



Crime (Sentences) Act 1997

CHAPTER 43

CRIME (SENTENCES) ACT 1997

PART I

MANDATORY AND MINIMUM CUSTODIAL SENTENCES

- 1 Conditions relating to mandatory and minimum custodial sentences
- 2 Mandatory life sentence for second serious offence
- 3 Minimum of seven years for third class A drug trafficking offence
- 4 Minimum of three years for third domestic burglary
- 5 Appeals where previous convictions set aside
- 6 Certificates of convictions for purposes of Part I
- 7 Offences under service law

PART II

EFFECT OF CUSTODIAL SENTENCES

CHAPTER I

DETERMINATE SENTENCES

General

- 8 Time to be served
- 9 Crediting of periods of remand in custody

Early release

- 10 Early release on compassionate grounds
- 11 Award of early release days for good behaviour
- 12 Early release on Parole Board recommendation

Status: This is the original version (as it was originally enacted).

- 13 Provisional early release days for remand prisoners

Additional days

- 14 Award of additional days for disciplinary offences
15 Provisional additional days for remand prisoners

Supervision after release

- 16 Release supervision orders
17 Breach of conditions of release supervision order
18 Powers of arrest and search warrants

Special cases

- 19 Young offenders
20 Sexual offenders
21 Violent offenders
22 Mentally disordered offenders
23 Fine defaulters and contemnors
24 Persons liable to removal from the United Kingdom
25 Persons extradited to the United Kingdom

Supplemental

- 26 Continuity of sentencing
27 Interpretation of Chapter I

CHAPTER II

LIFE SENTENCES

Release on licence

- 28 Duty to release certain life prisoners
29 Power to release other life prisoners
30 Power to release life prisoners on compassionate grounds

Licences and recall

- 31 Duration and conditions of licences
32 Recall of life prisoners while on licence

Miscellaneous and supplemental

- 33 Life prisoners transferred to England and Wales
34 Interpretation of Chapter II

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Community sentences

- 35 Fine defaulters: general
36 Fine defaulters under 25
37 Persistent petty offenders
38 Abolition of certain consent etc. requirements

Driving disqualifications

- 39 Offenders
- 40 Fine defaulters

Transfer and repatriation of prisoners

- 41 Transfer of prisoners within the British Islands
- 42 Repatriation of prisoners to the British Islands

Young offenders

- 43 Curfew orders
- 44 Long term detention
- 45 Publication of reports

Mentally disordered offenders

- 46 Power to make hospital and limitation directions
- 47 Power to specify hospital units
- 48 Offenders conditionally discharged from hospital
- 49 Other amendments of the 1983 Act

Miscellaneous

- 50 Disclosure of pre-sentence reports
- 51 Committals for sentence
- 52 Increased penalty for offence of indecency with children

Supplemental

- 53 Financial provisions
- 54 General interpretation
- 55 Minor and consequential amendments
- 56 Transitional provisions, savings and repeals
- 57 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — Transfer of prisoners within the British Islands
Part I — POWERS OF TRANSFER

Transfer of prisoners: general

- 1 (1) The Secretary of State may, on the application of—...

Transfer of prisoners for trial

- 2 (1) If it appears to the Secretary of State that—...

Transfer of prisoners for other judicial purposes

- 3 (1) If the Secretary of State is satisfied, in the...

Transfer of supervision of released prisoners

- 4 (1) The Secretary of State may, on the application of...

Conditions of transfers

5 (1) A transfer under this Part shall have effect subject...

Part II — EFFECT OF TRANSFERS

Preliminary

6 (1) For the purposes of this Part of this Schedule,...

Restricted transfers: general

7 (1) Where— (a) a person's transfer under paragraph 1, 2...

Restricted transfers from England and Wales to Scotland

8 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

Restricted transfers from England and Wales to Northern Ireland

9 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

Restricted transfers from Scotland to England and Wales

10 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

Restricted transfers from Scotland to Northern Ireland

11 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

Restricted transfers from Northern Ireland to England and Wales

12 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

Restricted transfers from Northern Ireland to Scotland

13 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or...

Restricted transfers between the United Kingdom and the Channel Islands

14 (1) Her Majesty may by Order in Council make, in...

Unrestricted transfers: general

15 (1) Where a person's transfer under paragraph 1(1)(a) or (2)(a),...

Transfers ceasing to be restricted

16 Where a transfer under Part I of this Schedule ceases...

Part III — SUPPLEMENTAL

Prisoners unlawfully at large

17 (1) The following enactments (relating to the arrest and return...

Subsequent sentence in case of transferred prisoners

18 (1) The power of a court in any part of...

Application to the Isle of Man

19 (1) Her Majesty may by Order in Council direct that...

Interpretation

20 (1) In this Schedule— “prison”, unless the context otherwise requires,...

SCHEDULE 2 — Repatriation of prisoners to the British Islands

Preliminary

1 Any reference in this Schedule to prisoners repatriated to any...

Prisoners repatriated to England and Wales

- 2 (1) This paragraph applies in relation to—
3 (1) This paragraph applies in relation to prisoners repatriated to...
4 (1) This paragraph applies in relation to prisoners repatriated to...

Prisoners repatriated to Scotland

- 5 (1) This paragraph applies in relation to—
6 (1) This paragraph applies in relation to—
7 (1) This paragraph applies in relation to prisoners repatriated to...
8 (1) This paragraph applies in relation to prisoners repatriated to...

Prisoners repatriated to Northern Ireland

- 9 (1) This paragraph applies in relation to—
10 (1) This paragraph applies in relation to prisoners repatriated to...

Prisoners repatriated to the Islands

11 (1) This paragraph applies where any Order in Council under...

SCHEDULE 3 — Transfers within the British Islands of responsibility for offenders
conditionally discharged from hospital

Part I — AMENDMENTS OF THE 1983 ACT

Transfers from England and Wales to Scotland

1 After section 80 of the 1983 Act there shall be...

Transfers from England and Wales to Northern Ireland

2 After section 81 of the 1983 Act there shall be...

Transfers from Northern Ireland to England and Wales

3 After section 82 of the 1983 Act there shall be...

Transfers from England and Wales to the Islands

4 After section 83 of the 1983 Act there shall be...

Transfers from the Islands to England and Wales

5 After section 85 of the 1983 Act there shall be...

Part II — AMENDMENTS OF THE 1984 ACT

Transfers from Scotland to England and Wales

6 After section 77 of the 1984 Act there shall be...

Transfers from Scotland to Northern Ireland

7 After section 80 of the 1984 Act there shall be...

Transfers from Northern Ireland to Scotland

8 After section 81 of the 1984 Act there shall be...

Transfers from the Islands to Scotland

9 After section 82 of the 1984 Act there shall be...

Transfers from Scotland to the Islands

10 After section 82A of the 1984 Act there shall be...

SCHEDULE 4 — Minor and consequential amendments

Army Act 1955 (c. 18)

1 (1) After subsection (3) of section 70 of the Army...

Air Force Act 1955 (c. 19)

2 (1) After subsection (3) of section 70 of the Air...

Naval Discipline Act 1957 (c. 53)

3 (1) After subsection (1) of section 42 of the Naval...

Children and Young Persons Act 1963 (c. 37)

4 After subsection (2) of section 16 of the Children and...

Criminal Justice Act 1967 (c. 80)

5 (1) In subsection (2) of section 56 of the Criminal...

Criminal Appeal Act 1968 (c. 19)

6 (1) In subsection (1) of section 50 of the Criminal...

Immigration Act 1971 (c. 77)

7 In subsection (4) of section 7 of the Immigration Act...

Powers of Criminal Courts Act 1973 (c. 62)

8 (1) In section 1A(1) of the 1973 Act (absolute and...

Rehabilitation of Offenders Act 1974 (c. 53)

9 (1) In subsection (2) of section 1 of the Rehabilitation...

Magistrates' Courts Act 1980 (c. 43)

10 (1) In subsection (4A) of section 82 of the 1980...

Criminal Justice Act 1982 (c. 48)

11 In subsection (4) of section 1A of the 1982 Act...

Mental Health Act 1983 (c. 20)

12 (1) In subsection (1) of section 37 of the 1983...

Criminal Justice Act 1988 (c. 33)

13 At the end of subsection (2) of section 36 of...

Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

14 In sub-paragraph (5) of paragraph 9 of Schedule 2 to...

Criminal Justice Act 1991 (c. 53)

15 (1) In subsection (1) of section 1 of the 1991...

Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

16 (1) In section 10(4) of the Prisoners and Criminal Proceedings...

Criminal Justice and Public Order Act 1994 (c. 33)

17 After subsection (2) of section 48 of the Criminal Justice...

SCHEDULE 5 — Transitional provisions and savings

Sentences for offences committed before the commencement of Chapter I of Part II

1 Notwithstanding their repeal by this Act, sections 33, 35 to...

Consecutive sentences for offences committed before and after that commencement

2 (1) This paragraph applies where consecutive terms of imprisonment include—...

Concurrent sentences for offences committed before and after that commencement

3 (1) This paragraph applies where terms of imprisonment which are...

Crediting of periods of remand in custody

4 In relation to any time between the commencement of section...

Duty to release certain life prisoners

5 (1) In relation to any time before the commencement of...

Life prisoners transferred to England and Wales

6 In relation to any time before the commencement of Schedule...

Recall of life prisoners while on licence

- 7 (1) Section 32(3) and (4) of this Act shall have...

Transfers of prisoners: general

- 8 In relation to any person serving a determinate custodial sentence...

Transfers of prisoners from England and Wales to Scotland

- 9 (1) In relation to any person serving a determinate custodial...

Transfers of prisoners from England and Wales to Northern Ireland

- 10 (1) In relation to any person serving a determinate custodial...

Transfers of prisoners from Scotland to England and Wales

- 11 (1) In relation to any prisoner sentenced on or after...

Transfers of prisoners from Scotland to Northern Ireland

- 12 (1) In relation to any prisoner sentenced on or after...

Interpretation

- 13 In this Schedule— “life prisoner” has the same meaning as...

SCHEDULE 6 — Repeals