

*Status: Point in time view as at 01/04/2016.*

**Changes to legislation:** Criminal Justice Act 1988, SCHEDULE 9 is up to date with all changes known to be in force on or before 27 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 9

Section 124.

#### DETENTION OF YOUNG OFFENDERS IN SCOTLAND

#### PART I

#### AMENDMENTS

1 ..... F1

#### Textual Amendments

**F1** Sch. 9 para. 1 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

*Army Act 1955 (c. 18)*

*Air Force Act 1955 (c. 19)*

*Naval Discipline Act 1957 (c. 53)*

- 2 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 (b)—
- “(b) where the offender is in or removed to Scotland, a young offenders institution;”.
- 3 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 (b)—
- “(b) where the offender is removed to Scotland, a young offenders institution;”.

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*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)*

- 4 In paragraph (b) of Part II (Persons Disqualified) of Schedule I to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 in sub-paragraph (i) for the words “or detention” there shall be substituted the words “detention or youth custody”.

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

- 5 In section 41(2)(b)(ii) of the Criminal Justice (Scotland) Act 1980 after the words “detention in a” there shall be inserted the words “young offender institution or.”.

## PART II

### TRANSITIONAL PROVISIONS

- 6 An Offender who was ordered to be detained in a detention centre on a date before the commencement of section 124(1) of this Act shall, if the 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 offenders institution.
- 7 A person who at the commencement of section 124 of this Act is detained in a detention centre by virtue of a custodial order—
- (a) under section 71 AA of the <sup>M1</sup> Army Act 1955, section 71AA of the <sup>M2</sup> 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 to the <sup>M3</sup> Naval Discipline Act 1957,
- shall be detained in such young offenders institution as the Secretary of State may direct, and any enactment applying to persons detained in young offenders institutions shall apply to a person so detained under this paragraph.

**Marginal Citations**

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

- 8 Section 5 of the <sup>M4</sup> Rehabilitation of Offenders Act 1974 (rehabilitation periods) shall continue to apply as regards any person who, before the commencement of section 124(1) of this Act, had served a sentence of detention in a detention centre as if the said section 124(1) had not been commenced.

**Marginal Citations**

- M4** 1974 c. 53.

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