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Criminal Justice and Court Services Act 2000

CHAPTER 43

CRIMINAL JUSTICE AND COURT SERVICES ACT 2000

PART I

THE NEW SERVICES

CHAPTER I

NATIONAL PROBATION SERVICE FOR ENGLAND AND WALES

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- 1 Purposes of the Chapter.
- 2 Aims of the Service.

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- 3 Functions of the Secretary of State.
- 4 Local probation boards.
- 5 Functions of local probation boards.
- 5A Local probation boards and service justice
- 6 The inspectorate.
- 7 Functions of inspectorate.

Miscellaneous

- 8 Support services.
- 9 Approved premises.
- 10 Default powers.

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- 11 Establishment of the Service.
- 12 Principal functions of the Service.
- 13 Other powers of the Service.
- 14 Provision of staff or services to other organisations.
- 15 Right to conduct litigation and right of audience.
- 16 Cross-examination of officers of the Service.
- 17 Inspection.

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- 18 Definitions.
- 19 Property.
- 20 Transfer of staff.
- 21 Effect of transfer of eligible employees.
- 22 Effect of transfer of chief probation officers.
- 23 Transfer of staff in consequence of arrangements under Part I.

Provision for the protection of children

- 24 Provision for the protection of children.

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- 25 Interpretation of Part I.

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- 26 Meaning of “offence against a child”.
- 27 Equivalent armed forces offences.
- 28 Disqualification from working with children: adults.
- 29 Disqualification from working with children: juveniles.
- 29A Disqualification at discretion of court: adults and juveniles
- 29B Subsequent application for order under section 28 or 29
- 30 Sections 28 to 29B : supplemental.
- 31 Appeals.
- 32 Review of disqualification.
- 33 Conditions for application under section 32.
- 34 Restoration of disqualification order.

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- 35 Persons disqualified from working with children: offences.
- 36 Meaning of “regulated position”.
- 37 Disqualification in Scotland or Northern Ireland.

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38 Rehabilitation of offenders.

Indecent conduct towards children

39 Extension of offence: conduct towards 14 and 15 year olds.
40 Extension of corresponding Northern Ireland offence: conduct towards 14 to 16 year olds.

Indecent photographs of children: increase of maximum penalties

41 Indecent photographs of children: increase of maximum penalties.

General

42 Interpretation of Part II.

PART III

DEALING WITH OFFENDERS

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COMMUNITY SENTENCES

Renaming certain community orders

43 Probation orders renamed community rehabilitation orders.
44 Community service orders renamed community punishment orders.
45 Combination orders renamed community punishment and rehabilitation orders.

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46 Exclusion orders.
47 Drug abstinence orders.

Miscellaneous

48 Pre-sentence drug testing.
49 Community sentences: drug abstinence requirements.
50 Community sentences: curfew requirements.
51 Community sentences: exclusion requirements.
52 Community sentences: electronic monitoring of requirements.
53 Breach of community orders: warning and punishment.
54 Breach of community orders: failure to answer summons.
55 Regulation of community orders.

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Young offenders: reprimands and warnings

56 Reprimands and warnings.

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57 Testing persons in police detention.

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Bail

- 58 Right to bail: relevance of drug misuse.

Detention

- 59 Remand centres.
60 Life sentences: tariffs.
61 Abolition of sentences of detention in a young offender institution, custody for life, etc.

Release of prisoners on licence etc.

- 62 Release on licence etc: conditions as to monitoring.
63 Supervision of young offenders after release.
64 Release on licence etc: drug testing requirements.
65 Short-term prisoners: release subject to curfew conditions.

Sexual or violent offenders

- 66 Amendments of the Sex Offenders Act 1997.
67 Arrangements for assessing etc. risks posed by certain offenders.
68 Section 67: interpretation.
69 Duties of local probation boards in connection with victims of certain offences.

CHAPTER III

SUPPLEMENTARY

- 70 Interpretation, etc.

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CHAPTER I

GENERAL

- 71 Access to driver licensing records.
72 Failure to secure regular attendance at school.
73 Parenting orders: responsible officer.
74 Amendments.
75 Repeals.

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SUPPLEMENTARY

- 76 Subordinate legislation.
77 Supplementary and consequential provision, etc.
78 General interpretation.
79 Expenses.
80 Commencement.
81 Extent.

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82 Short title.

SCHEDULES

SCHEDULE 1 — Local probation boards

Constitution

- 1 A local probation board shall be a body corporate.
- 2 (1) A local probation board is to consist of a...

Tenure of members

- 3 (1) A person is to hold and vacate office as...

Chairman's report

- 4 Regulations may require the chairman to make a report to...

Remuneration etc.

- 5 (1) It is for the Secretary of State to pay,...

Procedure

- 6 Regulations may provide for— (a) the establishment and functions of...

Secretary and Treasurer

- 7 Regulations shall provide— (a) for each local probation board to...

Staff

- 8 (1) A local probation board may appoint staff on terms...

Delegation of functions

- 9 A local probation board may arrange for a committee, sub-committee...
- 10 Regulations may provide for prescribed functions or other powers of...

Payments to boards

- 11 (1) The Secretary of State may pay to a local...

Supervision

- 12 (1) Functions and other powers of local probation boards must...

Ancillary powers

- 13 (1) Subject to any directions given by the Secretary of...

Directions

- 14 (1) Different directions may be given under this Chapter for...

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Annual plan

- 15 (1) A local probation board must, before the beginning of...

Reports

- 16 (1) A local probation board must— (a) make a report...

Accounts

- 17 (1) A local probation board must— (a) keep proper accounts...

Complaints

- 18 Regulations may require each local probation board to make and...

Status

- 19 A local probation board is not to be regarded as...

Interpretation

- 20 “Financial year”, in this Schedule, means—

SCHEDULE 1A — Further provision about the inspectorate

Delegation of functions

- 1 (1) A member of the inspectorate may delegate any of...

Inspection programmes and inspection frameworks

- 2 (1) The chief inspector shall from time to time, or...

Inspections by other inspectors of organisations within inspectorate's remit

- 3 (1) If— (a) a person or body within sub-paragraph (2)...

Co-operation

- 4 The inspectorate shall co-operate with— (a) Her Majesty's Chief Inspector...

Joint action

- 5 (1) The inspectorate may act jointly with another public authority...

Assistance for other public authorities

- 6 (1) The chief inspector may if he thinks it appropriate...

SCHEDULE 2 — Children and Family Court Advisory and Support Service

Constitution

- 1 The Service is to consist of a chairman, and not...
2 (1) Regulations may provide— (a) for the appointment of the...

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Remuneration etc. of members

- 3 (1) The Service may pay, or make provision for paying,...

Procedure

- 4 Regulations may provide for— (a) the establishment and functions of...

Staff and other officers

- 5 (1) The Service may appoint— (a) staff to perform the...
6 (1) Staff of the Service are to be appointed on...

Delegation

- 7 The Service may arrange for the chairman or any other...

Payments to the Service

- 8 (1) The Secretary of State may, at any time, pay...

Supervision

- 9 (1) Functions and other powers of the Service, and functions...

Ancillary powers

- 10 (1) Subject to any directions given by the Secretary of...

Directions

- 11 (1) Different directions may be given under this Schedule for...

Reports and accounts

- 12 (1) The Service must make a report to the Secretary...
13 (1) The Service must— (a) keep proper accounts and proper...
14 “Financial year”, in this Schedule, means— (a) the period beginning...

Complaints

- 15 The Service must make and publicise a scheme for dealing...

Status

- 16 The Service is not to be regarded as the servant...

General

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...
18 (1) Employment with the Service shall be included in the...
19 In Part II of Schedule 1 to the House of...

SCHEDULE 3 — Transfer of property

- 1 A scheme may, in particular— (a) provide for the creation...
2 (1) A scheme is to have effect in relation to...
3 (1) Such compensation as is just is to be paid...
4 Paragraphs 2 and 3 apply in relation to the creation...

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- 5 A certificate issued by the Secretary of State that any...

SCHEDULE 4 — Meaning of “offence against a child”

- 1 The offences mentioned in paragraph (a) of subsection (1) of...
2 The offences mentioned in paragraph (b) of that subsection are—...
3 A person falls within this paragraph if—

SCHEDULE 5 — Amendments of the Sex Offenders Act 1997

...

Amendments of the Sex Offenders Act 1997
Amendments of the Sex Offenders Act 1997
Amendments of the Sex Offenders Act 1997
Amendments of the Sex Offenders Act 1997
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SCHEDULE 6 — Trigger offences

- 1 Offences under the following provisions of the Theft Act 1968...
2 Offences under the following provisions of the Misuse of Drugs...
3 Offences under the following provisions of the Fraud Act 2006...
3A An offence under section 1(1) of the Criminal Attempts Act...
4 Offences under the following provisions of the Vagrancy Act 1824...

SCHEDULE 7 — Minor and consequential amendments

Part I — NEW NAMES

Community rehabilitation orders

- 1 Minor and consequential amendments

Community punishment orders

- 2 Minor and consequential amendments

Community punishment and rehabilitation orders

- 3 Minor and consequential amendments

Officers of local probation boards

- 4 (1) In the following enactments— (a) for “a probation officer”...

Part II — GENERAL

Children and Young Persons Act 1933 (c. 12)

- 5 In section 49(6)(c) of the Children and Young Persons Act...

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- 6 In Part I of the Second Schedule to the Reserve...

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Prison Act 1952 (c. 52)

- 7 The Prison Act 1952 is amended as follows.
- 8 In section 13(2) (legal custody of prisoner), for “section 95,...
- 9 In section 37(4) (closing of prisons), “remand centre” is omitted...
- 10 In section 43 (remand centres, detention centres and youth custody...
- 11 In section 47 (rules for the management of prisons, remand...

Army Act 1955 (c. 18)

- 12 The Army Act 1955 is amended as follows.
- 13 In section 57(2A) (offences in relation to courts-martial), for “twenty-one”...
- 14 In section 71(1) (punishments which may be awarded by sentence...
- 15 (1) In section 71A (juveniles)— (a) in subsections (1), (1D)...
- 16 In section 71AA (young service offenders: custodial orders)—
- 17 In section 71AB(1) (reasons to be given where custodial sentence...
- 18 (1) Schedule 5A (powers of court on trial of civilian)...

Air Force Act 1955 (c. 19)

- 19 The Air Force Act 1955 is amended as follows.
- 20 In section 57(2A) (offences in relation to courts-martial), for “twenty-one”...
- 21 In section 71(1) (punishments which may be awarded by sentence...
- 22 (1) In section 71A (juveniles)— (a) in subsections (1), (1D)...
- 23 In section 71AA (young service offenders: custodial orders)—
- 24 In section 71AB(1) (reasons to be given where custodial sentence...
- 25 (1) Schedule 5A (powers of court on trial of civilian)...

Naval Discipline Act 1957 (c. 53)

- 26 The Naval Discipline Act 1957 is amended as follows.
- 27 In section 38(3A) (offences in relation to courts-martial), for “twenty-one”...
- 28 In section 43(1) (punishments which may be awarded to persons...
- 29 (1) In section 43A (juveniles)— (a) in subsections (1), (1D)...
- 30 In section 43AA (young service offenders: custodial orders)—
- 31 In section 43AB(1) (reasons to be given where custodial sentence...
- 32 (1) Schedule 4A (powers of court on trial of civilian)...

Criminal Justice Act 1961 (c. 39)

- 33 In section 23(4) of the Criminal Justice Act 1961 (prison...

Criminal Justice Act 1967 (c. 80)

- 34 The Criminal Justice Act 1967 is amended as follows.
- 35 In section 34 (committal of persons under twenty-one accused of...
- 36 In section 67(6) (computation of sentences of imprisonment passed in...

Social Work (Scotland) Act 1968 (c. 49)

- 37 In section 94(1) of the Social Work (Scotland) Act 1968...

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Children and Young Persons Act 1969 (c. 54)

- 38 The Children and Young Persons Act 1969 is amended as...
39
40 In section 34(3) (transitional modifications of Part I), for “probation...
41 In section 46(1) (discontinuance of approved schools etc.), “within the...
42 In section 70(1) (general interpretation), at the appropriate place there...
43 (1) Schedule 3 (approved schools and other institutions) is amended...

Local Authorities (Goods and Services) Act 1970 (c. 39)

- 44 (1) Subject to sub-paragraph (2), in section 1(4) of the...

Pensions (Increase) Act 1971 (c. 56)

- 45 In Schedule 2 to the Pensions (Increase) Act 1971 (official...

Local Government Act 1972 (c. 70)

- 46 In Part I of Schedule 12A to the Local Government...

Juries Act 1974 (c. 23)

- 47 Minor and consequential amendments

Rehabilitation of Offenders Act 1974 (c. 53)

- 48 The Rehabilitation of Offenders Act 1974 is amended as follows....
49 In section 5 (rehabilitation periods for particular sentences)—
50 In section 6(3) (the rehabilitation period applicable to a conviction)—...

Adoption Act 1976 (c. 36)

- 51 Minor and consequential amendments
52 Minor and consequential amendments
53 Minor and consequential amendments

Criminal Law Act 1977 (c. 45)

- 54 The Criminal Law Act 1977 is amended as follows.
55 In section 38A(5) (execution in different parts of United Kingdom...
56 In section 38B(5) (further provision for execution of warrants of...

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

- 57 In section 26(2) of the Domestic Proceedings and Magistrates' Courts...

Magistrates' Courts Act 1980 (c. 43)

- 58 The Magistrates' Courts Act 1980 is amended as follows.
59 In section 11(3) (non-appearance of accused: general provisions), “or detention...
60 In section 31 (general limit on power of magistrates' court...
61 Section 72 (report by probation officer on means of parties)...
62 In section 77(2) (postponement of issue of warrant), “or detention...
63 In section 82 (restriction on power to impose imprisonment for...
64 In section 88 (supervision pending payment)— (a) in subsection (4),...
65 Section 96A (application of Part III to persons aged 18...

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- 66 In section 133 (consecutive terms of imprisonment)—
- 67 In section 135 (detention of offender for one day in...
- 68 In section 136 (committal to custody overnight at police station),...
- 69

Imprisonment (Temporary Provisions) Act 1980 (c. 57)

- 70 In section 6 of the Imprisonment (Temporary Provisions) Act 1980...

Criminal Justice Act 1982 (c. 48)

- 71 In paragraph 7(3)(b) of Schedule 13 to the Criminal Justice...

Mental Health Act 1983 (c. 20)

- 72 The Mental Health Act 1983 is amended as follows.
- 73 In section 48(2)(a) (removal to hospital of other prisoners), “or...
- 74 In section 134(3)(e) (correspondence of patients), for “probation committee (within...

Health and Social Services and Social Security Adjudications Act 1983 (c. 41)

- 75 In section 10(16) of the Health and Social Services and...

Police and Criminal Evidence Act 1984 (c. 60)

- 76 The Police and Criminal Evidence Act 1984 is amended as...
- 77 Minor and consequential amendments
- 78 In section 62 (intimate samples), at the beginning of subsection...

Child Abduction and Custody Act 1985 (c. 60)

- 79 The Child Abduction and Custody Act 1985 is amended as...
- 80 In sections 6(a) and 21(a) (reports), for “a probation officer”...
- 81 In section 27 (interpretation), after subsection (4) there is inserted—...

Local Government Act 1988 (c. 9)

- 82 In the Local Government Act 1988, in Schedule 2 (public...

Education Reform Act 1988 (c. 40)

- 83 Minor and consequential amendments

Local Government Finance Act 1988 (c. 41)

- 84 Minor and consequential amendments
- 85 Minor and consequential amendments
- 86 Minor and consequential amendments

Children Act 1989 (c. 41)

- 87 The Children Act 1989 is amended as follows.
- 88 In section 7 (welfare reports)— (a) in subsection (1), for...
- 89 In section 16 (family assistance orders)— (a) in subsection (1)(a),...
- 90 In section 31(1)(b) (care and supervision orders), “or of a...
- 91 In section 41 (representation of child and of his interests...
- 92 In section 42 (right of guardian ad litem to have...

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- 93 In section 58(4) (financial provisions applicable on cessation of controlled...
- 94 In section 68(2)(d), (persons disqualified from being private foster parents),...
- 95 In section 105(1) (interpretation), at the appropriate place there is...
- 96 In Schedule 3 (supervision orders), in paragraph 9, sub-paragraphs (2)...
- 97 In Schedule 10 (amendments of adoption legislation), paragraph 29 is...

Computer Misuse Act 1990 (c. 18)

- 98 In section 2(2)(b) of the Computer Misuse Act 1990 (unauthorised...

Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25)

- 99 Minor and consequential amendments
- 100 Minor and consequential amendments
- 101 Minor and consequential amendments
- 102 Minor and consequential amendments

Criminal Justice Act 1991 (c. 53)

- 103 The Criminal Justice Act 1991 is amended as follows.
- 104
- 105
- 106
- 107
- 108 In section 68 (persons aged 17 to be treated as...
- 109 In section 92(1) (interpretation of Part IV), in the definition...
- 110 In section 99(1) (general interpretation), at the appropriate place there...
- 111 In Schedule 3 (reciprocal enforcement of certain orders)—
- 112 In Schedule 8 (amendments for treating persons aged 17 as...
- 113 In Schedule 12 (transitional provisions and savings), in paragraphs 15(4)...

Water Industry Act 1991 (c. 56)

- 114 In Schedule 4A to the Water Industry Act 1991 (premises...

Prison Security Act 1992 (c. 25)

- 115 In section 1(6) of the Prison Security Act 1992 (offence...

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

- 116 The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended...
- 117 In section 15(5) (variation of supervised release order), for “probation...
- 118 In section 27(1) (interpretation of Part I), at the appropriate...

Intelligence Services Act 1994 (c. 13)

- 119 In section 5(3B)(b) of the Intelligence Services Act 1994 (warrants:...

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

- 120 The Criminal Procedure (Scotland) Act 1995 is amended as follows....

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- 121 In section 209(7) (supervised release orders), for “probation officer” there...
- 122 In section 228(2)(b) (probation orders), for “probation committee” there is...
- 123 In section 234 (probation orders: persons residing in England and...
- 124 In section 242 (community service orders: persons residing in England...
- 125 In section 244 (community service orders: general provisions relating to...
- 126 In section 307(1) (interpretation), at the appropriate place there is...

Education Act 1996 (c. 56)

- 127 The Education Act 1996 is amended as follows.
- 128 In section 468 (school may be struck off for contravention...
- 129 After section 473 there is inserted— Removal of disqualification: persons...
- 130 In section 474 (removal of disqualification)— (a) at the end...

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

- 131 The Criminal Justice (Northern Ireland) Order 1996 is amended as...
- 132 In Article 10(1A) (probation orders) as it has effect pursuant...
- 133 Minor and consequential amendments

Sexual Offences (Protected Material) Act 1997 (c. 39)

- 134 In section 2(1) of the Sexual Offences (Protected Material) Act...

Crime (Sentences) Act 1997 (c. 43)

- 135 The Crime (Sentences) Act 1997 is amended as follows.
- 136 In section 28 (duty to release certain life prisoners)—
- 137 In section 33 (life prisoners transferred to England and Wales)—...
- 138 In section 34(1) (interpretation), the words following the first mention...
- 139 Minor and consequential amendments
- 140 Minor and consequential amendments
- 141 In section 54(1) (general interpretation), at the appropriate place there...
- 142 In section 57(8) (extent), at the end there is inserted—...
- 143 In Schedule 1 (transfer of prisoners within the British Islands),...
- 144 In Schedule 5 (transitional provisions and savings), paragraph 5(1) is...
- 145 Paragraphs 135 to 138 and 144 above have effect in...
- 146 Paragraph 147 below applies where a person serving any life...
- 147 Section 28(1B) is to have effect as if—
- 148 In paragraphs 145 and 146 above, “commencement” means the coming...

Police Act 1997 (c. 50)

- 149 In section 93(4)(b) of the Police Act 1997 (authorisations to...

Crime and Disorder Act 1998 (c. 37)

- 150 The Crime and Disorder Act 1998 is amended as follows....
- 151 In sections . . . 38(2)(b), 39(3)(b), 41(10), 42(3) and...
- 152 In section 117(1) (interpretation), after the definition of “guardian” there...

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153 In Schedule 8 (minor and consequential amendments), paragraph 110 is...

Protection of Children Act 1999 (c. 14)

154 The Protection of Children Act 1999 is amended as follows...
155 After section 4 there is inserted— Applications for removal from...
156 Section 6 (appeals against prohibition or restriction of employment) is...
157 In section 9(2) (the Tribunal)— (a) in paragraph (a), after...
158 In section 12 (interpretation)— (a) in the definition of “child...
159 In section 14 (extent etc.)— (a) in subsection (3), for...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

160 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
161
162
163 Section 38 (electronic monitoring of curfew orders) is omitted.
164 In section 40 (curfew orders: supplementary)— (a) in subsection (1) (a),...
165
166
167
168
169
170
171
172
173 In section 60(1)(b) (attendance centre orders), after “court” there is...
174 In section 64(2) (selection and duty of supervisor), the words...
175 In section 66 (facilities for implementing supervision orders), in subsections...
176 In section 76(1) (meaning of “custodial sentence”), paragraphs (c) and...
177
178 In section 83(2) (restriction on imposing custodial sentences on persons...
179
180 In section 89 (restriction on imposing imprisonment etc. on persons...
181 In section 91 (offenders under 18 convicted of certain serious...
182 Sections 93 to 98 (custody for life and detention in...
183 In section 99 (conversion of sentence of detention or custody...
184 In section 100(1) (offenders under 18: detention and training orders),...
185 In section 101(2) (term of order, consecutive terms and taking...
186 In section 105(1)(a) (offences during currency of order), for “21”...
187 In section 106 (interaction of sentences of detention in a...
188 Section 108 (detention of persons aged at least 18 but...
189
190 In section 110 (minimum sentence for third Class A drug...
191 In section 111 (minimum sentence for third domestic burglary)—
192
193 In section 139 (powers and duties of Crown Court in...
194 In section 140(3) (enforcement of fines imposed and recognizances forfeited...
195 For the sidenote to section 157 (other reports of probation...

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- 196 In section 160 (rules and orders)— (a) in subsection (2)(a),...
- 197 In section 163 (general definitions)— (a) in the definition of...
- 198
- 199
- 200
- 201 (1) Schedule 7 (breach, revocation and amendment of supervision orders)...
- 202 (1) Schedule 8 (breach, revocation and amendment of action plan...
- 203 (1) Schedule 9 (consequential amendments) is amended as follows.
- 204

Child Support, Pensions and Social Security Act 2000 (c. 19)

- 205 The Child Support, Pensions and Social Security Act 2000 is...
- 206 In section 62 (loss of benefit for breach of community...
- 207 In section 64 (information provision)— (a) in subsection (2), for...

Learning and Skills Act 2000 (c. 21)

- 208
- 209
- 210

Regulation of Investigatory Powers Act 2000 (c. 23)

- 211 In section 81(3)(a) of the Regulation of Investigatory Powers Act...

SCHEDULE 8 — Repeals

The repeals— (a) in sections 28 and 34 of, and...

Status:

Point in time view as at 12/10/2009.

Changes to legislation:

Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 06 September 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.