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STATUTORY INSTRUMENTS

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**1997 No. 2200**

**The Crime (Sentences) Act 1997 (Commencement  
No. 2 and Transitional Provisions) Order 1997**

5.—(1) The following provisions of the 1997 Act shall not apply where the offence in question was committed before 1st October 1997, namely—

- (a) sections 38, 44, 46 and 52;
- (b) paragraph 15(2) and (11) to (13) of Schedule 4; and
- (c) Schedule 6 so far as relating to the repeals in sections 2(3) and 14(2) of the 1973 Act and sections 4(1) and 12 of, and paragraph 14 of Schedule 2 to, the 1991 Act.

(2) Sections 39 and 43 of the 1997 Act shall not apply where the offence in question was committed before 1st January 1998.

(3) In relation to any time before the commencement of Chapter I of Part II of the 1997 Act—

- (a) section 31(6) of that Act shall have effect as if for the words “section 24(2) above” there were substituted the words “section 46(3) of the 1991 Act”;
- (b) section 56(2) of the Criminal Justice Act 1967<sup>(1)</sup> (as amended by paragraph 5(1)(b) of Schedule 4 to the 1997 Act) shall have effect as if for the words “section 17(3) of the Crime (Sentences) Act 1997 (committal for breach of conditions of release supervision order)” there were substituted the words “section 40(3)(b) of the Criminal Justice Act 1991 (committal for sentence for offence committed during currency of original sentence)”;
- (c) section 32 of the 1991 Act (as amended by paragraph 15(10) of Schedule 4 to the 1997 Act) shall have effect as if—

- (i) in subsection (1), for the words “the functions conferred by Part II of the Crime (Sentences) Act 1997 (“Part II”)” there were 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”; and
- (ii) in subsections (3), (4) and (6), for the words “Part II” there were substituted the words “this Part or Chapter II”.

(4) Without prejudice to the operation of section 17 of the Interpretation Act 1978<sup>(2)</sup>, in relation to prisoners repatriated to England and Wales for offences committed before the commencement of Chapter I of Part II of the 1997 Act, any reference in the Repatriation of Prisoners Act 1984<sup>(3)</sup> (whether or not as modified by Schedule 2 to the 1997 Act) to a provision of Part II of the 1991 Act applicable to life prisoners (within the meaning of that Part) shall be construed as including a reference to the equivalent provision of Chapter II of Part II of the 1997 Act.

(5) A certificate issued under subsection (1) of section 48 of the 1991 Act in respect of a person who is a transferred life prisoner within the meaning of that section shall, after 30th September 1997, have effect as if—

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(1) 1967 c. 80.  
(2) 1978 c. 30.  
(3) 1984 c. 47.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) it had been issued under subsection (1) of section 33 of the 1997 Act; and
- (b) the person were a transferred life prisoner within the meaning of that section.

(6) Schedule 1 to the 1997 Act and, so far as relating to the repeal of Part III of the Criminal Justice Act 1961, Schedule 6 to that Act shall not apply in respect of any person who on 1st October 1997 is in any part of the United Kingdom or any of the Channel Islands or the Isle of Man by virtue of an order made under that Part, for so long as that order has effect under that Part.