

Status: Point in time view as at 08/02/2000.

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 08 August 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)



Crime and Disorder Act 1998

1998 CHAPTER 37

PART IV

DEALING WITH OFFENDERS

CHAPTER I

ENGLAND AND WALES

Miscellaneous and supplemental

83 Power to make confiscation orders on committal for sentence.

After subsection (9) of section 71 of the ^{M1}Criminal Justice Act 1988 (confiscation orders) there shall be inserted the following subsection—

“(9A) Where an offender is committed by a magistrates’ court for sentence under section 38 or 38A of the ^{M2}Magistrates’ Courts Act 1980 or section 56 of the ^{M3}Criminal Justice Act 1967, this section and sections 72 to 74C below shall have effect as if the offender had been convicted of the offence in the proceedings before the Crown Court and not in the proceedings before the magistrates’ court.”

Commencement Information

II S. 83 wholly in force; S. 83 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Marginal Citations

M1 1988 c.33.
M2 1980 c.43.
M3 1967 c.80.

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84 Football spectators: failure to comply with reporting duty.

- (1) In section 16(5) of the ^{M4}Football Spectators Act 1989 (penalties for failure to comply with reporting duty imposed by restriction order)—
- (a) for the words “one month” there shall be substituted the words “ six months ”; and
 - (b) for the words “level 3” there shall be substituted the words “ level 5 ”.
- (2) In section 24(2) of the 1984 Act (arrestable offences), after paragraph (p) there shall be inserted—
- “(q) an offence under section 16(4) of the ^{M5}Football Spectators Act 1989 (failure to comply with reporting duty imposed by restriction order).”

Marginal Citations

M4 1989 c.37.

M5 1989 c.37.

85 Interpretation etc. of Chapter I.

- (1) In this Chapter—
- “action plan order” has the meaning given by section 69(2) above;
- “detention and training order” has the meaning given by section 73(3) above;
- “drug treatment and testing order” has the meaning given by section 61(2) above;
- “make reparation”, in relation to an offender, means make reparation for the offence otherwise than by the payment of compensation;
- “reparation order” has the meaning given by section 67(2) above;
- “responsible officer”—
- (a) in relation to a drug treatment and testing order, has the meaning given by section 62(7) above;
 - (b) in relation to a reparation order, has the meaning given by section 67(10) above;
 - (c) in relation to an action plan order, has the meaning given by section 69(10) above.
- (2) Where the supervision under a reparation order or action plan order is to be provided by a probation officer, the probation officer shall be an officer appointed for or assigned to the petty sessions area named in the order.
- (3) Where the supervision under a reparation order or action plan order is to be provided by—
- (a) a social worker of a local authority social services department; or
 - (b) a member of a youth offending team,
- the social worker or member shall be a social worker of, or a member of a youth offending team established by, the local authority within whose area it appears to the court that the child or young person resides or will reside.
- (4) In this Chapter, in relation to a drug treatment and testing order—

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“the treatment and testing period” has the meaning given by section 61(2) above;

“the treatment provider” and “the treatment requirement” have the meanings given by subsection (1) of section 62 above;

“the testing requirement” has the meaning given by subsection (4) of that section.

(5) In this Chapter, unless the contrary intention appears, expressions which are also used in Part I of the 1991 Act have the same meanings as in that Part.

(6) For the purposes of this Chapter, a sentence falls to be imposed under section 2(2), 3(2) or 4(2) of the 1997 Act if it is required by that provision and the court is not of the opinion there mentioned.

Commencement Information

I2 S. 85 wholly in force; S. 85 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

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