

Status: Point in time view as at 25/08/2000.

Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 7 is up to date with all changes known to be in force on or before 19 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)

SCHEDULES

SCHEDULE 7

Section 106.

PRE-CONSOLIDATION AMENDMENTS: POWERS OF CRIMINAL COURTS

Commencement Information

- II** Sch. 7 wholly in force; Sch. 7 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Children and Young Persons Act 1933 (c.12)

F11

Textual Amendments

- F1** Sch. 7 para. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Criminal Justice Act 1967 (c.80)

F22

Textual Amendments

- F2** Sch. 7 para. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Children and Young Persons Act 1969 (c.54)

F33

Textual Amendments

- F3** Sch. 7 para. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F44

Textual Amendments

- F4** Sch. 7 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F55

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Textual Amendments

F5 Sch. 7 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F6}

Textual Amendments

F6 Sch. 7 para. 6 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F7}

Textual Amendments

F7 Sch. 7 para. 7 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

8 In section 34(1)(c) of the 1969 Act (power of Secretary of State to amend references to young person), the words “7(7), 7(8),” shall cease to have effect.

9 Section 69(5) of the 1969 Act (power to include in commencement order certain consequential provisions) shall cease to have effect.

10 In section 70 of the 1969 Act (interpretation), for subsections (1A) and (1B) there shall be substituted the following subsections—

- “(1A) In the case of a child or young person—
 - (a) whose father and mother were not married to each other at the time of his birth, and
 - (b) with respect to whom a residence order is in force in favour of the father,
 any reference in this Act to the parent of the child or young person includes (unless the contrary intention appears) a reference to the father.

(1B) In subsection (1A) of this section, the reference to a child or young person whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the ^{M1}Family Law Reform Act 1987 and “residence order” has the meaning given by section 8(1) of the ^{M2}Children Act 1989.”

Marginal Citations

M1 1987 c.42.

M2 1989 c.41.

11 In Schedule 6 to the 1969 Act (repeals), the entries relating to sections 55, 56(1) and 59(1) of the 1933 Act (which entries have never come into force or are spent) are hereby repealed.

Criminal Justice Act 1972 (c.71)

12 Section 49 of the Criminal Justice Act 1972 (community service order in lieu of warrant of commitment for failure to pay fine etc.) shall cease to have effect.

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Powers of Criminal Courts Act 1973 (c.62)

^{F8}13

Textual Amendments

F8 Sch. 7 para. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F9}14

Textual Amendments

F9 Sch. 7 para. 14 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F10}15

Textual Amendments

F10 Sch. 7 para. 15 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F11}16

Textual Amendments

F11 Sch. 7 para. 16 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

17 Section 11 of the 1973 Act (which is superseded by the paragraph 8A inserted by this Schedule in Schedule 2 to the 1991 Act) shall cease to have effect.

Modifications etc. (not altering text)

C1 Sch. 7 para. 17 excluded (19.9.1998) by S.I. 1998/2327, art. 6(2)

^{F12}18

Textual Amendments

F12 Sch. 7 para. 18 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F13}19

Textual Amendments

F13 Sch. 7 para. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

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Textual Amendments

F14 Sch. 7 para. 20 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F15}21

Textual Amendments

F15 Sch. 7 para. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F16}22

Textual Amendments

F16 Sch. 7 para. 22 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F17}23

Textual Amendments

F17 Sch. 7 para. 23 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F18}24

Textual Amendments

F18 Sch. 7 para. 24 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F19}25

Textual Amendments

F19 Sch. 7 para. 25 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F20}26

Textual Amendments

F20 Sch. 7 para. 26 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F21}27

Textual Amendments

F21 Sch. 7 para. 27 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

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Magistrates' Courts Act 1980 (c.43)

F22 28

Textual Amendments

F22 Sch. 7 para. 28 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F23 29

Textual Amendments

F23 Sch. 7 para. 29 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F24 30

Textual Amendments

F24 Sch. 7 para. 30 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F25 31

Textual Amendments

F25 Sch. 7 para. 31 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

32 In section 85(1)(a) of the 1980 Act (power to remit fine), for the words “section 74” there shall be substituted the words “ section 77 ”.

Criminal Justice Act 1982 (c.48)

F26 33

Textual Amendments

F26 Sch. 7 para. 33 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F27 34

Textual Amendments

F27 Sch. 7 para. 34 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F28 35

Textual Amendments

F28 Sch. 7 para. 35 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F29 36

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Textual Amendments

F29 Sch. 7 para. 36 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F30}37

Textual Amendments

F30 Sch. 7 para. 37 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F31}38

Textual Amendments

F31 Sch. 7 para. 38 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Criminal Justice Act 1988 (c.33)

39 Paragraph 40 of Schedule 15 to the Criminal Justice Act 1988 (minor and consequential amendments) shall cease to have effect.

Criminal Justice Act 1991 (c.53)

^{F32}40

Textual Amendments

F32 Sch. 7 para. 40 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F33}41

Textual Amendments

F33 Sch. 7 para. 41 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F34}42

Textual Amendments

F34 Sch. 7 para. 42 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F35}43

Textual Amendments

F35 Sch. 7 para. 43 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F36}44

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Textual Amendments

F36 Sch. 7 para. 44 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F37}45

Textual Amendments

F37 Sch. 7 para. 45 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F38}46

Textual Amendments

F38 Sch 7 para. 46 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Crime (Sentences) Act 1997 (c.43)

^{F39}47

Textual Amendments

F39 Sch 7 para. 47 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F40}48

Textual Amendments

F40 Sch 7 para. 48 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F41}49

Textual Amendments

F41 Sch 7 para. 49 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

50 (1) In subsection (2)(a) of section 35 of the 1997 Act (community sentences for fine defaulters), for the words “and (11)” there shall be substituted the words “, (10) and (11)”.

^{F42}(2)

^{F42}(3)

^{F42}(4)

^{F42}(5)

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

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Textual Amendments

F42 Sch. 7 para. 50(2)-(5) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F43}51

Textual Amendments

F43 Sch. 7 para. 51 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F44}52

Textual Amendments

F44 Sch. 7 para. 52 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

53 In section 54 of the 1997 Act (general interpretation), after subsection (3) there shall be added the following subsection—

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

54 In section 55(2) of the 1997 Act (interpretation of minor and consequential amendments), for the words “in any case where” (in both places where they occur) there shall be substituted the word “ and ”.

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