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**Changes to legislation:** Offender Management Act 2007, SCHEDULE 4 is up to date with all changes known to be in force on or before 23 January 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 4

Section 39

#### TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

##### PART 1

##### PROVISIONS RELATING TO PART 1

###### *Compensation for certain former chief officers of local probation boards*

- 1 The Secretary of State may pay such compensation as he considers appropriate to any person who—
- (a) ceases to hold office as chief officer of a local probation board by virtue of the abolition of the board by virtue of this Part; and
  - (b) has not been appointed as chief executive of a probation trust before ceasing to hold office as chief officer.

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##### **Commencement Information**

**11** Sch. 4 para. 1 in force at 1.4.2008 by S.I. 2008/504, art. 3(m)

###### *Continuity of employment where chief officer is appointed chief executive of a probation trust*

- 2 (1) If a person who holds office as chief officer of a local probation board is appointed as chief executive of a probation trust, his period of Crown employment in that office (including any period mentioned in section 22(2) of the Criminal Justice and Court Services Act 2000 (c. 43) for former chief probation officers) counts as a period of employment with the probation trust.
- (2) In this paragraph “Crown employment” means the employment in which the chief executive of a local probation board was, by virtue of paragraph 3(5) of Schedule 1 to that Act, treated as being employed for the purposes of the Employment Rights Act 1996 (c. 18).

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##### **Commencement Information**

**12** Sch. 4 para. 2 in force at 1.4.2008 by S.I. 2008/504, art. 3(m)

###### *General saving for existing functions of the Secretary of State*

- 3 Nothing in the provisions of Part 1 conferring functions on the Secretary of State affects any other functions of his which are exercisable for any purpose that corresponds to any of the section 1 purposes.

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**Commencement Information**

**I3** Sch. 4 para. 3 in force at 1.4.2008 by S.I. 2008/504, art. 3(m)

*Interpretation*

4 Expressions used in this Part of this Schedule have the same meaning as in Part 1.

**Commencement Information**

**I4** Sch. 4 para. 4 in force at 1.4.2008 by S.I. 2008/504, art. 3(m)

**PART 2**

PROVISIONS RELATING TO PART 2

*Penalty for offences under sections 40C & 40D of the Prison Act 1952*

5 In the application of section 40C and 40D of the Prison Act 1952 (c. 52) (inserted by sections 22 and 23) in relation to offences committed before [<sup>F1</sup>2 May 2022], the reference in subsection (5)(b) of those sections to [<sup>F2</sup>the general limit in a magistrates' court] is to be read as a reference to 6 months.

**Textual Amendments**

**F1** Words in Sch. 4 para. 5 substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**

**F2** Words in Sch. 4 para. 5 substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 1.4.2008 by S.I. 2008/504, art. 3(m)

**PART 3**

PROVISIONS RELATING TO PART 3

*Imprisonment of offenders aged 18 or over but under 21*

6 (1) Sub-paragraph (2) applies if section 35(4)(a) comes into force before the day on which section 61 of the Criminal Justice and Court Services Act 2000 (c. 43) (abolition of sentences of detention in a young offender institution, custody for life, etc.) comes into force (or fully into force).

(2) The provision that may be made by order under section 38(1) includes provision modifying the provision inserted by section 35(4)(a) of this Act with respect to

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sentences passed, or other things done, at any time before section 61 of that Act comes into force (or fully into force).

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**Commencement Information**

**I6** Sch. 4 para. 6 in force at 1.11.2007 by S.I. 2007/3001, art. 2(1)(s)

*Remand centres*

- 7 If section 59 of the Criminal Justice and Court Services Act 2000 (abolition of remand centres) has not come into force (or fully into force) before the coming into force of paragraph 18(2) of Schedule 3, that paragraph has effect until section 59 of the Criminal Justice and Court Services Act 2000 comes into force (or comes fully into force) as if after “prison” (in the second place it occurs) there were inserted “ , remand centre ”.

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**Commencement Information**

**I7** Sch. 4 para. 7 in force at 1.11.2007 by S.I. 2007/3001, art. 2(1)(s)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)