

**Status:** Point in time view as at 07/09/2004. This version of this schedule contains provisions that are prospective.  
**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 is up to date with all changes known to be in force on or before 07 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)

## SCHEDULES

### SCHEDULE 8

Section 119.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Children and Young Persons Act 1933 (c.12)*

- 1 In subsection (4A) of section 49 of the 1933 Act (restrictions on reports of proceedings), for paragraph (e) there shall be substituted the following paragraph—
- “(e) where a detention and training order is made, the enforcement of any requirements imposed under section 76(6)(b) of the Crime and Disorder Act 1998.”

F12 .....

#### Textual Amendments

F1 Sch. 8 para. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F23 .....

#### Textual Amendments

F2 Sch. 8 para. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F34 .....

#### Textual Amendments

F3 Sch. 8 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

##### *Administration of Justice (Miscellaneous Provisions) Act 1933 (c.36)*

- 5 (1) In subsection (2) of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders)—
- (a) after paragraph (ab) there shall be inserted the following paragraph—
- “(ac) the person charged has been sent for trial for the offence under section 51 (no committal proceedings for indictable-only offences) of the Crime and Disorder Act 1998 (“the 1998 Act”); or”; and
- (b) after paragraph (b) there shall be inserted the words “or
- (c) the bill is preferred under section 22B(3)(a) of the<sup>M1</sup> Prosecution of Offences Act 1985.”

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(2) After paragraph (iA) of the proviso to that subsection there shall be inserted the following paragraph—

“(iB) in a case to which paragraph (ac) above applies, the bill of indictment may include, either in substitution for or in addition to any count charging an offence specified in the notice under section 51(7) of the 1998 Act, any counts founded on material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to that Act, was served on the person charged, being counts which may be lawfully joined in the same indictment;”.

#### Commencement Information

**II** Sch. 8 para. 5 wholly in force; Sch. 8 para. 5 not in force at Royal Assent, see s. 121; Sch. 8 para. 5(1)(a)(2) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 5(1)(b) in force at 1.6.1999 by S.I. 1999/1279, art. 2(f); Sch. 8 para. 5(1)(a)(2) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

#### Marginal Citations

**M1** 1985 c.23.

#### *Prison Act 1952 (c.52)*

6 In subsection (1) of section 43 of the Prison Act 1952 (which enables certain institutions for young offenders to be provided and applies provisions of the Act to them), for paragraph (d) there shall be substituted the following paragraph—

“(d) secure training centres, that is to say places in which offenders in respect of whom detention and training orders have been made under section 73 of the Crime and Disorder Act 1998 may be detained and given training and education and prepared for their release.”

7 (1) In subsection (1) of section 49 of that Act (persons unlawfully at large), for the words from “imprisonment” to “secure training centre” there shall be substituted the words “imprisonment or custody for life or ordered to be detained in secure accommodation or in a young offenders institution”.

(2) In subsection (2) of that section—

(a) for the words from “imprisonment” to “secure training centre” there shall be substituted the words “imprisonment, or ordered to be detained in secure accommodation or in a young offenders institution”; and

(b) for the words from “in a prison” to “secure training centre” there shall be substituted the words “in a prison or remand centre, in secure accommodation or in a young offenders institution”.

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

“(5) In this section “secure accommodation” means—

(a) a young offender institution;

(b) a secure training centre; or

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- (c) any other accommodation that is secure accommodation within the meaning given by section 75(7) of the Crime and Disorder Act 1998 (detention and training orders).”

**Extent Information**

**E1** Sch.8 para.7(2) extends to England and Wales only, see s. 121(6)(g).

*Criminal Procedure (Attendance of Witnesses) Act 1965 (c.69)*

- 8 In subsection (4) of section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (issue of witness summons on application to Crown Court), after the words “committed for trial” there shall be inserted the words “ , or sent for trial under section 51 of the Crime and Disorder Act 1998, ”.

**Commencement Information**

**I2** Sch. 8 para. 8 wholly in force; Sch. 8 para. 8 not in force at Royal Assent, see s. 121; Sch. 8 para. 8 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 8 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

*Criminal Justice Act 1967 (c.80)*

F49 .....

**Textual Amendments**

**F4** Sch. 8 para. 9 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F510 .....

**Textual Amendments**

**F5** Sch. 8 para. 10 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

- 11 At the end of subsection (2) of section 104 of that Act (general provisions as to interpretation) there shall be inserted the words “if—
- (a) the sentences were passed on the same occasion; or
  - (b) where they were passed on different occasions, the person has not been released under Part II of the <sup>M2</sup>Criminal Justice Act 1991 at any time during the period beginning with the first and ending with the last of those occasions.”

**Commencement Information**

**I3** Sch. 8 para. 11 wholly in force; Sch. 8 para. 11 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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### Marginal Citations

M2 1991 c.53.

### *Criminal Appeal Act 1968 (c.19)*

- 12 In subsection (2) of section 9 of the Criminal Appeal Act 1968 (appeal against sentence following conviction on indictment), after the words “for either way offence)” there shall be inserted the words “ or paragraph 6 of Schedule 3 to the Crime and Disorder Act 1998 (power of Crown Court to deal with summary offence where person sent for trial for indictable-only offence) ”.

### Commencement Information

- I4** Sch. 8 para. 12 wholly in force; [Sch. 8 para. 12](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 12](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 12](#) in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

- 13 (1) In subsection (2) of section 10 of that Act (appeal against sentence in other cases dealt with at Crown Court), the words “(other than a supervision order within the meaning of that Part)” shall cease to have effect.
- (2) In subsection (3) of that section, after paragraph (c) there shall be inserted the following paragraph—
- “(cc) where the court makes such an order with regard to him as is mentioned in section 40(3A) of the Criminal Justice Act 1991.”

### Commencement Information

- I5** [Sch. 8 para. 13](#) wholly in force; [Sch. 8 para. 13](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#)(subject to savings in arts. 5-8)

### *Firearms Act 1968 (c.27)*

- 14 (1) In subsection (2) of section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime), after the words “a secure training order” there shall be inserted the words “ or a detention and training order ”.
- (2) In subsection (2A) of that section, after paragraph (b) there shall be inserted the following paragraph—
- “(c) in the case of a person who has been subject to a detention and training order—
- (i) the date on which he is released from detention under the order;
- (ii) the date on which he is released from detention ordered under section 77 of the Crime and Disorder Act 1998; or
- (iii) the date of the half-way point of the term of the order,
- whichever is the later.”

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15 In subsection (1) of section 52 of that Act (forfeiture and disposal of firearms), for the words “secure training order” there shall be substituted the words “detention and training order”.

*Children and Young Persons Act 1969 (c.54)*

F<sup>6</sup>16 .....

**Textual Amendments**

F6 Sch. 8 para. 16 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F<sup>7</sup>17 .....

**Textual Amendments**

F7 Sch. 8 para. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F<sup>8</sup>18 .....

**Textual Amendments**

F8 Sch. 8 para. 18 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F<sup>9</sup>19 .....

**Textual Amendments**

F9 Sch. 8 para. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F<sup>10</sup>20 .....

**Textual Amendments**

F10 Sch. 8 para. 20 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F<sup>11</sup>21 .....

**Textual Amendments**

F11 Sch. 8 para. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

22 In subsection (14) of section 23 of the 1969 Act (remands and committals to local authority accommodation), paragraph (a) shall cease to have effect.

23 In subsection (1) of section 70 of the 1969 Act (interpretation), after the definition of “young person” there shall be inserted the following definition—

““youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.”

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**Commencement Information**

**I6** Sch. 8 para. 23 partly in force; Sch. 3 para. 23 not in force at Royal Assent see s. 121; Sch. 8 para. 23 in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), Sch. 1 (subject to savings in art. 9); Sch. 8 para. 23 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, art. 2

*Superannuation Act 1972 (c.11)*

24 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act may apply), at the end of the list of “Other Bodies” there shall be inserted the following entry— “ Youth Justice Board for England and Wales. ”

**Commencement Information**

**I7** Sch. 8 para. 24 wholly in force; Sch. 8 para. 24 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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

F12<sup>25</sup> .....

**Textual Amendments**

**F12** Sch. 8 para. 25 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F13<sup>26</sup> .....

**Textual Amendments**

**F13** Sch. 8 para. 26 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F14<sup>27</sup> .....

**Textual Amendments**

**F14** Sch. 8 para. 27 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F15<sup>28</sup> .....

**Textual Amendments**

**F15** Sch. 8 para. 28 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F16<sup>29</sup> .....

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**Textual Amendments**

**F16** Sch. 8 para. 29 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F17</sup>30 .....

**Textual Amendments**

**F17** Sch. 8 para. 30 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F18</sup>31 .....

**Textual Amendments**

**F18** Sch. 8 para. 31 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F19</sup>32 .....

**Textual Amendments**

**F19** Sch. 8 para. 32 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F20</sup>33 .....

**Textual Amendments**

**F20** Sch. 8 para. 33 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F21</sup>34 .....

**Textual Amendments**

**F21** Sch. 8 para. 34 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)*

35 After subsection (6) of section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences) there shall be inserted the following subsection—

“(6A) Where in respect of a conviction a detention and training order was made under section 73 of the Crime and Disorder Act 1998, the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged fifteen years or over at the date of his conviction, five years if the order was, and three and a half years if the order was not, for a term exceeding six months;
- (b) in the case of a person aged under fifteen years at the date of his conviction, a period beginning with that date and ending one year after the date on which the order ceases to have effect.”

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36

F22

#### Textual Amendments

**F22** Sch. 8 para. 36 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 140, 141(1), [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)

#### *Bail Act 1976 (c.63)*

37 After subsection (8A) of section 3 of the Bail Act 1976 (general provisions) there shall be inserted the following subsection—

“(8B) Subsection (8) above applies where a court has sent a person on bail to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998 as it applies where a court has committed a person on bail to the Crown Court for trial.”

#### Commencement Information

**I8** Sch. 8 para. 37 wholly in force; [Sch. 8 para. 37](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 37](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 37](#) in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

38 In paragraph 8(1) of Schedule 1 to that Act (persons entitled to bail: supplementary provisions), after the words “subsection (6)(d)” there shall be inserted the words “or (e)”.

#### Commencement Information

**I9** [Sch. 8 para. 38](#) wholly in force; [Sch. 8 para. 38](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#) (subject to savings in [arts. 5-8](#))

#### *Magistrates’ Courts Act 1980 (c.43)*

39 In subsection (3) of section 11 of the 1980 Act (certain sentences and orders not to be made in absence of accused), for the words “secure training order” there shall be substituted the words “detention and training order”.

40 (1) In subsection (1)(a) of section 24 of the 1980 Act (summary trial of information against child or young person for indictable offence), for the words “that subsection” there shall be substituted the words “subsection (3) of that section”.

(2) In subsection (2) of that section, for the words from “that other offence” to the end there shall be substituted the words “the charges for both offences could be joined in the same indictment”.

#### Commencement Information

**I10** [Sch. 8 para. 40](#) wholly in force; [Sch. 8 para. 40](#) not in force at Royal Assent see [s. 121](#); [Sch. 8 para. 40\(1\)](#) in force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#) (subject to savings in [arts. 5-8](#)); [Sch. 8 para. 40\(2\)](#)



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in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; Sch. 8 para. 40(2) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in **art. 3**)

- 41 Section 37 of the 1980 Act (committal to Crown Court with a view to greater term of detention in a young offender institution) shall cease to have effect.
- 42 In subsection (1) of section 65 of the 1980 Act (meaning of “family proceedings”), after paragraph (p) there shall be inserted the following paragraph—  
“(q) sections 11 and 12 of the Crime and Disorder Act 1998;”.

#### Commencement Information

**I11** Sch. 8 para. 42 wholly in force; Sch. 8 para. 42 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

- 43 In subsection (2) of section 108 of the 1980 Act (right of appeal to the Crown Court), the words “a probation order or” shall cease to have effect.

#### Commencement Information

**I12** Sch. 8 para. 43 wholly in force; Sch. 8 para. 43 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

F23 44 .....

#### Textual Amendments

**F23** Sch. 8 para. 44 repealed (19.2.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(8)** (with Sch. 14 paras. 7, 36(9)); S.I. 2001/168, **art. 2(b)(c)**

- 45 In section 126 of the 1980 Act (execution of certain warrants outside England and Wales)—
- (a) the word “and” at the end of paragraph (c) shall cease to have effect;
  - (b) after that paragraph there shall be inserted the following paragraph—  
“(cc) warrants of arrest issued under section 97A above;”; and
  - (c) after paragraph (d) there shall be inserted the words “; and  
(e) warrants of arrest issued under paragraph 4 of Schedule 3 to the Crime and Disorder Act 1998.”

#### Commencement Information

**I13** Sch. 8 para. 45 wholly in force; Sch. 8 para. 45 not in force at Royal Assent, see s. 121; Sch. 8 para. 45 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; Sch. 8 para. 45 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in **art. 3**)

F24 46 .....

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**Textual Amendments**

**F24** Sch. 8 para. 46 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

*Supreme Court Act 1981 (c.54)*

F25 47 .....

**Textual Amendments**

**F25** Sch. 8 para. 47 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

48 In subsection (1)(a) of section 81 of the Supreme Court Act 1981 (bail), after the words “Criminal Justice Act 1987” there shall be inserted the words “ or who has been sent in custody to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998 ”.

**Commencement Information**

**I14** Sch. 8 para. 48 wholly in force; Sch. 8 para. 48 not in force at Royal Assent, see s. 121; Sch. 8 para. 48 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 48 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

*Criminal Justice Act 1982 (c.48)*

F26 49 .....

**Textual Amendments**

**F26** Sch. 8 para. 49 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F27 50 .....

**Textual Amendments**

**F27** Sch. 8 para. 50 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F28 51 .....

**Textual Amendments**

**F28** Sch. 8 para. 51 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F29 52 .....

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#### Textual Amendments

**F29** Sch. 8 para. 52 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F30</sup>53 .....

#### Textual Amendments

**F30** Sch. 8 para. 53 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

#### *Mental Health Act 1983 (c.20)*

54 In subsection (8) of section 37 of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship), for the words from “pass sentence of imprisonment” to “in respect of the offender” there shall be inserted the following paragraphs—

- “(a) pass a sentence of imprisonment, impose a fine or make a community order (within the meaning of Part I of the Criminal Justice Act 1991) in respect of the offence; or
- (b) make an order under section 58 of that Act (binding over of parent or guardian) in respect of the offender.”.

#### Commencement Information

**I15** Sch. 8 para. 54 wholly in force; Sch. 8 para. 54 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### *Mental Health (Scotland) Act 1984 (c.36)*

55 (1) In subsection (8A) of section 74 of the Mental Health (Scotland) Act 1984 (effect of certain directions), for the words “the Crime and Punishment (Scotland) Act 1997” there shall be substituted the words “Part I of the <sup>M3</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993”.

(2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 January 1998.

#### Marginal Citations

**M3** 1993 c.9.

#### *Repatriation of Prisoners Act 1984 (c.47)*

56 In subsection (4)(b) of section 2 (transfer of prisoners out of United Kingdom) of the Repatriation of Prisoners Act 1984, for sub-paragraph (i) there shall be substituted the following sub-paragraph—

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*Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 8 is up to date with all changes known to be in force on or before 07 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)*

“(i) released on licence under section 33(1)(b), (2) or (3), 33A(2), 34A(3) or 35(1) of the <sup>M4</sup>Criminal Justice Act 1991 or section 28(5) or 29(1) of the <sup>M5</sup>Crime (Sentences) Act 1997;”.

#### Commencement Information

**I16** Sch. 8 para. 56 wholly in force; Sch. 8 para. 56 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### Marginal Citations

**M4** 1991 c.53.

**M5** 1997 c.43.

57 <sup>F31</sup> .....

#### Textual Amendments

**F31** Sch. 8 para. 57 repealed (18.12.2003) by Criminal Justice Act 2003 (c. 44), ss. 332, 336(2), Sch. 37 Pt. 8

- 58 (1) Paragraph 2 of the Schedule to that Act as it has effect, and is deemed always to have had effect, by virtue of paragraph 2 of Schedule 2 to the 1997 Act shall be amended as follows.
- (2) In sub-paragraph (4), for the definition of “the enactments relating to release on licence” there shall be substituted the following definition—

““the enactments relating to release on licence” means sections 33(1)(b), (2) and (3), 33A(2), 34A(3), 35(1) and 37(1) and (2) of the <sup>M6</sup>Criminal Justice Act 1991 and section 28(5) and (7) of the <sup>M7</sup>Crime (Sentences) Act 1997;”.

#### Commencement Information

**I17** Sch. 8 para. 58 wholly in force; Sch. 8 para. 58 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### Marginal Citations

**M6** 1991 c.53.

**M7** 1997 c.43.

- 59 (1) Paragraph 2 of the Schedule to that Act (operation of certain enactments in relation to the prisoner) as it has effect by virtue of paragraph 3 of Schedule 2 to the 1997 Act—
- (a) shall have effect in relation to all prisoners repatriated to England and Wales after the commencement of Schedule 2; and
  - (b) as it so has effect, shall be amended as follows.
- (2) In sub-paragraph (2), for the words “34(3) and (5) and 35(1) of the <sup>M8</sup>Criminal Justice Act 1991” there shall be substituted the words “ 35(1) of the Criminal Justice Act 1991 and section 28(5) and (7) of the <sup>M9</sup>Crime (Sentences) Act 1997 ”.

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(3) In sub-paragraph (4), for the definition of “the enactments relating to release on licence” there shall be substituted the following definition—

““the enactments relating to release on licence” means sections 33(1)(b), (2) and (3), 33A(2), 34A(3), 35(1) and 37(1) and (2) of the <sup>M10</sup>Criminal Justice Act 1991 and section 28(5) and (7) of the <sup>M11</sup>Crime (Sentences) Act 1997;”.

#### Commencement Information

**I18** Sch. 8 para. 59 wholly in force; Sch. 8 para. 59 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### Marginal Citations

**M8** 1991 c.53.

**M9** 1997 c.43.

**M10** 1991 c.53.

**M11** 1997 c.43.

60 F32 .....

#### Textual Amendments

**F32** Sch. 8 para. 60 repealed (18.12.2003) by Criminal Justice Act 2003 (c. 44), ss. 332, 336(2), Sch. 37 Pt. 8

#### *Police and Criminal Evidence Act 1984 (c.60)*

61 F33 .....

#### Textual Amendments

**F33** Sch. 8 para. 61 repealed (1.4.2003) by 2001 c. 16, ss. 137, 138(2), Sch. 7 Pt. 2(1); S.I. 2003/708, art. 2(m)

62 After section 47 of the 1984 Act there shall be inserted the following section—

#### **“47A Early administrative hearings conducted by justices’ clerks.**

Where a person has been charged with an offence at a police station, any requirement imposed under this Part for the person to appear or be brought before a magistrates’ court shall be taken to be satisfied if the person appears or is brought before the clerk to the justices for a petty sessions area in order for the clerk to conduct a hearing under section 50 of the Crime and Disorder Act 1998 (early administrative hearings).”

#### Commencement Information

**I19** Sch. 8 para. 62 wholly in force; Sch. 8 para. 62 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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*Prosecution of Offences Act 1985 (c.23)*

63 In subsection (2) of section 23 of the 1985 Act (discontinuance of proceedings), after paragraph (b) there shall be inserted the following paragraph—

“(c) in the case of any offence, any stage of the proceedings after the accused has been sent for trial under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only and related offences).”

**Commencement Information**

**I20** Sch. 8 para. 63 wholly in force; [Sch. 8 para. 63](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 63](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 63](#) in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

64 After that section there shall be inserted the following section—

**“23A Discontinuance of proceedings after accused has been sent for trial.**

- (1) This section applies where—
  - (a) the Director of Public Prosecutions, or a public authority (within the meaning of section 17 of this Act), has the conduct of proceedings for an offence; and
  - (b) the accused has been sent for trial under section 51 of the Crime and Disorder Act 1998 for the offence.
- (2) Where, at any time before the indictment is preferred, the Director or authority gives notice under this section to the Crown Court sitting at the place specified in the notice under section 51(7) of the Crime and Disorder Act 1998 that he or it does not want the proceedings to continue, they shall be discontinued with effect from the giving of that notice.
- (3) The Director or authority shall, in any notice given under subsection (2) above, give reasons for not wanting the proceedings to continue.
- (4) On giving any notice under subsection (2) above the Director or authority shall inform the accused of the notice; but the Director or authority shall not be obliged to give the accused any indication of his reasons for not wanting the proceedings to continue.
- (5) The discontinuance of any proceedings by virtue of this section shall not prevent the institution of fresh proceedings in respect of the same offence.”

**Commencement Information**

**I21** Sch. 8 para. 64 wholly in force; [Sch. 8 para. 64](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 64](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 64](#) in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

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*Criminal Justice Act 1987 (c.38)*

65 After subsection (3) of section 4 of the Criminal Justice Act 1987 (notices of transfer in serious fraud cases) there shall be inserted the following subsection—

“(4) This section and sections 5 and 6 below shall not apply in any case in which section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences) applies.”

**Commencement Information**

**I22** Sch. 8 para. 65 wholly in force; Sch. 8 para. 65 not in force at Royal Assent, see s. 121; Sch. 8 para. 65 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 65 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

*Criminal Justice Act 1988 (c.33)*

66 In subsection (1) of section 40 of the Criminal Justice Act 1988 (power to join in indictment count for common assault etc.), at the end there shall be inserted the words “or are disclosed by material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where person sent for trial under section 51), has been served on the person charged”.

**Commencement Information**

**I23** Sch. 8 para. 66 wholly in force; Sch. 8 para. 66 not in force at Royal Assent, see s. 121; Sch. 8 para. 66 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 66 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

*Legal Aid Act 1988 (c.34)*

F34 67 .....

**Textual Amendments**

**F34** Sch. 8 para. 67 repealed (2.4.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 3(b) (with Sch. 2 para. 2)

*Children Act 1989 (c.41)*

68 In subsection (4) of section 8 of the 1989 Act (which defines “family proceedings”), after paragraph (h) there shall be inserted the following paragraph—

“(i) sections 11 and 12 of the Crime and Disorder Act 1998.”

**Commencement Information**

**I24** Sch. 8 para. 68 wholly in force; Sch. 8 para. 68 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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- 69 In subsection (3) of section 47 of the 1989 Act (local authority’s duty to investigate), after the words “this Act” there shall be inserted the words “ or section 11 of the Crime and Disorder Act 1998 (child safety orders) ”.

**Commencement Information**

**I25** Sch. 8 para. 69 wholly in force; Sch. 8 para. 69 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

*Prisons (Scotland) Act 1989 (c.45)*

- 70 (1) Section 16 of the Prisons (Scotland) Act 1989 (discharge of prisoners) which, notwithstanding its repeal by the <sup>M12</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993, is an “existing provision” for the purposes of Schedule 6 to that Act of 1993, shall for those purposes be amended as follows.
- (2) In subsection (1), for the words “or Sunday” there shall be substituted the words “ Sunday or public holiday ”.
- (3) At the end there shall be inserted the following subsection—
- “(3) For the purposes of this section “public holiday” means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.”

**Commencement Information**

**I26** Sch. 8 para. 70 wholly in force; Sch. 8 para. 70 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M12** 1993 c.9.

- 71 In section 39 of that Act (rules for the management of prisons)—
- (a) in subsection (7)—
- (i) at the beginning there shall be inserted the words “ Subject to subsection (7A) below, ”;
- (ii) for the words “a short-term or long-term prisoner within the meaning of” there shall be substituted the words “ any person who is, or is treated as, a long-term or short-term prisoner for the purposes of any provision of ”; and
- (iii) the words from “and the foregoing” to the end shall cease to have effect; and
- (b) after that subsection there shall be inserted the following subsections—
- “(7A) Additional days shall not be awarded under rules made under subsection (7) above in respect of a sentence where the prisoner has at any time been released on licence, in relation to that sentence, under Part I of the <sup>M13</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993; and any reference to a sentence in such rules shall be construed in accordance with section 27(5) of that Act.



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(7B) In the application of subsection (7) above to a prisoner subject to an extended sentence within the meaning of section 210A of the 1995 Act, the reference to his sentence shall be construed as a reference to the custodial term of that extended sentence.”

**Commencement Information**

**I27** Sch. 8 para. 71 wholly in force; Sch. 8 para. 71 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M13** 1993 c.9.

*Criminal Justice Act 1991 (c. 53)*

F35 72 .....

**Textual Amendments**

**F35** Sch. 8 para. 72 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F36 73 .....

**Textual Amendments**

**F36** Sch. 8 para. 73 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F37 74 .....

**Textual Amendments**

**F37** Sch. 8 para. 74 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F38 75 .....

**Textual Amendments**

**F38** Sch. 8 para. 75 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F39 76 .....

**Textual Amendments**

**F39** Sch. 8 para. 76 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F40 77 .....

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#### Textual Amendments

**F40** [Sch. 8 para. 77](#) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with [Sch. 11 paras. 1, 2](#))

**F41**<sup>78</sup> .....

#### Textual Amendments

**F41** [Sch. 8 para. 78](#) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with [Sch. 11 paras. 1, 2](#))

- 79 (1) In subsection (1)(b) of section 32 of the 1991 Act (Parole Board), for the words “the functions conferred by Part II of the<sup>M14</sup>Crime (Sentences) Act 1997 (“Part II)” there shall be substituted the words “the functions conferred by this Part in respect of long-term and short-term prisoners and by Chapter II of Part II of the Crime (Sentences) Act 1997 (“Chapter II”) in respect of life prisoners within the meaning of that Chapter”.
- (2) In subsections (3), (4) and (6) of that section, for the words “Part II” there shall be substituted the words “this Part or Chapter II”.

#### Commencement Information

**I28** [Sch. 8 para. 79](#) wholly in force; [Sch. 8 para. 79](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), **art. 2(1)(2)** (subject to savings in [arts. 5-8](#))

#### Marginal Citations

**M14** [1997 c.43](#).

- 80 (1) In subsection (3) of section 33 of the 1991 Act (duty to release short-term and long-term prisoners)—
- (a) in paragraph (a), for the words “subsection (1)(b) or (2) above or section 35 or 36(1) below” there shall be substituted the words “this Part”; and
  - (b) in paragraph (b), for the words “38(2) or 39(1)” there shall be substituted the words “39(1) or (2)”.
- (2) After that subsection there shall be inserted the following subsection—
- “(3A) In the case of a prisoner to whom section 44A below applies, it shall be the duty of the Secretary of State to release him on licence at the end of the extension period (within the meaning of section 58 of the Crime and Disorder Act 1998).”
- (3) Subsection (4) of that section shall cease to have effect.

#### Commencement Information

**I29** [Sch. 8 para. 80](#) wholly in force; [Sch. 8 para. 80](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), **art. 2(1)(2)** (subject to savings in [arts. 5-8](#))

- 81 After that section there shall be inserted the following section—

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### “33A Duty to release prisoners: special cases.

- (1) As soon as a prisoner—
- (a) whose sentence is for a term of less than twelve months; and
  - (b) who has been released on licence under section 34A(3) or 36(1) below and recalled to prison under section 38A(1) or 39(1) or (2) below,
- would (but for his release) have served one-half of his sentence, it shall be the duty of the Secretary of State to release him unconditionally.
- (2) As soon as a prisoner—
- (a) whose sentence is for a term of twelve months or more; and
  - (b) who has been released on licence under section 34A(3) below and recalled to prison under section 38A(1) below,
- would (but for his release) have served one-half of his sentence, it shall be the duty of the Secretary of State to release him on licence.
- (3) In the case of a prisoner who—
- (a) has been released on licence under this Part and recalled to prison under section 39(1) or (2) below; and
  - (b) has been subsequently released on licence under section 33(3) or (3A) above and recalled to prison under section 39(1) or (2) below,
- section 33(3) above shall have effect as if for the words “three-quarters” there were substituted the words “the whole” and the words “on licence” were omitted.”

#### Commencement Information

**I30** Sch. 8 para. 81 wholly in force; Sch. 8 para. 81 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 82 In subsection (1) of section 36 of the 1991 Act (power to release prisoners on compassionate grounds), for word “prisoner” there shall be substituted the words “short-term or long-term prisoner”.

#### Commencement Information

**I31** Sch. 8 para. 82 wholly in force; Sch. 8 para. 82 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 83 (1) In subsection (1) of section 37 of the 1991 Act (duration and conditions of licences)
- (a) for the words “subsection (2)” there shall be substituted the words “subsections (1A), (1B) and (2)”; and
  - (b) the words “any suspension under section 38(2) below or, as the case may be,” shall cease to have effect.
- (2) After subsection (1A) of that section there shall be inserted the following subsection—

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- “(1B) Where a prisoner whose sentence is for a term of twelve months or more is released on licence under section 33A(2) or 34A(3) above, subsection (1) above shall have effect as if for the reference to three-quarters of his sentence there were substituted a reference to the difference between—
- (a) that proportion of his sentence; and
  - (b) the duration of the curfew condition to which he is or was subject.”
- (3) In subsection (2) of that section, for the words “section 36(1) above” there shall be substituted the words “ section 34A(3) or 36(1) above ”.
- (4) In subsection (4) of that section—
- (a) after the words “a licence” there shall be inserted the words “ under this Part ”; and
  - (b) the words “(which shall include on his release conditions as to his supervision by a probation officer)” shall cease to have effect.
- (5) After that subsection there shall be inserted the following subsection—
- “(4A) The conditions so specified may in the case of a person released on licence under section 34A above whose sentence is for a term of less than twelve months, and shall in any other case, include on the person’s release conditions as to his supervision by—
- (a) a probation officer appointed for or assigned to the petty sessions area within which the person resides for the time being; or
  - (b) where the person is under the age of 18 years, a member of a youth offending team established by the local authority within whose area the person resides for the time being.”
- (6) For subsection (5) of that section there shall be substituted the following subsection—
- “(5) The Secretary of State shall not include on release, or subsequently insert, a condition in the licence of a long-term prisoner, or vary or cancel any such condition, except after consultation with the Board.”

**Commencement Information**

**I32** Sch. 8 para. 83 wholly in force at 1.1.1999; Sch. 8 para. 83 not in force at Royal Assent see s. 121; Sch. 8 para. 83(1)(a)(4)-(6) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8); Sch. 8 para. 83 in force at 1.1.1999 by S.I. 1998/3263, art. 2

84 After subsection (5) of section 39 of the 1991 Act (recall of prisoners while on licence) there shall be inserted the following subsection—

- “(5A) In the case of a prisoner to whom section 44A below applies, subsections (4) (b) and (5) of that section apply in place of subsection (5) above.”

**Commencement Information**

**I33** Sch. 8 para. 84 wholly in force; Sch. 8 para. 84 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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### Textual Amendments

**F42** Sch. 8 para. 85 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

PROSPECTIVE

F43 86

### Textual Amendments

**F43** Sch. 8 para. 86 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 118(5)(a), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)

87 (1) In subsection (3) of section 43 of the 1991 Act (young offenders), for the words “subsections (1)” there shall be substituted the words “ subsection (1) ”.

(2) In subsection (5) of that section, for the words “section 37(4)” there shall be substituted the words “ section 37(4A) ”.

### Commencement Information

**I34** Sch. 8 para. 87 wholly in force; Sch. 8 para. 87 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

88 (1) In subsection (1) of section 45 of the 1991 Act (fine defaulters and contemnors), for the words “except sections 35 and 40” there shall be substituted the words “ except sections 33A, 34A, 35 and 40 ”.

(2) In subsection (3) of that section—

- (a) for the words “subsections (1) to (4)” there shall be substituted the words “ subsections (1) to (3) ”; and
- (b) for the words “section 38(2) or 39(1)” there shall be substituted the words “ section 39(1) or (2) ”.

(3) In subsection (4) of that section—

- (a) the words “any suspension under section 38(2) below; or” shall cease to have effect; and
- (b) for the words “section 39(1)” there shall be substituted the words “ section 39(1) or (2) ”.

### Commencement Information

**I35** Sch. 8 para. 88 wholly in force at 1.1.1999; Sch. 8 para. 88 not in force at Royal Assent see s. 121; Sch. 8 para. 88(1)(2)(3)(b) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8); Sch. 8 para. 88(3)(a) in force at 1.1.1999 by S.I. 1998/3263, art. 2

89 In subsection (2) of section 46 of the 1991 Act (persons liable to removal from the United Kingdom), for the words from “section 37(4)” to the end there shall be substituted the words “ section 37 above shall have effect as if subsection (4A) were omitted ”.

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**Commencement Information**

**I36** Sch. 8 para. 89 wholly in force; Sch. 8 para. 89 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

PROSPECTIVE

F4490 .....

**Textual Amendments**

**F44** Sch. 8 para. 90 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 118(5)(b), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)

91 In section 50 of the 1991 Act (transfer by order of certain functions to Board), for subsection (3) (including that subsection as applied by any order under subsection (1) of that section) there shall be substituted the following subsection—  
 “(3) In section 37 above, in subsection (5) for the words “after consultation with the Board” there shall be substituted the words “ in accordance with recommendations of the Board ”, and subsection (6) shall be omitted.”

**Commencement Information**

**I37** Sch. 8 para. 91 wholly in force; Sch. 8 para. 91 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

F4592 .....

**Textual Amendments**

**F45** Sch. 8 para. 92 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

93 After subsection (7) of section 53 of the 1991 Act (notices of transfer in certain cases involving children) there shall be inserted the following subsection—  
 “(8) This section shall not apply in any case in which section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences) applies.”

**Commencement Information**

**I38** Sch. 8 para. 93 wholly in force; Sch. 8 para. 93 not in force at Royal Assent, see s. 121; Sch. 8 para. 93 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 93 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

94 (1) In subsection (1) of section 65 of the 1991 Act (supervision of young offenders after release), for the words from “a probation officer” to the end there shall be substituted the following paragraphs—

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- “(a) a probation officer;
- (b) a social worker of a local authority social services department; or
- (c) in the case of a person under the age of 18 years on his release, a member of a youth offending team.”

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

“(1A) Where the supervision is to be provided by a probation officer, the probation officer shall be an officer appointed for or assigned to the petty sessions area within which the offender resides for the time being.

(1B) Where the supervision 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 the offender resides for the time being.”

**Commencement Information**

**I39** Sch. 8 para. 94 wholly in force; Sch. 3 para. 94 not in force at Royal Assent see s. 121; Sch. 8 para. 94 in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), Sch. 1 (subject to savings in art. 9); Sch. 8 para. 94 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, art. 2

95 In subsection (1) of section 99 of the 1991 Act (general interpretation), after the definition of “young person” there shall be inserted the following definition—

““youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.”

**Commencement Information**

**I40** Sch. 8 para. 95 wholly in force; Sch. 3 para. 95 not in force at Royal Assent see s. 121; Sch. 8 para. 95 in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), Sch. 1 (subject to savings in art. 9); Sch. 8 para. 95 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, art. 2

F4696 .....

**Textual Amendments**

**F46** Sch. 8 para. 96 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

97 In paragraph 1(2) of Schedule 5 to the 1991 Act (Parole Board: supplementary provisions), for the words “its functions under Part II of this Act” there shall be substituted the following paragraphs—

- “(a) its functions under this Part in respect of long-term and short-term prisoners; and

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- (b) its functions under Chapter II of Part II of the <sup>M15</sup>Crime (Sentences) Act 1997 in respect of life prisoners within the meaning of that Chapter”.

**Commencement Information**

**I41** Sch. 8 para. 97 wholly in force; Sch. 8 para. 97 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M15** 1997 c.43.

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

- 98 (1) In subsection (1) of section 1 of the 1993 Act (release of short-term, long-term and life prisoners), at the beginning there shall be inserted the words “ Subject to section 26A(4) of this Act, ”.
- (2) In subsection (2) of that section, at the end there shall be added the words “ unless he has before that time been so released, in relation to that sentence, under any provision of this Act ”.
- (3) After subsection (3) of that section there shall be inserted the following subsection—  
 “(3A) Subsections (1) to (3) above are subject to section 1A of this Act.”

**Modifications etc. (not altering text)**

**C1** Sch. 8 para. 98(2) restricted (19.9.1998) by S.I. 1998/2327, art.7(1).

**Commencement Information**

**I42** Sch. 8 para. 98 wholly in force; Sch. 8 para. 98 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 99 (1) After subsection (1) of section 4 of the 1993 Act (persons detained under the Mental Health (Scotland) Act 1984) there shall be inserted the following subsection—  
 “(1A) This Part of this Act shall apply to a person conveyed to and detained in a hospital pursuant to a hospital direction under section 59A of the 1995 Act as if, while so detained, he was serving the sentence of imprisonment imposed on him at the time at which that direction was made.”
- (2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 January 1998.
- 100 In section 5 of the 1993 Act (fine defaulters and persons in contempt of court)—  
 (a) in subsection (1), for the words “and (3)” there shall be substituted the words “ to (4) ”; and  
 (b) after subsection (3) there shall be inserted the following subsection—  
 “(4) Where a person has had imposed on him two or more terms of imprisonment or detention mentioned in subsection (1)(a) or (b)



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above, sections 1A and 27(5) of this Act shall apply to those terms as if they were terms of imprisonment.”

**Modifications etc. (not altering text)**

**C2** Sch. 8 para. 100 explained (19.9.1998) by S.I. 1998/2327, art.7(2).

**Commencement Information**

**I43** Sch. 8 para. 100 wholly in force; Sch. 8 para. 100 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 101 In section 7 of the 1993 Act (children detained in solemn proceedings)—
- (a) in subsection (1)(b), at the end there shall be added the words “ unless he has before that time been so released, in relation to that sentence, under any provision of this Act ”;
  - (b) after that subsection there shall be inserted the following subsections—
    - “(2A) This subsection applies where a child detained under section 208 of the 1995 Act is sentenced, while so detained, to a determinate term of detention in a young offenders institution or imprisonment and, by virtue of section 27(5) of this Act, such terms of detention or imprisonment are treated as single term.
    - (2B) In a case where subsection (2A) applies and the single term mentioned in that subsection is less than four years, the provisions of this section shall apply.
    - (2C) In a case where subsection (2A) applies and the single term mentioned in that subsection is of four or more years—
      - (a) section 6 of this Act shall apply to him as if the single term were an equivalent sentence of detention in a young offenders institution, if that term is served in such an institution; and
      - (b) the provisions of this Act shall apply to him as if the single term were an equivalent sentence of imprisonment, if that term is served in a remand centre or a prison.”;
  - (c) after subsection (4) there shall be inserted the following subsection—
    - “(4A) Where an order under subsection (3) above is made, the making of the order shall, if there is in force a licence relating to the person in respect of whom the order is made, have the effect of revoking that licence.”; and
  - (d) in subsection (5), after the word “construed” there shall be inserted the words “ and sections 1A and 27 shall apply ”.

**Modifications etc. (not altering text)**

**C3** Sch. 8 para. 101(a) restricted (19.9.1998) by S.I. 1998/2327, art.7(3).

**Commencement Information**

**I44** Sch. 8 para. 101 wholly in force; Sch. 8 para. 101 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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- 102 In section 11 of the 1993 Act (duration of licences), subsections (3)(b) and (4) shall cease to have effect.

**Modifications etc. (not altering text)**

C4 Sch. 8 para. 102 restricted (19.9.1998) by S.I. 1998/2327, art.7(4).

**Commencement Information**

I45 Sch. 8 para. 102 wholly in force; Sch. 8 para. 102 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 103 In section 14 of the 1993 Act (supervised release of short-term prisoners), subsections (2) and (3) shall cease to have effect.

**Modifications etc. (not altering text)**

C5 Sch. 8 para. 103 restricted (19.9.1998) by S.I. 1998/2327, art.8(1).

**Commencement Information**

I46 Sch. 8 para. 103 wholly in force; Sch. 8 para. 103 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 104 (1) In subsection (1) of section 16 of the 1993 Act (orders for return to prison after commission of further offence), after the word “released” there shall be inserted the words “ at any time ”.
- (2) In paragraph (a) of subsection (7) of that section, after the word “shall” there shall be inserted the words “ , if the licence is in force when the order is made, ”.
- (3) Paragraph (b) of that subsection shall cease to have effect.

**Modifications etc. (not altering text)**

C6 Sch. 8 para. 104(3) restricted (19.9.1998) by S.I. 1998/2327, art.7(4).

**Commencement Information**

I47 Sch. 8 para. 104 wholly in force; Sch. 8 para. 104 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 105 In section 17 of the 1993 Act (revocation of licence), after subsection (4) there shall be inserted the following subsection—

“(4A) Where the case of a prisoner to whom section 3A of this Act applies is referred to the Parole Board under subsection (3) above, subsection (4) of that section shall apply to that prisoner in place of subsection (4) above.”

**Commencement Information**

I48 Sch. 8 para. 105 wholly in force; Sch. 8 para. 105 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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106 In section 20 of the 1993 Act (Parole Board for Scotland), at the end of subsection (4) there shall be inserted the words— “ and rules under this section may make different provision for different classes of prisoner. ”

**Commencement Information**

**I49** Sch. 8 para. 106 wholly in force; Sch. 8 para. 106 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

107 After subsection (7) of section 27 of the 1993 Act (interpretation) there shall be inserted the following subsection—

“(8) For the purposes of this section “public holiday” means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.”

**Commencement Information**

**I50** Sch. 8 para. 107 wholly in force; Sch. 8 para. 107 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

108 In Schedule 6 to the 1993 Act (transitional provisions), after paragraph 6C there shall be inserted the following paragraph—

“6D Where a prisoner released on licence is treated by virtue of the provisions of this or any other enactment as a prisoner whose licence was granted under section 2(4) of this Act, the validity of his licence shall not be affected by the absence in the licence of such a condition as is specified in section 12(2) of this Act.”

**Commencement Information**

**I51** Sch. 8 para. 108 wholly in force; Sch. 8 para. 108 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

*Probation Service Act 1993 (c.47)*

<sup>F47</sup>109 .....

**Textual Amendments**

**F47** Sch. 8 para. 109 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F48</sup>110 .....

**Textual Amendments**

**F48** Sch. 8 para. 110 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 153, Sch. 8; S.I. 2001/919, art. 2(f)(ii)(g)

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

111 In subsection (3) of section 12 of the 1994 Act (escort arrangements and officers), after the words “secure training orders” there shall be inserted the words “ or detention and training orders ”.

F49 112 .....

**Textual Amendments**  
**F49** Sch. 8 para. 112 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

113 (1) In sub-paragraph (1) of paragraph 3 of Schedule 2 to the 1994 Act (certification of custody officers: England and Wales)—

- (a) in paragraph (b), for the words “person in charge” there shall be substituted the word “ monitor ”; and
- (b) in paragraph (c), for the words “person in charge” there shall be substituted the word “ governor ”.

(2) In sub-paragraph (2) of that paragraph, for the words “or person in charge” there shall be substituted the words “ , monitor or governor ”.

**Commencement Information**  
**I52** Sch. 8 para. 113 wholly in force; Sch. 8 para. 113 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

*Drug Trafficking Act 1994 (c.37)*

114 F50 .....

**Textual Amendments**  
**F50** Sch. 8 para. 114 repealed (24.3.2003) by **Proceeds of Crime Act 2002 (c. 29)**, ss. 457, 458(1), **Sch. 12**; S.I. 2003/120 {art. 2(1)}, Sch.

*Proceeds of Crime (Scotland) Act 1995 (c.43)*

115 F51 .....

**Textual Amendments**  
**F51** Sch. 8 para. 115 ceased to have effect (24.2.2003) and repealed (24.3.2003) by virtue of **Proceeds of Crime Act 2002 (c. 29)**, ss. 456, 457, 458(1), Sch. 11 para. 35, **Sch. 12**; S.I. 2003/120, **art. 2(1)**, Sch.; S.I. 2003/333, **art. 2(1)**, Sch.

116 F52 .....

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### Textual Amendments

**F52** Sch. 8 para. 116 ceased to have effect (24.2.2003) and repealed (24.3.2003) by virtue of Proceeds of Crime Act 2002 (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 35, Sch. 12; S.I. 2003/120, art. 2(1), Sch.; S.I. 2003/333, art. 2(1), Sch.

### *Criminal Procedure (Scotland) Act 1995 (c.46)*

117 (1) For section 18(3) of the 1995 Act (prints and samples) there shall be substituted the following subsection—

“(3) Subject to subsection (4) below, all record of any relevant physical data taken from or provided by a person under subsection (2) above, all samples taken under subsection (6) below and all information derived from such samples shall be destroyed as soon as possible following a decision not to institute criminal proceedings against the person or on the conclusion of such proceedings otherwise than with a conviction or an order under section 246(3) of this Act.”

(2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 August 1997.

118 In subsection (3) of section 49 of the 1995 Act (references to children’s hearings), in paragraph (b), after the words “the sheriff” there shall be inserted the words “or district”.

### Commencement Information

**I53** Sch. 8 para. 118 wholly in force; Sch. 8 para. 118 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

119 In section 106(1)(bb) of the 1995 Act (appeals against automatic sentences), which is prospectively inserted by section 18(1) of the <sup>M16</sup>Crime and Punishment (Scotland) Act 1997, for the words “205B(3) or 209(1A)” there shall be substituted the words “ or 205B(3) ”.

### Commencement Information

**I54** Sch. 8 para. 119 wholly in force; Sch. 8 para. 119 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

### Marginal Citations

**M16** 1997 c.48.

120 In section 108A of the 1995 Act (prosecutor’s right of appeal against refusal to impose automatic sentence), which is prospectively inserted by section 18(2) of the <sup>M17</sup>Crime and Punishment (Scotland) Act 1997, for the words “205B(3) or 209(1A)” there shall be substituted the words “ or 205B(3) ”.

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**Commencement Information**

**I55** Sch. 8 para. 120 wholly in force; Sch. 8 para. 120 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M17** 1997 c.48.

- 121 In section 118(4A) of the 1995 Act (disposal of appeals), which is prospectively inserted by section 18(5) of the <sup>M18</sup>Crime and Punishment (Scotland) Act 1997, in paragraph (c), sub-paragraph (iii) shall cease to have effect.

**Commencement Information**

**I56** Sch. 8 para. 121 wholly in force; Sch. 8 para. 121 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M18** 1997 c.48.

- 122 In section 167 of the 1995 Act (findings and sentences in summary proceedings), in subsection (7), at the beginning there shall be inserted the words “ Subject to section 204A of this Act, ”.

**Commencement Information**

**I57** Sch. 8 para. 122 wholly in force; Sch. 8 para. 122 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 123 In subsection (5C) of section 175 of the 1995 Act (right of appeal in summary proceedings), the words “paragraph (a) of” shall be omitted.

**Commencement Information**

**I58** Sch. 8 para. 123 wholly in force; Sch. 8 para. 123 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 124 In subsection (1) of section 307 of the 1995 Act (interpretation), in the definition of “officer of law”—
- (a) after paragraph (b) there shall be inserted the following paragraph—
    - “(ba) any person commissioned by the Commissioners of Customs and Excise;”;
  - (b) in paragraph (e), for the words “class or persons” there shall be substituted the words “ class of persons ”.

**Commencement Information**

**I59** Sch. 8 para. 124 wholly in force; Sch. 8 para. 124 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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*Criminal Procedure and Investigations Act 1996 (c.25)*

- 125 In subsection (2) of section 1 of the Criminal Procedure and Investigations Act 1996 (application of Part I of that Act)—
- (a) after paragraph (c) there shall be inserted the following paragraph—
    - “(cc) a person is charged with an offence for which he is sent for trial under section 51 (no committal proceedings for indictable-only offences) of the Crime and Disorder Act 1998,”; and
  - (b) at the end there shall be inserted the words “or
    - (f) a bill of indictment charging a person with an indictable offence is preferred under section 22B(3)(a) of the<sup>M19</sup>Prosecution of Offences Act 1985.”

**Commencement Information**

**I60** Sch. 8 para. 125 wholly in force; Sch. 8 para. 125 not in force at Royal Assent, see s. 121; Sch. 8 para. 125(a) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 125(b) in force at 1.6.1999 by S.I. 1999/1279, art. 2(f); Sch. 8 para. 125(a) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

**Marginal Citations**

**M19** 1985 c.23.

- 126 In section 5 of that Act (compulsory disclosure by accused), after subsection (3) there shall be inserted the following subsection—
- “(3A) Where this Part applies by virtue of section 1(2)(cc), this section does not apply unless—
- (a) copies of the documents containing the evidence have been served on the accused under regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998; and
  - (b) a copy of the notice under subsection (7) of section 51 of that Act has been served on him under that subsection.”

**Commencement Information**

**I61** Sch. 8 para. 126 partly in force; Sch. 8 para. 126 not in force at Royal Assent, see s. 121; Sch. 8 para. 126 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 126 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

- 127 In subsection (1) of section 13 of that Act (time limits: transitional)—
- <sup>F53</sup>(a) .....
  - (b) after the words “section 1(2)(e)” there shall be inserted the words “ or (f) ”.

**Textual Amendments**

**F53** Sch. 8 para. 127(a) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. III (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

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#### Commencement Information

**I62** Sch. 8 para. 127 partly in force; [Sch. 8 para. 127](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 127\(a\)](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 127\(b\)](#) in force at 1.6.1999 by [S.I. 1999/1279](#), [art. 2\(f\)](#)

128 In subsection (1)(a) of section 28 of that Act (introduction to Part III), after the words “committed for trial” there shall be inserted the words “, or sent for trial under section 51 of the Crime and Disorder Act 1998, ”.

#### Commencement Information

**I63** Sch. 8 para. 128 wholly in force; [Sch. 8 para. 128](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 128](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 128](#) in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

129 In subsection (1) of section 39 of that Act (meaning of pre-trial hearing), after the words “committed for trial for the offence concerned” there shall be inserted the words “, after the accused has been sent for trial for the offence under section 51 of the Crime and Disorder Act 1998, ”.

#### Commencement Information

**I64** Sch. 8 para. 129 wholly in force; [Sch. 8 para. 129](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 129](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 129](#) in force to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

#### *Crime (Sentences) Act 1997 (c.43)*

130 (1) In subsection (3) of section 28 of the 1997 Act (duty to release certain life prisoners), after paragraph (b) there shall be inserted the words “and  
 (c) the provisions of this section as compared with those of sections 33(2) and 35(1) of the <sup>M20</sup>Criminal Justice Act 1991 (“the 1991 Act”)”.

(2) In subsection (7) of that section, in paragraph (c), for the words from “the time when” to the end there shall be substituted the words “ he has served one-half of that sentence ”.

#### Commencement Information

**I65** [Sch. 8 para. 130](#) wholly in force; [Sch. 8 para. 130](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#) (subject to savings in [arts. 5-8](#))

#### Marginal Citations

**M20** 1991 c. 53.



*Status: Point in time view as at 07/09/2004. This version of this schedule contains provisions that are prospective.*  
*Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 8 is up to date with all changes known to be in force on or before 07 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)*

- 131 (1) In subsection (2) of section 31 of the 1997 Act (duration and conditions of licences), the words “(which shall include on his release conditions as to his supervision by a probation officer)” shall cease to have effect.
- (2) After that subsection there shall be inserted the following subsection—
- “(2A) The conditions so specified shall include on the prisoner’s release conditions as to his supervision by—
- (a) a probation officer appointed for or assigned to the petty sessions area within which the prisoner resides for the time being;
  - (b) where the prisoner is under the age of 22, a social worker of the social services department of the local authority within whose area the prisoner resides for the time being; or
  - (c) where the prisoner is under the age of 18, a member of a youth offending team established by that local authority under section 39 of the Crime and Disorder Act 1998.”
- (3) In subsection (6) of that section, for the words “section 24(2) above” there shall be substituted the words “ section 46(3) of the 1991 Act ”, and for the words “the words in parentheses” there shall be substituted the words “ subsection (2A) above ”.

**Commencement Information**

**I66** Sch. 8 para. 131 wholly in force; Sch. 8 para. 131 not in force at Royal Assent see s. 121; Sch. 8 para. 131(3) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8); Sch. 8 para. 131(1)(2) in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), Sch. 1 (subject to savings in art. 9); Sch. 8 para. 131(1)(2) in force 1.4.2000 to the extent that they are not already in force by S.I. 2000/924, art. 2

- 132 (1) In subsection (1) of section 35 of the 1997 Act (fine defaulters: general), for the words “the 1980 Act” there shall be substituted the <sup>M21</sup>words “ the Magistrates’ Courts Act 1980 (“the 1980 Act”) ”.

<sup>F54</sup>(2) .....

<sup>F54</sup>(3) .....

**Textual Amendments**

**F54** Sch. 8 para. 132(2)(3) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

**Commencement Information**

**I67** Sch. 8 para. 132 wholly in force; Sch. 8 para. 132 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M21** 1980 c.43.

- 133 In section 54 of the 1997 Act (general interpretation), subsection (2) shall cease to have effect.

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#### Commencement Information

**I68** Sch. 8 para. 133 wholly in force; Sch. 8 para. 133 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 134 Subsection (5)(b) of section 57 of the 1997 Act (short title, commencement and extent) shall have effect as if the reference to the Channel Islands included a reference to the Isle of Man.

#### Extent Information

**E2** Sch. 8 para. 134 extends to Isle of Man, see s. 121(9)

#### Commencement Information

**I69** Sch. 8 para. 134 wholly in force; Sch. 8 para. 134 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 135 (1) Schedule 1 to the 1997 Act (transfer of prisoners within the British Islands) shall be amended as follows.
- (2) In sub-paragraph (3) of paragraph 6—
- (a) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) in relation to a person who is supervised in pursuance of a detention and training order, being ordered to be detained for any failure to comply with requirements under section 76(6)(b) of the Crime and Disorder Act 1998;”;
- (b) in paragraph (b), for the words “recalled to prison under the licence” there shall be substituted the words “recalled or returned to prison”.
- (3) In paragraph 8—
- (a) in sub-paragraph (2), for the words from “sections 10” to “27 of this Act” there shall be substituted the words “sections 33 to 39, 41 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75 to 77 of the Crime and Disorder Act 1998”;
- (b) in sub-paragraph (4), for the words from “sections 16” to “27 of this Act” there shall be substituted the words “sections 37 to 39, 43 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the Crime and Disorder Act 1998”;
- (c) in sub-paragraph (5), after the words “Any provision of” there shall be inserted the words “Part II of the 1991 Act or”;
- (d) after sub-paragraph (5) there shall be inserted the following sub-paragraphs—
- “(6) Section 41 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if section 67 of the <sup>M22</sup>Criminal Justice Act 1967 (computation of sentences of imprisonment passed in England and Wales) or, as the case may require, section 9 of this Act extended to Scotland.
- “(7) Section 65(7)(b) of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to a young offender institution were a reference to a young offenders institution.”

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(4) In paragraph 9—

- (a) in sub-paragraph (1), paragraph (a) and, in paragraph (b), the words “to that and” shall cease to have effect;
- (b) in sub-paragraph (2), for the words from “sections 10” to “27 of this Act” there shall be substituted the words “ sections 33 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75 to 77 of the Crime and Disorder Act 1998 ”;
- (c) in sub-paragraph (4), for the words from “section 16” to “27 of this Act” there shall be substituted the words “ sections 37 to 40A, 43 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the Crime and Disorder Act 1998 ”;
- (d) sub-paragraph (5) shall cease to have effect;
- (e) in sub-paragraph (6), after the words “Any provision of” there shall be inserted the words “ Part II of the 1991 Act or ”; and
- (f) after sub-paragraph (6) there shall be inserted the following sub-paragraphs—

“(7) Section 41 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if section 67 of the <sup>M23</sup>Criminal Justice Act 1967 or, as the case may require, section 9 of this Act extended to Northern Ireland.

(8) Section 65(7)(b) of the 1991 Act, as applied by sub-paragraph (1), (2) or (4) above, shall have effect as if the reference to a young offender institution were a reference to a young offenders centre.”

(5) In paragraph 10—

- (a) in sub-paragraph (2)(a)—
  - (i) for the words from “sections” to “ “1997 Act”)” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the <sup>M24</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”) ”; and
  - (ii) after the word “3,” there shall be inserted words “ 6(1)(b)(i) and (iii) ”;
- (b) in sub-paragraph (2)(b), for the words “sub-paragraphs (3) and (4)” there shall be substituted the words “ sub-paragraph (3) ”;
- (c) sub-paragraph (4) shall cease to have effect;
- (d) in sub-paragraph (5)(a), for the words from “sections 15” to “37 of the 1997 Act” there shall be substituted the words “ sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”;
- (e) for sub-paragraph (6)(b) there shall be substituted the following sub-paragraph—
  - “(b) in the said sub-paragraph (2) the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far as it relates to a person sentenced under section 205(3) of the <sup>M25</sup>Criminal Procedure (Scotland) Act 1995.”; and
- (f) for sub-paragraph (7) there shall be substituted the following sub-paragraph—

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“(7) Any provision of Part I of the 1993 Act which is applied by sub-paragraph (2) or (5) above shall have effect (as so applied) as if any reference to a chief social work officer were a reference to a chief social worker of a local authority social services department.”

(6) In paragraph 11—

(a) in sub-paragraph (2)(a)—

(i) for the words from “sections” to “ “1997 Act”)” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”; and

(ii) after the word “3,” there shall be inserted the words “ 6(1)(b)(i) and (iii), ”;

(b) in sub-paragraph (4)(a), for the words from “sections 15” to “37 of the 1997 Act” there shall be substituted the words “ sections 1A, 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”;

(c) in sub-paragraph (5), for the words “Sub-paragraph (5)” there shall be substituted the words “ Sub-paragraph (6) ”; and

(d) in sub-paragraph (6), the words “or Part III of the 1997 Act” shall cease to have effect and, in the Table, for the entry relating to the expression “young offenders institution” there shall be substituted the following entry—

“Probation officer appointed for or assigned to such petty sessions area	Probation Officer appointed by the Probation Board for Northern Ireland”.
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(7) In sub-paragraph (5) of paragraph 12, in the Table, the entry relating to the expression “Prison rules” shall cease to have effect.

(8) In sub-paragraph (5) of paragraph 13, in the Table, the entry relating to the expression “Prison rules” shall cease to have effect.

(9) In sub-paragraph (1)(a) of paragraph 17 (prisoners unlawfully at large), after the words “section 49(1)” there shall be inserted the words “ and (5) ”.

(10) In sub-paragraph (1) of paragraph 20, in the definition of “supervision”, after the word “purpose” there shall be inserted the words “ or a detention and training order ”.

#### **Commencement Information**

**I70** Sch. 8 para. 135 wholly in force at 1.4.2000; Sch. 8 para. 135 not in force at Royal Assent see s. 121; Sch. 8 para. 135(1)(2)(b)(3)-(8) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8); Sch. 8 para. 135(2)(a)(9)(10) in force at 1.4.2000 by S.I. 1999/3426, art. 3(b)

#### **Marginal Citations**

**M22** 1967 c.80.

**M23** 1967 c.80.

**M24** 1993 c.9.

**M25** 1995 c.46.

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#### Commencement Information

- I71** Sch. 8 para.136 wholly in force; Sch. 8 para. 136 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 137 In Schedule 4 to the 1997 Act (minor and consequential amendments), the following provisions are hereby repealed, namely—
- (a) in paragraph 6, sub-paragraph (1)(b);
  - (b) paragraphs 9 and 11; and
  - (c) in paragraph 12, sub-paragraph (4).

#### Commencement Information

- I72** Sch. 8 para. 137 wholly in force; Sch. 8 para. 137 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 138 (1) In Schedule 5 to the 1997 Act (transitional provisions and savings), paragraphs 1 to 4 and 6 are hereby repealed and the following provisions shall cease to have effect, namely—
- (a) paragraph 5(2);
  - (b) paragraphs 8, 9(1) and 10(1);
  - (c) in paragraph 11, sub-paragraph (1), in sub-paragraph (2)(c), the words “or Part III of the 1997 Act” and, in sub-paragraph (3), the words from the beginning to “1995; and”; and
  - (d) in paragraph 12, sub-paragraph (1) and, in sub-paragraph (2)(c), the words “or Part III of the 1997 Act”.
- (2) In paragraph 11(2) of that Schedule—
- (a) in paragraph (a)—
    - (i) for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the <sup>M26</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”)”; and
    - (ii) for the words “the 1989 Act” there shall be substituted the <sup>M27</sup>words “ the Prisons (Scotland) Act 1989 (“the 1989 Act”)”; and
  - (b) in paragraph (b), for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”.
- (3) In paragraph 12(2) of that Schedule—
- (a) in paragraph (a)—
    - (i) for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the <sup>M28</sup>Prisoners and Criminal Proceedings (Scotland) Act (“the 1993 Act”)”; and
    - (ii) for the words “the 1989 Act” there shall be substituted the <sup>M29</sup>words “ the Prisons (Scotland) Act 1989 (“the 1989 Act”)”; and

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- (b) in paragraph (b), for the words from “sections 15” to “1997 Act” there shall be substituted the words “sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act”.

**Commencement Information**

**I73** Sch. 8 para. 138 wholly in force; Sch. 8 para. 138 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M26** 1993 c.9.  
**M27** 1989 c.45.  
**M28** 1993 c.9.  
**M29** 1989 c.45.

- 139 In Schedule 6 to the 1997 Act (repeals), the entries relating to sections 33 to 51 and 65 of the 1991 Act are hereby repealed.

**Commencement Information**

**I74** Sch. 8 para. 139 wholly in force; Sch. 8 para. 139 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

*Crime and Punishment (Scotland) Act 1997 (c.48)*

- 140 Section 4 of the Crime and Punishment (Scotland) Act 1997 (supervised release orders) is hereby repealed.

**Commencement Information**

**I75** Sch. 8 para. 140 wholly in force; Sch. 8 para. 140 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 141 (1) In Schedule 1 to that Act (minor and consequential amendments), the following provisions are hereby repealed, namely—
- (a) paragraphs 1, 9(7), 10(2)(a), 13(3) and 21(3); and
  - (b) in paragraph 14, sub-paragraphs (2)(a), (3)(e), (4) to (7), (9), (10)(a), (11)(b), (12), (13) to (15) and (17).

- (2) In paragraph 14 of that Schedule, for sub-paragraph (16) there shall be substituted the following sub-paragraph—

“(16) In section 27(1) (interpretation), in the definition of “supervised release order” the words “(as inserted by section 14 of this Act)” shall cease to have effect.”

**Commencement Information**

**I76** Sch. 8 para. 141 wholly in force; Sch. 8 para. 141 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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*Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 8 is up to date with all changes known to be in force on or before 07 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)*

142 Schedule 2 to that Act (transitional provisions) is hereby repealed.

#### Commencement Information

**I77** Sch. 8 para. 142 wholly in force; Sch. 8 para. 142 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 143 (1) Schedule 3 to that Act (repeals) shall be amended in accordance with this paragraph.
- (2) In the entry relating to the Prisons (Scotland) Act 1989, in the third column, the words “In section 39, subsection (7)” are hereby repealed.
- (3) In the entry relating to the Prisoners and Criminal Proceedings (Scotland) Act 1993—
- (a) the words relating to sections 1, 3(2), 5, 6(1), 7, 9, 12(3), 16, 17(1), 20, 24, and Schedule 1;
  - (b) in the words relating to section 14, the words “and in subsection (4), the words “short-term””;
  - (c) in the words relating to 27(1)—
    - (i) the words “the definitions of “short term prisoner” and “long-term prisoner” and”;
    - (ii) in the words relating to the definition of “supervised release order” the words “and the words from “but” to the end”; and
  - (d) the words relating to section 27(2), (3), (5) and (6),
- are hereby repealed.
- (4) In the entry relating to the Criminal Procedure (Scotland) Act 1995, in the third column, the words relating to section 44 are hereby repealed.

#### Commencement Information

**I78** Sch. 8 para. 143 wholly in force; Sch. 8 para. 143 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### *Sex Offenders Act 1997 (c.51)*

144 **F55** .....

#### Textual Amendments

**F55** Sch. 8 para. 144 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 140, 141(1), Sch. 6 para. 38(8), Sch. 7; S.I. 2004/874, art. 2

**Status:**

Point in time view as at 07/09/2004. This version of this schedule contains provisions that are prospective.

**Changes to legislation:**

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