

Status: This is the original version (as it was originally enacted).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

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

The Criminal Justice Act 1961 (c. 39)

- 7 In section 26 (transfer to serve sentence)—
- (a) in subsection (5)—
 - (i) for the words "any part of the United Kingdom other than Northern Ireland " there shall be substituted the words " England and Wales ";
 - (ii) for the words " that part of the United Kingdom " there shall be substituted the words " England and Wales " ; and
 - (iii) the proviso shall cease to have effect;
 - (b) after subsection (5A) there shall be inserted the following subsection—

“(5B) Where a person sentenced to borstal training is transferred under this section to Scotland the provisions applicable to him shall be those applicable to a person sentenced in Scotland to detention in a young offenders institution:

Provided that—

 - (a) the maximum and minimum periods for which he may be detained in a young offenders institution shall be those prescribed by section 45(2) of the Prison Act 1952 as amended by section 11 of this Act;
 - (b) at any time after the expiry of such minimum period he may be released on the direction of the Secretary of State ; and
 - (c) the period after his release (whether on a direction under paragraph (b) above or on the expiry of such maximum period) during which he remains under supervision and liable to be recalled shall be that which would have applied under the law of the place where he was sentenced if he had been released there.”.
- 8 In section 29(1) (removal for judicial purposes) after the words " young offenders centre " there shall be inserted the words " , young offenders institution " .
- 9 In section 30(3) (prisoners unlawfully at large) after the words " young offenders centre " there shall be inserted the words " young offenders institution " .
- 10 In section 32(2) (extension throughout the United Kingdom of certain enactments relating to supervision and recall)—
- (a) paragraph (b) shall cease to have effect;
 - (b) in paragraph (f), the word "11" shall cease to have effect; and

*Status: This is the original version (as it was originally enacted).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

- (c) in paragraph (i) for the words " 214" there shall be substituted the words " 212, 214, 421 ".
- 11 In section 38 (construction of references to sentence of imprisonment)—
 - (a) in subsection (3)(a)—
 - (i) the words " corrective training, preventive detention," shall cease to have effect;
 - (ii) at the end there shall be added the words " or young offenders institution "; and
 - (b) in subsection (5)(a), the words " in a young offenders institution " shall cease to have effect.
- 12 In section 39(1) (interpretation)—
 - (a) in paragraph (a) of the definition of " appropriate institution", for the words "any part of the United Kingdom other than Northern Ireland " there shall be substituted the words " England and Wales ";
 - (b) in paragraph (b) of that definition, the words " England and Wales or" shall cease to have effect; and
 - (c) in paragraph (bb) of that definition, for the words " sentenced to imprisonment when under twenty-one years of age " there shall be substituted the words " under twenty-one years of age who is serving a sentence of—
 - (i) imprisonment;
 - (ii) borstal training ; or
 - (iii) detention in a young offenders centre in Northern Ireland, and " .