



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART VI

#### SUPPLEMENTAL

#### 98 Expenses etc. under Act.

There shall be paid out of money provided by Parliament—

- (a) any sums required by the Secretary of State for making payments under contracts entered into under section 13, 80 or 84 above <sup>F1</sup> . . . ;
- (b) any sums so required for defraying the expenses of the Parole Board, or any expenses incurred by members of lay panels appointed under section 81 above;
- (c) any administrative expenses incurred by the Secretary of State under this Act; and
- (d) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

#### Textual Amendments

**F1** Words in s. 98(a) repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), Sch. 4

#### Commencement Information

**I1** S. 98 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

#### 99 General interpretation.

(1) In this Act—

- “the 1933 Act” means the <sup>M1</sup>Children and Young Persons Act 1933;
- “the 1952 Act” means the <sup>M2</sup>Prison Act 1952;
- “the 1967 Act” means the <sup>M3</sup>Criminal Justice Act 1967;
- “the 1969 Act” means the <sup>M4</sup>Children and Young Persons Act 1969;

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“the 1973 Act” means the <sup>M5</sup>Powers of Criminal Courts Act 1973;

<sup>F2</sup> . . .

“the 1980 Act” means the <sup>M6</sup>Magistrates’ Courts Act 1980;

“the 1982 Act” means the <sup>M7</sup>Criminal Justice Act 1982;

“the 1983 Act” means the <sup>M8</sup>Mental Health Act 1983;

“the 1988 Act” means the <sup>M9</sup>Criminal Justice Act 1988;

“child”, unless the contrary intention appears, means a person under the age of fourteen years;

[<sup>F3</sup>“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;]

“prison rules” means rules made under section 47 of the 1952 Act;

“young person” means a person who has attained the age of fourteen years and is under the age of eighteen years.

[<sup>F4</sup>“youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.]

- (2) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State, his age shall be deemed to be that which it appears to the court or the Secretary of State to be after considering any available evidence.

#### Textual Amendments

**F2** Definition in s. 99(1) repealed (19.6.1997) by 1997 c. 25, ss. 73(3), 74(1), **Sch. 6 Pt. I**.

**F3** **S. 99(1)**: definition of “local probation board” inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 110**; S.I. 2001/919, **art. 2(f)(ii)**

**F4** Definition of “youth offending team” in s. 99(1) inserted (30.9.1998 for areas specified in S.I. 1998/2327, **art. 3(1)**, **Sch. 1** and subject to art. 9 of that S.I., otherwise 1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 95**; S.I. 1998/2327, **art. 3(1)(b)**; S.I. 2000/924, **art. 2(c)**

#### Commencement Information

**I2** **S. 99** wholly in force; s. 99(1) (save for the definitions of “child” and “young person”) in force at 14.10.1991 see s. 102(2)(3) and S.I. 1991/2208, **art. 2(1)** and Sch. 1; s. 99 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**, **Sch. 2**.

#### Marginal Citations

**M1** 1933 c. 12.

**M2** 1952 c. 52.

**M3** 1967 c. 80.

**M4** 1969 c. 54.

**M5** 1973 c. 62.

**M6** 1980 c. 43.

**M7** 1982 c. 48.

**M8** 1983 c. 20.

**M9** 1988 c. 33.

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## 100 Minor and consequential amendments.

The enactments mentioned in Schedule 11 to this Act shall have effect subject to the amendments there specified (being minor amendments and amendments consequential on the preceding provisions of this Act).

### Commencement Information

- I3** [S. 100](#) wholly in force at 1.6.1999; [S. 100](#) in force for certain purposes at 14.10.1991 and for further purposes at 31.10.1991 see [s. 102\(2\)\(3\)](#) and [S.I. 1991/2208](#), [art. 2\(1\)\(4\)](#) and Schs. 1 and 3; [s. 100](#) in force for certain purposes at 1.4.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(1\)](#), [Sch. 1](#); [s. 100](#) in force for certain purposes at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#); [s. 100](#) in force for certain purposes (1.6.1999) by [S.I. 1999/1280](#), [art. 3](#), [Sch.](#)
- [S. 100](#) shall come into force for certain purposes on the day appointed by the Secretary of State by order under [s. 62\(1\)](#) see [S.I. 1992/333](#), [art. 2\(5\)](#), [Sch. 3](#) (which [art. 2\(5\)](#) is revoked (1.6.1999) by [S.I. 1999/1280](#), [art. 2](#))

## 101 Transitional provisions, savings and repeals.

- (1) The transitional provisions and savings contained in Schedule 12 to this Act shall have effect; but nothing in this subsection shall be taken as prejudicing the operation of sections 16 and 17 of the <sup>M10</sup>Interpretation Act 1978 (which relate to the effect of repeals).
- (2) The enactments mentioned in Schedule 13 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

### Commencement Information

- I4** [S. 101](#) partly in force; [s. 101\(1\)](#) in force for certain purposes 14.10.1991 see [s. 102\(2\)\(3\)](#) and [S.I. 1991/2208](#), [art. 2\(1\)](#) and Sch. 1; [s. 101\(1\)](#) in force for certain purposes at 25.10.1991 see [s. 102\(2\)\(3\)](#) and [S.I. 1991/2208](#), [art. 2\(2\)](#) and Sch. 2; [s. 101\(2\)](#) in force for certain purposes at 31.10.1991 see [s. 102\(2\)\(3\)](#) and [S.I. 1991/2208](#), [art. 2\(4\)](#) and Sch. 3; [s. 101](#) in force for certain purposes at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#); [s. 101](#) in force for certain purposes (1.6.1999) by [S.I. 1999/1280](#), [art. 3](#), [Sch.](#)
- [S. 101](#) to come into force for certain purposes on the day appointed by the Secretary of State by order under [s. 62\(1\)](#) see [S.I. 1992/333](#), [art. 2\(5\)](#), [Sch. 3](#) (which [art. 2\(5\)](#) is repealed (1.6.1999) by [S.I. 1999/1280](#), [art. 2](#))

### Marginal Citations

**M10** 1978 c. 30.

## 102 Short title, commencement and extent.

- (1) This Act may be cited as the Criminal Justice Act 1991.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions or for different purposes.

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- (3) Without prejudice to the provisions of Schedule 12 to this Act, an order under subsection (2) above may make such transitional provisions and savings as appear to the Secretary of State necessary or expedient in connection with any provision brought into force by the order.
- (4) Subject to subsections (5) to (8) below, this Act extends to England and Wales only.
- (5) The following provisions of this Act, namely—
- (a) this section;
  - (b) sections 16, 17(1) and (2), 24 and 26(3) and (4); and
  - (c) Schedule 3, paragraph 6 of Schedule 6, paragraph 5 of Schedule 8, <sup>F5</sup> . . . and, so far as relating to the <sup>M11</sup>Social Work (Scotland) Act 1968, Schedule 13, also extend to Scotland; and section 23(2) above and, in so far as relating to the <sup>M12</sup>Criminal Procedure (Scotland) Act 1975, Schedule 13 to this Act extend to Scotland only.
- (6) This section, section 16 above, Schedule 3 to this Act, <sup>F6</sup> . . . and, so far as relating to the <sup>M13</sup>Social Work (Scotland) Act 1968, Schedule 13 to this Act also extend to Northern Ireland.
- (7) An Order in Council under section 81(11) of the 1982 Act may direct that both or either of—
- (a) section 37 of that Act as amended by section 17(1) above; and
  - (b) section 32 of the 1980 Act as amended by section 17(2) above,
- shall extend, subject to such modifications as may be specified in the Order, to the Isle of Man or any of the Channel Islands.
- [<sup>F7</sup>(7A) Sections 80, 82 and 83 above, so far as relating to the delivery of prisoners to or from premises situated in a part of the British Islands outside England and Wales, extend to that part of those Islands.]
- (8) Nothing in subsection (4) above affects the extent of this Act in so far as it amends or repeals any provision of the <sup>M14</sup>Army Act 1955, the <sup>M15</sup>Air Force Act 1955, the <sup>M16</sup>Naval Discipline Act 1957 or the <sup>M17</sup>Armed Forces Act 1991.

#### Subordinate Legislation Made

- P1** S. 102(2)(3) power exercised by [S.I. 1991/2208](#)  
S. 102(2)(3) power exercised by [S.I. 1991/2706](#)
- P2** S. 102(2)(3) power exercised (21.2.1992): different dates appointed for specified provisions by [S.I. 1999/333](#), [art. 2\(1\)\(2\)](#) (as amended by [S.I. 1999/2118](#))  
S. 102(2)(3) power partly exercised (11.12.1994): 9.1.1995 appointed day by 1994/3191
- P3** S. 102(2) power partly exercised (4.5.1999): 1.6.1999 appointed for specific provisions by [S.I. 1999/1280](#), [art. 3](#), [Sch.](#)

#### Textual Amendments

- F5** Words in [s. 102\(5\)\(c\)](#) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F6** Words in [s. 102\(6\)](#) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F7** [S. 102\(7A\)](#) inserted (3.11.1994) by 1994 c. 33, [s. 101\(8\)](#).

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### Commencement Information

**I5** [S. 102](#) so far as not in force wholly in force at 14.10.1991 see [s. 102\(2\)\(3\)](#) and [S.I. 1991/2208](#), [art. 2\(1\)](#) and Sch. 1

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### Marginal Citations

**M11** [1968 c. 49](#).

**M12** [1975 c. 21](#).

**M13** [1968 c. 49](#).

**M14** [1955 c. 18](#).

**M15** [1955 c. 19](#).

**M16** [1957 c. 53](#).

**M17** [1991 c. 62](#).

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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. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))