



Crime and Disorder Act 1998

1998 CHAPTER 37

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

116 Transitory provisions.

- (1) The Secretary of State may by order provide that, in relation to any time before the commencement of section 73 above, a court shall not make an order under—
- (a) section 1 of the 1994 Act (secure training orders); or
 - (b) subsection (3)(a) of section 4 of that Act (breaches of supervision requirements),

unless it has been notified by the Secretary of State that accommodation at a secure training centre, or accommodation provided by a local authority for the purpose of restricting the liberty of children and young persons, is immediately available for the offender, and the notice has not been withdrawn.

- (2) An order under this section may provide that sections 2 and 4 of the 1994 Act shall have effect, in relation to any such time, as if—
- (a) for subsections (2) and (3) of section 2 there were substituted the following subsection—

“(2) Where accommodation for the offender at a secure training centre is not immediately available—

- (a) the court shall commit the offender to accommodation provided by a local authority for the purpose of restricting the liberty of children and young persons until such time as accommodation for him at such a centre is available; and
- (b) the period of detention in the centre under the order shall be reduced by the period spent by the offender in the accommodation so provided.”;

Status: Point in time view as at 01/08/1998. This version of this provision has been superseded.

Changes to legislation: Crime and Disorder Act 1998, Section 116 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in subsection (5) of that section, for the words “subsections (2)(a)(ii) and (4)(b) apply” there were substituted the words “ subsection (4)(b) applies ”;
 - (c) for subsection (8) of that section there were substituted the following subsection—
 - “(8) In this section “local authority” has the same meaning as in the ^{M1}Children Act 1989.”; and
 - (d) in subsection (4) of section 4, for the words “paragraphs (a), (b) and (c) of subsection (2) and subsections (5), (7) and (8) of section 2” there were substituted the words “ paragraphs (a) and (b) of subsection (2) and subsections (7) and (8) of section 2 ”.
- (3) In relation to any time before the commencement of section 73 above, section 4 of the 1994 Act shall have effect as if after subsection (4) there were inserted the following subsection—
- “(4A) A fine imposed under subsection (3)(b) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”
- (4) In relation to any time before the commencement of section 73 above, section 1B of the 1982 Act (special provision for offenders under 18) shall have effect as if—
- (a) in subsection (4), immediately before the words “a total term” there were inserted the words “ a term or (in the case of an offender to whom subsection (6) below applies) ”;
 - (b) in subsection (5)—
 - (i) immediately before the words “total term” there were inserted the words “ term or (as the case may be) ”; and
 - (ii) for the words “the term” there were substituted the word “ it ”; and
 - (c) for subsection (6) there were substituted the following subsection—
 - “(6) This subsection applies to an offender sentenced to two or more terms of detention in a young offender institution which are consecutive or wholly or partly concurrent if—
 - (a) the sentences were passed on the same occasion; or
 - (b) where they were passed on different occasions, the offender has not been released under Part II of the ^{M2}Criminal Justice Act 1991 at any time during the period beginning with the first and ending with the last of those occasions;
 and in subsections (4) and (5) above “the total term”, in relation to such an offender, means the aggregate of those terms.”
- (5) In this section “local authority” has the same meaning as in the 1989 Act.

Marginal Citations

M1 1989 c.41.

M2 1991 c.53.

Status:

Point in time view as at 01/08/1998. This version of this provision has been superseded.

Changes to legislation:

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