

SCHEDULES

SCHEDULE 8

CUSTODIAL SENTENCES FOR YOUNG OFFENDERS

PART II

TRANSITIONAL PROVISIONS

- 11 (1) Where—
- (a) before the date on which section 1A of the Criminal Justice Act 1982 comes into force an offender has been committed for sentence to the Crown Court under section 37 of the 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 has 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.
- 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 as 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 Army Act 1955, section 71AA of the Air Force Act 1955 or section 43AA of the 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 of the Naval Discipline Act 1957; or
- 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.
- 14 Rules under section 47 of the Prison Act 1952 may provide that any awards for an offence against discipline made before the commencement of section 1A of the 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.

Status: This is the original version (as it was originally enacted).

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