



# Crime (Sentences) Act 1997

## CHAPTER 43

### CRIME (SENTENCES) ACT 1997

#### PART I

- 1 Conditions relating to mandatory and minimum custodial sentences.
- 2 Mandatory life sentence for second serious offence.
- 3 Minimum of seven years for third class A drug trafficking offence.
- 4 Minimum of three years for third domestic burglary.
- 5 Appeals where previous convictions set aside.
- 6 Certificates of convictions for purposes of Part I.
- 7 Offences under service law.

#### PART II

##### EFFECT OF CUSTODIAL SENTENCES

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- 8 Time to be served.
- 9 Crediting of periods of remand in custody.
- 9A Provision supplementary to section 9.

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- 10 Early release on compassionate grounds.
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*Status: Point in time view as at 30/11/2000.*

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- 13 Provisional early release days for remand prisoners.

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- 14 Award of additional days for disciplinary offences.  
15 Provisional additional days for remand prisoners.

*Supervision after release*

- 16 Release supervision orders.  
17 Breach of conditions of release supervision order.  
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20 Sexual offenders.  
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22 Mentally disordered offenders.  
23 Fine defaulters and contemnors.  
24 Persons liable to removal from the United Kingdom.  
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30 Power to release life prisoners on compassionate grounds.

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36 Fine defaulters under 25.  
37 Persistent petty offenders.  
38 Abolition of certain consent etc. requirements.

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### *Driving disqualifications*

- 39 Offenders.
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### *Transfer and repatriation of prisoners*

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- 42 Repatriation of prisoners to the British Islands.

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- 46 Power to make hospital and limitation directions.
- 47 Power to specify hospital units.
- 48 Offenders conditionally discharged from hospital.
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- 52 Increased penalty for offence of indecency with children.

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- 53 Financial provisions.
- 54 General interpretation.
- 55 Minor and consequential amendments.
- 56 Transitional provisions, savings and repeals.
- 57 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Transfer of prisoners within the British Islands Part I — POWERS OF TRANSFER

#### *Transfer of prisoners: general*

- 1 (1) The Secretary of State may, on the application of—...

#### *Transfer of prisoners for trial*

- 2 (1) If it appears to the Secretary of State that—...

#### *Transfer of prisoners for other judicial purposes*

- 3 (1) If the Secretary of State is satisfied, in the...

#### *Transfer of supervision of released prisoners*

- 4 (1) The Secretary of State may, on the application of...

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*Conditions of transfers*

- 5 (1) A transfer under this Part shall have effect subject...  
Part II — EFFECT OF TRANSFERS

*Preliminary*

- 6 (1) For the purposes of this Part of this Schedule,...

*Restricted transfers: general*

- 7 (1) Where— (a) a person's transfer under paragraph 1, 2...

*Restricted transfers from England and Wales to Scotland*

- 8 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

*Restricted transfers from England and Wales to Northern Ireland*

- 9 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

*Restricted transfers from Scotland to England and Wales*

- 10 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

*Restricted transfers from Scotland to Northern Ireland*

- 11 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

*Restricted transfers from Northern Ireland to England and Wales*

- 12 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

*Restricted transfers from Northern Ireland to Scotland*

- 13 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

*Restricted transfers between the United Kingdom and the Channel Islands*

- 14 (1) Her Majesty may by Order in Council make, in...

*Unrestricted transfers: general*

- 15 (1) Where a person's transfer under paragraph 1(1)(a) or (2)(a),...

*Transfers ceasing to be restricted*

- 16 Where a transfer under Part I of this Schedule ceases...  
Part III — SUPPLEMENTAL

*Prisoners unlawfully at large*

- 17 (1) The following enactments (relating to the arrest and return...

*Subsequent sentence in case of transferred prisoners*

- 18 (1) The power of a court in any part of...

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*Application to the Isle of Man*

19 (1) Her Majesty may by Order in Council direct that...

*Interpretation*

20 (1) In this Schedule— “prison”, unless the context otherwise requires,...

SCHEDULE 2 — Repatriation of prisoners to the British Islands

*Preliminary*

1 Any reference in this Schedule to prisoners repatriated to any...

*Prisoners repatriated to England and Wales*

2 (1) This paragraph applies in relation to—

3 (1) This paragraph applies in relation to prisoners repatriated to...

4 .....

*Prisoners repatriated to Scotland*

5 (1) This paragraph applies in relation to—

6 (1) This paragraph applies in relation to—

7 (1) This paragraph applies in relation to prisoners repatriated to...

8 .....

*Prisoners repatriated to Northern Ireland*

9 (1) This paragraph applies in relation to—

10 (1) This paragraph applies in relation to prisoners repatriated to...

*Prisoners repatriated to the Islands*

11 (1) This paragraph applies where any Order in Council under...

SCHEDULE 3 — Transfers within the British Islands of responsibility for offenders conditionally discharged from hospital

Part I — AMENDMENTS OF THE 1983 ACT

*Transfers from England and Wales to Scotland*

1 After section 80 of the 1983 Act there shall be...

*Transfers from England and Wales to Northern Ireland*

2 After section 81 of the 1983 Act there shall be...

*Transfers from Northern Ireland to England and Wales*

3 After section 82 of the 1983 Act there shall be...

*Transfers from England and Wales to the Islands*

4 After section 83 of the 1983 Act there shall be...

*Transfers from the Islands to England and Wales*

5 After section 85 of the 1983 Act there shall be...

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Part II — AMENDMENTS OF THE 1984 ACT

*Transfers from Scotland to England and Wales*

6 After section 77 of the 1984 Act there shall be...

*Transfers from Scotland to Northern Ireland*

7 After section 80 of the 1984 Act there shall be...

*Transfers from Northern Ireland to Scotland*

8 After section 81 of the 1984 Act there shall be...

*Transfers from the Islands to Scotland*

9 After section 82 of the 1984 Act there shall be...

*Transfers from Scotland to the Islands*

10 After section 82A of the 1984 Act there shall be...

SCHEDULE 4 — Minor and consequential amendments

*Army Act 1955 (c.18)*

1 (1) After subsection (3) of section 70 of the Army...

*Air Force Act 1955 (c.19)*

2 (1) After subsection (3) of section 70 of the Air...

*Naval Discipline Act 1957 (c.53)*

3 (1) After subsection (1) of section 42 of the Naval...

*Children and Young Persons Act 1963 (c.37)*

4 After subsection (2) of section 16 of the Children and...

*Criminal Justice Act 1967 (c.80)*

5 (1) In subsection (2) of section 56 of the Criminal...

*Criminal Appeal Act 1968 (c.19)*

6 (1) In subsection (1) of section 50 of the Criminal...

*Immigration Act 1971 (c.77)*

7 In subsection (4) of section 7 of the Immigration Act...

*Powers of Criminal Courts Act 1973 (c.62)*

8 .....

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

9 .....

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*Magistrates' Courts Act 1980 (c.43)*

10 (1) In subsection (4A) of section 82 of the 1980...

*Criminal Justice Act 1982 (c.48)*

11 .....

*Mental Health Act 1983 (c.20)*

12 (1) In subsection (1) of section 37 of the 1983...

*Criminal Justice Act 1988 (c.33)*

13 At the end of subsection (2) of section 36 of...

*Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)*

14 In sub-paragraph (5) of paragraph 9 of Schedule 2 to...

*Criminal Justice Act 1991 (c.53)*

15 (1) In subsection (1) of section 1 of the 1991...

*Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)*

16 (1) In section 10(4) of the Prisoners and Criminal Proceedings...

*Criminal Justice and Public Order Act 1994 (c.33)*

17 .....

SCHEDULE 5 — Transitional provisions and savings

*Sentences for offences committed before the commencement of Chapter I of Part II*

1 .....

*Consecutive sentences for offences committed before and after that commencement*

2 .....

*Concurrent sentences for offences committed before and after that commencement*

3 .....

*Crediting of periods of remand in custody*

4 .....

*Duty to release certain life prisoners*

5 (1) In relation to any time before the commencement of...

*Life prisoners transferred to England and Wales*

6 .....

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*Recall of life prisoners while on licence*

7 (1) Section 32(3) and (4) of this Act shall have...

*Transfers of prisoners: general*

8 .....

*Transfers of prisoners from England and Wales to Scotland*

9 (1) In relation to any person serving a determinate custodial...

*Transfers of prisoners from England and Wales to Northern Ireland*

10 (1) In relation to any person serving a determinate custodial...

*Transfers of prisoners from Scotland to England and Wales*

11 (1) In relation to any prisoner sentenced on or after...

*Transfers of prisoners from Scotland to Northern Ireland*

12 (1) In relation to any prisoner sentenced on or after...

*Interpretation*

13 In this Schedule— “life prisoner” has the same meaning as...

SCHEDULE 6 — Repeals



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