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## SCHEDULES

### SCHEDULE 8

Section 123.

#### CUSTODIAL SENTENCES FOR YOUNG OFFENDERS

##### PART I

##### AMENDMENTS

###### *General*

- 1 In any enactment for a reference to a detention centre or to a youth custody centre or to both there shall be substituted a reference to a young offender institution.
- 2 In any enactment except—
- (a) section 21 of the <sup>M1</sup>Firearms Act 1968;
  - (b) Schedule 1 to the <sup>M2</sup>Juries Act 1974;
  - (c) section 5 of the <sup>M3</sup>Rehabilitation of Offenders Act 1974; and
  - (d) section 17(3) of the <sup>M4</sup>Criminal Justice Act 1982,
- for a reference (however expressed) to a detention centre order or to a sentence of youth custody or to both there shall be substituted a reference to a sentence of detention in a young offender institution.

###### **Marginal Citations**

- M1** 1968 c. 27.  
**M2** 1974 c. 23.  
**M3** 1974 c. 53.  
**M4** 1982 c. 48.

- 3 (1) In any enactment except—
- (a) Part II of Schedule 1 to the <sup>M5</sup>Juries Act 1974;
  - (b) section 5 of the <sup>M6</sup>Rehabilitation of Offenders Act 1974; and
  - (c) sections <sup>F1</sup> . . . 17(3) of the <sup>M7</sup>Criminal Justice Act 1982,
- for a reference to a sentence of Borstal training there shall be substituted a reference to a sentence of detention in a young offender institution.
- (2) In any enactment for a reference to a Borstal institution there shall be substituted a reference to a young offender institution.

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**Textual Amendments**

**F1** Words in Sch. 8 para. 3(1)(c) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), [Sch. 13](#); S.I. 1992/333, art. 2(2), [Sch. 2](#).

**Marginal Citations**

**M5** [1974 c. 23](#).

**M6** [1974 c. 53](#).

**M7** [1982 c. 48](#).

*Army Act 1955 (c. 18)*

*Air Force Act 1955 (c. 19)*

*Naval Discipline Act 1957 (c. 53)*

- 4 In subsection (6) –
- (a) of section 71AA of the Army Act 1955 and the Air Force Act 1955; and
  - (b) of section 43AA of the Naval Discipline Act 1957,
- (each of which is concerned with the making of custodial orders against young Service offenders) the following paragraph shall be substituted for paragraph (a)—
- “(a) where the offender is in or removed to England or Wales, any institution in which a person sentenced to detention in a young offender institution could be detained, section 1C of the Criminal Justice Act 1982 having effect in relation to the offender as it has effect in relation to an offender sentenced to detention in a young offender institution;”
- 5 In sub-paragraph (6) of paragraph 10—
- (a) of Schedule 5A to the Army Act 1955 and the Air Force Act 1955; and
  - (b) of Schedule 4A to the Naval Discipline Act 1957,
- (each of which is concerned with the making of custodial orders against young civilian offenders) the following paragraph shall be substituted for paragraph (a)—
- “(a) where the offender is removed to England or Wales, any institution in which a person sentenced to detention in a young offender institution could be detained, section 1C of the Criminal Justice Act 1982 having effect in relation to the offender as it has effect in relation to an offender sentenced to detention in a young offender institution;”

*Firearms Act 1968 (c. 27)*

- 6 In section 21(1) and (2) of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime) after the words “youth custody” there shall be inserted the words “or detention in a young offender institution”.

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*Employment Agencies Act 1973 (c. 35)*

- 7 In section 13(7)(a)(ii) of the <sup>M8</sup> Employment Agencies Act 1973 for the words from “prison” to “institution”, in the second place where it occurs, there shall be substituted the words “custodial sentence passed by a criminal court in the United Kingdom, the Channel Islands or the Isle of Man”.

**Marginal Citations**

**M8** 1973 c. 35.

*Juries Act 1974 (c. 23)*

- 8 In Part I of Schedule 1 to the <sup>M9</sup> Juries Act 1974 (persons ineligible for jury service), in the definition of “penal establishment” in Group B, for the words from “Prison” to the end there shall be substituted the words “establishment regulated by the Prison Act 1952”.

**Marginal Citations**

**M9** 1974 c. 23.

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 9 In section 5 of the <sup>M10</sup> Rehabilitation of Offenders Act 1974 (rehabilitation periods) the words “detention in a young offender institution” shall be inserted—
- (a) in subsection (1)(b), after the words “youth custody”; and
  - (b) in subsection (2), in Table A, after the word “imprisonment”, in both places where it occurs.

**Marginal Citations**

**M10** 1974 c. 53.

*Criminal Justice Act 1982 (c. 48)*

- 10 The following paragraph shall be inserted after paragraph (b) of section 17(3) of the Criminal Justice Act 1982 (restrictions on making attendance centre orders)—
- “(bb) to detention in a young offender institution”.

**PART II**

TRANSITIONAL PROVISIONS

- 11 (1) Where—

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- (a) before the date on which section 1A of the <sup>M11</sup> Criminal Justice Act 1982 comes into force an offender has been committed for sentence to the Crown Court under section 37 of the <sup>M12</sup> Magistrates' Courts Act 1980; but
- (b) the Crown Court has not dealt with him before that date,
- it shall have the same powers of sentencing as if he had been committed on or after that date.
- (2) A court to which it falls to determine for the purposes of any enactment how a previous court could or might have dealt with an offender shall if the offender is under 21 years of age make that determination as if Part I of the Criminal Justice Act 1982 had been in force as amended by this Act.

**Marginal Citations**

**M11** 1982 c. 48.

**M12** 1980 c. 43.

- 12 An offender who was sentenced to youth custody on a date before the commencement of section 1A of the Criminal Justice Act 1982 or who was ordered to be detained in a detention centre before that date shall, if the sentence or order has not expired at the commencement of that section, be treated for all purposes of detention, release and supervision as if he had been sentenced to detention for the like term in a young offender institution.
- 13 A person who at the commencement of section 1A of the Criminal Justice Act 1982 is detained in a detention centre or youth custody centre by virtue of a custodial order—
- (a) under section 71AA of the <sup>M13</sup> Army Act 1955, section 71AA of the <sup>M14</sup> Air Force Act 1955 or section 43AA of the Naval Discipline Act 1957; or
- (b) under paragraph 10 of Schedule 5A to the <sup>M15</sup> Army Act 1955, Schedule 5A to the Air Force Act 1955 or Schedule 4A to the Naval Discipline Act 1957,
- shall be detained in such young offender institution as the Secretary of State may direct, and any enactment applying to persons detained in young offender institutions shall apply to a person so detained under this paragraph.

**Marginal Citations**

**M13** 1955 c. 18.

**M14** 1955 c. 19.

**M15** 1957 c. 53.

- 14 Rules under section 47 of the <sup>M16</sup> Prison Act 1952 may provide that any awards for an offence against discipline made before the commencement of section 1A of the <sup>M17</sup> Criminal Justice Act 1982 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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**Marginal Citations**

**M16** 1952 c. 52.

**M17** 1982 c. 48.

- 15 Where on the commencement of section 1A of the Criminal Justice Act 1982 a person is subject—
- (a) to a licence under section 60 of the <sup>M18</sup> Criminal Justice Act 1967 granted for his release from a youth custody sentence; or
  - (b) to supervision by virtue of section 15 of the Criminal Justice Act 1982, he shall be treated thereafter as if the sentence or order by virtue of which he is so subject had been a sentence of detention in a young offender institution.

**Marginal Citations**

**M18** 1967 c. 80.

- 16 Nothing in this Act affects any right of appeal against a sentence of youth custody.

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