Status: Point in time view as at 01/02/1991.
Changes to legislation: Criminal Law Act 1977, Cross Heading: Miscellaneous (consequential) is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

S C H E D U L E S

^{X1}SCHEDULE 9   E+W+S

MATTERS ANCILLARY TO SECTION 47

> **Editorial Information**
> **X1** The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Miscellaneous (consequential)

7   **[^{F1}**Subject to section 60(1C) of the Criminal Justice Act 1967 (release on licence), **where]** a sentence of imprisonment is passed with an order under section 47(1) above, it is still to be regarded for all purposes as a sentence of imprisonment for the term stated by the court, notwithstanding that part of it is held in suspense by virtue of the order; and, for the avoidance of doubt, a sentence of which part is held in suspense by virtue of such an order is not to be regarded as falling within the expression "suspended sentence" for the purposes of any legislation, instrument or document.

> **Textual Amendments**
> **F1** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 41**

8   Where an offender is sentenced to imprisonment with an order under section 47 above and, having served part of the sentence in prison, is discharged under section 25(1) of the ^{M1}Prison Act 1952 (remission for industry and good conduct), the remainder of the sentence being held in suspense, the sentence is not to be regarded as expiring under that section.

> **Marginal Citations**
> **M1** 1952 c. 52.

9   In section 21 of the ^{M2}Firearms Act 1968 (prohibition on possession of firearms by persons previously convicted of crime), after subsection (2) there shall be inserted—

> "(2A) For the purposes of section (2) above, "the date of his release", in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977, is the date on which he completes service of so much of the sentence as was by that order required to be served in prison".

Marginal Citations

M2 1968 c. 27.

10   In section 67 of the **M3**Criminal Justice Act 1967 (computation of sentence where offender has been previously in custody), in subsection (1), after "arose, but" there shall be inserted "(a)", . . . **F2**.

Textual Amendments

F2   Words repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

Marginal Citations

M3 1967 c. 80.

11   In section 1 of the **M4**Rehabilitation of Offenders Act 1974 (general principle as to rehabilitation when conviction is spent), after subsection (2) there shall be inserted—

"(2A) Where in respect of a conviction a person has been sentenced to imprisonment with an order under under section 47(1) of the Criminal Law Act 1977, he is to be treated for the purposes of subsection (2) above as having served the sentence as soon as he completes service of so much of the sentence as was by thet order required to be served in prison".

Marginal Citations

M4 1974 c. 53.

Status:
Point in time view as at 01/02/1991.

Changes to legislation:
Criminal Law Act 1977, Cross Heading: Miscellaneous (consequential) is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.