

Status: Point in time view as at 30/11/2000. This version of this schedule contains provisions that are prospective.

Changes to legislation: Crime (Sentences) Act 1997, SCHEDULE 4 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 55.

MINOR AND CONSEQUENTIAL AMENDMENTS

Army Act 1955 (c.18)

- 1 (1) After subsection (3) of section 70 of the Army Act 1955 (civil offences) there shall be inserted the following subsection—
- “(3A) Where the corresponding civil offence is one to which section 2, 3 or 4 of the Crime (Sentences) Act 1997 would apply, the court-martial shall impose the sentence required by subsection (2) of that section unless it is of the opinion that there are exceptional circumstances which justify its not doing so.”
- (2) For subsection (1A) of section 71A of that Act (juveniles) there shall be substituted the following subsection—
- “(1A) Where—
- (a) a person under 21 years of age is convicted of murder or any other civil offence the sentence for which is fixed by law as imprisonment for life; or
- (b) a person under that age is convicted of any civil offence to which section 2 of the Crime (Sentences) Act 1997 would apply and the court is not of the opinion mentioned in subsection (2) of that section,
- the court shall sentence him to custody for life unless he is liable to be detained under subsection (3) below.”
- (3) In subsection (6A) of section 71AA of that Act (young service offenders: custodial orders), for the words “Section 65 of the Criminal Justice Act 1991” there shall be substituted the words “ Sections 16 and 17 of the Crime (Sentences) Act 1997 (as modified by section 19 of that Act) ”.
- (4) In paragraph 3(1) of Schedule 5A to that Act (powers of court on trial of civilian), after the words “fixed by law” there shall be inserted the words “ or falls to be imposed under section 70(3A) above ”.
- (5) In paragraph 10(6A) of that Schedule, for the words “Section 65 of the Criminal Justice Act 1991” there shall be substituted the words “ Sections 16 and 17 of the Crime (Sentences) Act 1997 (as modified by section 19 of that Act) ”.

Commencement Information

- II** Sch. 4 para. 1 partly in force: Sch. 4 para. 1 not in force at Royal Assent, see s. 57(2). Sch. 4 para. 1(1), so far as relating to offences whose corresponding civil offences are offences to which s. 2 would apply, and para. 1(2)(4) in force at 1.10.1997 by S.I. 1997/2200, art. 2(1)(1)(2)(a)

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Air Force Act 1955 (c.19)

- 2 (1) After subsection (3) of section 70 of the Air Force Act 1955 (civil offences) there shall be inserted the following subsection—
- “(3A) Where the corresponding civil offence is one to which section 2, 3 or 4 of the Crime (Sentences) Act 1997 would apply, the court-martial shall impose the sentence required by subsection (2) of that section unless it is of the opinion that there are exceptional circumstances which justify its not doing so.”
- (2) For subsection (1A) of section 71A of that Act (juveniles) there shall be substituted the following subsection—
- “(1A) Where—
- (a) a person under 21 years of age is convicted of murder or any other civil offence the sentence for which is fixed by law as imprisonment for life; or
- (b) a person under that age is convicted of any civil offence to which section 2 of the Crime (Sentences) Act 1997 would apply and the court is not of the opinion mentioned in subsection (2) of that section,
- the court shall sentence him to custody for life unless he is liable to be detained under subsection (3) below.”
- (3) In subsection (6A) of section 71AA of that Act (young service offenders: custodial orders), for the words “Section 65 of the Criminal Justice Act 1991” there shall be substituted the words “ Sections 16 and 17 of the Crime (Sentences) Act 1997 (as modified by section 19 of that Act) ”.
- (4) In paragraph 3(1) of Schedule 5A to that Act (powers of court on trial of civilian), after the words “fixed by law” there shall be inserted the words “ or falls to be imposed under section 70(3A) above ”.
- (5) In paragraph 10(6A) of that Schedule, for the words “Section 65 of the Criminal Justice Act 1991” there shall be substituted the words “ Sections 16 and 17 of the Crime (Sentences) Act 1997 (as modified by section 19 of that Act) ”.

Commencement Information

I2 Sch. 4 para. 2 partly in force: Sch. 4 para. 2 not in force at Royal Assent, see s. 57(2). Sch. 4 para. 2(1), so far as relating to offences whose corresponding civil offences are offences to which s. 2 would apply, and para. 2(2)(4) in force at 1.10.1997 by S.I. 1997/2200, art. 2(1)(1)(2)(a)

Naval Discipline Act 1957 (c.53)

- 3 (1) After subsection (1) of section 42 of the Naval Discipline Act 1957 (civil offences) there shall be inserted the following subsection—
- “(1A) Where the corresponding civil offence is one to which section 2, 3 or 4 of the Crime (Sentences) Act 1997 would apply, the court-martial shall impose the sentence required by subsection (2) of that section unless it is of the opinion that there are exceptional circumstances which justify its not doing so.”
- (2) For subsection (1A) of section 43A of that Act (juveniles) there shall be substituted the following subsection—

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“(1A) Where—

- (a) a person under 21 years of age is convicted of murder or any other civil offence the sentence for which is fixed by law as imprisonment for life; or
- (b) a person under that age is convicted of any civil offence to which section 2 of the Crime (Sentences) Act 1997 would apply and the court is not of the opinion mentioned in subsection (2) of that section,

the court shall sentence him to custody for life unless he is liable to be detained under subsection (3) below.”

- (3) In subsection (6A) of section 43AA of that Act (young service offenders: custodial orders), for the words “Section 65 of the Criminal Justice Act 1991” there shall be substituted the words “ Sections 16 and 17 of the Crime (Sentences) Act 1997 (as modified by section 19 of that Act) ”.
- (4) In paragraph 3(1) of Schedule 4A to that Act (powers of court on trial of civilian), after the words “fixed by law” there shall be inserted the words “ or falls to be imposed under section 42(1A) above ”.
- (5) In paragraph 10(6A) of that Schedule, for the words “Section 65 of the Criminal Justice Act 1991” there shall be substituted the words “ Sections 16 and 17 of the Crime (Sentences) Act 1997 (as modified by section 19 of that Act) ”.

Commencement Information

I3 Sch. 4 para. 3 partly in force: Sch. 4 para. 3 not in force at Royal Assent, see s. 57(2). Sch. 4 para. 3(1), so far as relating to offences whose corresponding civil offences are offences to which s. 2 would apply, and para. 3(2)(4) in force at 1.10.1997 by S.I. 1997/2200, art. 2(1)(l)(2)(a)

Children and Young Persons Act 1963 (c.37)

- 4 After subsection (2) of section 16 of the Children and Young Persons Act 1963 (offences committed by children under 14 to be disregarded for purposes of evidence relating to previous convictions) there shall be inserted the following subsection—

“(3) Nothing in subsection (2) of this section shall be taken to prevent the adduction of evidence of previous convictions for the purpose of establishing the application of any provision of Part I of the Crime (Sentences) Act 1997 (mandatory and minimum custodial sentences).”

Criminal Justice Act 1967 (c.80)

- 5 ^{F1}(1)

- (2) In subsection (4) of section 72 of that Act (power of magistrates to issue warrants for escaped prisoners and mental patients), after the words “restricting his discharge” there shall be inserted the words “ or in pursuance of a hospital direction and a limitation direction ”.

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Textual Amendments

F1 Sch. 4 para. 5(1) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Criminal Appeal Act 1968 (c.19)

- 6 (1) In subsection (1) of section 50 of the Criminal Appeal Act 1968 (meaning of sentence)—
 - (a) after paragraph (b) there shall be inserted the following paragraph—
 - “(bb) a hospital direction and a limitation direction under that Part;”;
 - and
 - ^{F2}(b)
- (2) In sub-paragraph (4) of paragraph 2 of Schedule 2 to that Act (procedural and other provisions applicable on order for retrial), for the words “Section 67 of the Criminal Justice Act 1967 (deduction from certain sentences of time spent in custody before sentence)” there shall be substituted the words “ [^{F3}Section 87 of the Powers of Criminal Courts (Sentencing) Act 2000] (crediting of periods of remand in custody)”.

Textual Amendments

F2 Sch. 4 para. 6(1)(b) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 137(a), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

F3 Words in Sch. 4 para. 6(2) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 187(2)**

Commencement Information

I4 Sch. 4 para. 6 not in force at Royal Assent, see s. 57(2). Sch. 4 para. 6(1)(a) in force at 1.10.1997 by S.I. 1997/2200, **art. 2(1)(2)**, otherwise not in force

Immigration Act 1971 (c.77)

- 7 In subsection (4) of section 7 of the Immigration Act 1971 (exemption from deportation for certain existing residents), for the words “section 67 of the Criminal Justice Act 1967” there shall be substituted the words [^{F4}“ section 87 of the Powers of Criminal Courts (Sentencing) Act 2000 ”].

Textual Amendments

F4 Words in Sch. 4 para. 7 substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 187(3)** (with Sch. 11 paras. 1, 2)

Powers of Criminal Courts Act 1973 (c.62)

^{F5}8

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Textual Amendments

F5 Sch. 4 para. 8 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Rehabilitation of Offenders Act 1974 (c.53)

F69

Textual Amendments

F6 Sch. 4 para. 9 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 137(b), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

Magistrates' Courts Act 1980 (c.43)

- 10 (1) In subsection (4A) of section 82 of the 1980 Act (restriction on power to impose imprisonment for default), in paragraph (e) for the words “under the age of 21” there shall be substituted the words “ under the age of 25 ”.
- (2) For subsection (3) of section 85 of that Act (power to remit fine) there shall be substituted the following subsections—
- “(2A) Where the court remits the whole or part of the fine after an order has been made under section 35(2)(a) or (b) of the Crime (Sentences) Act 1997, it shall also reduce the total number of hours or days to which the order relates by a number which bears the same proportion as the amount remitted bears to the whole sum or, as the case may be, shall revoke the order.
- (3) In calculating any reduction required by subsection (2) or (2A) above any fraction of a day or hour shall be left out of account.”

Commencement Information

I5 Sch. 4 para. 10 not in force at Royal Assent, see s. 57(2). Sch. 4 para. 10(1) in force at 1.10.1997 and Sch. 4 para. 10(2) in force at 1.3.1998 by S.I. 1997/2200, **arts. 2, 3** (para. 10(2) in force subject to savings in art. 5)

Criminal Justice Act 1982 (c.48)

F711

Textual Amendments

F7 Sch. 4 para. 11 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 137(b), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

Mental Health Act 1983 (c.20)

- 12 (1) In subsection (1) of section 37 of the 1983 Act (powers of courts to order hospital admission or guardianship), after the words “is fixed by law” there shall be inserted

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the words “ or falls to be imposed under section 2(2) of the Crime Sentences) Act 1997 ”.

(2) After that subsection there shall be inserted the following subsection—

“(1A) In the case of an offence the sentence for which would otherwise fall to be imposed under subsection (2) of section 3 or 4 of the Crime (Sentences) Act 1997, nothing in that subsection shall prevent a court from making an order under subsection (1) above for the admission of the offender to a hospital.”

(3) In subsection (4) of that section, the words “in the event of such an order being made by the court” shall cease to have effect.

^{F8}(4)

(5) After subsection (4) of that section there shall be inserted the following subsection—

“(5) The preceding provisions of this section shall have effect as if—

- (a) the reference in subsection (1) to a transfer direction and a restriction direction having been given in respect of a person serving a sentence of imprisonment included a reference to a hospital direction and a limitation direction having been given in respect of a person sentenced to imprisonment;
- (b) the reference in subsection (2) to a restriction direction included a reference to a limitation direction; and
- (c) references in subsections (3) and (4) to a transfer direction included references to a hospital direction.”

(6) In section 54 of that Act (requirements as to medical evidence), after the words “38(1)” there shall be inserted the words “ 45A(2) ”.

(7) In subsection (2) of section 61 of that Act (review of treatment)—

- (a) after the words “restriction order” there shall be inserted the words “ , limitation direction ”; and
- (b) in paragraph (b), after the words “section 41(6)” there shall be inserted the words “ , 45B(3) ”.

(8) In subsection (2)(b) of section 69 of that Act (applications to tribunals concerning patients subject to hospital and guardianship orders), after the word “section” there shall be inserted “ 45B(2), ”.

(9) In section 70(a) of that Act (applications to tribunals concerning restricted patients), after the words “hospital order” there shall be inserted the words “ , hospital direction ”.

(10) In subsection (1) of section 74 of that Act (restricted patients), after the words “who is subject to” there shall be inserted the words “ a limitation direction or ”.

(11) In subsection (5) of that section, after the word “above” there shall be inserted the words “ the relevant hospital direction and the limitation direction or, as the case may be, ”.

(12) In subsection (6) of that section, after the words “references to”, in the second place where they occur, there shall be inserted the words “ the hospital direction and the limitation direction or, as the case may be, to ”.

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- (13) In section 75(1)(b) of that Act (applications and references concerning conditionally discharged restricted patients), after the words “hospital order” there shall be inserted the words “, hospital direction”.
- (14) In subsection (1) of section 79 of that Act (interpretation of Part V), after the words “restriction order” there shall be inserted the words “, limitation direction”.
- (15) In subsection (2) of that section—
- (a) after the words “ “the relevant hospital order”” there shall be inserted the words “, “the relevant hospital direction””; and
 - (b) after the words “the hospital order” there shall be inserted the words “, the hospital direction”.
- (16) After subsection (3) of section 92 of that Act (interpretation of Part VI) there shall be inserted the following subsections—
- “(4) Sections 80 to 85A above shall have effect as if—
- (a) any hospital direction under section 45A above were a transfer direction under section 47 above; and
 - (b) any limitation direction under section 45A above were a restriction direction under section 49 above.
- (5) Sections 80(5), 81(6) and 85(4) above shall have effect as if any reference to a transfer direction given while a patient was serving a sentence of imprisonment imposed by a court included a reference to a hospital direction given by a court after imposing a sentence of imprisonment on a patient.”
- (17) In subsection (1) of section 117 of that Act (after-care), after the words “transferred to a hospital in pursuance of” there shall be inserted the words “ a hospital direction made under section 45A above or ”.
- (18) In subsection (3) of section 143 of that Act (general provisions as to regulations, orders and rules), after the word “section” there shall be inserted the word “ 45A(10), ”.
- (19) In subsection (1) of section 145 of that Act (interpretation)—
- (a) after the definition of “hospital” there shall be inserted the following definition—
““hospital direction” has the meaning given in section 45A(3)(a) above;”;
 - (b) after the definition of “interim hospital order” there shall be inserted the following definition—
““limitation direction” has the meaning given in section 45A(3)(b) above;”.

Textual Amendments

- F8** Sch. 4 para. 12(4) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 137(c), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

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Commencement Information

16 Sch. 4 para. 12 partly in force; Sch. 4 para. 12 not in force at Royal Assent, see s. 57(2); Sch. 4 para. 12(1) (and (2) for specified purposes) in force at 1.10.1997 by S.I. 1997/2200, art. 2; Sch. 4 para. 12(2) in force at 1.12.1999 to the extent not already in force by S.I. 1999/3096, art. 2(e)

Criminal Justice Act 1988 (c.33)

13 At the end of subsection (2) of section 36 of the Criminal Justice Act 1988 (review of sentencing) there shall be inserted the words “ or failed to impose a sentence required by section 2(2), 3(2) or 4(2) of the Crime (Sentences) Act 1997 ”.

Commencement Information

17 Sch. 4 para. 13 wholly in force at 1.12.1999; Sch. 4 para. 13 not in force at Royal Assent, see s. 57(2); Sch. 4 para. 13 in force for specified purposes at 1.10.1997 by S.I. 1997/2200, art. 2(1)(2); Sch. 4 para. 13 in force at 1.12.1999 to the extent not already in force by S.I. 1999/3096, art. 2(e)

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

PROSPECTIVE

14 In sub-paragraph (5) of paragraph 9 of Schedule 2 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (exemption from exclusion orders), for the words “section 67 of the Criminal Justice Act 1967” there shall be substituted the words [F9“ section 87 of the Powers of Criminal Courts (Sentencing) Act 2000 ”].

Textual Amendments

F9 Words in Sch. 4 para. 14 substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 187(4)

Criminal Justice Act 1991 (c.53)

- 15** F10(1)
- F10(2)
- F10(3)
- F10(4)
- F10(5)
- F10(6)
- F10(7)
- F10(8)
- F10(9)

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(10) In section 32 of [^{F11}the 1991 Act] (the Parole Board)—

(a) in subsection (1), for the words from “be constituted” to the end there shall be substituted the following paragraphs—

“(a) be constituted in accordance with this Part; and

(b) have the functions conferred by Part II of the Crime (Sentences) Act 1997 (“Part II”).”; and

(b) in subsections (3), (4) and (6), for the words “this Part” there shall be substituted the words “Part II”.

^{F10}(11)

^{F10}(12)

^{F10}(13)

Textual Amendments

F10 Sch. 4 para. 15(1)-(9)(11)-(13) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F11 Words in Sch. 4 para. 15(10) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 187(5)**

Modifications etc. (not altering text)

C1 Sch. 4 para. 15 excluded (1.1.1998) by S.I. 1997/2200, **art. 5(1)**

Commencement Information

I8 Sch. 4 para. 15 wholly in force at 1.12.1999; Sch. 4 para. 15 not in force at Royal Assent, see s. 57(2); Sch. 4 para. 15 in force for specified purposes at 1.10.1997 by S.I. 1997/2200, **art. 2**; Sch. 4 para. 15 in force at 1.12.1999 to the extent not already in force by S.I. 1999/3096, **art. 2(e)**

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

16 (1) In section 10(4) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (meaning of transferred life prisoner), for the words “section 26 of the Criminal Justice Act 1961” there shall be substituted the words “ paragraph 1 of Schedule 1 to the Crime (Sentences) Act 1997 ”.

(2) In Schedule 6 to that Act, in paragraph 1, in the definition of “new provisions”, after the word “Act” where it last occurs, there shall be inserted the words “ and the Repatriation of Prisoners Act 1984 as it has effect by virtue of paragraphs 6 and 7 of Schedule 2 to the Crime (Sentences) Act 1997 ”.

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

^{F12}17

Textual Amendments

F12 Sch. 4 para. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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