

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

## SCHEDULES

### SCHEDULE 8 **U.K.**

Section 119.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 1 In subsection (4A) of section 49 of the 1933 Act (restrictions on reports of proceedings), for paragraph (e) there shall be substituted the following paragraph—
- “(e) where a detention and training order is made, the enforcement of any requirements imposed under section 76(6)(b) of the Crime and Disorder Act 1998.”

<sup>F12</sup> .....

#### Textual Amendments

**F1** Sch. 8 para. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F23</sup> .....

#### Textual Amendments

**F2** Sch. 8 para. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F34</sup> .....

#### Textual Amendments

**F3** Sch. 8 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

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

- 5 (1) In subsection (2) of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders)—
- (a) after paragraph (ab) there shall be inserted the following paragraph—
- “(ac) the person charged has been sent for trial for the offence under section 51 (no committal proceedings for indictable-only offences) of the Crime and Disorder Act 1998 (“the 1998 Act”); or”; and
- (b) after paragraph (b) there shall be inserted the words “or
- (c) the bill is preferred under section 22B(3)(a) of the <sup>M1</sup>Prosecution of Offences Act 1985.”

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

(2) After paragraph (iA) of the proviso to that subsection there shall be inserted the following paragraph—

“(iB) in a case to which paragraph (ac) above applies, the bill of indictment may include, either in substitution for or in addition to any count charging an offence specified in the notice under section 51(7) of the 1998 Act, any counts founded on material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to that Act, was served on the person charged, being counts which may be lawfully joined in the same indictment;”.

#### Commencement Information

**II** Sch. 8 para. 5 wholly in force; Sch. 8 para. 5 not in force at Royal Assent, see s. 121; Sch. 8 para. 5(1)(a)(2) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 5(1)(b) in force at 1.6.1999 by S.I. 1999/1279, art. 2(f); Sch. 8 para. 5(1)(a)(2) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

#### Marginal Citations

**M1** 1985 c.23.

#### *Prison Act 1952 (c.52)*

6 In subsection (1) of section 43 of the Prison Act 1952 (which enables certain institutions for young offenders to be provided and applies provisions of the Act to them), for paragraph (d) there shall be substituted the following paragraph—

“(d) secure training centres, that is to say places in which offenders in respect of whom detention and training orders have been made under section 73 of the Crime and Disorder Act 1998 may be detained and given training and education and prepared for their release.”

7 (1) In subsection (1) of section 49 of that Act (persons unlawfully at large), for the words from “imprisonment” to “secure training centre” there shall be substituted the words “imprisonment or custody for life or ordered to be detained in secure accommodation or in a young offenders institution”.

(2) In subsection (2) of that section—

(a) for the words from “imprisonment” to “secure training centre” there shall be substituted the words “imprisonment, or ordered to be detained in secure accommodation or in a young offenders institution”; and

(b) for the words from “in a prison” to “secure training centre” there shall be substituted the words “in a prison or remand centre, in secure accommodation or in a young offenders institution”.

(3) After subsection (4) of that section there shall be inserted the following subsection—

“(5) In this section “secure accommodation” means—

(a) a young offender institution;

(b) a secure training centre; or

*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

- (c) any other accommodation that is secure accommodation within the meaning given by section 75(7) of the Crime and Disorder Act 1998 (detention and training orders).”

**Extent Information**

**E1** Sch.8 para.7(2) extends to England and Wales only, see s. 121(6)(g).

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

F48 .....

**Textual Amendments**

**F4** Sch. 8 para. 8 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), art. 4(1)(d)(2)(3) (with art. 5) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4); [S.I. 2012/2574](#), art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(d)(2)(3) (with arts. 3, 4)

*Criminal Justice Act 1967 (c.80)*

F59 .....

**Textual Amendments**

**F5** Sch. 8 para. 9 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

F610 .....

**Textual Amendments**

**F6** Sch. 8 para. 10 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

F711 .....

**Textual Amendments**

**F7** Sch. 8 para. 11 repealed (14.7.2022) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2022/816](#), regs. 1(2), 2(b)

*Criminal Appeal Act 1968 (c.19)*

- 12 In subsection (2) of section 9 of the Criminal Appeal Act 1968 (appeal against sentence following conviction on indictment), after the words “for either way offence” there shall be inserted the words “ or paragraph 6 of Schedule 3 to the Crime and Disorder Act 1998 (power of Crown Court to deal with summary offence where person sent for trial for indictable-only offence) ”.

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

### Commencement Information

- I2** Sch. 8 para. 12 wholly in force; [Sch. 8 para. 12](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 12](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 12](#) in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))
- 13 <sup>F8</sup>(1) .....
- <sup>F9</sup>(2) .....

### Textual Amendments

- F8** Sch. 8 para. 13(1) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153(7), [Sch. 28 Pt. 1](#); [S.I. 2009/3074](#), [art. 2\(u\)\(xvi\)](#)
- F9** Sch. 8 para. 13(2) repealed (14.7.2022) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2022/816](#), regs. 1(2), 2(b)

### Commencement Information

- I3** Sch. 8 para. 13 wholly in force; [Sch. 8 para. 13](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#)(subject to savings in arts. 5-8)

### *Firearms Act 1968 (c.27)*

- 14 (1) In subsection (2) of section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime), after the words “a secure training order” there shall be inserted the words “ or a detention and training order ”.
- (2) In subsection (2A) of that section, after paragraph (b) there shall be inserted the following paragraph—
- “(c) in the case of a person who has been subject to a detention and training order—
- (i) the date on which he is released from detention under the order;
- (ii) the date on which he is released from detention ordered under section 77 of the Crime and Disorder Act 1998; or
- (iii) the date of the half-way point of the term of the order,
- whichever is the later.”
- 15 In subsection (1) of section 52 of that Act (forfeiture and disposal of firearms), for the words “secure training order” there shall be substituted the words “ detention and training order ”.

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

- <sup>F10</sup>16 .....

### Textual Amendments

- F10** Sch. 8 para. 16 repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

F11 17 .....

**Textual Amendments**

F11 Sch. 8 para. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F12 18 .....

**Textual Amendments**

F12 Sch. 8 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. 8 para. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F14 20 .....

**Textual Amendments**

F14 Sch. 8 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. 8 para. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

22 In subsection (14) of section 23 of the 1969 Act (remands and committals to local authority accommodation), paragraph (a) shall cease to have effect.

23 In subsection (1) of section 70 of the 1969 Act (interpretation), after the definition of “young person” there shall be inserted the following definition—

““youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.”

**Commencement Information**

I4 Sch. 8 para. 23 partly in force; Sch. 3 para. 23 not in force at Royal Assent see s. 121; Sch. 8 para. 23 in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), Sch. 1 (subject to savings in art. 9); Sch. 8 para. 23 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, art. 2

*Superannuation Act 1972 (c. 11)*

24 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act may apply), at the end of the list of “Other

*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

Bodies” there shall be inserted the following entry— “ Youth Justice Board for England and Wales. ”

**Commencement Information**

**I5** Sch. 8 para. 24 wholly in force; Sch. 8 para. 24 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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

F16<sup>25</sup> .....

**Textual Amendments**

**F16** Sch. 8 para. 25 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F17<sup>26</sup> .....

**Textual Amendments**

**F17** Sch. 8 para. 26 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F18<sup>27</sup> .....

**Textual Amendments**

**F18** Sch. 8 para. 27 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F19<sup>28</sup> .....

**Textual Amendments**

**F19** Sch. 8 para. 28 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F20<sup>29</sup> .....

**Textual Amendments**

**F20** Sch. 8 para. 29 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F21<sup>30</sup> .....

**Textual Amendments**

**F21** Sch. 8 para. 30 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F22<sup>31</sup> .....

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

**Textual Amendments**

**F22** Sch. 8 para. 31 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

<sup>F23</sup>32 .....

**Textual Amendments**

**F23** Sch. 8 para. 32 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

<sup>F24</sup>33 .....

**Textual Amendments**

**F24** Sch. 8 para. 33 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

<sup>F25</sup>34 .....

**Textual Amendments**

**F25** Sch. 8 para. 34 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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

<sup>F26</sup>35 .....

**Textual Amendments**

**F26** Sch. 8 para. 35 repealed (10.3.2014) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 25 Pt. 2** (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

36 <sup>F27</sup> .....

**Textual Amendments**

**F27** Sch. 8 para. 36 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141(1), **Sch. 7; S.I. 2004/874, art. 2**

*Bail Act 1976 (c.63)*

<sup>F28</sup>37 .....

**Textual Amendments**

**F28** Sch. 8 para. 37 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(d)(2)(3)** (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art.

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); [S.I. 2013/1103](#), art. 2(1)(d)(2)(3) (with arts. 3, 4)

38 In paragraph 8(1) of Schedule 1 to that Act (persons entitled to bail: supplementary provisions), after the words “subsection (6)(d)” there shall be inserted the words “ or (e) ”.

**Commencement Information**

**I6** [Sch. 8 para. 38](#) wholly in force; [Sch. 8 para. 38](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#) (subject to savings in [arts. 5-8](#))

*Magistrates’ Courts Act 1980 (c.43)*

39 In subsection (3) of section 11 of the 1980 Act (certain sentences and orders not to be made in absence of accused), for the words “secure training order” there shall be substituted the words “ detention and training order ”.

<sup>F29</sup>40 .....

**Textual Amendments**

**F29** [Sch. 8 para. 40](#) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), [s. 336\(3\)\(4\)](#), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), [art. 4\(1\)\(d\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2012/2574](#), [art. 2\(2\)\(3\)\(d\)](#), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2013/1103](#), [art. 2\(1\)\(d\)\(2\)\(3\)](#) (with arts. 3, 4)

41 Section 37 of the 1980 Act (committal to Crown Court with a view to greater term of detention in a young offender institution) shall cease to have effect.

<sup>F30</sup>42 .....

**Textual Amendments**

**F30** [Sch. 8 para. 42](#) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 10 para. 99](#) Table; [S.I. 2014/954](#), [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))

43 In subsection (2) of section 108 of the 1980 Act (right of appeal to the Crown Court), the words “a probation order or” shall cease to have effect.

**Commencement Information**

**I7** [Sch. 8 para. 43](#) wholly in force; [Sch. 8 para. 43](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#) (subject to savings in [arts. 5-8](#))

<sup>F31</sup>44 .....



*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

**Textual Amendments**

**F31** Sch. 8 para. 44 repealed (19.2.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(8)** (with Sch. 14 paras. 7, 36(9)); S.I. 2001/168, **art. 2(b)(c)**

- 45 In section 126 of the 1980 Act (execution of certain warrants outside England and Wales)—
- (a) the word “and” at the end of paragraph (c) shall cease to have effect;
  - (b) after that paragraph there shall be inserted the following paragraph—
    - “(cc) warrants of arrest issued under section 97A above;”;
  - (c) after paragraph (d) there shall be inserted the words “; and
  - (e) warrants of arrest issued under paragraph 4 of Schedule 3 to the Crime and Disorder Act 1998.”

**Commencement Information**

**I8** Sch. 8 para. 45 wholly in force; Sch. 8 para. 45 not in force at Royal Assent, see s. 121; Sch. 8 para. 45 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; Sch. 8 para. 45 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

<sup>F32</sup>46 .....

**Textual Amendments**

**F32** Sch. 8 para. 46 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*Supreme Court Act 1981 (c.54)*

<sup>F33</sup>47 .....

**Textual Amendments**

**F33** Sch. 8 para. 47 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

- 48 In subsection (1)(a) of section 81 of the Supreme Court Act 1981 (bail), after the words “Criminal Justice Act 1987” there shall be inserted the words “ or who has been sent in custody to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998 ”.

**Commencement Information**

**I9** Sch. 8 para. 48 wholly in force; Sch. 8 para. 48 not in force at Royal Assent, see s. 121; Sch. 8 para. 48 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; Sch. 8 para. 48 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

*Status: This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

### *Criminal Justice Act 1982 (c.48)*

F34 49 .....

#### **Textual Amendments**

**F34** Sch. 8 para. 49 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F35 50 .....

#### **Textual Amendments**

**F35** Sch. 8 para. 50 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F36 51 .....

#### **Textual Amendments**

**F36** Sch. 8 para. 51 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F37 52 .....

#### **Textual Amendments**

**F37** Sch. 8 para. 52 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F38 53 .....

#### **Textual Amendments**

**F38** Sch. 8 para. 53 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

### *Mental Health Act 1983 (c.20)*

54 In subsection (8) of section 37 of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship), for the words from “pass sentence of imprisonment” to “in respect of the offender” there shall be inserted the following paragraphs—

- “(a) pass a sentence of imprisonment, impose a fine or make a community order (within the meaning of Part I of the Criminal Justice Act 1991) in respect of the offence; or
- (b) make an order under section 58 of that Act (binding over of parent or guardian) in respect of the offender.”.

#### **Commencement Information**

**I10** Sch. 8 para. 54 wholly in force; Sch. 8 para. 54 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

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

55 <sup>F39</sup> .....

#### **Textual Amendments**

**F39** Sch. 8 para. 55 repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), ss. 331(2), 333(3), [Sch. 5 Pt. 1](#); S.S.I. 2005/161, [art. 3](#) (as substituted by S.S.I. 2005/375, art. 2)

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

<sup>F40</sup>56 .....

#### **Textual Amendments**

**F40** Sch. 8 para. 56 repealed (14.7.2022) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); S.I. 2022/816, regs. 1(2), 2(b)

57 <sup>F41</sup> .....

#### **Textual Amendments**

**F41** Sch. 8 para. 57 repealed (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336(2), [Sch. 37 Pt. 8](#)

<sup>F42</sup>58 .....

#### **Textual Amendments**

**F42** Sch. 8 para. 58 repealed (14.7.2022) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); S.I. 2022/816, regs. 1(2), 2(b)

<sup>F43</sup>59 .....

#### **Textual Amendments**

**F43** Sch. 8 para. 59 repealed (14.7.2022) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); S.I. 2022/816, regs. 1(2), 2(b)

60 <sup>F44</sup> .....

#### **Textual Amendments**

**F44** Sch. 8 para. 60 repealed (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336(2), [Sch. 37 Pt. 8](#)

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

61 <sup>F45</sup> .....

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

### Textual Amendments

**F45** Sch. 8 para. 61 repealed (1.4.2003) by 2001 c. 16, ss. 137, 138(2), Sch. 7 Pt. 2(1); S.I. 2003/708, art. 2(m)

62 After section 47 of the 1984 Act there shall be inserted the following section—

**“47A Early administrative hearings conducted by justices’ clerks.**

Where a person has been charged with an offence at a police station, any requirement imposed under this Part for the person to appear or be brought before a magistrates’ court shall be taken to be satisfied if the person appears or is brought before the clerk to the justices for a petty sessions area in order for the clerk to conduct a hearing under section 50 of the Crime and Disorder Act 1998 (early administrative hearings).”

### Commencement Information

**I11** Sch. 8 para. 62 wholly in force; Sch. 8 para. 62 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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

63 In subsection (2) of section 23 of the 1985 Act (discontinuance of proceedings), after paragraph (b) there shall be inserted the following paragraph—

“(c) in the case of any offence, any stage of the proceedings after the accused has been sent for trial under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only and related offences).”

### Commencement Information

**I12** Sch. 8 para. 63 wholly in force; Sch. 8 para. 63 not in force at Royal Assent, see s. 121; Sch. 8 para. 63 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 63 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

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

**“23A Discontinuance of proceedings after accused has been sent for trial.**

(1) This section applies where—

- (a) the Director of Public Prosecutions, or a public authority (within the meaning of section 17 of this Act), has the conduct of proceedings for an offence; and
- (b) the accused has been sent for trial under section 51 of the Crime and Disorder Act 1998 for the offence.

(2) Where, at any time before the indictment is preferred, the Director or authority gives notice under this section to the Crown Court sitting at the place specified in the notice under section 51(7) of the Crime and Disorder

*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

Act 1998 that he or it does not want the proceedings to continue, they shall be discontinued with effect from the giving of that notice.

- (3) The Director or authority shall, in any notice given under subsection (2) above, give reasons for not wanting the proceedings to continue.
- (4) On giving any notice under subsection (2) above the Director or authority shall inform the accused of the notice; but the Director or authority shall not be obliged to give the accused any indication of his reasons for not wanting the proceedings to continue.
- (5) The discontinuance of any proceedings by virtue of this section shall not prevent the institution of fresh proceedings in respect of the same offence.”

**Commencement Information**

**I13** Sch. 8 para. 64 wholly in force; [Sch. 8 para. 64](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 64](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 64](#) in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

*Criminal Justice Act 1987 (c.38)*

F46 65 .....

**Textual Amendments**

**F46** Sch. 8 para. 65 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), [art. 4\(1\)\(d\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2012/2574](#), [art. 2\(2\)\(3\)\(d\)](#), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2013/1103](#), [art. 2\(1\)\(d\)\(2\)\(3\)](#) (with arts. 3, 4)

*Criminal Justice Act 1988 (c.33)*

66 In subsection (1) of section 40 of the Criminal Justice Act 1988 (power to join in indictment count for common assault etc.), at the end there shall be inserted the words “ or are disclosed by material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where person sent for trial under section 51), has been served on the person charged ”.

**Commencement Information**

**I14** Sch. 8 para. 66 wholly in force; [Sch. 8 para. 66](#) not in force at Royal Assent, see [s. 121](#); [Sch. 8 para. 66](#) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); [Sch. 8 para. 66](#) in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

*Legal Aid Act 1988 (c.34)*

F47 67 .....

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

#### Textual Amendments

- F47** Sch. 8 para. 67 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with Sch. 2 para. 2)

#### *Children Act 1989 (c.41)*

- 68 In subsection (4) of section 8 of the 1989 Act (which defines “family proceedings”), after paragraph (h) there shall be inserted the following paragraph—  
“(i) sections 11 and 12 of the Crime and Disorder Act 1998.”

#### Commencement Information

- I15** Sch. 8 para. 68 wholly in force; Sch. 8 para. 68 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

**F48** 69 .....

#### Textual Amendments

- F48** Sch. 8 para. 69 omitted (6.4.2016) by virtue of **The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016** (S.I. 2016/413), regs. 2(1), **162**

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

- 70 (1) Section 16 of the Prisons (Scotland) Act 1989 (discharge of prisoners) which, notwithstanding its repeal by the <sup>M2</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993, is an “existing provision” for the purposes of Schedule 6 to that Act of 1993, shall for those purposes be amended as follows.
- (2) In subsection (1), for the words “or Sunday” there shall be substituted the words “Sunday or public holiday”.
- (3) At the end there shall be inserted the following subsection—  
“(3) For the purposes of this section “public holiday” means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.”

#### Commencement Information

- I16** Sch. 8 para. 70 wholly in force; Sch. 8 para. 70 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

#### Marginal Citations

- M2** 1993 c.9.

- 71 In section 39 of that Act (rules for the management of prisons)—  
(a) in subsection (7)—

*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

- (i) at the beginning there shall be inserted the words “ Subject to subsection (7A) below, ”;
  - (ii) for the words “a short-term or long-term prisoner within the meaning of” there shall be substituted the words “ any person who is, or is treated as, a long-term or short-term prisoner for the purposes of any provision of ”; and
  - (iii) the words from “and the foregoing” to the end shall cease to have effect; and
- (b) after that subsection there shall be inserted the following subsections—
- “(7A) Additional days shall not be awarded under rules made under subsection (7) above in respect of a sentence where the prisoner has at any time been released on licence, in relation to that sentence, under Part I of the <sup>M3</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993; and any reference to a sentence in such rules shall be construed in accordance with section 27(5) of that Act.
  - (7B) In the application of subsection (7) above to a prisoner subject to an extended sentence within the meaning of section 210A of the 1995 Act, the reference to his sentence shall be construed as a reference to the custodial term of that extended sentence.”

**Commencement Information**

**I17** Sch. 8 para. 71 wholly in force; Sch. 8 para. 71 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M3** 1993 c.9.

*Criminal Justice Act 1991 (c.53)*

**F49**72 .....

**Textual Amendments**

**F49** Sch. 8 para. 72 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

**F50**73 .....

**Textual Amendments**

**F50** Sch. 8 para. 73 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

**F51**74 .....

**Textual Amendments**

**F51** Sch. 8 para. 74 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

F5275 .....

**Textual Amendments**  
F52 Sch. 8 para. 75 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F5376 .....

**Textual Amendments**  
F53 Sch. 8 para. 76 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F5477 .....

**Textual Amendments**  
F54 Sch. 8 para. 77 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F5578 .....

**Textual Amendments**  
F55 Sch. 8 para. 78 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F5679 .....

**Textual Amendments**  
F56 Sch. 8 paras. 79-84 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2022/816, regs. 1(2), 2(b)

F5680 .....

**Textual Amendments**  
F56 Sch. 8 paras. 79-84 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2022/816, regs. 1(2), 2(b)

F5681 .....

**Textual Amendments**  
F56 Sch. 8 paras. 79-84 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2022/816, regs. 1(2), 2(b)

F5682 .....



*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

**Textual Amendments**

**F56** Sch. 8 paras. 79-84 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

**F56**83 .....

**Textual Amendments**

**F56** Sch. 8 paras. 79-84 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

**F56**84 .....

**Textual Amendments**

**F56** Sch. 8 paras. 79-84 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

**F57**85 .....

**Textual Amendments**

**F57** Sch. 8 para. 85 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

PROSPECTIVE

**F58**86 .....

**Textual Amendments**

**F58** Sch. 8 para. 86 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 118(5)(a), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)

**F59**87 .....

**Textual Amendments**

**F59** Sch. 8 paras. 86-91 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

**F59**88 .....

**Textual Amendments**

**F59** Sch. 8 paras. 86-91 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

F59 89 .....

**Textual Amendments**  
F59 Sch. 8 paras. 86-91 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

PROSPECTIVE  
F60 90 .....

**Textual Amendments**  
F60 Sch. 8 para. 90 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 118(5)(b), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)

F59 91 .....

**Textual Amendments**  
F59 Sch. 8 paras. 86-91 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

F61 92 .....

**Textual Amendments**  
F61 Sch. 8 para. 92 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F62 93 .....

**Textual Amendments**  
F62 Sch. 8 para. 93 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts. 3, 4)

F63 94 .....

**Textual Amendments**  
F63 Sch. 8 para. 94 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

95 In subsection (1) of section 99 of the 1991 Act (general interpretation), after the definition of “young person” there shall be inserted the following definition—

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

““youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.”

#### Commencement Information

**I18** Sch. 8 para. 95 wholly in force; Sch. 3 para. 95 not in force at Royal Assent see s. 121; Sch. 8 para. 95 in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), Sch. 1 (subject to savings in art. 9); Sch. 8 para. 95 in force at 1.4.2000 to the extent that it is not already in force by S.I. 2000/924, art. 2

F6496 .....

#### Textual Amendments

**F64** Sch. 8 para. 96 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F6597 .....

#### Textual Amendments

**F65** Sch. 8 para. 97 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

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

- 98 (1) In subsection (1) of section 1 of the 1993 Act (release of short-term, long-term and life prisoners), at the beginning there shall be inserted the words “ Subject to section 26A(4) of this Act, ”.
- (2) In subsection (2) of that section, at the end there shall be added the words “ unless he has before that time been so released, in relation to that sentence, under any provision of this Act ”.
- (3) After subsection (3) of that section there shall be inserted the following subsection—
- “(3A) Subsections (1) to (3) above are subject to section 1A of this Act.”

#### Modifications etc. (not altering text)

**C1** Sch. 8 para. 98(2) restricted (19.9.1998) by S.I. 1998/2327, art.7(1).

#### Commencement Information

**I19** Sch. 8 para. 98 wholly in force; Sch. 8 para. 98 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 99 (1) After subsection (1) of section 4 of the 1993 Act (persons detained under the Mental Health (Scotland) Act 1984) there shall be inserted the following subsection—
- “(1A) This Part of this Act shall apply to a person conveyed to and detained in a hospital pursuant to a hospital direction under section 59A of the 1995 Act as

*Status: This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

if, while so detained, he was serving the sentence of imprisonment imposed on him at the time at which that direction was made.”

- (2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 January 1998.

- 100 In section 5 of the 1993 Act (fine defaulters and persons in contempt of court)—
- (a) in subsection (1), for the words “and (3)” there shall be substituted the words “to (4)”; and
  - (b) after subsection (3) there shall be inserted the following subsection—
    - “(4) Where a person has had imposed on him two or more terms of imprisonment or detention mentioned in subsection (1)(a) or (b) above, sections 1A and 27(5) of this Act shall apply to those terms as if they were terms of imprisonment.”

**Modifications etc. (not altering text)**

**C2** Sch. 8 para. 100 explained (19.9.1998) by S.I. 1998/2327, art.7(2).

**Commencement Information**

**I20** Sch. 8 para. 100 wholly in force; Sch. 8 para. 100 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 101 In section 7 of the 1993 Act (children detained in solemn proceedings)—
- (a) in subsection (1)(b), at the end there shall be added the words “ unless he has before that time been so released, in relation to that sentence, under any provision of this Act ”;
  - (b) after that subsection there shall be inserted the following subsections—
    - “(2A) This subsection applies where a child detained under section 208 of the 1995 Act is sentenced, while so detained, to a determinate term of detention in a young offenders institution or imprisonment and, by virtue of section 27(5) of this Act, such terms of detention or imprisonment are treated as single term.
    - (2B) In a case where subsection (2A) applies and the single term mentioned in that subsection is less than four years, the provisions of this section shall apply.
    - (2C) In a case where subsection (2A) applies and the single term mentioned in that subsection is of four or more years—
      - (a) section 6 of this Act shall apply to him as if the single term were an equivalent sentence of detention in a young offenders institution, if that term is served in such an institution; and
      - (b) the provisions of this Act shall apply to him as if the single term were an equivalent sentence of imprisonment, if that term is served in a remand centre or a prison.”;
  - (c) after subsection (4) there shall be inserted the following subsection—
    - “(4A) Where an order under subsection (3) above is made, the making of the order shall, if there is in force a licence relating to the person

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

in respect of whom the order is made, have the effect of revoking that licence.”; and

- (d) in subsection (5), after the word “construed” there shall be inserted the words “ and sections 1A and 27 shall apply ”.

**Modifications etc. (not altering text)**

C3 Sch. 8 para. 101(a) restricted (19.9.1998) by S.I. 1998/2327, art.7(3).

**Commencement Information**

I21 Sch. 8 para. 101 wholly in force; Sch. 8 para. 101 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 102 In section 11 of the 1993 Act (duration of licences), subsections (3)(b) and (4) shall cease to have effect.

**Modifications etc. (not altering text)**

C4 Sch. 8 para. 102 restricted (19.9.1998) by S.I. 1998/2327, art.7(4).

**Commencement Information**

I22 Sch. 8 para. 102 wholly in force; Sch. 8 para. 102 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 103 In section 14 of the 1993 Act (supervised release of short-term prisoners), subsections (2) and (3) shall cease to have effect.

**Modifications etc. (not altering text)**

C5 Sch. 8 para. 103 restricted (19.9.1998) by S.I. 1998/2327, art.8(1).

**Commencement Information**

I23 Sch. 8 para. 103 wholly in force; Sch. 8 para. 103 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 104 (1) In subsection (1) of section 16 of the 1993 Act (orders for return to prison after commission of further offence), after the word “released” there shall be inserted the words “ at any time ”.
- (2) In paragraph (a) of subsection (7) of that section, after the word “shall” there shall be inserted the words “ , if the licence is in force when the order is made, ”.
- (3) Paragraph (b) of that subsection shall cease to have effect.

**Modifications etc. (not altering text)**

C6 Sch. 8 para. 104(3) restricted (19.9.1998) by S.I. 1998/2327, art.7(4).

**Commencement Information**

I24 Sch. 8 para. 104 wholly in force; Sch. 8 para. 104 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

105 In section 17 of the 1993 Act (revocation of licence), after subsection (4) there shall be inserted the following subsection—

“(4A) Where the case of a prisoner to whom section 3A of this Act applies is referred to the Parole Board under subsection (3) above, subsection (4) of that section shall apply to that prisoner in place of subsection (4) above.”

**Commencement Information**

**I25** Sch. 8 para. 105 wholly in force; Sch. 8 para. 105 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

106 In section 20 of the 1993 Act (Parole Board for Scotland), at the end of subsection (4) there shall be inserted the words— “ and rules under this section may make different provision for different classes of prisoner. ”

**Commencement Information**

**I26** Sch. 8 para. 106 wholly in force; Sch. 8 para. 106 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

107 After subsection (7) of section 27 of the 1993 Act (interpretation) there shall be inserted the following subsection—

“(8) For the purposes of this section “public holiday” means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.”

**Commencement Information**

**I27** Sch. 8 para. 107 wholly in force; Sch. 8 para. 107 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

108 In Schedule 6 to the 1993 Act (transitional provisions), after paragraph 6C there shall be inserted the following paragraph—

“6D Where a prisoner released on licence is treated by virtue of the provisions of this or any other enactment as a prisoner whose licence was granted under section 2(4) of this Act, the validity of his licence shall not be affected by the absence in the licence of such a condition as is specified in section 12(2) of this Act.”

**Commencement Information**

**I28** Sch. 8 para. 108 wholly in force; Sch. 8 para. 108 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

*Probation Service Act 1993 (c.47)*

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

**Textual Amendments**

**F66** Sch. 8 para. 109 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

<sup>F67</sup>110 .....

**Textual Amendments**

**F67** Sch. 8 para. 110 repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 153, **Sch. 8**; S.I. 2001/919, **art. 2(f)(ii)(g)**

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

111 In subsection (3) of section 12 of the 1994 Act (escort arrangements and officers), after the words “secure training orders” there shall be inserted the words “ or detention and training orders ”.

<sup>F68</sup>112 .....

**Textual Amendments**

**F68** Sch. 8 para. 112 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

113 (1) In sub-paragraph (1) of paragraph 3 of Schedule 2 to the 1994 Act (certification of custody officers: England and Wales)—

- (a) in paragraph (b), for the words “person in charge” there shall be substituted the word “ monitor ”; and
- (b) in paragraph (c), for the words “person in charge” there shall be substituted the word “ governor ”.

(2) In sub-paragraph (2) of that paragraph, for the words “or person in charge” there shall be substituted the words “ , monitor or governor ”.

**Commencement Information**

**I29** Sch. 8 para. 113 wholly in force; Sch. 8 para. 113 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)(2)** (subject to savings in arts. 5-8)

*Drug Trafficking Act 1994 (c.37)*

114 <sup>F69</sup> .....

**Textual Amendments**

**F69** Sch. 8 para. 114 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 457, 458(1), **Sch. 12**; S.I. 2003/120 {art. 2(1)}, Sch.

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

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

115      F70 .....

**Textual Amendments**

**F70** Sch. 8 para. 115 ceased to have effect (24.2.2003) and repealed (24.3.2003) by virtue of [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 35, [Sch. 12](#); S.I. 2003/120, [art. 2\(1\)](#), Sch.; S.I. 2003/333, [art. 2\(1\)](#), Sch.

116      F71 .....

**Textual Amendments**

**F71** Sch. 8 para. 116 ceased to have effect (24.2.2003) and repealed (24.3.2003) by virtue of [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 35, [Sch. 12](#); S.I. 2003/120, [art. 2\(1\)](#), Sch.; S.I. 2003/333, [art. 2\(1\)](#), Sch.

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

117    (1) For section 18(3) of the 1995 Act (prints and samples) there shall be substituted the following subsection—

“(3) Subject to subsection (4) below, all record of any relevant physical data taken from or provided by a person under subsection (2) above, all samples taken under subsection (6) below and all information derived from such samples shall be destroyed as soon as possible following a decision not to institute criminal proceedings against the person or on the conclusion of such proceedings otherwise than with a conviction or an order under section 246(3) of this Act.”

(2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 August 1997.

118    In subsection (3) of section 49 of the 1995 Act (references to children’s hearings), in paragraph (b), after the words “the sheriff” there shall be inserted the words “or district”.

**Commencement Information**

**I30** Sch. 8 para. 118 wholly in force; Sch. 8 para. 118 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, [art. 2\(1\)\(2\)](#) (subject to savings in arts. 5-8)

119    In section 106(1)(bb) of the 1995 Act (appeals against automatic sentences), which is prospectively inserted by section 18(1) of the <sup>M4</sup>Crime and Punishment (Scotland) Act 1997, for the words “205B(3) or 209(1A)” there shall be substituted the words “or 205B(3)”.

**Commencement Information**

**I31** Sch. 8 para. 119 wholly in force; Sch. 8 para. 119 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, [art. 2\(1\)\(2\)](#) (subject to savings in arts. 5-8)



*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

#### Marginal Citations

M4 1997 c.48.

- 120 In section 108A of the 1995 Act (prosecutor’s right of appeal against refusal to impose automatic sentence), which is prospectively inserted by section 18(2) of the <sup>M5</sup>Crime and Punishment (Scotland) Act 1997, for the words “205B(3) or 209(1A)” there shall be substituted the words “ or 205B(3) ”.

#### Commencement Information

I32 Sch. 8 para. 120 wholly in force; Sch. 8 para. 120 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### Marginal Citations

M5 1997 c.48.

- 121 In section 118(4A) of the 1995 Act (disposal of appeals), which is prospectively inserted by section 18(5) of the <sup>M6</sup>Crime and Punishment (Scotland) Act 1997, in paragraph (c), sub-paragraph (iii) shall cease to have effect.

#### Commencement Information

I33 Sch. 8 para. 121 wholly in force; Sch. 8 para. 121 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### Marginal Citations

M6 1997 c.48.

- 122 In section 167 of the 1995 Act (findings and sentences in summary proceedings), in subsection (7), at the beginning there shall be inserted the words “ Subject to section 204A of this Act, ”.

#### Commencement Information

I34 Sch. 8 para. 122 wholly in force; Sch. 8 para. 122 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 123 In subsection (5C) of section 175 of the 1995 Act (right of appeal in summary proceedings), the words “paragraph (a) of” shall be omitted.

#### Commencement Information

I35 Sch. 8 para. 123 wholly in force; Sch. 8 para. 123 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 124 In subsection (1) of section 307 of the 1995 Act (interpretation), in the definition of “officer of law”—
- (a) after paragraph (b) there shall be inserted the following paragraph—
- “(ba) any person commissioned by the Commissioners of Customs and Excise;” and

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

- (b) in paragraph (e), for the words “class or persons” there shall be substituted the words “ class of persons ”.

#### Commencement Information

**I36** Sch. 8 para. 124 wholly in force; Sch. 8 para. 124 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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

125 In subsection (2) of section 1 of the Criminal Procedure and Investigations Act 1996 (application of Part I of that Act)—

- (a) after paragraph (c) there shall be inserted the following paragraph—
- “(cc) a person is charged with an offence for which he is sent for trial under section 51 (no committal proceedings for indictable-only offences) of the Crime and Disorder Act 1998,”; and
- (b) at the end there shall be inserted the words “or
- (f) a bill of indictment charging a person with an indictable offence is preferred under section 22B(3)(a) of the<sup>M7</sup>Prosecution of Offences Act 1985.”

#### Commencement Information

**I37** Sch. 8 para. 125 wholly in force; Sch. 8 para. 125 not in force at Royal Assent, see s. 121; Sch. 8 para. 125(a) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 125(b) in force at 1.6.1999 by S.I. 1999/1279, art. 2(f); Sch. 8 para. 125(a) in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

#### Marginal Citations

**M7** 1985 c.23.

126 In section 5 of that Act (compulsory disclosure by accused), after subsection (3) there shall be inserted the following subsection—

- “(3A) Where this Part applies by virtue of section 1(2)(cc), this section does not apply unless—
- (a) copies of the documents containing the evidence have been served on the accused under regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998; and
- (b) a copy of the notice under subsection (7) of section 51 of that Act has been served on him under that subsection.”

#### Commencement Information

**I38** Sch. 8 para. 126 partly in force; Sch. 8 para. 126 not in force at Royal Assent, see s. 121; Sch. 8 para. 126 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 126 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

- 127 In subsection (1) of section 13 of that Act (time limits: transitional)—
- <sup>F72</sup>(a) .....
- (b) after the words “section 1(2)(e)” there shall be inserted the words “ or (f) ”.

#### Textual Amendments

- F72** Sch. 8 para. 127(a) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. III (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

#### Commencement Information

- I39** Sch. 8 para. 127 partly in force; Sch. 8 para. 127 not in force at Royal Assent, see s. 121; Sch. 8 para. 127(a) in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 127(b) in force at 1.6.1999 by S.I. 1999/1279, art. 2(f)

- 128 In subsection (1)(a) of section 28 of that Act (introduction to Part III), after the words “committed for trial” there shall be inserted the words “ , or sent for trial under section 51 of the Crime and Disorder Act 1998, ”.

#### Commencement Information

- I40** Sch. 8 para. 128 wholly in force; Sch. 8 para. 128 not in force at Royal Assent, see s. 121; Sch. 8 para. 128 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 128 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

- 129 In subsection (1) of section 39 of that Act (meaning of pre-trial hearing), after the words “committed for trial for the offence concerned” there shall be inserted the words “ , after the accused has been sent for trial for the offence under section 51 of the Crime and Disorder Act 1998, ”.

#### Commencement Information

- I41** Sch. 8 para. 129 wholly in force; Sch. 8 para. 129 not in force at Royal Assent, see s. 121; Sch. 8 para. 129 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 8 para. 129 in force to the extent that it is not already in force by S.I. 2000/3283, art. 2 (subject to transitional provisions in art. 3)

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

- 130 (1) In subsection (3) of section 28 of the 1997 Act (duty to release certain life prisoners), after paragraph (b) there shall be inserted the words “and
- (c) the provisions of this section as compared with those of sections 33(2) and 35(1) of the <sup>M8</sup>Criminal Justice Act 1991 (“the 1991 Act”)”.
- (2) In subsection (7) of that section, in paragraph (c), for the words from “the time when” to the end there shall be substituted the words “he has served one-half of that sentence”.

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

#### Commencement Information

**I42** Sch. 8 para. 130 wholly in force; Sch. 8 para. 130 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### Marginal Citations

**M8** 1991 c. 53.

131 (1) In subsection (2) of section 31 of the 1997 Act (duration and conditions of licences), the words “(which shall include on his release conditions as to his supervision by a probation officer)” shall cease to have effect.

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

“(2A) The conditions so specified shall include on the prisoner’s release conditions as to his supervision by—

- (a) a probation officer appointed for or assigned to the petty sessions area within which the prisoner resides for the time being;
- (b) where the prisoner is under the age of 22, a social worker of the social services department of the local authority within whose area the prisoner resides for the time being; or
- (c) where the prisoner is under the age of 18, a member of a youth offending team established by that local authority under section 39 of the Crime and Disorder Act 1998.”

(3) In subsection (6) of that section, for the words “section 24(2) above” there shall be substituted the words “section 46(3) of the 1991 Act”, and for the words “the words in parentheses” there shall be substituted the words “subsection (2A) above”.

#### Commencement Information

**I43** Sch. 8 para. 131 wholly in force; Sch. 8 para. 131 not in force at Royal Assent see s. 121; Sch. 8 para. 131(3) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8); Sch. 8 para. 131(1)(2) in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, art. 3(1), Sch. 1 (subject to savings in art. 9); Sch. 8 para. 131(1)(2) in force 1.4.2000 to the extent that they are not already in force by S.I. 2000/924, art. 2

<sup>F73</sup>132 .....

#### Textual Amendments

**F73** Sch. 8 para. 132 repealed (14.7.2022) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2022/816, regs. 1(2), 2(b)

133 In section 54 of the 1997 Act (general interpretation), subsection (2) shall cease to have effect.

#### Commencement Information

**I44** Sch. 8 para. 133 wholly in force; Sch. 8 para. 133 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

- 134 Subsection (5)(b) of section 57 of the 1997 Act (short title, commencement and extent) shall have effect as if the reference to the Channel Islands included a reference to the Isle of Man.

**Extent Information**

**E2** Sch. 8 para. 134 extends to Isle of Man, see s. 121(9)

**Commencement Information**

**I45** Sch. 8 para. 134 wholly in force; Sch. 8 para. 134 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 135 (1) Schedule 1 to the 1997 Act (transfer of prisoners within the British Islands) shall be amended as follows.

(2) In sub-paragraph (3) of paragraph 6—

(a) after paragraph (a) there shall be inserted the following paragraph—

“(aa) in relation to a person who is supervised in pursuance of a detention and training order, being ordered to be detained for any failure to comply with requirements under section 76(6)(b) of the Crime and Disorder Act 1998;” and

(b) in paragraph (b), for the words “recalled to prison under the licence” there shall be substituted the words “recalled or returned to prison”.

<sup>F74</sup>(3) .....

<sup>F74</sup>(4) .....

(5) In paragraph 10—

(a) in sub-paragraph (2)(a)—

(i) for the words from “sections” to “ “1997 Act”)” there shall be substituted the words “sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the<sup>M9</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”)”; and

(ii) after the word “3,” there shall be inserted words “6(1)(b)(i) and (iii)”;

(b) in sub-paragraph (2)(b), for the words “sub-paragraphs (3) and (4)” there shall be substituted the words “sub-paragraph (3)”;

(c) sub-paragraph (4) shall cease to have effect;

(d) in sub-paragraph (5)(a), for the words from “sections 15” to “37 of the 1997 Act” there shall be substituted the words “sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act”;

(e) for sub-paragraph (6)(b) there shall be substituted the following sub-paragraph—

“(b) in the said sub-paragraph (2) the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far as it relates to a person sentenced under section 205(3) of the<sup>M10</sup>Criminal Procedure (Scotland) Act 1995.”; and

(f) for sub-paragraph (7) there shall be substituted the following sub-paragraph—

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

“(7) Any provision of Part I of the 1993 Act which is applied by sub-paragraph (2) or (5) above shall have effect (as so applied) as if any reference to a chief social work officer were a reference to a chief social worker of a local authority social services department.”

(6) In paragraph 11—

(a) in sub-paragraph (2)(a)—

(i) for the words from “sections” to “ “1997 Act”)” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”; and

(ii) after the word “3,” there shall be inserted the words “ 6(1)(b)(i) and (iii), ”;

(b) in sub-paragraph (4)(a), for the words from “sections 15” to “37 of the 1997 Act” there shall be substituted the words “ sections 1A, 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”;

(c) in sub-paragraph (5), for the words “Sub-paragraph (5)” there shall be substituted the words “ Sub-paragraph (6) ”; and

(d) in sub-paragraph (6), the words “or Part III of the 1997 Act” shall cease to have effect and, in the Table, for the entry relating to the expression “young offenders institution” there shall be substituted the following entry—

“Probation officer appointed for or assigned to such petty sessions area	Probation Officer appointed by the Probation Board for Northern Ireland”.
--	---

(7) In sub-paragraph (5) of paragraph 12, in the Table, the entry relating to the expression “Prison rules” shall cease to have effect.

(8) In sub-paragraph (5) of paragraph 13, in the Table, the entry relating to the expression “Prison rules” shall cease to have effect.

(9) In sub-paragraph (1)(a) of paragraph 17 (prisoners unlawfully at large), after the words “section 49(1)” there shall be inserted the words “ and (5) ”.

(10) In sub-paragraph (1) of paragraph 20, in the definition of “supervision”, after the word “purpose” there shall be inserted the words “ or a detention and training order ”.

#### Textual Amendments

**F74** Sch. 8 para. 135(3)(4) repealed (14.7.2022) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2022/816](#), regs. 1(2), 2(b)

#### Commencement Information

**I46** Sch. 8 para. 135 wholly in force at 1.4.2000; Sch. 8 para. 135 not in force at Royal Assent see [s. 121](#); Sch. 8 para. 135(1)(2)(b)(3)-(8) in force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#) (subject to savings in [arts. 5-8](#)); Sch. 8 para. 135(2)(a)(9)(10) in force at 1.4.2000 by [S.I. 1999/3426](#), [art. 3\(b\)](#)

#### Marginal Citations

**M9** 1993 c.9.

**M10** 1995 c.46.

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes

- 136 In Schedule 2 to the 1997 Act (repatriation of prisoners to the British Islands), paragraphs 4 and 8 are hereby repealed.

**Commencement Information**

**I47** Sch. 8 para.136 wholly in force; Sch. 8 para. 136 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 137 In Schedule 4 to the 1997 Act (minor and consequential amendments), the following provisions are hereby repealed, namely—
- (a) in paragraph 6, sub-paragraph (1)(b);
  - (b) paragraphs 9 and 11; and
  - (c) in paragraph 12, sub-paragraph (4).

**Commencement Information**

**I48** Sch. 8 para. 137 wholly in force; Sch. 8 para. 137 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 138 (1) In Schedule 5 to the 1997 Act (transitional provisions and savings), paragraphs 1 to 4 and 6 are hereby repealed and the following provisions shall cease to have effect, namely—
- (a) paragraph 5(2);
  - (b) paragraphs 8, 9(1) and 10(1);
  - (c) in paragraph 11, sub-paragraph (1), in sub-paragraph (2)(c), the words “or Part III of the 1997 Act” and, in sub-paragraph (3), the words from the beginning to “1995; and”; and
  - (d) in paragraph 12, sub-paragraph (1) and, in sub-paragraph (2)(c), the words “or Part III of the 1997 Act”.
- (2) In paragraph 11(2) of that Schedule—
- (a) in paragraph (a)—
    - (i) for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the <sup>M11</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”)”; and
    - (ii) for the words “the 1989 Act” there shall be substituted the <sup>M12</sup>words “ the Prisons (Scotland) Act 1989 (“the 1989 Act”)”; and
  - (b) in paragraph (b), for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act ”.
- (3) In paragraph 12(2) of that Schedule—
- (a) in paragraph (a)—
    - (i) for the words from “sections 15” to “1997 Act” there shall be substituted the words “ sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the <sup>M13</sup>Prisoners and Criminal Proceedings (Scotland) Act (“the 1993 Act”)”; and



*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

- (ii) for the words “the 1989 Act” there shall be substituted the <sup>M14</sup>words “the Prisons (Scotland) Act 1989 (“the 1989 Act”)”; and
- (b) in paragraph (b), for the words from “sections 15” to “1997 Act” there shall be substituted the words “sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act”.

**Commencement Information**

**I49** Sch. 8 para. 138 wholly in force; Sch. 8 para. 138 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

**Marginal Citations**

**M11** 1993 c.9.  
**M12** 1989 c.45.  
**M13** 1993 c.9.  
**M14** 1989 c.45.

- 139 In Schedule 6 to the 1997 Act (repeals), the entries relating to sections 33 to 51 and 65 of the 1991 Act are hereby repealed.

**Commencement Information**

**I50** Sch. 8 para. 139 wholly in force; Sch. 8 para. 139 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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

- 140 Section 4 of the Crime and Punishment (Scotland) Act 1997 (supervised release orders) is hereby repealed.

**Commencement Information**

**I51** Sch. 8 para. 140 wholly in force; Sch. 8 para. 140 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 141 (1) In Schedule 1 to that Act (minor and consequential amendments), the following provisions are hereby repealed, namely—
- (a) paragraphs 1, 9(7), 10(2)(a), 13(3) and 21(3); and
  - (b) in paragraph 14, sub-paragraphs (2)(a), (3)(e), (4) to (7), (9), (10)(a), (11)(b), (12), (13) to (15) and (17).
- (2) In paragraph 14 of that Schedule, for sub-paragraph (16) there shall be substituted the following sub-paragraph—
- “(16) In section 27(1) (interpretation), in the definition of “supervised release order” the words “(as inserted by section 14 of this Act)” shall cease to have effect.”



*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Crime and Disorder Act 1998, SCHEDULE 8 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) View outstanding changes*

#### Commencement Information

**I52** Sch. 8 para. 141 wholly in force; Sch. 8 para. 141 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

142 Schedule 2 to that Act (transitional provisions) is hereby repealed.

#### Commencement Information

**I53** Sch. 8 para. 142 wholly in force; Sch. 8 para. 142 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 143 (1) Schedule 3 to that Act (repeals) shall be amended in accordance with this paragraph.
- (2) In the entry relating to the Prisons (Scotland) Act 1989, in the third column, the words “In section 39, subsection (7)” are hereby repealed.
- (3) In the entry relating to the Prisoners and Criminal Proceedings (Scotland) Act 1993—
- (a) the words relating to sections 1, 3(2), 5, 6(1), 7, 9, 12(3), 16, 17(1), 20, 24, and Schedule 1;
  - (b) in the words relating to section 14, the words “and in subsection (4), the words “short-term””;
  - (c) in the words relating to 27(1)—
    - (i) the words “the definitions of “short term prisoner” and “long-term prisoner” and”;
    - (ii) in the words relating to the definition of “supervised release order” the words “and the words from “but” to the end”;
  - (d) the words relating to section 27(2), (3), (5) and (6),
- are hereby repealed.
- (4) In the entry relating to the Criminal Procedure (Scotland) Act 1995, in the third column, the words relating to section 44 are hereby repealed.

#### Commencement Information

**I54** Sch. 8 para. 143 wholly in force; Sch. 8 para. 143 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

#### *Sex Offenders Act 1997 (c.51)*

144 F75 .....

#### Textual Amendments

**F75** Sch. 8 para. 144 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 140, 141(1), Sch. 6 para. 38(8), Sch. 7; S.I. 2004/874, art. 2

**Status:**

This version of this schedule contains provisions that are prospective.

**Changes to legislation:**

Crime and Disorder Act 1998, SCHEDULE 8 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 8 para. 71 repealed by [2007 asp 17 sch. 5](#)

**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. 1(1C) inserted by [2010 c. 17 s. 40\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A inserted by [2010 c. 17 s. 41\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A repealed by [2014 c. 12 Sch. 11 para. 24\(c\)](#)
- s. 9(2)(d) and word inserted by [2010 c. 17 s. 41\(4\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2)(d) and word omitted by [2014 c. 12 Sch. 11 para. 26\(4\)\(a\)](#)
- s. 9(2AA) inserted by [2010 c. 17 s. 41\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2AA) repealed by [2014 c. 12 Sch. 11 para. 26\(5\)](#)
- s. 41(5)(i)(ii) words substituted by [2021 c. 11 Sch. 13 para. 37\(3\)](#)
- s. 47(A1) inserted by [2022 c. 35 s. 12\(2\)](#)
- s. 47(1)-(1F) substituted for s. 47(1) by [2022 c. 35 s. 12\(3\)](#)
- s. 47(4)(a) word substituted by [2022 c. 35 s. 12\(6\)\(b\)](#)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by [2022 c. 35 s. 12\(6\)\(a\)](#)
- s. 47(4)(b) and word inserted by [2022 c. 35 s. 12\(6\)\(c\)](#)
- s. 47(4A) inserted by [2022 c. 35 s. 12\(7\)](#)
- s. 50A(6) inserted by [2022 c. 35 Sch. 2 para. 8\(2\)\(b\)](#)
- s. 51(2A)-(2E) inserted by [2022 c. 35 s. 10\(4\)](#)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by [2022 c. 35 s. 10\(5\)](#)
- s. 51A(A1) inserted by [2022 c. 35 s. 10\(7\)](#)
- s. 51A(3A)-(3E) inserted by [2022 c. 35 s. 10\(9\)](#)
- s. 51A(4A)(4B) substituted for s.0051A(4)-(10) by [2022 c. 35 s. 10\(10\)](#)
- s. 52(2A) inserted by [2022 c. 35 s. 10\(11\)](#)
- Sch. 3 para. 3(11A) inserted by [2003 c. 44 Sch. 3 para. 71\(d\)](#)