

Changes to legislation: Criminal Justice Act 1988, SCHEDULE 16 is up to date with all changes known to be in force on or before 21 April 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

SCHEDULES

SCHEDULE 16

Section 170.

REPEALS

Extent Information

- E1** The extent of any repeal of an enactment in Sch. 16 is the same as that of the enactment repealed, subject to the Notes at the end of the Schedule

Commencement Information

- II** Sch. 16 partly in force; Sch. 16 in force at Royal Assent so far as relating to specified repeals see s. 171(5); Sch. 16 in force so far as relating to further specified repeals at 29.9.1988 see s. 171(6); Sch. 16 in force so far as relating to further specified repeals: at 1.10.1988 by S.I. 1988/1408; at 12.10.1988 by S.I. 1988/1676; at 1.11.1988 by S.I. 1988/1817; at 5.1.1989 by S.I. 1988/2073; at 23.1.1989 by S.I. 1989/50; at 3.4.1989 by S.I. 1989/264; at 31.7.1989 by S.I. 1989/1085; at 1.1.2000 by S.I. 1999/3425

7 Geo. 4. c. 24.	Criminal Law Act 1826.	Section 30.
24 & 25 Vict. c. 100.	Offences against the Person Act 1861.	Sections 42 and 43. In section 44, the word “such, in the first place where it occurs, and the words “under either of the last two preceding sections. Section 46. In section 47, the words from “and to the end.
6 & 7 Geo. 5. c. 64.	Prevention of Corruption Act 1916.	Sections 1 and 3.
15 & 16 Geo. 5. c. 86.	Criminal Justice Act 1925.	Section 39.
23 & 24 Geo. 5. c. 12.	Children and Young Persons Act 1933.	Section 1(5) and (6). In section 38(1), the proviso. In Schedule 1, in the third paragraph, the words “forty-two, forty-three.
1 Edw. 8. & 1 Geo. 6. c. 37.	Children and Young Persons (Scotland) Act 1937.	Section 12(5) and (6).

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15 & 16 Geo. 6. and 1 Eliz. 2. c. 52.	Prison Act 1952.	Section 43(1)(b) and (c).
1952 c. 61.	Prisons (Scotland) Act 1952.	<p>In section 31(1), paragraph (b).</p> <p>In section 31(3), the words “detention centre”.</p> <p>In section 31(4), the words “detention centres wherever they occur”.</p> <p>In section 34, the words “or a detention centre”.</p> <p>In section 35(1), the words “detention centres”.</p> <p>In section 37(1), the words “or detention centre”.</p> <p>In section 37(2), the words “or detention centre wherever they occur”.</p>
9 & 10 Eliz. 2. c. 39. 1967 c. 68.	Criminal Justice Act 1961. Fugitive Offenders Act 1967.	<p>Section 2.</p> <p>In section 8(1) and (2), the words “to custody”.</p> <p>In section 11(1), the words “in respect of a person in custody thereunder”.</p> <p>In section 16(1), the words “(except for purposes of the references to the United Kingdom in section 3)”.</p> <p>Schedule 1.</p>
1967 c. 80.	Criminal Justice Act 1967.	<p>Section 49.</p> <p>In Schedule 3, Part I, the entry relating to the Prevention of Corruption Act 1906.</p>
1968 c. 19.	Criminal Appeal Act 1968.	<p>In section 7(1), the words “and do so only by reason of evidence received or available to be received by them under section 23 of this Act”.</p> <p>Section 10(3)(d).</p> <p>Section 42.</p>
1968 c. 27.	Firearms Act 1968.	<p>In section 21(2), the words “to borstal training, to</p>

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		corrective training for less than three years or.
		In section 52(1)(a), the words “preventive detention, corrective training, borstal training,.
1969 c. 12.	Genocide Act 1969.	Section 2(1)(b) and the word “and immediately preceding it.
		In section 3(1), the words “and sections 16 and 17 of the Fugitive Offenders Act 1967.
1969 c. 54.	Children and Young Persons Act 1969.	In section 16(10), the words from “and the provisions to the end.
		Section 22(5).
		In section 29, the words “he or.
		Section 34(1)(f)
		In section 60, subsection (1) (b) and the word “and immediately preceding it, and in subsection (2), the words “or section 16(2) or 17 of the said Act of 1967.
F1	F1	F1
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1971 c. 40.	Fire Precautions Act 1971.	In section 40(2)(b), the words “detention centre.
1972 c. 20.	Road Traffic Act 1972.	In section 100, the words “or attempting to drive.
1972 c. 71.	Criminal Justice Act 1972.	Section 28(3).
		In Schedule 5, the amendment of the Criminal Appeal Act 1968.
1973 c. 14.	Costs in Criminal Cases Act 1973.	In Schedule 1, paragraph 3.
1973 c. 62.	Powers of Criminal Courts Act 1973.	Section 22(5).
		In section 34A(1)(c), the words “other than an order under section 35 of this Act.’
		Sections 39 and 40.

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		In section 57(3), the definition of “detention centre.
		In Schedule 3, paragraph 2(4)(b) and the word “and immediately preceding it, and paragraph 7.
		In Schedule 5, paragraph 29.
1974 c. 23.	Juries Act 1974.	In section 12(1)(a), the words “not more than three jurors without cause and.
		In section 16(2), the words “for murder or.
1976 c. 82.	Sexual Offences (Amendment) Act 1976.	In section 4, in subsection (3), the words “before the Crown Court at which a person is charged with a rape offence and “relating to the complainant, and subsection (7)(a).
		In section 5(6), the words from the beginning to “and, in the second place where it occurs.
		Section 6.
		In section 7, in subsection (4), the words “and 6(4)(b), in subsection (5), the words “and 6 and in subsection (6), the words “and section 6(1) as adapted by section 6(4)(b).
1977 c. 45.	Criminal Law Act 1977.	Section 43.
		In Schedule 5, paragraph 2, so far as relating to section 99(b) of the Road Traffic Act 1972.
		In Schedule 6, the entry relating to the Offences against the Person Act 1861.
		In Schedule 12, in the entry relating to the Children and Young Persons Act 1969, paragraph 4(b) and (c).
1978 c. 26.	Suppression of Terrorism Act 1978.	Section 3(2).

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1978 c. 31.	Theft Act 1978.	In section 5(3) the words from “and to the end.
1978 c. 37.	Protection of Children Act 1978.	In section 1(6), paragraph (b) and the word “and immediately preceding it and the words “and sections 16 and 17 of the 1967 Act. In section 4(2), the words from “taken to the end. In section 5(2), the words from “taken to “distributed or shown,.
1980 c. 9.	Reserve Forces Act 1980.	In Schedule 1, paragraph 5(c)(ii) and the word “or immediately preceding it.
1980 c. 43.	Magistrates’ Courts Act 1980.	Section 22(7). Section 32(7). Section 134. In section 143, subsection (2) (l) to (n), subsections (4) and (5) and in subsection (6) the words “or (4). In Schedule 1, in paragraph 5(h), the words “— common assault.
1982 c. 16.	Civil Aviation Act 1982.	Section 93(3).
1982 c. 28.	Taking of Hostages Act 1982.	In section 3, subsection (1) (b) and the word “and immediately preceding it and subsections (3) and (5).
1982 c. 36.	Aviation Security Act 1982.	In section 9, subsection (1) (b) and the word “and immediately preceding it, and subsections (2) and (3).
1982 c. 48.	Criminal Justice Act 1982.	Sections 4 to 7. Section 12(1) to (5), (8) and (9). Section 14. Section 20(1). In section 43, the words from “and, in the case to “thereof and the words from “(but to the end of the section.

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		Sections 74 and 75.
		In section 80(1), the words “section 74; section 75;.
		In Schedule 8, paragraphs 3(c) and 7(d).
1983 c. 18.	Nuclear Material (Offences) Act 1983.	In section 5, subsection (1) (b) and the word “and immediately preceding it, and subsections (2) and (4).
1984 c. 39.	Video Recordings Act 1984.	Section 15(2), (4) and (5).
1984 c. 46.	Cable and Broadcasting Act 1984.	In Schedule 5, paragraph 34(6).
1984 c. 47.	Repatriation of Prisoners Act 1984.	In Schedule 1, paragraph 4.
1984 c. 60.	Police and Criminal Evidence Act 1984.	Section 24(2)(e).
		In section 65, the word “and before “references.
		Section 68.
		In Schedule 3, paragraphs 1 to 7 and paragraph 13.
1985 c. 13.	Cinemas Act 1985.	In Schedule 2, paragraph 11.
1985 c. 37.	Prohibition of Female Circumcision Act 1985.	Section 3(1)(b) and the word “and immediately preceding it.
1985 c. 51.	Local Government Act 1985.	In section 15(5), the words “or 7.
1985 c. 65.	Insolvency Act 1985.	In Schedule 8, paragraph 24.
1986 c. 32.	Drug Trafficking Offences Act 1986.	In section 6, in subsection (1), paragraph (b) and the word “and immediately preceding it, in subsection (3), the words “or 9 and subsection (5).
		Section 10(1).
		Section 15(5)(b) and (c).
		In section 17(1), the words from “but to the end.
		In section 19, in subsection (1) (b) (i), the words “(and no conviction for any drug trafficking offence is substituted)

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		and in subsection (2), in paragraph (a), the words “and that, but for that default, the proceedings would not have been instituted or continued, and in paragraph (b), the word “substantial.
		In section 25(3), the words “varying or revoking a previous Order in Council.
		In section 38(11), the words “in England and Wales.
1986 c. 45.	Insolvency Act 1986.	Section 264(1)(d) and the word “or immediately preceding it.
		Section 266(4).
		Section 267(3).
		Section 277.
		Section 282(2).
		In section 293(1), the words “does not apply where the bankruptcy order was made on a petition under section 264(1)(d) (criminal bankruptcy); and it.
		Section 297(1).
		Section 327.
		Section 341(4) and (5).
		Section 382(1)(c).
		In section 383(1)(a), the words from “(being, to “question).
		In section 385(1), the definition of “criminal bankruptcy order.
		Section 402.
1987 c. 38.	Criminal Justice Act 1987.	Section 9(3)(a).
		In section 11, in subsection (8)(e), the word “engaged, and subsection (11).
		In Schedule 2, paragraph 1(2).

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1987 c. 41.	Criminal Justice (Scotland) Act 1987.	Section 45(7)(c)(ii) and the word “and immediately preceding it.
1988 c. 13.	Coroners Act 1988.	In Schedule 3, paragraph 14.

Textual Amendments

F1 Sch. 16: Entry relating to s. 41(8) of the Administration of Justice Act 1970 repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 23(3), 101(2), [Sch. 13](#); S.I. 1992/333, art. 2(2), [Sch. 2](#).

Notes

- 1 The repeals in the Offences against the Person Act 1861 and the Prevention of Corruption Act 1916 do not extend to Northern Ireland.
- 2 The repeal in the Road Traffic Act 1972 does not extend to Scotland.
- 3 The repeal of sections 74 and 75 of the Criminal Justice Act 1982 and the repeals in sections 80 and 81 of that Act do not affect those sections as they apply—
 - (a) in any of the Channel Islands; or
 - (b) in the Isle of Man,
 and any Order in Council applying section 74(1) or 75 to any of those Islands shall continue to have effect as if this Act had not been passed.

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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. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)