

**Status:** Point in time view as at 03/12/2012. This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** Crime and Disorder Act 1998, Cross Heading: Criminal Justice Act 1991 (c.53) is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Criminal Justice Act 1991 (c.53)*

F172 .....

##### Textual Amendments

F1 Sch. 8 para. 72 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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)

F273 .....

##### Textual Amendments

F2 Sch. 8 para. 73 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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)

F374 .....

##### Textual Amendments

F3 Sch. 8 para. 74 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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)

F475 .....

##### Textual Amendments

F4 Sch. 8 para. 75 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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)

F576 .....

##### Textual Amendments

F5 Sch. 8 para. 76 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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)

F677 .....

##### Textual Amendments

F6 Sch. 8 para. 77 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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)

F778 .....

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### Textual Amendments

**F7** Sch. 8 para. 78 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt.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>M1</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

**II** 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

**M1** 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

**I2** 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—

#### “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,

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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

- I3** 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

- I4** 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—

“(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”.

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- (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

**I5** 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

**I6** 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)

F<sup>8</sup>85

#### Textual Amendments

**F8** 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)

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PROSPECTIVE

F<sup>9</sup>86 .....

**Textual Amendments**

**F9** 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**

**I7** 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)”;
- (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**

**I8** 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**

**I9** 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

F1090 .....

**Textual Amendments**

**F10** 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**

**I10** 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)

F1192 .....

**Textual Amendments**

**F11** 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)

F1293 .....

**Textual Amendments**

**F12** Sch. 8 para. 93 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts. 3, 4)

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—

- “(a) a probation officer;
- (b) a social worker of a local authority social services department; or

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(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

**I11** 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

**I12** 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

F1396 .....

#### Textual Amendments

**F13** 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
- (b) its functions under Chapter II of Part II of the <sup>M2</sup>Crime (Sentences) Act 1997 in respect of life prisoners within the meaning of that Chapter”.

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#### Commencement Information

**I13** 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)

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#### Marginal Citations

**M2** 1997 c.43.



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