

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Justice Act 1982, Cross Heading: Magistrates' Courts Act 1980 (c. 43) is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 14

MINOR AND CONSEQUENTIAL AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

- 47 In section 24(3) of the Magistrates' Courts Act 1980 (powers of sentencing with respect to persons under the age of 17 tried summarily for indictable offences) for the words following the word "section" there shall be substituted the words "1(1) of the Criminal Justice Act 1982, it could have sentenced him to imprisonment for a term not exceeding—
- (a) the maximum term of imprisonment for the offence on conviction on indictment; or
 - (b) six months,
- whichever is the less. ”.
- 48 In section 31 of that Act (general limit on powers of magistrates' courts to impose imprisonment) the words "or youth custody" shall be inserted after the word "imprisonment" in subsections (1) and (2).
- 49 The following subsections shall be substituted for subsection (1) of section 37 of that Act (committal to Crown Court with a view to Borstal sentence)—
- “(1) Where a person who is not less than 15 nor more than 16 years old is convicted by a magistrates' court of an offence punishable on conviction on indictment with a term of imprisonment exceeding six months, then, if the court is of opinion that he should be sentenced to a greater term of youth custody than it has power to impose, the court may commit him in custody or on bail to the Crown Court for sentence.
- (1A) If by virtue of an order made under section 14 of the Criminal Justice Act 1982, the term specified in section 7(5) of that Act as the usual term of youth custody is increased to a term exceeding six months, subsection (1) above shall have effect, for so long as the term so specified exceeds six months, as if after the word "opinion" there were inserted the following words—
- (a) that a youth custody sentence should be passed on him but that it has no power to do so; or
 - (b) ."”.
- 50 In section 77(2) of that Act (power to fix a term of imprisonment and postpone issue of warrant of distress) after the word "imprisonment" there shall be inserted the words "or detention under section 9 of the Criminal Justice Act 1982 (detention of persons aged 17 to 20 for default)".

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- 51 In section 81(1) of that Act (enforcement of fines imposed on young offenders) for the words “the statutory restrictions upon the imprisonment of young offenders” there shall be substituted the words “section 1 of the Criminal Justice Act 1982”.
- 52 In section 82 of that Act (restriction on power to impose imprisonment for default)
- (a) in subsection (1)(c), after the word “imprisonment”, in the first place where it occurs, there shall be inserted the words “, youth custody”; and
- (b) in subsections (1)(c), (3)(a) and (5)(b) for the words “a term of imprisonment” there shall be substituted the words “a sentence of custody for life, or a term of imprisonment, youth custody, detention under section 9 of the Criminal Justice Act 1982”.
- 53 In section 88 of that Act (supervision pending payment)—
- (a) in subsection (4), for the word “prison”—
- (i) in the first place where it occurs, there shall be substituted the words “detention under section 9 of the Criminal Justice Act 1982”; and
- (ii) in the next place where it occurs, there shall be substituted the words “to such detention”; and
- (b) in subsection (5), for the word “prison” there shall be substituted the words “such detention”.
- 54 The following section shall be inserted after section 96 of that Act—

“96A Application of Part III to persons aged 17 to 20.

This Part of this act shall have effect in relation to a person aged 17 or over but less than 21 as if any reference to committing a person to prison, or fixing a term of imprisonment for a default, were a reference to committing the person to, or, as the case may be, to fixing a term of, detention under section 9 of the Criminal Justice Act 1982; and any reference to warrants of commitment, or to periods of imprisonment imposed for default, shall be construed accordingly.”.

- 55 The words “or the Crown Court” shall be added at the end of section 119(3) of that Act (postponement of taking recognizance).
- 56 In section 133(1) of that Act (consecutive terms of imprisonment) after the word “imprisonment” wherever it appears there shall be inserted the words “or youth custody”.
- 57 At the end of section 134 of that Act (detention in police cells etc.) there shall be inserted the following subsection—
- “(8) This section shall have effect in relation to a person aged 17 or over but less than 21 as if references in it to imprisonment were references to youth custody.”.
- 58 The following subsection shall be added as subsection (3) of section 135 of that Act (detention of offender for one day in court house or police station) and as subsection (4) of section 136 of that Act (committal to custody overnight at police station for non-payment of sum adjudged by conviction)—

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“(0) This section shall have effect in relation to a person aged 17 or over but less than 21 as if references in it to prison were references to detention under section 9 of the Criminal Justice Act 1982 (detention of persons aged 17 to 20 for default).”.

59 In Schedule 4 to that Act (imprisonment for default) the words “or detention” shall be inserted after the word “imprisonment” in paragraphs 1 and 2(1).

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