



# Crime and Disorder Act 1998

## CHAPTER 37

### CRIME AND DISORDER ACT 1998

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#### CHAPTER I

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## SCHEDULES

SCHEDULE 1 — Schedule 2A to the Civic Government (Scotland) Act 1982

SCHEDULE 2 — The Youth Justice Board: further provisions

#### *Membership*

- 1 The Secretary of State shall appoint one of the members...
- 2 (1) Subject to the following provisions of this paragraph, a...

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*Members and employees*

- 3 (1) The Board shall— (a) pay to members of the...  
4 (1) The Board may appoint a chief executive and such...  
5 The Board shall pay to the Minister for the Civil...

*House of Commons disqualification*

- 6 In Part II of Schedule 1 to the House of...

*Procedure*

- 7 (1) The arrangements for the procedure of the Board (including...

*Annual reports and accounts*

- 8 (1) As soon as possible after the end of each...  
9 (1) The Board shall— (a) keep proper accounts and proper...  
10 For the purposes of this Schedule the Board's financial year...

*Expenses*

- 11 The Secretary of State shall out of money provided by...

SCHEDULE 3 — Procedure where persons are sent for trial under section 51

*Regulations*

- 1 The Attorney General shall by regulations provide that, where a...

*Applications for dismissal*

- 2 (1) A person who is sent for trial under section...

*Reporting restrictions*

- 3 (1) Except as provided by this paragraph, it shall not...

*Power of justice to take depositions etc.*

- 4 (1) Sub-paragraph (2) below applies where a justice of the...

*Use of depositions as evidence*

- 5 (1) Subject to sub-paragraph (3) below, sub-paragraph (2) below applies...

*Power of Crown Court to deal with summary offence*

- 6 (1) This paragraph applies where a magistrates' court has sent...

*Procedure where no indictable-only offence remains*

- 7 (1) Subject to paragraph 13 below, this paragraph applies where—...  
8 (1) Subject to paragraph 13 below, this paragraph applies in...  
9 (1) This paragraph applies where the Crown Court is required...  
10 (1) This paragraph applies (unless excluded by paragraph 15 below)...  
11 If the Crown Court considers that an offence is more...  
12 (1) Where the prosecution is being carried on by the...

13 (1) This paragraph applies, in place of paragraphs 7 to...

*Procedure for determining whether offences of criminal damage etc. are summary offences*

14 (1) This paragraph applies where the Crown Court has to...

*Power of Crown Court, with consent of legally-represented accused, to proceed in his absence*

15 (1) The Crown Court may proceed in the absence of...

#### SCHEDULE 4 — Enforcement etc. of drug treatment and testing orders

##### *Preliminary*

1 Schedule 2 to the 1991 Act (enforcement etc. of community...

##### *Meaning of “relevant order” etc.*

2 (1) In sub-paragraph (1) of paragraph 1 (preliminary)—

##### *Breach of requirements of order*

3 In sub-paragraph (2) of paragraph 2 (issue of summons or...

4 In sub-paragraph (1) of paragraph 4 (powers of Crown Court),...

5 In sub-paragraph (2) of paragraph 5 (exclusions), for the words...

##### *Revocation of order*

6 (1) In sub-paragraph (1) of paragraph 7 (revocation of order...

7 (1) After sub-paragraph (1) of paragraph 8 (revocation of order...

8 In sub-paragraph (1) of paragraph 9 (revocation of order following...

##### *Amendment of order*

9 In sub-paragraph (1) of paragraph 12 (amendment by reason of...

10 After paragraph 14 there shall be inserted the following paragraph—...

11 In paragraph 16 (order not to be amended pending appeal),...

12 (1) In sub-paragraph (1) of paragraph 18 (notification of amended...

#### SCHEDULE 5 — Enforcement etc. of reparation and action plan orders

##### *Preliminary*

1 In this Schedule— “the appropriate court”, in relation to a...

##### *General power to discharge or vary order*

2 (1) If while a reparation order or action plan order...

##### *Failure to comply with order*

3 (1) This paragraph applies where a reparation order or action...

##### *Presence of offender in court, remands etc.*

4 (1) Where the responsible officer makes an application under paragraph...

*Supplemental*

5 (1) The provisions of section 17 of the 1982 Act...

SCHEDULE 6 — Drug treatment and testing orders: amendment of the 1995 Act

Part I — AMENDMENTS RELATING TO COMBINATION OF ORDERS

1 In section 228(1) (probation orders), for the words “section 245D”...

2 (1) Section 232 (failure to comply with requirements of probation...

3 For section 245D there shall be substituted the following section—...

4 (1) Section 245G (disposal on revocation of restriction of liberty...

Part II — AMENDMENTS RELATING TO APPEALS

5 In section 106 (solemn appeals), in paragraph (d), after the...

6 (1) Section 108 (right of appeal of prosecutor) shall be...

7 (1) Section 175 (appeals in summary cases) shall be amended...

SCHEDULE 7 — Pre-consolidation amendments: powers of criminal courts

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

1 (1) In subsection (1A) of section 55 of the 1933...

*Criminal Justice Act 1967 (c. 80)*

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

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

3 After subsection (8) of section 7 of the 1969 Act...

4 In section 12 of the 1969 Act (power to include...

5 (1) In subsection (1) of section 12B of the 1969...

6 In section 16(11) of the 1969 Act (provisions supplementary to...

7 (1) In subsection (1)(a) of section 16A of the 1969...

8 In section 34(1)(c) of the 1969 Act (power of Secretary...

9 Section 69(5) of the 1969 Act (power to include in...

10 In section 70 of the 1969 Act (interpretation), for subsections...

11 In Schedule 6 to the 1969 Act (repeals), the entries...

*Criminal Justice Act 1972 (c. 71)*

12 Section 49 of the Criminal Justice Act 1972 (community service...

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

13 (1) In subsection (6) of section 1 of the 1973...

14 (1) In subsection (9) of section 1B of the 1973...

15 In section 1C(1) of the 1973 Act (effect of absolute...

16 In section 2(1) of the 1973 Act (probation orders), the...

17 Section 11 of the 1973 Act (which is superseded by...

18 (1) For subsection (2) of section 12 of the 1973...

19 (1) In subsection (1) of section 14 of the 1973...

20 For subsection (3) of section 15 of the 1973 Act...

21 In section 21(3)(b) of the 1973 Act (meaning of “sentence...

22 In subsection (3) of section 22 of the 1973 Act...

23 (1) In section 31 of the 1973 Act (powers etc....

24 (1) In subsection (2) of section 32 of the 1973...

25 In section 46 of the 1973 Act (reports of probation...



- 26 (1) For subsection (5) of section 57 of the 1973...
- 27 (1) In paragraph 2 of Schedule 1A to the 1973...

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

- 28 In section 30(2)(a) of the 1980 Act (remand for medical...
- 29 (1) In subsection (2) of section 38 of the 1980...
- 30 (1) In subsection (2) of section 38A of the 1980...
- 31 In section 39(6)(b) of the 1980 Act (cases where magistrates'...
- 32 In section 85(1)(a) of the 1980 Act (power to remit...

*Criminal Justice Act 1982 (c. 48)*

- 33 In section 3(1) of the 1982 Act (restriction on imposing...
- 34 (1) In subsection (3) of section 13 of the 1982...
- 35 In subsection (2) of section 16 of the 1982 Act...
- 36 (1) In subsection (1) of section 17 of the 1982...
- 37 (1) In section 18 of the 1982 Act (discharge and...
- 38 (1) In subsection (1) of section 19 of the 1982...

*Criminal Justice Act 1988 (c. 33)*

- 39 Paragraph 40 of Schedule 15 to the Criminal Justice Act...

*Criminal Justice Act 1991 (c. 53)*

- 40 In section 11 of the 1991 Act (orders combining probation...
- 41 (1) In subsection (5)(c) of section 12 of the 1991...
- 42 In section 31(1) of the 1991 Act (interpretation of Part...
- 43 (1) In subsection (3) of section 40 of the 1991...
- 44 In each of subsections (3)(b) and (4)(a) of section 57...
- 45 In section 58 of the 1991 Act (binding over of...
- 46 (1) In paragraph 1 of Schedule 2 to the 1991...

*Crime (Sentences) Act 1997 (c. 43)*

- 47 Section 1 of the 1997 Act (conditions relating to mandatory...
- 48 (1) In subsection (2) of section 3 of the 1997...
- 49 (1) In subsection (2) of section 4 of the 1997...
- 50 (1) In subsection (2)(a) of section 35 of the 1997...
- 51 (1) In subsection (3) of section 37 of the 1997...
- 52 In section 50 of the 1997 Act (disclosure of pre-sentence...
- 53 In section 54 of the 1997 Act (general interpretation), after...
- 54 In section 55(2) of the 1997 Act (interpretation of minor...

SCHEDULE 8 — Minor and consequential amendments

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

- 1 In subsection (4A) of section 49 of the 1933 Act...
- 2 In subsection (1A) of section 55 of the 1933 Act...
- 3 After subsection (1) of section 56 of the 1933 Act...
- 4 In section 58 of that Act (power of Secretary of...

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*Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)*

5 (1) In subsection (2) of section 2 of the Administration...

*Prison Act 1952 (c. 52)*

6 In subsection (1) of section 43 of the Prison Act...

7 (1) In subsection (1) of section 49 of that Act...

*Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)*

8 In subsection (4) of section 2 of the Criminal Procedure...

*Criminal Justice Act 1967 (c. 80)*

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

10 In subsection (5) of section 67 of that Act (computation...

11 At the end of subsection (2) of section 104 of...

*Criminal Appeal Act 1968 (c. 19)*

12 In subsection (2) of section 9 of the Criminal Appeal...

13 (1) In subsection (2) of section 10 of that Act...

*Firearms Act 1968 (c. 27)*

14 (1) In subsection (2) of section 21 of the Firearms...

15 In subsection (1) of section 52 of that Act (forfeiture...

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

16 In subsection (8) of section 7 of the 1969 Act...

17 In section 11 of the 1969 Act (supervision orders), for...

18 Section 12D of the 1969 Act (duty of court to...

19 After subsection (3) of section 13 of the 1969 Act...

20 (1) In subsection (8) of section 16 of the 1969...

21 After section 16A of the 1969 Act there shall be...

22 In subsection (14) of section 23 of the 1969 Act...

23 In subsection (1) of section 70 of the 1969 Act...

*Superannuation Act 1972 (c. 11)*

24 In Schedule 1 to the Superannuation Act 1972 (kinds of...

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

25 After subsection (1) of section 1A of the 1973 Act...

26 (1) In subsection (1) of section 2 of the 1973...

27 (1) In subsection (4) of section 14 of the 1973...

28 In subsection (2) of section 21 of the 1973 Act...

29 In subsection (1)(b) of section 32 of the 1973 Act...

30 After subsection (2) of section 23 of the 1973 Act...

31 In section 42 of the 1973 Act (power of Crown...

32 In subsection (1) of section 46 of the 1973 Act...

33 In subsection (1) of section 57 of the 1973 Act...

34 (1) At the beginning of sub-paragraph (1) of paragraph 6...

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

- 35 After subsection (6) of section 5 of the Rehabilitation of...
- 36 In subsection (2) of section 7 of that Act (limitations...

*Bail Act 1976 (c. 63)*

- 37 After subsection (8A) of section 3 of the Bail Act...
- 38 In paragraph 8(1) of Schedule 1 to that Act (persons...

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

- 39 In subsection (3) of section 11 of the 1980 Act...
- 40 (1) In subsection (1)(a) of section 24 of the 1980...
- 41 Section 37 of the 1980 Act (committal to Crown Court...
- 42 In subsection (1) of section 65 of the 1980 Act...
- 43 In subsection (2) of section 108 of the 1980 Act...
- 44 In subsection (4)(c) of section 125 of the 1980 Act...
- 45 In section 126 of the 1980 Act (execution of certain...
- 46 At the beginning of subsection (1) of section 133 of...

*Supreme Court Act 1981 (c. 54)*

- 47 After subsection (1) of section 47 of the Supreme Court...
- 48 In subsection (1)(a) of section 81 of the Supreme Court...

*Criminal Justice Act 1982 (c. 48)*

- 49 In subsection (2) of section 1 of the 1982 Act...
- 50 (1) In subsection (1) of section 1A of the 1982...
- 51 In subsection (2) of section 1C of the 1982 Act...
- 52 (1) In subsection (1) of section 3 of the 1982...
- 53 (1) In subsection (3)(a) of section 19 of the 1982...

*Mental Health Act 1983 (c. 20)*

- 54 In subsection (8) of section 37 of the Mental Health...

*Mental Health (Scotland) Act 1984 (c. 36)*

- 55 (1) In subsection (8A) of section 74 of the Mental...

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

- 56 In subsection (4)(b) of section 2 (transfer of prisoners out...
- 57 In subsection (9) of section 3 of that Act (transfer...
- 58 (1) Paragraph 2 of the Schedule to that Act as...
- 59 (1) Paragraph 2 of the Schedule to that Act (operation...
- 60 For paragraph 3 of the Schedule to that Act there...

*Police and Criminal Evidence Act 1984 (c. 60)*

- 61 After subsection (4) of section 27 of the 1984 Act...
- 62 After section 47 of the 1984 Act there shall be...

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

- 63 In subsection (2) of section 23 of the 1985 Act...

64 After that section there shall be inserted the following section—...

*Criminal Justice Act 1987 (c. 38)*

65 After subsection (3) of section 4 of the Criminal Justice...

*Criminal Justice Act 1988 (c. 33)*

66 In subsection (1) of section 40 of the Criminal Justice...

*Legal Aid Act 1988 (c. 34)*

67 (1) In subsection (4) of section 20 of the Legal...

*Children Act 1989 (c. 41)*

68 In subsection (4) of section 8 of the 1989 Act...

69 In subsection (3) of section 47 of the 1989 Act...

*Prisons (Scotland) Act 1989 (c. 45)*

70 (1) Section 16 of the Prisons (Scotland) Act 1989 (discharge...

71 In section 39 of that Act (rules for the management...

*Criminal Justice Act 1991 (c. 53)*

72 For subsection (3) of section 1 of the 1991 Act...

73 In subsection (5)(a) of section 3 of the 1991 Act...

74 In subsection (4) of section 6 of the 1991 Act...

75 In subsection (3) of section 7 of the 1991 Act...

76 In subsection (1) of section 11 of the 1991 Act...

77 In subsection (3) of section 15 of the 1991 Act...

78 In subsection (1) of section 31 of the 1991 Act...

79 (1) In subsection (1)(b) of section 32 of the 1991...

80 (1) In subsection (3) of section 33 of the 1991...

81 After that section there shall be inserted the following section—...

82 In subsection (1) of section 36 of the 1991 Act...

83 (1) In subsection (1) of section 37 of the 1991...

84 After subsection (5) of section 39 of the 1991 Act...

85 After subsection (4) of section 40 of the 1991 Act...

86 (1) For subsections (1) and (2) of section 41 of...

87 (1) In subsection (3) of section 43 of the 1991...

88 (1) In subsection (1) of section 45 of the 1991...

89 In subsection (2) of section 46 of the 1991 Act...

90 For subsection (2) of section 47 of the 1991 Act...

91 In section 50 of the 1991 Act (transfer by order...

92 In subsection (4) of section 51 of the 1991 Act...

93 After subsection (7) of section 53 of the 1991 Act...

94 (1) In subsection (1) of section 65 of the 1991...

95 In subsection (1) of section 99 of the 1991 Act...

96 (1) After sub-paragraph (5) of paragraph 1 of Schedule 2...

97 In paragraph 1(2) of Schedule 5 to the 1991 Act...

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

98 (1) In subsection (1) of section 1 of the 1993...

- 99 (1) After subsection (1) of section 4 of the 1993...
- 100 In section 5 of the 1993 Act (fine defaulters and...
- 101 In section 7 of the 1993 Act (children detained in...
- 102 In section 11 of the 1993 Act (duration of licences),...
- 103 In section 14 of the 1993 Act (supervised release of...
- 104 (1) In subsection (1) of section 16 of the 1993...
- 105 In section 17 of the 1993 Act (revocation of licence),...
- 106 In section 20 of the 1993 Act (Parole Board for...
- 107 After subsection (7) of section 27 of the 1993 Act...
- 108 In Schedule 6 to the 1993 Act (transitional provisions), after...

*Probation Service Act 1993 (c. 47)*

- 109 In subsection (1)(dd) of section 4 of the Probation Service...
- 110 (1) In subsection (1) of section 17 of that Act...

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

- 111 In subsection (3) of section 12 of the 1994 Act...
- 112 In paragraph 4 of Schedule 1 to the 1994 Act...
- 113 (1) In sub-paragraph (1) of paragraph 3 of Schedule 2...

*Drug Trafficking Act 1994 (c. 37)*

- 114 In subsection (7) of section 2 of the Drug Trafficking...

*Proceeds of Crime (Scotland) Act 1995 (c. 43)*

- 115 At the end of section 18 of the Proceeds of...
- 116 In subsection (6) of section 19 of that Act (authority...

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 117 (1) For section 18(3) of the 1995 Act (prints and...
- 118 In subsection (3) of section 49 of the 1995 Act...
- 119 In section 106(1)(bb) of the 1995 Act (appeals against automatic...
- 120 In section 108A of the 1995 Act (prosecutor's right of...
- 121 In section 118(4A) of the 1995 Act (disposal of appeals),...
- 122 In section 167 of the 1995 Act (findings and sentences...
- 123 In subsection (5C) of section 175 of the 1995 Act...
- 124 In subsection (1) of section 307 of the 1995 Act...

*Criminal Procedure and Investigations Act 1996 (c. 25)*

- 125 In subsection (2) of section 1 of the Criminal Procedure...
- 126 In section 5 of that Act (compulsory disclosure by accused),...
- 127 In subsection (1) of section 13 of that Act (time...
- 128 In subsection (1)(a) of section 28 of that Act (introduction...
- 129 In subsection (1) of section 39 of that Act (meaning...

*Crime (Sentences) Act 1997 (c. 43)*

- 130 (1) In subsection (3) of section 28 of the 1997...
- 131 (1) In subsection (2) of section 31 of the 1997...
- 132 (1) In subsection (1) of section 35 of the 1997...
- 133 In section 54 of the 1997 Act (general interpretation), subsection...

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- 134 Subsection (5)(b) of section 57 of the 1997 Act (short...  
 135 (1) Schedule 1 to the 1997 Act (transfer of prisoners...  
 136 In Schedule 2 to the 1997 Act (repatriation of prisoners...  
 137 In Schedule 4 to the 1997 Act (minor and consequential...  
 138 (1) In Schedule 5 to the 1997 Act (transitional provisions...  
 139 In Schedule 6 to the 1997 Act (repeals), the entries...

*Crime and Punishment (Scotland) Act 1997 (c. 48)*

- 140 Section 4 of the Crime and Punishment (Scotland) Act 1997...  
 141 (1) In Schedule 1 to that Act (minor and consequential...  
 142 Schedule 2 to that Act (transitional provisions) is hereby repealed....  
 143 (1) Schedule 3 to that Act (repeals) shall be amended...

*Sex Offenders Act 1997 (c. 51)*

- 144 In subsection (1)(a) of section 4 of the Sex Offenders...

SCHEDULE 9 — Transitional provisions and savings

*Presumption of incapacity*

- 1 Nothing in section 34 of this Act shall apply in...

*Effect of child's silence at trial*

- 2 Nothing in section 35 of this Act shall apply where...

*Sexual or violent offenders: extended sentences*

- 3 Section 58 of this Act does not apply where the...

*Drug treatment and testing orders*

- 4 Section 61 of this Act does not apply in relation...

*Young offenders: cautions*

- 5 (1) Any caution given to a child or young person...

*Abolition of secure training orders*

- 6 In relation to any time before the commencement of subsection...

*Sentencing guidelines*

- 7 (1) Section 80 of this Act does not apply by...

*Confiscation orders on committal for sentence*

- 8 Section 83 of this Act does not apply where the...

*Football spectators: failure to comply with reporting duty*

- 9 Section 84 of this Act does not apply where the...

*Power to release short-term prisoners on licence*

- 10 (1) Section 99 of this Act does not apply in...

*Early release: two or more sentences*

- 11 (1) Where the terms of two or more sentences passed...

*Recall to prison of short-term prisoners*

- 12 (1) Sub-paragraphs (2) to (7) below have effect in relation...

*Release on licence following recall to prison*

- 13 Section 104 of this Act does not apply in relation...

*Release on licence following return to prison*

- 14 (1) Section 105 of this Act does not apply where...

*Remand time: two or more sentences*

- 15 (1) Where the terms of two or more sentences passed...

SCHEDULE 10 — Repeals