

## SCHEDULES

### SCHEDULE 11

Section 100.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Children and Young Persons Act 1933 (c. 12)*

- 1 In section 38(2) of the 1933 Act (false evidence by child) for the words “as aforesaid” there shall be substituted the words “unsworn in any proceedings for an offence by virtue of section 52 of the Criminal Justice Act 1991”.

##### *Criminal Justice Act 1967 (c. 80)*

- 2 (1) Section 67 of the 1967 Act (remand time to be taken into account in computing sentences) shall be amended as follows.
- (2) In subsection (1A)(c)—
- (a) after the word “remanded” there shall be inserted the words “or committed”; and
  - (b) after the words “section 23 of the Children and Young Persons Act 1969” there shall be inserted the words “or section 37 of the Magistrates' Courts Act 1980”.
- (3) For subsection (5) there shall be substituted the following subsection—
- “(5) This section applies—
- (a) to sentences of detention in a young offender institution; and
  - (b) to determinate sentences of detention passed under section 53(2) of the Children and Young Persons Act 1933 (sentences for serious indictable offences),
- as it applies to sentences of imprisonment.”
- (4) In subsection (6)—
- (a) after the word “being”, in the second place where it occurs, there shall be inserted the words “remanded or”;
  - (b) for the words “committed to the care of a local authority” there shall be substituted the words “remanded or committed to local authority accommodation”; and
  - (c) after the words “the said section 23” there shall be inserted the words “or 37”.

##### *Criminal Appeal Act 1968 (c. 19)*

- 3 In section 10(2) of the Criminal Appeal Act 1968 (appeal against sentence in other cases dealt with by Crown Court), for paragraph (b) there shall be substituted the following paragraph—
- “(b) having been made the subject of an order for conditional discharge or a community order within the meaning of Part I of the Criminal

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Justice Act 1991 (other than a supervision order within the meaning of that Part) or given a suspended sentence, appears or is brought before the Crown Court to be further dealt with for his offence.”

- 4 In section 50(1A) of that Act (right of appeal of probationer etc.), for the words “Section 13” there shall be substituted the words “Section 1C” and the words “a probation order or” shall cease to have effect.

*Civil Evidence Act 1968 (c. 64)*

- 5 In section 11(5)(a) of the Civil Evidence Act 1968 (convictions as evidence in civil proceedings), for the words “section 13” there shall be substituted the words “section 1C” and the words “probation or” shall cease to have effect.

*Children and Young Persons Act 1969 (c. 54)*

- 6 (1) In subsection (1) of section 12D of the 1969 Act (duty of court to state in certain cases that requirement is in place of custodial sentence), in paragraph (ii), for sub-paragraphs (a) to (c) there shall be substituted the following sub-paragraphs—

“(a) the offence of which he has been convicted, or the combination of that offence and one other offence associated with it, was so serious that only a supervision order containing such a requirement or a custodial sentence can be justified for that offence; or

(b) that offence was a violent or sexual offence and only a supervision order containing such a requirement or such a sentence would be adequate to protect the public from serious harm from him;”.

- (2) After that subsection there shall be inserted the following subsection—

“(1A) Sub-paragraphs (a) and (b) of subsection (1)(ii) above shall be construed as if they were contained in Part I of the Criminal Justice Act 1991.”

- 7 (1) In subsection (4) of section 16 of that Act (provisions supplementary to section 15), for the words “a court” there shall be substituted the words “a youth court”.

- (2) In subsection (6)(b) of that section, for the words “subsection (5)” there shall be substituted the words “subsection (10)”.

- (3) In subsection (10) of that section, for the words “paragraph (b) of subsection (2A) and paragraph (a) of subsection (4)” there shall be substituted the words “paragraph (a) of subsection (3)”.

- 8 (1) In subsection (1) of section 16A of that Act (application of sections 17 to 19 of the 1982 Act), for the words “section 15(2A)(b) and (4)(a)” there shall be substituted the words “section 15(3)(a)”.

- (2) In subsection (2) of that section, for the words “each of those paragraphs” there shall be substituted the words “section 15(3)(a) of this Act”.

*Vehicles (Excise) Act 1971 (c. 10)*

- 9 In section 9(5) of the Vehicles (Excise) Act 1971 (additional liability for keeping unlicensed vehicle), for the words “Part I of the Criminal Justice Act 1948” there shall be substituted the words “section 1C of the Powers of Criminal Courts Act 1973” and the words “placing him on probation or” shall cease to have effect.

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*Powers of Criminal Courts Act 1973 (c. 62)*

- 10 In section 11(2) of the 1973 Act (substitution of conditional discharge for probation) for the words “section 8 of this Act” there shall be substituted the words “paragraph 7 of Schedule 2 to the Criminal Justice Act 1991”.
- 11 In section 12 of that Act (supplementary provisions as to probation and discharge)
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- (a) in subsection (2), for the words “section 2(7) and paragraph 1 of Schedule 1” there shall be substituted the words “section 2(4)”;
- (b) in subsection (4), for the words “section 2 or 7” there shall be substituted the words “section 1A or 2”.
- 12 In section 14 of that Act (community service orders)—
- (a) in subsection (4), for the words “section 17(5) of this Act” there shall be substituted the words “Part IV of Schedule 2 to the Criminal Justice Act 1991”;
- (b) in subsection (5)(b), for the words “section 16” there shall be substituted the words “Part II of Schedule 2 to the Criminal Justice Act 1991”; and
- (c) in subsection (5)(c), for the words “section 17” there shall be substituted the words “Parts III and IV of that Schedule”.
- 13 In section 15(2) of that Act (obligations of person subject to community service order), for the words “section 17(1) of this Act” there shall be substituted the words “paragraph 15 of Schedule 2 to the Criminal Justice Act 1991”.
- 14 In section 31(3C) of that Act (maximum periods of imprisonment in default of payment of Crown Court fine), for the words “five days” there shall be substituted the words “seven days”.
- 15 In section 58 of that Act (application to Scotland), for the words “sections 8(4), 10, 13, 17C, 25(3), 29(7)” there shall be substituted the words “sections 1C, 25(3) and 29(7)”.
- 16 In section 59 of that Act (application to Northern Ireland), for the words “Sections 17C and 29(7)” there shall be substituted the words “Section 29(7)”.
- 17 (1) In paragraph 2(2)(a) of Schedule 3 to that Act (the probation service and its functions), the word “several” shall cease to have effect.
- (2) In paragraph 8(1) of that Schedule, after the words “any person” there shall be inserted the words “and to make reports on such matters”.

*Juries Act 1974 (c. 23)*

- 18 (1) In Schedule 1 to the Juries Act 1974, Group B (which disqualifies from jury service persons concerned with the administration of justice) shall be amended as follows.
- (2) After the entry relating to a shorthandwriter in any court, there shall be inserted the following entry—
- “A court security officer within the meaning of Part IV of the Criminal Justice Act 1991.”
- (3) After the entry relating to governors, chaplains, medical officers and other officers of penal establishments and members of boards of visitors for such establishments, there shall be inserted the following entry—

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“Prisoner custody officers within the meaning of Part IV of the Criminal Justice Act 1991.”

*Solicitors Act 1974 (c. 47)*

- 19 In section 43(7) of the Solicitors Act 1974 (control of employment of certain clerks), for the words “placing a person on probation or discharging him” there shall be substituted the words “discharging a person” and for the words “section 13” there shall be substituted the words “section 1C”.

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 20 In section 1(4) of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions)—
- (a) for the words “section 13” there shall be substituted the words “section 1C”;
  - (b) the words “put on probation or” shall cease to have effect; and
  - (c) for the words “placing the person concerned on probation or discharging him” there shall be substituted the words “discharging the person concerned”.

*Bail Act 1976 (c. 63)*

- 21 In section 4(3) of the Bail Act 1976 (general right to bail of accused persons and others), for the words “section 6 or section 16 of the Powers of Criminal Courts Act 1973 (breach of requirement of probation or community service order)” there shall be substituted the words “Part II of Schedule 2 to the Criminal Justice Act 1991 (breach of requirement of probation, community service, combination or curfew order)”.
- 22 (1) Paragraph 8 of Schedule 1 to that Act (restrictions on the imposition of bail conditions) shall be amended as follows.
- (2) In sub-paragraph (1), after the words “(4) to (7)” there shall be inserted the words “(except subsection (6)(d))” and the words from “or, in the case” to the end shall cease to have effect.
- (3) After sub-paragraph (1) there shall be inserted the following sub-paragraph—
- “(1A) No condition shall be imposed under section 3(6)(d) of this Act unless it appears to be necessary to do so for the purpose of enabling inquiries or a report to be made.”
- (4) In sub-paragraph (2) for the words “Sub-paragraph (1) above also applies”, there shall be substituted the words “Sub-paragraphs (1) and (1A) above also apply”.
- (5) In sub-paragraph (3), for the words “sub-paragraph (1)” there shall be substituted the words “sub-paragraph (1A)”.

*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)*

- 23 In section 1(2) of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (exclusion orders), for paragraph (b) there shall be substituted the following paragraph—

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“(b) where the offence was committed in England and Wales, notwithstanding the provisions of sections 1A and 1C of the Power of Criminal Courts Act 1973 (cases in which absolute and conditional discharges may be made, and their effect), in addition to an order discharging him absolutely or conditionally;”.

*Magistrates' Courts Act 1980 (c. 43)*

24 In section 12(1)(a) of the 1980 Act (non-appearance of accused: plea of guilty), after the words “this section” there shall be inserted the words “and section 18 of the Criminal Justice Act 1991 (unit fines)”.

25 In section 20(2)(b) of that Act (procedure where summary trial appears more suitable), for the words from “on obtaining information” to the end there shall be substituted the words “is of such opinion as is mentioned in subsection (2) of that section”.

26 In section 81(3)(a) of that Act (enforcement of fines imposed on young offenders), for the words “section 19(1) of the Criminal Justice Act 1948” there shall be substituted the words “section 17(1) of the Criminal Justice Act 1982”.

27 (1) In subsection (2) of section 143 of that Act (power to alter sums specified in certain provisions), paragraph (i) shall cease to have effect and after paragraph (o) there shall be inserted the following paragraph—

“(p) section 58(2) and (3) of the Criminal Justice Act 1991 (recognisance from parents or guardians);”.

(2) For subsection (3) of that section there shall be inserted the following subsection—

“(3) In subsection (1) above the “relevant date” means—

- (a) the date of the coming into force of section 17 of the Criminal Justice Act 1991 (increase of certain maxima); or
- (b) where the sums specified in a provision mentioned in subsection (2) above have been substituted by an order under subsection (1) above, the date of that order.”

28 In paragraph 2(2) of Schedule 4 to that Act (maximum periods of imprisonment in default of payment of magistrates' court fine), for the words “five days” there shall be substituted the words “seven days”.

*Contempt of Court Act 1981 (c. 49)*

29 (1) Section 12(2) of the Contempt of Court Act 1981 (offences of contempt of magistrates' court) shall have effect as if the reference to any officer of the court included a reference to any court security officer assigned to the court-house in which the court is sitting.

(2) In this paragraph “court security officer” and “court-house” have the meanings given by section 92(1) of this Act.

*Criminal Justice Act 1982 (c. 48)*

30 For subsection (5) of section 1 of the 1982 Act (general restrictions on custodial sentences) there shall be substituted the following subsections—

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“(5) No court shall commit a person under 21 years of age to be detained under section 9 below unless it is of the opinion that no other method of dealing with him is appropriate; and in forming any such opinion, the court—

- (a) shall take into account all such information about the circumstances of the default or contempt (including any aggravating or mitigating factors) as is available to it; and
- (b) may take into account any information about that person which is before it.

(5A) Where a magistrates' court commits a person under 21 years of age to be detained under section 9 below, it shall—

- (a) state in open court the reason for its opinion that no other method of dealing with him is appropriate; and
- (b) cause that reason to be specified in the warrant of commitment and to be entered in the register.”

31 (1) In subsection (1) of section 1A of that Act (detention in a young offender institution), for paragraph (b) there shall be substituted the following paragraph—

“(b) the court is of the opinion that either or both of paragraphs (a) and (b) of subsection (2) of section 1 of the Criminal Justice Act 1991 apply or the case falls within subsection (3) of that section.”.

(2) In subsection (4) of that section, for the words “section 15(11) below” there shall be substituted the words “section 65(6) of the Criminal Justice Act 1991”.

32 In section 3(1) of that Act (restrictions on imposing custodial sentences on persons under 21 not legally represented), for paragraphs (a) and (b) there shall be substituted the following paragraph—

“(a) pass a sentence of detention in a young offender institution under section 1A above;”.

33 In section 13 of that Act (conversion of sentence of detention in a young offender institution to imprisonment), after subsection (5) there shall be inserted the following subsection—

“(6) This section applies to a person who is serving a sentence of custody for life under section 8(2) above, or is detained under section 53 of the Children and Young Persons Act 1933, as it applies to a person serving a sentence of detention in a young offender institution.”

34 In section 17(1) of that Act (attendance centre orders), for the words “section 6 of the Powers of Criminal Courts Act 1973” there shall be substituted the words “Part II of Schedule 2 to the Criminal Justice Act 1991”.

*Repatriation of Prisoners Act 1984 (c. 47)*

35 (1) In section 2 of the Repatriation of Prisoners Act 1984 (transfer of prisoners out of United Kingdom), in subsection (4)(b), for sub-paragraph (i) there shall be substituted the following sub-paragraph—

“(i) released on licence under section 33(1)(b) or (2), 34(3) or 35(1) or (2) of the Criminal Justice Act 1991;”.

(2) In section 3 of that Act (transfer of prisoners into United Kingdom), after subsection (8) there shall be inserted the following subsection—

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“(9) The provisions contained by virtue of subsection (1)(c) above in a warrant under this Act shall, in the case of a prisoner to whom section 48 of the Criminal Justice Act 1991 (discretionary life prisoners transferred to England and Wales) applies, include provision specifying the relevant part of his sentence within the meaning of section 34 of that Act (duty of Secretary of State to release discretionary life prisoners).”

- (3) In paragraph 2 of the Schedule to that Act (operation of certain enactments in relation to prisoners transferred into United Kingdom)—
- (a) in sub-paragraph (1), for the words from “section 60” to “of that section” there shall be substituted the words “section 33(1)(b) or (2), 34(3) or (5) or 35(1) of the Criminal Justice Act 1991 whether the prisoner has at any time served a particular proportion or part of his sentence specified in that provision,”; and
  - (b) in sub-paragraph (2), for the words “one third” there shall be substituted the words “any particular proportion or part”.
- (4) In paragraph 3 of that Schedule, for the words “section 61 of the Criminal Justice Act 1967” there shall be substituted the words “section 35(2) of the Criminal Justice Act 1991”.

*Prosecution of Offences Act 1985 (c. 23)*

- 36 In section 22(11) of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of criminal proceedings), after the definition of “appropriate court” there shall be inserted the following definition—

““custody” includes local authority accommodation to which a person is remanded or committed by virtue of section 23 of the Children and Young Persons Act 1969, and references to a person being committed to custody shall be construed accordingly;”.

*Criminal Justice Act 1988 (c. 33)*

- 37 In section 34 of the Criminal Justice Act 1988 (abolition of requirement of corroboration for unsworn evidence of children), subsection (1) shall cease to have effect and, in subsection (3), for the words “section 38 of the Children and Young Persons Act 1933” there shall be substituted the words “section 52 of the Criminal Justice Act 1991”.

*Road Traffic Offenders Act 1988 (c. 53)*

- 38 (1) In subsection (1) of section 46 of the Road Traffic Offenders Act 1988 (combination of disqualification and endorsement with probation orders and orders for discharge), for the words “section 13(3)” there shall be substituted the words “section 1C(3)” and the words “placed on probation or” shall cease to have effect.
- (2) In subsection (2) of that section, for the words “section 13(1)” there shall be substituted the words “section 1C(1)” and the words “placed on probation or” shall cease to have effect.

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*Extradition Act 1989 (c. 33)*

- 39 In section 20(2)(b)(i) of the Extradition Act 1989 (restoration of persons not tried or acquitted), for the words “section 7(1)” there shall be substituted the words “section 1A(1)”.

*References to juvenile courts*

- 40 (1) Without prejudice to the generality of section 70(2) of this Act, in the enactments specified in sub-paragraph (2) below, for the words “juvenile court” or “juvenile courts”, in each place where they occur, there shall be substituted the words “youth court” or, as the case may require, “youth courts”.
- (2) The enactments referred to in sub-paragraph (1) above are as follows—
- (a) in the 1933 Act, sections 45 to 49, 56 and 108(4) and Schedule 2;
  - (b) in the Education Act 1944, section 40;
  - (c) in the Children Act 1948, section 4B;
  - (d) in the Adoption Act 1958, sections 43, 47 and 48;
  - (e) in the Children and Young Persons Act 1963, sections 3, 18, 23, 26, 28, 29 and 57;
  - (f) in the Administration of Justice Act 1964, section 12;
  - (g) in the 1969 Act, sections 1 to 3, 7, 10, 15, 16, 20A to 22 and 70(1) and Schedule 4;
  - (h) in the Criminal Justice Act 1972, section 51(1);
  - (i) in the 1973 Act, section 46;
  - (j) in the Adoption Act 1976, sections 34 and 37;
  - (k) in the 1979 Act, sections 35(3), 37(1), 38(2) and 58(1) and (5);
  - (l) in the Child Care Act 1980, sections 5 to 7, 12C to 12E, 21A, 67 and 79(2);
  - (m) in the Foster Children Act 1980, sections 11(1), 12(1) and 14;
  - (n) in the 1980 Act, sections 12(1), 29, 104 and 146;
  - (o) in the 1982 Act, section 16(2) and in Schedule 3, the entry relating to section 49(2) of the 1933 Act;
  - (p) in the Administration of Justice Act 1985, section 61;
  - (q) in the Legal Aid Act 1988, sections 3(4), 19(3) and (5), 27(3) and (4) 28(3) and (7), 30(2) and in Schedule 3, paragraphs 9 and 10; and
  - (r) in the Children Act 1989, section 90(1) and Schedule 14.

*References to juvenile court panels*

- 41 (1) Without prejudice to the generality of section 70(2) of this Act, in the enactments specified in sub-paragraph (2) below, for the words “juvenile court panel” or “juvenile court panels”, in each place where they occur, there shall be substituted the words “youth court panel” or, as the case may require, “youth court panels”.
- (2) The enactments referred to in sub-paragraph (1) above are as follows—
- (a) in the 1933 Act, Schedule 2;
  - (b) in the 1973 Act, in Schedule 3, paragraph 2(3);
  - (c) in the 1979 Act, section 35(3);
  - (d) in the Child Care Act 1980, section 12E(5); and
  - (e) in the 1980 Act, section 146.