



Crime and Disorder Act 1998

1998 CHAPTER 37

PART IV

DEALING WITH OFFENDERS

CHAPTER I

ENGLAND AND WALES

Young offenders: detention and training orders

VALID FROM 01/04/2000

78 Offences during currency of order.

- (1) This section applies to a person subject to a detention and training order if—
 - (a) after his release and before the date on which the term of the order ends, he commits an offence punishable with imprisonment in the case of a person aged 21 or over; and
 - (b) whether before or after that date, he is convicted of that offence (“the new offence”).
- (2) Subject to section 7(8) of the 1969 Act, the court by or before which a person to whom this section applies is convicted of the new offence may, whether or not it passes any other sentence on him, order him to be detained in such secure accommodation as the Secretary of State may determine for the whole or any part of the period which—
 - (a) begins with the date of the court’s order; and
 - (b) is equal in length to the period between the date on which the new offence was committed and the date mentioned in subsection (1) above.

Status: Point in time view as at 08/02/2000. This version of this provision is not valid for this point in time.

Changes to legislation: Crime and Disorder Act 1998, Section 78 is up to date with all changes known to be in force on or before 03 July 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)

- (3) The period for which a person to whom this section applies is ordered under subsection (2) above to be detained in secure accommodation—
- (a) shall, as the court may direct, either be served before and be followed by, or be served concurrently with, any sentence imposed for the new offence; and
 - (b) in either case, shall be disregarded in determining the appropriate length of that sentence.
- (4) Where the new offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (5) A person detained in pursuance of an order under subsection (2) above shall be deemed to be in legal custody.

Modifications etc. (not altering text)

- C1** Ss. 73-79 applied (15.12.1999) by S.I. 1999/3426, art. 4(1)(a)(i)
- C2** S. 78(2): certain functions made exercisable by the Youth Justice Board for England and Wales concurrently with the Secretary of State (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(n)(v)

Status:

Point in time view as at 08/02/2000. This version of this provision is not valid for this point in time.

Changes to legislation:

Crime and Disorder Act 1998, Section 78 is up to date with all changes known to be in force on or before 03 July 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.