

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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

VALID FROM 01/10/1992

SCHEDULE 1

Sections 8(3) and 9(2).

AMENDMENTS OF 1973 ACT

Commencement Information

I1 Sch. 1 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

SCHEDULE 2

Section 14(1).

ENFORCEMENT ETC. OF COMMUNITY ORDERS

Modifications etc. (not altering text)

C1 Sch. 2 applied (with modifications) (1.4.1996) by 1995 c. 46, **ss. 234(5)(6)**, 309(2) (with ss. 24(2), 307(2))

Sch. 2 applied (with modifications) (30.9.1998) by 1998 c. 37, ss. 68(3), 70(5), **Sch. 5 para. 5(4)(5)**; S.I. 1998/2327, **arts.2(1)(o)**

Sch. 2 applied (with modifications) (30.9.1998) by 1969 c. 54, **s. 16B** (as inserted by 1998 c. 37, s. 119, **Sch. 8 para.21**; S.I. 1998/2327, **arts.2(1)(y)(2)(i)**)

Commencement Information

I4 Sch. 2 (paras. 1 - 18) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

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VALID FROM 01/10/1992

SCHEDULE 3

Section 16.

RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

Commencement Information

I27 Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

SCHEDULE 4

Section 17(3).

INCREASE OF CERTAIN MAXIMA

Commencement Information

I42 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

PART I

SUBSTITUTION OF OTHER AMOUNTS

Commencement Information

I43 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

(1) Provision	(2) General description	(3) Present amount	(4) New amount
In Schedule 5A to the Army Act 1955 and the Air Force Act 1955, paragraph 11(2).	Maximum amount of compensation order.	£2,000	£5,000
Section 23(3) of the Attachment of Earnings Act 1971.	Maximum judge's fine in High Court or county court.	£100	£250
Section 27(3) of the 1973 Act.	Maximum fine for failure to comply	£400	£1,000

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	with suspended sentence supervision order.		
Section 8(1) of the Armed Forces Act 1976.	Maximum fine awarded by Standing Civilian Courts.	£2,000	£5,000
Section 40(1) of the 1980 Act.	Maximum amount of compensation order.	£2,000	£5,000
Section 63(3)(a) of that Act.	Maximum fine for disobedience of order other than for payment of money.	£2,000	£5,000
Section 97(4) of that Act.	Maximum fine for refusal to give evidence.	£1,000	£2,500
Section 12(2) of the Contempt of Court Act 1981.	Maximum fine for contempt in face of magistrates' court.	£1,000	£2,500
Section 14(2) of that Act.	Maximum fine for contempt in an inferior court.	£1,000	£2,500
Section 55(2) of the County Courts Act 1984.	Maximum fine for neglecting witness summons.	£400	£1,000
Section 118 (1) of that Act.	Maximum fine for contempt of court.	£1,000	£2,500
Section 10(1) and (2) and 21(5) of the Coroners Act 1988.	Maximum coroner's fine for refusal to give evidence etc.	£400	£1,000
PART II			
SUBSTITUTION OF LEVELS ON STANDARD SCALE			
Commencement Information			
I44 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.			
Section 33(1)(a) of the 1980 Act.	Maximum fine on summary conviction of offence tried in pursuance of section 22 of that Act (certain offences triable either way to be tried summarily	£1,000	Level 4

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	if value involved is small).		
Section 34(3)(b) of that Act.	Maximum fine on summary conviction where statute provides no express power to fine.	£400	Level 3
PART III			
SUBSTITUTION OF STATUTORY MAXIMUM			
Commencement Information			
I45 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.			
(1) Provision	(2) General description	(3) Present amount	
Section 6(8) of the Whaling Industry (Regulation) Act 1934.	Maximum fine on summary conviction for failure to keep or falsify records.	£1,000	
Section 9(1) of that Act.	Maximum fine on summary conviction for forgery of certain documents.	£1,000	
Section 11(1)(c) of the Sea Fisheries (Conservation) Act 1967.	Maximum fine on summary conviction for an offence under section 1, 2, 4(7) or (7A), 4A(7) or (8), 6(5) or (5A)(b) or 7(3) of that Act.	£1,000	
Section 16(1A) of that Act.	Maximum fine on summary conviction for assaulting or obstructing officer exercising enforcement powers.	£1,000	
Section 5(4) of the Sea Fisheries Act 1968.	Maximum fine on summary conviction for contravening order regulating fishing operations.	£1,000	
PART IV			
PROVISIONS SUBSTITUTED FOR SCHEDULE 6A TO 1980 ACT			
Commencement Information			
I46 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.			

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“SCHEDULE 6A

FINES THAT MAY BE ALTERED UNDER SECTION 143

Enactment	Maximum fine
CHILDREN AND YOUNG PERSONS ACT 1969 (c.54)Section 15(3)(a) (failure to comply with supervision order)	£1,000
Section 15(5)(b) and (c) (failure to comply with supervision order)	£5,000
ATTACHMENT OF EARNINGS ACT 1971 (c.32)Section 23(3) (judge’s fine)	£250
POWERS OF CRIMINAL COURTS ACT 1973 (c.62)Section 27(3) (failure to comply with suspended sentence supervision order)	£1,000
MAGISTRATES’ COURTS ACT 1980 (c.43)Section 63(3)(a) (disobedience of orders other than payment of money)	£5,000
Section 97(4) (refusal to give evidence etc.)	£2,500
CONTEMPT OF COURT ACT 1981 (c.49)Section 12(2) (contempt in face of magistrates’ court)	£2,500
Section 14(2) (contempt in an inferior court)	£2,500
Enactment	Maximum fine
CRIMINAL JUSTICE ACT 1982 (c.48)Section 19(3) (failure to comply with attendance centre order or attendance centre rules)	£1,000
COUNTY COURTS ACT 1984 (c.28)Section 55(2) (neglect or refusal to give evidence)	£1,000
Section 118(1) (contempt in face of court)	£2,500
CORONERS ACT 1988 (c.13)Sections 10(1) and (2) and 21(5) (refusal to give evidence etc.)	£1,000
CRIMINAL JUSTICE ACT 1991 (c.53)In Schedule 2, paragraphs 3(1) and 4(1) (failure to comply with probation, community service, curfew or combination order)	£1,000”.

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PART V

OTHER AMENDMENTS

Commencement Information

I47 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2

1 In section 27 of the 1973 Act (breach of requirement of suspended sentence supervision order), for subsection (4) there shall be substituted the following subsection—

“(4) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (3) above as if the failure to comply with the requirement were a summary offence punishable by a fine not exceeding level 3 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.”

Commencement Information

I48 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

2 In section 97 of the 1980 Act (maximum fine for refusal to give evidence), after subsection (4) there shall be inserted the following subsection—

“(5) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (4) above as if the failure to attend before the magistrates’ court were a summary offence punishable by a fine not exceeding level 4 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.”

Commencement Information

I49 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

3 In section 12 of the Contempt of Court Act 1981 (maximum fine for contempt in face of magistrates’ court), after subsection (2) there shall be inserted the following subsection—

“(2A) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (2) above as if the failure to attend before the magistrates’ court were a summary offence punishable by a fine not exceeding level 4 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.”

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Commencement Information

I50 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

4 In section 14 of that Act (maximum fine for contempt in an inferior court), after subsection (2) there shall be inserted the following subsection—

“(2A) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (2) above as if the failure to attend before the magistrates’ court were a summary offence punishable by a fine not exceeding level 4 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.”

Commencement Information

I51 Sch. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

SCHEDULE 5

Section 32(7).

THE PAROLE BOARD

Commencement Information

I52 Sch. 5 (paras. 1 - 6) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

^{F32}SCHEDULE 6

Section 53(5).

NOTICES OF TRANSFER: PROCEDURE IN LIEU OF COMMITTAL

Extent Information

E1 Schedule 6 extends to England and Wales only except as mentioned in s. 102(4)-(6).

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Textual Amendments

F32 Sch. 6 repealed (prosp.) by Criminal Justice Act 2003 (c. 44), ss. 41, 332, 336, Sch. 3 Pt. 2 para. 62(3), Sch. 37

Commencement Information

I59 Sch. 6 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

SCHEDULE 7

Section 66.

PROVISIONS SUBSTITUTED FOR SECTION 15 OF 1969 ACT

Commencement Information

I69 Sch. 7 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

SCHEDULE 8

Section 68.

AMENDMENTS FOR TREATING PERSONS AGED 17 AS YOUNG PERSONS

Extent Information

E2 Schedule 8 extends to England and Wales only except as mentioned in s. 102(4)-(6).

Commencement Information

I70 Sch. 8 in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

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VALID FROM 01/10/1992

SCHEDULE 9

Section 71.

AMENDMENTS TO SERVICE LAW

Commencement Information

I77 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Army Act 1955 (c.18) and Air Force Act 1955 (c.19)

- 1 In section 71A of the Army Act 1955 and the Air Force Act 1955 (life custody for young offenders), in subsections (1B) and (4)(a), for the words “17 years” there shall be substituted the words “18 years”.

Commencement Information

I78 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 2 In section 71AA of those Acts (young service offenders: custodial orders)—
- (a) in subsection (1), for the words “not exceeding” there shall be substituted the words “which—
 - (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained eighteen years of age, the period of 21 days; or
 - (ii) in the case of an offender who is under that age, the period of two months; and
 - (b) shall not exceed”;
 - (b) subsection (1A) and, in subsection (1), the words “subject to subsection (1A) below” shall cease to have effect;
 - (c) before subsection (1B) there shall be inserted the following subsection—

“(1AA) The court shall not make a custodial order committing an offender aged 17 to be detained for a period exceeding twelve months or for a period such that the continuous period for which he is committed to be detained under that order and any one or more other custodial orders exceeds twelve months.”; and
 - (d) in subsection (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.

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Commencement Information

I79 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

[^{F373} For subsection (2) of section 93 of those Acts (evidence on oath in court-martial) there shall be substituted the following subsections—

“(1B) A witness before a court-martial—

- (a) shall be examined on oath if he has attained the age of fourteen; and
- (b) shall give evidence unsworn if he is under that age.

(2) Unsworn evidence admitted by virtue of subsection (1B)(b) above may corroborate evidence (sworn or unsworn) given by any other person.”]

Textual Amendments

F37 Sch. 9 para. 3 repealed (*prosp.*) by 1999 c. 23, ss. 67(3), 68(3), Sch. 6 (with Sch. 7 paras. 3(3), 5(2))

Commencement Information

I80 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

4 In paragraph 10 of Schedule 5A to those Acts (civilian offenders: custodial orders)—

(a) in sub-paragraph (1), for the words from “detained” to “and in this sub-paragraph” there shall be substituted the words “detained for a period, to be specified in the order, which—

(a) shall not be less than the appropriate minimum period, that is to say—

(i) in the case of an offender who has attained the age of 18, the period of 21 days; or

(ii) in the case of an offender who is under 18 years of age, the period of two months;

(b) shall not exceed the maximum period for which he could have been sentenced to imprisonment if he had attained the age of 21; and

(c) if the order is made by a Standing Civilian Court, shall not exceed six months.

and in this sub-paragraph ”.

(b) in sub-paragraph (1A), for the words “17 years” there shall be substituted the words “18 years”; and

(c) in sub-paragraph (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.

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Commencement Information

I81 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Naval Discipline Act 1957 (c.53)

- 5 In section 43A of the Naval Discipline Act 1957 (life custody for young offenders), in subsections (1B) and (4)(a), for the words “17 years” there shall be substituted the words “18 years”.

Commencement Information

I82 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 6 In section 43AA of that Act (young service offenders: custodial orders)—
- (a) in subsection (1), for the words “not exceeding” there shall be substituted the words “which—
 - (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained eighteen years of age, the period of 21 days; or
 - (ii) in the case of an offender who is under that age, the period of two months; and
 - (b) shall not exceed”;
 - (b) subsection (1A) and, in subsection (1), the words “subject to subsection (1A) below”, shall cease to have effect; and
 - (c) before subsection (1B) there shall be inserted the following subsection—

“(1AA) The court shall not make a custodial order committing an offender aged 17 to be detained for a period exceeding twelve months or for a period such that the continuous period for which he is committed to be detained under that order and any one or more other custodial orders exceeds twelve months.”; and
 - (d) in subsection (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “ Section 65 of the Criminal Justice Act 1991 ”.

Commencement Information

I83 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- ^{F387} For subsections (2) and (3) of section 60 of that Act (evidence on oath in court-martial) there shall be substituted the following subsections—

“(2) A witness before a court-martial—

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- (a) shall be examined on oath if he has attained the age of fourteen; and
 - (b) shall give evidence unsworn if he is under that age.
- (3) Unsworn evidence admitted by virtue of subsection (2)(b) above may corroborate evidence (sworn or unsworn) given by any other person.”]

Textual Amendments

F38 Sch. 9 para. 7 repealed (*prosp.*) by 1999 c. 23, ss. 67(3), 68(3), Sch. 6 (with Sch. 7 paras. 3(3), 5(2))

Commencement Information

I84 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

8 In paragraph 10 of Schedule 4A to that Act (civilian offenders: custodial orders)

- (a) in sub-paragraph (1), for the words from “detained” to “and in this sub-paragraph” there shall be substituted the words “detained for a period, to be specified in the order, which—
 - (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained the age of 18, the period of 21 days; or
 - (ii) in the case of an offender who is under 18 years of age, the period of two months; and
 - (b) shall not exceed the maximum period for which he could have been sentenced to imprisonment if he had attained the age of 21;
- and in this sub-paragraph”;
- (b) in sub-paragraph (1A), for the words “17 years” there shall be substituted the words “18 years”; and
 - (c) in sub-paragraph (6A), for the words “Section 15 of the Criminal Justice Act 1982” there shall be substituted the words “Section 65 of the Criminal Justice Act 1991”.

Commencement Information

I85 Sch. 9 (paras. 1 - 9) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

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SCHEDULE 10

Section 89.

CERTIFICATION OF PRISONER CUSTODY OFFICERS

Commencement Information

I86 Sch. 10 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Preliminary

- 1 In this Schedule—
- “certificate” means a certificate under section 89 of this Act;
 - “the relevant functions”, in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

Commencement Information

I87 Sch. 10 para. 1 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Issue of certificates

- 2 (1) Any person may apply to the Secretary of State for the issue of a certificate in respect of him.
- (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
- (a) is a fit and proper person to perform the relevant functions; and
 - (b) has received training to such standard as he may consider appropriate for the performance of those functions.
- (3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.
- (4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

Modifications etc. (not altering text)

C5 Sch. 10 para. 2: transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

Commencement Information

I88 Sch. 10 para. 2 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Suspension of certificate

- 3 (1) This paragraph applies where at any time it appears—

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- (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, to the prisoner escort monitor for the area concerned; or
 - (b) in the case of such an officer performing custodial duties at a contracted out prison, to the controller of that prison,
- that the officer is not a fit and proper person to perform the escort functions or, as the case may be, custodial duties.
- (2) The prisoner escort monitor or controller may—
- (a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
 - (b) in such circumstances as may be prescribed by regulations made by the Secretary of State, suspend the officer’s certificate so far as it authorises the performance of escort functions or, as the case may be, custodial duties pending that decision.
- (3) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I89 Sch. 10 para. 3 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Revocation of certificate

- 4 Where at any time it appears to the Secretary of State that a prisoner custody officer is not a fit and proper person to perform escort functions or custodial duties, he may revoke that officer’s certificate so far as it authorises the performance of those functions or duties.

Modifications etc. (not altering text)

C6 Sch. 10 para. 4: transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

Commencement Information

I90 Sch. 10 para. 4 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I91 Sch. 10 para. 5 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

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SCHEDULE 11

Section 100.

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E3 Schedule 11 extends to England and Wales only except as mentioned in s. 102(4)-(6)

Commencement Information

I92 Sch. 11 partly in force at 14.10.1991; partly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(1)(4) and Schs. 1 and 3; partly in force at 1.4.1992 and 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2, Schs.; partly in force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3; Sch. 11 partly in force at 1.6.1999 by S.I. 1999/1280, art. 3, Sch.

VALID FROM 01/10/1992

Children and Young Persons Act 1933 (c.12)

- 1 In section 38(2) of the 1933 Act (false evidence by child) for the words “as aforesaid” there shall be substituted the words “unsworn in any proceedings for an offence by virtue of section 52 of the Criminal Justice Act 1991”.

Commencement Information

I93 Sch. 11 para. 1 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Criminal Justice Act 1967 (c.80)

- 2 (1) Section 67 of the 1967 Act (remand time to be taken into account in computing sentences) shall be amended as follows.
- (2) In subsection (1A)(c)—
- (a) after the word “remanded” there shall be inserted the words “or committed”; and
 - (b) after the words “section 23 of the ^{M31}Children and Young Persons Act 1969” there shall be inserted the words “or section 37 of the ^{M32}Magistrates’ Courts Act 1980”.
- (3) For subsection (5) there shall be substituted the following subsection—
- “(5) This section applies—
- (a) to sentences of detention in a young offender institution; and
 - (b) to determinate sentences of detention passed under section 53(2) of the Children and Young Persons Act 1933 (sentences for serious indictable offences),
- as it applies to sentences of imprisonment.”

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

(4) In subsection (6)—

- (a) after the word “being”, in the second place where it occurs, there shall be inserted the words “remanded or”;
- (b) for the words “committed to the care of a local authority” there shall be substituted the words “remanded or committed to local authority accommodation”; and
- (c) after the words “the said section 23” there shall be inserted the words “or 37”.

Commencement Information

I94 Sch. 11 para. 2 wholly in force at 1.6.1999; Sch. 11 para 2(1)(2)(a)(3)(4)(a)(b) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.; Sch. 11 para. 2(2)(b)(4)(c) in force at 1.6.1999 by S.I. 1999/1280, art. 3, Sch.

Sch. 11 para. 2(2)(b)(4)(c) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3 (which art. 2(5) is revoked (1.6.1999) by S.I. 1999/1280, art. 2)

Marginal Citations

M31 1969 c. 54.

M32 1980 c. 43.

VALID FROM 01/10/1992

Criminal Appeal Act 1968 (c.19)

3 In section 10(2) of the Criminal Appeal Act 1968 (appeal against sentence in other cases dealt with by Crown Court), for paragraph (b) there shall be substituted the following paragraph—

- “(b) having been made the subject of an order for conditional discharge or a community order within the meaning of Part I of the Criminal Justice Act 1991 (other than a supervision order within the meaning of that Part) or given a suspended sentence, appears or is brought before the Crown Court to be further dealt with for his offence.”

Commencement Information

I95 Sch. 11 para. 3 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

4 In section 50(1A) of that Act (right of appeal of probationer etc.), for the words “Section 13” there shall be substituted the words “Section 1C” and the words “a probation order or” shall cease to have effect.

Status: Point in time view as at 01/04/1992.

Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)*

Commencement Information

196 Sch. 11 para. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Civil Evidence Act 1968 (c.64)

- 5 In section 11(5)(a) of the Civil Evidence Act 1968 (convictions as evidence in civil proceedings), for the words “section 13” there shall be substituted the words “section 1C” and the words “probation or” shall cease to have effect.

Commencement Information

197 Sch. 11 para. 5 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Children and Young Persons Act 1969 (c. 54)

- 6 (1) In subsection (1) of section 12D of the 1969 Act (duty of court to state in certain cases that requirement is in place of custodial sentence), in paragraph (ii), for sub-paragraphs (a) to (c) there shall be substituted the following sub-paragraphs—
- “(a) the offence of which he has been convicted, or the combination of that offence and one other offence associated with it, was so serious that only a supervision order containing such a requirement or a custodial sentence can be justified for that offence; or
 - (b) that offence was a violent or sexual offence and only a supervision order containing such a requirement or such a sentence would be adequate to protect the public from serious harm from him;”.
- (2) After that subsection there shall be inserted the following subsection—
- “(1A) Sub-paragraphs (a) and (b) of subsection (1)(ii) above shall be construed as if they were contained in Part I of the Criminal Justice Act 1991.”

Commencement Information

198 Sch. 11 para. 6 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 7 (1) In subsection (4) of section 16 of that Act (provisions supplementary to section 15), for the words “a court” there shall be substituted the words “a youth court”.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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 subsection (6)(b) of that section, for the words “subsection (5)” there shall be substituted the words “subsection (10)”.

(3) In subsection (10) of that section, for the words “paragraph (b) of subsection (2A) and paragraph (a) of subsection (4)” there shall be substituted the words “paragraph (a) of subsection (3)”.

Commencement Information

I99 [Sch. 11 para. 7](#) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

8 (1) In subsection (1) of section 16A of that Act (application of sections 17 to 19 of the 1982 Act), for the words “section 15(2A)(b) and (4)(a)” there shall be substituted the words “section 15(3)(a)”.

(2) In subsection (2) of that section, for the words “each of those paragraphs” there shall be substituted the words “section 15(3)(a) of this Act”.

Commencement Information

I100 [Sch. 11 para. 8](#) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

VALID FROM 01/10/1992

Vehicles (Excise) Act 1971 (c.10)

9 In section 9(5) of the Vehicles (Excise) Act 1971 (additional liability for keeping unlicensed vehicle), for the words “Part I of the ^{M33}Criminal Justice Act 1948” there shall be substituted the words “section 1C of the ^{M34}Powers of Criminal Courts Act 1973” and the words “placing him on probation or” shall cease to have effect.

Commencement Information

I101 [Sch. 11 para. 9](#) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

Marginal Citations

M33 [1948 c. 58](#).

M34 [1973 c. 62](#).

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

Powers of Criminal Courts Act 1973 (c.62)

VALID FROM 01/10/1992

- 10 In section 11(2) of the 1973 Act (substitution of conditional discharge for probation) for the words “section 8 of this Act” there shall be substituted the words “paragraph 7 of Schedule 2 to the Criminal Justice Act 1991”.

Commencement Information

I102 Sch. 11 para. 10 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

- 11 In section 12 of that Act (supplementary provisions as to probation and discharge)—
- (a) in subsection (2), for the words “section 2(7) and paragraph 1 of Schedule 1” there shall be substituted the words “section 2(4)”;
 - (b) in subsection (4), for the words “section 2 or 7” there shall be substituted the words “section 1A or 2”.

Commencement Information

I103 Sch. 11 para. 11 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

- 12 In section 14 of that Act (community service orders)—
- (a) in subsection (4), for the words “section 17(5) of this Act” there shall be substituted the words “Part IV of Schedule 2 to the Criminal Justice Act 1991”;
 - (b) in subsection (5)(b), for the words “section 16” there shall be substituted the words “Part II of Schedule 2 to the Criminal Justice Act 1991”; and
 - (c) in subsection (5)(c), for the words “section 17” there shall be substituted the words “Parts III and IV of that Schedule”.

Commencement Information

I104 Sch. 11 para. 12 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

VALID FROM 01/10/1992

- 13 In section 15(2) of that Act (obligations of person subject to community service order), for the words “section 17(1) of this Act” there shall be substituted the words “paragraph 15 of Schedule 2 to the Criminal Justice Act 1991”.

Commencement Information

I105 Sch. 11 para. 13 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

- 14 In section 31(3C) of that Act (maximum periods of imprisonment in default of payment of Crown Court fine), for the words “five days” there shall be substituted the words “seven days”.

Commencement Information

I106 Sch. 11 para. 14 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

- 15 In section 58 of that Act (application to Scotland), for the words “sections 8(4), 10, 13, 17C, 25(3), 29(7)” there shall be substituted the words “sections 1C, 25(3) and 29(7)”.

Commencement Information

I107 Sch. 11 para. 15 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

- 16 In section 59 of that Act (application to Northern Ireland), for the words “Sections 17C and 29(7)” there shall be substituted the words “Section 29(7)”.

Extent Information

E4 Sch. 11 para. 16 extends to England and Wales and Northern Ireland as mentioned in s. 102(4)(6)

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

Commencement Information

I108 Sch. 11 para. 16 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 17 (1) In paragraph 2(2)(a) of Schedule 3 to that Act (the probation service and its functions), the word “several” shall cease to have effect.
- (2) In paragraph 8(1) of that Schedule, after the words “any person” there shall be inserted the words “and to make reports on such matters”.

Commencement Information

I109 Sch. 11 para. 17 wholly in force; Sch. 11 para. 17(1) in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3; Sch. 11 para. 17(2) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Juries Act 1974 (c.23)

- 18 (1) In Schedule 1 to the Juries Act 1974, Group B (which disqualifies from jury service persons concerned with the administration of justice) shall be amended as follows.
- (2) After the entry relating to a shorthandwriter in any court, there shall be inserted the following entry— “ A court security officer within the meaning of Part IV of the Criminal Justice Act 1991. ”
- (3) After the entry relating to governors, chaplains, medical officers and other officers of penal establishments and members of boards of visitors for such establishments, there shall be inserted the following entry— “ Prisoner custody officers within the meaning of Part IV of the Criminal Justice Act 1991. ”

Commencement Information

I110 Sch. 11 para. 18 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2, Schs. 1, 2.

VALID FROM 01/10/1992

Solicitors Act 1974 (c.47)

- 19 In section 43(7) of the Solicitors Act 1974 (control of employment of certain clerks), for the words “placing a person on probation or discharging him” there shall be substituted the words “discharging a person” and for the words “section 13” there shall be substituted the words “section 1C”.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

Commencement Information

I111 Sch. 11 para. 19 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

Rehabilitation of Offenders Act 1974 (c.53)

- 20 In section 1(4) of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions)—
- (a) for the words “section 13” there shall be substituted the words “section 1C”;
 - (b) the words “put on probation or” shall cease to have effect; and
 - (c) for the words “placing the person concerned on probation or discharging him” there shall be substituted the words “discharging the person concerned”.

Commencement Information

I112 Sch. 11 para. 20 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

Bail Act 1976 (c.63)

- 21 In section 4(3) of the Bail Act 1976 (general right to bail of accused persons and others), for the words “section 6 or section 16 of the ^{M35}Powers of Criminal Courts Act 1973 (breach of requirement of probation or community service order)” there shall be substituted the words “Part II of Schedule 2 to the Criminal Justice Act 1991 (breach of requirement of probation, community service, combination or curfew order)”.

Commencement Information

I113 Sch. 11 para. 21 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M35 1973 c. 62.

- 22 (1) Paragraph 8 of Schedule 1 to that Act (restrictions on the imposition of bail conditions) shall be amended as follows.

Status: Point in time view as at 01/04/1992.

Changes to legislation: *Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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 sub-paragraph (1), after the words “(4) to (7)” there shall be inserted the words “(except subsection (6)(d))” and the words from “or, in the case” to the end shall cease to have effect.
- (3) After sub-paragraph (1) there shall be inserted the following sub-paragraph—
- “(1A) No condition shall be imposed under section 3(6)(d) of this Act unless it appears to be necessary to do so for the purpose of enabling inquiries or a report to be made.”
- (4) In sub-paragraph (2) for the words “Sub-paragraph (1) above also applies”, there shall be substituted the words “Sub-paragraphs (1) and (1A) above also apply”.
- (5) In sub-paragraph (3), for the words “sub-paragraph (1)” there shall be substituted the words “sub-paragraph (1A)”.

Commencement Information

I114 Sch. 11 para. 22 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Licensed Premises (Exclusion of Certain Persons) Act 1980 (c.32)

23

In section 1(2) of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (exclusion orders), for paragraph (b) there shall be substituted the following paragraph—

- “(b) where the offence was committed in England and Wales, notwithstanding the provisions of sections 1A and 1C of the Power of Criminal Courts Act 1973 (cases in which absolute and conditional discharges may be made, and their effect), in addition to an order discharging him absolutely or conditionally;”.

Commencement Information

I115 Sch. 11 para. 23 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Magistrates' Courts Act 1980 (c.43)

24

In section 12(1)(a) of the 1980 Act (non-appearance of accused: plea of guilty), after the words “this section” there shall be inserted the words “and section 18 of the Criminal Justice Act 1991 (unit fines)”.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

Commencement Information

I116 Sch. 11 para. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 25 In section 20(2)(b) of that Act (procedure where summary trial appears more suitable), for the words from “on obtaining information” to the end there shall be substituted the words “is of such opinion as is mentioned in subsection (2) of that section”.

Commencement Information

I117 Sch. 11 para. 25 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 26 In section 81(3)(a) of that Act (enforcement of fines imposed on young offenders), for the words “section 19(1) of the ^{M36}Criminal Justice Act 1948” there shall be substituted the words “section 17(1) of the ^{M37}Criminal Justice Act 1982”.

Commencement Information

I118 Sch. 11 para. 26 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Marginal Citations

M36 1948 c. 58.

M37 1982 c. 48.

- 27 (1) In subsection (2) of section 143 of that Act (power to alter sums specified in certain provisions), paragraph (i) shall cease to have effect and after paragraph (o) there shall be inserted the following paragraph—
- “(p) section 58(2) and (3) of the Criminal Justice Act 1991 (recognisance from parents or guardians);”.
- (2) For subsection (3) of that section there shall be inserted the following subsection—
- “(3) In subsection (1) above the “relevant date” means—
- (a) the date of the coming into force of section 17 of the Criminal Justice Act 1991 (increase of certain maxima); or
- (b) where the sums specified in a provision mentioned in subsection (2) above have been substituted by an order under subsection (1) above, the date of that order.”

Commencement Information

I119 Sch. 11 para. 27 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 28 In paragraph 2(2) of Schedule 4 to that Act (maximum periods of imprisonment in default of payment of magistrates’ court fine), for the words “five days” there shall be substituted the words “seven days”.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

Commencement Information

I120 Sch. 11 para. 28 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Contempt of Court Act 1981 (c.49)

- 29 (1) Section 12(2) of the ^{M38}Contempt of Court Act 1981 (offences of contempt of magistrates' court) shall have effect as if the reference to any officer of the court included a reference to any court security officer assigned to the court-house in which the court is sitting.
- (2) In this paragraph "court security officer" and "court-house" have the meanings given by section 92(1) of this Act.

Commencement Information

I121 Sch. 11 para. 29 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2, Schs. 1, 2.

Marginal Citations

M38 1981 c. 49.

VALID FROM 01/10/1992

Criminal Justice Act 1982 (c.48)

- 30 For subsection (5) of section 1 of the 1982 Act (general restrictions on custodial sentences) there shall be substituted the following subsections—
- “(5) No court shall commit a person under 21 years of age to be detained under section 9 below unless it is of the opinion that no other method of dealing with him is appropriate; and in forming any such opinion, the court—
- (a) shall take into account all such information about the circumstances of the default or contempt (including any aggravating or mitigating factors) as is available to it; and
 - (b) may take into account any information about that person which is before it.
- (5A) Where a magistrates' court commits a person under 21 years of age to be detained under section 9 below, it shall—
- (a) state in open court the reason for its opinion that no other method of dealing with him is appropriate; and
 - (b) cause that reason to be specified in the warrant of commitment and to be entered in the register.”

Commencement Information

I122 Sch. 11 para. 30 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

- 31 (1) In subsection (1) of section 1A of that Act (detention in a young offender institution), for paragraph (b) there shall be substituted the following paragraph—
- “(b) the court is of the opinion that either or both of paragraphs (a) and (b) of subsection (2) of section 1 of the Criminal Justice Act 1991 apply or the case falls within subsection (3) of that section.”
- (2) In subsection (4) of that section, for the words “section 15(11) below” there shall be substituted the words “section 65(6) of the Criminal Justice Act 1991”.

Commencement Information

I123 Sch. 11 para. 31 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

- 32 In section 3(1) of that Act (restrictions on imposing custodial sentences on persons under 21 not legally represented), for paragraphs (a) and (b) there shall be substituted the following paragraph—
- “(a) pass a sentence of detention in a young offender institution under section 1A above;”.

Commencement Information

I124 Sch. 11 para. 32 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

- 33 In section 13 of that Act (conversion of sentence of detention in a young offender institution to imprisonment), after subsection (5) there shall be inserted the following subsection—
- “(6) This section applies to a person who is serving a sentence of custody for life under section 8(2) above, or is detained under section 53 of the Children and Young Persons Act 1933, as it applies to a person serving a sentence of detention in a young offender institution.”

Commencement Information

I125 Sch. 11 para. 33 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

- 34 In section 17(1) of that Act (attendance centre orders), for the words “section 6 of the ^{M39}Powers of Criminal Courts Act 1973” there shall be substituted the words “Part II of Schedule 2 to the Criminal Justice Act 1991”.

Commencement Information

I126 Sch. 11 para. 34 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

Marginal Citations

M39 1973 c. 62.

VALID FROM 01/10/1992

Repatriation of Prisoners Act 1984 (c.47)

- 35 (1) In section 2 of the Repatriation of Prisoners Act 1984 (transfer of prisoners out of United Kingdom), in subsection (4)(b), for sub-paragraph (i) there shall be substituted the following sub-paragraph—
- “(i) released on licence under section 33(1)(b) or (2), 34(3) or 35(1) or (2) of the Criminal Justice Act 1991;”
- (2) In section 3 of that Act (transfer of prisoners into United Kingdom), after subsection (8) there shall be inserted the following subsection—
- “(9) The provisions contained by virtue of subsection (1)(c) above in a warrant under this Act shall, in the case of a prisoner to whom section 48 of the Criminal Justice Act 1991 (discretionary life prisoners transferred to England and Wales) applies, include provision specifying the relevant part of his sentence within the meaning of section 34 of that Act (duty of Secretary of State to release discretionary life prisoners).”
- (3) In paragraph 2 of the Schedule to that Act (operation of certain enactments in relation to prisoners transferred into United Kingdom)—
- (a) in sub-paragraph (1), for the words from “section 60” to “of that section” there shall be substituted the words “section 33(1)(b) or (2), 34(3) or (5) or 35(1) of the Criminal Justice Act 1991 whether the prisoner has at any time served a particular proportion or part of his sentence specified in that provision,”; and
- (b) in sub-paragraph (2), for the words “one third” there shall be substituted the words “any particular proportion or part”.
- (4) In paragraph 3 of that Schedule, for the words “section 61 of the Criminal Justice Act 1967” there shall be substituted the words “section 35(2) of the Criminal Justice Act 1991”.

Commencement Information

I127 Sch. 11 para. 35 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Prosecution of Offences Act 1985 (c.23)

- 36 In section 22(11) of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of criminal proceedings), after the definition of “appropriate court” there shall be inserted the following definition—

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

““custody” includes local authority accommodation to which a person is remanded or committed by virtue of section 23 of the Children and Young Persons Act 1969, and references to a person being committed to custody shall be construed accordingly;”.

Commencement Information

I128 Sch. 11 para. 36 wholly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(1) and Sch. 1

VALID FROM 01/10/1992

Criminal Justice Act 1988 (c.33)

- 37 In section 34 of the Criminal Justice Act 1988 (abolition of requirement of corroboration for unsworn evidence of children), subsection (1) shall cease to have effect and, in subsection (3), for the words “section 38 of the ^{M40}Children and Young Persons Act 1933” there shall be substituted the words “section 52 of the Criminal Justice Act 1991”.

Commencement Information

I129 Sch. 11 para. 37 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Marginal Citations

M40 1933 c. 12.

VALID FROM 01/10/1992

Road Traffic Offenders Act 1988 (c.53)

- 38 (1) In subsection (1) of section 46 of the Road Traffic Offenders Act 1988 (combination of disqualification and endorsement with probation orders and orders for discharge), for the words “section 13(3)” there shall be substituted the words “section 1C(3)” and the words “placed on probation or” shall cease to have effect.
- (2) In subsection (2) of that section, for the words “section 13(1)” there shall be substituted the words “section 1C(1)” and the words “placed on probation or” shall cease to have effect.

Commencement Information

I130 Sch. 11 para. 38 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

VALID FROM 01/10/1992

Extradition Act 1989 (c.33)

- 39 In section 20(2)(b)(i) of the Extradition Act 1989 (restoration of persons not tried or acquitted), for the words “section 7(1)” there shall be substituted the words “section 1A(1)”.

Commencement Information

I131 Sch. 11 para. 39 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

References to juvenile courts

- 40 (1) Without prejudice to the generality of section 70(2) of this Act, in the enactments specified in sub-paragraph (2) below, for the words “juvenile court” or “juvenile courts”, in each place where they occur, there shall be substituted the words “youth court” or, as the case may require, “youth courts”.
- (2) The enactments referred to in sub-paragraph (1) above are as follows—
- (a) in the 1933 Act, sections 45 to 49, 56 and 108(4) and Schedule 2;
 - (b) in the ^{M41}Education Act 1944, section 40;
 - (c) in the ^{M42}Children Act 1948, section 4B;
 - (d) in the ^{M43}Adoption Act 1958, sections 43, 47 and 48;
 - (e) in the ^{M44}Children and Young Persons Act 1963, sections 3, 18, 23, 26, 28, 29 and 57;
 - (f) in the ^{M45}Administration of Justice Act 1964, section 12;
 - (g) in the 1969 Act, sections 1 to 3, 7, 10, 15, 16, 20A to 22 and 70(1) and Schedule 4;
 - (h) in the ^{M46}Criminal Justice Act 1972, section 51(1);
 - (i) in the 1973 Act, section 46;
 - (j) in the ^{M47}Adoption Act 1976, sections 34 and 37;
 - (k) in the 1979 Act, sections 35(3), 37(1), 38(2) and 58(1) and (5);
 - (l) in the ^{M48}Child Care Act 1980, sections 5 to 7, 12C to 12E, 21A, 67 and 79(2);
 - (m) in the ^{M49}Foster Children Act 1980, sections 11(1), 12(1) and 14;
 - (n) in the 1980 Act, sections 12(1), 29, 104 and 146;
 - (o) in the 1982 Act, section 16(2) and in Schedule 3, the entry relating to section 49(2) of the 1933 Act;
 - (p) in the ^{M50}Administration of Justice Act 1985, section 61;

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

- (q) in the ^{M51}Legal Aid Act 1988, sections 3(4), 19(3) and (5), 27(3) and (4) 28(3) and (7), 30(2) and in Schedule 3, paragraphs 9 and 10; and
- (r) in the ^{M52}Children Act 1989, section 90(1) and Schedule 14.

Commencement Information

I132 Sch. 11 para. 40 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M41 1944 c. 31.
M42 1948 c. 43.
M43 1958 c. 5.
M44 1963 c. 37.
M45 1964 c. 42.
M46 1972 c. 71.
M47 1976 c. 36.
M48 1980 c. 5.
M49 1980 c. 6.
M50 1985 c. 61.
M51 1988 c. 34.
M52 1989 c. 41.

VALID FROM 01/10/1992

References to juvenile court panels

- 41 (1) Without prejudice to the generality of section 70(2) of this Act, in the enactments specified in sub-paragraph (2) below, for the words “juvenile court panel” or “juvenile court panels”, in each place where they occur, there shall be substituted the words “youth court panel” or, as the case may require, “youth court panels”.
- (2) The enactments referred to in sub-paragraph (1) above are as follows—
- (a) in the 1933 Act, Schedule 2;
 - (b) in the 1973 Act, in Schedule 3, paragraph 2(3);
 - (c) in the 1979 Act, section 35(3);
 - (d) in the ^{M53}Child Care Act 1980, section 12E(5); and
 - (e) in the 1980 Act, section 146.

Commencement Information

I133 Sch. 11 para. 41 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M53 1980 c. 5.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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 12

Section 101(1).

TRANSITIONAL PROVISIONS AND SAVINGS

Commencement Information

I134 Sch. 12 partly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(1) and Sch. 1; further in force at 25.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(1) and Sch. 2; further in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2; further in force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3; Sch. 12 para. 16(2)-(4) in force (1.6.1999) by S.I. 1999/1280, art. 3, Sch.

VALID FROM 01/10/1992

Custodial and community sentences

- 1 Each of sections 1 to 13 of this Act shall apply in relation to offenders convicted (but not sentenced) before the commencement of that section as it applies in relation to offenders convicted after that commencement.

Commencement Information

I135 Sch. 12 para. 1 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 2 Neither subsection (2) of section 8 of this Act, nor the repeal by this Act of section 13 of the 1973 Act, shall affect the operation of section 13 in relation to persons placed on probation before the commencement of that subsection or, as the case may be, that repeal.

Commencement Information

I136 Sch. 12 para. 2 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 3 An establishment which immediately before the commencement of Part II of Schedule 1 to this Act is a day centre within the meaning of section 4B of the 1973 Act shall be treated as if, immediately after that commencement, it had been approved by the Secretary of State as a probation centre within the meaning of paragraph 3(7) of Schedule 1A to that Act.

Commencement Information

I137 Sch. 12 para. 3 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

- 4 Paragraph 6 of Schedule 11 to this Act shall apply in relation to offenders convicted (but not sentenced) before the commencement of that paragraph as it applies to offenders convicted after that commencement.

Commencement Information

I138 Sch. 12 para. 4 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Community orders: supplemental

- 5 (1) Paragraphs 3 and 4 of Schedule 2 to this Act shall apply in relation to pre-existing failures to comply with the requirements of probation orders or community service orders as if, in sub-paragraph (1)(a), for “£1,000” there were substituted “£400”.
- (2) In this paragraph “pre-existing”, in relation to either of those paragraphs, means occurring before the commencement of that paragraph.

Commencement Information

I139 Sch. 12 para. 5 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Financial penalties

- 6 None of sections 17 to 20 of this Act shall apply in relation to offences committed before the commencement of that section.

Commencement Information

I140 Sch. 12 para. 6 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 25/08/2000

- [^{F39}6A Section 17 of this Act shall not apply in relation to offences committed before the commencement of that section.]

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

Textual Amendments

F39 Sch. 12 para. 6A inserted (28.5.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 149

Increase of certain penalties

- 7 Neither of subsections (3) and (4) of section 26 of this Act shall apply in relation to offences committed before the commencement of that subsection.

Commencement Information

I141 Sch. 12 para. 7 wholly in force at 25.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(2) and Sch. 2

VALID FROM 01/10/1992

Early release: general

- 8 (1) In this paragraph and paragraphs 9 to 11 below—
“existing licensee” means any person who, before the commencement of Part II of this Act, has been released on licence under section 60 of the 1967 Act and whose licence under that section is in force at that commencement;
“existing prisoner” means any person who, at that commencement, is serving a custodial sentence;
and sub-paragraphs (2) to (7) below shall have effect subject to those paragraphs.
- (2) Subject to sub-paragraphs (3) to (7) below, Part II of this Act shall apply in relation to an existing licensee as it applies in relation to a person who is released on licence under that Part; and in its application to an existing prisoner, or to an existing licensee who is recalled under section 39 of this Act, that Part shall apply with the modifications made by those sub-paragraphs.
- (3) Section 40 of this Act shall not apply in relation to an existing prisoner or licensee.
- (4) In relation to an existing prisoner whose sentence is for a term of twelve months, section 33(1) of this Act shall apply as if that sentence were for a term of less than twelve months.
- (5) In relation to an existing prisoner or licensee whose sentence is for a term of —
(a) more than twelve months; and
(b) less than four years or, as the case may require, such other period as may for the time being be referred to in section 33(5) of this Act,
Part II of this Act shall apply as if he were or had been a long-term rather than a short-term prisoner.
- (6) In relation to an existing prisoner or licensee whose sentence is for a term of more than twelve months—

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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) section 35(1) of this Act shall apply as if the reference to one half of his sentence were a reference to one-third of that sentence or six months, whichever is the longer; and
- (b) sections 33(3) and 37(1) of this Act shall apply as if the reference to three-quarters of his sentence were a reference to two-thirds of that sentence.

(7) In relation to an existing prisoner or licensee—

- (a) whose sentence is for a term of more than twelve months; and
- (b) whose case falls within such class of cases as the Secretary of State may determine after consultation with the Parole Board,

section 35(1) of this Act shall apply as if the reference to a recommendation by the Board included a reference to a recommendation by a local review committee established under section 59(6) of the 1967 Act.

(8) In this paragraph “custodial sentence” means—

- (a) a sentence of imprisonment;
- (b) a sentence of detention in a young offender institution;
- (c) a sentence of detention (whether during Her Majesty’s pleasure, for life or for a determinate term) under section 53 of the 1933 Act; or
- (d) a sentence of custody for life under section 8 of the 1982 Act.

Modifications etc. (not altering text)

C7 Sch. 12 para. 8 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8, 9(2)(4), Sch. 5 paras. 9(1)(a)(b)(2)(a)(b), **10(1)(b)(c)(2)(a)(b)**; S.I. 1997/2200, art. 2(1)(n).

Commencement Information

I142 Sch. 12 para. 8 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

- 9 (1) This paragraph applies where, in the case of an existing life prisoner, the Secretary of State certifies his opinion that, if—
- (a) section 34 of this Act had been in force at the time when he was sentenced; and
 - (b) the reference in subsection (1)(a) of that section to a violent or sexual offence the sentence for which is not fixed by law were a reference to any offence the sentence for which is not so fixed,
- the court by which he was sentenced would have ordered that that section should apply to him as soon as he had served a part of his sentence specified in the certificate.
- (2) In a case to which this paragraph applies, Part II of this Act except section 35(2) shall apply as if—
- (a) the existing life prisoner were a discretionary life prisoner for the purposes of that Part; and
 - (b) the relevant part of his sentence within the meaning of section 34 of this Act were the part specified in the certificate.
- (3) In this paragraph “existing life prisoner” means a person who, at the commencement of Part II of this Act, is serving one or more of the following sentences, namely—
- (a) a sentence of life imprisonment;

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

- (b) a sentence of detention during her Majesty's pleasure or for life under section 53 of the 1933 Act; or
- (c) a sentence of custody for life under section 8 of the 1982 Act.

- (4) A person serving two or more such sentences shall not be treated as a discretionary life prisoner for the purposes of Part II of this Act unless the requirements of sub-paragraph (1) above are satisfied as respects each of those sentences; and subsections (3) and (5) of section 34 of this Act shall not apply in relation to such a person until after he has served the relevant part of each of those sentences.

Commencement Information

I143 Sch. 12 para. 9 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

- 10 Prison rules made by virtue of section 42 of this Act may include provision for applying any provisions of Part II of this Act, in relation to any existing prisoner or licensee who has forfeited any remission of his sentence, as if he had been awarded such number of additional days as may be determined by or under the rules.

Modifications etc. (not altering text)

C8 Sch. 12 para. 10-13 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8(2)(a)(4), 9(2)(4), Sch. 5 paras. 9(1)(a)(b), **10(1)(b)(c)**; S.I. 1997/2200, art. 2(1)(n).

Commencement Information

I144 Sch. 12 para. 10 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

Early release of young persons detained under 1933 Act

- 11 In relation to an existing prisoner or licensee whose sentence is a determinate sentence of detention under section 53 of the 1933 Act—
- (a) Part II of this Act shall apply as if he were or had been a life rather than a long-term or short-term prisoner;
 - (b) section 35(2) of this Act shall apply as if the requirement as to consultation were omitted; and
 - (c) section 37(3) of this Act shall apply as if the reference to his death were a reference to the date on which he would (but for his release) have served the whole of his sentence.

Modifications etc. (not altering text)

C9 Sch. 12 para. 10-13 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8(2)(a)(4), 9(2)(4), Sch. 5 paras. 9(1)(a)(b), **10(1)(b)(c)**; S.I. 1997/2200, art. 2(1)(n).

Status: Point in time view as at 01/04/1992.

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Commencement Information

I145 Sch. 12 para. 11 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

Early release of prisoners serving extended sentences

- 12 (1) In relation to an existing prisoner or licensee on the passing of whose sentence an extended sentence certificate was issued—
- (a) section 33(3) of this Act shall apply as if the duty to release him unconditionally were a duty to release him on licence; and
 - (b) section 37(1) of this Act shall apply as if the reference to three-quarters of his sentence were a reference to the whole of that sentence.
- (2) In this paragraph “extended sentence certificate” means a certificate issued under section 28 of the 1973 Act stating that an extended term of imprisonment was imposed on an offender under that section.

Modifications etc. (not altering text)

C10 Sch. 12 para. 10-13 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8(2)(a)(4), 9(2)(4), Sch. 5 paras. 9(1)(a)(b), **10(1)(b)(c)**; S.I. 1997/2200, **art. 2(1)(n)**.

Commencement Information

I146 Sch. 12 para. 12 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

VALID FROM 01/10/1992

Early release of fine defaulters and contemnors

- 13 Part II of this Act shall apply in relation to any person who, before the commencement of that Part, has been committed to prison or to be detained under section 9 of the 1982 Act—
- (a) in default of payment of a sum adjudged to be paid by a conviction; or
 - (b) for contempt of court or any kindred offence,
- as it applies in relation to any person who is so committed after that commencement.

Modifications etc. (not altering text)

C11 Sch. 12 para. 10-13 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8(2)(a)(4), 9(2)(4), Sch. 5 paras. 9(1)(a)(b), **10(1)(b)(c)**; S.I. 1997/2200, **art. 2(1)(n)**.

Commencement Information

I147 Sch. 12 para. 13 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

VALID FROM 01/10/1992

Responsibilities of parent or guardian

- 14 None of sections 56 to 58 of this Act shall apply in relation to offences committed before the commencement of that section; and the repeals of subsections (7)(c), (7B) and (7C) of section 7 of the 1969 Act shall not apply in relation to offences committed before the commencement of those repeals.

Commencement Information

I148 Sch. 12 para. 14 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Remands and committals of children and young persons

- 15 (1) In this paragraph—
“section 23” means section 23 of the 1969 Act as substituted by section 60(1) of this Act;
“the modifications” means the modifications of section 23 set out in section 62 of this Act;
“remand or committal” means a remand of a child or young person charged with or convicted of one or more offences, or a committal of a child or young person for trial or sentence.
- (2) Section 23 as it has effect with the modifications shall not apply in relation to any remand or committal which is in force immediately before the commencement of sections 60 and 62 of this Act.
- (3) Subject to sub-paragraphs (4) and (5) below, section 23 as it has effect without the modifications shall not apply in relation to any remand or committal which is in force immediately before the day appointed under section 62(1) of this Act.
- (4) Any person who, in pursuance of any such remand or committal, is held in a remand centre or prison shall be brought before the court which remanded or committed him before the end of the period of 8 days beginning with the day so appointed.
- (5) Where any person is brought before a court under sub-paragraph (4) above, section 23 as it has effect without the modifications shall apply as if the court were just remanding or committing him as mentioned in subsection (1)(a) of that section.

Commencement Information

I149 Sch. 12 para. 15 partly in force; Sch. 12 para. 15(1)(2) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.
Sch. 15 para. 15(3)-(5) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

- 16 (1) Subsection (2)(a) of section 60 of this Act shall not apply in any case where proceedings for the offence in question have begun before the commencement of that section.
- (2) Subject to sub-paragraphs (3) and (4) below, subsection (2)(b) and (c) of that section shall not apply in relation to any committal under section 37 of the 1980 Act which is in force immediately before that commencement.
- (3) Any person less than 17 years old who, in pursuance of any such committal, is held in a remand centre or prison shall be brought before the court which committed him before the end of the period of 8 days beginning with that commencement.
- (4) Where any person is brought before a court under sub-paragraph (3) above, section 37 of the 1980 Act shall apply as if the court were just committing him under that section.

Commencement Information

I150 Sch. 12 para. 16 wholly in force at 1.6.1999; Sch. 12 para. 16(1) in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.; Sch. 12 para. 16(2)-(4) in force (1.6.1999) by S.I. 1999/1280, art. 3, Sch. Sch. 12 para. 16(2)-(4) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3 (which art. 2(5) is revoked (1.6.1999) by S.I. 1999/1280, art. 2

VALID FROM 01/10/1992

Custodial sentences for young offenders

- 17 (1) Subject to sub-paragraph (2) below, section 63 of this Act shall apply in relation to young offenders convicted (but not sentenced) before the commencement of that section as it applies in relation to young offenders convicted after that commencement.
- (2) Subsections (2), (3) and (5) of that section shall not apply in any case where proceedings for the offence in question have begun before that commencement and the offender is aged 17 at the date of his conviction.
- (3) For the purposes of the provisions substituted by subsection (3)(c) of that section, any sentence of detention in a young offender institution which, at that commencement, is being served by an offender aged 17 shall be disregarded.

Commencement Information

I151 Sch. 12 para. 17 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 18 Section 64 of this Act shall not apply in any case where the offence in question was committed before the commencement of that section and the offender is aged 16 at the date of his conviction.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

Commencement Information

I152 Sch. 12 para. 18 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Supervision of young offenders after release

- 19 Section 65 of this Act shall not apply in relation to any person under the age of 22 years who, before the commencement of that section, is released from a term of detention in a young offender institution or under section 53 of the 1933 Act; and the repeal by this Act of section 15 of the 1982 Act shall not affect the operation of that section in relation to any such person who is so released.

Modifications etc. (not altering text)

C12 Sch. 12 para. 19 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8(2)(a)(4), 9(2)(4), Sch. 5 paras. 9(1)(a)(b), **10(1)(b)(c)**; S.I. 1997/2200, art. 2(1)(n).

Commencement Information

I153 Sch. 12 para. 19 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Supervision orders

- 20 (1) In relation to pre-existing failures to comply with the requirements of supervision orders, section 15 of the 1969 Act as substituted by Schedule 7 to this Act shall apply as if—
- (a) in subsection (3)(a), for “£1,000” there were substituted “£100”;
 - (b) in subsection (5)(b), for “£5,000” there were substituted “£2,000”; and
 - (c) in subsection (5)(c), for “£5,000” there were substituted the words “£2,000 in the case of a person who has attained the age of 18 years and £400 in the case of a person who has not attained that age”.
- (2) In this paragraph “pre-existing” means occurring before the commencement of section 66 of this Act and that Schedule.

Commencement Information

I154 Sch. 12 para. 20 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Status: Point in time view as at 01/04/1992.

Changes to legislation: Criminal Justice Act 1991 is up to date with all changes known to be in force on or before 09 May 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)

VALID FROM 01/10/1992

Attendance centre orders

- 21 (1) Subsection (2) of section 67 of this Act shall not apply in relation to attendance centre orders made before the commencement of that section.
- (2) Subsection (4) of that section shall not apply in relation to pre-existing failures to attend in accordance with an attendance centre order or pre-existing breaches of rules made under section 16(3) of the 1982 Act.
- (3) In this paragraph “pre-existing” means occurring or committed before that commencement.

Commencement Information

I155 Sch. 12 para. 21 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 01/10/1992

Provisions for treating persons aged 17 as young persons

- 22 (1) Paragraphs 1, 3, 4 and 6 of Schedule 8 shall not apply in any case where proceedings for the offence in question have begun before the commencement of that Schedule.
- (2) Paragraph 5 of that Schedule shall apply in relation to any sentence imposed on any person who was convicted before that commencement and was aged 17 at the date of his conviction.

Commencement Information

I156 Sch. 12 para. 22 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Renaming of juvenile courts etc.

- 23 In relation to any time before the commencement of section 70 of this Act, references in any other provision of this Act, or in any enactment amended by this Act, to youth courts shall be construed as references to juvenile courts.

Commencement Information

I157 Sch. 12 para. 23 wholly in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(1) and Sch. 1

Status: Point in time view as at 01/04/1992.

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VALID FROM 01/10/1992

Supplemental

- 24 For the purposes of this Schedule proceedings for an offence shall be regarded as having begun as follows—
- (a) in the case of an offence triable only summarily, when a plea is entered;
 - (b) in the case of an offence triable only on indictment, when the magistrates' court begins to inquire into the offence as examining magistrates;
 - (c) in the case of an offence triable either way, when the magistrates' court determines to proceed with the summary trial of the offence or, as the case may be, to proceed to inquire into the offence as examining justices.

Commencement Information

I158 Sch. 12 para. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

SCHEDULE 13

Section 101(2).

REPEALS

Extent Information

E5 Schedule 13 extends to England and Wales only except as mentioned in s. 102(5) - (8).

Commencement Information

I159 Sch. 13 partly in force; Sch. 13 in force so far as relating to the repeal of s. 11 of the Metropolitan Police Act 1839 (2 & 3 Vict. c. 47) see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3; Sch 13 in force at 1.10.1992 (except in so far as it relates to s. 67(6) of the Criminal Justice Act 1967 (c. 80)) see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.; Sch. 13 in force (so far as it relates to 1999 c. 80, s. 67(6)) (1.6.1999) by S.I. 1999/1280, art. 3, Sch.

Sch. 13, so far as it relates to s. 67(6) of the Criminal Justice Act 1967 (c. 80), shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3 (which art. 2(5) was revoked (1.6.1999) by S.I. 1999/1280, art. 2

Chapter	Short title	Extent of repeal
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839.	Section 11.
23 & 24 Geo. 5 c. 12.	The Children and Young Persons Act 1933.	Section 34(1).Section 38(1).
15 & 16 Geo. 6 & 1 Eliz. 2 c. 52.	The Prison Act 1952.	Section 25.
3 & 4 Eliz. 2 c. 18.	The Army Act 1955.	In section 71AA(1), the words “subject to

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		subsection (1A) below” and “being not less than 21 days and”.Section 71AA(1A).Section 93(2A).
3 & 4 Eliz. 2 c. 19.	The Air Force Act 1955.	In section 71AA(1), the words “subject to subsection (1A) below” and “being not less than 21 days and”.Section 71AA(1A).Section 93(2A).
5 & 6 Eliz. 2 c. 53.	The Naval Discipline Act 1957.	In section 43AA(1), the words “subject to subsection (1A) below” and “being not less than 21 days and”.Section 43AA(1A).Section 60(3A).
1967 c. 80.	The Criminal Justice Act 1967.	Sections 59 to 64.In section 67(6), the words “remanded or”, in the first place where they occur, and the words “section 23 of the Children and Young Persons Act 1969 or”.Schedule 2.
1968 c. 19.	The Criminal Appeal Act 1968.	In section 50(1A), the words “a probation order or”.
1968 c. 49.	The Social Work (Scotland) Act 1968.	In section 72, in subsection (1A), paragraph (a) and the word “and” immediately following that paragraph, and subsection (4).
1968 c. 64.	The Civil Evidence Act 1968.	In section 11(5)(a), the words “probation or”.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 3, the words “disregarding section 4 of this Act”, in each place where they occur.Section 4.In section 5, subsections (1) to (7) and, in subsection (9), the definitions of “qualified informant” and “designated”.In section 7, in subsection (7), the words “is found guilty of homicide” and paragraph (c), and subsections (7B) and (7C).Section 8.Section 10(1)(a).In section 12AA, subsections (7), (8) and

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		(12).In section 34(1), in paragraph (a), the word “4,” and paragraph (b).In Schedule 4, paragraphs 2 and 3.
1971 c. 10.	The Vehicles (Excise) Act 1971.	In section 9(5), the words “placing him on probation or”.
1971 c. 23.	The Courts Act 1971.	In Schedule 8, in paragraph 57(1)(a), the reference to subsection (2) of section 10.
1972 c. 19.	The Criminal Justice Act 1972.	Section 35.
1973 c. 62.	The Powers of Criminal Courts Act 1973.	Sections 5 to 10.Section 13.In section 14, in subsection (1), the words “instead of dealing with him in any other way” and, in subsection (3), the words “(i) or (ii)”.Sections 16 to 17C.Sections 20 and 20A.Sections 28 and 29.In section 30(1), the words “(such as the power to make a probation order)”.In section 42(2)(a), the words from “subject to” to “twelve months”.Section 45.Section 48.In section 57(1), the definition of “supervising court”.Schedule 1.In Schedule 3, in paragraph 2(2) (a), the word “several”.
1974 c. 53.	The Rehabilitation of Offenders Act 1974.	In section 1(4), the words “put on probation or”.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In section 403, the proviso to subsection (4) and, in subsection (6), the words “the proviso to subsection (4) of this section shall not apply, but”.In Schedule 9, paragraph 50.
1976 c. 63.	The Bail Act 1976.	In Schedule 1, in paragraph 8(1), the words from “or, in the case” to the end.
1977 c. 45.	The Criminal Law Act 1977.	Section 47.In Schedule 12, in the entry relating to the Children and Young Persons Act 1969, paragraph 3.

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1980 c. 43.	The Magistrates' Courts Act 1980.	In section 24(4), the words from "but this subsection" to the end. Section 35. In section 36(2), the words from "but this subsection" to the end. Section 103(3)(a). Section 37(1A). In section 108(1A), the words " a probation order or". Section 143(2)(i). In Schedule 3, paragraph 5.
1982 c. 48.	The Criminal Justice Act 1982.	In section 1, subsections (3) to (4A). In section 1A(3), the words "and section 1B(3) below". In section 1B, subsections (1) and (3). Section 2. Section 15. Section 17(3). In section 18(6)(b), the words from the beginning to "residence". Section 33. In section 48, subsections (1)(c) and (2). Section 62. Schedule 5. In Schedule 11, paragraph 6(a)(v). In Schedule 13, Part I. In Schedule 14, paragraphs 23(a), 25 and 32.
1983 c. 20.	The Mental Health Act 1983.	In section 50(3), the words from "and that period" to the end.
1984 c.60.	The Police and Criminal Evidence Act 1984.	In section 37, subsections (11) to (14).
1988 c. 33.	The Criminal Justice Act 1988.	Section 34(1). In section 123, subsections (2) and (3). Section 131(2). In Schedule 8, in paragraph 3(1)(c), the words "1(3) and". In Schedule 10, in Part II, the words "section 15(1)", "section 15(1) and (5) and" and "section 15(1)(a) and", and Part III. In Schedule 15, paragraph 22(1). In Schedule 16, the entry relating to section 41(8) of the Administration of Justice Act 1970.
1988 c. 38.	The Legal Aid Act 1988.	In section 20(4), the word "or" immediately following paragraph (b).

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1988 c. 53.	The Road Traffic Offenders Act 1988.	In section 46, in subsections (1) and (2), the words “placed on probation or”.
1989 c. 41.	The Children Act 1989.	In Schedule 12, paragraphs 21 and 24. In Schedule 13, paragraph 53(1).
1989 c. 42.	The Local Government and Housing Act 1989.	Section 189.
1991 c. 62.	The Armed Forces Act 1991.	In section 3(1), the words from “and after the words” to the end. In section 5, subsections (2)(b) and (9). In Schedule 2, paragraph 3.

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