

*Status: Point in time view as at 05/04/2004.*

*Changes to legislation: Criminal Justice Act 1988, Part I is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

#### 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- F1** Words in *Sch. 8 para. 3(1)(c)* repealed (1.10.1992) by *Criminal Justice Act 1991 (c. 53, SIF 39:1)*, s. 101(2), *Sch. 13*; S.I. 1992/333, art. 2(2), *Sch. 2*.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 <sup>F2</sup> .....

**Textual Amendments**

**F2** Sch. 8 para. 8 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(2)(I)(iv) (subject to art. 2(3)-(6))

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

- 9 In section 5 of the <sup>M9</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**

**M9** 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”.

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