsection (4) of section 269.

2 Section 28 of the Crime and Disorder Act 1998 (c. 37) (meaning of “racially or religiously aggravated”) applies for the purposes of this Schedule as it applies for the purposes of sections 29 to 32 of that Act.

3 For the purposes of this Schedule an offence is aggravated by sexual orientation if it is committed in circumstances falling within subsection (2)(a)(i) or (b)(i) of section 146.

#### *Starting points*

4 (1) If—

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- (a) the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is exceptionally high, and
  - (b) the offender was aged 21 or over when he committed the offence, the appropriate starting point is a whole life order.
- (2) Cases that would normally fall within sub-paragraph (1)(a) include—
- (a) the murder of two or more persons, where each murder involves any of the following—
    - (i) a substantial degree of premeditation or planning,
    - (ii) the abduction of the victim, or
    - (iii) sexual or sadistic conduct,
  - (b) the murder of a child if involving the abduction of the child or sexual or sadistic motivation,
  - (c) a murder done for the purpose of advancing a political, religious or ideological cause, or
  - (d) a murder by an offender previously convicted of murder.
- 5 (1) If—
- (a) the case does not fall within paragraph 4(1) but the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is particularly high, and
  - (b) the offender was aged 18 or over when he committed the offence, the appropriate starting point, in determining the minimum term, is 30 years.
- (2) Cases that (if not falling within paragraph 4(1)) would normally fall within sub-paragraph (1)(a) include—
- (a) the murder of a police officer or prison officer in the course of his duty,
  - (b) a murder involving the use of a firearm or explosive,
  - (c) a murder done for gain (such as a murder done in the course or furtherance of robbery or burglary, done for payment or done in the expectation of gain as a result of the death),
  - (d) a murder intended to obstruct or interfere with the course of justice,
  - (e) a murder involving sexual or sadistic conduct,
  - (f) the murder of two or more persons,
  - (g) a murder that is racially or religiously aggravated or aggravated by sexual orientation, or
  - (h) a murder falling within paragraph 4(2) committed by an offender who was aged under 21 when he committed the offence.

VALID FROM 02/03/2010

<sup>F71</sup>5A (1) If—

- (a) the case does not fall within paragraph 4(1) or 5(1),
- (b) the offence falls within sub-paragraph (2), and
- (c) the offender was aged 18 or over when the offender committed the offence, the offence is normally to be regarded as sufficiently serious for the appropriate starting point, in determining the minimum term, to be 25 years.

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- (2) The offence falls within this sub-paragraph if the offender took a knife or other weapon to the scene intending to—
- (a) commit any offence, or
  - (b) have it available to use as a weapon,
- and used that knife or other weapon in committing the murder.]

#### Textual Amendments

**F71** Sch. 21 para. 5A inserted (2.3.2010) by [The Criminal Justice Act 2003 \(Mandatory Life Sentence: Determination of Minimum Term\) Order 2010 \(S.I. 2010/197\)](#), **art. 2(2)** (with art. 3)

6 If the offender was aged 18 or over when he committed the offence and the case does not fall within paragraph 4(1) or 5(1), the appropriate starting point, in determining the minimum term, is 15 years.

7 If the offender was aged under 18 when he committed the offence, the appropriate starting point, in determining the minimum term, is 12 years.

#### *Aggravating and mitigating factors*

8 Having chosen a starting point, the court should take into account any aggravating or mitigating factors, to the extent that it has not allowed for them in its choice of starting point.

9 Detailed consideration of aggravating or mitigating factors may result in a minimum term of any length (whatever the starting point), or in the making of a whole life order.

10 Aggravating factors (additional to those mentioned in paragraph 4(2) and 5(2)) that may be relevant to the offence of murder include—

- (a) a significant degree of planning or premeditation,
- (b) the fact that the victim was particularly vulnerable because of age or disability,
- (c) mental or physical suffering inflicted on the victim before death,
- (d) the abuse of a position of trust,
- (e) the use of duress or threats against another person to facilitate the commission of the offence,
- (f) the fact that the victim was providing a public service or performing a public duty, and
- (g) concealment, destruction or dismemberment of the body.

11 Mitigating factors that may be relevant to the offence of murder include—

- (a) an intention to cause serious bodily harm rather than to kill,
- (b) lack of premeditation,

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- (c) the fact that the offender suffered from any mental disorder or mental disability which (although not falling within section 2(1) of the Homicide Act 1957 (c. 11)), lowered his degree of culpability,
- (d) the fact that the offender was provoked (for example, by prolonged stress) in a way not amounting to a defence of provocation,
- (e) the fact that the offender acted to any extent in self-defence,
- (f) a belief by the offender that the murder was an act of mercy, and
- (g) the age of the offender.

12 Nothing in this Schedule restricts the application of—

- (a) section 143(2) (previous convictions),
- (b) section 143(3) (bail), or
- (c) section 144 (guilty plea).

## SCHEDULE 22

Section 276

### MANDATORY LIFE SENTENCES: TRANSITIONAL CASES

#### *Interpretation*

1 In this Schedule—

“the commencement date” means the day on which section 269 comes into force;

“the early release provisions” means the provisions of section 28(5) to (8) of the Crime (Sentences) Act 1997 (c. 43);

“existing prisoner” means a person serving one or more mandatory life sentences passed before the commencement date (whether or not he is also serving any other sentence);

“life sentence” means a sentence of imprisonment for life or custody for life passed in England and Wales or by a court-martial outside England and Wales;

“mandatory life sentence” means a life sentence passed in circumstances where the sentence was fixed by law.

#### *Existing prisoners notified by Secretary of State*

2 Paragraph 3 applies in relation to any existing prisoner who, in respect of any mandatory life sentence, has before the commencement date been notified in writing by the Secretary of State (otherwise than in a notice that is expressed to be provisional) either—

- (a) of a minimum period which in the view of the Secretary of State should be served before the prisoner’s release on licence, or
- (b) that the Secretary of State does not intend that the prisoner should ever be released on licence.

3 (1) On the application of the existing prisoner, the High Court must, in relation to the mandatory life sentence, either—



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- (a) order that the early release provisions are to apply to him as soon as he has served the part of the sentence which is specified in the order, which in a case falling within paragraph 2(a) must not be greater than the notified minimum term, or
    - (b) in a case falling within paragraph 2(b), order that the early release provisions are not to apply to the offender.
  - (2) In a case falling within paragraph 2(a), no application may be made under this paragraph after the end of the notified minimum term.
  - (3) Where no application under this paragraph is made in a case falling within paragraph 2(a), the early release provisions apply to the prisoner in respect of the sentence as soon as he has served the notified minimum term (or, if he has served that term before the commencement date but has not been released, from the commencement date).
  - (4) In this paragraph “the notified minimum term” means the minimum period notified as mentioned in paragraph 2(a), or where the prisoner has been so notified on more than one occasion, the period most recently so notified.
- 4 (1) In dealing with an application under paragraph 3, the High Court must have regard to—
  - (a) the seriousness of the offence, or of the combination of the offence and one or more offences associated with it,
  - (b) where the court is satisfied that, if the prisoner had been sentenced to a term of imprisonment, the length of his sentence would have been treated by section 67 of the Criminal Justice Act 1967 (c. 80) as being reduced by a particular period, the effect which that section would have had if he had been sentenced to a term of imprisonment, and
  - (c) the length of the notified minimum term or, where a notification falling within paragraph 2(b) has been given to the prisoner, to the fact that such a notification has been given.
- (2) In considering under sub-paragraph (1) the seriousness of the offence, or of the combination of the offence and one or more offences associated with it, the High Court must have regard to—
  - (a) the general principles set out in Schedule 21, and
  - (b) any recommendation made to the Secretary of State by the trial judge or the Lord Chief Justice as to the minimum term to be served by the offender before release on licence.
- (3) In this paragraph “the notified minimum term” has the same meaning as in paragraph 3.

*Existing prisoners not notified by Secretary of State*

- 5 Paragraph 6 applies in relation to any existing prisoner who, in respect of any mandatory life sentence, has not before the commencement date been notified as mentioned in paragraph 2(a) or (b) by the Secretary of State.
- 6 The Secretary of State must refer the prisoner’s case to the High Court for the making by the High Court of an order under subsection (2) or (4) of section 269 in relation to the mandatory life sentence.
- 7 In considering under subsection (3) or (4) of section 269 the seriousness of an offence (or the combination of an offence and one or more offences associated with

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it) in a case referred to the High Court under paragraph 6, the High Court must have regard not only to the matters mentioned in subsection (5) of that section but also to any recommendation made to the Secretary of State by the trial judge or the Lord Chief Justice as to the minimum term to be served by the offender before release on licence.

- 8 In dealing with a reference under paragraph 6, the High Court—
- (a) may not make an order under subsection (2) of section 269 specifying a part of the sentence which in the opinion of the court is greater than that which, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to notify as mentioned in paragraph 2(a), and
  - (b) may not make an order under subsection (4) of section 269 unless the court is of the opinion that, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to give the prisoner a notification falling within paragraph 2(b).

*Sentences passed on or after commencement date  
in respect of offences committed before that date*

- 9 Paragraph 10 applies where—
- (a) on or after the commencement date a court passes a life sentence in circumstances where the sentence is fixed by law, and
  - (b) the offence to which the sentence relates was committed before the commencement date.
- 10 The court—
- (a) may not make an order under subsection (2) of section 269 specifying a part of the sentence which in the opinion of the court is greater than that which, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to notify as mentioned in paragraph 2(a), and
  - (b) may not make an order under subsection (4) of section 269 unless the court is of the opinion that, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to give the prisoner a notification falling within paragraph 2(b).

**Modifications etc. (not altering text)**

**C44** Sch. 22 para. 10 applied (24.4.2009 for specified purposes and otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 53\(13\)](#)

*Proceedings in High Court*

- 11 (1) An application under paragraph 3 or a reference under paragraph 6 is to be determined by a single judge of the High Court without an oral hearing.
- (2) In relation to such an application or reference, any reference to “the court” in section 269(2) to (5) and Schedule 21 is to be read as a reference to the High Court.

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### *Giving of reasons*

- 12 (1) Where the High Court makes an order under paragraph 3(1)(a) or (b), it must state in open court, in ordinary language, its reasons for deciding on the order made.
- (2) Where the order is an order under paragraph 3(1)(a) specifying a part of the sentence shorter than the notified minimum term the High Court must, in particular, state its reasons for departing from the notified minimum term.
- 13 Where the High Court makes an order under subsection (2) or (4) of section 269 on a reference under paragraph 6, subsection (2) of section 270 does not apply.

### *Right of appeal*

- 14 (1) A person who has made an application under paragraph 3 or in respect of whom a reference has been made under paragraph 6 may with the leave of the Court of Appeal appeal to the Court of Appeal against the decision of the High Court on the application or reference.
- (2) Section 1(1) of the Administration of Justice Act 1960 (c. 65) (appeal to House of Lords from decision of High Court in a criminal cause or matter) and section 18(1) (a) of the Supreme Court Act 1981 (c. 54) (exclusion of appeal from High Court to Court of Appeal in a criminal cause or matter) do not apply in relation to a decision to which sub-paragraph (1) applies.
- (3) The jurisdiction conferred on the Court of Appeal by this paragraph is to be exercised by the criminal division of that court.
- (4) Section 33(3) of the Criminal Appeal Act 1968 (c. 19) (limitation on appeal from criminal division of Court of Appeal) does not prevent an appeal to the House of Lords under this paragraph.
- (5) In relation to appeals to the Court of Appeal or the House of Lords under this paragraph, the Secretary of State may make an order containing provision corresponding to any provision in the Criminal Appeal Act 1968 (subject to any specified modifications).

### *Review of minimum term on reference by Attorney General*

- 15 Section 36 of the Criminal Justice Act 1988 (c. 33) applies in relation to an order made by the High Court under paragraph 3(1)(a) as it applies in relation to an order made by the Crown Court under section 269(2).

### *Modification of early release provisions*

- 16 (1) In relation to an existing prisoner, section 28 of the Crime (Sentences) Act 1997 (c. 43) has effect subject to the following modifications.
- (2) Any reference to a life prisoner in respect of whom a minimum term order has been made includes a reference to—
- (a) an existing prisoner in respect of whom an order under paragraph 3(1)(a) has been made, and
  - (b) an existing prisoner serving a sentence in respect of which paragraph 3(3) applies.

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- (3) Any reference to the relevant part of the sentence is to be read—
- (a) in relation to a sentence in respect of which an order under paragraph 3(1) (a) has been made, as a reference to the part specified in the order, and
  - (b) in relation to a sentence in respect of which paragraph 3(3) applies, as a reference to the notified minimum term as defined by paragraph 3(4).
- (4) In subsection (1B) (life prisoner serving two or more sentences), paragraph (a) is to be read as if it referred to each of the sentences being one—
- (a) in respect of which a minimum term order or an order under paragraph 3(1) (a) has been made, or
  - (b) in respect of which paragraph 3(3) applies.
- 17 In section 34(1) of the Crime (Sentences) Act 1997 (c. 43) (interpretation of Chapter 2 of that Act), in the definition of “life prisoner”, the reference to a transferred prisoner as defined by section 273 of this Act includes a reference to an existing prisoner who immediately before the commencement date is a transferred life prisoner for the purposes of section 33 of that Act.

*Transferred life prisoners*

- 18 In relation to an existing prisoner who immediately before the commencement date is a transferred life prisoner for the purposes of section 33 of the Crime (Sentences) Act 1997, this Schedule is to be read as if—
- (a) any certificate under subsection (2) of that section were a notification falling within paragraph 2(a) of this Schedule, and
  - (b) references to any recommendation of the trial judge or the Lord Chief Justice were omitted.

SCHEDULE 23

Section 278

DEFERMENT OF SENTENCE

- 1 For sections 1 and 2 of the Sentencing Act (deferment of sentence) there is substituted—

*“Deferment of sentence*

*Deferment of sentence*

**1 Deferment of sentence**

- (1) The Crown Court or a magistrates' court may defer passing sentence on an offender for the purpose of enabling the court, or any other court to which it falls to deal with him, to have regard in dealing with him to—
- (a) his conduct after conviction (including, where appropriate, the making by him of reparation for his offence); or
  - (b) any change in his circumstances;
- but this is subject to subsections (3) and (4) below.

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- (2) Without prejudice to the generality of subsection (1) above, the matters to which the court to which it falls to deal with the offender may have regard by virtue of paragraph (a) of that subsection include the extent to which the offender has complied with any requirements imposed under subsection (3) (b) below.
- (3) The power conferred by subsection (1) above shall be exercisable only if—
  - (a) the offender consents;
  - (b) the offender undertakes to comply with any requirements as to his conduct during the period of the deferment that the court considers it appropriate to impose; and
  - (c) the court is satisfied, having regard to the nature of the offence and the character and circumstances of the offender, that it would be in the interests of justice to exercise the power.
- (4) Any deferment under this section shall be until such date as may be specified by the court, not being more than six months after the date on which the deferment is announced by the court; and, subject to section 1D(3) below, where the passing of sentence has been deferred under this section it shall not be further so deferred.
- (5) Where a court has under this section deferred passing sentence on an offender, it shall forthwith give a copy of the order deferring the passing of sentence and setting out any requirements imposed under subsection (3)(b) above—
  - (a) to the offender,
  - (b) where an officer of a local probation board has been appointed to act as a supervisor in relation to him, to that board, and
  - (c) where a person has been appointed under section 1A(2)(b) below to act as a supervisor in relation to him, to that person.
- (6) Notwithstanding any enactment, a court which under this section defers passing sentence on an offender shall not on the same occasion remand him.
- (7) Where—
  - (a) a court which under this section has deferred passing sentence on an offender proposes to deal with him on the date originally specified by the court, or
  - (b) the offender does not appear on the day so specified,the court may issue a summons requiring him to appear before the court at a time and place specified in the summons, or may issue a warrant to arrest him and bring him before the court at a time and place specified in the warrant.
- (8) Nothing in this section or sections 1A to 1D below shall affect—
  - (a) the power of the Crown Court to bind over an offender to come up for judgment when called upon; or
  - (b) the power of any court to defer passing sentence for any purpose for which it may lawfully do so apart from this section.

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### *Further provision about undertakings*

#### **1A Further provision about undertakings**

- (1) Without prejudice to the generality of paragraph (b) of section 1(3) above, the requirements that may be imposed by virtue of that paragraph include requirements as to the residence of the offender during the whole or any part of the period of deferment.
- (2) Where an offender has undertaken to comply with any requirements imposed under section 1(3)(b) above the court may appoint—
  - (a) an officer of a local probation board, or
  - (b) any other person whom the court thinks appropriate,to act as a supervisor in relation to him.
- (3) A person shall not be appointed under subsection (2)(b) above without his consent.
- (4) It shall be the duty of a supervisor appointed under subsection (2) above—
  - (a) to monitor the offender's compliance with the requirements; and
  - (b) to provide the court to which it falls to deal with the offender in respect of the offence in question with such information as the court may require relating to the offender's compliance with the requirements.

### *Breach of undertakings*

#### **1B Breach of undertakings**

- (1) A court which under section 1 above has deferred passing sentence on an offender may deal with him before the end of the period of deferment if—
  - (a) he appears or is brought before the court under subsection (3) below; and
  - (b) the court is satisfied that he has failed to comply with one or more requirements imposed under section 1(3)(b) above in connection with the deferment.
- (2) Subsection (3) below applies where—
  - (a) a court has under section 1 above deferred passing sentence on an offender;
  - (b) the offender undertook to comply with one or more requirements imposed under section 1(3)(b) above in connection with the deferment; and
  - (c) a person appointed under section 1A(2) above to act as a supervisor in relation to the offender has reported to the court that the offender has failed to comply with one or more of those requirements.
- (3) Where this subsection applies, the court may issue—
  - (a) a summons requiring the offender to appear before the court at a time and place specified in the summons; or

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- (b) a warrant to arrest him and bring him before the court at a time and place specified in the warrant.

#### *Conviction of offence during period of deferment*

### **1C Conviction of offence during period of deferment**

- (1) A court which under section 1 above has deferred passing sentence on an offender may deal with him before the end of the period of deferment if during that period he is convicted in Great Britain of any offence.
- (2) Subsection (3) below applies where a court has under section 1 above deferred passing sentence on an offender in respect of one or more offences and during the period of deferment the offender is convicted in England and Wales of any offence (“the later offence”).
- (3) Where this subsection applies, then (without prejudice to subsection (1) above and whether or not the offender is sentenced for the later offence during the period of deferment), the court which passes sentence on him for the later offence may also, if this has not already been done, deal with him for the offence or offences for which passing of sentence has been deferred, except that—
  - (a) the power conferred by this subsection shall not be exercised by a magistrates' court if the court which deferred passing sentence was the Crown Court; and
  - (b) the Crown Court, in exercising that power in a case in which the court which deferred passing sentence was a magistrates' court, shall not pass any sentence which could not have been passed by a magistrates' court in exercising that power.
- (4) Where a court which under section 1 above has deferred passing sentence on an offender proposes to deal with him by virtue of subsection (1) above before the end of the period of deferment, the court may issue—
  - (a) a summons requiring him to appear before the court at a time and place specified in the summons; or
  - (b) a warrant to arrest him and bring him before the court at a time and place specified in the warrant.

#### *Deferment of sentence: supplementary*

### **1D Deferment of sentence: supplementary**

- (1) In deferring the passing of sentence under section 1 above a magistrates' court shall be regarded as exercising the power of adjourning the trial conferred by section 10(1) of the Magistrates' Courts Act 1980, and accordingly sections 11(1) and 13(1) to (3A) and (5) of that Act (non-appearance of the accused) apply (without prejudice to section 1(7) above) if the offender does not appear on the date specified under section 1(4) above.
- (2) Where the passing of sentence on an offender has been deferred by a court (“the original court”) under section 1 above, the power of that court under that section to deal with the offender at the end of the period of deferment

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and any power of that court under section 1B(1) or 1C(1) above, or of any court under section 1C(3) above, to deal with the offender—

- (a) is power to deal with him, in respect of the offence for which passing of sentence has been deferred, in any way in which the original court could have dealt with him if it had not deferred passing sentence; and
- (b) without prejudice to the generality of paragraph (a) above, in the case of a magistrates' court, includes the power conferred by section 3 below to commit him to the Crown Court for sentence.

(3) Where—

- (a) the passing of sentence on an offender in respect of one or more offences has been deferred under section 1 above, and
- (b) a magistrates' court deals with him in respect of the offence or any of the offences by committing him to the Crown Court under section 3 below,

the power of the Crown Court to deal with him includes the same power to defer passing sentence on him as if he had just been convicted of the offence or offences on indictment before the court.

(4) Subsection (5) below applies where—

- (a) the passing of sentence on an offender in respect of one or more offences has been deferred under section 1 above;
- (b) it falls to a magistrates' court to determine a relevant matter; and
- (c) a justice of the peace is satisfied—
  - (i) that a person appointed under section 1A(2)(b) above to act as a supervisor in relation to the offender is likely to be able to give evidence that may assist the court in determining that matter; and
  - (ii) that that person will not voluntarily attend as a witness.

(5) The justice may issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence.

(6) For the purposes of subsection (4) above a court determines a relevant matter if it—

- (a) deals with the offender in respect of the offence, or any of the offences, for which the passing of sentence has been deferred; or
- (b) determines, for the purposes of section 1B(1)(b) above, whether the offender has failed to comply with any requirements imposed under section 1(3)(b) above.”

#### Commencement Information

**I443** Sch. 23 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 20 (subject to art. 2(2), Sch. 2)

2

In section 159 of the Sentencing Act (execution of process between England and Wales and Scotland), for “section 2(4),” there is substituted “ section 1(7), 1B(3), 1C(4), ”.



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#### Commencement Information

**I444** Sch. 23 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 20 (subject to **art. 2(2)**, Sch. 2)

## SCHEDULE 24

Section 279

### DRUG TREATMENT AND TESTING REQUIREMENT IN ACTION PLAN ORDER OR SUPERVISION ORDER

- 1 (1) Section 70 of the Sentencing Act (requirements which may be included in action plan orders and directions) is amended as follows.
- (2) After subsection (4) there is inserted—
- “(4A) Subsection (4B) below applies where a court proposing to make an action plan order is satisfied—
- (a) that the offender is dependent on, or has a propensity to misuse, drugs, and
  - (b) that his dependency or propensity is such as requires and may be susceptible to treatment.
- (4B) Where this subsection applies, requirements included in an action plan order may require the offender for a period specified in the order (“the treatment period”) to submit to treatment by or under the direction of a specified person having the necessary qualifications and experience (“the treatment provider”) with a view to the reduction or elimination of the offender’s dependency on or propensity to misuse drugs.
- (4C) The required treatment shall be—
- (a) treatment as a resident in such institution or place as may be specified in the order, or
  - (b) treatment as a non-resident at such institution or place, and at such intervals, as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b) above.
- (4D) A requirement shall not be included in an action plan order by virtue of subsection (4B) above—
- (a) in any case, unless—
    - (i) the court is satisfied that arrangements have been or can be made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident), and
    - (ii) the requirement has been recommended to the court as suitable for the offender by an officer of a local probation board or by a member of a youth offending team; and

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- (b) in the case of an order made or to be made in respect of a person aged 14 or over, unless he consents to its inclusion.
- (4E) Subject to subsection (4F), an action plan order which includes a requirement by virtue of subsection (4B) above may, if the offender is aged 14 or over, also include a requirement (“a testing requirement”) that, for the purpose of ascertaining whether he has any drug in his body during the treatment period, the offender shall during that period, at such times or in such circumstances as may (subject to the provisions of the order) be determined by the responsible officer or the treatment provider, provide samples of such description as may be so determined.
- (4F) A testing requirement shall not be included in an action plan order by virtue of subsection (4E) above unless—
- (a) the offender is aged 14 or over and consents to its inclusion, and
  - (b) the court has been notified by the Secretary of State that arrangements for implementing such requirements are in force in the area proposed to be specified in the order
- (4G) A testing requirement shall specify for each month the minimum number of occasions on which samples are to be provided.
- (4H) An action plan order including a testing requirement shall provide for the results of tests carried out on any samples provided by the offender in pursuance of the requirement to a person other than the responsible officer to be communicated to the responsible officer.”

#### **Commencement Information**

**I445** Sch. 24 partly in force; Sch. 24 not in force at Royal Assent, see s. 336(3); Sch. 24 in force for certain purposes at 1.12.2004 by [S.I. 2004/3033](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)\(4\)](#))

- 2 (1) Schedule 6 to the Sentencing Act (requirements which may be included in supervision orders) is amended as follows.
- (2) In paragraph 1, after “6” there is inserted “,6A ”.
- (3) After paragraph 6 there is inserted—

#### **“Requirements as to drug treatment and testing**

- 6A (1) This paragraph applies where a court proposing to make a supervision order is satisfied—
- (a) that the offender is dependent on, or has a propensity to misuse, drugs, and
  - (b) that his dependency or propensity is such as requires and may be susceptible to treatment.
- (2) Where this paragraph applies, the court may include in the supervision order a requirement that the offender shall, for a period specified in the order (“the treatment period”), submit to treatment by or under the direction of a specified person having the necessary qualifications and experience (“the

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treatment provider”) with a view to the reduction or elimination of the offender’s dependency on or propensity to misuse drugs.

- (3) The required treatment shall be—
- (a) treatment as a resident in such institution or place as may be specified in the order, or
  - (b) treatment as a non-resident at such institution or place, and at such intervals, as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b) above.
- (4) A requirement shall not be included in a supervision order by virtue of sub-paragraph (2) above—
- (a) in any case, unless—
    - (i) the court is satisfied that arrangements have been or can be made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident), and
    - (ii) the requirement has been recommended to the court as suitable for the offender by an officer of a local probation board or by a member of a youth offending team; and
  - (b) in the case of an order made or to be made in respect of a person aged 14 or over, unless he consents to its inclusion.
- (5) Subject to sub-paragraph (6), a supervision order which includes a treatment requirement may also include a requirement (“a testing requirement”) that, for the purpose of ascertaining whether he has any drug in his body during the treatment period, the offender shall during that period, at such times or in such circumstances as may (subject to the provisions of the order) be determined by the supervisor or the treatment provider, provide samples of such description as may be so determined.
- (6) A testing requirement shall not be included in a supervision order by virtue of sub-paragraph (5) above unless—
- (a) the offender is aged 14 or over and consents to its inclusion, and
  - (b) the court has been notified by the Secretary of State that arrangements for implementing such requirements are in force in the area proposed to be specified in the order.
- (7) A testing requirement shall specify for each month the minimum number of occasions on which samples are to be provided.
- (8) A supervision order including a testing requirement shall provide for the results of tests carried out on any samples provided by the offender in pursuance of the requirement to a person other than the supervisor to be communicated to the supervisor.”

#### **Commencement Information**

**I446** Sch. 24 partly in force; Sch. 24 not in force at Royal Assent, see s. 336(3); Sch. 24 in force for certain purposes at 1.12.2004 by S.I. 2004/3033, **art. 2(1)(2)** (subject to **art. 2(3)(4)**)

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

- 3 In Schedule 7 to the Sentencing Act (breach, revocation and amendment of supervision orders), in paragraph 2(1), before “or 7” there is inserted “,6A ”.

**Commencement Information**

**I447** Sch. 24 partly in force; Sch. 24 not in force at Royal Assent, see s. 336(3); Sch. 24 in force for certain purposes at 1.12.2004 by [S.I. 2004/3033](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)\(4\)](#))

VALID FROM 28/03/2009

SCHEDULE 25

Section 280(1)

SUMMARY OFFENCES NO LONGER PUNISHABLE WITH IMPRISONMENT

PROSPECTIVE

*Vagrancy Act 1824 (c. 83)*

- 1 The offence under section 3 of the Vagrancy Act 1824 (idle and disorderly persons) of causing or procuring or encouraging any child or children to wander abroad, or place himself or herself in any public place, street, highway, court, or passage, to beg or gather alms.
- 2 The following offences under section 4 of that Act (rogues and vagabonds)—
- (a) the offence of going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence,
  - (b) the offence of being found in or upon any dwelling house, warehouse, coach-house, stable, or outhouse, or in any inclosed yard, garden, or area, for any unlawful purpose, and
  - (c) the offence of being apprehended as an idle and disorderly person, and violently resisting any constable, or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended.

PROSPECTIVE

*Railway Regulation Act 1842 (c. 55)*

- 3 An offence under section 17 of the Railway Regulation Act 1842 (punishment of railway employees guilty of misconduct).

*Status: Point in time view as at 06/04/2007.*

**Changes to legislation:** Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)

PROSPECTIVE

*London Hackney Carriages Act 1843 (c. 86)*

- 4 An offence under section 28 of the London Hackney Carriages Act 1843 (punishment for furious driving etc.).

PROSPECTIVE

*Town Police Clauses Act 1847 (c. 89)*

- 5 An offence under section 26 of the Town Police Clauses Act 1847 (unlawful release of impounded stray cattle).
- 6 An offence under section 28 of that Act (offences relating to obstructions and nuisances).
- 7 An offence under section 29 of that Act (drunken persons, etc. guilty of violent or indecent behaviour).
- 8 An offence under section 36 of that Act (keeping places for bear-baiting, cock-fighting etc.).

PROSPECTIVE

*Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)*

- 9 An offence under section 2 of the Ecclesiastical Courts Jurisdiction Act 1860 (making a disturbance in churches, chapels, churchyards, etc.).

PROSPECTIVE

*Town Gardens Protection Act 1863 (c. 13)*

- 10 An offence under section 5 of the Town Gardens Protection Act 1863 (injuring gardens).

PROSPECTIVE

*Public Stores Act 1875 (c. 25)*

- 11 An offence under section 8 of the Public Stores Act 1875 (sweeping, etc., near dockyards, artillery ranges, etc.).

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*North Sea Fisheries Act 1893 (c. 17)*

12            F72            .....

**Textual Amendments**

**F72** Sch. 25 para. 12 repealed (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 321, 324, [Sch. 22 Pt. 5\(C\)](#); S.I. 2010/298, arts. 2(2), 3, Sch. para. 12

13            F73            .....

**Textual Amendments**

**F73** Sch. 25 para. 13 repealed (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 321, 324, [Sch. 22 Pt. 5\(C\)](#); S.I. 2010/298, arts. 2(2), 3, Sch. para. 12

PROSPECTIVE

*Seamen's and Soldiers' False Characters Act 1906 (c. 5)*

14            F74            .....

**Textual Amendments**

**F74** Sch. 25 para. 14 repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), s. 1(1), {Sch. 1 Pt. 1 Group 4}

PROSPECTIVE

*Aliens Restriction (Amendment) Act 1919 (c. 92)*

15            An offence under section 3(2) of the Aliens Restriction (Amendment) Act 1919 (promoting industrial unrest).

PROSPECTIVE

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

16            An offence under section 4 of the Children and Young Persons Act 1933 (causing or allowing persons under sixteen to be used for begging).

*Status: Point in time view as at 06/04/2007.*

**Changes to legislation:** Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)

PROSPECTIVE

*Protection of Animals Act 1934 (c. 21)*

- 17 An offence under section 2 of the Protection of Animals Act 1934 (offences relating to the prohibition of certain public contests, performances, and exhibitions with animals).

PROSPECTIVE

*Public Health Act 1936 (c. 49)*

- 18 An offence under section 287 of the Public Health Act 1936 (power to enter premises).

PROSPECTIVE

*Essential Commodities Reserves Act 1938 (c. 51)*

- 19 An offence under section 4(2) of the Essential Commodities Reserves Act 1938 (enforcement).

PROSPECTIVE

*London Building Acts (Amendment) Act 1939 (c. xcvi)*

- 20 An offence under section 142 of the London Building Acts (Amendment) Act 1939 (power of Council and others to enter buildings etc).

PROSPECTIVE

*Cancer Act 1939 (c. 13)*

- 21 An offence under section 4 of the Cancer Act 1939 (prohibition of certain advertisements).

PROSPECTIVE

*Civil Defence Act 1939 (c. 31)*

- 22 An offence under section 77 of the Civil Defence Act 1939 (penalty for false statements).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

PROSPECTIVE

*Hill Farming Act 1946 (c. 73)*

- 23 An offence under section 19(2) or (3) of the Hill Farming Act 1946 (offences in relation to the control of rams).

PROSPECTIVE

*Polish Resettlement Act 1947 (c. 19)*

- 24 An offence under paragraph 7 of the Schedule to the Polish Resettlement Act 1947 (false representation or making a false statement).

PROSPECTIVE

*Agriculture Act 1947 (c. 48)*

- 25 An offence under section 14(7) of the Agriculture Act 1947, as remaining in force for the purposes of section 95 of that Act, (directions to secure good estate management and good husbandry).
- 26 An offence under section 95 of that Act (failure to comply with a direction to secure production).

PROSPECTIVE

*Civil Defence Act 1948 (c. 5)*

- 27 An offence under section 4 of the Civil Defence Act 1948 (powers as to land).

PROSPECTIVE

*Agricultural Wages Act 1948 (c. 47)*

- 28 [<sup>F75</sup>An offence under section 12 of the Agricultural Wages Act 1948 (hindering investigation of complaints etc.).]

**Textual Amendments**

- F75** Sch. 25 para. 28 repealed (1.10.2013 for E.) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 20 para. 2](#); S.I. 2013/1455, art. 3(b), [Sch. 2 \(with art. 4\(2\)\(4\)\)](#) (as amended (7.9.2013) by S.I. 2013/2271, art. 2)



*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Wireless Telegraphy Act 1949 (c. 54)*

29

F76

**Textual Amendments**

**F76** Sch. 25 para. 29 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 125(1), 126, [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

PROSPECTIVE

*Prevention of Damage by Pests Act 1949 (c. 55)*

30

An offence under section 22(5) of the Prevention of Damage by Pests Act 1949 (wrongful disclosure of information).

PROSPECTIVE

*Coast Protection Act 1949 (c. 74)*

31

An offence under section 25(9) of the Coast Protection Act 1949 (powers of entry and inspection).

PROSPECTIVE

*Pet Animals Act 1951 (c. 35)*

32

An offence under the Pet Animals Act 1951 (offences relating to licensing of pet shops and the sale of pets), other than one under section 4 of that Act.

PROSPECTIVE

*Cockfighting Act 1952 (c. 59)*

33

An offence under section 1 of the Cockfighting Act 1952 (possession of appliances for use in fighting of domestic fowl).

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

PROSPECTIVE

*Agricultural Land (Removal of Surface Soil) Act 1953 (c. 10)*

34 An offence under the Agricultural Land (Removal of Surface Soil) Act 1953 (removal of surface soil without planning permission).

PROSPECTIVE

*Accommodation Agencies Act 1953 (c. 23)*

35 An offence under section 1 of the Accommodation Agencies Act 1953 (illegal commissions and advertisements).

PROSPECTIVE

*Army Act 1955 (3 & 4 Eliz. 2 c. 18)*

36 F77 .....

**Textual Amendments**

F77 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

37 F78 .....

**Textual Amendments**

F78 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

38 F79 .....

**Textual Amendments**

F79 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

39 F80 .....

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

**Textual Amendments**

**F80** Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

40 **F81** .....

**Textual Amendments**

**F81** Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

41 **F82** .....

**Textual Amendments**

**F82** Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

42 **F83** .....

**Textual Amendments**

**F83** Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

*Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)*

43 An offence under section 19 of the Air Force Act 1955 (false answers in attestation paper).

44 An offence under section 161 of that Act (refusal to receive persons billeted, etc.).

45 An offence under section 171 of that Act (offences relating to the enforcement of provisions as to requisitioning).

46 An offence under section 191 of that Act (pretending to be a deserter).

*Status: Point in time view as at 06/04/2007.*

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47 An offence under section 193 of that Act (obstructing members of regular air force in execution of duty).

48 An offence under section 196 of that Act (illegal dealings in documents relating to pay, pensions, mobilisation etc.).

49 An offence under section 197 of that Act (unauthorised use of and dealing in decorations etc.).

*Naval Discipline Act 1957 (c. 53)*

50 An offence under section 96 of the Naval Discipline Act 1957 (false pretence of desertion or absence without leave).

51 An offence under section 99 of that Act (illegal dealings in official documents).

PROSPECTIVE

*Agricultural Marketing Act 1958 (c. 47)*

52 An offence under section 45 of the Agricultural Marketing Act 1958 (failure to comply with demand for information or knowingly making any false statement in reply thereto).

PROSPECTIVE

*Rivers (Prevention of Pollution) Act 1961 (c. 50)*

53 An offence under section 12(1) of the Rivers (Prevention of Pollution) Act 1961 (restriction of disclosure of information).

PROSPECTIVE

*Betting, Gaming and Lotteries Act 1963 (c. 2)*

54 <sup>F84</sup> .....

**Textual Amendments**

**F84** Sch. 25 para. 54 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 356(4), 358, [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), [art. 2\(4\)](#) (with [art. 6](#), [Sch. 4](#))

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

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

55 An offence under section 40 of the Children and Young Persons Act 1963 (offences relating to persons under 16 taking part in public performances etc.).

PROSPECTIVE

*Animal Boarding Establishments Act 1963 (c. 43)*

56 An offence under the Animal Boarding Establishments Act 1963 (offences in connection with the licensing and inspection of boarding establishments for animals), other than an offence under section 2 of that Act.

PROSPECTIVE

*Agriculture and Horticulture Act 1964 (c. 28)*

57 An offence under Part 3 of the Agriculture and Horticulture Act 1964 (offences relating to the grading and transport of fresh horticultural produce), other than an offence under section 15(1) of that Act.

PROSPECTIVE

*Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60)*

58 An offence under paragraph 1(3) or 2(4) of Schedule 1 to the Emergency Laws (Re-enactments and Repeals) Act 1964 (offences relating to the production of documents).

PROSPECTIVE

*Riding Establishments Act 1964 (c. 70)*

59 An offence under the Riding Establishments Act 1964 (offences relating to the keeping of riding establishments), other than an offence under section 2(4) of that Act.

PROSPECTIVE

*Industrial and Provident Societies Act 1965 (c. 12)*

*Status: Point in time view as at 06/04/2007.*

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**Textual Amendments**

**F85** Sch. 25 para. 60 repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 7](#) (with [Sch. 5](#))

<sup>F86</sup>61 .....

**Textual Amendments**

**F86** Sch. 25 para. 61 repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 7](#) (with [Sch. 5](#))

PROSPECTIVE

*Cereals Marketing Act 1965 (c. 14)*

62 An offence under section 17(1) of the Cereals Marketing Act 1965 (failure to comply with a requirement of a scheme).

PROSPECTIVE

*Gas Act 1965 (c. 36)*

63 An offence under paragraph 9 of Schedule 6 to the Gas Act 1965 (wrongful disclosure of information).

PROSPECTIVE

*Armed Forces Act 1966 (c. 45)*

64 An offence under section 8 of the Armed Forces Act 1966 (false statements on entry into Royal Navy).

PROSPECTIVE

*Agriculture Act 1967 (c. 22)*

65 An offence under section 6(9) of the Agriculture Act 1967 (compulsory use of systems of classification of carcasses).

66 An offence under section 14(2) of that Act (levy schemes: requirements in relation to registration, returns and records).

67 An offence under section 69 of that Act (false statements to obtain grants etc).

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Sea Fisheries (Shellfish) Act 1967 (c. 83)*

68 An offence under section 14(2) of the Sea Fisheries (Shellfish) Act 1967 (offences relating to the deposit and importation of shellfish).

PROSPECTIVE

*Theatres Act 1968 (c. 54)*

69 An offence under section 13(1) or (2) of the Theatres Act 1968 (offences relating to licensing of premises for public performances of plays).

PROSPECTIVE

*Theft Act 1968 (c. 60)*

70 <sup>F87</sup> .....

**Textual Amendments**

**F87** Sch. 15 para. 70 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 321, 324, [Sch. 22 Pt. 5\(B\)](#); S.I. 2009/3345, [art. 2](#), Sch. para. 27

PROSPECTIVE

*Agriculture Act 1970 (c. 40)*

71 An offence under section 106(8) of the Agriculture Act 1970 (eradication of brucellosis: obstructing or impeding an officer in the exercise of powers to obtain information).

PROSPECTIVE

*Breeding of Dogs Act 1973 (c. 60)*

<sup>F88</sup>72 .....

*Status: Point in time view as at 06/04/2007.*

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**Textual Amendments**

**F88** Sch. 25 para. 72 omitted (1.10.2018) by virtue of [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 \(S.I. 2018/486\)](#), reg. 1(1)(b), **Sch. 9 para. 14** (with reg. 27)

PROSPECTIVE

*Slaughterhouses Act 1974 (c. 3)*

73 An offence under section 4(5) of the Slaughterhouses Act 1974 (knacker's yard licences and applications for such licences).

PROSPECTIVE

*National Health Service Act 1977 (c. 49)*

74 **F89** .....

**Textual Amendments**

**F89** Sch. 25 para. 74 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 4-6, 8, **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

PROSPECTIVE

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

75 An offence under section 84(3) of the Magistrates' Courts Act 1980 (making of false statement as to means).

PROSPECTIVE

*Animal Health Act 1981 (c. 22)*

76 An offence under paragraph 6 of Schedule 1 to the Animal Health Act 1981 (offences relating to the manufacture of veterinary therapeutic substances).



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PROSPECTIVE

*Fisheries Act 1981 (c. 29)*

77 An offence under section 5(4) of the Fisheries Act 1981 (alteration of records or furnishing false information).

PROSPECTIVE

*Civil Aviation Act 1982 (c. 16)*

78 An offence under section 82 of the Civil Aviation Act 1982 (using an aircraft for advertising, etc.).

PROSPECTIVE

*Mental Health Act 1983 (c. 20)*

79 An offence under section 103 of the Mental Health Act 1983 (wrongful disclosure of a report made by a Visitor).

80 An offence under section 129 of that Act (obstruction).

PROSPECTIVE

*Building Act 1984 (c. 55)*

81 An offence under section 96(3) of the Building Act 1984 (wrongful disclosure of information).

PROSPECTIVE

*Surrogacy Arrangements Act 1985 (c. 49)*

82 An offence under section 2 of the Surrogacy Arrangements Act 1985 (negotiating surrogacy arrangements on a commercial basis, etc.).

PROSPECTIVE

*Animals (Scientific Procedures) Act 1986 (c. 14)*

83 An offence under section 22(3), 23 or 25(3) of the Animals (Scientific Procedures) Act 1986 (false statements and offences in relation to powers of entry).

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Motor Cycle Noise Act 1987 (c. 34)*

- 84 An offence under paragraph 1 of Schedule 1 to the Motor Cycle Noise Act 1987 (supply of exhaust systems etc. not complying with prescribed requirements).

PROSPECTIVE

*Human Organ Transplants Act 1989 (c. 31)*

- 85 An offence under section 2 of the Human Organ Transplants Act 1989 (restrictions on organ transplants).

PROSPECTIVE

*Town and Country Planning Act 1990 (c. 8)*

- 86 An offence under paragraph 14(4) of Schedule 15 to the Town and Country Planning Act 1990 (wrongful disclosure of information).

PROSPECTIVE

*Environmental Protection Act 1990 (c. 43)*

- 87 An offence under section 118(1)(g), (h) or (i) of the Environmental Protection Act 1990 (offences relating to inspection of genetically modified organisms).

PROSPECTIVE

*Criminal Justice Act 1991 (c. 53)*

- 88 An offence under section 20A of the Criminal Justice Act 1991 (false statements as to financial circumstances).

PROSPECTIVE

*Deer Act 1991 (c. 54)*

- 89 An offence under section 10(3) of the Deer Act 1991 (offences relating to sale and purchase etc. of venison).

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Water Industry Act 1991 (c. 56)*

- 90 An offence under section 206(2) of the Water Industry Act 1991 (wrongful disclosure of information).
- 91 An offence that falls within paragraph 5(5) of Schedule 6 to that Act (wrongful disclosure of information).

PROSPECTIVE

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

- 92 An offence under section 105 of the Social Security Administration Act 1992 (failure of person to maintain himself or another).
- 93 An offence under section 182 of that Act (illegal possession of documents).

PROSPECTIVE

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

- 94 An offence under section 27(5) of the Local Government Finance Act 1992 (false statements in relation to properties).

PROSPECTIVE

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 95 An offence under section 240 of the Trade Union and Labour Relations (Consolidation) Act 1992 (breach of contract involving injury to persons or property).

PROSPECTIVE

*Merchant Shipping Act 1995 (c. 21)*

- 96 An offence under section 57 of the Merchant Shipping Act 1995 (offences relating to merchant navy uniforms).

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Reserve Forces Act 1996 (c. 14)*

- 97 An offence under section 75(5) of the Reserve Forces Act 1996 (making false statements).
- 98 An offence under section 82(1) of that Act (offences in connection with regulations under sections 78 and 79 of that Act).
- 99 An offence under section 87(1) of that Act (offences in connection with claims for payment).
- 100 An offence under section 99 of that Act (false pretence of illegal absence).
- 101 An offence under paragraph 5(1) of Schedule 1 to that Act (false answers in attestation papers).

PROSPECTIVE

*Housing Act 1996 (c. 52)*

- 102 An offence under paragraph 23 or 24 of Schedule 1 to the Housing Act 1996 (contravening order not to part with money etc. held on behalf of a social landlord).

PROSPECTIVE

*Broadcasting Act 1996 (c. 55)*

- 103 An offence under section 144 of the Broadcasting Act 1996 (providing false information in connection with licences).

PROSPECTIVE

*Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)*

- 104 An offence under section 8 or 9(6) of the Breeding and Sale of Dogs (Welfare) Act 1999 (offences relating to the sale of dogs and connected matters).

PROSPECTIVE

*Transport Act 2000 (c. 38)*

- 105 An offence under section 82(2) of the Transport Act 2000 (wrongful disclosure of information).

*Status: Point in time view as at 06/04/2007.*

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VALID FROM 06/04/2009

SCHEDULE 26

Section 280(2)

INCREASE IN MAXIMUM TERM FOR CERTAIN SUMMARY OFFENCES

PROSPECTIVE

*Railway Regulation Act 1840 (c. 97)*

- 1 In section 16 of the Railway Regulation Act 1840 (obstructing officers or trespassing upon railway), for “one month”, there is substituted “51 weeks”.

PROSPECTIVE

*Licensing Act 1872 (c. 94)*

- 2 In section 12 of the Licensing Act 1872 (penalty for being found drunk), for “one month” there is substituted “51 weeks”.

PROSPECTIVE

*Regulation of Railways Act 1889 (c. 57)*

- 3 In section 5 of the Regulation of Railways Act 1889 (avoiding payment of fares, etc.), in subsection (3), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Witnesses (Public Inquiries) Protection Act 1892 (c. 64)*

- 4 In section 2 of the Witnesses (Public Inquiries) Protection Act 1892 (persons obstructing or intimidating witnesses), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Licensing Act 1902 (c. 28)*

- 5 In section 2 of the Licensing Act 1902 (penalty for being drunk while in charge of a child), in subsection (1), for “one month” there is substituted “51 weeks”.

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Emergency Powers Act 1920 (c. 55)*

- 6 In section 2 of the Emergency Powers Act 1920 (emergency regulations), in subsection (3), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Judicial Proceedings (Regulation of Reports) Act 1926 (c. 61)*

- 7 In section 1 of the Judicial Proceedings (Regulation of Reports) Act 1926 (restriction on publication of reports of judicial proceedings), in subsection (2), for “four months” there is substituted “51 weeks”.

PROSPECTIVE

*Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)*

- 8 In section 7 of the Public Order Act 1936 (enforcement), in subsection (2), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Cinematograph Films (Animals) Act 1937 (c. 59)*

- 9 In section 1 of the Cinematograph Films (Animals) Act 1937 (prohibition of films involving cruelty to animals), in subsection (3), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*House to House Collections Act 1939 (c. 44)*

- 10 In section 8 of the House to House Collections Act 1939, in subsection (2), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Fire Services Act 1947 (c. 41)*

- 11 In section 31 of the Fire Services Act 1947 (false alarms of fire), in subsection (1), for “three months” there is substituted “51 weeks”.

*Status: Point in time view as at 06/04/2007.*

**Changes to legislation:** Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)

*National Assistance Act 1948 (c. 29)*

- 12 (1) The National Assistance Act 1948 is amended as follows.
- (2) In section 51 (failure to maintain), in subsection (3)(a) and (b), for “three months” there is substituted “51 weeks”.
- (3) In section 52 (false statements), in subsection (1), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Docking and Nicking of Horses Act 1949 (c. 70)*

- 13 (1) The Docking and Nicking of Horses Act 1949 is amended as follows.
- (2) In section 1 (prohibition of docking and nicking except in certain cases), in subsection (3), for “three months” there is substituted “51 weeks”.
- (3) In section 2 (restriction on landing docked horses)—
- (a) in subsection (3), and
- (b) in subsection (4),
- for “3 months” there is substituted “51 weeks”.

PROSPECTIVE

*Protection of Animals (Amendment) Act 1954 (c. 40)*

- 14 In section 2 of the Protection of Animals (Amendment) Act 1954 (breach of disqualification order), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Children and Young Persons (Harmful Publications) Act 1955 (c. 28)*

- 15 In section 2 of the Children and Young Persons (Harmful Publications) Act 1955 (penalty for publishing certain works etc.), in subsection (1), for “four months” there is substituted “51 weeks”.

PROSPECTIVE

*Agriculture Act 1957 (c. 57)*

- 16 In section 7 of the Agriculture Act 1957 (penalties)—
- (a) in subsection (1), for “three months” there is substituted “51 weeks”, and

*Status: Point in time view as at 06/04/2007.*

**Changes to legislation:** *Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

(b) in subsection (2), for “one month” there is substituted “51 weeks “.

PROSPECTIVE

*Animals (Cruel Poisons) Act 1962 (c. 26)*

17 In section 1 of the Animals (Cruel Poisons) Act 1962 (offences and penalties under regulations), in paragraph (b), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Plant Varieties and Seeds Act 1964 (c. 14)*

18 In section 27 of the Plant Varieties and Seeds Act 1964 (tampering with samples), in subsection (1), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Agriculture Act 1967 (c. 22)*

19 F90 .....

**Textual Amendments**

**F90** Sch. 26 para. 19 repealed (1.4.2008) by [The Agriculture and Horticulture Development Board Order 2008 \(S.I. 2008/576\)](#), arts. 1(3), 18, **Sch. 5 para. 7** (with Sch. 4 para. 10)

PROSPECTIVE

*Firearms Act 1968 (c. 27)*

- 20 (1) Part 1 of Schedule 6 to the Firearms Act 1968 (prosecution and punishment of offences) is amended as follows.
- (2) In the entry relating to section 3(6) of that Act (business and other transactions with firearms and ammunition), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (3) In the entry relating to section 6(3) of that Act (power to prohibit movement of arms and ammunition), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (4) In the entry relating to section 20(2) of that Act (trespassing with firearm), in the fourth column, for “3 months” there is substituted “51 weeks. “.



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- (5) In the entry relating to section 22(1A) of that Act (acquisition and possession of firearms by minors), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (6) In the entry relating to section 25 of that Act (supplying firearm to person drunk or insane), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (7) In the entry relating to section 32C(6) of that Act (variation endorsement etc. of European documents), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (8) In the entry relating to section 42A of that Act (information as to transactions under visitors' permits), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (9) In the entry relating to section 47(2) of that Act (powers of constables to stop and search), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (10) In the entry relating to section 49(3) of that Act (police powers in relation to arms traffic), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”

PROSPECTIVE

*Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)*

- 21 In section 7 of the Agriculture (Miscellaneous Provisions) Act 1968 (punishment of offences under Part 1), in subsection (1), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Agriculture Act 1970 (c. 40)*

- 22 (1) The Agriculture Act 1970 is amended as follows.
- (2) In section 68 (duty to give statutory statement), in subsection (4), for “three months” there is substituted “51 weeks “.
  - (3) In section 69 (marking of material prepared for sale), in subsection (4), for “three months” there is substituted “51 weeks “.
  - (4) In section 70 (use of names or expressions with prescribed meanings), in subsection (2), for “three months” there is substituted “51 weeks “.
  - (5) In section 71 (particulars to be given of attributes if claimed to be present), in subsection (2), for “three months” there is substituted “51 weeks “.
  - (6) In section 73 (deleterious ingredients in feeding stuff), in subsection (4), for “three months” there is substituted “51 weeks “.
  - (7) In section 73A (unwholesome feeding stuff), in subsection (4), for “three months” there is substituted “51 weeks “.

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- (8) In section 74A (regulations controlling the contents of feeding stuff), in subsection (3), for “three months” there is substituted “51 weeks”.
- (9) In section 79 (supplementary provision relating to samples and analysis), in subsection (10), for “three months” there is substituted “51 weeks”.
- (10) In section 83 (exercise of powers by inspectors), in subsection (3), for “three months” there is substituted “51 weeks”.
- (11) In section 106 (eradication of brucellosis), in subsection (7), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Slaughterhouses Act 1974 (c. 3)*

- 23 (1) The Slaughterhouses Act 1974 is amended as follows.
- (2) In section 20 (wrongful disclosure of information), in subsection (4), for “three months” there is substituted “51 weeks”.
  - (3) In section 21 (obstruction), in subsection (1), for “one month” there is substituted “51 weeks”.
  - (4) In section 23 (prosecution and punishment of offences), in subsection (2)(a), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Criminal Law Act 1977 (c. 45)*

- 24 In section 8 of the Criminal Law Act 1977 (trespassing with a weapon of offence), in subsection (3), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Refuse Disposal (Amenity) Act 1978 (c. 3)*

- 25 In section 2 of the Refuse Disposal (Amenity) Act 1978 (penalty for unauthorised dumping), in subsection (1), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Customs and Excise Management Act 1979 (c. 2)*

- 26 (1) The Customs and Excise Management Act 1979 is amended as follows.

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- (2) In section 21 (control of movement of aircraft), in subsection (6), for “3 months” there is substituted “51 weeks “.
- (3) In section 33 (power to inspect aircraft etc.), in subsection (4), for “3 months” there is substituted “51 weeks “.
- (4) In section 34 (power to prevent flight of aircraft)—
  - (a) in subsection (2), and
  - (b) in subsection (3),for “3 months” there is substituted “51 weeks “.

PROSPECTIVE

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

- 27 In section 2 of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (penalty for non-compliance with an exclusion order), in subsection (1), for “one month” there is substituted “ 51 weeks ”.

PROSPECTIVE

*Criminal Attempts Act 1981 (c. 47)*

- 28 In section 9 of the Criminal Attempts Act 1981 (interference with vehicles), in subsection (3), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*British Nationality Act 1981 (c. 61)*

- 29 In section 46 of the British Nationality Act 1981 (offences and proceedings), in subsection (1) for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Civil Aviation Act 1982 (c. 16)*

- 30 (1) The Civil Aviation Act 1982 is amended as follows.
- (2) In section 44 (offences relating to the power to obtain rights over land), in subsection (10), for “three months” there is substituted “ 51 weeks ”
  - (3) In section 75 (investigation of accidents), in subsection (5), for “three months” there is substituted “ 51 weeks ”

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## PROSPECTIVE

*Anatomy Act 1984 (c. 14)*

- 31 In section 11 of the Anatomy Act 1984 (offences), in subsection (6), for “3 months” there is substituted “51 weeks”.

## PROSPECTIVE

*Public Health (Control of Disease) Act 1984 (c. 22)*

- 32 (1) The Public Health (Control of Disease) Act 1984 is amended as follows.
- (2) In section 29 (letting of house after recent case of notifiable disease), in subsection (1), for “one month” there is substituted “51 weeks”.
- (3) In section 30 (duty on ceasing to occupy house after recent case of notifiable disease), in subsection (1), for “one month” there is substituted “51 weeks”.
- (4) In section 62 (powers of entry), in subsection (3), for “3 months” there is substituted “51 weeks”.

## PROSPECTIVE

*County Courts Act 1984 (c. 28)*

- 33 (1) The County Courts Act 1984 is amended as follows.
- (2) In section 14 (penalty for assaulting officers), in subsection (1)(a), for “3 months” there is substituted “51 weeks”.
- (3) In section 92 (penalty for rescuing goods seized), in subsection (1)(a), for “one month” there is substituted “51 weeks”.

## PROSPECTIVE

*Animal Health and Welfare Act 1984 (c. 40)*

- 34 In section 10 of the Animal Health and Welfare Act 1984 (artificial breeding of livestock), in subsection (6), for “three months” there is substituted “51 weeks”.

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PROSPECTIVE

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

- 35 In section 63C of the Police and Criminal Evidence Act 1984 (testing for presence of drugs), in subsection (1), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)*

- 36 In section 8 of the Sporting Events (Control of Alcohol etc.) Act 1985 (penalties for offences), in paragraph (b), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Public Order Act 1986 (c. 64)*

- 37 (1) The Public Order Act 1986 is amended as follows.
- (2) In section 12 (imposing conditions on public processions)—
- (a) in subsection (8), and
  - (b) in subsection (10),
- for “3 months” there is substituted “51 weeks “.
- (3) In section 13 (prohibiting public processions)—
- (a) in subsection (11), and
  - (b) in subsection (13),
- for “3 months” there is substituted “51 weeks “.
- (4) In section 14 (imposing conditions on public assemblies)—
- (a) in subsection (8), and
  - (b) in subsection (10),
- for “3 months” there is substituted “51 weeks “.
- (5) In section 14B (offences in connection with trespassory assemblies and arrest therefor)—
- (a) in subsection (5), and
  - (b) in subsection (7),
- for “3 months” there is substituted “51 weeks “.

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PROSPECTIVE

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

- 38 (1) Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offenders) is amended as follows.
- (2) In the entry relating to section 4(2) of the Road Traffic Act 1988 (driving, or being in charge, when under the influence of drink or drugs), in column 4, for “3 months” there is substituted “51 weeks “.
- (3) In the entry relating to section 5(1)(b) of that Act (driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit), in column 4, for “3 months” there is substituted “51 weeks “.
- (4) In the entry relating to section 7 of that Act (provision of specimens for analysis), in column 4, for “3 months” there is substituted “51 weeks “.
- (5) In the entry relating to section 7A of that Act (failing to allow specimen to be subjected to analysis), in column 4, for “3 months” there is substituted “51 weeks “.

PROSPECTIVE

*Official Secrets Act 1989 (c. 6)*

- 39 In section 10 of the Official Secrets Act 1989 (penalties), in subsection (2), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Human Organ Transplants Act 1989 (c. 31)*

- 40 In section 1 of the Human Organ Transplants Act 1989 (prohibition of commercial dealings in human organs), in subsection (5), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Football Spectators Act 1989 (c. 37)*

- 41 **F91** .....

**Textual Amendments**

**F91** Sch. 26 para. 41 repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 65, 66(2), [Sch. 5](#); S.I. 2007/858, [art. 2\(m\)\(n\)\(xvii\)](#)

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Food Safety Act 1990 (c. 16)*

- 42 In section 35 of the Food Safety Act 1990 (punishment of offences), in subsection (1), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

*Deer Act 1991 (c. 54)*

- 43 In section 9 of the Deer Act 1991 (penalties for offences relating to deer), in subsection (1), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

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

- 44 In section 112 of the Social Security Administration Act 1992 (false representations for obtaining benefit etc.), in subsection (2), for “3 months” there is substituted “51 weeks”.

PROSPECTIVE

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

- 45 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 60 (failing to stop), in subsection (8), for “one month” there is substituted “51 weeks”.
- (3) In section 60AA (powers to require removal of disguises), in subsection (7), for “one month” there is substituted “51 weeks”.
- (4) In section 61 (power to remove trespasser on land), in subsection (4), for “three months” there is substituted “51 weeks”.
- (5) In section 62B (failure to comply with direction under section 62A: offences), in subsection (3), for “3 months” there is substituted “51 weeks”.
- (6) In section 63 (powers to remove persons attending or preparing for a rave), in subsections (6) and (7B), for “three months” there is substituted “51 weeks”.
- (7) In section 68 (offence of aggravated trespass), in subsection (3), for “three months” there is substituted “51 weeks”.
- (8) In section 69 (powers to remove persons committing or participating in aggravated trespass), in subsection (3), for “three months” there is substituted “51 weeks”.

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PROSPECTIVE

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

- 46 In section 24 of the London Local Authorities Act 1995 (enforcement), in subsection (1), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Police Act 1996 (c. 16)*

- 47 In section 89 of the Police Act 1996 (assaults on constables etc.), in subsection (2), for “one month” there is substituted “51 weeks “.

PROSPECTIVE

*Treasure Act 1996 (c. 24)*

- 48 In section 8 of the Treasure Act 1996 (duty of finder of treasure to notify coroner), in subsection (3)(a), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

*Education Act 1996 (c. 56)*

- 49 (1) The Education Act 1996 is amended as follows.
- (2) In section 444 (failure to secure regular attendance at school), in subsection (8A)(b), for “three months” there is substituted “51 weeks “.
- (3) In section 559 (prohibition or restriction on employment of children), in subsection (4)(b), for “one month” there is substituted “51 weeks “.

PROSPECTIVE

*Government of Wales Act 1998 (c. 38)*

- 50 <sup>F92</sup> .....

**Textual Amendments**

- F92** Sch. 26 para. 50 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for



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specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

PROSPECTIVE

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

F93 51

**Textual Amendments**

**F93** Sch. 26 para. 51 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

PROSPECTIVE

*Greater London Authority Act 1999 (c. 29)*

52

In section 64 of the Greater London Authority Act 1999 (failure to attend proceedings etc), in subsection (2)(b), for "three months" there is substituted "51 weeks".

PROSPECTIVE

*Immigration and Asylum Act 1999 (c. 33)*

53

- (1) The Immigration and Asylum Act 1999 is amended as follows.
- (2) In section 105 (false representation), in subsection (2), for "three months" there is substituted "51 weeks".
- (3) In section 108 (failure of sponsor to maintain), in subsection (2), for "3 months" there is substituted "51 weeks".

PROSPECTIVE

*Financial Services and Markets Act 2000 (c. 8)*

54

- (1) The Financial Services and Markets Act 2000 is amended as follows.
- (2) In section 177 (offences), in subsection (6), for "three months" there is substituted "51 weeks".
- (3) In section 352 (offences), in subsection (5), for "three months" there is substituted "51 weeks".

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## PROSPECTIVE

*Terrorism Act 2000 (c. 11)*

- 55 (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 36 (police powers), in subsection (4)(a), for “three months” there is substituted “51 weeks “.
- (3) In section 51 (offences in relation to parking), in subsection (6)(a), for “three months” there is substituted “51 weeks “.
- (4) In Schedule 5 (terrorist investigations: information)—
- (a) in paragraph 3(8)(a), and
  - (b) in paragraph 15(5)(a),
- for “three months” there is substituted “51 weeks “.
- (5) In Schedule 7 (ports and border controls), in paragraph 18(2)(a), for “three months” there is substituted “51 weeks “.

## PROSPECTIVE

*Criminal Justice and Police Act 2001 (c. 16)*

- 56 (1) The Criminal Justice and Police Act 2001 is amended as follows.
- (2) In section 25 (enforcement of closure orders)—
- (a) in subsection (3)(a), for “one month” there is substituted “ 51 weeks ”, and
  - (b) in subsections (4) and (5), for “three months” there is substituted “ 51 weeks ”.
- (3) In section 42 (prevention of intimidation), in subsection (7), for “three months” there is substituted “ 51 weeks ”.

## PROSPECTIVE

*Police Reform Act 2002 (c. 30)*

- 57 In section 46 of the Police Reform Act 2002 (offences against designated and accredited persons etc.), in subsection (2), for “one month” there is substituted “51 weeks “.

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

58 In section 137 of the Nationality, Immigration and Asylum Act 2002 (offences relating to the disclosure of information), in subsection (2)(a), for “three months” there is substituted “ 51 weeks ”.

PROSPECTIVE

*Anti-social Behaviour Act 2003 (c. 38)*

F94 59 .....

**Textual Amendments**

**F94** Sch. 26 para. 59 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(cc)(viii) (as renumbered (20.10.2014) by [S.I. 2014/2754](#), arts. 1, 3(b))

VALID FROM 02/05/2022

SCHEDULE 27

Section 283

ENABLING POWERS: ALTERATION OF MAXIMUM PENALTIES ETC.

PROSPECTIVE

*Plant Health Act 1967 (c. 8)*

- 1 (1) Section 3 of the Plant Health Act 1967 (control of spread of pests in Great Britain) is amended as follows.
- (2) In subsection (4A), for “three months” there is substituted “ the prescribed term ”.
- (3) After that subsection there is inserted—
- “(4B) In subsection (4A) above, “the prescribed term” means—
- (a) in relation to England and Wales, 51 weeks;
- (b) in relation to Scotland, three months.”

*Status: Point in time view as at 06/04/2007.*

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PROSPECTIVE

*Agriculture Act 1967 (c. 22)*

2

F95

**Textual Amendments**

**F95** Sch. 27 para. 2 repealed (1.4.2008) by [The Agriculture and Horticulture Development Board Order 2008 \(S.I. 2008/576\)](#), arts. 1(3), 18, **Sch. 5 para. 7** (with Sch. 4 para. 10)

PROSPECTIVE

F96 ...

**Textual Amendments**

**F96** Sch. 27 para. 3 and cross-heading repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), reg. 1(3), **Sch.** (with reg. 9(2))

F963

PROSPECTIVE

*Slaughterhouses Act 1974 (c. 3)*

4

In section 38(5) of the Slaughterhouses Act 1974 (maximum penalties to be prescribed by regulations), the words “or imprisonment for a term of three months or both” are omitted.

PROSPECTIVE

*Anatomy Act 1984 (c. 14)*

5

(1) Section 11 of the Anatomy Act 1984 (offences) is amended as follows.

(2) In subsection (7), for “3 months” there is substituted “the prescribed term”.

(3) After that subsection there is inserted—

“(7A) In subsection (7), “the prescribed term” means—

- (a) in relation to England and Wales, 51 weeks;
- (b) in relation to Scotland, 3 months.”

*Status: Point in time view as at 06/04/2007.*

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*Environmental Protection Act 1990 (c. 43)*

- 6
- (1) Section 141 of the Environmental Protection Act 1990 (power to prohibit or restrict the importation or exportation of waste) is amended as follows.
  - (2) In paragraph (g) of subsection (5), for “six months” there is substituted “ the prescribed term ”.
  - (3) After that subsection there is inserted—
    - “(5A) In subsection (5)(g), “the prescribed term” means—
      - (a) in relation to England and Wales, where the offence is a summary offence, 51 weeks;
      - (b) in relation to England and Wales, where the offence is triable either way, twelve months;
      - (c) in relation to Scotland and Northern Ireland, six months.”

*Scotland Act 1998 (c. 46)*

- 7
- (1) Section 113 of the Scotland Act 1998 (subordinate legislation: scope of powers) is amended as follows.
  - (2) In paragraph (a) of subsection (10), for “three months” there is substituted “ the prescribed term ”.
  - (3) After that subsection there is inserted—
    - “(10A) In subsection (10)(a), “the prescribed term” means—
      - (a) in relation to England and Wales, where the offence is a summary offence, 51 weeks;
      - (b) in relation to England and Wales, where the offence is triable either way, twelve months;
      - (c) in relation to <sup>F97</sup>... Northern Ireland, three months.”

**Textual Amendments**

**F97** Words in Sch. 27 para. 7(3) omitted (31.10.2012) by virtue of [Scotland Act 2012 \(c. 11\)](#), ss. [39\(5\)](#), [44\(5\)](#); [S.I. 2012/2516](#), art. 2(e)

PROSPECTIVE

*Regulatory Reform Act 2001 (c. 6)*

- 8 <sup>F98</sup> .....

**Textual Amendments**

**F98** Sch. 27 para. 8 repealed (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), ss. [30\(1\)](#), [33](#), [Sch.](#) (with s. [30\(2\)-\(5\)](#))

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## SCHEDULE 28

Section 284

## INCREASE IN PENALTIES FOR DRUG-RELATED OFFENCES

*Misuse of Drugs Act 1971 (c. 38)*

- 1 (1) Schedule 4 to the Misuse of Drugs Act 1971 (prosecution and punishment of offences) is amended as follows.
- (2) In column 6 of that Schedule (punishments for offences under that Act committed in relation to Class C drugs), in each of the following entries, for “5 years” there is substituted “ 14 years ”.
- (3) Those entries are the entries relating to the punishment, on conviction on indictment, of offences under the following provisions of that Act—
- (a) section 4(2) (production, or being concerned in the production, of a controlled drug),
  - (b) section 4(3) (supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another),
  - (c) section 5(3) (having possession of a controlled drug with intent to supply it to another),
  - (d) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there),
  - (e) section 12(6) (contravention of direction prohibiting practitioner etc from possessing, supplying etc controlled drugs), and
  - (f) section 13(3) (contravention of direction prohibiting practitioner etc from prescribing, supplying etc controlled drugs).

*Customs and Excise Management Act 1979 (c. 2)*

- 2 In Schedule 1 to the Customs and Excise Management Act 1979 (controlled drugs: variation of punishments for certain offences under that Act), in paragraph 2(c) (punishment on conviction on indictment of offences under that Act committed in relation to Class C drugs), for “5 years” there is substituted “ 14 years ”.

*Criminal Justice (International Co-operation) Act 1990 (c. 5)*

- 3 In section 19 of the Criminal Justice (International Co-operation) Act 1990 (ships used for illicit traffic), in subsection (4)(c)(ii) (punishment on conviction on indictment of offences under that section committed in relation to Class C drugs), for “five years” there is substituted “ fourteen years ”.

.....

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#### Textual Amendments

**F99** Sch. 29 repealed (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(2), [Sch. 8](#) (with art. 81); S.R. 2005/4, [art. 3](#) (with arts. 4-7)

## **F100** SCHEDULE 30

Section 299

### DISQUALIFICATION FROM WORKING WITH CHILDREN

#### Textual Amendments

**F100** Sch. 30 repealed (prosp.) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), ss. 63(2), 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5))

- 1 The Criminal Justice and Court Services Act 2000 (c. 43) is amended as follows.  
2 After section 29 there is inserted—

#### **“29A Disqualification at discretion of court: adults and juveniles**

- (1) This section applies where—
- an individual is convicted of an offence against a child (whether or not committed when he was aged 18 or over),
  - the individual is sentenced by a senior court, and
  - no qualifying sentence is imposed in respect of the conviction.
- (2) If the court is satisfied, having regard to all the circumstances, that it is likely that the individual will commit a further offence against a child, it may order the individual to be disqualified from working with children.
- (3) If the court makes an order under this section, it must state its reasons for doing so and cause those reasons to be included in the record of the proceedings.

#### **29B Subsequent application for order under section 28 or 29**

- (1) Where—
- section 28 applies but the court has neither made an order under that section nor complied with subsection (6) of that section, or
  - section 29 applies but the court has not made an order under that section, and it appears to the prosecutor that the court has not considered the making of an order under that section,
- the prosecutor may at any time apply to that court for an order under section 28 or 29.
- (2) Subject to subsection (3), on an application under subsection (1)—
- in a case falling within subsection (1)(a), the court—
    - must make an order under section 28 unless it is satisfied as mentioned in subsection (5) of that section, and

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- (ii) if it does not make an order under that section, must comply with subsection (6) of that section,
  - (b) in a case falling within subsection (1)(b), the court—
    - (i) must make an order under section 29 if it is satisfied as mentioned in subsection (4) of that section, and
    - (ii) if it does so, must comply with subsection (5) of that section.
  - (3) Subsection (2) does not enable or require an order under section 28 or 29 to be made where the court is satisfied that it had considered the making of an order under that section at the time when it imposed the qualifying sentence or made the relevant order.”
- 3 (1) Section 30 (supplemental provisions) is amended as follows.
- (2) In the heading for “and 29” there is substituted “ to 29B ”.
- (3) In subsection (1)—
- (a) for “and 29” there is substituted “ to 29B ”, and
  - (b) in the definition of “qualifying sentence”, after paragraph (d) there is inserted—
    - “(dd) a sentence of detention under section 226 or 228 of the Criminal Justice Act 2003.”.
- (4) In subsection (5)—
- (a) in paragraph (a), for “or 29” there is substituted “ , 29 or 29A ”,
  - (b) after paragraph (b) there is inserted—
    - “(c) in relation to an individual to whom section 29A applies and on whom a sentence has been passed, references to his sentence are to that sentence.”
- 4 In section 31 (appeals), in subsection (1), after paragraph (b) there is inserted—
- “(c) where an order is made under section 29A, as if the order were a sentence passed on him for the offence of which he has been convicted.”
- 5 (1) Section 33 (conditions for application under section 32) is amended as follows.
- (2) In subsection (6), after paragraph (d) there is inserted—
- “(e) in relation to an individual not falling within any of paragraphs (a) to (d), the day on which the disqualification order is made.”.
- (3) For subsection (8) there is substituted—
- “(8) In subsection (7) “detention” means detention (or detention and training)—
    - (a) under any sentence or order falling within paragraphs (b) to (f) of the definition of “qualifying sentence” in section 30(1), or
    - (b) under any sentence or order which would fall within those paragraphs if it were for a term or period of 12 months or more.”.



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PROSPECTIVE

SCHEDULE 31

Section 300

DEFAULT ORDERS: MODIFICATION OF PROVISIONS RELATING TO COMMUNITY ORDERS

*General*

- 1 Any reference to the offender is, in relation to a default order, to be read as a reference to the person in default.

*Unpaid work requirement*

- 2 (1) In its application to a default order, [F101 paragraph 2 of Schedule 9 to the Sentencing Code] (unpaid work requirement) is modified as follows.
- (2) [F102 In sub-paragraph (1)(b), for sub-paragraphs (i) and (ii) there is substituted—  
“(i) not less than 20 hours, and  
(ii) in the case] of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

Amount	Number of Hours
An amount not exceeding £200	40 hours
An amount exceeding £200 but not exceeding £500	60 hours
An amount exceeding £500	100 hours”;

[F103 (3) Sub-paragraphs (3) and (4) are omitted.]

**Textual Amendments**

**F101** Words in Sch. 31 para. 2(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(2\)\(a\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

**F102** Words in Sch. 31 para. 2(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(2\)\(b\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

**F103** Sch. 31 para. 2(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(2\)\(c\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

*Curfew requirement*

- 3 (1) In its application to a default order, [F104 paragraph 9 of Schedule 9 to the Sentencing Code] (curfew requirement) is modified as follows.

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[<sup>F105</sup>(1A) Any reference to an offence of which the offender was convicted before, on or after a day is to be read as a reference to a default made by a person before, on or after that day.]

(2) After [<sup>F106</sup>sub-paragraph (4A)] there is inserted—

[<sup>F107</sup>(4B)] In the case of an amount in default which is specified in the first column of the following Table, the number of days on which the person in default is subject to the curfew requirement must not exceed the number of days set out opposite that amount in the second column.

TABLE

Amount	Number of days
An amount not exceeding £200	20 days
An amount exceeding £200 but not exceeding £500	30 days
An amount exceeding £500 but not exceeding £1,000	60 days
An amount exceeding £1,000 but not exceeding £2,500	90 days
An amount exceeding £2,500	180 days”

#### Textual Amendments

- F104** Words in Sch. 31 para. 3(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(3\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F105** Sch. 31 para. 3(1A) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(a\)](#), 208(5)(q)
- F106** Words in Sch. 31 para. 3(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(b\)\(i\)](#), 208(5)(q)
- F107** Word in Sch. 31 para. 3(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(b\)\(ii\)](#), 208(5)(q)

#### <sup>F108</sup>Attendance centre requirement

#### Textual Amendments

- F108** Sch. 31 para. 3A and preceding heading inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 148](#), 153, [Sch. 26 para. 2\(4\)](#) (with [Sch. 27 para. 13\(2\)](#)); S.I. 2008/1586, [art. 2\(1\)](#), [Sch. 1 para. 48\(a\)](#)

3A [<sup>F109</sup>In its application to a default order, paragraph 27(3) of Schedule 9 to the Sentencing Code (attendance centre requirement) is modified by the substitution for the words after “must” of “be—]

(a) not less than 12, and

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- (b) in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £200	18 hours
An amount exceeding £200 but not exceeding £500	21 hours
An amount exceeding £500 but not exceeding £1,000	24 hours
An amount exceeding £1,000 but not exceeding £2,500	30 hours
An amount exceeding £2,500	36 hours

.]

#### Textual Amendments

**F109** Words in Sch. 31 para. 3A substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(4\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

#### <sup>F110</sup>Change of residence

#### Textual Amendments

**F110** Sch. 31 paras. 3B, 3C and cross-heading inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 18\(10\), 22\(1\)](#) (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(p)

- 3B (1) In its application to a default order, [<sup>F111</sup>section 215 of the Sentencing Code] (duty of offender to keep in touch with responsible officer) is modified as follows.

[<sup>F112</sup>(2) At the end of subsection (2) there is inserted “, and must notify the responsible officer of any change of address.”]

#### Textual Amendments

**F111** Words in Sch. 31 para. 3B(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(5\)\(a\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

**F112** Sch. 31 para. 3B(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(5\)\(b\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

- 3C [<sup>F113</sup>Section 216 of the Sentencing Code] (duty to obtain permission before changing residence) does not apply in relation to a default order.]

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### Textual Amendments

**F113** Words in Sch. 31 para. 3C substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(6\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

### *Enforcement, revocation and amendment of default order*

- 4 (1) In its application to a default order,<sup>[F114]</sup>Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order)]is modified as follows.
- (2) Any reference to the offence in respect of which the community order was made is to be taken to be a reference to the default in respect of which the default order was made.
- (3) Any power of the court to revoke the community order<sup>[F115]</sup>and re-sentence the offender]for the offence is to be taken to be a power to revoke the default order and deal with him in any way in which the court which made the default order could deal with him for his default in paying the sum in question.
- (4) In<sup>[F116]</sup>paragraph 5]the reference to the Crown Court is to be taken as a reference to a magistrates' court.

<sup>[F117]</sup>(4A) For<sup>[F118]</sup>paragraphs 16 and 17]there is substituted—

- “16 (1) This paragraph applies where, at any time while a default order is in force in respect of a person, the appropriate court is satisfied that the person proposes to change, or has changed, residence from the local justice area concerned to another local justice area (“the new local justice area”).
- (2) The appropriate court may amend the default order to specify the new local justice area.
- (3) In this paragraph “the appropriate court” means a magistrates’ court acting in the local justice area specified in the order.”]

<sup>[F119]</sup>(5) The following provisions are omitted—

- (a) paragraph 10(5)(d) (in relation to any time after the coming into force of paragraph 21(2) of Schedule 22 to the Sentencing Act 2020);
- (b) paragraph 10(11);
- (c) paragraph 14(8);
- (d) paragraph 16(3) (in relation to any time after the coming into force of paragraph 23 of Schedule 22 to that Act);
- (e) paragraph 23(6);
- (f) paragraph 25(2)(b).]

### Textual Amendments

**F114** Words in Sch. 31 para. 4(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F115** Words in Sch. 31 para. 4(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

**F116** Words in Sch. 31 para. 4(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(c\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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**F117** Sch. 31 para. 4(4A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), ss. 18(11), 22(1) (with Sch. 7 para. 7); S.I. 2015/40, [art. 2\(p\)](#)

**F118** Words in Sch. 31 para. 4(4A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(d\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

**F119** Sch. 31 para. 4(5) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(e\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

*Power to alter amount of money or number of hours or days*

- 5 The Secretary of State may by order amend paragraph 2 [<sup>F120</sup>, 3 or 3A] by substituting for any reference to an amount of money or a number of hours or days there specified a reference to such other amount or number as may be specified in the order.

**Textual Amendments**

**F120** Words in Sch. 31 para. 5 substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 148, 153, [Sch. 26 para. 2\(6\)](#); S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 48(a) (with Sch. 27 para. 13(2))

*Transfer of default orders to Scotland or Northern Ireland*

- 6 In its application to a default order, [<sup>F121</sup>Schedule 11 to the Sentencing Code] (transfer of community orders to Scotland or Northern Ireland) is modified as follows.

**Textual Amendments**

**F121** Words in Sch. 31 para. 6 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(8\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

- [<sup>F122</sup>7 After paragraph 20 there is inserted—

“20A Nothing in paragraph 20 affects the application of section 300(7) of the Criminal Justice Act 2003 to a default order made or amended in accordance with Part 1 or 2.”]

**Textual Amendments**

**F122** Sch. 31 para. 7 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(9\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

- [<sup>F123</sup>8 In paragraph 21, after sub-paragraph (5) there is inserted—

“(5A) The home court may not impose a fine on the offender.”]

**Textual Amendments**

**F123** Sch. 31 para. 8 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(10\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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## SCHEDULE 32

Section 304

## AMENDMENTS RELATING TO SENTENCING

## PART 1

## GENERAL

*Piracy Act 1837 (c. 88)*

- 1 Section 3 of the Piracy Act 1837 (punishment for offence under certain repealed Acts relating to piracy) shall cease to have effect.

**Commencement Information**

**I448** Sch. 32 para. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(2) (subject to art. 2(2), Sch. 2)

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

- 2 (1) Section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which young persons are concerned) is amended as follows.
- (2) In subsection (4A)(d), for “section 62(3) of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “section 222(1)(d) or (e) of the Criminal Justice Act 2003”.
- (3) In subsection (11)—
- (a) in the definition of “sexual offence”, for “has the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “means an offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003”, and
  - (b) in the definition of “violent offence”, for “has the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “means an offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003”.

**Commencement Information**

**I449** Sch. 32 para. 2 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(3) (subject to art. 2(2), Sch. 2)

*Prison Act 1952 (c. 52)*

- 3 In section 53 of the Prison Act 1952 (interpretation), for “section 62 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “section 221 of the Criminal Justice Act 2003”.

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**Commencement Information**

**I450** Sch. 32 para. 3 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(4) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Criminal Justice Act 1967 (c. 80)*

4 The Criminal Justice Act 1967 is amended as follows.

**Commencement Information**

**I451** Sch. 32 para. 4 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(5) (subject to [art. 2\(2\)](#), [Sch. 2](#))

5 In section 32 (amendments of Costs in Criminal Cases Act 1952), in subsection (3) (a), for “make an order under paragraph 5 of Schedule 2 to the Powers of Criminal Courts (Sentencing) Act 2000 (probation orders requiring treatment for mental condition) or” there is substituted “ include in a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) a mental health requirement under section 207 of that Act or make an order under ”.

**Commencement Information**

**I452** Sch. 32 para. 5 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(5) (subject to [art. 2\(2\)](#), [Sch. 2](#))

6 In section 104 (general provisions as to interpretation) —  
(a) in subsection (1), the definition of “suspended sentence” is omitted, and  
(b) subsection (2) is omitted.

**Commencement Information**

**I453** Sch. 32 para. 6 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(5) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Criminal Appeal Act 1968 (c. 19)*

7 The Criminal Appeal Act 1968 is amended as follows.

**Commencement Information**

**I454** Sch. 32 para. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(6) (subject to [art. 2\(2\)](#), [Sch. 2](#))

8 (1) Section 10 (appeal against sentence in cases dealt with by Crown Court otherwise than on conviction on indictment) is amended as follows.

(2) In subsection (2) —

(a) in paragraph (b), for “or a community order within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ a youth

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community order within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000 or a community order within the meaning of Part 12 of the Criminal Justice Act 2003”, and

(b) paragraph (c) and the word “or” immediately preceding it are omitted.

**Commencement Information**

**I455** Sch. 32 para. 8 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

9 In section 11 (supplementary provisions as to appeal against sentence), subsection (4) is omitted.

**Commencement Information**

**I456** Sch. 32 para. 9 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

10 In Schedule 2 (procedural and other provisions applicable on order for retrial), in paragraph 2(4), for the words from the beginning to “apply” there is substituted “Section 240 of the Criminal Justice Act 2003 (crediting of periods of remand in custody: terms of imprisonment and detention) shall apply”.

**Commencement Information**

**I457** Sch. 32 para. 10 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Firearms Act 1968 (c. 27)*

11 The Firearms Act 1968 is amended as follows.

**Commencement Information**

**I458** Sch. 32 para. 11 partly in force; Sch. 32 para. 11 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 11 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

12 (1) Section 21 (possession of firearms by persons previously convicted of crime) is amended as follows.

(2) In subsection (2A), after paragraph (c) there is inserted—

“(d) in the case of a person who has been subject to a sentence of imprisonment to which an intermittent custody order under section 183(1)(b) of the Criminal Justice Act 2003 relates, the date of his final release.”

(3) After subsection (2A) there is inserted—

“(2B) A person who is serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates shall not during any licence period specified for the purposes of subsection (1)(b) (i) of that section have a firearm or ammunition in his possession.”



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(4) In subsection (3)(b), for “probation order” there is substituted “community order”.

(5) After subsection (3) there is inserted—

“(3ZA) In subsection (3)(b) above, “community order” means—

- (a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 made in England and Wales, or
- (b) a probation order made in Scotland.”

(6) In subsection (6), after “(2)” there is inserted “, (2B)”.

#### Commencement Information

**I459** Sch. 32 para. 12 wholly in force at 4.4.2005; Sch. 32 para. 12 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 12(1)-(3)(6) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); Sch. 32 para. 12 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(7\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

13 (1) Section 52 (forfeiture and disposal of firearms; cancellation of certificate by convicting court) is amended as follows.

(2) In subsection (1)(c), for “probation order” there is substituted “community order”.

(3) After subsection (1) there is inserted —

“(1A) In subsection (1)(c) “community order” means—

- (a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 made in England and Wales, or
- (b) a probation order made in Scotland.”

#### Commencement Information

**I460** Sch. 32 para. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(7\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

14 In section 94 of the Social Work (Scotland) Act 1968 (interpretation), in the definition of “probation order” in subsection (1), for “community rehabilitation order” there is substituted “community order within the meaning of Part 12 of the Criminal Justice Act 2003”.

#### Commencement Information

**I461** Sch. 32 para. 14 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(8\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 15 In section 23 of the Children and Young Persons Act 1969 (remands and committals to local authority accommodation), for the definition of “sexual offence” and “violent offence” in subsection (12) there is substituted—

““sexual offence” means an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003;

“violent offence” means murder or an offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003;”.

**Commencement Information**

**I462** Sch. 32 para. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(9) (subject to **art. 2(2)**, Sch. 2)

*Immigration Act 1971 (c. 77)*

- 16 In section 7 of the Immigration Act 1971 (exemption from deportation for certain existing residents), in subsection (4), for “section 67 of the Criminal Justice Act 1967” there is substituted “section 240 of the Criminal Justice Act 2003”.

**Commencement Information**

**I463** Sch. 32 para. 16 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(10) (subject to **art. 2(2)**, Sch. 2)

PROSPECTIVE

*Thames Barrier and Flood Prevention Act 1972 (c. xiv)*

- 17 In section 56 of the Thames Barrier and Flood Prevention Act 1972 (orders for carrying out certain defence works), in subsection (3)(a)(ii), for “six months” there is substituted “12 months”.

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

- 18 (1) Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular offences) is amended as follows.
- (2) In subsection (1)—
- (a) at the end of paragraph (e), there is inserted “and”, and
- (b) after that paragraph, there is inserted the following paragraph—
- “(f) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, a sentence of detention for public protection under section 226 of that Act or an extended sentence under section 227 or 228 of that Act”

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(3) In subsection (4A), after the words “probation order” there is inserted “ or a community order under section 177 of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I464** Sch. 32 para. 18 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(11\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

VALID FROM 28/03/2009

*Armed Forces Act 1976 (c. 52)*

- 19 (1) Section 8 of the Armed Forces Act 1976 (powers of Standing Civilian Courts in relation to civilians) is amended as follows.
- (2) In subsection (1)(a), for “six months” there is substituted “ twelve months ”.
- (3) In subsection (2), for “12 months” there is substituted “ 65 weeks ”.

*Bail Act 1976 (c. 63)*

- 20 The Bail Act 1976 is amended as follows.

**Commencement Information**

**I465** Sch. 32 para. 20 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(12\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 21 (1) Section 2 (other definitions) is amended as follows.
- (2) In subsection (1)(d)—
- (a) the words “placing the offender on probation or” are omitted, and
- (b) for “him” there is substituted “ the offender ”.
- (3) In subsection (2), in the definition of “probation hostel”, for the words from “by” onwards there is substituted “ by a community order under section 177 of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I466** Sch. 32 para. 21 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(12\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 22 In section 4 (general right to bail of accused persons and others), in subsection (3), for the words from “to be dealt with” onwards there is substituted “or the Crown Court to be dealt with under—
- (a) Part 2 of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach of certain youth community orders), or

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- (b) Part 2 of Schedule 8 to the Criminal Justice Act 2003 (breach of requirement of community order).”

**Commencement Information**

**I467** Sch. 32 para. 22 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(12\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 23 In Part 3 of Schedule 1 (interpretation), in the definition of “default” in paragraph 4, for the words from “Part II” onwards there is substituted “ Part 2 of Schedule 8 to the Criminal Justice Act 2003 (breach of requirement of order) ”.

**Commencement Information**

**I468** Sch. 32 para. 23 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(12\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Criminal Law Act 1977 (c. 45)*

- 24 In section 3 of the Criminal Law Act 1977 (penalties for conspiracy), in subsection (1), for “section 127 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ section 163 of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I469** Sch. 32 para. 24 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(13\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 25 The Magistrates' Courts Act 1980 is amended as follows.

**Commencement Information**

**I470** Sch. 32 para. 25 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(14\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 26 In section 11 (non appearance of accused), in subsection (3), for “section 119 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ paragraph 8(2)(a) or (b) of Schedule 12 to the Criminal Justice Act 2003 ”.

**Commencement Information**

**I471** Sch. 32 para. 26 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(14\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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PROSPECTIVE

- 27 In section 33 (maximum penalties on summary conviction in pursuance of section 22), in subsection (1)(a), for “3 months” there is substituted “ 51 weeks ”.

PROSPECTIVE

- 28 In section 85 (power to remit fine), in subsection (2A), for “section 35(2)(a) or (b) of the Crime (Sentences) Act 1997” there is substituted “ section 300(2) of the Criminal Justice Act 2003 ”.

- 29 In section 131 (remand of accused already in custody), after subsection (2) there is inserted—

“(2A) Where the accused person is serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates, the reference in subsection (2) to the expected date of his release is to be read as a reference to the expected date of his next release on licence.”.

**Commencement Information**

**I472** Sch. 32 para. 29 partly in force; Sch. 32 para. 29 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 29 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

- 30 In section 133 (consecutive terms of imprisonment), in subsection (1), for “Subject to section 84 of the Powers of Criminal Courts (Sentencing) Act 2000,” there is substituted “ Subject to section 265 of the Criminal Justice Act 2003, ”.

**Commencement Information**

**I473** Sch. 32 para. 30 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(14\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)*

- 31 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (ineligibility for and disqualification and excusal from jury service), in Part 2, in paragraph (bb), for sub-paragraph (v) there is substituted—

“(v) a community order within the meaning of section 177 of the Criminal Justice Act 2003;

(va) a youth community order as defined by section 33 of the Powers of Criminal Courts (Sentencing) Act 2000;”.

**Commencement Information**

**I474** Sch. 32 para. 31 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(15\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 32 (1) In Schedule 3 to the Public Passenger Vehicles Act 1981 (supplementary provisions as to qualifications for PSV operators licence), paragraph 1 is amended as follows.
- (2) In sub-paragraph (4)(a), for “a community service order for more than sixty hours” there is substituted “ a community order requiring the offender to perform unpaid work for more than sixty hours ”.
- (3) In sub-paragraph (6), for the words from “ “a community” onwards there is substituted “ “a community order” means an order under section 177 of the Criminal Justice Act 2003, a community punishment order made before the commencement of that section or a community service order under the Community Service by Offenders (Scotland) Act 1978”.

**Commencement Information**

**I475** Sch. 32 para. 32 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(16) (subject to **art. 2(2)**, Sch. 2)

PROSPECTIVE

*Criminal Attempts Act 1981 (c. 47)*

**F124** 33 .....

**Textual Amendments**

**F124** Sch. 32 para. 33 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

*Criminal Justice Act 1982 (c. 48)*

- 34 The Criminal Justice Act 1982 is amended as follows.

**Commencement Information**

**I476** Sch. 32 para. 34 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(17) (subject to **art. 2(2)**, Sch. 2)

- 35 In section 32 (early release of prisoners), in subsection (1)(a), after “life” there is inserted “ , imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or an extended sentence under section 227 of that Act ”.

**Commencement Information**

**I477** Sch. 32 para. 35 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(17) (subject to **art. 2(2)**, Sch. 2)

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- 36 (1) Part 3 of Schedule 13 (reciprocal arrangements (Northern Ireland): persons residing in England and Wales or Scotland) is amended as follows.
- (2) In paragraph 7—
- (a) in sub-paragraph (2)(b), for “such orders” there is substituted “ an unpaid work requirement of a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”, and
- (b) in sub-paragraph (3)(b), for the words from “community service orders” onwards there is substituted “ community orders within the meaning of Part 12 of the Criminal Justice Act 2003 conferred on responsible officers by that Part of that Act. ”.
- (3) For paragraph 9(3) there is substituted—
- “(3) Subject to the following provisions of this paragraph—
- (a) a community service order made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a community order made in England and Wales under section 177 of the Criminal Justice Act 2003 and the provisions of Part 12 of that Act (so far as relating to such orders) shall apply accordingly; and
- (b) a community service order made or amended in the circumstances specified in paragraph 8 above shall be treated as if it were a community service order made in Scotland and the legislation relating to community service orders in Scotland shall apply accordingly.”
- (4) In paragraph 9(4)(a), after “community service orders” there is inserted “ or, as the case may be, community orders (within the meaning of Part 12 of the Criminal Justice Act 2003) ”.
- (5) In paragraph 9(5), after “a community service order” there is inserted “ or, as the case may be, a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”.
- (6) In paragraph 9(6)—
- (a) after “community service orders”, where first occurring, there is inserted “ or, as the case may be, community orders (within the meaning of Part 12 of the Criminal Justice Act 2003) ”, and
- (b) in paragraph (b)(i), for “the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ Part 12 of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I478** Sch. 32 para. 36 wholly in force at 4.4.2005, see s. 336(3) and *S.I. 2005/950*, **art. 2(1)**, *Sch. 1 para. 42(17)* (subject to **art. 2(2)**, *Sch. 2*)

*Mental Health Act 1983 (c. 20)*

- 37 The Mental Health Act 1983 is amended as follows.

*Status: Point in time view as at 06/04/2007.*

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#### Commencement Information

**I479** Sch. 32 para. 37 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(18\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 38 In section 37 (powers of courts to order hospital admission or guardianship)—
- (a) in subsection (1), the words “or falls to be imposed under section 109(2) of the Powers of Criminal Courts (Sentencing) Act 2000” are omitted,
  - (b) for subsections (1A) and (1B) there is substituted —
 

“(1A) In the case of an offence the sentence for which would otherwise fall to be imposed—

    - (a) under section 51A(2) of the Firearms Act 1968,
    - (b) under section 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000, or
    - (c) under any of sections 225 to 228 of the Criminal Justice Act 2003,

nothing in those provisions shall prevent a court from making an order under subsection (1) above for the admission of the offender to a hospital.

(1B) References in subsection (1A) above to a sentence falling to be imposed under any of the provisions mentioned in that subsection are to be read in accordance with section 305(4) of the Criminal Justice Act 2003.”
  - (c) in subsection (8), for “probation order” there is substituted “community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”.

#### Commencement Information

**I480** Sch. 32 para. 38 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(18\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 39 In section 45A (powers of higher courts to direct hospital admission), in subsection (1)(b), the words from “except” to “1997” are omitted.

#### Commencement Information

**I481** Sch. 32 para. 39 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(18\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 40 The Repatriation of Prisoners Act 1984 is amended as follows.

#### Commencement Information

**I482** Sch. 32 para. 40 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(19\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))



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- 41 In section 2 (transfer out of the United Kingdom), in subsection (4)(b), for sub-paragraph (i) there is substituted—
- “(i) released on licence under section 28(5) of the Crime (Sentences) Act 1997 or under section 244 or 246 of the Criminal Justice Act 2003; or”.

#### Commencement Information

**I483** Sch. 32 para. 41 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(19\)](#) (subject to [art. 2\(2\), Sch. 2](#))

- 42 In section 3 (transfer into the United Kingdom), subsection (9) is omitted.
- 43 (1) The Schedule (operation of certain enactments in relation to the prisoner) is amended as follows in relation to prisoners repatriated to England and Wales.
- (2) In paragraph 2, for sub-paragraphs (1A) and (2) there is substituted—
- “(2) If the warrant specifies a period to be taken into account for the purposes of this paragraph, the amount of time the prisoner has served shall, so far only as the question whether he has served a particular part of a life sentence is concerned, be deemed to be increased by that period.
- (3) Where the prisoner’s sentence is for a term of less than twelve months, Chapter 6 of Part 12 of the Criminal Justice Act 2003 shall apply as if the sentence were for a term of twelve months or more.
- (4) In this paragraph—
- “the enactments relating to release on licence” means section 28(5) and (7) of the Crime (Sentences) Act 1997 and Chapter 6 of Part 12 of the Criminal Justice Act 2003;
- “sentence”, means the provision included in the warrant which is equivalent to sentence.”.
- (3) Paragraph 3 is omitted.

#### Commencement Information

**I484** Sch. 32 para. 43 wholly in force at 4.4.2005; Sch. 32 para. 43(3) in force at 18.12.2003, see s. 336(2); Sch. 32 para. 43 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(19\)](#) (subject to [art. 2\(2\), Sch. 2](#))

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

- 44 In section 38 of the Police and Criminal Evidence Act 1984 (duties of custody officer after charge), for the definitions of “sexual offence” and “violent offence” in subsection (6A) there is substituted—
- ““sexual offence” means an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003;
- “violent offence” means murder or an offence specified in Part 1 of that Schedule;”.

*Status: Point in time view as at 06/04/2007.*

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#### Commencement Information

**I485** Sch. 32 para. 44 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(20) (subject to [art. 2\(2\)](#), Sch. 2)

#### *Criminal Justice Act 1988 (c. 33)*

45 The Criminal Justice Act 1988 is amended as follows.

#### Commencement Information

**I486** Sch. 32 para. 45 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(21) (subject to [art. 2\(2\)](#), Sch. 2)

46 In section 36 (reviews of sentencing), in subsection (2), for the words from “erred in law” onwards there is substituted—

- “(a) erred in law as to his powers of sentencing; or
- (b) failed to impose a sentence required by—
  - (i) section 51A(2) of the Firearms Act 1968;
  - (ii) section 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000; or
  - (iii) any of sections 225 to 228 of the Criminal Justice Act 2003.”

#### Commencement Information

**I487** Sch. 32 para. 46 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(21) (subject to [art. 2\(2\)](#), Sch. 2)

47 In section 50 (suspended and partly suspended sentences on certain civilians in courts-martial and Standing Civilian Courts), in subsection (3)(b)(i), for “Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “Criminal Justice Act 2003”.

#### Commencement Information

**I488** Sch. 32 para. 47 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(21) (subject to [art. 2\(2\)](#), Sch. 2)

#### *Firearms (Amendment) Act 1988 (c. 45)*

48 The Firearms (Amendment) Act 1988 is amended as follows.

49 In section 1 (prohibited weapons and ammunition), in subsection (4A) after paragraph (b) there is inserted—

- “(bb) may amend subsection (1A)(a) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences: power to detain for specified period) so as to include a reference to any provision added by the order to section 5(1) of the principal Act,

*Status: Point in time view as at 06/04/2007.*

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- (bc) may amend section 50(5A)(a), 68(4A)(a) or 170(4A)(a) of the Customs and Excise Management Act 1979 (offences relating to improper importation or exportation) so as to include a reference to anything added by the order to section 5(1) of the principal Act.”.
- 50 In section 27(4) (which relates to Northern Ireland), after “Except for” there is inserted “ section 1, so far as enabling provision to be made amending the Customs and Excise Management Act 1979, and ”.

PROSPECTIVE

*Road Traffic Act 1988 (c. 52)*

- 51 In section 164 of the Road Traffic Act 1988 (power of constables to require production of driving licence and in certain cases statement of date of birth), in subsection (5), for “section 40 of the Crime (Sentences) Act 1997” there is substituted “ section 301 of the Criminal Justice Act 2003 ”.

VALID FROM 01/12/2020

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

- 52 The Road Traffic Offenders Act 1988 is amended as follows.

**Commencement Information**

**I489** Sch. 32 para. 52 partly in force; Sch. 32 para. 52 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 52 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(22\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

PROSPECTIVE

- 53 In section 27 (production of licence), in subsection (3), for “section 40 of the Crime (Sentences) Act 1997” there is substituted “ section 301 of the Criminal Justice Act 2003 ”.
- 54 In section 46 (combination of disqualification and endorsement with probation orders and orders for discharge), in subsection (1), paragraph (a) and the word “or” following it shall cease to have effect.

**Commencement Information**

**I490** Sch. 32 para. 54 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(22\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Football Spectators Act 1989 (c. 37)*

- 55 The Football Spectators Act 1989 is amended as follows.

*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I491** Sch. 32 para. 55 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(23) (subject to **art. 2(2)**, Sch. 2)

56 In section 7 (disqualification for membership of scheme), subsection (9) is omitted.

**Commencement Information**

**I492** Sch. 32 para. 56 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(23) (subject to **art. 2(2)**, Sch. 2)

57 In section 14E (banning orders: general), after subsection (6) there is inserted—

“(7) A person serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates is to be treated for the purposes of this section as having been detained in legal custody until his final release; and accordingly any reference in this section to release is, in relation to a person serving such a sentence, a reference to his final release.”

**Commencement Information**

**I493** Sch. 32 para. 57 partly in force; Sch. 32 para. 57 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 57 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, Sch.

58 In section 18 (information), after subsection (4) there is inserted—

“(5) In relation to a person serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates, any reference in this section to his detention or to his release shall be construed in accordance with section 14E(7).”

**Commencement Information**

**I494** Sch. 32 para. 58 partly in force; Sch. 32 para. 58 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 58 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, Sch.

*Children Act 1989 (c. 41)*

59 The Children Act 1989 is amended as follows.

**Commencement Information**

**I495** Sch. 32 para. 59 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(24) (subject to **art. 2(2)**, Sch. 2)

60 (1) Section 68 (persons disqualified from being foster parents) is amended as follows.

(2) In subsection (2)(d), the words “a probation order has been made in respect of him or he has been” are omitted.

*Status: Point in time view as at 06/04/2007.*

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(3) After subsection (2) there is inserted—

“(2A) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of subsection (2)(d).”

**Commencement Information**

**I496** Sch. 32 para. 60 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(24\)](#) (subject to [art. 2\(2\), Sch. 2](#))

61 (1) In Schedule 9A (child minding and day care for young children), paragraph 4 is amended as follows.

(2) In sub-paragraph (2)(g), the words “placed on probation or” are omitted.

(3) At the end there is inserted—

“(7) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of this paragraph.”

**Commencement Information**

**I497** Sch. 32 para. 61 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(24\)](#) (subject to [art. 2\(2\), Sch. 2](#))

*Criminal Justice Act 1991 (c. 53)*

62 The Criminal Justice Act 1991 is amended as follows.

**Commencement Information**

**I498** Sch. 32 para. 62 partly in force; Sch. 32 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 62 in force for certain purposes at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(25\)](#) (subject to [art. 2\(2\), Sch. 2](#))

PROSPECTIVE

63 Section 65 (supervision of young offenders after release) is omitted.

64 (1) Schedule 3 (reciprocal enforcement of certain orders) is amended as follows.

(2) In paragraph 10(3)(d), for the words from “paragraph 3 of Schedule 2” onwards there is substituted “section 201 of the Criminal Justice Act 2003”.

(3) In paragraph 11(2) —

(a) in paragraph (a)—

(i) for “probation order” there is substituted “community order”, and

*Status: Point in time view as at 06/04/2007.*

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- (ii) after “England and Wales” there is inserted “ under section 177 of the Criminal Justice Act 2003 ”, and
- (b) for paragraph (b) there is substituted—
  - “(b) the provisions of Part 12 of that Act (so far as relating to such orders) shall apply accordingly.”.
- (4) In paragraph 11(3), for paragraphs (a) and (b) there is substituted—
  - “(a) the requirements of Part 12 of the Criminal Justice Act 2003 relating to community orders (within the meaning of that Part);
  - (b) the powers of the home court under Schedule 8 to that Act, as modified by this paragraph; and”.
- (5) In paragraph 11(4), for the words from “probation order made by a court” onwards there is substituted “ community order made by a court in England and Wales under section 177 of the Criminal Justice Act 2003, except a power conferred by paragraph 9(1)(b) or (c) or 13(2) of Schedule 8 to that Act ”.
- (6) In paragraph 11(5), for “the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ Part 12 of the Criminal Justice Act 2003 ”.

#### Commencement Information

**I499** Sch. 32 para. 64 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(25\)](#) (subject to [art. 2\(2\), Sch. 2](#))

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

- 65 In section 1 of the Aggravated Vehicle-Taking Act 1992 (new offence of aggravated vehicle taking), in subsection (2)(a), for “section 127 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ section 163 of the Criminal Justice Act 2003 ”.

#### Commencement Information

**I500** Sch. 32 para. 65 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(26\)](#) (subject to [art. 2\(2\), Sch. 2](#))

#### *Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)*

- 66 In section 10 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (life prisoners transferred to Scotland)—
- (a) in subsection (1)—
    - (i) in paragraph (a), sub-paragraph (i), and the succeeding “or”, are omitted, and
    - (ii) after paragraph (a)(ii) there is inserted “or
    - (iii) subsections (5) to (8) of section 28 (early release of life prisoners to whom that section applies) of the Crime (Sentences) Act 1997 (c. 43) (in this section, the “1997 Act”) apply by virtue of an order made under section 28(2)(b) of that Act

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

- (while that provision was in force) or an order made under section 269(2) of, or paragraph 3(1)(a) of Schedule 22 to, the Criminal Justice Act 2003;”, and
- (iii) for “28(2)(b) or 82A(2) or paragraph” there is substituted “ 82A(2), 28(2)(b) or 269(2) or paragraph 3(1)(a) or ”;
- (b) after subsection (1) there is inserted—
- “(1AA) This Part of this Act, except section 2(9), applies also to a transferred life prisoner—
- (a) who is transferred from England and Wales on or after the date on which section 269 of the Criminal Justice Act 2003 comes into force,
- (b) in relation to whom paragraph 3 of Schedule 22 to that Act applies by virtue of paragraph 2(a) of that Schedule, but
- (c) in respect of whom, under the paragraph so applying, no order has been made,
- as if the prisoner were a life prisoner within the meaning of section 2 of this Act and the punishment part of his sentence within the meaning of that section were the notified minimum term defined by paragraph 3(4) of that Schedule.”; and
- (c) in subsection (5)(b)—
- (i) for “the Crime (Sentences) Act 1997” there is substituted “ the 1997 Act ”, and
- (ii) after the words “Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)” there is inserted “ section 269(2) of, or paragraph 3(1)(a) of Schedule 22 to, the Criminal Justice Act 2003, ”.

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

- 67 In section 25 of the Criminal Justice and Public Order Act 1994 (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences), in paragraph (c) of the definition of “conviction” in subsection (5) —
- (a) the words “placing the offender on probation or” are omitted, and
- (b) for “him” there is substituted “ the offender ”.

**Commencement Information**

**I501** Sch. 32 para. 67 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(27\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 68 (1) In Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995 (qualifications for standard licence), paragraph 3 is amended as follows.
- (2) In sub-paragraph (2)(a), for “exceeding three months” there is substituted “ of 12 months or more or, before the commencement of section 181 of the Criminal Justice Act 2003, a term exceeding 3 months ”.

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(3) In sub-paragraph (2)(c), for “community service order” there is substituted “community order”.

(4) For sub-paragraph (3)(b), there is substituted—

“(b) “community order” means a community order under section 177 of the Criminal Justice Act 2003, a community punishment order made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community service order under the Community Service by Offenders (Scotland) Act 1978.”.

#### Commencement Information

**I502** Sch. 32 para. 68 partly in force; Sch. 32 para. 68 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 68(1)(3)(4) in force at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 42(28) (subject to art. 2(2), Sch. 2)

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

69 The Criminal Procedure (Scotland) Act 1995 is amended as follows.

#### Commencement Information

**I503** Sch. 32 para. 69 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(29) (subject to art. 2(2), Sch. 2)

70 (1) Section 234 (probation orders: persons residing in England and Wales) is amended as follows.

(2) In subsection (1), the words after paragraph (b) are omitted.

(3) For subsection (2) there is substituted—

“(2) Subsection (1) above applies to any probation order made under section 228 unless the order includes requirements which are more onerous than those which a court in England and Wales could impose on an offender under section 177 of the Criminal Justice Act 2003.”

(4) In subsection (3), the words from “or to vary” to “one hundred” are omitted.

(5) In subsection (4)—

(a) in paragraph (a)—

(i) for “paragraph 5(3) of Schedule 2 to the 2000 Act” there is substituted “section 207(2) of the Criminal Justice Act 2003”,

(ii) for “or, as the case may be, community rehabilitation orders” there is substituted “or, as the case may be, community orders under Part 12 of that Act”, and

(iii) for “paragraph 5 of the said Schedule 2” there is substituted “section 207 of the Criminal Justice Act 2003”, and



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(b) in paragraph (b), for “sub-paragraphs (5) to (7) of the said paragraph 5” there is substituted “ sections 207(4) and 208(1) and (2) of the Criminal Justice Act 2003 ”.

(6) After subsection (4) there is inserted—

“(4A) A probation order made or amended under this section must specify as the corresponding requirements for the purposes of this section requirements which could be included in a community order made under section 177 of the Criminal Justice Act 2003.”

(7) In subsection (5), for “Schedule 3” onwards there is substituted “ Schedule 8 to the Criminal Justice Act 2003 shall apply as if it were a community order made by a magistrates' court under section 177 of that Act and imposing the requirements specified under subsection (4A) above ”.

(8) For subsection (6) there is substituted—

“(6) In its application to a probation order made or amended under this section, Schedule 8 to the Criminal Justice Act 2003 has effect subject to the following modifications—

- (a) any reference to the responsible officer has effect as a reference to the person appointed or assigned under subsection (1)(a) above,
- (b) in paragraph 9—
  - (i) paragraphs (b) and (c) of sub-paragraph (1) are omitted,
  - (ii) in sub-paragraph (6), the first reference to the Crown Court has effect as a reference to a court in Scotland, and
  - (iii) any other reference in sub-paragraphs (6) or (7) to the Crown Court has effect as a reference to the court in Scotland, and
- (c) Parts 3 and 5 are omitted.”

(9) In subsection (10)—

- (a) for the words from “paragraph 6” to “community rehabilitation orders” there is substituted “ paragraph 8 of Schedule 9 (which relates to community orders ”, and
- (b) for “an order made under section 41” there is substituted “ a community order made under Part 12 ”.

#### **Commencement Information**

**I504** Sch. 32 para. 70 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(29) (subject to art. 2(2), Sch. 2)

71 In section 242 (community service orders: persons residing in England and Wales)

- (a) in subsection (1)—
  - (i) in paragraph (a)(ii), for “a community punishment order” there is substituted “an unpaid work requirement imposed by a community order (within the meaning of Part 12 of the Criminal Justice Act 2003)”, and

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- (ii) in paragraph (a)(iii), for “community punishment orders made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “unpaid work requirements imposed by community orders made under section 177 of the Criminal Justice Act 2003 ”,
- (b) in subsection (2)(b), for “community punishment orders made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ unpaid work requirements imposed by community orders made under section 177 of the Criminal Justice Act 2003 ”, and
- (c) in subsection (3)(b), for “in respect of community punishment orders conferred on responsible officers by the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ conferred on responsible officers by Part 12 of the Criminal Justice Act 2003 in respect of unpaid work requirements imposed by community orders (within the meaning of that Part) ”.

#### Commencement Information

**I505** Sch. 32 para. 71 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(29) (subject to art. 2(2), Sch. 2)

72 In section 244 (community service orders: provisions relating to persons living in England and Wales or Northern Ireland)—

- (a) in subsection (3)(a)—
  - (i) for “community punishment order” there is substituted “ community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”, and
  - (ii) for “community punishment orders” there is substituted “ such community orders ”,
- (b) in subsection (4)(a), for “community punishment orders” there is substituted “ community orders (within the meaning of Part 12 of the Criminal Justice Act 2003) ”,
- (c) in subsection (5), for “community punishment order” there is substituted “ a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”, and
- (d) in subsection (6)—
  - (i) for “community punishment orders”, where first occurring, there is substituted “ community orders (within the meaning of Part 12 of the Criminal Justice Act 2003) ”, and
  - (ii) in paragraph (b)(ii), for “the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ Part 12 of the Criminal Justice Act 2003 ”.

#### Commencement Information

**I506** Sch. 32 para. 72 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(29) (subject to art. 2(2), Sch. 2)

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*Education Act 1996 (c. 56)*

- 73 In section 562 of the Education Act 1996 (Act not to apply to persons detained under order of a court), for “probation order” there is substituted “community order under section 177 the Criminal Justice Act 2003”.

**Commencement Information**

**I507** Sch. 32 para. 73 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(30) (subject to art. 2(2), Sch. 2)

*Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I.24))*

- 74 The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

**Commencement Information**

**I508** Sch. 32 para. 74 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(31) (subject to art. 2(2), Sch. 2)

- 75 In Article 2 (interpretation) after paragraph (8) there is inserted—

“(9) For the purposes of this Order, a sentence falls to be imposed under paragraph (2) of Article 52A of the Firearms (Northern Ireland) Order 1981 if it is required by that paragraph and the court is not of the opinion there mentioned.”

**Commencement Information**

**I509** Sch. 32 para. 75 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(31) (subject to art. 2(2), Sch. 2)

- 76 In Article 4 (absolute and conditional discharge), in paragraph (1), for “(not being an offence for which the sentence is fixed by law)” there is substituted “(not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981)”.

**Commencement Information**

**I510** Sch. 32 para. 76 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(31) (subject to art. 2(2), Sch. 2)

- 77 In Article 10 (probation orders), in paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “(not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981)”.

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#### Commencement Information

**I511** Sch. 32 para. 77 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(31\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 78 (1) Article 13 (community service orders) is amended as follows.
- (2) In paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “(not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981)”.
- (3) In paragraph (4)(b) as it has effect pursuant to paragraph 7(1) of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements), for “such orders” there is substituted “an unpaid work requirement of a community order (within the meaning of Part 12 of the Criminal Justice Act 2003)”.

#### Commencement Information

**I512** Sch. 32 para. 78 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(31\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 79 In Article 15 (orders combining probation and community service), in paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “(not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981)”.

#### Commencement Information

**I513** Sch. 32 para. 79 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(31\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 80 In Article 19 (restrictions on imposing custodial sentences), at the end of paragraph (1) there is inserted “or falling to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981”.

#### Commencement Information

**I514** Sch. 32 para. 80 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(31\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 81 (1) In Article 20 (length of custodial sentences), at the end of paragraph (1) there is inserted “or falling to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981”.
- (2) In Article 24 (custody probation orders), in paragraph (1) for “other than one fixed by law” there is substituted “, other than an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981, ”.

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**Commencement Information**

**I515** Sch. 32 para. 81 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(31) (subject to [art. 2\(2\)](#), Sch. 2)

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

82 The Crime (Sentences) Act 1997 is amended as follows.

**Commencement Information**

**I516** Sch. 32 para. 82 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(32) (subject to [art. 2\(2\)](#), Sch. 2)

- 83 (1) Section 31 (duration and conditions of licences) is amended as follows.
- (2) In subsection (3), for the words from “except” onwards there is substituted “ except in accordance with recommendations of the Parole Board ”.
- (3) Subsection (4) is omitted.
- (4) In subsection (6), for “section 46(3) of the 1991 Act” there is substituted “ section 259 of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I517** Sch. 32 para. 83 wholly in force at 4.4.2005; Sch. 32 para. 83(1)-(3) in force at 18.12.2003, see s. 336(2); Sch. 32 para. 83(4) in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(32) (subject to [art. 2\(2\)](#), Sch. 2)

84 In section 32 (recall of life prisoners while on licence) for subsection (5) there is substituted—

“(5) Where on a reference under subsection (4) above the Parole Board directs the immediate release on licence under this section of the life prisoner, the Secretary of State shall give effect to the direction.”

85 (1) Schedule 1 (transfers of prisoners within the British Islands) is amended as follows.

(2) In paragraph 6, after sub-paragraph (3) there is inserted—

“(4) In this Part of this Schedule—

“the 2003 Act” means the Criminal Justice Act 2003;

“custody plus order” has the meaning given by section 181(4) of that Act;

“intermittent custody order” has the meaning given by section 183(2) of that Act.”

(3) In paragraph 8 (restricted transfers from England and Wales to Scotland)—

(a) for sub-paragraph (2)(a) there is substituted—

“(a) sections 241, 244, 247 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections

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- 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Scotland;
- (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Scotland;
- (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall also apply to him (subject to Schedule 11 to that Act); and”,
- (b) for sub-paragraph (4)(a) there is substituted—
- “(a) sections 241, 249 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 103 and 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Scotland;
- (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Scotland;
- (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall also apply to him (subject to Schedule 11 to that Act); and”, and
- (c) for sub-paragraphs (5) to (7) there is substituted—
- “(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c) there were substituted the words “a relevant officer of such local authority as may be specified in the licence”.
- (“) Any provision of sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if—
- (a) any reference to secure accommodation were a reference to secure accommodation within the meaning of Part 2 of the Children (Scotland) Act 1995 or a young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989,
- (b) except in section 103(2), any reference to the Secretary of State were a reference to the Scottish Ministers,
- (c) any reference to an officer of a local probation board were a reference to a relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993,
- (d) any reference to a youth court were a reference to a sheriff court,

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- (e) in section 103, any reference to a [<sup>F125</sup>local justice area] were a reference to a local government area within the meaning of the Local Government etc. (Scotland) Act 1994,
  - (f) in section 103(3), for paragraphs (b) and (c) there were substituted a reference to an officer of a local authority constituted under that Act for the local government area in which the offender resides for the time being,
  - (g) section 103(5) were omitted,
  - (h) in section 104, for subsection (1) there were substituted—
    - “(1) Where a detention and training order is in force in respect of an offender and it appears on information to a sheriff court having jurisdiction in the locality in which the offender resides that the offender has failed to comply with requirements under section 103(6)(b), the court may—
      - (a) issue a citation requiring the offender to appear before it at the time specified in the citation, or
      - (b) issue a warrant for the offender’s arrest.”,
    - (i) section 104(2) were omitted, and
    - (j) in section 104(6), the reference to the Crown Court were a reference to the High Court of Justiciary.”
- (4) In paragraph 9 (restricted transfers from England and Wales to Northern Ireland)—
- (a) for sub-paragraph (2)(a) there is substituted—
    - “(a) sections 241, 244, 247 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
    - (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
    - (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall apply to him (subject to Schedule 11 to that Act); and”
  - (b) for sub-paragraph (4)(a) there is substituted—
    - “(a) sections 241, 249 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 103 and 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
    - (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;

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- (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall apply to him (subject to Schedule 11 to that Act); and”,
- (c) for sub-paragraphs (5) to (7) there is substituted—

“(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c) there were substituted the words “a probation appointed for or assigned to the petty sessions district within which the prisoner for the time being resides”.”

- (5) In paragraph 15 (unrestricted transfers: general provisions), sub-paragraph (5) is omitted.

#### Textual Amendments

**F125** Words in Sch. 32 para. 85(3)(c) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 112\(a\)](#)

#### Commencement Information

**I518** Sch. 32 para. 85 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(32\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 86 In Schedule 2 (repatriation of prisoners to the British Islands) paragraphs 2 and 3 are omitted.

#### Commencement Information

**I519** Sch. 32 para. 86 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(32\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 87 The Crime and Disorder Act 1998 is amended as follows.

#### Commencement Information

**I520** Sch. 32 para. 87 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(33\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 88 In section 18 (interpretation etc. of Chapter 1)—
- (a) after the definition of “responsible officer” in subsection (1) there is inserted—
- ““serious harm” shall be construed in accordance with section 224 of the Criminal Justice Act 2003;”;
- and
- (b) subsection (2) is omitted.



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#### Commencement Information

**I521** Sch. 32 para. 88 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(33\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 89 (1) Section 38 (local provision of youth justice services) is amended as follows.
- (2) In subsection (4)(g), for “probation order, a community service order or a combination order” there is substituted “community order under section 177 of the Criminal Justice Act 2003”.
- (3) In subsection (4)(i), after “1997 Act”)” there is inserted “or by virtue of conditions imposed under section 250 of the Criminal Justice Act 2003”.

#### Commencement Information

**I522** Sch. 32 para. 89 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(33\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 90 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

#### Commencement Information

**I523** Sch. 32 para. 90 partly in force; Sch. 32 para. 90 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 90 in force for certain purposes at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 91 (1) Section 6 (committal for sentence in certain cases where offender committed in respect of another offence) is amended as follows.
- (2) In subsection (3)(b), for “section 120(1) below” there is substituted “paragraph 11(1) of Schedule 12 to the Criminal Justice Act 2003”.
- (3) For subsection (4)(e), there is substituted—
- “(e) paragraph 11(2) of Schedule 12 to the Criminal Justice Act 2003 (committal to Crown Court where offender convicted during operational period of suspended sentence).”.

#### Commencement Information

**I524** Sch. 32 para. 91 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 92 In section 7 (power of Crown Court on committal for sentence under section 6), in subsection (2), for “section 119 below” there is substituted “paragraphs 8 and 9 of Schedule 12 to the Criminal Justice Act 2003”.

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#### Commencement Information

**I525** Sch. 32 para. 92 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 93 In section 12 (absolute and conditional discharge)—
- (a) in subsection (1) for “109(2), 110(2) or 111(2) below” there is substituted “ section 110(2) or 111(2) below, section 51A(2) of the Firearms Act 1968 or section 225, 226, 227 or 228 of the Criminal Justice Act 2003) ”, and
  - (b) subsection (4) (duty to explain effect of order for conditional discharge) is omitted.

#### Commencement Information

**I526** Sch. 32 para. 93 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 94 In the heading to Part 4, and the heading to Chapter 1 of that Part, for “COMMUNITY ORDERS” there is substituted “ YOUTH COMMUNITY ORDERS ”.

#### Commencement Information

**I527** Sch. 32 para. 94 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 95 For section 33 there is substituted—

#### “33 Meaning of “youth community order” and “community sentence”

- (1) In this Act “youth community order” means any of the following orders—
  - (a) a curfew order;
  - (b) an exclusion order;
  - (c) an attendance centre order;
  - (d) a supervision order;
  - (e) an action plan order.
- (2) In this Act “community sentence” means a sentence which consists of or includes—
  - (a) a community order under section 177 of the Criminal Justice Act 2003, or
  - (b) one or more youth community orders.”

#### Commencement Information

**I528** Sch. 32 para. 95 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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- 96 (1) Section 36B (electronic monitoring of requirements in community orders) is amended as follows.
- (2) In the heading for “**community orders**” there is substituted “**youth community orders**”, and
- (3) In subsection (1)—
- (a) for “to (4)” there is substituted “and (3)”, and
- (b) for “community order” there is substituted “youth community order”.
- (4) In subsection (2) and (6)(a), for “community order” there is substituted “youth community order”.

#### Commencement Information

**I529** Sch. 32 para. 96 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

- 97 (1) Section 37 (curfew orders) is amended as follows.
- (2) In subsection (1)—
- (a) after the word “person” there is inserted “aged under 16”, and
- (b) for “sections 34 to 36 above” there is substituted “sections 148, 150 and 156 of the Criminal Justice Act 2003”.
- (3) In subsection (5), for “community order” there is substituted “youth community order”.
- (4) Subsection (10) is omitted.

#### Commencement Information

**I530** Sch. 32 para. 97 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

- 98 In section 39 (breach, revocation and amendment of curfew orders), for “community orders” there is substituted “youth community orders”.

#### Commencement Information

**I531** Sch. 32 para. 98 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

- 99 In section 40 (curfew orders: supplementary), in subsection (3), for “paragraphs 2A(4) and (5) and 19(3)” there is substituted “paragraph 16(2)”.

- 100 (1) Section 40A (exclusion orders) is amended as follows.

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- (2) In subsection (1)—
- (a) after “person” there is inserted “ aged under 16 ”,
  - (b) for “sections 34 to 36 above” there is substituted “ sections 148, 150 and 156 of the Criminal Justice Act 2003 ”, and
  - (c) for “two years” there is substituted “ three months ”.
- (3) In subsection (5), for “community order” there is substituted “ youth community order ”.
- (4) Subsection (10) is omitted.

#### Commencement Information

**I532** Sch. 32 para. 100 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 101 In section 40B (breach, revocation and amendment of exclusion orders), for “community orders” there is substituted “ youth community orders ”.

#### Commencement Information

**I533** Sch. 32 para. 101 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 102 (1) Section 60 (attendance centre orders) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “sections 34 to 36 above” there is substituted “ sections 148, 150 and 156 of the Criminal Justice Act 2003 ” and for “21” there is substituted “ 16 ”, and
  - (b) in paragraph (b), for “21” there is substituted “ 16 ”, and
  - (c) paragraph (c) and the word “or” immediately preceding it are omitted.
- (3) In subsection (4), for paragraphs (a) and (b) there is substituted “ shall not exceed 24 ”.
- (4) In subsection (7), for “community order” there is substituted “ youth community order ”.

#### Commencement Information

**I534** Sch. 32 para. 102 partly in force; Sch. 32 para. 102 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 102(1)(2)(a)(4) in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 103 In section 63 (supervision orders), in subsection (1), for “sections 34 to 36 above” there is substituted “ sections 148, 150 and 156 of the Criminal Justice Act 2003 ”.

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**Commencement Information**

**I535** Sch. 32 para. 103 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

- 104 (1) Section 69 (action plan orders) is amended as follows.
- (2) In subsection (1), for “sections 34 to 36 above” there is substituted “ sections 148, 150 and 156 of the Criminal Justice Act 2003 ”, and
- (3) In subsection (5)(b), for “a community rehabilitation order, a community punishment order, a community punishment and rehabilitation order,” there is substituted “ a community order under section 177 of the Criminal Justice Act 2003 ”.
- (4) Subsection (11) is omitted.

**Commencement Information**

**I536** Sch. 32 para. 104 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

- 105 In section 70 (requirements which may be included in action plan orders and directions), in subsection (5)(a), after the word “other” there is inserted “ youth community order or any ”.

**Commencement Information**

**I537** Sch. 32 para. 105 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

- 106 (1) Section 73 (reparation orders) is amended as follows.
- (2) In subsection (4)(b), for “a community punishment order, a community punishment and rehabilitation order,” there is substituted “ a community order under section 177 of the Criminal Justice Act 2003 ”.
- (3) Subsection (7) is omitted.

**Commencement Information**

**I538** Sch. 32 para. 106 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

- 107 In section 74 (requirements and provisions of reparation order, and obligations of person subject to it), in subsection (3)(a), after “community order” there is inserted “ or any youth community order ”.

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#### Commencement Information

**I539** Sch. 32 para. 107 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

108 In section 76 (meaning of custodial sentence), in subsection (1) after paragraph (b) there is inserted—

“(bb) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003;

(bc) a sentence of detention under section 228 of that Act;”.

#### Commencement Information

**I540** Sch. 32 para. 108 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

109 (1) Section 82A (determination of tariffs) is amended as follows.

(2) In subsection (1), for the words from “where” onwards there is substituted “ where the sentence is not fixed by law ”.

(3) In subsection (3)—

(a) in paragraph (b), for “section 87” there is substituted “ section 240 of the Criminal Justice Act 2003 ”, and

(b) in paragraph (c), for “sections 33(2) and 35(1) of the Criminal Justice Act 1991” there is substituted “ section 244(1) of the Criminal Justice Act 2003 ”.

(4) In subsection (4)—

(a) after “If” there is inserted “ the offender was aged 21 or over when he committed the offence and ”, and

(b) the words “subject to subsection (5) below” are omitted.

(5) Subsections (5) and (6) are omitted.

#### Commencement Information

**I541** Sch. 32 partly in force; Sch. 32 para. 109(2)(3)(b)(4)(5) in force at 18.12.2003, see s. 336(2); Sch. 32 para. 109(1) in force for certain purposes and Sch. 32 para. 109(3)(a) in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

110 (1) Section 91 (offenders under 18 convicted of certain serious offences) is amended as follows.

(2) In subsection (3), for “none of the other methods in which the case may legally be dealt with” there is substituted “ neither a community sentence nor a detention and training order ”.

(3) In subsection (4), for “section 79 and 80 above” there is substituted “ section 152 and 153 of the Criminal Justice Act 2003 ”.

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**Commencement Information**

**I542** Sch. 32 para. 110 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

111 (1) Section 100 (detention and training orders) is amended as follows.

(2) In subsection (1)—

(a) for the words from the beginning to “subsection (2)” there is substituted “Subject to sections 90 and 91 above, sections 226 and 228 of the Criminal Justice Act 2003, and subsection (2)”, and

(b) for paragraph (b) there is substituted—

“(b) the court is of the opinion that subsection (2) of section 152 of the Criminal Justice Act 2003 applies or the case falls within subsection (3) of that section,”.

(3) Subsection (4) is omitted.

**Commencement Information**

**I543** Sch. 32 para. 111 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

112 In section 106 (interaction of detention and training orders with sentences of detention in a young offender institution), subsections (2) and (3) are omitted.

**Commencement Information**

**I544** Sch. 32 para. 112 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

113 After section 106 there is inserted—

**“106A Interaction with sentences of detention**

(1) In this section—

“the 2003 Act” means the Criminal Justice Act 2003;

“sentence of detention” means—

(a) a sentence of detention under section 91 above, or

(b) a sentence of detention under section 228 of the 2003 Act (extended sentence for certain violent or sexual offences: persons under 18).

(2) Where a court passes a sentence of detention in the case of an offender who is subject to a detention and training order, the sentence shall take effect as follows—

(a) if the offender has at any time been released by virtue of subsection (2), (3), (4) or (5) of section 102 above, at the beginning of the day on which the sentence is passed, and

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- (b) if not, either as mentioned in paragraph (a) above or, if the court so orders, at the time when the offender would otherwise be released by virtue of subsection (2), (3), (4) or (5) of section 102.
- (3) Where a court makes a detention and training order in the case of an offender who is subject to a sentence of detention, the order shall take effect as follows—
  - (a) if the offender has at any time been released under Chapter 6 of Part 12 of the 2003 Act (release on licence of fixed-term prisoners), at the beginning of the day on which the order is made, and
  - (b) if not, either as mentioned in paragraph (a) above or, if the court so orders, at the time when the offender would otherwise be released under that Chapter.
- (4) Where an order under section 102(5) above is made in the case of a person in respect of whom a sentence of detention is to take effect as mentioned in subsection (2)(b) above, the order is to be expressed as an order that the period of detention attributable to the detention and training order is to end at the time determined under section 102(5)(a) or (b) above.
- (5) In determining for the purposes of subsection (3)(b) the time when an offender would otherwise be released under Chapter 6 of Part 12 of the 2003 Act, section 246 of that Act (power of Secretary of State to release prisoners on licence before he is required to do so) is to be disregarded.
- (6) Where by virtue of subsection (3)(b) above a detention and training order made in the case of a person who is subject to a sentence of detention under section 228 of the 2003 Act is to take effect at the time when he would otherwise be released under Chapter 6 of Part 12 of that Act, any direction by the Parole Board under subsection (2)(b) of section 247 of that Act in respect of him is to be expressed as a direction that the Board would, but for the detention and training order, have directed his release under that section.
- (7) Subject to subsection (9) below, where at any time an offender is subject concurrently—
  - (a) to a detention and training order, and
  - (b) to a sentence of detention,he shall be treated for the purposes of the provisions specified in subsection (8) below as if he were subject only to the sentence of detention.
- (8) Those provisions are—
  - (a) sections 102 to 105 above,
  - (b) section 92 above and section 235 of the 2003 Act (place of detention, etc.), and
  - (c) Chapter 6 of Part 12 of the 2003 Act.
- (9) Nothing in subsection (7) above shall require the offender to be released in respect of either the order or the sentence unless and until he is required to be released in respect of each of them.”



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**Commencement Information**

**I545** Sch. 32 para. 113 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 114 In section 110 (required custodial sentence for third class A drug trafficking offence), subsection (3) is omitted.

**Commencement Information**

**I546** Sch. 32 para. 114 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 115 In section 111 (minimum of three years for third domestic burglary) subsection (3) is omitted.

**Commencement Information**

**I547** Sch. 32 para. 115 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 116 Sections 116 and 117 (return to prison etc. where offence committed during original sentence) shall cease to have effect.

**Commencement Information**

**I548** Sch. 32 para. 116 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 117 In section 130 (compensation orders against convicted persons), in subsection (2), for “109(2), 110(2) or 111(2) above,” there is substituted “ 110(2) or 111(2) above, section 51A(2) of the Firearms Act 1968 or section 225, 226, 227 or 228 of the Criminal Justice Act 2003, ”.

**Commencement Information**

**I549** Sch. 32 para. 117 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 118 In section 136 (power to order statement as to financial circumstances of parent or guardian) in subsection (2), for “section 126 above” there is substituted “ section 162 of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I550** Sch. 32 para. 118 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 119 (1) Section 138 (fixing of fine or compensation to be paid by parent or guardian) is amended as follows.

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- (2) In subsection (1)(a), for “section 128 above” there is substituted “ section 164 of the Criminal Justice Act 2003 ”.
- (3) In subsection (2), for “sections 128(1) (duty to inquire into financial circumstances) and” there is substituted “ section 164(1) of the Criminal Justice Act 2003 and section ”.
- (4) In subsection (4)—
- (a) for “section 129 above” there is substituted “ section 165 of the Criminal Justice Act 2003 ”,
  - (b) for “section 129(1)” there is substituted “ section 165(1) ”, and
  - (c) for “section 129(2)” there is substituted “ section 165(2) ”.

#### Commencement Information

**I551** Sch. 32 para. 119 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 120 In section 146 (driving disqualification for any offence), in subsection (2), for “109(2), 110(2) or 111(2) above” there is substituted “ 110(2) or 111(2) above, section 51A(2) of the Firearms Act 1968 or section 225, 226, 227 or 228 of the Criminal Justice Act 2003 ”.

#### Commencement Information

**I552** Sch. 32 para. 120 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 121 In section 154 (commencement of Crown Court sentence), in subsection (2), for “section 84 above” there is substituted “ section 265 of the Criminal Justice Act 2003 ”.

#### Commencement Information

**I553** Sch. 32 para. 121 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 122 In section 159 (execution of process between England and Wales and Scotland), for “10(7) or 24(1)” there is substituted “ 10(6) or 18(1) ”.

- 123 (1) Section 163 (interpretation) is amended as follows.
- (2) In the definition of “attendance centre” for “section 62(2) above” there is substituted “ section 221(2) of the Criminal Justice Act 2003 ”.
  - (3) In the definition of “attendance centre order” for the words from “by virtue of” to “Schedule 3” there is substituted “ by virtue of paragraph 4(2)(b) or 5(2)(b) of Schedule 3 ”.

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(4) In the definition of “community order”, for “section 33(1) above” there is substituted “section 177(1) of the Criminal Justice Act 2003”.

(5) For the definition of “curfew order” there is substituted—

““curfew order” means an order under section 37(1) above (and, except where the contrary intention is shown by paragraph 7 of Schedule 3 or paragraph 3 of Schedule 7 or 8, includes orders made under section 37(1) by virtue of paragraph 4(2)(a) or 5(2)(a) of Schedule 3 or paragraph 2(2)(a) of Schedule 7 or 8).”.

(6) In the definition of “operational period”, for “section 118(3) above” there is substituted “section 189(1)(b)(ii) of the Criminal Justice Act 2003”.

(7) In the definition of “suspended sentence”, for “section 118(3) above” there is substituted “section 189(7) of the Criminal Justice Act 2003”.

(8) At the end there is inserted—

““youth community order” has the meaning given by section 33(1) above.”.

#### Commencement Information

**I554** Sch. 32 para. 123 partly in force; Sch. 32 para. 123 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 123(5) in force for certain purposes and Sch. 32 para. 123(1)(2)(4)(6)-(8) in force at 4.4.2005 by S.I. 2005/950, [arts. 2](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

124 In section 164 (further interpretative provision) for subsection (3) there is substituted—

“(3) References in this Act to a sentence falling to be imposed—

(a) under section 110(2) or 111(2) above,

(b) under section 51A(2) of the Firearms Act 1968, or

(c) under any of sections 225 to 228 of the Criminal Justice Act 2003,

are to be read in accordance with section 305(4) of the Criminal Justice Act 2003.”

#### Commencement Information

**I555** Sch. 32 para. 124 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

125 For Schedule 3 (breach revocation and amendment of certain community orders) there is substituted—

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## “SCHEDULE 3

### BREACH, REVOCATION AND AMENDMENT OF CURFEW ORDERS AND EXCLUSION ORDERS

#### PART 1

##### PRELIMINARY

##### *Definitions*

- 1 In this Schedule—
- “the [<sup>F126</sup>local justice area] concerned” means—
- (a) in relation to a curfew order, the [<sup>F126</sup>local justice area] in which the place for the time being specified in the order is situated; and
  - (b) in relation to an exclusion order, the [<sup>F126</sup>local justice area] for the time being specified in the order;
- “relevant order” means a curfew order or an exclusion order.

##### *Orders made on appeal*

- 2 Where a relevant order has been made on appeal, for the purposes of this Schedule it shall be deemed—
- (a) if it was made on an appeal brought from a magistrates' court, to have been made by a magistrates' court;
  - (b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court.

#### PART 2

##### BREACH OF REQUIREMENT OF ORDER

##### *Issue of summons or warrant*

- 3 (1) If at any time while a relevant order is in force in respect of an offender it appears on information to a justice of the peace [<sup>F127</sup>acting in the local justice area] concerned that the offender has failed to comply with any of the requirements of the order, the justice may—
- (a) issue a summons requiring the offender to appear at the place and time specified in it; or
  - (b) if the information is in writing and on oath, issue a warrant for his arrest.
- (2) Any summons or warrant issued under this paragraph shall direct the offender to appear or be brought—
- (a) in the case of any relevant order which was made by the Crown Court and included a direction that any failure to comply with any

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- of the requirements of the order be dealt with by the Crown Court, before the Crown Court; and
- (b) in the case of a relevant order which is not an order to which paragraph (a) above applies, before a magistrates' court [<sup>F127</sup>acting in the local justice area] concerned.
- (3) Where a summons issued under sub-paragraph (1)(a) above requires an offender to appear before the Crown Court and the offender does not appear in answer to the summons, the Crown Court may issue a further summons requiring the offender to appear at the place and time specified in it.
- (4) Where a summons issued under sub-paragraph (1)(a) above or a further summons issued under sub-paragraph (3) above requires an offender to appear before the Crown Court and the offender does not appear in answer to the summons, the Crown Court may issue a warrant for the arrest of the offender.

#### *Powers of magistrates' court*

- 4 (1) This paragraph applies if it is proved to the satisfaction of a magistrates' court before which an offender appears or is brought under paragraph 3 above that he has failed without reasonable excuse to comply with any of the requirements of the relevant order.
- (2) The magistrates' court may deal with the offender in respect of the failure in one of the following ways (and must deal with him in one of those ways if the relevant order is in force)—
- (a) by making a curfew order in respect of him (subject to paragraph 7 below);
- (b) by making an attendance centre order in respect of him (subject to paragraph 8 below); or
- (c) where the relevant order was made by a magistrates' court, by dealing with him, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (3) In dealing with an offender under sub-paragraph (2)(c) above, a magistrates' court—
- (a) shall take into account the extent to which the offender has complied with the requirements of the relevant order; and
- (b) in the case of an offender who has wilfully and persistently failed to comply with those requirements, may impose a custodial sentence (where the relevant order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2) of the Criminal Justice Act 2003.
- (4) Where a magistrates' court deals with an offender under sub-paragraph (2)(c) above, it shall revoke the relevant order if it is still in force.
- (5) Where a relevant order was made by the Crown Court and a magistrates' court has power to deal with the offender under sub-paragraph (2)(a) or (b) above, it may instead commit him to custody or release him on bail until he can be brought or appear before the Crown Court.

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- (6) A magistrates' court which deals with an offender's case under sub-paragraph (5) above shall send to the Crown Court—
- (a) a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements of the relevant order in the respect specified in the certificate; and
  - (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed shall be admissible as evidence of the failure before the Crown Court.
- (7) A person sentenced under sub-paragraph (2)(c) above for an offence may appeal to the Crown Court against the sentence.

#### *Powers of Crown Court*

- 5 (1) This paragraph applies where under paragraph 3 or by virtue of paragraph 4(5) above an offender is brought or appears before the Crown Court and it is proved to the satisfaction of that court that he has failed without reasonable excuse to comply with any of the requirements of the relevant order.
- (2) The Crown Court may deal with the offender in respect of the failure in one of the following ways (and must deal with him in one of those ways if the relevant order is in force)—
- (a) by making a curfew order in respect of him (subject to paragraph 7 below);
  - (b) by making an attendance centre order in respect of him (subject to paragraph 8 below); or
  - (c) by dealing with him, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (3) In dealing with an offender under sub-paragraph (2)(c) above, the Crown Court—
- (a) shall take into account the extent to which the offender has complied with the requirements of the relevant order; and
  - (b) in the case of an offender who has wilfully and persistently failed to comply with those requirements, may impose a custodial sentence (where the relevant order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2) of the Criminal Justice Act 2003.
- (4) Where the Crown Court deals with an offender under sub-paragraph (2)(c) above, it shall revoke the relevant order if it is still in force.
- (5) In proceedings before the Crown Court under this paragraph any question whether the offender has failed to comply with the requirements of the relevant order shall be determined by the court and not by the verdict of a jury.

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*Exclusions from paragraphs 4 and 5*

- 6 Without prejudice to paragraphs 10 and 11 below, an offender who is convicted of a further offence while a relevant order is in force in respect of him shall not on that account be liable to be dealt with under paragraph 4 or 5 in respect of a failure to comply with any requirement of the order.

*Curfew orders imposed for breach of relevant order*

- 7 (1) Section 37 of this Act (curfew orders) shall apply for the purposes of paragraphs 4(2)(a) and 5(2)(a) above as if for the words from the beginning to “make” there were substituted “ Where a court has power to deal with an offender under Part 2 of Schedule 3 to this Act for failure to comply with any of the requirements of a relevant order, the court may make in respect of the offender ”.
- (2) The following provisions of this Act, namely—
- (a) section 37(3) to (12), and
  - (b) so far as applicable, sections 36B and 40 and this Schedule so far as relating to curfew orders;
- have effect in relation to a curfew order made by virtue of paragraphs 4(2)(a) and 5(2)(a) as they have effect in relation to any other curfew order, subject to sub-paragraph (3) below.
- (3) This Schedule shall have effect in relation to such a curfew order as if—
- (a) the power conferred on the court by each of paragraphs 4(2)(c), 5(2)(c) and 10(3)(b) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with the relevant order, in any way in which the appropriate court could deal with him for that failure if it had just been proved to the satisfaction of the court;
  - (b) the reference in paragraph 10(1)(b) to the offence in respect of which the order was made were a reference to the failure to comply in respect of which the curfew order was made; and
  - (c) the power conferred on the Crown Court by paragraph 11(2)(b) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with the relevant order, in any way in which the appropriate court (if the relevant order was made by the magistrates' court) or the Crown Court (if that order was made by the Crown Court) could deal with him for that failure if it had just been proved to its satisfaction.
- (4) For the purposes of the provisions mentioned in paragraphs (a) and (c) of sub-paragraph (3) above, as applied by that sub-paragraph, if the relevant order is no longer in force the appropriate court’s powers shall be determined on the assumption that it is still in force.
- (5) Sections 148 and 156 of the Criminal Justice Act 2003 (restrictions and procedural requirements for community sentences) do not apply in relation to a curfew order made by virtue of paragraph 4(2)(a) or 5(2)(a) above.

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*Attendance centre orders imposed for breach of relevant order*

- 8 (1) Section 60(1) of this Act (attendance centre orders) shall apply for the purposes of paragraphs 4(2)(b) and 5(2)(b) above as if for the words from the beginning to “the court may,” there were substituted “ Where a court has power to deal with an offender under Part 2 of Schedule 3 to this Act for failure to comply with any of the requirements of a relevant order, the court may, ”.
- (2) The following provisions of this Act, namely—
- (a) subsections (3) to (11) of section 60, and
  - (b) so far as applicable, section 36B and Schedule 5,
- have effect in relation to an attendance centre order made by virtue of paragraph 4(2)(b) or 5(2)(b) above as they have effect in relation to any other attendance centre order, but as if there were omitted from each of paragraphs 2(1)(b), 3(1) and 4(3) of Schedule 5 the words “, for the offence in respect of which the order was made,” and “for that offence”.
- (3) Sections 148 and 156 of the Criminal Justice Act 2003 (restrictions and procedural requirements for community sentences) do not apply in relation to an attendance centre order made by virtue of paragraph 4(2)(b) or 5(2)(b) above.

*Supplementary*

- 9 Any exercise by a court of its powers under paragraph 4(2)(a) or (b) or 5(2)(a) or (b) above shall be without prejudice to the continuance of the relevant order.

**PART 3**

REVOCATION OF ORDER

*Revocation of order with or without re-sentencing: powers of magistrates' court*

- 10 (1) This paragraph applies where a relevant order made by a magistrates' court is in force in respect of any offender and on the application of the offender or the responsible officer it appears to the appropriate magistrates' court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice—
- (a) for the order to be revoked; or
  - (b) for the offender to be dealt with in some other way for the offence in respect of which the order was made.
- (2) In this paragraph “the appropriate magistrates' court” means a magistrates' court [<sup>F128</sup>acting in the local justice area] concerned.
- (3) The appropriate magistrates' court may—
- (a) revoke the order; or
  - (b) both—
    - (i) revoke the order; and



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- (ii) deal with the offender for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (4) In dealing with an offender under sub-paragraph (3)(b) above, a magistrates' court shall take into account the extent to which the offender has complied with the requirements of the relevant order.
- (5) A person sentenced under sub-paragraph (3)(b) above for an offence may appeal to the Crown Court against the sentence.
- (6) Where a magistrates' court proposes to exercise its powers under this paragraph otherwise than on the application of the offender, it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.
- (7) No application may be made by the offender under sub-paragraph (1) above while an appeal against the relevant order is pending.

*Revocation of order with or without re-sentencing:  
powers of Crown Court on conviction etc.*

- 11 (1) This paragraph applies where—
- (a) a relevant order made by the Crown Court is in force in respect of an offender and the offender or the responsible officer applies to the Crown Court for the order to be revoked or for the offender to be dealt with in some other way for the offence in respect of which the order was made; or
  - (b) an offender in respect of whom a relevant order is in force is convicted of an offence before the Crown Court or, having been committed by a magistrates' court to the Crown Court for sentence, is brought or appears before the Crown Court.
- (2) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may—
- (a) revoke the order; or
  - (b) both—
    - (i) revoke the order; and
    - (ii) deal with the offender for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (3) In dealing with an offender under sub-paragraph (2)(b) above, the Crown Court shall take into account the extent to which the offender has complied with the requirements of the relevant order.

*Revocation following custodial sentence by  
magistrates' court unconnected with order*

- 12 (1) This paragraph applies where—

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- (a) an offender in respect of whom a relevant order is in force is convicted of an offence by a magistrates' court unconnected with the order;
  - (b) the court imposes a custodial sentence on the offender; and
  - (c) it appears to the court, on the application of the offender or the responsible officer, that it would be in the interests of justice to exercise its powers under this paragraph having regard to circumstances which have arisen since the order was made.
- (2) In sub-paragraph (1) above “a magistrates' court unconnected with the order” means a magistrates' court not [<sup>F128</sup>acting in the local justice area] concerned.
- (3) The court may—
- (a) if the order was made by a magistrates' court, revoke it;
  - (b) if the order was made by the Crown Court, commit the offender in custody or release him on bail until he can be brought or appear before the Crown Court.
- (4) Where the court deals with an offender's case under sub-paragraph (3)(b) above, it shall send to the Crown Court such particulars of the case as may be desirable.

*Revocation following custodial sentence by  
magistrates' court unconnected with order*

- 13 Where by virtue of paragraph 12(3)(b) above an offender is brought or appears before the Crown Court and it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the relevant order was made, the Crown Court may revoke the order.

*Supplementary*

- 14 (1) On the making under this Part of this Schedule of an order revoking a relevant order, the proper officer of the court shall forthwith give copies of the revoking order to the responsible officer.
- (2) In sub-paragraph (1) above “proper officer” means—
- (a) in relation to a magistrates' court, the [<sup>F129</sup>designated officer] for the court; and
  - (b) in relation to the Crown Court, the appropriate officer.
- (3) A responsible officer to whom in accordance with sub-paragraph (1) above copies of a revoking order are given shall give a copy to the offender and to the person in charge of any institution in which the offender was required by the order to reside.

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## PART 4

### AMENDMENT OF ORDER

#### *Amendment by reason of change of residence*

- 15 (1) This paragraph applies where, at any time while a relevant order is in force in respect of an offender, a magistrates' court [<sup>F130</sup>acting in the local justice area] concerned is satisfied that the offender proposes to change, or has changed, his residence from that [<sup>F131</sup>local justice area] to another [<sup>F131</sup>local justice area].
- (2) Subject to sub-paragraph (3) below, the court may, and on the application of the responsible officer shall, amend the relevant order by substituting the other [<sup>F132</sup>local justice area] for the area specified in the order or, in the case of a curfew order, a place in that other area for the place so specified.
- (3) The court shall not amend under this paragraph a curfew order which contains requirements which, in the opinion of the court, cannot be complied with unless the offender continues to reside in the [<sup>F132</sup>local justice area] concerned unless, in accordance with paragraph 16 below, it either—
- cancels those requirements; or
  - substitutes for those requirements other requirements which can be complied with if the offender ceases to reside in that area.

#### *Amendment of requirements of order*

- 16 (1) Without prejudice to the provisions of paragraph 15 above but subject to the following provisions of this paragraph, a magistrates' court [<sup>F133</sup>acting in the local justice area] concerned may, on the application of an eligible person, by order amend a relevant order—
- by cancelling any of the requirements of the order; or
  - by inserting in the order (either in addition to or in substitution for any of its requirements) any requirement which the court could include if it were then making the order.
- (2) A magistrates' court shall not under sub-paragraph (1) above amend a curfew order by extending the curfew periods beyond the end of six months from the date of the original order.
- (3) A magistrates' court shall not under sub-paragraph (1) above amend an exclusion order by extending the period for which the offender is prohibited from entering the place in question beyond the end of three months from the date of the original order.
- (4) For the purposes of this paragraph the eligible persons are—
- the offender;
  - the responsible officer; and
  - in relation to an exclusion order, any affected person.

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But an application under sub-paragraph (1) by a person such as is mentioned in paragraph (c) above must be for the cancellation of a requirement which was included in the order by virtue of his consent or for the purpose (or partly for the purpose) of protecting him from being approached by the offender, or for the insertion of a requirement which will, if inserted, be such a requirement.

*Supplementary*

- 17 No order may be made under paragraph 15 above, and no application may be made under paragraph 16 above, while an appeal against the relevant order is pending.

*Supplementary*

- 18 (1) Subject to sub-paragraph (2) below, where a court proposes to exercise its powers under this Part of this Schedule, otherwise than on the application of the offender, the court—
- (a) shall summon him to appear before the court; and
  - (b) if he does not appear in answer to the summons, may issue a warrant for his arrest.
- (2) This paragraph shall not apply to an order cancelling a requirement of a relevant order or reducing the period of any requirement, or to an order under paragraph 15 above substituting a new [F134]local justice area] or a new place for the one specified in a relevant order.

*Supplementary*

- 19 (1) On the making under this Part of this Schedule of an order amending a relevant order, the [F135]designated officer] for the court shall forthwith—
- (a) if the order amends the relevant order otherwise than by substituting, by virtue of paragraph 15 above, a new [F136]local justice area] or a new place for the one specified in the relevant order, give copies of the amending order to the responsible officer;
  - (b) if the order amends the relevant order in the manner excepted by paragraph (a) above, send to the [F137]designated officer for] the justices for the new [F136]local justice area] or, as the case may be, for the [F136]local justice area] in which the new place is situated—
    - (i) copies of the amending order; and
    - (ii) such documents and information relating to the case as he considers likely to be of assistance to a court acting for that area in the exercise of its functions in relation to the order;
 and in a case falling within paragraph (b) above the chief executive of the justices for that area shall give copies of the amending order to the responsible officer.
- (2) A responsible officer to whom in accordance with sub-paragraph (1) above copies of an order are given shall give a copy to the offender and to the person in charge of any institution in which the offender is or was required by the order to reside.”

*Status: Point in time view as at 06/04/2007.*

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### Textual Amendments

- F126** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(i)**
- F127** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(ii)**
- F128** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(iii)**
- F129** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(iv)**
- F130** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(v)**
- F131** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(v)**
- F132** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(v)**
- F133** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(vi)**
- F134** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(vii)**
- F135** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(viii)**
- F136** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(viii)**
- F137** Words in Sch. 32 para. 125 substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 112(b)(viii)**

- 126 In Schedule 5 (breach, revocation and amendment of attendance centre orders)—
- (a) in paragraph 1(1)(b), for “section 62(3) of this Act” there is substituted “section 222(1)(d) or (e) of the Criminal Justice Act 2003 ”,
  - (b) in paragraph 2(5)(b), for “section 79(2) of this Act” there is substituted “section 152(2) of the Criminal Justice Act 2003 ”, and
  - (c) in paragraph 3(3)(b), for “section 79(2) of this Act” there is substituted “section 152(2) of the Criminal Justice Act 2003 ”.

### Commencement Information

- I556** Sch. 32 para. 126 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (subject to art. 2(2), Sch. 2)

- 127 In Schedule 6 (requirements which may be included in supervision orders)—
- (a) in paragraph 2(7)(a), after the word “other” there is inserted “ youth community order or any ”, and
  - (b) in paragraph 3(6)(a), for “community order” there is substituted “ youth community order ”.

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#### Commencement Information

**I557** Sch. 32 para. 127 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 128 In Schedule 7 (breach, revocation and amendment of supervision orders)—
- (a) in paragraph 3—
- (i) in sub-paragraph (2), for “sub-paragraphs (4) and (5)” there is substituted “ sub-paragraph (5) ”,
- (ii) in sub-paragraph (3), for “Sections 35 and 36 of this Act” there is substituted “ Sections 148 and 156 of the Criminal Justice Act 2003 ”,
- (iii) sub-paragraph (4) is omitted, and
- (iv) in sub-paragraph (5)(a), for the words from the beginning to “and” there is substituted “ the power conferred on the court by each of paragraphs 4(2)(c) and ”, and
- (b) in paragraph 4(3), for “Sections 35 and 36 of this Act” there is substituted “ Sections 148 and 156 of the Criminal Justice Act 2003 ”.

#### Commencement Information

**I558** Sch. 32 para. 128 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 129 In Schedule 8 (breach, revocation and amendment of action plan orders and reparation orders)—
- (a) in paragraph 3—
- (i) in sub-paragraph (2), for “sub-paragraphs (4) and (5)” there is substituted “ sub-paragraph (5) ”,
- (ii) in sub-paragraph (3), for “Sections 35 and 36 of this Act” there is substituted “ Sections 148 and 156 of the Criminal Justice Act 2003 ”,
- (iii) sub-paragraph (4) is omitted, and
- (iv) in sub-paragraph (5)(a), for the words from the beginning to “and” there is substituted “ The power conferred on the court by each of paragraphs 4(2)(c) and ”, and
- (b) in paragraph 4(3), for “Sections 35 and 36 of this Act” there is substituted “ Sections 148 and 156 of the Criminal Justice Act 2003 ”.

#### Commencement Information

**I559** Sch. 32 para. 129 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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*Child Support, Pensions and Social Security Act 2000 (c. 19)*

130 The Child Support, Pensions and Social Security Act 2000 is amended as follows.

**Commencement Information**

**I560** Sch. 32 para. 130 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(35) (subject to art. 2(2), Sch. 2)

131 (1) Section 62 (loss of benefit for breach of community order) is amended as follows.

(2) In subsection (8), for the definition of “relevant community order” there is substituted—

““relevant community order” means—

- (a) a community order made under section 177 of the Criminal Justice Act 2003; or
- (b) any order falling in England or Wales to be treated as such an order.”

(3) In subsection (11)(c)(ii), for “to (e)” there is substituted “ and (b) ”.

**Commencement Information**

**I561** Sch. 32 para. 131 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(35) (subject to art. 2(2), Sch. 2)

132 In section 64 (information provision), in subsection (6)(a), after “community orders” there is inserted “ (as defined by section 177 of the Criminal Justice Act 2003) ”.

**Commencement Information**

**I562** Sch. 32 para. 132 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(35) (subject to art. 2(2), Sch. 2)

*Criminal Justice and Court Services Act 2000 (c. 43)*

133 The Criminal Justice and Court Services Act 2000 is amended as follows.

**Commencement Information**

**I563** Sch. 32 para. 133 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(36) (subject to art. 2(2), Sch. 2)

134 In section 1 (purposes of Chapter 1 of Part 1 of the Act), in subsection (2)—

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- (a) in paragraph (a), after “community orders” there is inserted “ (as defined by section 177 of the Criminal Justice Act 2003) ”, and
- (b) after paragraph (c) there is inserted—
  - “(d) giving effect to suspended sentence orders (as defined by section 189 of the Criminal Justice Act 2003).”

#### Commencement Information

**I564** Sch. 32 para. 134 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 135 In section 42 (interpretation of Part 2), in subsection (2)(a), for “section 119 of the Powers of Criminal Court (Sentencing) Act 2000” there is substituted “ paragraph 8(2)(a) or (b) of Schedule 12 of the Criminal Justice Act 2003 ”.

#### Commencement Information

**I565** Sch. 32 para. 135 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 136 (1) Section 62 (release on licence etc: conditions as to monitoring) is amended as follows.
- (2) For subsection (3) there is substituted—
- “(3) In relation to a prisoner released under section 246 of the Criminal Justice Act 2003 (power to release prisoners on licence before required to do so), the monitoring referred to in subsection (2)(a) does not include the monitoring of his compliance with conditions imposed under section 253 of that Act (curfew condition).”
- (3) In subsection (5) after paragraph (e) there is inserted “, and
- (f) a sentence of detention under section 226 or 228 of the Criminal Justice Act 2003”.

#### Commencement Information

**I566** Sch. 32 para. 136 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 137 In section 69 (duties of local probation boards in connection with victims of certain offences), in subsection (8), for paragraph (a) there is substituted—
- “(a) murder or an offence specified in Schedule 15 to the Criminal Justice Act 2003.”

#### Commencement Information

**I567** Sch. 32 para. 137 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))



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- 138 In section 70 (general interpretation), in subsection (5), for the words “any community order” there is substituted “ a curfew order, an exclusion order, a community rehabilitation order, a community punishment order, a community punishment and rehabilitation order, a drug treatment and testing order, a drug abstinence order, an attendance centre order, a supervision order or an action plan order ”.

**Commencement Information**

**I568** Sch. 32 para. 138 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*International Criminal Court Act 2001 (c. 17)*

- 139 (1) Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), is amended as follows.
- (2) In paragraph 2(1), for paragraph (d) there is substituted—  
“(d) section 240 of the Criminal Justice Act 2003 (crediting of periods of remand in custody).”
- (3) In paragraph 3(1), for “Part 2 of the Criminal Justice Act 1991” there is substituted “ sections 244 to 264 of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I569** Sch. 32 para. 139 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(37\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

VALID FROM 28/03/2009

*Armed Forces Act 2001 (c. 19)*

- 140 In section 30 of the Armed Forces Act 2001 (conditional release from custody), in subsection (6)(a) for “six months” there is substituted “ the term specified in subsection (1)(a) of section 8 of the Armed Forces Act 1976 (powers of courts in relation to civilians) ”.

*Proceeds of Crime Act 2002 (c. 29)*

- 141 In section 38 of the Proceeds of Crime Act 2002 (provisions about imprisonment or detention), in subsection (4)(a), for “section 118(1) of the Sentencing Act” there is substituted “ section 189(1) of the Criminal Justice Act 2003 ”.

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**Commencement Information**

**I570** Sch. 32 para. 141 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(38) (subject to [art. 2\(2\)](#), Sch. 2)

*Sexual Offences Act 2003 (c. 42)*

142 The Sexual Offences Act 2003 is amended as follows.

**Commencement Information**

**I571** Sch. 32 para. 142 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(39) (subject to [art. 2\(2\)](#), Sch. 2)

143 In section 131 (application of Part 2 to young offenders), after paragraph (j) there is inserted—

“(k) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003,

(l) an extended sentence under section 228 of that Act,”.

**Commencement Information**

**I572** Sch. 32 para. 143 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(39) (subject to [art. 2\(2\)](#), Sch. 2)

144 In section 133 (general interpretation), at the end of paragraph (a) of the definition of “community order” there is inserted “ (as that Act had effect before the passing of the Criminal Justice Act 2003) ”.

**Commencement Information**

**I573** Sch. 32 para. 144 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(39) (subject to [art. 2\(2\)](#), Sch. 2)

VALID FROM 28/03/2009

**PART 2**

OFFENCES: ABOLITION OF IMPRISONMENT AND CONVERSION TO SUMMARY OFFENCE

PROSPECTIVE

*Vagrancy Act 1824 (c. 83)*

145 In section 3 of the Vagrancy Act 1824 (idle and disorderly persons), for the words from “subject to” to the end there is substituted “ it shall be lawful for

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any justice of the peace to impose on such person (being thereof convicted before him by his own view, or by the confession of such person, or by the evidence on oath of one or more credible witnesses) a fine not exceeding level 3 on the standard scale ”.

146 (1) Section 4 of that Act (rogues and vagabonds) is amended as follows.

(2) In that section, for the words from “shall be” to the end there is substituted “ commits an offence under this section ”.

(3) At the end of that section (which becomes subsection (1)) there is inserted—

“(2) It shall be lawful for any justice of the peace to impose on any person who commits an offence under this section (being thereof convicted before him by the confession of such person, or by the evidence on oath of one or more credible witnesses)—

- (a) in the case of a person convicted of the offence of wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, and not giving a good account of himself, a fine not exceeding level 1 on the standard scale, and
- (b) in the case of a person convicted of any other offence under this section, a fine not exceeding level 3 on the standard scale.”

PROSPECTIVE

*London Hackney Carriages Act 1843 (c. 86)*

147 In section 28 of the London Hackney Carriages Act 1843, after “for every such offence”, there is inserted “ of which he is convicted before the justice ”.

PROSPECTIVE

*Town Police Clauses Act 1847 (c. 89)*

148 In section 26 of the Town Police Clauses Act 1847, for the words from “committed by them” to the end, there is substituted “ liable to a fine not exceeding level 3 on the standard scale ”.

149 In section 28 of that Act, after “for each offence”, there is inserted “ of which he is convicted before the justice ”.

150 In section 29 of that Act, after “for every such offence”, there is inserted “ of which he is convicted before the justice ”.

151 In section 36 of that Act, after “liable”, there is inserted “ on conviction before the justices ”.

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PROSPECTIVE

*Seamen's and Soldiers' False Characters Act 1906 (c. 5)*

152

F138

**Textual Amendments**

**F138** Sch. 32 para. 152 repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\), s. 1\(I\)](#), {Sch. 1 P1. 1 Group 4}

PROSPECTIVE

*Aliens Restriction (Amendment) Act 1919 (c. 92)*

153

In section 3(2) of the Aliens Restriction (Amendment) Act 1919, for “imprisonment for a term not exceeding three months” there is substituted “ a fine not exceeding level 3 on the standard scale ”.

PROSPECTIVE

*Polish Resettlement Act 1947 (c. 19)*

154

In the Schedule to the Polish Resettlement Act 1947, in paragraph 7, for “imprisonment for a term not exceeding three months” there is substituted “ a fine not exceeding level 1 on the standard scale ”.

*Army Act 1955 (3 & 4 Eliz. 2 c. 18)*

155

In section 61 of the Army Act 1955, for the words from “the like” to “section nineteen of this Act” there is substituted “ dismissal from Her Majesty’s service with or without disgrace, to detention for a term not exceeding three months, ”.

*Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)*

156

In section 61 of the Air Force Act 1955, for the words from “the like” to “section nineteen of this Act” there is substituted “ dismissal from Her Majesty’s service with or without disgrace, to detention for a term not exceeding three months, ”.

*Naval Discipline Act 1957 (c. 53)*

157

In section 34A of the Naval Discipline Act 1957, for the words “imprisonment for a term not exceeding three months” there is substituted “ dismissal from Her

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Majesty’s service with or without disgrace, detention for a term not exceeding three months, ”.

PROSPECTIVE

*Slaughterhouses Act 1974 (c. 3)*

158 In section 4 of the Slaughterhouses Act 1974, after subsection (5) there is inserted—

“(5A) A person guilty of an offence under subsection (5) above shall be liable to a fine not exceeding level 3 on the standard scale.”

PROSPECTIVE

*Water Industry Act 1991 (c. 56)*

159 In Schedule 6 to the Water Industry Act 1991, in paragraph 5(4), for paragraphs (a) and (b) there is substituted “, on summary conviction, to a fine not exceeding level 5 on the standard scale ”.

PROSPECTIVE

*Water Resources Act 1991 (c. 57)*

160 In section 205(6) of the Water Resources Act 1991, for paragraphs (a) and (b) there is substituted “on summary conviction to a fine not exceeding level 5 on the standard scale”.

PROSPECTIVE

*Transport Act 2000 (c. 38)*

161 In section 82(4) of the Transport Act 2000, after “subsection (1)” there is inserted “ or (2) ”.

*Reserve Forces Act 1996 (c. 14)*

162 In paragraph 5(3) of Schedule 1 to the Reserve Forces Act 1996, for the words “imprisonment for a term not exceeding three months” there is substituted “dismissal from Her Majesty’s service with or without disgrace, to detention for a term not exceeding 3 months, ”.

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## SCHEDULE 33

Section 321

## JURY SERVICE

1 The Juries Act 1974 (c. 23) is amended as follows.

**Commencement Information**

**I574** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

2 For section 1 (qualification for jury service) there is substituted—

**“1 Qualification for jury service**

- (1) Subject to the provisions of this Act, every person shall be qualified to serve as a juror in the Crown Court, the High Court and county courts and be liable accordingly to attend for jury service when summoned under this Act if—
- (a) he is for the time being registered as a parliamentary or local government elector and is not less than eighteen nor more than seventy years of age;
  - (b) he has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for any period of at least five years since attaining the age of thirteen;
  - (c) he is not a mentally disordered person; and
  - (d) he is not disqualified for jury service.
- (2) In subsection (1) above “mentally disordered person” means any person listed in Part 1 of Schedule 1 to this Act.
- (3) The persons who are disqualified for jury service are those listed in Part 2 of that Schedule.”

**Commencement Information**

**I575** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

3 Section 9(1) (certain persons entitled to be excused from jury service) shall cease to have effect.

**Commencement Information**

**I576** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

4 In section 9(2) (discretionary excusal) after “may” there is inserted “, subject to section 9A(1A) of this Act, ”.

**Commencement Information**

**I577** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

5 After section 9(2) (discretionary excusal) there is inserted—

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“(2A) Without prejudice to subsection (2) above, the appropriate officer shall excuse a full-time serving member of Her Majesty’s naval, military or air forces from attending in pursuance of a summons if—

- (a) that member’s commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty, and
- (b) subsection (2A) or (2B) of section 9A of this Act applies.

(2B) Subsection (2A) above does not affect the application of subsection (2) above to a full-time serving member of Her Majesty’s naval, military or air forces in a case where he is not entitled to be excused under subsection (2A).”

**Commencement Information**

**I578** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

- 6 In section 9(3) (discretionary excusal) after “above” there is inserted “ or any failure by the appropriate officer to excuse him as required by subsection (2A) above ”.

**Commencement Information**

**I579** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

- 7 In section 9A(1) (discretionary deferral) after “may” there is inserted “ , subject to subsection (2) below, ”.

**Commencement Information**

**I580** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

- 8 After section 9A(1) (discretionary deferral) there is inserted—
- “(1A) Without prejudice to subsection (1) above and subject to subsection (2) below, the appropriate officer—
- (a) shall defer the attendance of a full-time serving member of Her Majesty’s naval, military or air forces in pursuance of a summons if subsection (1B) below applies, and
  - (b) for this purpose, shall vary the dates upon which that member is summoned to attend and the summons shall have effect accordingly.
- (1B) This subsection applies if that member’s commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty.
- (1C) Nothing in subsection (1A) or (1B) above shall affect the application of subsection (1) above to a full-time serving member of Her Majesty’s naval, military or air forces in a case where subsection (1B) does not apply.”

**Commencement Information**

**I581** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

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9 For section 9A(2) (discretionary deferral) there is substituted—

“(2) The attendance of a person in pursuance of a summons shall not be deferred under subsection (1) or (1A) above if subsection (2A) or (2B) below applies.”

**Commencement Information**

**I582** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

10 After section 9A(2) (discretionary deferral) there is inserted—

“(2A) This subsection applies where a deferral of the attendance of the person in pursuance of the summons has previously been made or refused under subsection (1) above or has previously been made under subsection (1A) above.

(2B) This subsection applies where—

- (a) the person is a full-time serving member of Her Majesty’s naval, military or air forces, and
- (b) in addition to certifying to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty, that member’s commanding officer certifies that this position is likely to remain for any period specified for the purpose of this subsection in guidance issued under section 9AA of this Act.”

**Commencement Information**

**I583** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

11 In section 9A(3) (discretionary deferral) after “above” there is inserted “ or any failure by the appropriate officer to defer his attendance as required by subsection (1A) above ”.

**Commencement Information**

**I584** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

12 After section 9A (discretionary deferral) there is inserted—

**“9AA Requirement to issue guidance**

- (1) The Lord Chancellor shall issue guidance as to the manner in which the functions of the appropriate officer under sections 9 and 9A of this Act are to be exercised.
- (2) The Lord Chancellor shall—
  - (a) lay before each House of Parliament the guidance, and any revised guidance, issued under this section, and
  - (b) arrange for the guidance, or revised guidance, to be published in a manner which he considers appropriate.”



*Status: Point in time view as at 06/04/2007.*

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**Commencement Information**

**I585** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

13 In section 19 (payment for jury service), after subsection (1) there is inserted—

“(1A) The reference in subsection (1) above to payments by way of allowance for subsistence includes a reference to vouchers and other benefits which may be used to pay for subsistence, whether or not their use is subject to any limitations.”

**Commencement Information**

**I586** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

14 In section 20 (offences), for subsection (5)(d) there is substituted—

“(d) knowing that he is disqualified under Part 2 of Schedule 1 to this Act, serves on a jury;”

**Commencement Information**

**I587** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

15 For Schedule 1 (ineligibility and disqualification for and excusal from jury service) there is substituted—

“SCHEDULE 1

MENTALLY DISORDERED PERSONS AND PERSONS DISQUALIFIED FOR JURY SERVICE

**PART 1**

MENTALLY DISORDERED PERSONS

- 1 A person who suffers or has suffered from mental illness, psychopathic disorder, mental handicap or severe mental handicap and on account of that condition either—
  - (a) is resident in a hospital or similar institution; or
  - (b) regularly attends for treatment by a medical practitioner.
- 2 A person for the time being under guardianship under section 7 of the Mental Health Act 1983.
- 3 A person who, under Part 7 of that Act, has been determined by a judge to be incapable, by reason of mental disorder, of managing and administering his property and affairs.
- 4 (1) In this Part of this Schedule—
  - (a) “mental handicap” means a state of arrested or incomplete development of mind (not amounting to severe mental handicap) which includes significant impairment of intelligence and social functioning;

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- (b) “severe mental handicap” means a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning;
  - (c) other expressions are to be construed in accordance with the Mental Health Act 1983.
- (2) For the purposes of this Part a person is to be treated as being under guardianship under section 7 of the Mental Health Act 1983 at any time while he is subject to guardianship pursuant to an order under section 116A(2)(b) of the Army Act 1955, section 116A(2)(b) of the Air Force Act 1955 or section 63A(2)(b) of the Naval Discipline Act 1957.

## PART 2

### PERSONS DISQUALIFIED

- 5 A person who is on bail in criminal proceedings (within the meaning of the Bail Act 1976).
- 6 A person who has at any time been sentenced in the United Kingdom, the Channel Islands or the Isle of Man—
- (a) to imprisonment for life, detention for life or custody for life,
  - (b) to detention during her Majesty’s pleasure or during the pleasure of the Secretary of State,
  - (c) to imprisonment for public protection or detention for public protection,
  - (d) to an extended sentence under section 227 or 228 of the Criminal Justice Act 2003 or section 210A of the Criminal Procedure (Scotland) Act 1995, or
  - (e) to a term of imprisonment of five years or more or a term of detention of five years or more.
- 7 A person who at any time in the last ten years has—
- (a) in the United Kingdom, the Channel Islands or the Isle of Man—
    - (i) served any part of a sentence of imprisonment or a sentence of detention, or
    - (ii) had passed on him a suspended sentence of imprisonment or had made in respect of him a suspended order for detention,
  - (b) in England and Wales, had made in respect of him a community order under section 177 of the Criminal Justice Act 2003, a community rehabilitation order, a community punishment order, a community punishment and rehabilitation order, a drug treatment and testing order or a drug abstinence order, or
  - (c) had made in respect of him any corresponding order under the law of Scotland, Northern Ireland, the Isle of Man or any of the Channel Islands.
- 8 For the purposes of this Part of this Schedule—
- (a) a sentence passed by a court-martial is to be treated as having been passed in the United Kingdom, and
  - (b) a person is sentenced to a term of detention if, but only if—

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- (i) a court passes on him, or makes in respect of him on conviction, any sentence or order which requires him to be detained in custody for any period, and
  - (ii) the sentence or order is available only in respect of offenders below a certain age,
- and any reference to serving a sentence of detention is to be construed accordingly.”

#### Commencement Information

**I588** Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

## SCHEDULE 34

Section 324

### PARENTING ORDERS AND REFERRAL ORDERS

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

- 1 In section 8 of the Crime and Disorder Act 1998 (parenting orders), in subsection (2) the words from “and to section 19(5)” to “2000” shall cease to have effect.
- 2 (1) Section 9 of that Act (parenting orders: supplemental) is amended as follows.
- (2) For subsection (1A) there is substituted—
- “(1A) The requirements of subsection (1) do not apply where the court makes a referral order in respect of the offence.”
- (3) After subsection (2) there is inserted—
- “(2A) In a case where a court proposes to make both a referral order in respect of a child or young person convicted of an offence and a parenting order, before making the parenting order the court shall obtain and consider a report by an appropriate officer—
- (a) indicating the requirements proposed by that officer to be included in the parenting order;
  - (b) indicating the reasons why he considers those requirements would be desirable in the interests of preventing the commission of any further offence by the child or young person; and
  - (c) if the child or young person is aged under 16, containing the information required by subsection (2) above.
- (2B) In subsection (2A) above “an appropriate officer” means—
- (a) an officer of a local probation board;
  - (b) a social worker of a local authority social services department; or
  - (c) a member of a youth offending team.”
- (4) After subsection (7) there is inserted—

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“(7A) In this section “referral order” means an order under section 16(2) or (3) of the Powers of Criminal Courts (Sentencing) Act 2000 (referral of offender to youth offender panel).”

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

3 In section 19(5) of the Powers of Criminal Courts (Sentencing) Act 2000 (orders that cannot be made with referral orders)—

- (a) at the end of paragraph (a) there is inserted “ or ”, and
- (b) paragraph (c) (parenting orders) and the word “or” immediately preceding it shall cease to have effect.

4 In section 22 of that Act (referral orders: attendance at panel meetings), after subsection (2) there is inserted—

“(2A) If—

- (a) a parent or guardian of the offender fails to comply with an order under section 20 above (requirement to attend the meetings of the panel), and
- (b) the offender is aged under 18 at the time of the failure,

the panel may refer that parent or guardian to a youth court acting for the petty sessions area in which it appears to the panel that the offender resides or will reside.”

5 (1) Section 28 of that Act (which introduces Schedule 1) is amended as follows.

(2) In the sidenote, for “Offender referred back to court or” there is substituted “ Offender or parent referred back to court: offender ”.

(3) After paragraph (a) there is inserted—

“(aa) in Part 1A makes provision for what is to happen when a youth offender panel refers a parent or guardian to the court under section 22(2A) above, and”.

6 In Schedule 1 to that Act (youth offender panels: further court proceedings), after Part 1 there is inserted—

**“PART 1A**

REFERRAL OF PARENT OR GUARDIAN FOR BREACH OF SECTION 20 ORDER

**Introductory**

9A (1) This Part of this Schedule applies where, under section 22(2A) of this Act, a youth offender panel refers an offender’s parent or guardian to a youth court.

(2) In this Part of this Schedule—

- (a) “the offender” means the offender whose parent or guardian is referred under section 22(2A);
- (b) “the parent” means the parent or guardian so referred; and

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- (c) “the youth court” means a youth court as mentioned in section 22(2A).

#### **Mode of referral to court**

- 9B The panel shall make the referral by sending a report to the youth court explaining why the parent is being referred to it.

#### **Bringing the parent before the court**

- 9C (1) Where the youth court receives such a report it shall cause the parent to appear before it.
- (2) For the purpose of securing the attendance of the parent before the court, a justice acting for the petty sessions area for which the court acts may—
- (a) issue a summons requiring the parent to appear at the place and time specified in it; or
- (b) if the report is substantiated on oath, issue a warrant for the parent’s arrest.
- (3) Any summons or warrant issued under sub-paragraph (2) above shall direct the parent to appear or be brought before the youth court.

#### **Power of court to make parenting order: application of supplemental provisions**

- 9D (1) Where the parent appears or is brought before the youth court under paragraph 9C above, the court may make a parenting order in respect of the parent if—
- (a) it is proved to the satisfaction of the court that the parent has failed without reasonable excuse to comply with the order under section 20 of this Act; and
- (b) the court is satisfied that the parenting order would be desirable in the interests of preventing the commission of any further offence by the offender.
- (2) A parenting order is an order which requires the parent—
- (a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
- (b) subject to sub-paragraph (4) below, to attend, for a concurrent period not exceeding three months, such counselling or guidance programme as may be specified in directions given by the responsible officer.
- (3) The requirements that may be specified under sub-paragraph (2)(a) above are those which the court considers desirable in the interests of preventing the commission of any further offence by the offender.
- (4) A parenting order under this paragraph may, but need not, include a requirement mentioned in subsection (2)(b) above in any case where a parenting order under this paragraph or any other enactment has been made in respect of the parent on a previous occasion.

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- (5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (2)(b) above may be or include a residential course but only if the court is satisfied—
- (a) that the attendance of the parent at a residential course is likely to be more effective than his attendance at a non-residential course in preventing the commission of any further offence by the offender, and
  - (b) that any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.
- (6) Before making a parenting order under this paragraph where the offender is aged under 16, the court shall obtain and consider information about his family circumstances and the likely effect of the order on those circumstances.
- (7) Sections 8(3) and (8), 9(3) to (7) and 18(3) and (4) of the Crime and Disorder Act 1998 apply in relation to a parenting order made under this paragraph as they apply in relation to any other parenting order.

### **Appeal**

- 9E (1) An appeal shall lie to the Crown Court against the making of a parenting order under paragraph 9D above.
- (2) Subsections (2) and (3) of section 10 of the Crime and Disorder Act 1998 (appeals against parenting orders) apply in relation to an appeal under this paragraph as they apply in relation to an appeal under subsection (1) (b) of that section.

### **Effect on section 20 order**

- 9F (1) The making of a parenting order under paragraph 9D above is without prejudice to the continuance of the order under section 20 of this Act.
- (2) Section 63(1) to (4) of the Magistrates' Courts Act 1980 (power of magistrates' court to deal with person for breach of order, etc) apply (as well as section 22(2A) of this Act and this Part of this Schedule) in relation to an order under section 20 of this Act.”

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VALID FROM 14/07/2008

## [<sup>F139</sup>SCHEDULE 34A

### CHILD SEX OFFENCES FOR PURPOSES OF SECTION 327A

#### Textual Amendments

**F139** Sch. 34A inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 140, 153, [Sch. 24](#); [S.I. 2008/1586](#), [art. 2\(1\)](#), Sch. 1 para. 43

## SCHEDULE 35

Section 328

### CRIMINAL RECORD CERTIFICATES: AMENDMENTS OF PART 5 OF POLICE ACT 1997

#### Extent Information

**E1** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 167\(a\)](#), [178\(1\)\(a\)](#)

1 The Police Act 1997 (c. 50) is amended as follows.

#### Extent Information

**E2** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 167\(a\)](#), [178\(1\)\(a\)](#)

#### Commencement Information

**I589** Sch. 35 para. 1 wholly in force at 3.12.2007; Sch. 35 para. 1 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 1 in force for E.W. at 29.1.2004 by [S.I. 2004/81](#), [art. 4\(2\)\(o\)\(i\)](#) and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), [art. 2\(b\)](#)

2 In section 112 (criminal conviction certificates), in subsection (1)(a), after “prescribed” there is inserted “manner and”.

#### Extent Information

**E3** [Sch. 35](#): extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 167\(a\)](#), [178\(1\)\(a\)](#)

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#### Commencement Information

**I590** Sch. 35 para. 2 partly in force; Sch. 35 para. 2 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 2 in force for E.W. at 29.1.2004 by S.I. 2004/81, art. 4(2)(o)(i)

3

[<sup>F141</sup>(1) Section 113 (criminal record certificates) is amended as follows.

(2) In subsection (1)—

- (a) at the beginning there is inserted “ Subject to subsection (4A) ”,
- (b) in paragraph (a), after “prescribed” there is inserted “ manner and ”, and
- (c) in paragraph (b), after “pays” there is inserted “ in the prescribed manner ”.

(3) After subsection (4) there is inserted—

“(4A) The Secretary of State may treat an application under this section as an application under section 115 if—

- (a) in his opinion the certificate is required for a purpose prescribed under subsection (2) of that section,
- (b) the registered person provides him with the statement required by subsection (2) of that section, and
- (c) the applicant consents and pays to the Secretary of State the amount (if any) by which the fee payable in relation to an application under section 115 exceeds the fee paid in relation to the application under this section.”.]

#### Extent Information

**E4** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 167(a), 178(1)(a)

#### Textual Amendments

**F141** Sch. 35 para. 3 repealed (6.4.2006 for E.W., otherwise prosp.) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, Sch. 17 Pt. 2; S.I. 2006/378, art. 7(f)(ix)

#### Commencement Information

**I591** Sch. 35 para. 3 partly in force; Sch. 35 para. 3 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 3(1)(2)(b)(c) in force at 29.1.2004 by S.I. 2004/81, art. 4(2)(o)(i)

4

[<sup>F142</sup>(1) Section 115 (enhanced criminal record certificates) is amended as follows.

(2) In subsection (1)—

- (a) at the beginning there is inserted “ Subject to subsection (9A) ”,
- (b) in paragraph (a), after “prescribed” there is inserted “ manner and ”, and
- (c) in paragraph (b), after “pays” there is inserted “ in the prescribed manner ”.

(3) In subsection (2), for paragraphs (a) to (c) there is substituted “ for such purposes as may be prescribed under this subsection ”.

(4) Subsections (3) to (5) and subsections (6C) to (6E) are omitted.

(5) After subsection (9) there is inserted—



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“(9A) The Secretary of State may treat an application under this section as an application under section 113 if in his opinion the certificate is not required for a purpose prescribed under subsection (2).

(9B) Where by virtue of subsection (9A) the Secretary of State treats an application under this section as an application under section 113, he must refund to the applicant the amount (if any) by which the fee paid in relation to the application under this section exceeds the fee payable in relation to an application under section 113.”]

#### Extent Information

**E5** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

#### Textual Amendments

**F142** Sch. 35 para. 4 repealed (6.4.2006 for E.W., otherwise prosp.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 174, 178**, **Sch. 17 Pt. 2**; [S.I. 2006/378](#), **art. 7(f)(ix)**

#### Commencement Information

**I592** Sch. 35 para. 4 partly in force; Sch. 35 para. 4 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 4(1)(2)(b)(c) in force at 29.1.2004 and Sch. 35 para. 4(3) in force for certain purposes at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(i)(ii)**

- 5 In section 116 (enhanced criminal record certificates: judicial appointments and Crown employment), in subsection (2)(b), for the words from “to which” onwards there is substituted “of such description as may be prescribed”.

#### Extent Information

**E6** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

#### Commencement Information

**I593** Sch. 35 para. 5 wholly in force at 1.4.2008; Sch. 35 para. 5 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 5 in force for certain purposes at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(ii)**; Sch. 35 para. 5 in force for E.W. at 6.4.2006 in so far as it is not already in force by [S.I. 2006/751](#), **art. 2** and in force for N.I. at 1.4.2008 by [S.I. 2008/694](#), **art. 2**

- 6 (1) Section 120 (registered persons) is amended as follows.
- (2) For subsection (2) there is substituted—
- “(2) Subject to regulations under section 120ZA and 120AA and to section 120A the Secretary of State shall include in the register any person who—
- (a) applies to him in writing to be registered,
  - (b) satisfies the conditions in subsections (4) to (6), and
  - (c) has not in the period of two years ending with the date of the application been removed from the register under section 120A or 120AA.”
- (3) Subsection (3) is omitted.

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#### **Extent Information**

**E7** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

#### **Commencement Information**

**I594** Sch. 35 para. 6 wholly in force at 3.12.2007; Sch. 35 para. 6 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 6 in force for E.W. at 6.4.2006 by [S.I. 2006/751](#), **art. 2** and Sch. 35 para. 6(1)(2)(3) in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

7 After section 120 there is inserted—

#### **“120ZA Regulations about registration**

- (1) The Secretary of State may by regulations make further provision about registration.
- (2) Regulations under this section may in particular make provision for—
  - (a) the payment of fees,
  - (b) the information to be included in the register,
  - (c) the registration of any person to be subject to conditions,
  - (d) the nomination by—
    - (i) a body corporate or unincorporate, or
    - (ii) a person appointed to an office by virtue of any enactment, of the individuals authorised to act for it or, as the case may be, him in relation to the countersigning of applications under this Part, and
  - (e) the refusal by the Secretary of State, on such grounds as may be specified in or determined under the regulations, to accept or to continue to accept the nomination of a person as so authorised.
- (3) The provision which may be made by virtue of subsection (2)(c) includes provision—
  - (a) for the registration or continued registration of any person to be subject to prescribed conditions or, if the regulations so provide, such conditions as the Secretary of State thinks fit, and
  - (b) for the Secretary of State to vary or revoke those conditions.
- (4) The conditions imposed by virtue of subsection (2)(c) may in particular include conditions—
  - (a) requiring a registered person, before he countersigns an application at an individual’s request, to verify the identity of that individual in the prescribed manner,
  - (b) requiring an application under section 113 or 115 to be transmitted by electronic means to the Secretary of State by the registered person who countersigns it, and
  - (c) requiring a registered person to comply with any code of practice for the time being in force under section 122.”

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#### Extent Information

**E8** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

#### Commencement Information

**I595** Sch. 35 para. 7 wholly in force at 3.12.2007; Sch. 35 para. 7 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 7 in force for E.W. at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(i)** and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

8 At the end of the sidenote to section 120A (refusal and cancellation of registration) there is inserted “ on grounds related to disclosure ”.

#### Extent Information

**E9** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

#### Commencement Information

**I596** Sch. 35 para. 8 wholly in force at 3.12.2007; Sch. 35 para. 8 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 8 in force for E.W. at 6.4.2006 by [S.I. 2006/751](#), **art. 2** and Sch. 35 para. 8 in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

9 After section 120A there is inserted—

#### “120AA Refusal, cancellation or suspension of registration on other grounds

- (1) Regulations may make provision enabling the Secretary of State in prescribed cases to refuse to register a person who, in the opinion of the Secretary of State, is likely to countersign fewer applications under this Part in any period of twelve months than a prescribed minimum number.
- (2) Subsection (3) applies where a registered person—
  - (a) is, in the opinion of the Secretary of State, no longer likely to wish to countersign applications under this Part,
  - (b) has, in any period of twelve months during which he was registered, countersigned fewer applications under this Part than the minimum number specified in respect of him by regulations under subsection (1), or
  - (c) has failed to comply with any condition of his registration.
- (3) Subject to section 120AB, the Secretary of State may—
  - (a) suspend that person’s registration for such period not exceeding 6 months as the Secretary of State thinks fit, or
  - (b) remove that person from the register.

#### 120AB Procedure for cancellation or suspension under section 120AA

- (1) Before cancelling or suspending a person’s registration by virtue of section 120AA, the Secretary of State must send him written notice of his intention to do so.

*Status: Point in time view as at 06/04/2007.*

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- (2) Every such notice must—
  - (a) give the Secretary of State’s reasons for proposing to cancel or suspend the registration, and
  - (b) inform the person concerned of his right under subsection (3) to make representations.
- (3) A person who receives such a notice may, within 21 days of service, make representations in writing to the Secretary of State as to why the registration should not be cancelled or suspended.
- (4) After considering such representations, the Secretary of State must give the registered person written notice—
  - (a) that at the end of a further period of six weeks beginning with the date of service, the person’s registration will be cancelled or suspended, or
  - (b) that he does not propose to take any further action.
- (5) If no representations are received within the period mentioned in subsection (3) the Secretary of State may cancel or suspend the person’s registration at the end of the period mentioned in that subsection.
- (6) Subsection (1) does not prevent the Secretary of State from imposing on the registered person a lesser sanction than that specified in the notice under that subsection.
- (7) Any notice under this section that is required to be given in writing may be given by being transmitted electronically.
- (8) This section does not apply where—
  - (a) the Secretary of State is satisfied, in the case of a registered person other than a body, that the person has died or is incapable, by reason of physical or mental impairment, of countersigning applications under this Part, or
  - (b) the registered person has requested to be removed from the register.
- (9) The Secretary of State may by regulations amend subsection (4)(a) by substituting for the period there specified, such other period as may be specified in the regulations.”

#### **Extent Information**

**E10** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, **178(1)(a)**

#### **Commencement Information**

**I597** Sch. 35 para. 9 wholly in force at 3.12.2007; Sch. 35 para. 9 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 9 in force for E.W. at 6.4.2006 by [S.I. 2006/751](#), **art. 2** and Sch. 35 para. 9 in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

*Status: Point in time view as at 06/04/2007.*

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### “122A Delegation of functions of Secretary of State

- (1) The Secretary of State may, to such extent and subject to such conditions as he thinks fit, delegate any relevant function of his under this Part to such person as he may determine.
- (2) A function is relevant for the purposes of subsection (1) if it does not consist of a power—
  - (a) to make regulations, or
  - (b) to publish or revise a code of practice or to lay any such code before Parliament.
- (3) A delegation under subsection (1) may be varied or revoked at any time.”

#### Extent Information

**E11** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 167\(a\)](#), [178\(1\)\(a\)](#)

#### Commencement Information

**I598** Sch. 35 para. 10 wholly in force at 3.12.2007; Sch. 35 para. 10 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 10 in force for E.W. at 29.1.2004 by [S.I. 2004/81](#), [art. 4\(2\)\(o\)\(i\)](#) and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), [art. 2\(b\)](#)

11 After section 124 (offences: disclosure) there is inserted—

### “124A Further offences: disclosure of information obtained in connection with delegated function

- (1) Any person who is engaged in the discharge of functions conferred by this Part on the Secretary of State commits an offence if he discloses information which has been obtained by him in connection with those functions and which relates to a particular person unless he discloses the information, in the course of his duties,—
  - (a) to another person engaged in the discharge of those functions,
  - (b) to the chief officer of a police force in connection with a request under this Part to provide information to the Secretary of State, or
  - (c) to an applicant or registered person who is entitled under this Part to the information disclosed to him.
- (2) Where information is disclosed to a person and the disclosure—
  - (a) is an offence under subsection (1), or
  - (b) would be an offence under subsection (1) but for subsection (3)(a), (d) or (e),the person to whom the information is disclosed commits an offence if he discloses it to any other person.
- (3) Subsection (1) does not apply to a disclosure of information which is made—
  - (a) with the written consent of the person to whom the information relates,
  - (b) to a government department,

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- (c) to a person appointed to an office by virtue of any enactment,
  - (d) in accordance with an obligation to provide information under or by virtue of any enactment, or
  - (e) for some other purpose specified in regulations made by the Secretary of State.
- (4) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 3 on the standard scale, or to both.
- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (4) to 51 weeks is to be read as a reference to 6 months.”

**Extent Information**

**E12** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

**Commencement Information**

**I599** Sch. 35 para. 11 wholly in force at 3.12.2007; Sch. 35 para. 11 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 11 in force for E.W. at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(i)** and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

- 12 In section 125 (regulations)—
- (a) subsection (3) is omitted, and
  - (b) in subsection (4), the words “to which subsection (3) does not apply” are omitted.

**Extent Information**

**E13** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

**Commencement Information**

**I600** Sch. 35 para. 12 wholly in force at 3.12.2007; Sch. 35 para. 12 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 12 in force for E.W. at 6.4.2006 by [S.I. 2006/751](#), **art. 2** and Sch. 35 para. 12(a)(b) in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

*Status: Point in time view as at 06/04/2007.*

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## SCHEDULE 36

Section 331

### FURTHER MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### BAIL

#### *Bail Act 1976 (c. 63)*

1 The Bail Act 1976 is amended as follows.

#### Commencement Information

**I601** Sch. 36 para. 1 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

PROSPECTIVE

2 (1) Section 5(6A)(a) (supplementary provisions about decisions on bail) is amended as follows.

(2) After “examination)” there is inserted “, section 52(5) of the Crime and Disorder Act 1998 (adjournment of proceedings under section 51 etc) ”.

(3) After sub-paragraph (ii) there is inserted—  
“(ia) section 17C (intention as to plea: adjournment), or”.

(4) After sub-paragraph (iii) there is inserted “or  
(iia) section 24C (intention as to plea by child or young person: adjournment),”.

3 In Part 3 of Schedule 1 (interpretation) for paragraph 2 there is substituted—

“2 References in this Schedule to previous grants of bail include—

- (a) bail granted before the coming into force of this Act;
- (b) as respects the reference in paragraph 2A of Part 1 of this Schedule (as substituted by section 14(1) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph;
- (c) as respects the references in paragraph 6 of Part 1 of this Schedule (as substituted by section 15(1) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph;
- (d) as respects the references in paragraph 9AA of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
- (e) as respects the references in paragraph 9AB of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

- (f) as respects the reference in paragraph 5 of Part 2 of this Schedule (as substituted by section 13(4) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph.”

#### Commencement Information

**I602** Sch. 36 para. 3 wholly in force at 1.1.2007, see s. 336(3) and [S.I. 2006/3217](#), **art. 2** (subject to **art. 3**)

VALID FROM 18/06/2012

#### *Supreme Court Act 1981 (c. 54)*

- 4 (1) Section 81 of the Supreme Court Act 1981 (bail) is amended as follows.
- (2) In subsection (1)(g) after “examination” there is inserted “, section 52(5) of the Crime and Disorder Act 1998 (adjournment of proceedings under section 51 etc) ”.
- (3) In subsection (1)(g) the word “or” at the end of sub-paragraph (ii) is omitted and after that sub-paragraph there is inserted—  
“(ia) section 17C (intention as to plea: adjournment);”.
- (4) In subsection (1)(g) after sub-paragraph (iii) there is inserted “or  
(iia) section 24C (intention as to plea by child or young person: adjournment);”.

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

- 5 In section 38(2A) of the Police and Criminal Evidence Act 1984 (bail granted by custody officer after charge)—
- (a) for “2” there is substituted “2(1)”, and
- (b) after “1976” there is inserted “(disregarding paragraph 2(2) of that Part) ”.

#### Commencement Information

**I603** Sch. 36 para. 5 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

VALID FROM 01/10/2007

## PART 2

### CHARGING ETC

#### *Criminal Law Act 1977 (c. 45)*

- 6 In section 39 of the Criminal Law Act 1977 (service of summons and citation throughout United Kingdom) for subsection (1) there is substituted—



*Status: Point in time view as at 06/04/2007.*

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“(1) The following documents, namely—

- (a) a summons requiring a person charged with an offence to appear before a court in England or Wales,
- (b) a written charge (within the meaning of section 29 of the Criminal Justice Act 2003) charging a person with an offence,
- (c) a requisition (within the meaning of that section) requiring a person charged with an offence to appear before a court in England or Wales, and
- (d) any other document which, by virtue of any enactment, may or must be served on a person with, or at the same time as, a document mentioned in paragraph (a), (b) or (c) above,

may, in such manner as may be prescribed by rules of court, be served on him in Scotland or Northern Ireland.”

PROSPECTIVE

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

7 The Magistrates' Courts Act 1980 is amended as follows.

8 (1) Section 1 (issue of summons to accused or warrant for his arrest) is amended as follows.

(2) In subsection (3) after “section” there is inserted “upon an information being laid”.

(3) In subsection (4) after “summons” there is inserted “, or a written charge and requisition, ”.

(4) In subsection (6) after “has” there is inserted “, or a written charge and requisition have, ”.

(5) After subsection (6) there is inserted—

“(6A) Where the offence charged is an indictable offence and a written charge and requisition have previously been issued, a warrant may be issued under this section by a justice of the peace upon a copy of the written charge (rather than an information) being laid before the justice by a public prosecutor.”

(6) After subsection (7) there is inserted—

“(7A) For the purposes of subsection (6A) above, a copy of a written charge may be laid before, and a warrant under this section may be issued by, a single justice of the peace.”

9 In section 150(1) (interpretation of other terms) after the definition of “prescribed” there is inserted—

““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.

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

- 10 (1) Section 15 of the Prosecution of Offences Act 1985 (interpretation) is amended as follows.
- (2) In subsection (1) after the definition of “public authority” there is inserted—
- ““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.
- (3) In subsection (2), after paragraph (b) there is inserted—
- “(ba) where a public prosecutor issues a written charge and requisition for the offence, when the written charge and requisition are issued;”.

PROSPECTIVE

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

- 11 (1) Section 51 of the Criminal Justice and Public Order Act 1994 (intimidation, etc, of witnesses, jurors and others) is amended as follows.
- (2) In subsection (9), for the word “and” at the end of the definition of “potential” there is substituted—
- ““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”
- (3) In subsection (10)(a), after sub-paragraph (i) there is inserted—
- “(ia) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

PROSPECTIVE

*Drug Trafficking Act 1994 (c. 37)*

- 12 (1) Section 60 of the Drug Trafficking Act 1994 (prosecution by order of Commissioners of Customs and Excise) is amended as follows.
- (2) In subsection (6) for the word “and” at the end of the definition of “officer” there is substituted—
- ““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.
- (3) In subsection (6A), after paragraph (a) there is inserted—
- “(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

PROSPECTIVE

*Merchant Shipping Act 1995 (c. 21)*

- 13 (1) Section 145 of the Merchant Shipping Act 1995 (interpretation of section 144) is amended as follows.
- (2) In subsection (2)(a), after sub-paragraph (i) there is inserted—  
“(ia) when a public prosecutor issues a written charge and requisition in respect of the offence;”.
- (3) After subsection (2) there is inserted—  
“(2A) In subsection (2) above “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

PROSPECTIVE

*Terrorism Act 2000 (c. 11)*

- 14 (1) Paragraph 11 of Schedule 4 to the Terrorism Act 2000 (proceedings for an offence: timing) is amended as follows.
- (2) In sub-paragraph (1), after paragraph (a) there is inserted—  
“(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.
- (3) After sub-paragraph (2) there is inserted—  
“(2A) In sub-paragraph (1) “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

*Proceeds of Crime Act 2002 (c. 29)*

- 15 (1) Section 85 of the Proceeds of Crime Act 2002 (proceedings) is amended as follows.
- (2) In subsection (1), after paragraph (a) there is inserted—  
“(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.
- (3) After subsection (8) there is inserted—  
“(9) In this section “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

PROSPECTIVE

*Crime (International Co-operation) Act 2003 (c. 32)*

16 After section 4 of the Crime (International Co-operation) Act 2003 there is inserted—

**“4A General requirements for service of written charge or requisition**

- (1) This section applies to the following documents issued for the purposes of criminal proceedings in England and Wales by a prosecutor—
  - (a) a written charge (within the meaning of section 29 of the Criminal Justice Act 2003),
  - (b) a requisition (within the meaning of that section).
- (2) The written charge or requisition may be issued in spite of the fact that the person on whom it is to be served is outside the United Kingdom.
- (3) Where the written charge or requisition is to be served outside the United Kingdom and the prosecutor believes that the person on whom it is to be served does not understand English, the written charge or requisition must be accompanied by a translation of it in an appropriate language.
- (4) A written charge or requisition served outside the United Kingdom must be accompanied by a notice giving any information required to be given by rules of court.
- (5) If a requisition is served outside the United Kingdom, no obligation under the law of England and Wales to comply with the requisition is imposed by virtue of the service.
- (6) Accordingly, failure to comply with the requisition is not a ground for issuing a warrant to secure the attendance of the person in question.
- (7) But the requisition may subsequently be served on the person in question in the United Kingdom (with the usual consequences for non-compliance).

**4B Service of written charge or requisition otherwise than by post**

- (1) A written charge or requisition to which section 4A applies may, instead of being served by post, be served on a person outside the United Kingdom in accordance with arrangements made by the Secretary of State.
- (2) But where the person is in a participating country, the written charge or requisition may be served in accordance with those arrangements only if one of the following conditions is met.
- (3) The conditions are—
  - (a) that the correct address of the person is unknown,
  - (b) that it has not been possible to serve the written charge or requisition by post,

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- (c) that there are good reasons for thinking that service by post will not be effective or is inappropriate.”

### PART 3

#### DISCLOSURE

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

- 17 In section 22B of the Prosecution of Offences Act 1985 (re-institution of proceedings stayed under section 22(4) or 22A(5)), in subsection (5)(a) for “section 3, 4, 7 or 9” there is substituted “ section 3, 4 or 7A ”.

#### Commencement Information

**I604** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

##### *Criminal Justice Act 1987 (c. 38)*

- 18 In section 9 of the Criminal Justice Act 1987 (preparatory hearings in serious fraud cases etc.), paragraphs (i) and (iii) of subsection (5) are omitted.

#### Commencement Information

**I605** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

##### *Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))*

- 19 In Article 8 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (preparatory hearings in serious fraud cases etc.), sub-paragraphs (i) and (iii) of paragraph (5) are omitted.

#### Commencement Information

**I606** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

##### *Criminal Procedure and Investigations Act 1996 (c. 25)*

- 20 The Criminal Procedure and Investigations Act 1996 is amended as follows.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Commencement Information

**I607** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 21 In section 3 (primary disclosure by prosecutor), for the heading there is substituted “**Initial duty of prosecutor to disclose**”.

#### Commencement Information

**I608** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 22 In section 4 (primary disclosure: further provisions), in the heading for “**Primary disclosure**” there is substituted “**Initial duty to disclose**”.

#### Commencement Information

**I609** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 23 In section 5 (compulsory disclosure by accused), subsections (6) to (9) are omitted.

#### Commencement Information

**I610** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 24 In section 6 (voluntary disclosure by accused), subsection (3) is omitted.

#### Commencement Information

**I611** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 25 Section 7 (secondary disclosure by prosecutor) shall cease to have effect.

#### Commencement Information

**I612** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 26 Section 9 (continuing duty of prosecutor to disclose) shall cease to have effect.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Commencement Information

**I613** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

27 In section 10 (prosecutor’s failure to observe time limits), in subsection (1), for paragraph (b) there is substituted—

“(b) purports to act under section 7A(5) after the end of the period which, by virtue of section 12, is the relevant period for section 7A.”

#### Commencement Information

**I614** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

28 In section 12 (time limits)—

(a) in subsection (1), for “and 7” there is substituted “, 6B, 6C and 7A(5) ”;

(b) in subsection (5), for “7” there is substituted “ 7A(5) ”.

#### Commencement Information

**I615** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

29 In section 13 (time limits: transitional), for subsection (2) there is substituted—

“(2) As regards a case in relation to which no regulations under section 12 have come into force for the purposes of section 7A, section 7A(5) shall have effect as if—

(a) in paragraph (a) for the words from “during the period” to the end, and

(b) in paragraph (b) for “during that period”,

there were substituted “ as soon as is reasonably practicable after the accused gives the statement in question ”.”

#### Commencement Information

**I616** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

30 In section 14 (public interest: review for summary trials), in subsection (2)(a), for “7(5), 8(5) or 9(8)” there is substituted “ 7A(8) or 8(5) ”.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Commencement Information

**I617** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 31 In section 15 (public interest: review in other cases), in subsection (2)(a), for “7(5), 8(5) or 9(8)” there is substituted “ 7A(8) or 8(5) ”.

#### Commencement Information

**I618** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 32 In section 16 (applications: opportunity to be heard), in paragraph (a) and in the words after paragraph (c), for “7(5), 8(5), 9(8)” there is substituted “ 7A(8), 8(5) ”.

#### Commencement Information

**I619** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 33 In section 17 (confidentiality of disclosed information), in subsection (1)(a), for “7, 9” there is substituted “ 7A ”.

#### Commencement Information

**I620** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 34 In section 19 (rules of court) in subsection (2)(b) and (d), for “7(5), 8(2) or (5), 9(8)” there is substituted “ 5(5B), 6B(6), 6E(5), 7A(8), 8(2) or (5) ”.

#### Commencement Information

**I621** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 35 In section 20 (other statutory rules as to disclosure)—
- (a) subsection (2) is omitted, and
  - (b) in subsection (5)(a), for “sections 3 to 9” there is substituted “ sections 3 to 8 ”.



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#### Commencement Information

**I622** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 36 In section 31 (preparatory hearings in complex cases etc.), paragraphs (a) and (c) of subsection (6) are omitted.

#### Commencement Information

**I623** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 37 (1) Section 77 (orders and regulations) is amended as follows.
- (2) In subsection (5)—
- (a) after “No” there is inserted “ regulations or ”, and
  - (b) after “section” there is inserted “ 6A or ”.
- (3) In subsection (6)(b) after “regulations” there is inserted “ (other than regulations under section 6A) ”.

#### Commencement Information

**I624** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 38 In Schedule 4 (modifications for Northern Ireland), in paragraph 7, for “3(6), 7(5), 8(5) or 9(8)” there is substituted “ 3(6), 7A(8) or 8(5) ”.

#### Commencement Information

**I625** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

#### *Sexual Offences (Protected Material) Act 1997 (c. 39)*

- 39 In section 9(4) of the Sexual Offences (Protected Material) Act 1997 (which, when in force, will add a subsection (6) to section 1 of the Criminal Procedure and Investigations Act 1996), for “section 3, 7 or 9” there is substituted “ section 3 or 7A ”.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Commencement Information

**I626** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(a) (subject to **art. 2(2)**, Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

## PART 4

### TRIALS ON INDICTMENT WITHOUT A JURY

#### *Indictments Act 1915 (c. 90)*

- 40 (1) Section 5 of the Indictments Act 1915 (orders for amendment of indictment, separate trial and postponement of trial) is amended as follows.
- (2) In subsection (5)(a) for “are to” there is substituted “ (if there is one) ”.
- (3) In subsection (5)(b) after “discharged” there is inserted “ under paragraph (a) ”.

#### Commencement Information

**I627** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

#### *Criminal Law Act 1967 (c. 58)*

- 41 In section 6(4) of the Criminal Law Act 1967 (trial of offences) after “jury” there is inserted “ or otherwise act ”.

#### Commencement Information

**I628** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

#### *Criminal Justice Act 1967 (c. 80)*

- 42 In section 17 of the Criminal Justice Act 1967 (entry of verdict of not guilty by order of a judge)—
- (a) for “the defendant being given in charge to a jury” there is substituted “ any further steps being taken in the proceedings ”, and
- (b) after “verdict of a jury” there is inserted “ or a court ”.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Commencement Information

**I629** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

#### *Criminal Law Act (Northern Ireland) 1967 (c. 18)*

- 43 In section 6(3) of the Criminal Law Act (Northern Ireland) 1967 (trial of offences) after “jury” there is inserted “ or otherwise act ”.

#### Commencement Information

**I630** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

#### *Criminal Appeal Act 1968 (c. 19)*

- 44 In section 7(2)(c) of the Criminal Appeal Act 1968 (power to order retrial)—
- (a) for “the jury were discharged from giving a verdict” there is substituted “ no verdict was given ”, and
  - (b) for “convicting him” there is substituted “ his being convicted ”.

#### Commencement Information

**I631** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

#### *Judicature (Northern Ireland) Act 1978 (c. 23)*

- 45 (1) Section 48 of the Judicature (Northern Ireland) Act 1978 (committal for trial on indictment) is amended as follows.
- (2) In subsection (6A) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After subsection (6A) there is inserted—
- “(6B) The reference in subsection (6A) to the time when the jury are sworn includes the time when the jury would be sworn but for—
- (a) the making of an order under Part 7 of the Criminal Justice Act 2003, or
  - (b) the application of section 75 of the Terrorism Act 2000.”

*Status: Point in time view as at 06/04/2007.*

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#### Commencement Information

**I632** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

#### *Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

- 46 In section 6(3)(c) of the Criminal Appeal (Northern Ireland) Act 1980 (power to order retrial) for “the jury were discharged from giving a verdict” there is substituted “no verdict was given”.

#### Commencement Information

**I633** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

#### *Supreme Court Act 1981 (c. 54)*

- 47 (1) Section 76 of the Supreme Court Act 1981 (committal for trial: alteration of place of trial) is amended as follows.
- (2) In subsection (2A) for “the jury are sworn” there is substituted “the time when the jury are sworn”
- (3) After subsection (2A) there is inserted—
- “(2B) The reference in subsection (2A) to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

#### Commencement Information

**I634** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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

- 48 (1) Section 77 of the Police and Criminal Evidence Act 1984 (confessions of mentally handicapped persons) is amended as follows.
- (2) In subsection (1) after “indictment” there is inserted “with a jury”.
- (3) In subsection (2) after “indictment” there is inserted “with a jury”.
- (4) After subsection (2) there is inserted—
- “(2A) In any case where at the trial on indictment without a jury of a person for an offence it appears to the court that a warning under subsection (1) above would be required if the trial were with a jury, the court shall treat the case as

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one in which there is a special need for caution before convicting the accused on his confession.”

**Commencement Information**

**I635** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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

49 The Prosecution of Offences Act 1985 is amended as follows.

**Commencement Information**

**I636** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

50 In section 7A(6)(a) (powers of non-legal staff) for “by a jury” there is substituted “on indictment”.

**Commencement Information**

**I637** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

51 (1) Section 22 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings) is amended as follows.

(2) In subsection (11A)—

(a) for “when a jury is sworn” there is substituted “at the time when a jury is sworn”,

(b) for “a jury is sworn” there is substituted “the time when a jury is sworn”.

(3) After that subsection there is inserted—

“(11AA) The references in subsection (11A) above to the time when a jury is sworn include the time when that jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

**Commencement Information**

**I638** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Criminal Justice Act 1987 (c. 38)*

52 The Criminal Justice Act 1987 is amended as follows.

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#### Commencement Information

**I639** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, [art. 2](#)

- 53 (1) Section 7 (power to order preparatory hearing) is amended as follows.
- (2) In subsection (1) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After subsection (2) there is inserted—
- “(2A) The reference in subsection (1) above to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

#### Commencement Information

**I640** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, [art. 2](#)

- 54 (1) Section 9 (the preparatory hearing) is amended as follows.
- (2) In subsection (4)(b) for “the jury” there is substituted “ a jury ”.
- (3) In subsection (13) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

#### Commencement Information

**I641** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, [art. 2](#)

- 55 (1) Section 10 (later stages of trial) is amended as follows.
- (2) In subsection (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In subsection (3) for “deciding whether to give leave” there is substituted “ doing anything under subsection (2) above or in deciding whether to do anything under it ”.
- (4) In subsection (4) for “Except as provided by this section” there is substituted “ Except as provided by this section, in the case of a trial with a jury ”.

#### Commencement Information

**I642** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, [art. 2](#)

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*Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))*

56 The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 is amended as follows.

**Commencement Information**

**I643** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 57 (1) Article 6 (power to order preparatory hearing) is amended as follows.
- (2) In paragraph (1) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After paragraph (2) there is inserted—
- “**(2A)** The reference in paragraph (1) to the time when the jury are sworn includes the time when the jury would be sworn but for—
- (a) the making of an order under Part 7 of the Criminal Justice Act 2003,  
or
- (b) the application of section 75 of the Terrorism Act 2000.”

**Commencement Information**

**I644** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 58 (1) Article 8 (the preparatory hearing) is amended as follows.
- (2) In paragraph (4)(b) for “the jury” there is substituted “ a jury ”.
- (3) In paragraph (12) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

**Commencement Information**

**I645** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 59 (1) Article 9 (later stages of trial) (as originally enacted) is amended as follows.
- (2) In paragraph (1) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In paragraph (2) for “deciding whether to give leave” there is substituted “ doing anything under paragraph (1) or in deciding whether to do anything under it ”.
- (4) In paragraph (3) for “Except as provided by this Article” there is substituted “ Except as provided by this Article, in the case of a trial with a jury ”.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

#### Commencement Information

**I646** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 60 (1) Article 9 (later stages of trial) (as substituted by paragraph 6 of Schedule 3 to the Criminal Procedure and Investigations Act 1996 (c. 25)) is amended as follows.
- (2) In paragraph (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In paragraph (3) for “deciding whether to give leave” there is substituted “ doing anything under paragraph (2) or in deciding whether to do anything under it ”.
- (4) In paragraph (4) for “Except as provided by this Article” there is substituted “ Except as provided by this Article, in the case of a trial with a jury ”.

#### Commencement Information

**I647** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

- 61 (1) Article 75 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (confessions of mentally handicapped persons) is amended as follows.
- (2) In paragraph (1) after “indictment” there is inserted “ with a jury ”.
- (3) In paragraph (2) after “indictment” there is inserted “ with a jury ”.
- (4) After paragraph (2) there is inserted—
- “(2A) In any case where at the trial on indictment without a jury of a person for an offence it appears to the court that a warning under paragraph (1) would be required if the trial were with a jury, the court shall treat the case as one in which there is a special need for caution before convicting the accused on his confession.”

#### Commencement Information

**I648** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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

- 62 The Criminal Justice and Public Order Act 1994 is amended as follows.



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**Commencement Information**

**I649** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 63 In section 35(2) (effect of accused’s silence at trial) after “indictment” there is inserted “ with a jury ”.

**Commencement Information**

**I650** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 64 In section 51(10)(b) (intimidation of witnesses, jurors and others) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

**Commencement Information**

**I651** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Criminal Procedure and Investigations Act 1996 (c. 25)*

- 65 The Criminal Procedure and Investigations Act 1996 is amended as follows.

**Commencement Information**

**I652** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 66 (1) Section 29 (power to order preparatory hearing) is amended as follows.
- (2) In subsection (1)(a) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After subsection (4) there is inserted—
- “(5) The reference in subsection (1)(a) to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

**Commencement Information**

**I653** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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- 67 In section 31(4)(b) (the preparatory hearing) for “the jury” there is substituted “ a jury ”.

**Commencement Information**

**I654** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 68 (1) Section 34 (later stages of trial) is amended as follows.
- (2) In subsection (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In subsection (3) for “deciding whether to give leave” there is substituted “ doing anything under subsection (2) or in deciding whether to do anything under it ”.
- (4) In subsection (4) for “Except as provided by this section” there is substituted “ Except as provided by this section, in the case of a trial with a jury ”.

**Commencement Information**

**I655** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 69 In section 35(2) (appeals to Court of Appeal) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

**Commencement Information**

**I656** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 70 In section 36(2) (appeals to House of Lords) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

**Commencement Information**

**I657** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 71 (1) Section 39 (meaning of pre-trial hearing) is amended as follows.
- (2) In subsection (3)—
- (a) for “when a jury is sworn” there is substituted “ at the time when a jury is sworn ”,
- (b) for “a jury is sworn” there is substituted “ the time when a jury is sworn ”.
- (3) After that subsection there is inserted—

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“(4) The references in subsection (3) to the time when a jury is sworn include the time when that jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

**Commencement Information**

**I658** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 72 (1) Schedule 4 (modifications for Northern Ireland) is amended as follows.
- (2) In paragraph 15 after the substituted version of section 39(2) there is inserted—
- “(2A) But, for the purposes of this Part, a hearing of the kind mentioned in section 45(2)(b) of the Criminal Justice Act 2003 is not a pre-trial hearing.”
- (3) In paragraph 15 in paragraph (b) of the substituted version of section 39(3)—
- (a) for “when a jury is sworn” there is substituted “ at the time when a jury is sworn ”, and
- (b) for “a jury is sworn” there is substituted “ the time when a jury is sworn ”.
- (4) After paragraph 15 there is inserted—
- “15A In section 39(4) for “(3)” substitute “ (3)(b) ”.”

**Commencement Information**

**I659** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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

- 73 In paragraph 2(2) of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal) for “a jury properly to convict him” there is substituted “ him to be properly convicted ”.

**Commencement Information**

**I660** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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

- 74 The Youth Justice and Criminal Evidence Act 1999 is amended as follows.

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**Commencement Information**

**I661** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

75 In section 32 (warning to jury) after “indictment” there is inserted “ with a jury ”.

**Commencement Information**

**I662** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

76 In section 39(1) (warning to jury) after “indictment” there is inserted “ with a jury ”.

**Commencement Information**

**I663** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

77 In paragraph 19(6)(c) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (general interpretation) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

**Commencement Information**

**I664** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Proceeds of Crime Act 2002 (c. 29)*

78 In section 316(9)(c) of the Proceeds of Crime Act 2002 (general interpretation) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

**Commencement Information**

**I665** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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## PART 5

### EVIDENCE

#### *Criminal Procedure Act 1865 (c. 18)*

- 79 In section 6 of the Criminal Procedure Act 1865 (witness’s conviction for offence may be proved if not admitted)—
- (a) for “A witness may be” there is substituted “ If, upon a witness being lawfully ”;
  - (b) the words “and upon being so questioned, if” are omitted.

#### *Criminal Evidence Act 1898 (c. 36)*

- 80 In section 1 of the Criminal Evidence Act 1898 (defendant as witness)—
- (a) at the beginning of subsection (2) there is inserted “ Subject to section 101 of the Criminal Justice Act 2003 (admissibility of evidence of defendant’s bad character), ”;
  - (b) subsection (3) is omitted.

#### *Army Act 1955 (c. 18)*

- 81 In section 99(1) of the Army Act 1955 (rules of evidence) after “courts-martial etc)” there is inserted “ to Schedules 6 and 7 to the Criminal Justice Act 2003 ”.

#### **Commencement Information**

**I666** Sch. 36 para. 81 wholly in force at 4.4.2005; Sch. 36 para. 81 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 81 in force for certain purposes at 1.1.2005 by [S.I. 2004/3033](#), [art. 4](#); Sch. 36 para. 81 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Air Force Act 1955 (c. 19)*

- 82 In section 99(1) of the Air Force Act 1955 (rules of evidence) after “courts-martial etc)” there is inserted “ to Schedules 6 and 7 to the Criminal Justice Act 2003 ”.

#### **Commencement Information**

**I667** Sch. 36 para. 82 wholly in force at 4.4.2005; Sch. 36 para. 82 not in force at Royal Assent, see s. 336(3); Sch. 39 para. 82 in force for certain purposes at 1.1.2005 by [S.I. 2004/3033](#), [art. 4](#); Sch. 36 para. 82 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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*Naval Discipline Act 1957 (c. 53)*

- 83 In section 64A(1) of the Naval Discipline Act 1957 (rules of evidence) after “courts-martial etc)” there is inserted “ to Schedules 6 and 7 to the Criminal Justice Act 2003 ”.

**Commencement Information**

**I668** Sch. 36 para. 83 wholly in force at 4.4.2005; Sch. 36 para. 83 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 83 in force for certain purposes at 1.1.2005 by [S.I. 2004/3033](#), [art. 4](#); Sch. 36 para. 83 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Armed Forces Act 1976 (c. 52)*

- 84 In paragraph 11(1) of Schedule 3 to the Armed Forces Act 1976 (rules of evidence) after “paragraph 12 below” there is inserted “ to Schedules 6 and 7 to the Criminal Justice Act 2003 ”.

**Commencement Information**

**I669** Sch. 36 para. 84 wholly in force at 4.4.2005; Sch. 36 para. 84 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 84 in force for certain purposes at 1.1.2005 by [S.I. 2005/3033](#), [art. 4](#); Sch. 36 para. 84 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 85 (1) Section 74 of the Police and Criminal Evidence Act 1984 (conviction as evidence of commission of offence) is amended as follows.
- (2) In subsection (1) (commission of offence by non-defendant) for the words from “, where to do so” to “committed that offence” there is substituted “ that that person committed that offence, where evidence of his having done so is admissible ”.
- (3) In subsection (3) (commission of offence by defendant) the words from “in so far” to “he is charged,” are omitted.

**PART 6**

MISCELLANEOUS

*Criminal Appeal Act 1968 (c. 19)*

- 86 The Criminal Appeal Act 1968 is amended as follows.

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**Commencement Information**

**I670** Sch. 36 para. 86 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), [art. 3\(1\)\(2\)](#) (subject to [art. 3\(3\)\(4\)](#))

- 87 In section 31(1) (powers of Court of Appeal exercisable by single judge) after paragraph (a) there is inserted—
- “(aa) the power to give leave under section 14(4B) of the Criminal Appeal Act 1995;”.

**Commencement Information**

**I671** Sch. 36 para. 87 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 88 In section 31A (powers of Court of Appeal exercisable by registrar) after subsection (4) there is inserted—
- “(5) In this section “respondent” includes a person who will be a respondent if leave to appeal is granted.”

**Commencement Information**

**I672** Sch. 36 para. 88 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 89 In section 45 (construction of references to Court of Appeal)—
- (a) in subsection (1), for “section 44A” there is substituted “ sections 44A and 51 ”,
- (b) in subsection (2) after “sections” there is inserted “ 23A, ”.

**Commencement Information**

**I673** Sch. 36 para. 89 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), [art. 3\(1\)\(2\)](#) (subject to [art. 3\(3\)\(4\)](#))

- 90 (1) Section 51 (interpretation) is amended as follows.
- (2) In subsection (1) the definition of “the defendant” is omitted.
- (3) After that subsection there is inserted—
- “(1A) In Part 2 of this Act “the defendant”—
- (a) in relation to an appeal under section 33(1) of this Act against a decision of the Court of Appeal on an appeal under Part 1 of this Act, means the person who was the appellant before the Court of Appeal,
- (b) in relation to an appeal under section 33(1) of this Act against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court of Appeal, and

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(c) in relation to an appeal under section 33(1B) of this Act, shall be construed in accordance with section 33(4) of this Act; and, subject to section 33(1A) of this Act, “prosecutor” shall be construed accordingly.”

#### Commencement Information

**I674** Sch. 36 para. 90 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

91 The Criminal Appeal (Northern Ireland) Act 1980 is amended as follows.

#### Commencement Information

**I675** Sch. 36 para. 91 wholly in force at 8.1.2007; Sch. 36 para. 91 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 91 in force for certain purposes at 4.4.2005 and 18.5.2005 by [S.I. 2005/950](#), [arts. 2\(1\), 3](#), [Sch. 1 para. 43\(c\)](#); Sch. 36 para. 91 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 92 (1) Section 19 (legal aid) is amended as follows.
- (2) In subsection (1) after “an appeal” there is inserted “ under this Part of this Act ”.
- (3) In subsection (1A) for “for the purpose” there is substituted “ in respect ”.
- (4) In subsection (1A)(a)—
- (a) the words “application for leave to” are omitted, and
  - (b) after “hearings” there is inserted “ or section 47 of the Criminal Justice Act 2003 ”.
- (5) For subsection (1A)(b) there is substituted—
- “(b) any other appeal to the Court of Appeal under any Northern Ireland legislation (whenever passed or made) from proceedings before the Crown Court; or
  - (c) an application for leave to appeal in relation to an appeal mentioned in paragraph (a) or (b) above.”
- (6) After subsection (1A) there is inserted—
- “(1B) The Crown Court or the Court of Appeal may order that an acquitted person shall be given legal aid in respect of an application made in relation to him under section 76 of the Criminal Justice Act 2003.”
- (7) In subsection (3) for “an appellant” there is substituted “ a person ”.

#### Commencement Information

**I676** Sch. 36 para. 91 wholly in force at 8.1.2007; Sch. 36 para. 91 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 90(6) in force at 18.4.2005 by [S.I. 2005/950](#), [art. 3](#); Sch. 36 para. 91(1)-(5)(7) in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)



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- 93 (1) Section 28 (costs) is amended as follows.
- (2) In subsection (2)(a) for “this Part” there is substituted “ section 19(1) ”.
- (3) After subsection (2) there is inserted—
- “(2AA) The expenses of any solicitor or counsel assigned to a person pursuant to a grant of legal aid under section 19(1A) or (1B) of this Act shall, up to an amount allowed by the Master (Taxing Office), be defrayed by the Lord Chancellor.”
- (4) In subsection (2A) after “(2)(a)” there is inserted “ or (2AA) ”.
- (5) In subsection (2G)—
- (a) after “(2)(a)” there is inserted “ or (2AA) ”, and
- (b) for “subsection (2)” there is substituted “ subsections (2) and (2AA) ”.
- 94 For section 31(3) (definition of defendant and prosecutor) there is substituted—
- “(3) In this Part of this Act “the defendant”—
- (a) in relation to an appeal under subsection (1) above against a decision of the Court on an appeal under Part 1 of this Act, means the person who was the appellant before the Court;
- (b) in relation to an appeal under subsection (1) above against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court;
- (c) in relation to an appeal under subsection (1B) above, shall be construed in accordance with subsection (4) below;
- and, subject to subsection (1A) above, “prosecutor” shall be construed accordingly.”
- 95 In section 45 (powers of Court of Appeal exercisable by single judge) after subsection (3B) there is inserted—
- “(3C) Subject to section 44(4) above, the power of the Court of Appeal to give leave under section 14(4B) of the Criminal Appeal Act 1995 may be exercised by a single judge of the Court.”

**Commencement Information**

**I677** Sch. 36 para. 95 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 43(c) (subject to art. 2(2), Sch. 2)

*Criminal Justice Act 1988 (c. 33)*

- 96 In section 36 of the Criminal Justice Act 1988 (reviews of sentencing)—
- (a) in subsection (3), for “10” there is substituted “ 11 ”,
- (b) in subsection (9)(b), for “10 and 35(1)” there is substituted “ 11 and 35(1) ”.

**Commencement Information**

**I678** Sch. 36 para. 96 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 43(c) (subject to art. 2(2), Sch. 2)

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*Criminal Appeal Act 1995 (c. 35)*

97 In section 15(2)(a) of the Criminal Appeal Act 1995 (investigations by Criminal Cases Review Commission for Court of Appeal) for “case”, in both places where it occurs, there is substituted “ appeal or application for leave to appeal ”.

**Commencement Information**

**I679** Sch. 36 para. 97 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), **art. 3(1)(2)** (subject to [art. 3\(3\)\(4\)](#))

PROSPECTIVE

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

F14398 .....

**Textual Amendments**

**F143** Sch. 36 para. 98 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

SCHEDULE 37

Section 332

REPEALS

**PART 1**

REPEALS RELATING TO AMENDMENTS OF POLICE AND CRIMINAL EVIDENCE ACT 1984

**Commencement Information**

**I680** Sch. 37 Pt. 1 partly in force; Sch. 37 Pt. 1 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 1 in force for certain purposes at 20.1.2004 by [S.I. 2004/81](#), **art. 2**; Sch. 37 Pt. 1 in force for certain purposes at 5.4.2004 by [S.I. 2004/829](#), **art. 2(1)(2)** (subject to [art. 2\(3\)-\(6\)](#))

**Short title and chapter**

Police and Criminal Evidence Act 1984 (c. 60)

**Extent of repeal**

In section 1(8), the word “and” at the end of paragraph (c).  
 In section 54(1), the words “and record or cause to be recorded”.  
 In section 63(3)(a), the words “is in police detention or”.  
 In section 67—

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	(a) the word “such” in subsections (9), (10) (a), (b) and (c) and in both places where it occurs in subsection (11), and
	(b) the words “of practice to which this section applies” in subsection (9A).
	In section 113—
	(a) in subsection (4), the words “issued under that subsection”,
	(b) in subsection (8), the words “of practice issued under this section”, and
	(c) in subsection (10), the word “such” in both places where it occurs.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 29(3).
Armed Forces Act 2001 (c. 19)	In section 2(9), the word “and” at the end of paragraph (c).
Police Reform Act 2002 (c. 30)	In Schedule 7, paragraph 9(1) and (6).

## PART 2

### BAIL

#### Commencement Information

**I681** Sch. 37 Pt. 2 partly in force; Sch. 37 Pt. 2 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 2 in force for certain purposes at 5.4.2004 by [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#)) and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), [art. 2\(c\)](#)

Short title and chapter	Extent of repeal
Criminal Justice Act 1967 (c. 80)	In section 22, in subsection (1) the words “subject to section 25 of the Criminal Justice and Public Order Act 1994” and in subsection (3) the words from “except that” to the end.
Courts Act 1971 (c. 23)	In Schedule 8, in paragraph 48(b), the word “22(3)”.
Bail Act 1976 (c. 63)	In section 3(6), the words “to secure that”. In section 3A(5), the words “for the purpose of preventing that person from”. In section 5, in subsection (3), the words from “with a view” to “another court”, and in subsection (6), in paragraph (a) the words “to the High Court or” and paragraph (b). In section 5A(2), in the substituted version of section 5(3), the words from “with a view” to “vary the conditions”.

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Supreme Court Act 1981 (c. 54)	In section 81(1)(g), the word “or” at the end of sub-paragraph (ii).
Criminal Justice Act 1991 (c. 53)	In Schedule 11, in paragraph 22(2), the words “and the words” onwards.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 26. In Schedule 10, paragraphs 15 and 34.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 87(b).

### PART 3

#### DISCLOSURE

##### Commencement Information

**I682** Sch. 37 Pt. 3 wholly in force at 15.7.2005; Sch. 37 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 3 in force for E.W. at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 44(2) (subject to **art. 2(2)**, Sch. 2); Sch. 37 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

Short title and chapter	Extent of repeal
Criminal Justice Act 1987 (c. 38)	In section 9(5)(i) and (iii).
Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))	Article 8(5)(i) and (iii).
Criminal Procedure and Investigations Act 1996 (c. 25)	Section 5(6) to (9). Section 6(3). Section 7. Section 9. Section 20(2). Section 31(6)(a) and (c).

### PART 4

#### ALLOCATION AND SENDING OF OFFENCES

##### Commencement Information

**I683** Sch. 37 Pt. 4 partly in force; Sch. 37 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 4 in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch. para. 1(2); Sch. 37 Pt. 4 in force at 18.6.2012 for specified purposes for E.W.S. by S.I. 2012/1320, **arts. 3(f)(ii)**, **4(1)(d)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

Short title and chapter	Extent of repeal
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*Status: Point in time view as at 06/04/2007.*

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Bankers' Books Evidence Act 1879 (c. 11)	In section 4, the paragraph beginning “Where the proceedings”. In section 5, the paragraph beginning “Where the proceedings”.
Explosive Substances Act 1883 (c. 3)	Section 6(3).
Criminal Justice Act 1925 (c. 86)	Section 49(2).
Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)	In section 2(2), paragraphs (aa) to (ac), paragraphs (iA) and (iB), and the words from “and in paragraph (iA)” to the end.
Criminal Justice Act 1948 (c. 58)	Section 41(5A). In section 80, the definition of “Court of summary jurisdiction”.
Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)	In the Schedule, in paragraph 4, the words “and section 2 of the Poor Prisoners Defence Act 1930 (legal aid before examining justices)”.
Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)	Section 2(5).
Criminal Justice Act 1967 (c. 80)	In section 9(1), the words “, other than committal proceedings”. In section 36(1), the definition of “committal proceedings”.
Criminal Appeal Act 1968 (c. 19)	In section 9(2), the words from “section 41” to “either way offence”.
Firearms Act 1968 (c. 27)	In Schedule 6, in Part 2, paragraph 3.
Theft Act 1968 (c. 60)	Section 27(4A).
Criminal Justice Act 1972 (c. 71)	In section 46, subsections (1A) to (1C).
Bail Act 1976 (c. 63)	In section 3, subsections (8A) and (8B), and the subsection (10) inserted by paragraph 12(b) of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33). Section 5(6A)(a)(i).
Criminal Law Act 1977 (c. 45)	In Schedule 12, the entry relating to the Firearms Act 1968 (c. 27).
Interpretation Act 1978 (c. 30)	In Schedule 1, in the definition of “Committed for trial”, paragraph (a).
Customs and Excise Management Act 1979 (c. 2)	Section 147(2).
Magistrates' Courts Act 1980 (c. 43)	Sections 4 to 8, and the cross-heading preceding section 4. In section 8B(6)(a), the words “commits or”. Section 24(1A) and (2). In section 25, subsections (3) to (8). In section 33(1), paragraph (b) and the word “and” immediately preceding it.

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	Section 42.
	Section 97A.
	Section 103.
	Section 106.
	In section 128, in subsection (1)(b), the words “inquiring into or”, and in each of subsections (1A)(a), (3A), (3C)(a) and (3E)(a), the word “5,”.
	In section 130(1), the word “5,”.
	Section 145(1)(f).
	In section 150(1), the definition of “committal proceedings”.
	In section 155(2)(a), the words “8 (except subsection (9))”.
	In Schedule 3, paragraph 2(a).
	In Schedule 5, paragraph 2.
	In Schedule 7, paragraph 73.
Criminal Justice (Amendment) Act 1981 (c. 27)	The whole Act.
Criminal Attempts Act 1981 (c. 47)	In section 2(2)(g), the words “or committed for trial”.
Contempt of Court Act 1981 (c. 49)	Section 4(4).
Supreme Court Act 1981 (c. 54)	Section 76(5). Section 77(4). In section 81— (a) in subsection (1)(a), the words “who has been committed in custody for appearance before the Crown Court or in relation to whose case a notice of transfer has been given under a relevant transfer provision or”, (b) subsection (1)(g)(i), (c) subsection (7).
Criminal Justice Act 1982 (c. 48)	Section 61. In Schedule 9, paragraph 1(a).
Mental Health Act 1983 (c. 20)	In section 52(7)(b), the words “where the court proceeds under subsection (1) of that section,”.
Police and Criminal Evidence Act 1984 (c. 60)	Section 62(10)(a)(i). In section 71, the paragraph beginning “Where the proceedings”. Section 76(9). Section 78(3).
Prosecution of Offences Act 1985 (c. 23)	In section 16, subsections (1)(b), (2)(aa) and (12). In section 23A(1)(b), the words from “under” to “1998”. In Schedule 1, paragraphs 2 and 3.

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Criminal Justice Act 1987 (c. 38)	Sections 4 to 6. In section 11— (a) subsection (2)(a), (b) subsection (3), (c) in subsection (7), the word “(3),”, (d) in subsection (8), the word “(3),”, (e) subsections (9) and (10), (f) in subsection (11), paragraphs (a) and (d). In Schedule 2, paragraphs 1, 9 and 14.
Criminal Justice Act 1988 (c. 33)	Section 23(5). Section 24(5). In section 26, the paragraph beginning “This section shall not apply”. In section 27, the paragraph beginning “This section shall not apply”. Section 30(4A). Section 33. In section 40(1), the words “were disclosed to a magistrates' court inquiring into the offence as examining justices or”. Section 41. Section 144. In Schedule 15, paragraphs 10, 66 and 104.
Road Traffic Offenders Act 1988 (c. 53)	Section 11(3A). Section 13(7). Section 16(6A). Section 20(8A).
Courts and Legal Services Act 1990 (c. 41)	In Schedule 18, paragraph 25(5).
Broadcasting Act 1990 (c. 42)	In Schedule 20, paragraph 29(1).
Criminal Justice Act 1991 (c. 53)	Section 53. Section 55(1). Schedule 6. In Schedule 11, paragraph 25.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 34(2)(a). Section 36(2)(a). Section 37(2)(a). In Schedule 9, paragraphs 12, 17(c), 18(d), 25, 27, 29 and 49. In Schedule 10, paragraphs 40 and 71.
Criminal Procedure and Investigations Act 1996 (c. 25)	In section 1(2), paragraphs (a) to (c) and, in paragraph (cc), the words from “under” to the end. In section 5, subsections (2) and (3). In section 13(1), paragraphs (a) to (c) of the modified section 3(8). Section 28(1)(b). Section 44(3). Section 45.

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	Section 49(4). Section 68. In Schedule 1, paragraphs 2 to 5, 8, 10, 12, 13, 15 to 19, 22(3), 24 to 26, 28 to 32, and 34 to 38. Schedule 2.
Sexual Offences (Protected Material) Act 1997 (c. 39)	Section 9(1).
Crime and Disorder Act 1998 (c. 37)	Section 47(6). In section 50(1), the words “unless the accused falls to be dealt with under section 51 below”. In Schedule 3, in paragraph 2, subparagraphs (4) and (5), paragraph 12, and in paragraph 13(2), the words from “unless” to the end. In Schedule 8, paragraphs 8, 37, 40, 65 and 93.
Access to Justice Act 1999 (c. 22)	Section 67(3). In Schedule 4, paragraphs 16, 39 and 47. In Schedule 13, paragraphs 96, 111 and 137.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	Section 27(10). In section 42(3), paragraphs (a) and (b).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 89(2)(b), the words “trial or”. In section 140(1)(b), the words “was committed to the Crown Court to be tried or dealt with or by which he”. In Schedule 9, paragraphs 62, 63, 64(2), 65, 91 and 201. In Schedule 11, paragraph 9.

## PART 5

### EVIDENCE OF BAD CHARACTER

<b>Short title and chapter</b>	<b>Extent of repeal</b>
Criminal Procedure Act 1865 (c. 18)	In section 6, the words “and upon being so questioned, if”.
Criminal Evidence Act 1898 (c. 36)	Section 1(3).
Children and Young Persons Act 1963 (c. 37)	Section 16(2) and (3).
Criminal Evidence Act 1979 (c. 16)	In section 1, the words from “each of the following” to “1898, and”.
Police and Criminal Evidence Act 1984 (c. 60)	In section 74(3), the words from “in so far” to “he is charged,”.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 31.



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Crime (Sentences) Act 1997 (c. 43)	In Schedule 4, paragraph 4.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In Schedule 4, paragraph 1(5).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 23.

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## PART 6

### HEARSAY EVIDENCE

#### Commencement Information

**I684** Sch. 37 Pt. 6 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 44(3) (subject to art. 2(2), Sch. 2)

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Short title and chapter	Extent of repeal
Registered Designs Act 1949 (c. 88)	In section 17, in subsection (8) the words “Subject to subsection (11) below,” and in subsection (10) the words “, subject to subsection (11) below,”.
Patents Act 1977 (c. 37)	In section 32, in subsection (9) the words “Subject to subsection (12) below,” and in subsection (11) the words “, subject to subsection (12) below,”.
Criminal Justice Act 1988 (c. 33)	Part 2. Schedule 2. In Schedule 13, paragraphs 2 to 5. In Schedule 15, paragraph 32. In Schedule 4, paragraph 6(2).
Finance Act 1994 (c. 9)	Section 22(2)(b). In Schedule 7, paragraph 1(6)(b).
Value Added Tax Act 1994 (c. 23)	In Schedule 11, paragraph 6(6)(b).
Criminal Justice and Public Order Act 1994 (c. 33)	In Schedule 9, paragraph 31.
Civil Evidence Act 1995 (c. 38)	In Schedule 1, paragraph 12.
Finance Act 1996 (c. 8)	In Schedule 5, paragraph 2(6)(a).
Criminal Procedure and Investigations Act 1996 (c. 25)	In Schedule 1, paragraphs 28 to 31.
Crime and Disorder Act 1998 (c. 37)	In Schedule 3, paragraph 5(4).
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In Schedule 4, paragraph 16.
Finance Act 2000 (c. 17)	In Schedule 6, paragraph 126(2)(a).

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Finance Act 2001 (c. 9)	In Schedule 7, paragraph 3(2)(a).
Crime (International Co-operation) Act 2003 (c. 32)	In section 9(4), the words “section 25 of the Criminal Justice Act 1988 or”.

## PART 7

### SENTENCING: GENERAL

#### Commencement Information I685

Short title and chapter	Extent of repeal
Piracy Act 1837 (c. 88)	Section 3.
Children and Young Persons Act 1933 (c. 12)	In section 16(3), the words “mandatory and”.
Criminal Justice Act 1967 (c. 80)	In section 104, in subsection (1) the definition of “suspended sentence” and subsection (2).
Criminal Appeal Act 1968 (c. 19)	In section 10 subsection (2)(c) and the word “or” immediately preceding it. Section 11(4).
Social Work (Scotland) Act 1968 (c. 49)	In section 94(1), the definition of “community rehabilitation order”.
Bail Act 1976 (c. 63)	In section 2(1)(d), the words “placing the offender on probation or”.
Magistrates' Courts Act 1980 (c. 43)	In section 82(4A), paragraph (e) and the word “or” immediately preceding it. Section 133(2). In Schedule 6A, the entry relating to section 123(3) of the Powers of Criminal Courts (Sentencing) Act 2000.
Forgery and Counterfeiting Act 1981 (c. 45)	Section 23(1)(b), (2)(b) and (3)(b).
Mental Health Act 1983 (c. 20)	In section 37(1B), the words “109(2),”. In section 45A(1)(b), the words from “except” to “1997”.
Road Traffic Offenders Act 1988 (c. 53)	In section 46(1), paragraph (a) and the word “or” following it.
Football Spectators Act 1989 (c. 37)	In section 7, subsection (9) and in subsection (10)(b) the words from “(or” to the end.
Children Act 1989 (c. 41)	In section 68(2)(d), the words “a probation order has been made in respect of him or he has been”.

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	In Schedule 9A, in paragraph 4(2)(g), the words “placed on probation or”.
Criminal Justice Act 1991 (c. 53)	Sections 32 to 51. Section 65. Schedule 5. In Schedule 12— (a) in paragraph 8(8), paragraph (d), and (b) in paragraph 9(3), paragraph (c).
Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)	In section 10(1)(a), sub-paragraph (i) and the succeeding “or”.
Criminal Justice Act 1993 (c. 36)	Section 67(1).
Criminal Justice and Public Order Act 1994 (c. 33)	In section 25(3)(c), the words “placing the offender on probation or”.
Criminal Procedure (Scotland) Act 1995 (c. 46)	In section 234— (a) in subsection (1), the words after paragraph (b), (b) in subsection (3), the words from “or to vary” to “one hundred”, and (c) subsection (11).
Crime (Sentences) Act 1997 (c. 43)	Sections 35 and 40. In Schedule 1, paragraph 15(5). In Schedule 2, paragraphs 2 and 3. In Schedule 4, paragraphs 6(2), 7, 10(1), 12(1), 13 and 15(10).
Crime and Disorder Act 1998 (c. 37)	In section 18, subsection (2). In section 38(4)(i), the words “section 37(4A) or 65 of the 1991 Act or”. Sections 59 and 60. Sections 80 and 81. Sections 99 and 100. Sections 101(1). Sections 103 to 105. In section 121(12), the words from the beginning to “paragraphs 56 to 60 of Schedule 8 to this Act;”. In Schedule 7, paragraph 50. In Schedule 8, paragraphs 11, 13(2), 56, 58, 59, 79 to 84, 86 to 91, 94, 97, 132 and 135(3) and (4).
Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))	In Schedule 5, paragraph 28(b).
Access to Justice Act 1999 (c. 22)	Section 58(5).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	Section 6(4)(d). Section 12(4). Sections 34 to 36A. In section 36B, subsections (4) and (8) and, in subsection (9), the words from “a

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community punishment order” to “a drug abstinence order”.

In section 37, in subsection (9) the words “who on conviction is under 16” and subsection (10).

In section 40A, subsection (4), in subsection (9) the words “who on conviction is under 16” and subsection (10).

Sections 41 to 59.

In section 60, in subsection (1), paragraph (c) and the word “or” immediately preceding it.

Section 62.

Section 69(11).

Section 73(7).

Sections 78 to 82.

Section 84.

Section 85.

Sections 87 and 88.

Section 91(2).

Section 100(4).

Section 106(2) and (3).

Section 109.

Section 110(3).

Section 111(3).

In section 112(1)(a), the words “109,”.

In section 113, in subsection (1)(a), the words “a serious offence or” and in subsection (3), the words ““serious offence,”” and “109,”.

In section 114(1)(b), the words “a serious offence,”.

In section 115, the word “109,”.

Sections 116 and 117.

Sections 118 to 125.

Sections 126 to 129.

Sections 151 to 153.

Sections 156 to 158.

In section 159, the words “, 121(1) or 123(1)” and “paragraph 6(6) of Schedule 4 to this Act,”.

In section 160—

- (a) in subsection (2), in paragraph (a) the words from “42(2E)” to “Schedule 2” and in paragraph (b) the words from “122(7)” to the end,
- (b) in subsection (3), in paragraph (a) the words “45, 50, 58, 58A(4), 85(7)”, paragraph (b) and the word “or” immediately preceding it,
- (c) subsection (4), and
- (d) in subsection (5), in paragraph (a) the words from “or paragraph 7” to the end, and in paragraph (b) the words from “42(2E)” to the end.

*Status: Point in time view as at 06/04/2007.*

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	Section 161(2) to (4).
	Section 162.
	In section 163, in the definition of “affected person”, paragraphs (b) and (c), the definitions of “the appropriate officer of the court”, “community punishment and rehabilitation order”, “community rehabilitation order”, “community rehabilitation period”, “community punishment order”, the definitions of “drug abstinence order”, “drug treatment and testing order”, “falling to be imposed under section 109(2), 110(2) or 11(2)”, “pre-sentence report”, “protecting the public from serious harm”, in the definition of “responsible officer”, paragraphs (b) to (ee) and the words from “except that” to “that section;”, the definitions of “review hearing”, “sexual offence”, “specified Class A drug”, “suspended sentence supervision order”, “the testing requirement”, “the treatment provider”, “the treatment requirement”, “the treatment and testing period”, “trigger offence” and “violent offence”.
	In section 168—
	(a) in subsection (1), the words “to subsection (2) below and”, and
	(b) subsections (2) and (3).
	Schedule 2.
	Schedule 4.
	In Schedule 7, paragraph 3(4).
	In Schedule 8, paragraph 3(4).
	In Schedule 9, paragraphs 7, 24(a), 26(2), 28, 29, 52, 54(3), 55, 61, 76, 81, 82, 89(2), 90(2), 94, 102, 137 to 145, 147(2) and (3)(a) to (d) and (e)(i), 151, 174, 176(2) to (5) and (7), 177(2) and (3), 184, 185, 186(3) and (4), 187(2), (3) and (5), 196 and 202.
Terrorism Act 2000 (c. 11)	In Schedule 15, paragraph 20.
Child Support, Pensions and Social Security Act 2000 (c. 19)	Section 62(10).
Criminal Justice and Court Services Act 2000 (c. 43)	Section 47 to 51. Sections 53 to 55. Section 63. Section 64(5)(e). In section 78(1), the definition of “community order”. In Schedule 7, paragraphs 1 to 3, 104 to 107, 111(b), 123(a) and (c) to (f), 124(a) and (b), 133, 139, 140, 161, 162, 165 to 172, 177,

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	179, 189, 196(c)(ii) and (iii), 197(c) and (g) (ii), 198 to 200 and 206(a).
Anti-terrorism, Crime and Security Act 2001 (c. 24)	Section 39(7).
Proceeds of Crime Act 2002 (c. 29)	In Schedule 11, paragraph 32.

## PART 8

### LIFE SENTENCES

Short title and chapter	Extent of repeal
Murder (Abolition of Death Penalty) Act 1965 (c. 71)	Section 1(2).
Repatriation of Prisoners Act 1984 (c. 47)	In section 2(4)(b)(i), the words “or 29(1)”. Section 3(9). Paragraph 3 of the Schedule.
Crime (Sentences) Act 1997 (c. 43)	Section 29. Section 31(4). Section 33. In section 34(3), the words from the beginning to “advocate; and”.
Crime and Punishment (Scotland) Act 1997 (c. 48)	In Schedule 1, paragraph 10(3).
Crime and Disorder Act 1998 (c. 37)	In Schedule 8, paragraphs 57 and 60.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 82A, in subsection (4) the words “subject to subsection (5) below”, and subsections (5) and (6).

## PART 9

### ALTERATION OF PENALTIES FOR SUMMARY OFFENCES

#### Commencement Information

**I686** Sch. 37 Pt. 9 partly in force; Sch. 37 Pt. 9 in force for certain purposes at Royal Assent see [s. 336\(1\)](#)

Short title and chapter	Extent of repeal
Vagrancy Act 1824 (c. 83)	Section 5. Section 10.
Railway Regulation Act 1842 (c. 55)	In section 17, the words from “be imprisoned” (where first occurring) to “discretion of such justice, shall”.

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London Hackney Carriages Act 1843 (c. 86)	In section 28, the words from “; or it shall be lawful” to the end.
Town Police Clauses Act 1847 (c. 89)	In section 28, the words from “, or, in the discretion” to “fourteen days”. In section 29, the words from “, or, in the discretion” to the end. In section 36, the words from “, or, in the discretion” to “one month”.
Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)	In section 2, the words from “, or may, if the justices” to the end.
Town Gardens Protection Act 1863 (c. 13)	In section 5, the words “, or to imprisonment for any period not exceeding fourteen days”.
Public Stores Act 1875 (c. 25)	In section 8, the words from “, or, in the discretion” to the end.
North Sea Fisheries Act 1893 (c. 17)	In section 2— (a) in paragraph (a), the words from “, or, in the discretion” to the end, and (b) in paragraph (b), the words from “, or in the discretion” to the end. In section 3(a), the words from “, or, in the discretion” to the end.
Children and Young Persons Act 1933 (c. 12)	In section 4(1), the words from “, or alternatively” to the end.
Protection of Animals Act 1934 (c. 21)	In section 2, the words from “, or, alternatively” to the end.
Public Health Act 1936 (c. 49)	In section 287(5), the words from “or to imprisonment” to the end.
Essential Commodities Reserves Act 1938 (c. 51)	In section 4(2), the words from “or to imprisonment” to the end.
London Building Acts (Amendment) Act 1939 (c. xcvi)	In section 142(5), the words from “or to imprisonment” to the end.
Cancer Act 1939 (c. 13)	In section 4(2), the words from “or to imprisonment” to the end.
Civil Defence Act 1939 (c. 31)	In section 77, the words from “or to imprisonment” to the end.
Hill Farming Act 1946 (c. 73)	In section 19— (a) in subsection (2), the words from “, or to imprisonment” to the end, and (b) in subsection (3), the words from “or to imprisonment” to the end.
Agriculture Act 1947 (c. 48)	In section 14(7) (as remaining in force for the purposes of section 95), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both such imprisonment and such fine”.

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	In section 95(3), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both such imprisonment and such fine”.
Civil Defence Act 1948 (c. 5)	In section 4(4), the words from “or to imprisonment” to the end.
Agricultural Wages Act 1948 (c. 47)	In section 12(7), the words from “or to imprisonment” to the end.
Wireless Telegraphy Act 1949 (c. 54)	In section 14(1B), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “, or both”.
Prevention of Damage by Pests Act 1949 (c. 55)	In section 22(5), the words from “or to imprisonment” to the end.
Coast Protection Act 1949 (c. 74)	In section 25(9), the words from “or to imprisonment” to the end.
Pet Animals Act 1951 (c. 35)	In section 5— (a) in subsection (1), the words “other than the last foregoing section” and the words from “or to imprisonment” to the end, and (b) subsection (2).
Cockfighting Act 1952 (c. 59)	In section 1(1), the words— (a) “to imprisonment for a term not exceeding three months, or”, and (b) “, or to both such imprisonment and such fine”.
Agricultural Land (Removal of Surface Soil) Act 1953 (c. 10)	In section 2(1)— (a) paragraph (a) of the proviso, (b) the word “; or” immediately preceding paragraph (b) of the proviso, and (c) the words “or to both”.
Accommodation Agencies Act 1953 (c. 23)	In section 1(5), the words from “or to imprisonment” to the end.
Army Act 1955 (3 & 4 Eliz. 2 c. 18)	In section 19(1), the words “to imprisonment for a term not exceeding three months or”. In section 161, the words from “, or to imprisonment” to the end. In section 171(1), the words from “, or to imprisonment” to the end. In section 191, the words from “or to imprisonment” to the end. In section 193, the words from “or to imprisonment” to the end. In section 196(3), the words from “or to imprisonment” to the end.



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	In section 197(3), the words from “or to imprisonment” to the end.
Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)	In section 19(1), the words “to imprisonment for a term not exceeding three months or”. In section 161, the words from “, or to imprisonment” to the end. In section 171(1), the words from “, or to imprisonment” to the end. In section 191, the words from “or to imprisonment” to the end. In sections 193, the words from “or to imprisonment” to the end. In section 196(3), the words from “or to imprisonment” to the end. In section 197(3), the words from “or to imprisonment” to the end.
Naval Discipline Act 1957 (c. 53)	In section 96, the words from “or to imprisonment” to the end. In section 99(3), the words from “or to imprisonment” to the end.
Agricultural Marketing Act 1958 (c. 47)	In section 45(6), the words— (a) “to imprisonment for a term not exceeding one month, or”, and (b) “, or to both such imprisonment and such fine”.
Rivers (Prevention of Pollution) Act 1961 (c. 50)	In section 12(2), the words from “or to imprisonment” to the end.
Betting, Gaming and Lotteries Act 1963 (c. 2)	In section 8(1), the words— (a) “or to imprisonment for a term not exceeding three months, or to both”, and (b) “in any case”.
Children and Young Persons Act 1963 (c. 37)	In section 40— (a) in subsection (1), the words from “or imprisonment” to the end, and (b) in subsection (2), the words from “or imprisonment” to the end.
Animal Boarding Establishments Act 1963 (c. 43)	In section 3— (a) in subsection (1), the words “other than the last foregoing section” and the words from “or to imprisonment” to the end, and (b) subsection (2).
Agriculture and Horticulture Act 1964 (c. 28)	In section 20(2), the words from “or to imprisonment” to the end.
Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60)	In Schedule 1—

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	(a) in paragraph 1(3), the words “to imprisonment for a term not exceeding three months or” and “, or to both”, and (b) in paragraph 2(4), the words “to imprisonment for a term not exceeding three months or” and “, or to both”.
Riding Establishments Act 1964 (c. 70)	In section 4(1), the words from “or to imprisonment” to the end.
Industrial and Provident Societies Act 1965 (c. 12)	In section 16(5), the words from “or to imprisonment” to the end. In section 48(2), the words from “or to imprisonment” to the end.
Cereals Marketing Act 1965 (c. 14)	In section 17(1), the words from “or to imprisonment” to the end.
Gas Act 1965 (c. 36)	In Schedule 6, in paragraph 9, the words from “or to imprisonment” to the end.
Armed Forces Act 1966 (c. 45)	In section 8, the words “to imprisonment for a term not exceeding three months or”.
Agriculture Act 1967 (c. 22)	In section 6(9), the words from “or to imprisonment” to the end. In section 14(2), the words from “or to imprisonment” to the end. In section 69, the words from “or imprisonment” to the end.
Criminal Justice Act 1967 (c. 80)	Section 20.
Sea Fisheries (Shellfish) Act 1967 (c. 83)	In section 14(2), the words from “or to imprisonment” to the end.
Theatres Act 1968 (c. 54)	In section 13(3), the words from “or to imprisonment” to the end.
Theft Act 1968 (c. 60)	In Schedule 1, in paragraph 2(1), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”.
Agriculture Act 1970 (c. 40)	In section 106(8), the words from “or imprisonment” to the end.
Breeding of Dogs Act 1973 (c. 60)	In section 3(1)— (a) paragraph (a), (b) the word “; or” immediately preceding paragraph (b), and (c) the words “or to both”.
Slaughterhouses Act 1974 (c. 3)	In section 38(5), the words “or imprisonment for a term of three months or both”.
National Health Service Act 1977 (c. 49)	In Schedule 11—

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- Magistrates' Courts Act 1980 (c. 43)

  - (a) in paragraph 8(3), the words “to imprisonment for a term not exceeding three months or” and “, or to both”, and
  - (b) in paragraph 9(4), the words “to imprisonment for a term not exceeding three months or” and “, or to both”.
- Animal Health Act 1981 (c. 22)

In section 84(3), the words—

  - (a) “imprisonment for a term not exceeding 4 months or”, and
  - (b) “to both”.
- Fisheries Act 1981 (c. 29)

In paragraph 6 of Schedule 1, the words—

  - (a) “or to imprisonment for a term not exceeding 2 months,”, and
  - (b) “in either case”.
- Civil Aviation Act 1982 (c. 16)

In section 5(4), the words from “or to imprisonment” to the end.
- Criminal Justice Act 1982 (c. 48)

In section 82(2), the words from “or to imprisonment” to the end.
- Mental Health Act 1983 (c. 20)

Section 70.

Section 43(5).

In section 103(9), the words—

  - (a) “to imprisonment for a term not exceeding three months or”, and
  - (b) “or both”.

In section 129(3), the words—

  - (a) “to imprisonment for a term not exceeding three months or”, and
  - (b) “or to both”.
- Building Act 1984 (c. 55)

In section 96(3), the words “or to imprisonment for a term not exceeding three months”.
- Surrogacy Arrangements Act 1985 (c. 49)

In section 4(1)—

  - (a) paragraph (a), and
  - (b) in paragraph (b), the words “in the case of an offence under section 3”.
- Animals (Scientific Procedures) Act 1986 (c. 14)

In section 22(3), the words—

  - (a) “to imprisonment for a term not exceeding three months or”, and
  - (b) “or to both”.

In section 23(2), the words—

  - (a) “to imprisonment for a term not exceeding three months or”, and
  - (b) “or to both”.

In section 25(3), the words—

  - (a) “to imprisonment for a term not exceeding three months or”, and
  - (b) “or to both”.

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Motor Cycle Noise Act 1987 (c. 34)	In the Schedule, in paragraph 1(1), the words “to imprisonment for a term not exceeding three months or”.
Human Organ Transplants Act 1989 (c. 31)	In section 2(5), the words— (a) “imprisonment for a term not exceeding three months or”, and (b) “or both”.
Town and Country Planning Act 1990 (c. 8)	In Schedule 15, in paragraph 14(4), the words from “or to imprisonment” to the end.
Environmental Protection Act 1990 (c. 43)	In section 118(7), the words from “or to imprisonment” to the end.
Criminal Justice Act 1991 (c. 53)	Section 26(5).
Deer Act 1991 (c. 54)	In section 10(3), the words from “or to imprisonment” to the end.
Water Industry Act 1991 (c. 56)	In section 206(9), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”. In Schedule 6, in paragraph 5(5), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”.
Social Security Administration Act 1992 (c. 5)	In section 105(1), the words— (a) “to imprisonment for a term not exceeding 3 months or”, and (b) “or to both”. In section 182(3), the words— (a) “to imprisonment for a term not exceeding 3 months or”, and (b) “or to both”.
Local Government Finance Act 1992 (c. 14)	In section 27(5), the words— (a) “imprisonment for a term not exceeding three months or”, and (b) “or both”.
Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)	In section 240(3), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or both”.
Merchant Shipping Act 1995 (c. 21)	In section 57(2)— (a) in paragraph (a), the words “except in a case falling within paragraph (b) below,”, and (b) paragraph (b).
Reserve Forces Act 1996 (c. 14)	In section 75(5), the words— (a) “imprisonment for a term not exceeding 3 months or”, and

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	(b) “(or both)”.
	In section 82(1), the words—
	(a) “imprisonment for a term not exceeding 3 months”, and
	(b) “(or both)”.
	In section 87(1), the words—
	(a) “imprisonment for a term not exceeding 3 months or”, and
	(b) “(or both)”.
	In section 99, the words—
	(a) “imprisonment for a term not exceeding 3 months”, and
	(b) “(or both)”.
	In Schedule 1, in paragraph 5(2), the words—
	(a) “imprisonment for a term not exceeding 3 months or”, and
	(b) “(or both)”.
Housing Act 1996 (c. 52)	In Schedule 1—
	(a) in paragraph 23(6), the words from “or imprisonment” to “or both”, and
	(b) in paragraph 24(6), the words from “or imprisonment” to “or both”.
Broadcasting Act 1996 (c. 55)	In section 144(4), the words—
	(a) “to imprisonment for a term not exceeding three months or”, and
	(b) “or to both”.
Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)	In section 9—
	(a) in subsection (1), paragraph (a), the word “, or” immediately preceding paragraph (b) and the words “or to both”, and
	(b) in subsection (7), paragraph (a), the word “, or” immediately preceding paragraph (b) and the words “or to both”.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 6(4), paragraph (a).
Countryside and Rights of Way Act 2000 (c. 37)	In section 81, subsections (2) and (3).
Transport Act 2000 (c. 38)	In section 82, subsection (5).

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## PART 10

### JURY SERVICE

#### Commencement Information

**I687** Sch. 37 Pt. 10 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

Short title and chapter	Extent of repeal
Juries Act 1974 (c. 23).	In section 2(5)(a), the word “9(1),”. In section 9, subsection (1) and in subsection (2) the words from “and” to the end.
Criminal Law Act 1977 (c. 45).	In Schedule 12, the entry relating to the Juries Act 1974.
Criminal Justice Act 1982 (c. 48).	In Schedule 14, paragraph 35.
Mental Health (Amendment) Act 1982 (c. 51).	In Schedule 3, paragraph 48.
Mental Health Act 1983 (c. 20).	In Schedule 4, paragraph 37.
Juries (Disqualification) Act 1984 (c. 34).	The whole Act.
Coroners Act 1988 (c. 13).	Section 9(2).
Criminal Justice Act 1988 (c. 33).	Section 119. In Schedule 8, paragraph 8.
Courts and Legal Services Act 1990 (c. 41).	In Schedule 17, paragraph 7. In Schedule 18, paragraph 5.
Criminal Justice Act 1991 (c. 53).	In Schedule 11, paragraph 18.
Probation Service Act 1993 (c. 47).	In Schedule 3, paragraph 5.
Police and Magistrates' Courts Act 1994 (c. 29).	In Schedule 8, paragraph 28.
Criminal Justice and Public Order Act 1994 (c. 33).	Section 40. Section 42. In Schedule 10, paragraph 29.
Criminal Appeal Act 1995 (c. 35).	In Schedule 2, paragraph 8.
Police Act 1996 (c. 16).	In Schedule 7, paragraph 23.
Police Act 1997 (c. 50).	In Schedule 9, paragraph 27.
Government of Wales Act 1998 (c. 38).	In Schedule 12, paragraph 18.
Scotland Act 1998 (c. 46).	Section 85(1).
Access to Justice Act 1999 (c. 22).	In Schedule 11, paragraph 22.
Criminal Justice and Court Services Act 2000 (c. 43).	In Schedule 7, paragraph 47.

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European Parliamentary Elections Act 2002 In Schedule 3, paragraph 2.  
(c. 24).

## PART 11

### REPEALS RELATING TO AMENDMENTS OF PART 5 OF POLICE ACT 1997

#### Commencement Information

**I688** Sch. 37 Pt. 11 partly in force; Sch. 37 Pt. 11 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 11 in force for certain purposes at 29.1.2004 by [S.I. 2004/81](#), [art. 4](#); Sch. 37 Pt. 11 in force for E.W. for certain purposes at 6.4.2006 by [S.I. 2006/751](#), [art. 2](#)

Short title and chapter	Extent of repeal
Police Act 1997 (c. 50)	In section 115, subsections (3) to (5) and subsections (6C) to (6E). Section 120(3). In section 125, subsection (3) and, in subsection (4), the words “to which subsection (3) does not apply”.
Care Standards Act 2000 (c. 14)	Section 104(3)(a). In Schedule 4, paragraph 25(2)(a).
Private Security Industry Act 2001 (c. 12)	Section 21. Section 26(3)(a).
Health and Social Care Act 2001 (c. 15)	Section 19.
Criminal Justice and Police Act 2001 (c. 16)	Section 134(3) and (4).
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	Section 42(7). In Schedule 2, paragraph 64.
Education Act 2002 (c. 32)	In Schedule 12, paragraph 15(2). In Schedule 13, paragraph 8(2).
Licensing Act 2003 (c. 17)	In Schedule 6, paragraph 116.

## PART 12

### MISCELLANEOUS

#### Commencement Information

**I689** Sch. 37 Pt. 12 partly in force; Sch. 37 Pt. 12 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 12 in force for certain purposes at 5.4.2004 by [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#)); Sch. 37 Pt. 12 in force for certain purposes at 15.12.2004 by [S.I. 2004/3033](#), [art. 3](#); Sch. 37 Pt. 12 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#) Sch. 1 para. 44(5) (subject to [art. 2\(2\)](#), Sch. 2)

Short title and chapter	Extent of repeal
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Criminal Appeal Act 1968 (c. 19)	Section 10(4). In section 11(2), the words from “(which expression” to “purposes of section 10)”. In section 51(1), the definition of “the defendant”.
Bail Act 1976 (c. 63)	In section 5(1)(c), the words “a court or officer of a court appoints”.
Magistrates' Courts Act 1980 (c. 43)	In section 1(3), the words “and substantiated on oath”. Section 12(1)(a)(i). In section 13(3)(a), the words “the information has been substantiated on oath and”.
Criminal Appeal (Northern Ireland) Act 1980 (c. 47)	In section 19(1A)(a), the words “application for leave to”.
Criminal Procedure and Investigations Act 1996 (c. 25)	In Schedule 4, paragraph 16.
Crime and Disorder Act 1998 (c. 37)	In section 8(2), the words from “and to section 19(5)” to “2000”.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In Schedule 4, paragraphs 26 and 27.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 19(5), paragraph (c) and the word “or” immediately preceding it. In Schedule 9, paragraphs 194 and 195.
Criminal Justice and Court Services Act 2000 (c. 43)	Sections 67 and 68.

## SCHEDULE 38

Section 333(6)

### TRANSITORY, TRANSITIONAL AND SAVING PROVISIONS

#### *Sentencing of offenders aged 18 but under 21*

- 1 If any provision of Part 12 (“the relevant provision”) is to come into force before the day on which section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution, custody for life, etc.) comes into force (or fully into force) the provision that may be made by order under section 333(1) includes provision modifying the relevant provision with respect to sentences passed, or other things done, at any time before section 61 of that Act comes into force (or fully into force).

#### *Sentencing guidelines*

- 2 The repeal by this Act of sections 80 and 81 of the Crime and Disorder Act 1998 does not affect the authority of any guidelines with respect to sentencing



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which have been included in any judgment of the Court of Appeal given before the commencement of that repeal (“existing guidelines”), but any existing guidelines may be superseded by sentencing guidelines published by the Sentencing Guidelines Council under section 170 of this Act as definitive guidelines.

- 3
- (1) Subject to sub-paragraph (2), the repeal by this Act of section 81 of the Crime and Disorder Act 1998 does not affect the operation of subsection (4) of that section in relation to any notification received by the Panel under subsection (2) of that section, or proposal made by the Panel under subsection (3) of that section, before the commencement of the repeal.
  - (2) In its application by virtue of sub-paragraph (1) after the commencement of that repeal, section 81(4) of that Act is to have effect as if any reference to “the Court” were a reference to the Sentencing Guidelines Council.
  - (3) In this paragraph “the Panel” means the Sentencing Advisory Panel.

PROSPECTIVE

*Drug treatment and testing orders*

- 4
- A drug treatment and testing order made under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000 before the repeal of that section by this Act is in force (or fully in force) need not include the provision referred to in subsection (6) of section 54 of that Act (periodic review by court) if the treatment and testing period (as defined by section 52(1) of that Act) is less than 12 months.

PROSPECTIVE

*Drug testing as part of supervision of young offenders after release*

- 5
- (1) Until the coming into force of the repeal by this Act of section 65 of the Criminal Justice Act 1991 (c. 53) (supervision of young offenders after release), that section has effect subject to the following modifications.
  - (2) In subsection (5B)—
    - (a) in paragraph (a), for “18 years” there is substituted “ 14 years ”,
    - (b) for paragraph (b) there is substituted—
      - “(b) a responsible officer is of the opinion—
        - (i) that the offender has a propensity to misuse specified Class A drugs, and
        - (ii) that the misuse by the offender of any specified Class A drug caused or contributed to any offence of which he has been convicted, or is likely to cause or contribute to the commission by him of further offences; and”.
  - (3) After subsection (5D) there is inserted—

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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)*

“(5E) A person under the age of 17 years may not be required by virtue of subsection (5A) to provide a sample otherwise than in the presence of an appropriate adult.”

(4) For subsection (10) there is substituted—

“(10) In this section—

“appropriate adult”, in relation to a person aged under 17, means—

- (a) his parent or guardian or, if he is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,
- (b) a social worker of a local authority <sup>F144</sup> . . . , or
- (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed by the police;

“responsible officer” means—

- (a) in relation to an offender aged under 18, an officer of a local probation board or a member of a youth offending team;
- (b) in relation to an offender aged 18 or over, an officer of a local probation board;

“specified Class A drug” has the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000 (c. 43).”

#### **Textual Amendments**

**F144** Words in Sch. 38 para. 5(4) repealed (1.4.2005 for E. and 1.4.2006 for W.) by *Children Act 2004 (c. 31)*, ss. 64, 67, **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(2)(h)**

#### *Intermittent custody*

- 6 If section 183 (intermittent custody) is to come into force for any purpose before the commencement of the repeal by this Act of section 78 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (which imposes a general limit on the power of a magistrates' court to impose imprisonment), the provision that may be made by order under section 333(1) includes provision modifying any period or number of days specified in section 183 with respect to sentences passed by magistrates' courts before the commencement of that repeal.

#### *Transfer to Scotland of community orders and suspended sentence orders*

- 7 (1) Until the coming into force of the repeal by the Mental Health (Care and Treatment) (Scotland) Act 2003 of the Mental Health (Scotland) Act 1984 (c. 36), in the provisions mentioned in sub-paragraph (2) the reference to the Mental Health (Care and Treatment) (Scotland) Act 2003 has effect as a reference to the Mental Health (Scotland) Act 1984.
- (2) Those provisions are—
- (a) paragraph 2(4) of Schedule 9 (transfer of community orders to Scotland or Northern Ireland), and

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*Status: Point in time view as at 06/04/2007.*

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- (b) paragraph 4 of Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland).

**Commencement Information**

**I690** Sch. 38 para. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 45 (subject to **art. 2(2)**, Sch. 2)

**Status:**

Point in time view as at 06/04/2007.

**Changes to legislation:**

Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 05 October 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.