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**Changes to legislation:** Criminal Justice Act 1982, Cross Heading: Criminal Justice Act 1961 (c. 39) is up to date with all changes known to be in force on or before 02 March 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 14

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Criminal Justice Act 1961 (c. 39)*

- 10 In section 23 of the Criminal Justice Act 1961 (by virtue of which, among other things, a prisoner who is serving a term of more than one month and would otherwise be discharged on a Saturday is instead discharged on Friday)—
- (a) in subsection (3), for the words “one month” there shall be substituted the words “five days”; and
  - (b) in subsection (4), for the words “borstal institutions” there shall be substituted the words “youth custody centres”.
- 11 The following subsections shall be substituted for subsections (4) to (7) of section 26 of that Act (transfer to serve sentence)—
- “(4) Subject to the following provisions of this section, a person transferred under this section to any part of the United Kingdom or to any of the Channel Islands or the Isle of Man there to serve his sentence or the remainder of his sentence shall be treated for purposes of detention, release, supervision, recall and otherwise as if that sentence (and any other sentence to which he may be subject) had been an equivalent sentence passed by a court in the place to which he is transferred.
- (4A) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in subsection (4) of this section as the Secretary of State may direct.”
- 12 The words “youth custody centre” shall be substituted for the words “Borstal institution” in section 29(1) (removal of prisoners etc. for judicial purpose) and section 30(3) (prisoners unlawfully at large) of that Act.
- 13 In subsection (2) of section 32 of that Act (supervision and recall)—
- (a) in paragraph (i) for the word “section” there shall be substituted the words “sections 206,”;
  - (b) at the end there shall be added the following paragraphs—
    - “(j) section 15 of the Criminal Justice Act 1982;
    - (k) section 73(4), (5) and (6) of the <sup>M1</sup>Children and Young Persons Act (Northern Ireland) 1968.”.

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#### Marginal Citations

M1 1968 c. 34. (N.I.)

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- 14 The words “or of any authorised officer” shall be added at the end of section 33 of that Act (orders relating to transfers of prisoners and others to be under hand of the Secretary of State or of an Under-Secretary or Assistant Under-Secretary of State).
- 15 In section 38 of that Act (construction of references to imprisonment, detention, etc.)—
- (a) in paragraph (a) of subsection (3)—
- (i) after the word “imprisonment”, in the second place where it occurs, there shall be inserted the words “custody for life, youth custody,”; and
- (ii) for the words “or detention in a detention centre or young offenders institution” there shall be substituted the words “detention in a detention centre or young offenders institution or detention under an equivalent sentence passed by a court in the Channel Islands or the Isle of Man”;
- (b) the following subsection shall be inserted after subsection (5)—
- “(6) The Secretary of State may by order designate as equivalent sentences for the purposes of this Act and of any enactment referred to in Part III of this Act a description of sentence which a court with jurisdiction in one part of the United Kingdom or in the Channel Islands or the Isle of Man may pass and a description of sentence which a court elsewhere in the United Kingdom or in those Islands may pass;”.
- 16 In section 39 of that Act (interpretation)—
- (a) in subsection (1), the following definition shall be substituted for the definition of “appropriate institution”—
- ““appropriate institution”, in relation to any person, means, subject to subsection (1A) of this section, any institution which would be appropriate for the detention of an offender of the same age serving an equivalent sentence passed by a court in the place to which he has been transferred;”;
- (b) the following subsections shall be inserted after that subsection—
- “(1A) Subsection (1) of this section shall have effect in relation to a person serving a sentence of a length which could not have been passed on an offender of his age by a court in the place to which he has been transferred as if it defined “appropriate institution” as meaning such place as the Secretary of State may direct.
- (1B) Any reference in this Act to a sentence being equivalent to another sentence is to be construed as a reference to its having been so designated under section 38(6) of this Act.”.
- 17 In section 42(1) of that Act (application to Scotland), and in section 42(2) (application to Northern Ireland), after the word “thirty-five;” there shall be inserted the words “section thirty-six;”.

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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. 32(1A)(ca) words inserted by [2021 c. 11 Sch. 13 para. 36](#)