

Status: Point in time view as at 01/04/2005.

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SCHEDULES

SCHEDULE 1

Section 32.

OFFENCES EXCLUDED FROM SECTION 32

PART I

OFFENCES MENTIONED IN SECTION 32(2)(A)

1. Manslaughter.

^{F1}2. ...

Textual Amendments

F1 Sch. 1 Pt. I para. 2 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); S.I. 2004/874, art. 2

3. Kidnapping.

4. Assault (of any description).

^{F2}5. ...

Textual Amendments

F2 Sch. 1 Pt. I: entries relating to riot and affray repealed by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(3), [Sch. 3](#)

^{F2}6. ...

PART II

OFFENCES MENTIONED IN SECTION 32(2)(B)

MALICIOUS DAMAGE ACT 1861 (c. 97)

1. Sections 35, 47 and 48 (criminal damage).

OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)

2. Section 16 (making threats to kill).

3. Section 18 (wounding with intent to do grievous bodily harm or to resist apprehension).

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4. Section 20 (wounding or inflicting grievous bodily harm).
5. Section 21 (garotting).
6. Section 23 (endangering life or causing harm by administering poison).
7. Section 28 (burning, maiming, etc by explosion).
8. Section 29 (causing explosions or casting corrosive fluids with intent to do grievous bodily harm).

EXPLOSIVE SUBSTANCES ACT 1883 (c. 3)

9. Section 2 (causing explosion likely to endanger life or property).

INFANT LIFE (PRESERVATION) ACT 1929 (c. 34)

10. Section 1 (child destruction).

INFANTICIDE ACT 1938 (c. 36)

11. Section 1(1) (infanticide).

F3
...

Textual Amendments

F3 Sch. 1 Pt. 2 paras. 12-14 and heading repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); [S.I. 2004/874](#), art. 2

F3 12. ...

F3 13. ...

F3 14. ...

FIREARMS ACT 1968 (c. 27)

15. Section 17(1) (use of firearms and imitation firearms to resist arrest).

THEFT ACT 1968 (c. 60)

16. Section 8 (robbery).
17. Section 10 (aggravated burglary).

MISUSE OF DRUGS ACT 1971 (c. 38)

18. Section 4 (production or supply of a controlled drug).
19. Section 5(3) (possession of a controlled drug with intent to supply it to another).

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20. Section 20 (assisting in, or inducing the commission outside the United Kingdom of, an offence relating to drugs punishable under a corresponding law, as defined in section 36(1)).

CRIMINAL DAMAGE ACT 1971 (c. 48)

21. Section 1(2)(b) (criminal damage, including arson, endangering life).

ROAD TRAFFIC ACT 1972 (c. 20)

22. Section 1 (causing death by reckless driving).

CUSTOMS AND EXCISE MANAGEMENT ACT 1979 (c. 2)

23. Section 85(2) (shooting at naval or revenue vessels).

AVIATION SECURITY ACT 1982 (c. 36)

24. Section 1 (hijacking).

25. Sections 2, 3 and 6 (other offences relating to aircraft).

[^{F4}DRUG TRAFFICKING OFFENCES ACT 1986 (c. 32)

Textual Amendments

F4 Sch. 1 Pt. 2 para. 26 and heading inserted by [Drug Trafficking Offences Act 1986 \(c. 32, SIF 39:1\)](#), s. 24(6)

[^{F5}25A. Section 23A (acquisition, possession or use of proceeds of drug trafficking).]

Textual Amendments

F5 Sch. 1 Pt. 2 para. 25A inserted (15.2.1994) by [1993 c. 36, s. 74\(2\)](#); S.I. 1994/71, art. 2, [Sch.](#)

26. Section 24 (assisting another to retain the benefit of drug trafficking).]

[^{F6}PUBLIC ORDER ACT 1986

Textual Amendments

F6 Sch. 1 Pt. 2 paras. 27-29 inserted as provided by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), 40(2), Sch. 2 para. 4

27. Section 1 (riot).

28. Section 2 (violent disorder).

29. Section 3 (affray).]

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[^{F7}CRIMINAL JUSTICE ACT 1988 (c.33)

Textual Amendments

F7 Sch. 1 Pt. 2 para. 30 and heading added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, **Sch. 15 para. 91** (with [Sch. 8 para. 16](#))

[^{F8}29A. Section 93A (assisting another to retain the benefit of criminal conduct).

Textual Amendments

F8 Sch. 1 Pt. 2 paras. 29A-29C inserted (15.2.1994) by [1993 c. 36, s. 74\(3\)](#); S.I. 1994/71, art. 2, **Sch.**

29B. Section 93B (acquisition, possession or use of proceeds of criminal conduct).

29C. Section 93C (concealing or transferring proceeds of criminal conduct).]

30. Section 134 (torture).]

[^{F9}THE ROAD TRAFFIC ACT 1988 (c.52)

Textual Amendments

F9 Sch. 1 Pt. 2: entry added by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 24**

Section 1 (causing death by [^{F10}dangerous] driving).]

Textual Amendments

F10 Word in Sch. 1 Pt. 2 in entry relating to Road Traffic Act 1988 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 17(a)**; S.I. 1992/1286, art. 2, **Sch.**

[^{F11}Section 3A (causing death by careless driving when under the influence of drink or drugs).]

Textual Amendments

F11 Words in Sch. 1 Pt. 2 in entry relating to Road Traffic Act 1988 inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 17(b)**; S.I. 1992/1286, art. 2, **Sch.**

[^{F12}CRIMINAL JUSTICE (INTERNATIONAL COOPERATION) ACT 1990 (c. 31)

Textual Amendments

F12 Sch. 1 Pt. 2: entry inserted (1.7.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\)](#), s. 31(1), **Sch. 4 para. 3**; S.I. 1991/1072, art. 2(b), **Sch. Pt. II**

Section 14 (concealing or transferring proceeds of drug trafficking).]

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[^{F13}AVIATION AND MARITIME SECURITY ACT 1990 (c. 31)

Textual Amendments

F13 Sch. 1 Pt. 2: entries inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 53(1), [Sch. 3 para. 7](#)

Section 1 (endangering safety at aerodromes).

Section 9 (hijacking of ships).

Section 10 (seizing or exercising control of fixed platforms).

Sections 11, 12, 13 and 14 (other offences relating to ships and fixed platforms).]

[^{F14}CHANNEL TUNNEL (SECURITY) ORDER 1994 No.570

Textual Amendments

F14 Sch. 1 Pt. 2: entries inserted (5.3.1994) by [S.I. 1994/570](#), art. 38, [Sch. 3 para. 3](#)

Article 4 (hijacking of Channel Tunnel trains)

Article 5 (seizing or exercising control of the tunnel system)

Articles 6, 7 and 8 (other offences relating to Channel Tunnel trains or the tunnel system).]

[^{F15}DRUG TRAFFICKING ACT 1994

Textual Amendments

F15 Sch. 1 Pt. 2: entries added (3.2.1995) by [1994 c. 37](#), ss. 65, 69(2), [Sch. 1 para. 7](#)

Section 49 (concealing or transferring the proceeds of drug trafficking).

Section 50 (assisting another person to retain the benefit of drug trafficking).

Section 51 (acquisition, possession or use of proceeds of drug trafficking).]

[^{F16}PROCEEDS OF CRIME ACT 2002

Textual Amendments

F16 Sch. 1 Pt. 2: entries inserted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 13](#); [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

Section 327 (concealing criminal property etc).

Section 328 (arrangements relating to criminal property).

Section 329 (acquisition, use and possession of criminal property).]

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[^{F17}SEXUAL OFFENCES ACT 2003

Textual Amendments

F17 Sch. 1 Pt. 2: entries inserted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, **Sch. 6 para. 27**; S.I. 2004/874, art. 2

Sections 1 and 2 (rape, assault by penetration).

Section 4 (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section.

Sections 5 and 6 (rape of a child under 13, assault of a child under 13 by penetration).

Section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

Section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section.

Section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.]

[^{F18}DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004

Textual Amendments

F18 Sch. 1 Pt. 2: entry inserted (21.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, **Sch. 10 para. 16**; S.I. 2005/579, art. 2(c)

Section 5 (causing or allowing the death of a child or vulnerable adult).]

PART III

OFFENCES MENTIONED IN SECTION 32(2)(C)

Offences under sections 50(2) and (3), 68(2) and 170 of the Customs and Excise Management Act 1979 in connection with a prohibition or restriction on importation or exportation of a controlled drug which has effect by virtue of section 3 of the Misuse of Drugs Act 1971.

SCHEDULE 2

Section 39.

FINES TO REMAIN AT THEIR PRESENT LEVEL

Enactment creating offence 1	Penalty enactment 2	Present maximum fine 3
TRANSPORT (LONDON) ACT 1969 (c. 35) Offences under	Section 23(5)	£200

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section 23(5) (providing a bus service without the agreement of the London Transport Executive).

· · · F19	· · · F19	· · · F19
PATENTS ACT 1977 (c. 37)Offences under section 110(1) (unauthorised claim of patent rights).	Section 110(1)	£200
Offences under section 111(1) (unauthorised claim that patent has been applied for).	Section 111(1)	£200
Offences under section 112 (misuse of title "Patent Office").	Section 112	£500
WEST MIDLANDS COUNTY COUNCIL ACT 1977 (c. xiv)Offences under section 6(2) (contravention of byelaws as to operation of aircraft at airports).	Section 6(2)	£500
CITY OF LONDON (VARIOUS POWERS) ACT 1977 (c. xv)Offences under section 7(6) (contravention of notice prohibiting access to forest).	Section 7(6)	£50
Offences under section 24(6) (contravention of order under section 24)	Section 24(6)	£200
KENSINGTON AND CHELSEA CORPORATION ACT 1977 (c xix)Offences under section 5(2) (causing refuse to be deposited).	Section 5(3)	
NORTH WEST WATER AUTHORITY ACT 1977 (c. xx)Offences under section 6(2) (failure to comply with notice and furnishing false information).	Section 6(2)	£200
PUBLIC PASSENGER VEHICLES ACT 1981 (c. 14)Offences under section 26(2) (contravention	Section 26(2)	£50

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of regulations relating to passengers).

Offences under section 67 (contravention of regulations generally). Section 67 £50

Textual Amendments

F19 Entry repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, Sch. 1, Sch. 4 paras. 1, 2

SCHEDULE 3

Section 39.

SPECIAL INCREASES

Enactment creating offence 1	Penalty enactment 2	Present maximum fine 3	New maximum fine 4
HIGHWAY ACT 1835 (c. 50)			
Offences under section 72 (riding etc. on footpaths).	Section 72	£10	£50
TOWN POLICE CLAUSES ACT 1847 (c. 89)			
Offences under section 21 and 28 (obstruction etc.).	Sections 21, 28	£20	£200
Offences under section 45 (plying for hire without a licence).	Section 45	£20	£500
Offences under section 53 (driver refusing compellable hiring).	Section 53	£10	£50
Offences under section 55 (exacting more than the legal fare).	Section 55	£25	£200
Offences under section 58 (demanding as a fare more than the prescribed amount).	Section 58	£10	£200
LONDON HACKNEY CARRIAGE ACT 1853 (c. 33)			

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Offences under section 17 (demanding or taking more than the legal fare etc.).	Section 17	£10	£200
METROPOLITAN PUBLIC CARRIAGE ACT 1869 (c. 115)			
Offences under section 7 (use of unlicensed carriage).	Section 7	£20	£500
MILITARY LANDS ACT 1892 (c. 43)			
Offences under section 17(2) (offences against byelaws).	Section 17(2)	£20	£50
PROTECTION OF ANIMALS ACT 1911 (c. 27)			
Offences under section 8 (selling poisoned grain or placing on any land any matter rendered poisonous).	Section 8	£25	£500
CHILDREN AND YOUNG PERSONS ACT 1933 (c. 12)			
Offences under section 39(2) (newspaper reports identifying juveniles in court proceedings).	Section 39(2)	£500	£1,000
Offences under section 49(2) (newspaper reports identifying juveniles in [^{F20} youth courts]).	Section 49(2)	£500	£1,000
PUBLIC HEALTH ACT 1936 (c. 49)			
Offences under section 143(5) (offences against regulations concerning prevention, etc. of infectious diseases).	Section 143(5)	£100	£1,000
F21	F21	F21	F21
...
FIRE SERVICES ACT 1947 (c. 41)			
OFFENCES UNDER SECTION 14(5)	Section 14(5)	£25	£50

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(IMPROPER USE OF
FIRE HYDRANT).

OFFENCES UNDER SECTION 30(2) (OBSTRUCTING A MEMBER OF A FIRE BRIGADE).	Section 30(2)	£50	£200
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RADIOACTIVE SUBSTANCES ACT 1948 (c. 37)

OFFENCES UNDER SECTION 7(4) (OBSTRUCTION OF INSPECTORS)	Section 8(1)	£100	£500
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Other summary offences under Act	Section 8(3)	£100	£500
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F22	F22	F22	F22
...
F23	F23	F23	F23
...
F24	F24	F24	F24
...

BETTING, GAMING AND LOTTERIES ACT 1963 (c. 2)

Offences under section 28(10) (disclosing information about bookmaker's business).	Section 28(10)	£100	£500
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PLANT VARIETIES AND SEEDS ACT 1964 (c. 14)

Offences under section 25(9) (obstructing an authorised person).	Section 25(9)	£20	£200
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Offences under section 27(1) (tampering with samples).	Section 27(1)	£100	£1,000
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AGRICULTURE AND HORTICULTURE ACT 1964 (c. 28)

Offences under section 15(1) (obstruction)	Section 20(1)	£20	£200
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Offences under Part III (other than section 15(1)) (offences relating to grading of produce).	Section 20(2)	£100	£1,000
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F25	F25	F25	F25
...
INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1965 (c. 12)			
Offences under section 61 (general offences)	Section 61	£10	£200
FORESTRY ACT 1967 (c. 10)			
Offences under section 24(4) (failing to comply with felling licence).	Section 24(4)	£50	£1,000
Offences under section 46(5) (offences against byelaws).	Section 46(5)	£20	£50
Offences under section 48(3) (obstruction of Forestry Commission officers).	Section 48(3)	£20	£200
F26	F26	F26	F26
...
AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 (c. 34)			
Offences under section 6(7) (obstructing an officer duly authorised to carry out welfare inspections).	Section 7(2)	£20	£200
TRANSPORT ACT 1968 (c. 73)			
Offences under section 97(1) (tachograph offences).	Section 97(1)	£200	£500
Offences under section 97A(1) (tachograph offences relating to record sheets and notices).	Section 97A(1)	£200	£500
Offences under section 97A(2) (employers' failure to secure return of record sheet).	Section 97A(2)	£200	£500

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F27	F27	F27	F27
...
ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (c. 27)			
Offences under section 3(1) (disobeying a prohibition on a goods vehicle).	Section 3(1)	£200	£1,000
RENT (AGRICULTURE) ACT 1976 (c. 80)			
Offences under section 25(3) (failure to comply with notice).	Section 25(3)	£5	£500
RENT ACT 1977 (c. 42)			
Offences under section 151(4) (failure of agent to comply with notice requiring information about landlord).	Section 151(4)	£25	£500
PROTECTION FROM EVICTION ACT 1977 (c. 43)			
Offences under section 7 (failure to comply with notice).	Section 7	£25	£500
F28	F28	F28	F28
...

Textual Amendments

- F20** Words in Sch. 3 in entry relating to s. 49(2) of 1933 Act substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 40\(2\)\(o\)](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)
- F21** Entries in Sch. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), [Sch. 38 Pt. I](#) (with ss. 1(4), 561, 562, [Sch. 39 paras. 5, 6, 8, 30, 36, 39](#))
- F22** Entry repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 11](#)
- F23** Entries repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)
- F24** Entries repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)
- F25** Entry in Sch. 3 repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(1), [Sch. 9 Pt. I](#)
- F26** Entries repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), ss. 143, 144, 146, [Sch. 14](#)
- F27** Entries repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, [Sch. 1, Sch. 4 paras. 1, 2](#)
- F28** Entries repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

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SCHEDULE 4

Section 39.

FINES IMPOSED OTHERWISE THAN ON CONVICTION

Description of conduct	Enactment	Present maximum fine	New maximum fine
...
F29	F29	F29	F29
Failure to comply with attachment of earnings order etc.	Attachment of Earnings Act 1971 section 23(3)	£25	£50
Failure to comply with probation order	Powers of Criminal Courts Act 1973 section 6(3)(a) and (6)(a)	£50	£200
Failure to comply with community service order	Section 16(3) and (5)	£50	£200
Failure to comply with suspended sentence supervision order.	Section 27(3)	£50	£200

Textual Amendments

F29 Entry repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), **Sch. 4**

SCHEDULE 5

F30

Textual Amendments

F30 [Schedule 5](#) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

F31

Textual Amendments

F31 [Schedule 5](#) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

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Textual Amendments

- F31** Schedule 5 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

^{F32}SCHEDULE 6

Textual Amendments

- F32** Sch. 6 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (Sch. 3 paras. 1, 3, 6, 16, 17)

^{F33}SCHEDULE 7

Textual Amendments

- F33** Sch. 7 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras. 1, 3, 6, 16, 17)

SCHEDULE 8

Section 58.

COURTS-MARTIAL ETC.

- 1 (1) The following subsection shall be inserted after section 57(2) of the ^{M1}Army Act 1955 and of the ^{M2}Air Force Act 1955—
- “(2A) If the offender has attained seventeen years of age but is under twenty-one years of age, subsection (2) above shall have effect in relation to him as if the power to impose a sentence of imprisonment were a power to make an order under section 71AA below.”
- (2) The subsection inserted by sub-paragraph (1) above in section 57 of the Army Act 1955 and the Air Force Act 1955 shall also be inserted after subsection (3) of section 38 of the ^{M3}Naval Discipline Act 1957, as subsection (3A) of that section, but with the substitution of “43AA” for “71AA”.

Marginal Citations

- M1** 1955 c. 18.
M2 1955 c. 19.
M3 1957 c. 53.

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- 2 Section 71A of the Army Act 1955 and of the Air Force Act 1955 and section 43A of the Naval Discipline Act 1957 (powers of courts in relation to juveniles) shall have effect subject to the following amendments—
- (a) in subsection (1), for “17” there shall be substituted “21”;
 - (b) the following subsections shall be inserted after that subsection—
 - “(1A) Where a person under 21 years of age is convicted of murder or any other civil offence the sentence for which is fixed by law as imprisonment for life, the court shall sentence him to custody for life unless he is liable to be detained under subsection (3) below.
 - (1B) Where a person aged 17 years or over but under 21 years of age is convicted of any other offence for which a person aged 21 years or over would be liable to imprisonment for life, the court shall sentence him to custody for life if—
 - (a) it is of the opinion that no other method of dealing with him is appropriate; and
 - (b) it considers that a custodial sentence for life would be appropriate.
 - (1C) For the purpose of determining whether any method of dealing with a person to whom subsection (1B) of this section applies, other than sentencing him to custody for life, is appropriate, the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.”;
 - (c) subsection (2) shall be omitted; and
 - (d) in subsection (5)—
 - (i) after the word “of”, in the first place where it occurs, there shall be inserted the words “custody for life or”; and
 - (ii) after the word “detention”, in the second place where it occurs, there shall be inserted the words “and to a sentence of custody for life”.
- 3 In section 71AA of the ^{M4}Army Act 1955 and the ^{M5}Air Force Act 1955 and in section 43AA of the ^{M6}Naval Discipline Act 1957 (custodial orders)—
- (a) in subsection (1)—
 - (i) For the words “instead of so punishing him” there shall be substituted the words “subject to subsection (1A) below”; and
 - (ii) for the words from “maximum” to the end there shall be substituted the words “period to be specified in the order not exceeding the maximum period for which he could have been sentenced to imprisonment if he had attained the age of twenty-one years.”;
 - (b) the following subsections shall be inserted after that subsection—
 - “(1A) The court shall not make a custodial order in respect of a person unless it is of the opinion that no other method of dealing with him is appropriate.
 - (1B) For the purposes of determining whether there is any appropriate method of dealing with a person other than making a custodial order in respect of him the court shall obtain and consider information about the circumstances, and shall take into account

Status: Point in time view as at 01/04/2005.

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any information before the court which is relevant to his character and his physical and mental condition.”;

(c) ^{F34}

(d) the following subsection shall be inserted after that subsection—

“(6A) Section 15 of the Criminal Justice Act 1982 (release of young offenders) shall apply to persons released from a term of detention under a custodial order as it applies to persons released from a term of detention under a detention centre order or a term of youth custody.”.

Textual Amendments

F34 Sch. 8 paras. 3(c), 7(d) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), Sch. 8 para. 16, Sch. 16

Marginal Citations

- M4** 1955 c. 18.
- M5** 1955 c. 19.
- M6** 1957 c. 53.

4 (1) In section 71B of the Army Act 1955 and section 71B of the Air Force Act 1955 (power to impose imprisonment for default in payment of fines)—

- (a) at the end of paragraph (b) of subsection (1) there shall be inserted “or
 - (c) in respect of whom the court makes an order under section 71AA above on the same occasion for the same or another offence, or
 - (d) who is already serving or otherwise liable to serve a period of detention under such an order.”;
- (b) the words “or detention” shall be inserted after the word “imprisonment”—
 - (i) in the third place where it occurs in that subsection; and
 - (ii) in subsection (4); and
- (c) the following subsection shall be inserted after subsection (5)—

“(5A) An order imposing a term of detention under this section shall be given effect as if it were a custodial order under section 71AA above.”.

(2) The amendments made by sub-paragraph (1) above shall also be made in section 43B of the ^{M7}Naval Discipline Act 1957 but with the substitution of “43AA” for “71AA”, in both places where it occurs.

Marginal Citations

M7 1957 c. 53.

5 In section 85 of the ^{M8}Army Act 1955 and the ^{M9}Air Force Act 1955 (powers of different descriptions of courts-martial)—

- (a) the words “or make an order committing a person to be detained under section 71AA of this Act for a period exceeding two years” shall be inserted at the end of subsection (2); and

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- (b) the words “or detention under section 71AA of this Act for a period of two years” shall be inserted at the end of subsection (3).

Marginal Citations

- M8** 1955 c. 18.
- M9** 1955 c. 19.

- 6 In section 145(1)(b) of those Acts (forfeiture of pay for absence from duty), for the words “Borstal institution” there shall be substituted the words “youth custody centre”.
- 7 Paragraph 10 of Schedule 5A to the Army Act 1955 and to the Air Force Act 1955 and Schedule 4A to the Naval Discipline Act 1957 (custodial orders) shall have effect subject to the following amendments—
 - (a) in sub-paragraph (1)—
 - (i) for the words “instead of so punishing him” there shall be substituted the words “subject to subsection (1A) below”; and
 - (ii) for the words from “for” to the end there shall be substituted the words—
 - “(a) if the order is made by court-martial, for a period to be specified in the order not exceeding the maximum period for which he could have been sentenced to imprisonment if he had attained the age of 21; or
 - (b) if it is made by a Standing Civilian Court, for a period of not more than six months.”;
 - (b) the following sub-paragraphs shall be inserted after that sub-paragraph—
 - “(1A) The court shall not make a custodial order in respect of an offender unless it is of the opinion that no other method of dealing with him is appropriate.
 - (1B) For the purposes of determining whether there is any appropriate method of dealing with an offender other than making a custodial order in respect of him the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his mental and physical condition.”;
 - (c) the following sub-paragraphs shall be inserted after sub-paragraph (3)—
 - “(3A) Where a Standing Civilian Court makes a custodial order in respect of an offender, it shall state in open court the reason for its opinion that no other method of dealing with him is appropriate.
 - (3B) A Standing Civilian Court shall cause a reason stated under sub-paragraph (3A) above to be specified in the custodial order and to be recorded in the proceedings.”;
 - (d)^{F35}
 - (e) the following sub-paragraph shall be inserted after that sub-paragraph—
 - “(6A) Section 15 of the Criminal Justice Act 1982 (release of young offenders) shall apply to persons released from a term of detention

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under a custodial order as it applies to persons released from a term of detention under a detention centre order or a term of youth custody.”.

Textual Amendments

F35 Sch. 8 paras. 3(c), 7(d) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(2), Sch. 8 para. 16, [Sch. 16](#)

- 8 (1) In paragraph 11(2) of Schedule 5A to the ^{M10}Army Act 1955 and to the ^{M11}Air Force Act 1955 (compensation orders) for “£400” there shall be substituted “£1,000”.
- (2) Sub-paragraph (1) above has effect only in relation to offences committed after this paragraph comes into force.

Marginal Citations

M10 1955 c. 18.

M11 1955 c. 19.

- 9 The following sub-paragraph shall be substituted for sub-paragraphs (1) and (2) of paragraph 13 of those Schedules (imposition of fines on and making of compensation orders against parent or guardian)—
- “(1) Where—
- (a) a civilian under 17 years of age is found guilty of any offence for the commission of which a fine may be imposed or a compensation order may be made under paragraph 11 above; and
 - (b) the court is of the opinion that the case would best be met by the imposition of a fine or the making of such an order, whether with or without any other punishment,
- it shall be the duty of the court to order that the fine or compensation awarded be paid by any parent or guardian of his who is a service parent or guardian, instead of by the person himself, unless the court is satisfied—
- (i) that the parent or guardian cannot be found; or
 - (ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.
- (2) An order under this paragraph may be made against the parent or guardian if—
- (a) he has been required to attend in the manner prescribed by Rules of Procedure under section 103 above or, as the case may be, by an order under paragraph 12 of Schedule 3 to the Armed Forces Act 1976 to attend the court, and
 - (b) he has failed to do so,
- but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.”.
- 10 (1) In paragraph 14(1) of those Schedules (recognisances from parents and guardians) for “£50” there shall be substituted “£500”.

Status: Point in time view as at 01/04/2005.

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- (2) Sub-paragraph (1) above has effect only in relation to offences committed after this paragraph comes into force.
- 11 In paragraph 15(3) of those Schedules (scale of punishments and orders)—
- (a) in the Table, in paragraph 3, in the second column, for the word “imprisonment” there shall be substituted the words “custody for life”; and
 - (b) in paragraph (i) of the Note following that Table for the word “imprisonment” there shall be substituted the words “custody for life”.
- 12 (1) In section 8(1)(b) of the Armed Forces Act 1976 (powers of Standing Civilian Court to fine and sentence) for “£400” there shall be substituted “£1,000”.
- (2) Sub-paragraph (1) above has effect only in relation to offences committed after this paragraph comes into force.

SCHEDULE 9

Section 59.

AMENDMENTS OF MAGISTRATES’^{M12}COURTS ACT 1980 RELATING TO REMANDS IN CUSTODY

Marginal Citations

M12 1980 c. 43

- 1 The words “or would be required to be brought before the court but for section 128(3A) below” shall be added at the end—
- (a) of subsection (2) of section 5 (adjournment of inquiry into offence);
 - (b) of subsection (4) of section 10 (adjournment of trial); and
 - (c) of subsection (4) of section 18 (initial procedure on information against adult for offence triable either way).
- 2 In paragraph (a) of subsection (1) of section 128 (remand in custody or on bail) after the word “court”, in the first place where it occurs, there shall be inserted the words “, subject to subsection (3A) below,”.
- 3 The following subsections shall be inserted after the said subsection (1)—
- “(1A) Where—
- (a) on adjourning a case under section 5, 10(1) or 18(4) above the court proposes to remand or further remand a person in custody; and
 - (b) he is before the court; and
 - (c) he has attained the age of 17; and
 - (d) he is legally represented in that court,
- it shall be the duty of the court—
- (i) to explain the effect of subsections (3A) and (3B) below to him in ordinary language; and
 - (ii) to inform him in ordinary language that, notwithstanding the procedure for a remand without his being brought before a court, he would be brought before a court for the hearing and determination of at least every fourth application for his remand, and of every

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application for his remand heard at a time when it appeared to the court that he had no solicitor acting for him in the case.

(1B) For the purposes of subsection (1A) above a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court.

(1C) After explaining to an accused as provided by sub-section (1A) above the court shall ask him whether he consents to the hearing and determination of such applications in his absence.”.

4 The following subsections shall be inserted after subsection (3) of that section—

“(3A) Subject to subsection (3B) below, where a person has been remanded in custody, the court may further remand him on an adjournment under section 5, 10(1) or 18(4) above without his being brought before it if it is satisfied—

- (a) that he gave his consent, either in response to a question under subsection (1C) above or otherwise, to the hearing and determination in his absence of any application for his remand on an adjournment of the case under any of those provisions; and
- (b) that he has not by virtue of this subsection been remanded without being brought before the court on more than two such applications immediately preceding the application which the court is hearing; and
- (c) that he had attained the age of 17 years when he gave his consent to the hearing and determination of such applications in his absence; and
- (d) that he has not withdrawn his consent to their being so heard and determined.

(3B) The court may not exercise the power conferred by sub-section (3A) above if it appears to the court, on an application for a further remand being made to it, that the person to whom the application relates has no solicitor acting for him in the case (whether present in court or not).

(3C) Where—

- (a) a person has been remanded in custody on an adjournment of a case under section 5, 10(1) or 18(4) above; and
- (b) an application is subsequently made for his further remand on such an adjournment; and
- (c) he is not brought before the court which hears and determines the application; and
- (d) that court is not satisfied as mentioned in subsection (3A) above,

the court shall adjourn the case and remand him in custody for the period for which it stands adjourned.

(3D) An adjournment under subsection (3C) above shall be for the shortest period that appears to the court to make it possible for the accused to be brought before it.

(3E) Where—

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- (a) on an adjournment of a case under section 5, 10(1) or 18(4) above a person has been remanded; in custody without being brought before the court; and
- (b) it subsequently appears—
- (i) to the court which remanded him in custody; or
- (ii) to an alternate magistrates' court to which he is remanded under section 130 below,
- that he ought not to have been remanded in custody in his absence, the court shall require him to be brought before it at the earliest time that appears to the court to be possible.”.
- 5 The following subsection shall be inserted after subsection (4) of section 130 (transfer of remand hearings)—
- “(4A) Where a magistrates' court is satisfied as mentioned in section 128(3A) above—
- (a) subsection (1) above shall have effect as if for the words “he be brought up for any subsequent remands before” there were substituted the words “applications for any subsequent remands be made to”;
- (b) subsection (2) above shall have effect as if for the words “the accused to be brought before” there were substituted the words “an application for a further remand to be made to”;
- (c) subsection (4) above shall have effect as if for the words “him to be brought before” there were substituted the words “an application for a further remand to be made to”.”.
- 6 Section 131(3) (by virtue of which so long as an accused person is detained under a custodial sentence an application for a further remand in custody may be made and determined without his appearance in court, provided that he is represented by counsel or a solicitor who signifies consent to the application being so heard) shall cease to have effect.
- 7 In paragraph 3 of Schedule 5 (transfer of remand hearings) for the words from “the court” onwards there shall be substituted the words “the terms of the order or remand to the court before which the accused is to be brought for the hearing on any application for a subsequent remand or, as the case may be, before which any such application is to be made without his being brought before it”.

SCHEDULE 10

Section 64.

AMENDMENTS OF SCHEDULE 3 TO ^{M13}IMMIGRATION ACT 1971

Marginal Citations

M13 1971 c. 77.

- 1 In paragraph 2—
- (a) in sub-paragraph (1), after the word “directs”, in the first place where it occurs, there shall be inserted the words “or a direction is given under sub-paragraph (1A) below,”;

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- (b) the following sub-paragraph shall be inserted after that sub-paragraph—
- “(1A) Where—
- (a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him; and
- (b) he appeals against his conviction or against that recommendation,
- the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.”; and
- (c) the following sub-paragraphs shall be substituted for sub-paragraph (5)—
- “(5) A person to whom this sub-paragraph applies shall be subject to such restrictions as to residence and as to reporting to the police as may from time to time be notified to him in writing by the Secretary of State.
- (6) The persons to whom sub-paragraph (5) above applies are—
- (a) a person liable to be detained under sub-paragraph (1) above, while by virtue of a direction of the Secretary of State he is not so detained; and
- (b) a person liable to be detained under sub-paragraph (2) or (3) above, while he is not so detained.”.

2 The following shall be added after paragraph 3—

“ Powers of courts pending deportation

- 4 Where the release of a person recommended for deportation is directed by a court, he shall be subject to such restrictions as to residence and as to reporting to the police as the court may direct.
- 5 (1) On an application made—
- (a) by or on behalf of a person recommended for deportation whose release was so directed; or
- (b) by a constable; or
- (c) by an immigration officer,
- the appropriate court shall have the powers specified in sub-paragraph (2) below.
- (2) The powers mentioned in sub-paragraph (1) above are—
- (a) if the person to whom the application relates is not subject to any such restrictions imposed by a court as are mentioned in paragraph 4 above, to order that he shall be subject to any such restrictions as the court may direct; and
- (b) if he is subject to such restrictions imposed by a court by virtue of that paragraph or this paragraph—
- (i) to direct that any of them shall be varied or shall cease to have effect; or
- (ii) to give further directions as to his residence and reporting.
- 6 (1) In this Schedule “the appropriate court” means, except in a case to which sub-paragraph (2) below applies, the court which directed release.

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- (2) This sub-paragraph applies where the court which directed release was—
 - (a) the Crown Court;
 - (b) the Court of Appeal;
 - (c) the High Court of Justiciary;
 - (d) the Crown Court in Northern Ireland; or
 - (e) the Court of Appeal in Northern Ireland.
 - (3) Where the Crown Court or the Crown Court in Northern Ireland directed release, the appropriate court is—
 - (a) the court that directed release; or
 - (b) a magistrates’ court acting for the commission area or county court division where the person to whom the application relates resides.
 - (4) Where the Court of Appeal or the Court of Appeal in Northern Ireland gave the direction, the appropriate court is the Crown Court or the Crown Court in Northern Ireland, as the case may be.
 - (5) Where the High Court of Justiciary directed release, the appropriate court is—
 - (a) that court; or
 - (b) in a case where release was directed by that court on appeal, the court from which the appeal was made.
- 7
- (1) A constable or immigration officer may arrest without warrant any person who is subject to restrictions imposed by a court under this Schedule and who at the time of arrest is in the relevant part of the United Kingdom—
 - (a) if he has reasonable grounds to suspect that that person is contravening or has contravened any of those restrictions; or
 - (b) if he has reasonable grounds for believing that that person is likely to contravene any of them.
 - (2) In sub-paragraph (1) above “the relevant part of the United Kingdom” means—
 - (a) England and Wales, in a case where a court with jurisdiction in England or Wales imposed the restrictions;
 - (b) Scotland, in a case where a court with jurisdiction in Scotland imposed them; and
 - (c) Northern Ireland, in a case where a court in Northern Ireland imposed them.
- 8
- (1) A person arrested in England or Wales or Northern Ireland in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area or district in which he was arrested.
 - (2) In reckoning for the purposes of this paragraph any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.
- 9
- (1) A person arrested in Scotland in pursuance of paragraph 7 above shall wherever practicable be brought before the appropriate court not later than in the course of the first day after his arrest, such day not being a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the Bail etc. (Scotland) Act 1980.

Status: Point in time view as at 01/04/2005.

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- (2) Nothing in this paragraph shall prevent a person arrested in Scotland being brought before a court on a Saturday, a Sunday or such court holiday as is mentioned in sub-paragraph (1) above where the court is, in pursuance of section 10 of the said Act of 1980, sitting on such day for the disposal of criminal business.
- 10 Any justice of the peace or court before whom a person is brought by virtue of paragraph 8 or 9 above—
- (a) if of the opinion that that person is contravening, has contravened or is likely to contravene any restriction imposed on him by a court under this Schedule, may direct—
- (i) that he be detained; or
- (ii) that he be released subject to such restrictions as to his residence and reporting to the police as the court may direct; and
- (b) if not of that opinion, shall release him without altering the restrictions as to his residence and his reporting to the police.”.

F36 SCHEDULE 11

Textual Amendments

F36 Sch. 11 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), Sch.4.

SCHEDULE 12

Section 68.

COMMUNITY SERVICE ORDERS—ENGLAND AND WALES

F38 1

Textual Amendments

F38 Sch. 12 para. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

2 In section 17 of that Act (amendment and revocation of community service orders)

(a) the following subsections shall be inserted after subsection (4)—

“(4A) Where—

- (a) an offender in respect of whom a community service order is in force is convicted of an offence before a magistrates’ court other than a magistrates’ court acting for the petty sessions area for the time being specified in the order; and
- (b) the court imposes a custodial sentence on him; and

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- (c) it appears to the court, on the application of the offender or the relevant officer, 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—

- (i) if the order was made by a magistrates' court, revoke it; and
- (ii) if the order was made by the Crown Court, commit him in custody or release him on bail until he can be brought or appear before the Crown Court;

and where the court deals with his case under sub-paragraph (ii) above, it shall send to the Crown Court such particulars of the case as may be desirable.

- (4B) Where by virtue of subsection (4A)(c)(ii) above the 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 order was made, the Crown Court may revoke the order.”; and

- (b) the following subsections shall be substituted for subsection (5)—

“(5) If—

- (a) a magistrates' court acting for the petty sessions area for the time being specified in a community service order is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area; and
- (b) the conditions specified in subsection (5A) below are satisfied,

the court may, and on the application of the relevant officer shall, amend the order by substituting the other petty sessions area for the area specified in the order.

- (5A) The conditions referred to in subsection (5) above are—

- (a) if the offender is of or over 17 years of age, that it appears to the court that provision can be made for him to perform work under the community service order under the arrangements which exist for persons who reside in the other petty sessions area to perform work under such orders; and
- (b) if the offender is under 17 years of age—
 - (i) that the court has been notified by the Secretary of State that arrangements exist for persons of his age who reside in the other petty sessions area to perform work under such orders; and
 - (ii) it appears to the court that provision can be made under the arrangements for him to do so.”.

Status: Point in time view as at 01/04/2005.

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SCHEDULE 13

Section 68.

COMMUNITY SERVICE ORDERS—RECIPROCAL ARRANGEMENTS

^{F39}**PART I**

. . .

Textual Amendments

F39 Sch. 13 Part I repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

F40¹

Textual Amendments

F40 Sch. 13 Part I repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

F41²

Textual Amendments

F41 Sch. 13 Part I repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

PART II

RECIPROCAL ARRANGEMENTS (SCOTLAND)—PERSONS
 RESIDING IN ENGLAND AND WALES OR NORTHERN IRELAND

3 In sections 183(5A) and 384(5A) of the ^{M16}Criminal Procedure (Scotland) Act 1975 (requirement that probationer shall perform unpaid work), in paragraph (c)(i), for the words “and 6” there shall be substituted the words “, 6 and 6A”.

Marginal Citations

M16 1975 c. 21.

4 In section 6 of the ^{M17}Community Service by Offenders (Scotland) Act 1978 (community service orders relating to persons residing in England or Wales)—

- (a) in subsections (1) and (2) for the word “17” there shall be substituted the word “16”;
- (b) in subsection (1)—
 - (i) in section 1(2)(b) as substituted by paragraph (a) of that subsection, at the beginning there shall be inserted the words “where the

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- offender is under the age of 17 years," and after the word "persons" there shall be inserted the words "of the offender's age";
- (ii) in section 1(2)(d) as so substituted, for the words from "under the arrangements" to the end of paragraph (d) there shall be substituted the words "for the offender to perform work under the order made under subsection (1) above under the arrangements which exist in the petty sessions area in which he resides or will be residing for persons to perform work under community service orders made under section 14 of the ^{M18}Powers of Criminal Courts Act 1973";
- (iii) at the end of paragraph (a) there shall be inserted the words "and as if for the words "such an order" in paragraph (c) of the said subsection (2) there were substituted the words "a community service order";";
- (iv) in paragraph (b), for the words "section 1(2)(b)" there shall be substituted the words "section 1(2)(d)";
- (c) in subsection (2)—
- (i) at the beginning of paragraph (b) there shall be inserted the words "where the offender is under the age of 17 years,";
- (ii) after the word "persons" in paragraph (b) there shall be inserted the words "of the offender's age";
- (iii) in paragraph (c), for the words from "under those arrangements" to "section 1(1)" there shall be substituted the words "for the offender to perform work under the order made under the said section 1(1) under the arrangements which exist in the petty sessions area in which he proposes to reside or is residing for persons to perform work under community service orders made under section 14 of the Powers of Criminal Courts Act 1973";
- (iv) for the words "paragraph (b)" there shall be substituted the words "paragraph (c)";
- (d) after subsection (2) there shall be inserted the following subsection—
- “(2A) community service order made under section 1(1) of this Act as amended by this section or amended in accordance with this section shall—
- (a) specify the petty sessions area in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and
- (b) require the probation committee for that area to appoint or assign a probation officer who will discharge in respect of the order the functions in respect of community service orders conferred on relevant officers by the Powers of Criminal Courts Act 1973.”.

Marginal Citations

M17 1978 c. 49.

M18 1973 c. 42.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 28 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)

“6A Community service orders relating to persons residing in Northern Ireland.

- (1) Where a court is considering the making of a community service order under section 1(1) of this Act and it is satisfied that the offender has attained the age of 17 years and resides, or will be residing when the order comes into force, in Northern Ireland, then—
 - (a) the said section 1 shall have effect as if, in subsection (2) thereof—
 - (i) paragraph (b) were omitted;
 - (ii) for paragraph (d) there were substituted the following paragraph—
 - (d) it appears to the court that provision can be made by the Probation Board for Northern Ireland for him to perform work under such an order; ;
 - (b) the order shall specify that the unpaid work required to be performed by order shall be performed under the provision made by the Probation Board for Northern Ireland and referred to in section 1(2)(d) of this Act as substituted by paragraph (a) above.
- (2) Where a community service order has been made under the said section 1(1) and—
 - (a) the appropriate court is satisfied that the offender has attained the age of 17 years and proposes to reside or is residing in Northern Ireland; and
 - (b) it appears to that court that provision can be made by the Probation Board for Northern Ireland for him to perform work under the order made under the said section 1(1),

it may amend the order by specifying that the unpaid work required to be performed by the order shall be performed under the provision made by the Probation Board for Northern Ireland and referred to in paragraph (b) of this subsection.
- (3) A community service order made under section 1(1) of this Act as amended by this section or amended in accordance with this section shall—
 - (a) specify the petty sessions district in Northern Ireland in which the offender resides or will be residing when the order or the amendment comes into force; and
 - (b) require the Probation Board for Northern Ireland to select an officer who will discharge in respect of the order the functions in respect of community service orders conferred on the relevant officer by the Treatment of Offenders (Northern Ireland) Order 1976.

6B Community service orders relating to persons residing in England or Wales or Northern Ireland— general.

- (1) Where a community service order is made or amended in the circumstances specified in section 6 or 6A of this Act, the court which makes or amends the order shall send three copies of it as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.

Status: Point in time view as at 01/04/2005.

Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 28 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)*

- (2) In this section—
- “home court” means—
- (a) if the offender resides in England or Wales, or will be residing in England or Wales at the relevant time, the magistrates’ court acting for the petty sessions area in which he resides or proposes to reside; and
 - (b) if he resides in Northern Ireland, or will be residing in Northern Ireland at the relevant time, the court of summary jurisdiction acting for the petty sessions district in which he resides or proposes to reside; and
- “the relevant time” means the time when the order or the amendment to it comes into force.
- (3) A community service order made or amended in the circumstances specified in section 6 or 6A of this Act shall be treated, subject to the following provisions of this section, as if it were a community service order made in the part of the United Kingdom in which the offender resides, or will be residing at the relevant time; and the legislation relating to community service orders which has effect in that part of the United Kingdom shall apply accordingly.
- (4) Before making or amending a community service order in those circumstances the court shall explain to the offender in ordinary language—
- (a) the requirements of the legislation relating to community service 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 section; and
 - (c) its own powers under this section,
- and an explanation given in accordance with this section shall be sufficient without the addition of an explanation under section 1(4) of this Act.
- (5) The home court may exercise in relation to the community service order any power which it could exercise in relation to a community service 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 of the United Kingdom except—
- (a) a power to vary the order by substituting for the number of hours’ work specified in it any greater number than the court which made the order could have specified;
 - (b) a power to revoke the order; and
 - (c) a power to revoke the order and deal with the offender for the offence in respect of which it was made in any manner 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.
- (6) If at any time while legislation relating to community service orders which has effect in one part of the United Kingdom applies by virtue of subsection (3) above to a community service order made in another part—
- (a) it appears to the home court—

Status: Point in time view as at 01/04/2005.

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- (i) if that court is in England or Wales, on information to a justice of the peace acting for the petty sessions area for the time being specified in the order; or
- (ii) if it 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 legislation applicable to the order; or
- (b) it appears to the home court on the application of—
- (i) the offender; or
- (ii) if that court is in England and Wales, the relevant officer under the Powers of Criminal Courts Act 1973; or
- (iii) if that court is in Northern Ireland, the relevant officer under the Treatment of Offenders (Northern Ireland) Order 1976,
- that it would be in the interests of justice to exercise a power mentioned in subsection (5)(b) or (c) above,
- the home court may require the offender to appear before the court by which the order was made.
- (7) Where an offender is required by virtue of subsection (6) above to appear before the court which made a community service order, 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 service order if the offender resided in the part of the United Kingdom where the court has jurisdiction,
- and any enactment relating to the exercise of such powers shall have effect accordingly.”
- 6 In section 15 of that Act for subsection (5) there shall be substituted the following subsection—
- “(5) Section 6B and this section extend to England and Wales and Northern Ireland.”.

PART III

RECIPROCAL ARRANGEMENTS (NORTHERN IRELAND)— PERSONS RESIDING IN ENGLAND AND WALES OR SCOTLAND

Making an amendment of community service orders relating to persons residing in England and Wales

- 7 (1) Where a court in Northern Ireland considering the making of a community service order is satisfied that the offender resides, or will be residing when the order comes into force, in England or Wales, ^{F42}Part II of the Criminal Justice (Northern Ireland) Order 1996 shall have effect as if the following were substituted for Article 13(4)—
- “(4) A court shall not make a community service order in respect of any offender unless the offender consents and—

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 28 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)

- (a) the court is satisfied after hearing (if the court thinks it necessary) a probation officer, that the offender is a suitable person to perform work under such an order; and
 - (b) it appears to the court that provision for the offender to perform work under such an order can be made under the arrangements for persons to perform work under such orders which exist in the [F43local justice area] in England and Wales in which he resides or will reside.”]
- (2) Where a community service order has been made by a court in Northern Ireland and—
 - (a) a court of summary jurisdiction acting for a petty sessions district in Northern Ireland for the time being specified in it is satisfied that the offender proposes to reside or is residing in England or Wales;
 - (b) it appears to that court that provision can be made for him to perform work under the community service order under the arrangements for persons to perform work under such orders which exist in the [F44local justice area] in England or Wales in which he resides or will reside,it may amend the order by specifying that the unpaid work required to be performed by the order be so performed.
- (3) A community service order made or amended in accordance with this paragraph shall—
 - (a) specify the [F45local justice area] in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and
 - (b) require the [F46local probation board for that area (established under section 4 of the Criminal Justice and Court Services Act 2000) to appoint or assign an officer of the board] who will discharge in respect of the order the functions in respect of community service orders conferred on [F47responsible officers by the M19Powers of Criminal Courts (Sentencing) Act 2000].

Textual Amendments

- F42** Words in Sch. 13 para. 7(1) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 12(a)**; S.R. 1997/523, **art. 2(i)**
- F43** Words in Sch. 13 para. 7(1) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 42(a)**
- F44** Words in Sch. 13 para. 7(2)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 42(a)**
- F45** Words in Sch. 13 para. 7(3)(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 42(a)**
- F46** Words in Sch. 13 para. 7(3)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 71**; S.I. 2001/919, **art. 2(f)(ii)**
- F47** Words in Sch. 13 para. 7(3) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 89(2)**

Marginal Citations

- M19** 2000 c. 6.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 28 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)

Making and amendment of community service orders relating to persons residing in Scotland

- 8 (1) Where a court in Northern Ireland considering the making of a community service order is satisfied that the offender resides, or will be residing when the order comes into force, in Scotland, [^{F48}Part II of the Criminal Justice (Northern Ireland) Order 1996 shall have effect as if the following were substituted for Article 13(4)—
- “(4) A court shall not make a community service order in respect of any offender unless the offender consents and—
- (a) the court is satisfied after hearing (if the court thinks it necessary) a probation officer, that the offender is a suitable person to perform work under such an order; and
- (b) the court has been notified by the Secretary of State that arrangements exist for persons who reside in the locality in Scotland in which the offender resides, or will be residing when the order comes into force, to perform work under community service orders made under section 238 of the Criminal Procedure (Scotland) Act 1995; and it appears to the court that provision can be made for him to perform work under those arrangements.”]
- (2) Where a community service order has been made by a court in Northern Ireland and—
- (a) a court of summary jurisdiction acting for a petty sessions district in Northern Ireland for the time being specified in it is satisfied that the offender proposes to reside or is residing in Scotland;
- (b) that court has been notified by the Secretary of State that arrangements exist for persons who reside in the locality in Scotland in which the offender proposes to reside or is made under section 1 of the Community Service by Offenders (Scotland) Act 1978;
- (c) it appears to that court that provision can be made for him to perform work under the community service order under those arrangements,
- it may amend the order by specifying that the unpaid work required to be performed by the order be so performed.
- (3) A community service order made or amended in accordance with this paragraph shall—
- (a) specify the locality in Scotland in which the offender resides or will be residing when the order or the amendment comes into force; and
- (b) require the regional or islands council in whose area the locality specified under paragraph (a) above is situated to appoint or assign an officer who will discharge in respect of the order the functions in respect of community service orders conferred on the local authority officer by the ^{M20}Community Service by Offenders (Scotland) Act 1978.

Textual Amendments

F48 Words in Sch. 13 para. 8(1) substituted (1.1.1998) by [S.I. 1996/3160 \(N.I. 24\)](#), art. 58(1), [Sch. 5 para. 12\(b\)](#); [S.R. 1997/523](#), art. 2(i)

Marginal Citations

M20 1978 c. 49.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 28 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)

*Community service orders relating to persons
residing in England and Wales or Scotland—General*

- 9 (1) Where a community service order is made or amended in the circumstances specified in paragraph 7 or 8 above, the court which makes or amends the order shall send three copies of the order as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.
- (2) In this paragraph—
“home court” means—
- (a) if the offender resides in England or Wales, or will be residing in England or Wales at the relevant time, the magistrates’ court [^{F49}acting in the local justice area] in which he resides or proposes to reside; and
 - (b) if he resides in Scotland, or will be residing in Scotland at the relevant time, the sheriff court having jurisdiction in the locality in which he resides or proposes to reside;
- “the relevant time” means the time when the order or the amendment to it comes into force.
- (3) A community service order made or amended in the circumstances specified in paragraph 7 or 8 above shall be treated, subject to the following provisions of this paragraph, as if it were a community service order made in the part of the United Kingdom in which the offender resides, or will be residing at the relevant time; and the legislation relating to community service orders which has effect in that part of the United Kingdom shall apply accordingly.
- (4) Before making or amending a community service order in the circumstances specified in paragraph 7 or 8 above the court shall explain to the offender in ordinary language—
- (a) the requirements of the legislation relating to community service 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,
- and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under [^{F50}Article 13(7) of the Criminal Justice (Northern Ireland) Order 1996].
- (5) The home court may exercise in relation to the community service order any power which it could exercise in relation to a community service 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 the part of the United Kingdom in which it has jurisdiction except—
- (a) a power to vary the order by substituting for the number of hours’ work specified in it any greater number than the court which made the order could have specified;
 - (b) a power to revoke the order; and
 - (c) a power to revoke the order and deal with the offender for the offence in respect of which it was made in any manner in which he could have been

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

- (6) If at any time whilst legislation relating to community service orders which has effect in one part of the United Kingdom applies by virtue of sub-paragraph (3) above to a community service order made in another part—

- (a) it appears to the home court—
- (i) if that court is in England or Wales, on information to a justice of the peace [^{F51}acting in the local justice area] for the time being specified in the order;
 - (ii) if it is in Scotland, on evidence on oath from the local authority officer under the ^{M21}Community Service by Offenders (Scotland) Act 1978,

that the offender has failed to comply with any of the requirements of the legislation applicable to the order; or

- (b) it appears to the home court on the application of the offender or—
- (i) if it is in England and Wales, of the [^{F52}responsible officer under the ^{M22}Powers of Criminal Courts (Sentencing) Act 2000]; and
 - (ii) if it is in Scotland, of the local authority officer,

that it would be in the interests of justice to exercise a power mentioned in sub-paragraph (5)(b) or (c) above,

the home court may require the offender to appear before the court by which the order was made.

- (7) Where an offender is required to appear before a court by virtue of sub-paragraph (6) above, 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 service order if the offender resided in the part of the United Kingdom where the court has jurisdiction,

and any enactment relating to the exercise of such powers shall have effect accordingly.

Textual Amendments

- F49** Words in Sch. 13 para. 9(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 42\(b\)](#)
- F50** Words in Sch. 13 para. 9(4) substituted (1.1.1998) for the words “Article 7(7) of the Treatment of Offenders (Northern Ireland) Order” by virtue of [S.I. 1996/3160 \(N.I. 24\), art. 58\(1\), Sch. 5 para. 12\(c\); S.R. 1997/523, art. 2\(i\)](#)
- F51** Words in Sch. 13 para. 9(6)(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 42\(b\)](#)
- F52** Words in Sch. 13 para. 9(6)(b) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\), Sch. 9 para. 89\(3\)](#)

Marginal Citations

- M21** 1978 c. 49.
M22 2000 c. 6.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 28 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)

SCHEDULE 14

Section 77.

MINOR AND CONSEQUENTIAL AMENDMENTS

Vagrancy Act 1824 (c. 83)

1 In the Vagrancy Act 1824 the words “, subject to section 70 of the Criminal Justice Act 1982,” shall be inserted—

- (a) in sections 3 and 4, before the words “it shall be lawful”; and
- (b) in section 5—
 - (i) before the words “be deemed an incorrigible rogue”; and
 - (ii) before the words “it shall be lawful”.

Merchant Shipping Act 1894 (c. 60)

F53₂

Textual Amendments

F53 Sch. 14 para. 2 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch.12 (with s. 312(1), Sch. 14 para. 1)

Customs and Excise Act 1952 (c. 44)

[F54₃ For section 283(5) of the Customs and Excise Act 1952 there shall be substituted the following subsection—

“(5) The proviso to subsection (2) of this section shall not apply to Scotland; and in the application of the said sub-section (2) to Scotland the maximum term of imprisonment which may be imposed on summary conviction in the sheriff court shall be 6 months, and the penalty for an offence which is triable only summarily by virtue of paragraph (b) of that subsection shall be that to which a person was liable on summary conviction of the offence immediately before 29th July 1977 (the date of the passing of the ^{M23} Criminal Law Act 1977) subject to any increase by virtue of Part IV of the Criminal Justice Act 1982.”.]

Textual Amendments

F54 Sch. 14 para. 3 repealed so far as it relates to car tax by Car Tax Act 1983 (c. 53, SIF 40:2), Sch. 3 and repealed so far as it relates to value added tax by Value Added Tax Act 1983 (c. 55, SIF 40:2), Sch. 11

Marginal Citations

M23 1977 c. 45

Prison Act 1952 (c. 52)

F55₄

Status: Point in time view as at 01/04/2005.

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Textual Amendments

F55 Sch. 14 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

- 5 In section 22(2)(b) of that Act (removal of prisoners for medical etc. purposes)—
- (a) after the word “requires” there shall be inserted the words “medical investigation or observation or”; and
 - (b) after the words “of the” there shall be inserted the words “investigation, observation or”.
- 6 In section 37(4) of that Act (closing of prisons) for the words “Borstal institution” there shall be substituted the words “youth custody centre”.
- 7 In section 47 of that Act (rules for the management of prisons and other institutions) —
- (a) in subsection (1), for the words “Borstal institutions” there shall be substituted the words “youth custody centres”; and
 - (b) in subsection (5), for the words “Borstal institution” there shall be substituted the words “remand centre, youth custody centre”.
- [^{F568} In section 49 of that Act (persons unlawfully at large)—
- (a) in subsection (1) for the words “or Borstal training” there shall be substituted the words “custody for life or youth custody”, and after the word “centre” where first occurring there shall be inserted the words “or a young offenders institution”;
 - (b) in subsection (2)—
 - (i) for the words “Borstal training” there shall be substituted the words “youth custody”; and
 - (ii) for the words “prison, Borstal institution or detention centre, as the case may be” there shall be substituted the words “place in which he is required in accordance with law to be detained”; and
 - (c) in paragraph (a) of the proviso to that subsection, for the words following “prison” there shall be substituted the words “, youth custody centre, remand centre or detention centre;”.]

Textual Amendments

F56 Sch. 14 para. 8 repealed (E.W.) (1.3.1998) by 1994 c. 33, ss. 168(3), 172(2), Sch. 11; S.I. 1998/277, art. 3(3)

^{F579}

Textual Amendments

F57 Sch. 14 para. 9 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Status: Point in time view as at 01/04/2005.

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Criminal Justice Act 1961 (c. 39)

- 10 In section 23 of the Criminal Justice Act 1961 (by virtue of which, among other things, a prisoner who is serving a term of more than one month and would otherwise be discharged on a Saturday is instead discharged on Friday)—
- (a) in subsection (3), for the words “one month” there shall be substituted the words “five days”; and
 - (b) in subsection (4), for the words “borstal institutions” there shall be substituted the words “youth custody centres”.
- 11 The following subsections shall be substituted for subsections (4) to (7) of section 26 of that Act (transfer to serve sentence)—
- “(4) Subject to the following provisions of this section, a person transferred under this section to any part of the United Kingdom or to any of the Channel Islands or the Isle of Man there to serve his sentence or the remainder of his sentence shall be treated for purposes of detention, release, supervision, recall and otherwise as if that sentence (and any other sentence to which he may be subject) had been an equivalent sentence passed by a court in the place to which he is transferred.
- (4A) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in subsection (4) of this section as the Secretary of State may direct.”
- 12 The words “youth custody centre” shall be substituted for the words “Borstal institution” in section 29(1) (removal of prisoners etc. for judicial purpose) and section 30(3) (prisoners unlawfully at large) of that Act.
- 13 In subsection (2) of section 32 of that Act (supervision and recall)—
- (a) in paragraph (i) for the word “section” there shall be substituted the words “sections 206,”;
 - (b) at the end there shall be added the following paragraphs—
 - “(j) section 15 of the Criminal Justice Act 1982;
 - (k) section 73(4), (5) and (6) of the ^{M24}Children and Young Persons Act (Northern Ireland) 1968.”

Marginal Citations

M24 1968 c. 34. (N.I.)

- 14 The words “or of any authorised officer” shall be added at the end of section 33 of that Act (orders relating to transfers of prisoners and others to be under hand of the Secretary of State or of an Under-Secretary or Assistant Under-Secretary of State).
- 15 In section 38 of that Act (construction of references to imprisonment, detention, etc.)—
- (a) in paragraph (a) of subsection (3)—
 - (i) after the word “imprisonment”, in the second place where it occurs, there shall be inserted the words “custody for life, youth custody,”; and
 - (ii) for the words “or detention in a detention centre or young offenders institution” there shall be substituted the words “detention in a

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- detention centre or young offenders institution or detention under an equivalent sentence passed by a court in the Channel Islands or the Isle of Man";
- (b) the following subsection shall be inserted after subsection (5)—
- “(6) The Secretary of State may by order designate as equivalent sentences for the purposes of this Act and of any enactment referred to in Part III of this Act a description of sentence which a court with jurisdiction in one part of the United Kingdom or in the Channel Islands or the Isle of Man may pass and a description of sentence which a court elsewhere in the United Kingdom or in those Islands may pass;”.
- 16 In section 39 of that Act (interpretation)—
- (a) in subsection (1), the following definition shall be substituted for the definition of “appropriate institution”—
- ““appropriate institution”, in relation to any person, means, subject to subsection (1A) of this section, any institution which would be appropriate for the detention of an offender of the same age serving an equivalent sentence passed by a court in the place to which he has been transferred;”;
- (b) the following subsections shall be inserted after that subsection—
- “(1A) Subsection (1) of this section shall have effect in relation to a person serving a sentence of a length which could not have been passed on an offender of his age by a court in the place to which he has been transferred as if it defined “appropriate institution” as meaning such place as the Secretary of State may direct.
- (1B) Any reference in this Act to a sentence being equivalent to another sentence is to be construed as a reference to its having been so designated under section 38(6) of this Act.”.
- 17 In section 42(1) of that Act (application to Scotland), and in section 42(2) (application to Northern Ireland), after the word “thirty-five;” there shall be inserted the words “section thirty-six;”.

Criminal Justice Act 1967 (c. 80)

18—21. F58

Textual Amendments

F58 Sch. 14 paras. 18–21 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

- 22 The following subsections shall be inserted after subsection (2) of section 67 of that Act (computation of sentence of imprisonment)—
- “(2A) Where a person is sentenced to imprisonment with an order under section 47(1) of the^{M25} Criminal Law Act 1977 (sentences partly suspended), subsection (1) above—
- (a) operates to reduce the part of the sentence required to be served in prison;

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- (b) operates to reduce the whole period of the sentence for the purposes of section 47(3) of that Act; but
 - (c) does not operate to reduce any part of the sentence which is ordered under section 47(1) of that Act to be held in suspense.
- (2B) Where—
- (a) an offender has been sentenced to imprisonment with an order under section 47(1) of that Act; and
 - (b) he has been released from prison after serving part of his sentence; and
 - (c) an order is subsequently made restoring part of his sentence,
- the restored part shall for the purposes of this section be treated as a sentence of imprisonment imposed by the order restoring it (but shall not be reduced by any period spent in custody by the offender before the original sentence was passed).”.

Marginal Citations

M25 1977 c. 45

Criminal Appeal Act 1968 (c. 19)

23 In section 10 of the Criminal Appeal Act 1968 (appeal against sentence passed by Crown Court for an offence not tried on indictment)—

- ^{F59}(a)
- (b) in subsection (3)(a), after the word “imprisonment” there shall be inserted the words “or to youth custody under section 6 of the Criminal Justice Act 1982”; and
 - (c) the following subsection shall be inserted after subsection (4)—

“(5) If by virtue of an order made under section 14 of the Criminal Justice Act 1982, the term of 4 months specified in section 4 of that Act is increased to a term of 6 months or more, subsection (3) (a) above shall have effect, for so long as the term so specified is 6 months or more, as if after the word “more” there were inserted the words “or an order for his detention in a detention centre for a term of 6 months or more has been made under section 4 of the Criminal Justice Act 1982”.”

Textual Amendments

F59 Sch. 14 para. 23(a) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), Sch.13; S.I. 1992/333, art. 2(2), Sch.2

Firearms Act 1968 (c. 27)

24 In section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime)—

- (a) in subsection (1)—

Status: Point in time view as at 01/04/2005.

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- (i) after the word “sentenced”, in the first place where it occurs, there shall be inserted the words “to custody for life or”; and
- (ii) after the word “more” there shall be inserted the words “or to youth custody for such a term”; and
- (b) in subsection (2), after the word “years”, in the second place where it occurs, there shall be inserted the words “or to youth custody for such a term”.

Children and Young Persons Act 1969 (c. 54)

F60 25

Textual Amendments

F60 Sch. 14 para. 25 repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 101(2), [Sch.13](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

- 26 In section 16(10) of that Act (which includes a definition of an “attendance centre order”)—
- (a) for the words “19 of the Criminal Justice Act 1948” there shall be substituted the words “17 of the Criminal Justice Act 1982”; and
 - (b) for the word “(5)” there shall be substituted the word “(13)”.
- 27 In section 23(4) of that Act (remand to care of local authorities etc.) for the words “borstal sentence” there shall be substituted the words “youth custody sentence”.

F61 28

Textual Amendments

F61 Sch. 14 para. 28 repealed (30.9.1998) by [1998 c. 37](#), s. 120(2), [Sch.10](#); S.I. 1998/2327, [art. 2\(3\)\(p\)](#)

Fire Precautions Act 1971 (c. 40)

- 29 In section 40(2)(a) of the Fire Precautions Act 1971 (which provides that no fire certificate is required in respect of prisons and similar institutions) for the words “Borstal institution” there shall be substituted the words “youth custody centre”.

Powers of Criminal Courts Act 1973 (c. 62)

- 30 In subsection (3)(c) of section 6 of the Powers of Criminal Courts Act 1973 (breach of requirements of probation order) for the words “19 of the Criminal Justice Act 1948” there shall be substituted the words “17 of the Criminal Justice Act 1982”.
- 31 In section 13 of that Act (under which a conviction of an offence for which a probation order or an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes)—
- (a) in subsection (1), after the word “below,” there shall be inserted the words “and to section 50(1A) of the ^{M26}Criminal Appeal Act 1968 and section 108(1A) of the Magistrates’ Courts Act 1980,”; and
 - (b) in subsection (4)(a), for the words “appeal against his conviction or rely on it” there shall be substituted the words “rely on his conviction”.

Status: Point in time view as at 01/04/2005.

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Marginal Citations

M26 1968 c. 19.

^{F62}32

Textual Amendments

F62 Sch. 14 para. 32 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

^{F63}33

Textual Amendments

F63 Sch. 14 para. 33 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

34 The following subsection shall be inserted as subsection (2) of section 42 of that Act—

“(2) Where an offender is committed by a magistrates’ court for sentence under section 37 of the ^{M27} Magistrates’ Courts Act 1980 (committal for sentence of offender aged 15 or 16 convicted of indictable offences), the Crown Court shall enquire into the circumstances of the case and shall have power—

- (a) subject to section 7(8) of the Criminal Justice Act 1982 (term of youth custody for offenders aged 15 or 16 not to exceed 12 months), to sentence him to a term of youth custody not exceeding the maximum term of imprisonment for the offence on conviction on indictment; or
- (b) to deal with him in any manner in which the magistrates’ court might have dealt with him.”.

Marginal Citations

M27 1980 c. 43

Juries Act 1974 (c. 23)

^{F64}35

Textual Amendments

F64 Sch. 14 para. 35 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 10**; S.I. 2004/829, art. 2(1)(2)(I)(iv)

Status: Point in time view as at 01/04/2005.

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Rehabilitation of Offenders Act 1974 (c. 53)

- 36 In section 5(1) of the Rehabilitation of Offenders Act 1974 (sentences excluded from rehabilitation)—
- (a) in paragraph (b) after word “imprisonment” there shall be inserted the words “youth custody”; and
 - (b) after paragraph (d) there shall be the following words “and
 - (e) a sentence of custody for life”.
- 37 In section 5(2) (rehabilitation periods for particular sentences)—
- (a) in Table A, after the word “imprisonment”, in both places where it occurs, there shall be inserted the words “or youth custody”; and
 - (b) in Table B, after the words “made under” there shall be inserted the words “section 4 of the Criminal Justice Act 1982”.

Criminal Law Act 1977 (c. 45)

- 38 In section 36 of the Criminal Law Act 1977 (enforcement of fines imposed on young offenders)—
- (a) in subsection (2) 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”; and
 - (b) in subsection (4)(a) for the words “19(1) of the Criminal Justice Act 1948” there shall be substituted the words “17 of the Criminal Justice Act 1982”.
- 39 In subsection (5) of section 38A of that Act (execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine) in the definition of “prison”, after paragraph (i) there shall be inserted the following paragraph—
- “(ia) in the case of a person under that age arrested in England and Wales, any place in which he could be detained under section 12(10) of the Criminal Justice Act 1982;”.
- 40 The following shall be inserted after paragraph 3 of Schedule 9 to that Act (ancillary provisions relating to partly suspended sentences)—

“ Consecutive sentences of imprisonment

- 3A (1) This paragraph applies where—
- (a) an offender is serving consecutive sentences of imprisonment; and
 - (b) at least one of the sentences was passed with an order under section 47(1) of this Act.
- (2) Where this paragraph applies the offender shall, so far as the consecutive sentences are concerned, be treated for the purposes—
- (a) of computing the date when he should be released from prison; and
 - (b) of calculating the term of imprisonment liable to be restored under section 47(3) of this Act,
- as if he had been sentenced to a single term of imprisonment with an order under section 47(1) of this Act of which the part which he is immediately required to serve in prison were the aggregate—

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- (i) of the part which he is required to serve in prison of any consecutive sentence passed with an order under section 47(1) of this Act; and
- (ii) of the whole term of any other consecutive sentence, and of which the part which is held in suspense were the aggregate of all parts of the sentences which were ordered to be held in suspense under that section.
- (3) Section 47(6) of this Act shall have effect, in relation to any consecutive sentence passed with an order under section 47(1) of this Act, as if for the words following the word “prison” there were substituted the following words “if—
- (a) none of the sentences to which he is subject had been passed with an order under subsection (1) above; and
- (b) he had not had, in respect of any sentence passed with such an order, any remission under section 25(1) of the Prison Act 1952 (industry and good conduct in prison).”
- (4) In this paragraph “a consecutive sentence” means a sentence which is one of two or more sentences of imprisonment the terms of which have been ordered to run consecutively.”
- 41 In paragraph 7 of that Schedule, for the word “Where” there shall be substituted the words “Subject to section 60(1C) of the ^{M28}Criminal Justice Act 1967 (release on licence), where”.

Marginal Citations

M28 1967 c. 80.

Customs and Excise Management Act 1979 (c. 2)

- 42 Section 147(5) of the Customs and Excise Management Act 1979 is repealed.
- 43 In section 156 of that Act (saving for outlying enactments of certain general provisions as to offences)—
- (a) in subsection (3), the words “This subsection does not apply to Scotland” are repealed;
- (b) for subsection (4) there shall be substituted the following subsections—
- “(4) The maximum term of imprisonment which may be imposed on summary conviction in the sheriff court of an offence under any of the outlying provisions of the customs and excise Acts shall be 6 months.
- (5) Where, in Scotland, an offence under any of the outlying provisions of the customs and excise Acts is triable only summarily by virtue of subsection (3)(b) above, the penalty for the offence shall be that to which a person was liable on summary conviction of the offence immediately before 29th July 1977 (the date of the passing of the Criminal Law Act 1977) subject to any increase by virtue of section 289C(5) of the Criminal Procedure (Scotland) Act 1975 or Part IV of the Criminal Justice Act 1982.”.

Status: Point in time view as at 01/04/2005.

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Child Care Act 1980 (c. 5)

44 In section 10(2) of the Child Care Act 1980 (parental powers of local authorities) for the words “regulations made in pursuance of section” there shall be substituted the words “section 21A of this Act and to regulations made in pursuance of section 21A or”.

F65 45

Textual Amendments
F65 Sch. 14 para. 45 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

F66 46

Textual Amendments
F66 Sch. 14 para. 46 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

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.”.

F67 48

Textual Amendments
F67 Sch. 14 para. 48 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 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

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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)”.

F68 51

Textual Amendments
F68 Sch. 14 para. 51 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

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).

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- 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)—
- “(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).

Contempt of Court Act 1981 (c. 49)

- 60 The following subsection shall be inserted after subsection (2) of section 14 of the Contempt of Court Act 1981 (which relates to penalties for contempt and kindred offences in proceedings in England and Wales)—
- “(2A) In the exercise of jurisdiction to commit for contempt of court or any kindred offence the court shall not deal with the offender by making an order under section 17 of the Criminal Justice Act 1982 (an attendance centre order) if it appears to the court, after considering any available evidence, that he is under 17 years of age.”.

SCHEDULE 15

Section 77.

MINOR AND CONSEQUENTIAL AMENDMENTS SCOTLAND

Trespass (Scotland) Act 1865 (c. 56)

- 1 In section 4 of the Trespass (Scotland) Act 1865 (apprehension and punishment of offenders) for the words from “, and on being convicted” onwards, substitute the words “; and every person committing an offence against the provisions of this act shall be liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.”.

Electric Lighting Act 1882 (c. 56)

- 2 F69

Status: Point in time view as at 01/04/2005.

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Textual Amendments

F69 Sch. 15 para. 2 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112, Sch. 17 para. 35(1), **Sch. 18**

Merchant Shipping Act 1894 (c. 60)

F70₃

Textual Amendments

F70 Sch. 15 paras. 3-5 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

F71₄

Textual Amendments

F71 Sch. 15 paras. 3-5 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

F72₅

Textual Amendments

F72 Sch. 15 paras. 3-5 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

Public Health (Scotland) Act 1897 (c. 38)

- 6 In section 18 of the Public Health (Scotland) Act 1897 (power of entry to local authority or their officers)—
- (a) before the word “conviction” insert the word “summary”; and
 - (b) for the words “a penalty not exceeding five pounds” substitute the words “a fine not exceeding level 3 on the standard scale”.
- 7 In section 24 of that Act (penalty for contravention of decree and of interdict)—
- (a) for the words “to a penalty of not more than £10 per day during his failure so to comply” substitute the words “on summary conviction to a fine not exceeding level 2 on the standard scale”; and
 - (b) for the words “to a penalty not exceeding £20 per day during such infringement” substitute the words “on summary conviction to a fine not exceeding level 2 on the standard scale”.

Food and Drugs (Scotland) Act 1956 (c. 30)

- 8 In section 56 of the Food and Drugs (Scotland) Act 1956 (orders and regulations)—
- (a) in subsection (8)(e), for the words “section forty of this Act” substitute “subsection (8A) below”; and

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(b) after subsection (8), insert the following new subsection—

“(8A) The maximum penalties referred to in subsection (8)(e) above are—

- (a) on conviction of an offence triable only summarily, a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 6 months or both;
- (b) in relation to an offence triable either summarily or on indictment—
 - (i) on summary conviction, a fine not exceeding the statutory maximum or imprisonment for a term not exceeding 6 months or both;
 - (ii) on conviction on indictment, a fine or imprisonment for a term not exceeding one year or both.”.

South of Scotland Electricity Order Confirmation Act 1956 (c. xciv)

9 For section 51 of the South of Scotland Electricity Order 1956 as set out in the Schedule to the South of Scotland Electricity Order Confirmation Act 1956 there shall be substituted the following section—

Injury to electricity lines, meters, seals etc. and interference with meters.

(1) If any person—

- (a) wilfully, fraudulently or by culpable negligence—
 - (i) injures or suffers to be injured any electric lines, meter or fittings belonging to the Board;
 - (ii) alters the index to any meter; or
 - (iii) prevents any meter from duly registering the quality of electricity supplied; or
- (b) wilfully—
 - (i) injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle, meter or apparatus affixed by the Board to any electric line within a consumer’s premises; or
 - (ii) opens or suffers to be opened any such sealed or locked receptacle, meter or apparatus;

he shall (without prejudice to any other right or remedy for the protection of the Board or the punishment of the offender) be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The prosecution of any such offence shall not prevent the Board from recovering the amount of any damage caused to them by the offence, and, if the offence involves wilful or fraudulent injury to or interference with any electric lines, meter or fittings belonging to the Board, the Board may also, until the matter has been remedied, but no longer, discontinue the supply of electricity to the person so offending (notwithstanding any contract previously existing).

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(3) The existence of artificial means for causing an alteration of the index to any meter or preventing any meter from duly registering the quantity of electricity supplied, when the meter is under the custody or control of the consumer, shall be prima facie evidence that the alteration or prevention, as the case may be, has been fraudulently and wilfully caused by the consumer using the meter.

(4) If any person—

- (a) accidentally injures or detaches any seal or locking device referred to in paragraph (b) of subsection (1) of this section; or
- (b) accidentally opens any sealed or locked receptacle, meter or apparatus referred to in that paragraph;

he shall within 48 hours of doing so notify the Board in writing.

(5) Any person who fails to comply with subsection (4) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.”.

10 In section 55 of that Order (penalty for interference with works) for the words “five pounds” substitute the words “level 3 on the standard scale”.

North of Scotland Electricity Order Confirmation Act 1958 (c. ii)

11 For section 36 of the North of Scotland Electricity Order 1958 as set out in the Schedule to the North of Scotland Electricity Order Confirmation Act 1958 there shall be substituted the following section—

Injury to electricity lines, meters, seals etc. and interference with meters.

(1) If any person—

- (a) wilfully, fraudulently or by culpable negligence—
 - (i) injures or suffers to be injured any electric lines, meter or fittings belonging to the Board;
 - (ii) alters the index to any meter; or
 - (iii) prevents any meter from duly registering the quantity of electricity supplied; or
- (b) wilfully—

- (i) injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle, meter or apparatus affixed by the Board to any electric line within a consumer’s premises; or
- (ii) opens or suffers to be opened any such sealed or locked receptacle, meter or apparatus;

he shall (without prejudice to any other right or remedy for the protection of the Board or the punishment of the offender) be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The prosecution of any such offence shall not prevent the Board from recovering the amount of any damage caused to them by the offence, and, if the offence involves any wilful or fraudulent injury to or interference with any electric lines, meter or fittings belonging to the Board, the Board

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may also, until the matter has been remedied, but no longer, discontinue the supply of electricity to the person so offending (notwithstanding any contract previously existing).

(3) The existence of artificial means for causing an alteration of the index to any meter or preventing any meter from registering the quantity of electricity supplied, when the meter is under the custody or control of the consumer, shall be prima facie evidence that the alteration or prevention, as the case may be, has been fraudulently and wilfully caused by the consumer using the meter.

(4) If any person—
(a) accidentally injures or detaches any seal or locking device referred to in paragraph (b) of subsection (1) of this section; or
(b) accidentally opens any sealed or locked receptacle, meter or apparatus referred to in that paragraph;
he shall within 48 hours of doing so notify the Board in writing.

(5) Any person who fails to comply with subsection (4) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.”.

12 In section 40 of that Order (penalty for interference with works) for the words “five pounds” substitute the words “level 3 on the standard scale”.

Roads (Scotland) Act 1970 (c. 20)

13 In section 48 of the Roads (Scotland) Act 1970 (prosecution of certain offences under the Act), after the word “Act” where first occurring insert the words “shall be triable only summarily and”.

14 F73

Textual Amendments
F73 Sch. 15 para. 14 repealed (S.) by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), Sch. 9 para. 6, Sch. 10

Immigration Act 1971 (c. 77)

15 In section 6 of the Immigration Act 1971 (recommendations by court for deportation)—
(a) in paragraph (b) of subsection (3), for the words “first offenders” substitute the words “persons who have not previously been sentenced to imprisonment”;
(b) in subsection (5), the words “except in Scotland,” and paragraph (b) and the word “and” preceding it are repealed.

16 F74

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Textual Amendments

F74 Sch. 15 para. 16 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras. 1, 2

Criminal Procedure (Scotland) Act 1975 (c. 21)

- 17 In section 193A of the Criminal Procedure (Scotland) Act 1975 (fines on conviction on indictment to be without limit)—
- (a) at the beginning, insert “(1)”;
 - (b) for the words “section 8 of the Criminal Justice (Scotland) Act 1980” substitute the words “section 457A(4) of this Act”;
 - (c) after the word “fine” where first occurring insert the words “of or”;
 - (d) for the word “section” in the second and third places where it occurs substitute the words “subsection”;
 - (e) at the end, insert the following new subsection—
 - “(2) Where any Act confers a power by subordinate instrument to make a person liable on conviction on indictment of any offence mentioned in subsection (1) above to a fine or a maximum fine of a specified amount, or which shall not exceed a specified amount, the fine which may be provided in the exercise of that power shall by virtue of this subsection be a fine of an unlimited amount.”
- 18 In section 421(1) of the Criminal Procedure (Scotland) Act 1975 (recall to young offenders institution on reconviction)—
- (a) omit the words “in a”;
 - (b) for the words “an institution” substitute the word “detention”.
- 19 In section 462(1) of that Act (interpretation), in the definition of “fine”, after the word “penalty”, insert the words “(but not a pecuniary forfeiture or pecuniary compensation)”.

National Health Service (Scotland) Act 1978 (c. 29)

- 20 In paragraph 1(1) of Schedule 9 to the National Health Service (Scotland) Act 1978 (buying or selling goodwill of medical practice) omit the words from “not exceeding” where first occurring to “£500”.
- 21 In paragraph 7 of Schedule 10 to that Act (penalties for contravention of provisions regarding control of maximum prices for medical supplies)—
- (a) in sub-paragraph (2)(a) for the words “£100” substitute the words “the statutory maximum”;
 - (b) in sub-paragraph (2)(b) omit the words “not exceeding £500”; and
 - (c) sub-paragraph (3) is repealed.

22 F75

Status: Point in time view as at 01/04/2005.

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Textual Amendments

F75 Sch. 15 para. 22 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112, Sch. 17 para. 35(1), [Sch. 18](#)

Water (Scotland) Act 1980 (c. 45)

- 23 In section 38(6) of the Water (Scotland) Act 1980 (penalties for disclosure of information) in paragraph (a) for the words “£50” substitute the words “the statutory maximum”.
- 24 In section 77 of that Act (obtaining supplies to meet drought)—
- (a) for paragraphs (i) and (ii) of subsection (8) substitute the words “to the penalties mentioned in subsection (9).”;
 - (b) after subsection (8) insert the following subsection—
 - “(9) The penalties referred to in subsection (8) are—
 - (a) in the case of an offence under paragraph (a) of that subsection—
 - (i) on summary conviction, a fine not exceeding the statutory maximum; and
 - (ii) on conviction on indictment, a fine; and
 - (b) in the case of an offence under paragraph (b) of that subsection, a fine not exceeding level 3 on the standard scale.”.
- 25 In section 94(a) of that Act (penalties for false information) for the words “£50” substitute the words “the statutory maximum”.
- 26 In section 95(a) of that Act (penalties for offences not otherwise provided for), for the words “£50” substitute the words “the statutory maximum”.
- 27 In paragraph 10(3) of Schedule 4 to that Act (offences relating to construction of reservoirs)—
- (a) in sub-paragraph (i), for the words “£50 in respect of each such day” substitute the words “the statutory maximum”; and
 - (b) in sub-paragraph (ii), omit the words “in respect of each such day”.
- 28 In paragraph 37 of Schedule 4 to that Act (pollution of water by manufacture of gas, etc.), for the words “£50” substitute the words “the statutory maximum”.
- 29 In paragraph 43 of Schedule 4 to that Act—
- (a) at the end of sub-paragraph (1) insert the words “but all such offences shall be triable only summarily.”; and
 - (b) at the end of the paragraph insert the following sub-paragraph—
 - “(3) For the avoidance of doubt it is declared that conduct in respect of which a person is made liable to a fine by or under the provisions of this Schedule is an offence.”.

Criminal Justice (Scotland) Act 1980 (c. 62)

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- 30 In section 55 of the Criminal Justice (Scotland) Act 1980 (disqualification and endorsement where orders for probation or for absolute discharge are made)—
- (a) after the word “subsection” insert the words “, which shall form subsection (8) of the said section 93 and subsection (9) of the said 4 section 101”;
 - (b) omit the word “(8)”.

SCHEDULE 16

Section 78.

REPEALS

Chapter	Short title	Extent of repeal
48 & 49 Vict. c. 70.	Sea Fisheries (Scotland) Amendment Act 1885.	In section 4, the words “or a fine not exceeding £200”.
57 & 58 Vict. c. 60.	Merchant Shipping Act 1894.	In section 680(1), the words “and to the provisions hereinafter contained with respect to Scotland”.
61 & 62 Vict. c. 36.	Criminal Evidence Act 1898.	In section 1, paragraph (h) of the proviso.
62 & 63 Vict. c. 19.	Electric Lighting (Clauses) Act 1899.	In the Schedule, section 38 of the Gasworks Clauses Act 1871 as set out in the Appendix (this repeal having effect for the purposes of the Schedule as incorporated with the Electricity Act 1947 or any other enactment).
15 & 16 Geo. 5 c. 86.	Criminal Justice Act 1925.	Section 12, so far as unrepealed.
11 & 12 Geo. 6. c. 58.	Criminal Justice Act 1948.	Sections 19 and 20. Section 48(2). Section 52. Section 76(2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 52.	Prison Act 1952. Sections 44 to 46. Section 49(2)(b).	In section 55(3), the words “Subsection (2) of section twenty-two, and”.
3 & 4 Eliz. 2. c. 18.	Army Act 1955.	Section 71A(2).
3 & 4 Eliz. 2. c. 19.	Air Force Act 1955.	Section 71A(2).
5 & 6 Eliz. 2. c. 53.	Naval Discipline Act 1957.	Section 43A(2).
9 & 10 Eliz. 2. c. 39.	Criminal Justice Act 1961.	Section 1. Sections 3 to 7. Sections 10 to 13. Section 32(2)(a), (c) and (e). Section 34. Section 38(5). In section 39(1), the definition of “the

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		statutory restriction on the imprisonment of young offenders".Schedule 1.In Schedule 4, the entries relating to sections 19 and 20 of the Criminal Justice Act 1948 and the entries relating to sections 43, 44 and 45 of the Prison Act 1952.Schedule 6.
1966 c. 49.	Housing (Scotland) Act 1966.	In section 185(2), the words "for each day during which the failure continues".
1967 c. 80.	Criminal Justice Act 1967.	In section 60, in subsection (3), paragraph (b) and the word "or" immediately preceding it, the words from "Provided" to the end and subsection (5A)(b) and (c).Section 63.Section 66(1).Section 67(1)(b).Section 95(1).
1968 c. 19.	Criminal Appeal Act 1968.	In section 20, the words "(hereafter referred to as "the registrar")".
1969 c. 54.	Children and Young Persons Act 1969.	Section 7(1), (3) and (4).Section 31.In section 34(1), paragraph (d) and the words in paragraph (f) from "or section" to "fifteen".In Schedule 4, paragraph 6.In Schedule 5, paragraphs 5, 23 and 44.
1971 c. 23.	Courts Act 1971.	In Schedule 8, paragraph 22.
1971 c. 77.	Immigration Act 1971.	In section 6(5) the words "except in Scotland," and paragraph (b) and the word "and" preceding it.
1972 c. 71.	Criminal Justice Act 1972.	Section 42.In Schedule 5, the entry relating to the Children and Young Persons Act 1933, the entries relating to the Criminal Justice Act 1961 and the first paragraph of the entry relating to the Children and Young Persons Act 1969.
1973 c. 62.	Powers of Criminal Courts Act 1973.	In section 2, in subsection (6), the

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words from “under”, in the first place where it occurs, to “Act”, and subsection (8).Section 4.In section 14(1), the words from “for such” to “in the order”.Section 19.In section 21, in subsection (1), the words “Borstal training or detention in a detention centre” and subsection (3) (c).In section 23, in subsection (1), the words “which have arisen since the suspended sentence was passed”, and subsections (3), (4) and (5).Section 29(6).In section 32(2), the words “Schedule 4 to that Act or”.In section 45(4), the words “Borstal training or detention in a detention centre”.In section 47(d), the words “day training centres and other”.Section 48(3) and (4).In section 49, in subsection (2), the words from “and” to the end, and subsection (3).Section 50.Section 51(2).In section 57(1), the definition of “day training centre”.In Schedule 1, paragraph 7.In Schedule 3, in paragraph 3, in sub-paragraph (1)(a) the words from “and to ensure” to the end and in sub-paragraph (3) the words “with the approval of the Secretary of State”, paragraph 10(2), in paragraph 11, the words “day training centres”, paragraph 13(2), paragraph 14(2) and (3), in paragraph 18(1), in paragraph (a), the words “community service committees” and in paragraph (b), the words “and staff appointed under paragraph 10 above” and in paragraph 18A, the words “and staff appointed under paragraph 10 above”.In

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		Schedule 5, paragraphs 1, 13 and 33.
1974 c. 53.	Rehabilitation of Offenders Act 1974.	In section 5(1)(c), the word "and".
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	Section 8(2).In Section 289D, in subsection (2), the words "or (3A)", and subsection (3A).Section 291(1).In section 421(1), the words "in a".
1976 c. 52.	Armed Forces Act 1976.	In section 13, the words "not exceeding 12 months".
1976 c. 63.	Bail Act 1976.	In Schedule 2, paragraphs 40 and 42.
1977 c. 45.	Criminal Law Act 1977.	In section 31, subsection (4) (c) and the word "and" immediately preceding it and subsection (7).In section 36, subsection (1) and in subsection (9) the definition of "the statutory restrictions upon the imprisonment of young offenders".Section 37(1).In Schedule 9, in paragraph 10, the words from "and at" onwards.In Schedule 11, paragraphs 3 and 6.In Schedule 12, the entry relating to the Criminal Justice Act 1948, the entry relating to the Prison Act 1952, paragraph 1 and paragraph 2(3) and (4) of the entry relating to the Criminal Justice Act 1961, paragraphs 7(2) and 8 of the entry relating to the Criminal Justice Act 1967, paragraph 1 of the entry relating to the Children and Young Persons Act 1969, and in the entry relating to the Powers of Criminal Courts Act 1973, paragraph 1(6) and in paragraph 11(6) the words "or staff appointed under paragraph 10 of Schedule 3".
1978 c. 29.	National Health Service (Scotland) Act 1978.	In Schedule 9, in paragraph 1(1), the words from "not exceeding" where first

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		occurring to “£500”.In Schedule 10, in paragraph 7, in sub-paragraph (2)(b), the words “not exceeding £500”, and sub-paragraph (3).
1978 c. 49.	Community Service by Offenders (Scotland) Act 1978.	Section 6(3).Schedule 1.
1979 c. 2.	Customs and Excise Management Act 1979.	Section 147(5).In section 156(3), the words “This subsection does not apply to Scotland.”.In Schedule 4, in the entry relating to the Powers of Criminal Courts Act 1973, the words “31(7) and”.
1979 c. 11.	Electricity (Scotland) Act 1979.	In section 41(1)(b), the words “not exceeding £500”.
1979 c. 39.	Merchant Shipping Act 1979.	In section 43, subsections (4) and (5), and in subsection (6), the words “or an order under subsection (4) of this section”.
1980 c. 43.	Magistrates’ Courts Act 1980.	In section 76(1), the words “and section 19 of the Powers of Criminal Courts Act 1973”.In section 81(8), the definition of “the statutory restrictions upon the imprisonment of young offenders”.Section 108(3)(a).Section 131(3).In Schedule 7, paragraphs 38 to 42, 79 and 84 and in paragraph 120(a), the words from “and for” to the end of the paragraph.
1980 c. 45.	Water (Scotland) Act 1980.	In Schedule 4, in paragraph 10(3)(ii), the words “in respect of each such day”.
1980 c. 57.	Imprisonment (Temporary Provisions) Act 1980.	Section 5.
1980 c. 62.	Criminal Justice (Scotland) Act 1980.	In section 7, in subsection (3), the words from the beginning to “provisions)” and the words from “and accordingly” to the end.Section 8.In section 46(1), paragraphs

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		(a) and (b), in paragraph (c), the words “£25” and”, “respectively” and “£50” and”, and paragraph (d). In section 55, the word “(8)”. In Schedule 7, paragraphs 7, 12 and 50.
S.I. 1980/1088.	Criminal Justice and Armed Forces (Northern Ireland) Consequential Amendments Order 1980.	In Article 2, paragraph (1)(a) (ii) and (iii) and (e).
1981 c. 22.	Animal Health Act 1981.	Section 70.
1981 c. 49.	Contempt of Court Act 1981.	Section 12(3).Section 14(3).

SCHEDULE 17

Section 79.

TRANSITIONAL PROVISIONS

Young offenders

- 1 (1) Where an offender has before the commencement of sections 1 to 15 above been committed for sentence to the Crown Court under section 37 of the ^{M29}Magistrates’ Courts Act 1980 but has not been dealt with by the Crown Court before the commencement of those sections, he shall be deemed to have been committed for sentence under section 37 of that Act as amended by this Act.

^{F76}(2)

Textual Amendments

F76 Sch. 17 para. 1(2) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Marginal Citations

M29 1980 c. 43

- 2 (1) Subject to sub-paragraph (2) below, an order for detention in a detention centre for a term which has not expired at the commencement of sections 1 to 15 above shall be treated for all purposes of detention, release and supervision as if it had been made under section 4 above.
- (2) Where an order for detention of an offender in a detention centre was made before the commencement of sections 1 to 15 above and the term for which he was ordered to be so detained has not expired at the commencement of those sections, nothing in sub-paragraph (1) above shall prevent his detention in such a centre after that date.
- 3 (1) Subject to sub-paragraph (2) below, where at the commencement of sections 1 to 15 above and offender is detained in a detention centre by reason of his having been recalled under paragraph 2 of Schedule 1 to the ^{M30}Criminal Justice Act 1961 (recall

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for breach of supervision requirement), he shall be treated as if the order recalling him had been a detention centre order made on the same date for 30 days or, if the maximum period for which he was liable to recall was less than 30 days, for that period.

- (2) If at the commencement of sections 1 to 15 above an offender has been in custody by virtue of an order under the said paragraph 2 for 30 days or more, he shall be released on the commencement of those sections.
- (3) Nothing in this paragraph shall render an offender liable to a period of supervision on release from a detention centre additional to any such period to which he is liable by virtue of paragraph 1 of Schedule 1 to the Criminal Justice Act 1961 immediately before the commencement of sections 1 to 15 above.

Marginal Citations

M30 1961 c. 39.

- 4 An offender who was sentenced to Borstal training on a date before the commencement of sections 1 to 15 above and whose sentence has not expired at the commencement of those sections shall be treated for all purposes of detention, release and supervision as if his sentence had been a youth custody sentence for a term of 12 months.
- 5 (1) A custodial order to which this sub-paragraph applies shall be treated as a youth custody sentence for all purposes of detention, release and supervision of the offender in respect of whom it was made.
 - (2) Sub-paragraph (1) above applies to a custodial order specifying a maximum period of detention which has not expired at the commencement of sections 1 to 15 above—
 - (a) if the maximum period of detention which it specifies is more than 4 months; or
 - (b) if—
 - (i) the maximum period is 4 months or less; and
 - (ii) the offender is female.
 - (3) A custodial order to which this sub-paragraph applies shall be treated as a detention centre order for all purposes of detention, release and supervision of the offender.
 - (4) Sub-paragraph (3) above applies to a custodial order made in respect of a male offender and specifying a maximum period of detention of 4 months or less which has not expired at the commencement of sections 1 to 15 above.
 - (5) In this paragraph “custodial order” means an order—
 - (a) under section 71AA of the ^{M31}Army Act 1955, section 71AA of the ^{M32}Air Force Act 1955 or section 43AA of the ^{M33}Naval Discipline Act 1957; or
 - (b) under paragraph 10 of Schedule 5A to the Army Act 1955, Schedule 5A to the Air Force Act 1955 or Schedule 4A to the Naval Discipline Act 1957.

Marginal Citations

M31 1955 c. 18.

M32 1955 c. 19.

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M33 1957 c. 53.

- 6 (1) Subject to sub-paragraph (3) below, where at the commencement of sections 1 to 15 above an offender is detained in a borstal institution by reason of his having been recalled under section 45(4) of the ^{M34}Prison Act 1952 (recall for breach of supervision requirement) he shall be treated as if the order recalling him had been a sentence of youth custody for a term of thirty days commencing from the date on which he was taken into custody.
- (2) Subject to sub-paragraph (3) below, where at the commencement of sections 1 to 15 above an offender is detained in a borstal institution by reason of his having been returned to such an institution under section 12 of the ^{M35}Criminal Justice Act 1961 (return to borstal institution on re-conviction), he shall be treated as if the order returning him to the institution had been an order made on the same date sentencing him to youth custody for a term of thirty days.
- (3) If at the commencement of sections 1 to 15 above an offender has been in custody by virtue of an order referred to in sub-paragraph (1) or (2) above for thirty days or more, he shall be released on the commencement of those sections.
- (4) Nothing in this paragraph shall render an offender who is released after being detained by virtue of an order referred to in sub-paragraph (1) or (2) above liable to a period of supervision additional to any such period to which he was liable by virtue of section 45 of the ^{M36}Prison Act 1952 immediately before the commencement of sections 1 to 15 above.

Marginal Citations

M34 1952 c. 52.

M35 1961 c. 39.

M36 1952 c. 52.

- 7 (1) This paragraph applies to any offender who at the commencement of sections 1 to 15 above is serving a sentence of imprisonment which was passed on him when he was under 21 years of age.
- (2) The Secretary of State may from time to time direct that an offender to whom this paragraph applies is to be detained—
- (a) in a youth custody centre; or
 - (b) in a remand centre.
- (3) An offender to whom this paragraph applies shall be treated for the purposes of release and supervision as if he had been sentenced on the date when the sentence of imprisonment was imposed to an equal term of youth custody.
- 8 Where at the commencement of sections 1 to 15 above an offender is serving a sentence of life imprisonment which was passed on him while he was under 21 years of age, he shall be treated for all purposes as if he had been sentenced to custody for life on the date when the sentence of life imprisonment was imposed.
- 9 Rules under section 47 of the Prison Act 1952 may provide that any awards for an offence against discipline made before the commencement of sections 1 to 15 above shall continue to have effect, subject to such modifications as the Secretary of State may consider appropriate in relation to any particular description of award.

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- 10 (1) Where under section 23(1)(a) or (b) of the ^{M37}Powers of Criminal Courts Act 1973 a court orders that a suspended sentence shall take effect and the offender has not attained the age of 21 at the time when the order is made, the order shall be treated for all purposes as a detention centre order or a youth custody sentence.
- (2) The question whether an order under sub-paragraph (1) above is to be treated as a detention centre or a youth custody sentence shall be determined—
- (a) by reference to the length of the term which the offender is required to serve under that order; or
 - (b) where the offender is subject to any other term with which that term is wholly or partly concurrent or upon which that term is ordered under section 23(2) of the Powers of Criminal Courts Act 1973 to run consecutively, by reference to the total length of the term which he is required to serve.
- (3) Sections 1 to 15 above shall have effect for the purposes of this paragraph as they have effect when an offender falls to be sentenced for an offence.

Marginal Citations

M37 1973 c. 62.

- 11 A person who immediately before the commencement of sections 1 to 15 above is under supervision by virtue of paragraph 1 of Schedule 1 to the ^{M38}Criminal Justice Act 1961 (supervision of a person released from a detention centre) shall be treated—
- (a) as if he were under supervision by virtue of section 15 above; and
 - (b) as if the requirements specified in the notice given to him under that paragraph had been specified in a notice given under subsection (10) of that section;

and the supervision period for the purposes of that section shall end at the end of the period of three months from his release or on the commencement of sections 1 to 15 above, whichever is the later.

Marginal Citations

M38 1961 c. 39.

- 12 A person who immediately before the commencement of sections 1 to 15 above is subject to supervision by virtue of section 45 of the ^{M39}Prison Act 1952 (supervision of a person released from a Borstal institution) shall be treated—
- (a) as if he were under supervision by virtue of section 15 above; and
 - (b) as if the requirements specified in the notice given to him under section 45(3) of the Prison Act 1952 had been specified in a notice given under section 15(10) above;

and the supervision period for the purposes of that section shall end at the end of the period of twelve months from the date he was sentenced to borstal training or on the commencement of sections 1 to 15 above, whichever is the later.

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Marginal Citations

M39 1952 c. 52.

- 13 A person who immediately before the commencement of sections 1 to 15 above is subject to a licence under section 60(3)(b) of the ^{M40}Criminal Justice Act 1967 (release on licence of a person serving a sentence of imprisonment for a term of 18 months or more who was under the age of 21 when the sentence was passed) or is subject to supervision by virtue of section 63(1) of that Act (supervision of a person released from prison after serving a sentence of imprisonment for a term of less than 18 months who was under the age of 21 when the sentence was passed) shall be treated—
- (a) as if he were under supervision by virtue of section 15 above; and
 - (b) as if the conditions specified in the licence or, as the case may be, the requirements specified in the notice given to him under paragraph 1 of Schedule 1 to the Criminal Justice Act 1961, had been specified in a notice given under section 15(10) above.

Marginal Citations

M40 1967 c. 80.

- 14 (1) Where—
- (a) a person has been released from prison, a Borstal institution or a detention centre before the commencement of sections 1 to 15 above; and
 - (b) he is subject to supervision or to a licence, by virtue of any of the enactments specified in sub-paragraph (2) below; and
 - (c) the Secretary of State has recalled him by virtue of any of the enactments specified in sub-paragraph (3) below but he is not yet in custody in consequence of his recall at the commencement of sections 1 to 15 above.
- he shall be detained—
- (i) in a prison or a youth custody centre as the Secretary of State may direct, if he was recalled to prison;
 - (ii) in a youth custody centre, if he was recalled to a borstal institution; and
 - (iii) in a detention centre, if he was recalled to such a centre.
- for a period of 30 days or for the maximum period for which he was liable to be recalled, whichever is the shorter.
- (2) The enactments referred to in sub-paragraph (1)(b) above are—
- (a) section 45(1) of the ^{M41}Prison Act 1952 (supervision of a person released from a Borstal institution);
 - (b) paragraph 1 of Schedule 1 to the ^{M42}Criminal Justice Act 1961 (supervision of a person released from a detention centre);
 - (c) section 60(3)(b) of the ^{M43}Criminal Justice Act 1967 (release on licence of a person serving a sentence of imprisonment for a term of 18 months or more who was under the age of 21 when the sentence was passed); and
 - (d) section 63 of that Act (supervision of a person serving a sentence of imprisonment for a term of less than 18 months who was under the age of 21 when the sentence was passed).

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- (3) The enactments referred to in sub-paragraph (1)(c) above are—
- (a) section 45(4) of the Prison Act 1952 (recall of persons supervised under that section);
 - (b) paragraph 2 of Schedule 1 to the Criminal Justice Act 1961 (recall of persons released under that Schedule and under section 63 of the Criminal Justice Act 1967); and
 - (c) section 62(1) of the Criminal Justice Act 1967 (recall of persons released under section 60 or 61 of that Act).
- (4) Detention under sub-paragraph (1) above does not prejudice the continuation of the supervision period to which a person is subject by virtue of paragraph 11, 12 or 13 above.

Marginal Citations

- M41 1952 c. 52.
- M42 1961 c. 39.
- M43 1967 c. 80.

- 15 Until the commencement of sections 1 to 15 above, if a person—
- (a) is serving a sentence of imprisonment for a term of 18 months or more who was under the age of 21 when the sentence was passed; and
 - (b) is to be released from prison in pursuance of an order under section 32 above,
- his release shall be a release on licence under section 60 of the ^{M44}Criminal Justice Act 1967, irrespective of whether at the time of his release he could have been released on licence under that section by virtue of subsection (3) thereof.

Marginal Citations

- M44 1967 c. 80.

Probation

^{F77}16

Textual Amendments

- F77 Sch. 17 para. 16 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), Sch.4.

^{F78}17

Textual Amendments

- F78 Sch. 17 para. 17 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), Sch.4.

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Fines

- 18 Any provision of Schedule 15 to this Act which alters the penalty for any offence shall not affect the penalty for an offence committed before that provision comes into force.

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