



# Criminal Justice and Court Services Act 2000

## 2000 CHAPTER 43

An Act to establish a National Probation Service for England and Wales and a Children and Family Court Advisory and Support Service; to make further provision for the protection of children; to make further provision about dealing with persons suspected of, charged with or convicted of offences; to amend the law relating to access to information held under Part III of the Road Traffic Act 1988; and for connected purposes. [30th November 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### THE NEW SERVICES

#### CHAPTER I

#### NATIONAL PROBATION SERVICE FOR ENGLAND AND WALES

##### *Introduction*

#### **1 Purposes of the Chapter.**

[<sup>F1</sup>(1) This Chapter has effect for the purposes of providing for—

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- (a) courts to be given assistance in determining the appropriate sentences to pass, and making other decisions, in respect of persons charged with or convicted of offences, and
- (b) the supervision and rehabilitation of such persons.

[<sup>F2</sup>(1A) This Chapter also has effect for the purposes of providing for—

- (a) authorised persons to be given assistance in determining whether conditional cautions should be given and which conditions to attach to conditional cautions, and
- (b) the supervision and rehabilitation of persons to whom conditional cautions are given.]

(2) Subsection (1)(b) extends (in particular) to—

- (a) giving effect to community orders [<sup>F3</sup>(as defined by section 177 of the Criminal Justice Act 2003)] [<sup>F4</sup>, youth rehabilitation orders (as defined by section 1 of the Criminal Justice and Immigration Act 2008)] [<sup>F5</sup>and service community orders and overseas community orders under the Armed Forces Act 2006],
- (b) supervising persons released from prison on licence,
- (c) providing accommodation in approved premises.
- [<sup>F6</sup>(d) giving effect to suspended sentence orders (as defined by section 189 of the Criminal Justice Act 2003).]

(3) Regulations may extend the purposes mentioned in subsection (1) to include other prescribed purposes relating to persons charged with or convicted of offences.

[<sup>F7</sup>(4) In this section “authorised person” and “conditional caution” have the same meaning as in Part 3 of the Criminal Justice Act 2003.]]

#### Textual Amendments

- F1** Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by *Offender Management Act 2007 (c. 21)*, s. 41(1), Sch. 5 Pt. 1; S.I. 2008/504, art. 4(1)(m)(i)(2); S.I. 2009/547, art. 2(1)(m)(i)(2)
- F2** S. 1(1A) inserted (3.7.2004) by *Criminal Justice Act 2003 (c. 44)*, **ss. 26(2)**, 336(3)(4); S.I. 2004/1629, art. 2(1)(2)(a)
- F3** Words in s. 1(2)(a) inserted (4.4.2005) by *Criminal Justice Act 2003 (c. 44)*, s. 336(3)(4), **Sch. 32 para. 134(a)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(36)** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, **art. 2**; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, **Sch. 28 Pt. 2**; S.I. 2008/1586, Sch. 1 paras. 48(s), **50(2)(d)**); (30.11.2009) by S.I. 2009/3111, **art. 2**; (3.12.2012) by S.I. 2012/2905, **art. 4**; (3.12.2012) by 2012 c. 10, **Sch. 14 para. 17**; S.I. 2012/2906, **art. 2(l)**)
- F4** Words in s. 1(2)(a) inserted (30.11.2009) by *Criminal Justice and Immigration Act 2008 (c. 4)*, s. 153(7), **Sch. 4 para. 69** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xiii)
- F5** Words in s. 1(2)(a) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by *Armed Forces Act 2006 (c. 52)*, s. 383(2), **Sch. 16 para. 177**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F6** S. 1(2)(d) inserted (4.4.2005) by *Criminal Justice Act 2003 (c. 44)*, s. 336(3)(4), **Sch. 32 para. 134(b)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(36)** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, **art. 2**; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, **Sch. 28 Pt. 2**; S.I. 2008/1586, Sch. 1 paras. 48(s), **50(2)(d)**); (30.11.2009) by S.I. 2009/3111, **art. 2**; (3.12.2012) by S.I. 2012/2905, **art. 4**; (3.12.2012) by 2012 c. 10, **Sch. 14 para. 17**; S.I. 2012/2906, **art. 2(l)**)
- F7** S. 1(4) inserted (3.7.2004) by *Criminal Justice Act 2003 (c. 44)*, **ss. 26(3)**, 336(3)(4); S.I. 2004/1629, art. 2(1)(2)(a)

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

C1 S. 1(1) extended (1.4.2001) by [S.I. 2001/786](#), [art. 2](#)

## 2 Aims of the Service.

[<sup>F1</sup>(1) This section applies to—

- (a) the functions of the Secretary of State under this Chapter,
- (b) the functions of local probation boards, and officers of local probation boards, under this Act or any other enactment,

so far as they may be exercised for the purposes mentioned in section 1.

(2) In exercising those functions the person concerned must have regard to the following aims—

- (a) the protection of the public,
- (b) the reduction of re-offending,
- (c) the proper punishment of offenders,
- (d) ensuring offenders' awareness of the effects of crime on the victims of crime and the public,
- (e) the rehabilitation of offenders.]

**Textual Amendments**

F1 Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)

### *Functions*

## 3 Functions of the Secretary of State.

[<sup>F1</sup>(1) The Secretary of State has the function of ensuring that provision is made throughout England and Wales for the purposes mentioned in section 1.

(2) The Secretary of State may make any payment he considers appropriate towards expenditure incurred by any person for any of those purposes.

(3) If he considers it appropriate, he may make any payment on conditions.

(4) The conditions may (among other things)—

- (a) regulate the purposes for which the payment or any part of it may be used,
- (b) require repayment to the Secretary of State in specified circumstances.]

**Textual Amendments**

F1 Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)

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#### 4 Local probation boards.

- [<sup>F1</sup>(1) For the purpose of implementing this Chapter, England and Wales shall be divided into areas.
- (2) For each area there shall be a board (referred to in this Act as a local probation board) which is to exercise the functions conferred on it by virtue of this Act and any other enactment.
- (3) Schedule 1 (which makes provision about the constitution of local probation boards, their powers and other matters relating to them) is to have effect.
- (4) References in this Act or any other enactment to an officer of a local probation board are references to—
- (a) any member of the staff of a local probation board appointed to exercise the functions of an officer of the board, and
  - (b) any other individual exercising functions of an officer of a local probation board by virtue of section 5(2).
- (5) The initial areas for the purpose of implementing this Chapter are—
- (a) the police areas listed in Schedule 1 to the <sup>M1</sup>Police Act 1996 (areas into which England and Wales, apart from London, is divided), and
  - (b) the area comprising the Metropolitan Police District and the City of London Police Area.
- (6) The division of England and Wales into areas for that purpose may be altered from time to time by order made by the Secretary of State.]

##### Textual Amendments

**F1** Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)

##### Marginal Citations

**M1** 1996 c. 16.

#### 5 Functions of local probation boards.

- [<sup>F1</sup>(1) It is a function of a local probation board—
- (a) to make arrangements for ensuring that sufficient provision is made in respect of its area for the purposes mentioned in section 1 and for ensuring the performance of any other functions conferred by virtue of this Act or any other enactment on the board,
  - (b) to make arrangements for ensuring the performance of any functions conferred by virtue of this Act or any other enactment on officers of the board, and to implement, or ensure the implementation of, any arrangements it makes under this section.
- (2) In addition to making arrangements for provision to be made by its staff, a local probation board may (for example)—
- (a) make arrangements with organisations for provision to be made on the board's behalf by the organisations,

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- (b) make arrangements with individuals who are not members of the board's staff under which they may perform functions of officers of the board, and arrangements under paragraph (a) may provide for the organisations to designate individuals who may perform functions of officers of the board.
- (3) The provision that may be made in pursuance of such arrangements includes providing services to any person and, in particular—
- (a) giving assistance to persons remanded on bail or for whom officers of the board have responsibilities,
- (b) providing accommodation in approved premises for persons who have at any time been charged with or convicted of an offence.
- (4) A local probation board may provide for its staff to co-operate with persons in its area who are concerned with the prevention or reduction of crime or with giving assistance to the victims of crime.
- (5) Regulations may confer further functions on local probation boards or officers of local probation boards.
- (6) A local probation board may give grants or other financial assistance to any person only in pursuance of regulations.
- (7) A local probation board—
- (a) may make an arrangement with another local probation board under which it provides on behalf of the other board, in respect of the other board's area, any services which it could provide under this section in respect of its own area, and
- (b) may charge the other local probation board for any services it provides in pursuance of the arrangement.
- (8) It is for the Secretary of State to determine whether or not any provision made by a local probation board under this section is sufficient.]

#### Textual Amendments

- F1** Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)

#### [<sup>F8</sup>5A Local probation boards and service justice

- (1) A local probation board may, in pursuance of arrangements made with the Secretary of State, carry out activities anywhere in the world in relation to persons who are or have been subject to proceedings before the Court Martial, the Summary Appeal Court or the Service Civilian Court.
- (2) Any activities carried out in relation to such persons must correspond to activities which the board is required or authorised to carry out in relation to persons who have been charged with or convicted of criminal offences.]

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#### **Textual Amendments**

- F8** S. 5A substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 327**, 383(2); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

- C2** S. 5A modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 47**
- C3** S. 5A(1) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), **187**

## **6 The inspectorate.**

- (1) The inspectorate, and the office of chief inspector, established under section 23 of the <sup>M2</sup>Probation Service Act 1993 (inspectorate of probation) shall continue in being, <sup>F9</sup> ...  
<sup>F9</sup> .....  
<sup>F9</sup> .....
- (2) The power to appoint a person to be chief inspector or one of the other members of the inspectorate is exercisable by the Secretary of State.
- (3) The Secretary of State may determine—
- (a) the number of members of the inspectorate,
  - (b) the remuneration, allowances or other amounts to be paid by him to or in respect of the members of the inspectorate.
- (4) Below in this Chapter—
- (a) references to the chief inspector are to Her Majesty’s Chief Inspector of [<sup>F10</sup>Probation] for England and Wales,
  - (b) references to the members of the inspectorate are to the chief inspector and the other members of Her Majesty’s Inspectorate of [<sup>F10</sup>Probation] for England and Wales.

#### **Textual Amendments**

- F9** Words in s. 6(1) repealed (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 12(2)(a), 41(1), **Sch. 5 Pt. 1**; S.I. 2008/504, art. 3(d)(n)
- F10** Word in s. 6(4) substituted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), **ss. 12(2)(b)**, 41(1); S.I. 2008/504, art. 3(d)

#### **Marginal Citations**

- M2** 1993 c. 47.

## **7 Functions of inspectorate.**

- (1) The chief inspector must secure that the provision made in pursuance of arrangements made by [<sup>F11</sup>the Secretary of State under section 3 of the Offender Management

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Act 2007 (power to make arrangements for the provision of probation services)] is inspected by a member of the inspectorate.

- (2) The Secretary of State may direct the members of the inspectorate to assess the provision made by reference to criteria specified in directions.
- (3) A report of an inspection under subsection (1) must be sent to the Secretary of State.
- (4) The Secretary of State may give directions as to—
  - (a) the information to be given in the report and the form in which it is to be given,
  - (b) the time by which the report is to be given.
- (5) The Secretary of State must lay a copy of the report before each House of Parliament.
- (6) The Secretary of State may give directions, in connection with the purposes mentioned in section 1 [<sup>F12</sup>of the Offender Management Act 2007] or any related purposes, conferring further functions on the chief inspector and the other members of the inspectorate.

[<sup>F13</sup>(7) Schedule 1A (which makes further provision about the inspectorate) has effect.]

#### Textual Amendments

- F11** Words in s. 7(1) substituted (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), ss. 12(3)(a), 41(1); [S.I. 2008/504](#), art. 4(1)(j)(2); [S.I. 2009/547](#), art. 2(1)(j)(2)
- F12** Words in s. 7(6) inserted (1.4.2008 for specified purposes, 1.4.2009 for specified purposes, 1.4.2010 in so far as not already in force) by [Offender Management Act 2007 \(c. 21\)](#), ss. 12(3)(b), 41(1); [S.I. 2008/504](#), art. 4(1)(j)(2); [S.I. 2009/547](#), art. 2(1)(j)(2); [S.I. 2010/191](#), art. 2(10)
- F13** S. 7(7) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 31(1), 53(1); [S.I. 2007/709](#), art. 3(m) (with art. 6)

#### Miscellaneous

### 8 Support services.

- [<sup>F14</sup>(1) The Secretary of State may by order provide for any services to which, in his opinion, subsection (3) applies to be provided not by the staff of local probation boards but by others under arrangements made with the boards.
- (2) The order may provide that only the Secretary of State, or an organisation or individual of a description specified in the order, may provide the services.
  - (3) This subsection applies to services—
    - (a) which are required by local probation boards in connection with the exercise of their functions, but
    - (b) which, with a view to obtaining better value for money or to improving the standard of the services or the efficiency of their provision, are better provided by persons other than the staff of local probation boards.]



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**Textual Amendments**

**F14** Ss. 8-10 repealed (1.4.2008 for the repeal of ss. 8, 10 for specified purposes and for the repeal of s. 9, 1.4.2009 for the repeal of ss. 8, 10 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), [Sch. 5 Pt. 1](#); S.I. 2008/504, arts. 3(n), 4(m)(ii)(iii); S.I. 2009/547, art. 2(1)(m)(ii)(2)

**F149 Approved premises.**

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**Textual Amendments**

**F14** Ss. 8-10 repealed (1.4.2008 for the repeal of ss. 8, 10 for specified purposes and for the repeal of s. 9, 1.4.2009 for the repeal of ss. 8, 10 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), [Sch. 5 Pt. 1](#); S.I. 2008/504, arts. 3(n), 4(m)(ii)(iii); S.I. 2009/547, art. 2(1)(m)(ii)(2)

**10 Default powers.**

- [<sup>F14</sup>(1) The power conferred by this section is exercisable by the Secretary of State in respect of a local probation board if it appears to him that the board is failing to perform the functions conferred on it or that its arrangements for performing those functions do not represent good value for money.
- (2) The Secretary of State may make an order (a “management order”) in respect of the board.
- (3) A management order may modify the application of Schedule 1 in relation to the board by—
  - (a) providing for the board to comprise persons determined in accordance with an arrangement made between the Secretary of State and an organisation (a “management arrangement”), and
  - (b) making any other modifications which appear to the Secretary of State to be necessary or expedient in consequence of that provision or of the management arrangement.
- (4) A management order may provide for the persons determined in accordance with the management arrangement to replace all or any of the chairman, the chief officer and the other existing members of the board; and vacancies occurring among the replacements are to be filled in accordance with the management arrangement.
- (5) The power to revoke a management order is exercisable at any time when the Secretary of State considers it necessary or expedient to revoke it.
- (6) On the revocation of a management order, any person who is a member of the board by virtue of the order and the arrangement ceases to be a member; and, accordingly, any vacancy occurring by virtue of the revocation is to be filled in accordance with Schedule 1 (unless the Secretary of State makes a new management order).]



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### Textual Amendments

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## CHAPTER II

### CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

#### 11 Establishment of the Service.

- (1) There shall be a body corporate to be known as the Children and Family Court Advisory and Support Service (referred to in this Part as the Service) which is to exercise the functions conferred on it by virtue of this Act and any other enactment.
- (2) Schedule 2 (which makes provision about the constitution of the Service, its powers and other matters relating to it) is to have effect.
- (3) References in this Act or any other enactment to an officer of the Service are references to—
  - (a) any member of the staff of the Service appointed under paragraph 5(1)(a) of that Schedule, and
  - (b) any other individual exercising functions of an officer of the Service by virtue of section 13(2) or (4).

#### 12 Principal functions of the Service.

- (1) In respect of family proceedings in which the welfare of children [<sup>F15</sup>other than children ordinarily resident in Wales] is or may be in question, it is a function of the Service to—
  - (a) safeguard and promote the welfare of the children,
  - (b) give advice to any court about any application made to it in such proceedings,
  - (c) make provision for the children to be represented in such proceedings,
  - (d) provide information, advice and other support for the children and their families.
- (2) The Service must also make provision for the performance of any functions conferred on officers of the Service by virtue of this Act or any other enactment (whether or not they are exercisable for the purposes of the functions conferred on the Service by subsection (1)).
- (3) Regulations may provide for grants to be paid by the Service to any person for the purpose of furthering the performance of any of the Service's functions.
- (4) The regulations may provide for the grants to be paid on conditions, including conditions—
  - (a) regulating the purposes for which the grant or any part of it may be used,
  - (b) requiring repayment to the Service in specified circumstances.

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- (5) In this section, “family proceedings” has the same meaning as in the <sup>M3</sup>Matrimonial and Family Proceedings Act 1984 and also includes any other proceedings which are family proceedings for the purposes of the <sup>M4</sup>Children Act 1989, but—
- (a) references to family proceedings include (where the context allows) family proceedings which are proposed or have been concluded, [<sup>F16</sup>and]
- <sup>F16</sup>(b) .....

#### **Textual Amendments**

- F15** Words in s. 12(1) inserted (1.4.2005) by [Children Act 2004 \(c. 31\)](#), s. 67(6), [Sch. 3 para. 13](#); [S.I. 2005/700](#), art. 2(2)
- F16** S. 12(5)(b) repealed (28.11.2003) by [2002 c. 38](#), ss. 139, 148, [Sch. 3 para. 118](#), [Sch. 5](#) (with [Sch. 4 paras. 2, 6-8](#)); [S.I. 2003/3079](#), [art. 2\(1\)\(c\)\(d\)](#)

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

- C4** S. 12: transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4
- C5** S. 12 power to extend functions conferred by 1989 c. 41, s. 26(2C) (as inserted (21.5.2004) by [Adoption and Children Act 2002 \(c. 38\)](#), [ss. 118\(2\)](#), 148(1) (with [Sch. 4 paras. 6-8](#)); [S.I. 2004/1403](#), art. 2)

#### **Marginal Citations**

- M3** 1984 c. 42.
- M4** 1989 c. 41.

### **13 Other powers of the Service.**

- (1) The Service may make arrangements with organisations under which the organisations perform functions of the Service on its behalf.
- (2) Arrangements under subsection (1) may provide for the organisations to designate individuals who may perform functions of officers of the Service.
- (3) But the Service may only make an arrangement under subsection (1) if it is of the opinion—
- (a) that the functions in question will be performed efficiently and to the required standard, and
- (b) that the arrangement represents good value for money.
- (4) The Service may make arrangements with individuals under which they may perform functions of officers of the Service.
- (5) The Service may commission, or assist the conduct of, research by any person into matters concerned with the exercise of its functions.

### **14 Provision of staff or services to other organisations.**

- (1) The Service may make arrangements with an organisation or individual under which staff of the Service may work for the organisation or individual.

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- (2) The Service may make arrangements with an organisation or individual under which any services provided to the Service by its staff are also made available to the organisation or individual.
- (3) The Service may charge for anything done under arrangements under this section.

## 15 Right to conduct litigation and right of audience.

- (1) The Service may authorise an officer of the Service of a prescribed description—
  - (a) to conduct litigation in relation to any proceedings in any court,
  - (b) to exercise a right of audience in any proceedings before any court,in the exercise of his functions.
- (2) An officer of the Service exercising a right to conduct litigation by virtue of subsection (1)(a) who would otherwise have such a right by virtue of [F17the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to that activity] is to be treated as having acquired that right solely by virtue of this section.
- (3) An officer of the Service exercising a right of audience by virtue of subsection (1)(b) who would otherwise have such a right by virtue of [F18the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to that activity] is to be treated as having acquired that right solely by virtue of this section.
- (4) In this section and section 16, “right to conduct litigation” and “right of audience” have the same meanings as in section 119 of the M5Courts and Legal Services Act 1990.

### Textual Amendments

- F17** Words in s. 15(2) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 21 para. 133\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F18** Words in s. 15(3) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 21 para. 133\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)

### Marginal Citations

- M5** 1990 c. 41.

## 16 Cross-examination of officers of the Service.

- (1) An officer of the Service may, subject to rules of court, be cross-examined in any proceedings to the same extent as any witness.
- (2) But an officer of the Service may not be cross-examined merely because he is exercising a right to conduct litigation or a right of audience granted in accordance with section 15.

### F19 17 Inspection.

.....

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### Textual Amendments

**F19** S. 17 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, art. 3(aa)

## CHAPTER III

### GENERAL

#### *Property and staff*

### 18 Definitions.

- (1) This section applies for the purposes of sections 19 to 21 and Schedule 3.
- (2) “Eligible employee” means—
  - (a) in relation to a local authority or the Official Solicitor or the Receiver for the Metropolitan Police District, a person who is employed under a contract of employment with the authority, the solicitor or the receiver on work which would have continued but for this Part,
  - (b) [<sup>F20</sup>in relation to a probation committee, a person (other than a chief probation officer) who is employed under a contract of employment with the committee.]
- (3) “New employer” means [<sup>F21</sup>a local probation board or] the Service.
- (4) “Old employer” means a local authority, [<sup>F22</sup>a probation committee], the Official Solicitor or the Receiver for the Metropolitan Police District.
- (5) “Property” includes rights and interests of any description, other than—
  - (a) those under a contract of employment,
  - (b) land, in the case of transfers to a local board.

### Textual Amendments

**F20** S. 18(2)(b) repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by Offender Management Act 2007 (c. 21), s. 41(1), **Sch. 5 Pt. 1**; S.I. 2008/504, art. 4(1)(m)(iv)(2); S.I. 2009/547, art. 2(1)(m)(iv)(2)

**F21** Words in s. 18(3) repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by Offender Management Act 2007 (c. 21), s. 41(1), **Sch. 5 Pt. 1**; S.I. 2008/504, art. 4(1)(m)(iv)(2); S.I. 2009/547, art. 2(1)(m)(iv)(2)

**F22** Words in s. 18(4) repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by Offender Management Act 2007 (c. 21), s. 41(1), **Sch. 5 Pt. 1**; S.I. 2008/504, art. 4(1)(m)(iv)(2); S.I. 2009/547, art. 2(1)(m)(iv)(2)

### 19 Property.

- (1) The [<sup>F23</sup>Secretary of State] may by order make a scheme—
  - (a) for the transfer to the [<sup>F23</sup>Secretary of State] or the Service of any property belonging to the old employer,

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- (b) for the transfer to the [<sup>F23</sup>Secretary of State] or the Service of any liabilities to which the old employer is subject,
  - (c) for the transfer of property or liabilities to a new employer after an initial transfer to the [<sup>F23</sup>Secretary of State] under paragraph (a) or (b),
  - (d) for the Service to have any rights or interests which the [<sup>F23</sup>Secretary of State] considers appropriate in relation to any property transferred to the [<sup>F23</sup>Secretary of State] under the scheme.
- (2) Stamp duty is not chargeable in respect of any transfer or grant to the Service effected by virtue of this section.
- (3) No instrument made or executed under or in pursuance of the scheme for the purposes of such a transfer or grant is to be treated as duly stamped unless—
- (a) it is stamped with the duty to which it would, but for this section, be liable, or
  - (b) it has, in accordance with the provisions of section 12 of the <sup>M6</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.
- (4) Schedule 3 (contents of schemes) applies in relation to a scheme under this section.
- [<sup>F24</sup>(5) For the purposes of stamp duty land tax, a land transaction effected by virtue of this section, under which the purchaser is the Service, is exempt from charge.
- (6) Relief under subsection (5) must be claimed in a land transaction return or an amendment of such a return.
- (7) In this section—
- “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
  - “land transaction return” has the meaning given by section 76(1) of that Act;
  - “purchaser” has the same meaning as in Part 4 of that Act.]

#### Textual Amendments

**F23** Words in s. 19 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(2)**

**F24** S. 19(5)-(7) inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 30**

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

**C6** S. 19: transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4

#### Marginal Citations

**M6** 1891 c. 39.

## 20 Transfer of staff.

- (1) The [<sup>F25</sup>Secretary of State] may by order make a scheme for the transfer to a new employer of any eligible employee.

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- (2) [<sup>F26</sup>A scheme may also provide for any persons who are employed as chief probation officer under a contract of employment with a probation committee to be appointed (under paragraphs 2 and 3 of Schedule 1) as chief officer of a local probation board.]
- (3) A scheme may apply—
- (a) to all, or any description of, eligible employees or persons so employed, or
  - (b) to any individual eligible employee or person so employed.
- (4) A scheme may be made only if any directions about consultation given by the [<sup>F25</sup>Secretary of State] have been complied with in relation to each of the eligible employees and chief probation officers to be transferred or appointed in pursuance of the scheme.

#### Textual Amendments

**F25** Words in s. 20 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(2)**

**F26** [S. 20\(2\)](#) repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), **Sch. 5 Pt. 1**; [S.I. 2008/504](#), art. 4(1)(m)(v)(2); [S.I. 2009/547](#), art. 2(1)(m)(v)(2)

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

**C7** [S. 20](#): transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4

## 21 Effect of transfer of eligible employees.

- (1) The contract of employment of an employee transferred under a scheme—
- (a) is not terminated by the transfer,
  - (b) has effect from the date of transfer as if originally made between the employee and the transferee.
- (2) Where an employee is transferred under a scheme—
- (a) all the rights, powers, duties and liabilities of the old employer under or in connection with the contract of employment are by virtue of this subsection transferred to the transferee on the date of transfer, and
  - (b) anything done before that date by or in relation to the old employer in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the transferee.

This subsection does not prejudice the generality of subsection (1).

- (3) But if the employee informs the old employer or the transferee that he objects to the transfer—
- (a) subsections (1) and (2) do not transfer his contract of employment, or the rights, powers, duties and liabilities under or in connection with it, and
  - (b) the contract of employment is terminated immediately before the date of transfer.
- (4) An employee is not to be treated, for the purposes of the <sup>M7</sup>Employment Rights Act 1996, as having been dismissed by the old employer by reason of—
- (a) the transfer of his contract of employment under a scheme, or

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- (b) the termination of his contract of employment by virtue of subsection (3).
- (5) <sup>F27</sup>Subject to subsection (4), where an employee’s contract of employment with a probation committee is not transferred under a scheme, it is terminated immediately before the date on which the committee ceases to exist; and the employee is to be treated, for the purposes of the <sup>M8</sup>Employment Rights Act 1996, as having been dismissed by the committee.]
- (6) This section does not prejudice any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions.

But no such right arises by reason only that, by virtue of this section, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.

- (7) In this section—
- “date of transfer” means the date of transfer determined under the scheme in relation to the employee,
- “scheme” means a scheme made by virtue of section 20,
- “transferee” means the new employer to whom the employee is or would be transferred under the scheme.

#### Textual Amendments

**F27** S. 21(5) repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\), s. 41\(1\), Sch. 5 Pt. 1](#); S.I. 2008/504, art. 4(1)(m)(vi)(2); S.I. 2009/547, art. 2(1)(m)(vi)(2)

#### Marginal Citations

**M7** 1996 c. 18.

**M8** 1996 c. 18.

## 22 Effect of transfer of chief probation officers.

- <sup>F28</sup>(1) This section applies where a scheme made by virtue of section 20 provides for a person who is employed as chief probation officer under a contract of employment with a probation committee to be appointed as chief officer of a local probation board.
- (2) The officer’s period of employment with the committee counts as a period of employment in his Crown employment and the appointment does not break the continuity of that employment.
- (3) So far as it is consistent with appointment under paragraphs 2 and 3 of Schedule 1, the terms and conditions of the officer’s contract of employment have effect on and after his appointment as if they were terms and conditions of his Crown employment.
- (4) Section 21(2) applies, with the necessary modifications, in relation to the officer as it applies in relation to an employee of a probation committee whose contract of employment is transferred to the local probation board.
- (5) The officer is not to be treated, for the purposes of the <sup>M9</sup>Employment Rights Act 1996, as having been dismissed by the probation committee by reason of his appointment.



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- (6) But if the officer informs the probation committee or the Secretary of State that he objects to the appointment, subsections (2) to (5) do not apply.
- (7) Where the officer is not appointed as chief officer of a local probation board (whether because he objects to the appointment or for any other reason), his contract of employment is terminated immediately before the date on which the committee ceases to exist; and he is to be treated, for the purposes of the <sup>M10</sup>Employment Rights Act 1996, as having been dismissed by the committee.
- (8) In this section, “Crown employment” means the employment which the chief officer of a local probation board is to be treated as employed in, for the purposes of the <sup>M11</sup>Employment Rights Act 1996, by virtue of paragraph 3(5) of Schedule 1 to this Act.]

#### Textual Amendments

**F28** S. 22 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), [Sch. 5 Pt. 1](#); [S.I. 2008/504](#), art. 4(1)(m)(vii)(2); [S.I. 2009/547](#), art. 2(1)(m)(vii)(2)

#### Marginal Citations

**M9** 1996 c. 18.

**M10** 1996 c. 18.

**M11** 1996 c. 18.

## 23 Transfer of staff in consequence of arrangements under Part I.

- (1) This section applies where, by reason of the implementation or termination of any arrangements under section 5, 8 or 13, any functions exercisable by any person (the “old employer”) become exercisable by another person (whether on behalf, or instead, of the old employer).
- (2) The [<sup>F29</sup>Secretary of State] may by order make a scheme for the transfer to the other person (the “transferee”) of any person (an “eligible employee”) employed under a contract of employment with the transferor on work which would have continued but for the implementation or termination of the arrangements.
- (3) A scheme may apply—
- to all, or any description of, eligible employees, or
  - to any individual eligible employee.
- (4) A scheme may be made only if any directions about consultation given by the [<sup>F29</sup>Secretary of State] have been complied with in relation to each of the eligible employees to be transferred in pursuance of the scheme.
- (5) Section 21 (except subsection (5) and the definitions of “scheme” and “transferee”) applies to a scheme made by virtue of this section as it applies to a scheme made by virtue of section 20, and as if “old employer” and “transferee” had the same meanings as in this section.

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### Textual Amendments

**F29** Words in s. 23 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(2)**

### Modifications etc. (not altering text)

**C8** S. 23: transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4

## *Provision for the protection of children*

### 24 Provision for the protection of children.

[<sup>F30</sup>(1) The <sup>M12</sup>Protection of Children Act 1999 (“the 1999 Act”) shall have effect as if the Service were a child care organisation within the meaning of that Act.

(2) Arrangements which the Service makes with an organisation under section 13(1) must provide that, before selecting an individual to be employed under the arrangements in a child care position, the organisation—

- (a) must ascertain whether the individual is included in any of the lists mentioned in section 7(1) of the 1999 Act, and
- (b) if he is included in any of those lists, must not select him for that employment.

(3) Such arrangements must provide that, if at any time the organisation has power to refer a relevant individual to the Secretary of State under section 2 of the 1999 Act (inclusion in list on reference following disciplinary action etc.), the organisation must so refer him.

In this subsection, “relevant individual” means an individual who is or has been employed in a child care position under the arrangements.

(4) In this section, “child care position” and “employment” have the same meanings as in the 1999 Act.]

### Textual Amendments

**F30** S. 24 repealed (12.10.2009 for specified purposes, 30.3.2010 for specified purposes) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 3; S.I. 2010/1101, art. 5

### Marginal Citations

**M12** 1999 c. 14.

## *Interpretation*

### 25 Interpretation of Part I.

In this Part—

**F31**  
...  
**F32**  
...

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- “by virtue of” includes by or under,  
 “organisation” includes a public body and a private or voluntary organisation,  
 “prescribed” means prescribed by regulations,  
 “regulations” means—
- (a) [<sup>F33</sup>in the case of regulations under section 15, regulations made by the Lord Chancellor, and]
  - (b) [<sup>F33</sup>in any other case, regulations made by the Secretary of State.]

#### Textual Amendments

- F31** Words in s. 25 omitted (12.1.2004) by virtue of [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(3)(a)**
- F32** Words in s. 25 repealed (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), **Sch. 5 Pt. 1; S.I. 2008/504, art. 3(n)**
- F33** Words in s. 25 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(3)(b)**

## PART II

### PROTECTION OF CHILDREN

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

- C9** Pt. II applied (E.W.) (11.2.2008 for specified purposes, 20.1.2009 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 3 para. 3(5)(a)** (with ss. 51, 57(3), 60(4), 64(5)); [S.I. 2007/3545](#), art. 4(a); [S.I. 2009/39](#), art. 2(1)(k)

#### *Disqualification orders*

#### 26 Meaning of “offence against a child”.

- [<sup>F34</sup>(1) For the purposes of this Part, an individual commits an offence against a child if—
- (a) he commits any offence mentioned in paragraph 1 of Schedule 4,
  - (b) he commits against a child any offence mentioned in paragraph 2 of that Schedule, or
  - (c) he falls within paragraph 3 of that Schedule,
- and references to being convicted of, or charged with, an offence against a child are to be read accordingly.
- (2) The Secretary of State may by order amend Schedule 4 so as to add, modify or omit any entry.]

#### Extent Information

- E1** s.26 extends to UK. See s.81(1)(2)(a) for the extent

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### Textual Amendments

**F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 3**; S.I. 2010/1101, **art. 5**; S.I. 2012/2231, **art. 4** (with S.I. 2013/1180, **art. 2(b)**)

## 27 Equivalent armed forces offences.

[<sup>F34</sup>(1) For the purposes of this Part, an individual is treated as being convicted of or (as the case may be) charged with an offence against a child if he is convicted of or charged with an equivalent armed forces offence.

(2) In subsection (1), “equivalent armed forces offence” means [<sup>F35</sup>an offence under section 42 of the Armed Forces Act 2006] constituted by an act or omission which—

- (a) is an offence against a child, or
- (b) would, if committed in England or Wales, be an offence against a child.

[<sup>F36</sup>(3) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of subsection (2) of this section as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to subsection (2) of this section.]]

### Extent Information

**E2** s.27 extends to UK. see s.81(1)(2)(a) for the extent

### Textual Amendments

**F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 3**; S.I. 2010/1101, **art. 5**; S.I. 2012/2231, **art. 4** (with S.I. 2013/1180, **art. 2(b)**)

**F35** Words in s. 27(2) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 179(2)**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

**F36** S. 27(3) substituted for s. 27(3)-(5) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 179(3)**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

## 28 Disqualification from working with children: adults.

[<sup>F34</sup>(1) This section applies where either of the conditions set out below is satisfied in the case of an individual.

(2) The first condition is that—

- (a) the individual is convicted of an offence against a child committed when he was aged 18 or over, and
- (b) a qualifying sentence is imposed by a [<sup>F37</sup>superior court] in respect of the conviction.

(3) The second condition is that—

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- (a) the individual is charged with an offence against a child committed when he was aged 18 or over, and
  - (b) a relevant order is made by a [<sup>F38</sup>superior court] in respect of the act or omission charged against him as the offence.
- (4) Subject to subsection (5), the court must order the individual to be disqualified from working with children.
- (5) An order shall not be made under this section if the court is satisfied, having regard to all the circumstances, that it is unlikely that the individual will commit any further offence against a child.
- (6) If the court does not make an order under this section, it must state its reasons for not doing so and cause those reasons to be included in the record of the proceedings.]

#### Extent Information

**E3** s.28 extends to UK.see s.81(1)(2)(a) for the extent

#### Textual Amendments

**F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 3](#); S.I. 2010/1101, [art. 5](#); S.I. 2012/2231, [art. 4](#) (with S.I. 2013/1180, [art. 2\(b\)](#))

**F37** Words in s. 28(2)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 35\(a\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

**F38** Words in s. 28(3)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 35\(a\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

## 29 Disqualification from working with children: juveniles.

- [<sup>F34</sup>(1) This section applies where either of the conditions set out below is satisfied in the case of an individual.
- (2) The first condition is that—
- (a) the individual is convicted of an offence against a child committed at a time when the individual was under the age of 18, and
  - (b) a qualifying sentence is imposed by a [<sup>F39</sup>superior court] in respect of the conviction.
- (3) The second condition is that—
- (a) the individual is charged with an offence against a child committed at a time when the individual was under the age of 18, and
  - (b) a relevant order is made by a [<sup>F40</sup>superior court] in respect of the act or omission charged against him as the offence.
- (4) If the court is satisfied, having regard to all the circumstances, that it is likely that the individual will commit a further offence against a child, it must order the individual to be disqualified from working with children.
- (5) If the court makes an order under this section, it must state its reasons for doing so and cause those reasons to be included in the record of the proceedings.]

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### Extent Information

**E4** s.29 extends to UK. see s.81(1)(2)(a) for the extent

### Textual Amendments

**F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 3](#); S.I. 2010/1101, [art. 5](#); S.I. 2012/2231, [art. 4](#) (with S.I. 2013/1180, [art. 2\(b\)](#))

**F39** Words in s. 29(2)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 35\(b\)](#); S.I. 2009/1604, art. 2(d)

**F40** Words in s. 29(3)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 35\(b\)](#); S.I. 2009/1604, art. 2(d)

## [<sup>F41</sup>29A Disqualification at discretion of court: adults and juveniles

[<sup>F34</sup>(1) This section applies where—

- (a) an individual is convicted of an offence against a child (whether or not committed when he was aged 18 or over),
- (b) the individual is sentenced by a [<sup>F42</sup>superior court], and
- (c) no qualifying sentence is imposed in respect of the conviction.

(2) If the court is satisfied, having regard to all the circumstances, that it is likely that the individual will commit a further offence against a child, it may order the individual to be disqualified from working with children.

(3) If the court makes an order under this section, it must state its reasons for doing so and cause those reasons to be included in the record of the proceedings.]

### Textual Amendments

**F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 3](#); S.I. 2010/1101, [art. 5](#); S.I. 2012/2231, [art. 4](#) (with S.I. 2013/1180, [art. 2\(b\)](#))

**F41** Ss. 29A, 29B inserted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 30 para. 2](#); S.I. 2004/829, art. 3(1)(2)(a)

**F42** Words in s. 29A(1)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 35](#); S.I. 2009/1604, art. 2(d)

## 29B Subsequent application for order under section 28 or 29

[<sup>F34</sup>(1) Where—

- (a) section 28 applies but the court has neither made an order under that section nor complied with subsection (6) of that section, or
- (b) section 29 applies but the court has not made an order under that section, and it appears to the prosecutor that the court has not considered the making of an order under that section,

the prosecutor may at any time apply to that court for an order under section 28 or 29.

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- (2) Subject to subsection (3), on an application under subsection (1)—
- (a) in a case falling within subsection (1)(a), the court—
    - (i) must make an order under section 28 unless it is satisfied as mentioned in subsection (5) of that section, and
    - (ii) if it does not make an order under that section, must comply with subsection (6) of that section,
  - (b) in a case falling within subsection (1)(b), the court—
    - (i) must make an order under section 29 if it is satisfied as mentioned in subsection (4) of that section, and
    - (ii) if it does so, must comply with subsection (5) of that section.
- (3) Subsection (2) does not enable or require an order under section 28 or 29 to be made where the court is satisfied that it had considered the making of an order under that section at the time when it imposed the qualifying sentence or made the relevant order.]]

#### Textual Amendments

- F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 3](#); S.I. 2010/1101, [art. 5](#); S.I. 2012/2231, [art. 4](#) (with S.I. 2013/1180, [art. 2\(b\)](#))
- F41** Ss. 29A, 29B inserted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 30 para. 2](#); S.I. 2004/829, [art. 3\(1\)\(2\)\(a\)](#)

### 30 Sections 28 <sup>F43</sup> to 29B] : supplemental.

<sup>F34</sup>(1) In sections 28 <sup>F44</sup> to 29B] and this section—

“guardianship order” means a guardianship order within the meaning of <sup>F45</sup>... the <sup>M13</sup> Mental Health Act 1983,

“qualifying sentence” means—

- (a) a sentence of imprisonment for a term of 12 months or more,
  - (b) a sentence of detention in a young offender institution for a term of 12 months or more,
  - (c) a sentence of detention during Her Majesty’s pleasure,
  - (d) a sentence of detention for a period of 12 months or more under section 91 of the <sup>M14</sup> Powers of Criminal Courts (Sentencing) Act 2000 <sup>F46</sup> or section 209 of the Armed Forces Act 2006] (offenders under 18 convicted of certain serious offences),
  - (dd) <sup>F47</sup> a sentence of detention under section 226 or 228 of the Criminal Justice Act 2003,]
  - (e) a detention and training order for a term of 12 months or more <sup>F48</sup> under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 211 of the Armed Forces Act 2006],
  - (f) <sup>F49</sup> .....
  - (g) a hospital order within the meaning of the <sup>M15</sup> Mental Health Act 1983, or
  - (h) a guardianship order,
- “relevant order” means—



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- (a) an order made by the Crown Court, the Court of Appeal, [<sup>F50</sup>the Court Martial or the Court Martial Appeal Court] that the individual in question be admitted to hospital, or
- (b) a guardianship order,
- “[<sup>F51</sup>superior court]” means the Crown Court, the Court of Appeal, [<sup>F52</sup>the Court Martial or the Court Martial Appeal Court].
- <sup>F53</sup>(2) .....
- (3) In this Part, references to a sentence of imprisonment <sup>F54</sup>... include references to a suspended sentence.
- (4) If, for the purpose of making an order under section 28 or 29, the court determines, after considering any available evidence, that an individual was, or was not, under the age of 18 at the time when the offence in question was committed, his age at that time shall be taken, for the purposes of that sections (and in particular for the purpose of determining any question as to the validity of the order), to be that which the court determined it to be.
- (5) Below in this Part—
- (a) references to a disqualification order are to an order under section 28 [<sup>F55</sup>, 29 or 29A] ,
- (b) in relation to an individual on whom a sentence has been passed, or in relation to whom an order has been made, as mentioned in subsection (2) or (3) of section 28 or 29, references to his sentence are to that sentence or order.
- [<sup>F56</sup>(c) in relation to an individual to whom section 29A applies and on whom a sentence has been passed, references to his sentence are to that sentence.]]

### Extent Information

**E5** S. 30 extends to UK. See s. 81(1)(2)(a) for the extent

### Textual Amendments

- F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 3](#); S.I. 2010/1101, [art. 5](#); S.I. 2012/2231, [art. 4](#) (with S.I. 2013/1180, [art. 2\(b\)](#))
- F43** Words in s. 30 heading substituted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 30 para. 3\(2\)](#); S.I. 2004/829, [art. 3\(1\)\(2\)\(a\)](#)
- F44** Words in s. 30(1) substituted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 30 para. 3\(3\)\(a\)](#); S.I. 2004/829, [art. 3\(1\)\(2\)\(a\)](#)
- F45** Words in s. 30(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 180\(2\)\(a\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F46** Words in s. 30(1) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 180\(2\)\(b\)\(i\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F47** Words in s. 30(1) inserted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 30 para. 3\(3\)\(b\)](#); S.I. 2004/829, [art. 3\(1\)\(2\)\(a\)](#)
- F48** Words in s. 30(1) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 180\(2\)\(b\)\(ii\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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- F49** Words in s. 30(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 180\(2\)\(b\)\(iii\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F50** Words in s. 30(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 180\(2\)\(c\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F51** Words in s. 30(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 35](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F52** Words in s. 30(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 180\(2\)\(d\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F53** S. 30(2) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 180\(3\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F54** Words in s. 30(3) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 180\(4\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F55** Words in s. 30(5)(a) substituted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 30 para. 3\(4\)\(a\)](#); S.I. 2004/829, [art. 3\(1\)\(2\)\(a\)](#)
- F56** S. 30(5)(c) inserted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 30 para. 3\(4\)\(b\)](#); S.I. 2004/829, [art. 3\(1\)\(2\)\(a\)](#)

#### Marginal Citations

- M13** 1983 c. 20.  
**M14** 2000 c. 6.  
**M15** 1983 c. 20.

## 31 Appeals.

- [<sup>F34</sup>(1) An individual may appeal against a disqualification order—
- (a) where the first condition mentioned in section 28 or 29 is satisfied in his case, as if the order were a sentence passed on him for the offence of which he has been convicted,
  - (b) where the second condition mentioned in section 28 or 29 is satisfied in his case, as if he had been convicted of an offence on indictment and the order were a sentence passed on him for the offence.
- [<sup>F57</sup>(c) where an order is made under section 29A, as if the order were a sentence passed on him for the offence of which he has been convicted.]
- (2) In relation to a disqualification order made by [<sup>F58</sup>the Court Martial], subsection (1)(b) has effect as if the reference to conviction on indictment were a reference to conviction by [<sup>F58</sup>the Court Martial].]

#### Extent Information

- E6** s.31 extends to UK.see s.81(1)(2)(a) for the extent

#### Textual Amendments

- F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 3](#); S.I. 2010/1101, [art. 5](#); S.I. 2012/2231, [art. 4](#) (with S.I. 2013/1180, [art. 2\(b\)](#))

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- F57** S. 31(1)(c) inserted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 30 para. 4**; S.I. 2004/829, art. 3(1)(2)(a)
- F58** Words in s. 31(2) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 181**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

### 32 Review of disqualification.

- [<sup>F34</sup>(1) Subject to section 33, an individual who is subject to a disqualification order may make an application to the Tribunal under this section.
- (2) On an application under this section the Tribunal must determine whether or not the individual is to continue to be subject to the order.
- (3) If the Tribunal is satisfied that the individual is suitable to work with children, it must direct that the order is to cease to have effect; otherwise it must dismiss the application.]

#### Extent Information

**E7** s.32 extends to UK.see s.81(1)(2)(a) for the extent

#### Textual Amendments

**F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 3**; S.I. 2010/1101, **art. 5**; S.I. 2012/2231, **art. 4** (with S.I. 2013/1180, **art. 2(b)**)

### 33 Conditions for application under section 32.

- [<sup>F34</sup>(1) An individual may only make an application under section 32 with the leave of the Tribunal.
- (2) An application for leave under this section may not be made unless the appropriate conditions are satisfied in the individual's case.
- (3) In the case of an individual who was under the age of 18 when he committed the offence against a child, the appropriate conditions are satisfied if—
- at least five years have elapsed since the relevant date, and
  - in the period of five years ending with the time when he makes the application under this section, he has made no other such application.
- (4) In the case of any other individual, the appropriate conditions are satisfied if—
- at least ten years have elapsed since the relevant date, and
  - in the period of ten years ending with the time when he makes the application under this section, he has made no other such application.
- (5) The Tribunal may not grant an application under this section unless it considers—
- that the individual's circumstances have changed since the order was made or, as the case may be, since he last made an application under this section, and
  - that the change is such that leave should be granted.

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*

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- (6) In this section, “the relevant date” means—
- (a) in relation to an individual whose sentence is an actual term of custody, the day on which he is released or, if later, the day on which the disqualification order is made,
  - (b) in relation to an individual whose sentence is suspended and does not take effect, the day on which the disqualification order is made,
  - (c) in relation to an individual whose sentence is an order for admission to hospital—
    - (i) if he is detained in a hospital pursuant to the order, the day on which he ceases to be liable to be detained there, or
    - (ii) if he is not so detained, the day on which the disqualification order is made,
  - (d) in relation to an individual whose sentence is a guardianship order, the day on which the disqualification order is made.
- [<sup>F59</sup>(e) in relation to an individual not falling within any of paragraphs (a) to (d), the day on which the disqualification order is made.]
- (7) In this section—
- “actual term of custody” means a term of imprisonment or detention which is not suspended, or is suspended but takes effect,
- “guardianship order” has the same meaning as in section 30,
- “order for admission to hospital” means—
- (a) <sup>F60</sup> ...
  - (b) a hospital order within the meaning of the <sup>M16</sup>Mental Health Act 1983.
- [<sup>F61</sup>(8) In subsection (7) “detention” means detention (or detention and training)—
- (a) under any sentence or order falling within paragraphs (b) to [<sup>F62</sup>(e)] of the definition of “qualifying sentence” in section 30(1), or
  - (b) under any sentence or order which would fall within those paragraphs if it were for a term or period of 12 months or more.]]

#### Extent Information

**E8** s.33 extends to UK.see s.81(1)(2)(a) for the extent

#### Textual Amendments

- F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 3**; S.I. 2010/1101, **art. 5**; S.I. 2012/2231, **art. 4** (with S.I. 2013/1180, **art. 2(b)**)
- F59** S. 33(6)(e) inserted (E.W.) (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 30 para. 5(2)**; S.I. 2004/829, **art. 3(1)(2)(a)**
- F60** Words in s. 33(7) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 182(a)**, **Sch. 17**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F61** S. 33(8) substituted (E.W.)(1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 30 para. 5(3)**; S.I. 2004/829, **art. 3(1)(2)(a)**
- F62** Word in s. 33(8)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 182(b)**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

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### Marginal Citations

M16 1983 c. 20.

## 34 Restoration of disqualification order.

- [<sup>F34</sup>(1) If it appears to a chief officer of police or [<sup>F63</sup>a director of children’s services of a local authority in England or a director of social services of a local authority in Wales] that the conditions set out in subsection (2) are satisfied in the case of an individual, the chief officer or (as the case may be) the director may apply to the High Court for an order under this section to be made in respect of the individual.
- (2) The conditions are that—
- (a) a disqualification order made in respect of the individual is no longer in force, and
  - (b) the individual has acted in such a way (whether before or after the order ceased to be in force) as to give reasonable cause to believe that an order under this section is necessary to protect children in general, or any children in particular, from serious harm from him.
- (3) An application under this section may be made at any time after the disqualification order ceased to be in force.
- (4) If the High Court is satisfied that the conditions set out in subsection (2) are satisfied, it must order that the disqualification order is to be restored; otherwise it must dismiss the application.
- (5) Where an order is made under this section, section 33 has effect with the following modifications—
- (a) in subsection (3), the reference to the individual being under the age of 18 when he committed the offence against a child is to be read as a reference to his being under that age when the order under this section was made,
  - (b) in subsections (3)(a) and (4)(a), references to the relevant date are to be read as references to the date on which the order under this section was made,
  - (c) in subsection (5)(a), the reference to the individual’s circumstances changing since the disqualification order was made is to be read as a reference to his circumstances changing since the order under this section was made.
- (6) For the purposes of this section a disqualification order is no longer in force if a direction under section 32(3) has been given in respect of it and it is not restored by virtue of an order under this section.]

### Textual Amendments

**F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 3](#); S.I. 2010/1101, [art. 5](#); S.I. 2012/2231, [art. 4](#) (with S.I. 2013/1180, [art. 2\(b\)](#))

**F63** Words in s. 34(1) substituted (E.W.) (with effect in accordance with s. 18(9) of the commencing S.I.) by [Children Act 2004 \(c. 31\)](#), s. 67(2), [Sch. 2 para. 7\(2\)](#); S.I. 2007/1792, [art. 2](#)

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*

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### *Effect of disqualification from working with children*

#### **35 Persons disqualified from working with children: offences.**

- [<sup>F34</sup>(1) An individual who is disqualified from working with children is guilty of an offence if he knowingly applies for, offers to do, accepts or does any work in a regulated position.
- (2) An individual is guilty of an offence if he knowingly—
- (a) offers work in a regulated position to, or procures work in a regulated position for, an individual who is disqualified from working with children, or
  - (b) fails to remove such an individual from such work.
- (3) It is a defence for an individual charged with an offence under subsection (1) to prove that he did not know, and could not reasonably be expected to know, that he was disqualified from working with children.
- (4) An individual is disqualified from working with children for the purposes of this Part if—
- (a) he is included (otherwise than provisionally) in the list kept under section 1 of the <sup>M17</sup>Protection of Children Act 1999 (individuals considered unsuitable to work with children),
  - [<sup>F64</sup>(b) he is subject to a direction under section 142 of the Education Act 2002 (prohibition from teaching, &c. given on the grounds that he is unsuitable to work with children,]
  - (c) he is included, on the grounds that he is unsuitable to work with children, in any list kept by the Secretary of State or the National Assembly for Wales of persons disqualified under section 470 or 471 of the <sup>M18</sup>Education Act 1996, or
  - (d) he is subject to a disqualification order.
- <sup>F65</sup>(5) . . . . .
- (6) An individual who is guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both,
  - (b) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both.]

#### **Textual Amendments**

- F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 3**; S.I. 2010/1101, **art. 5**; S.I. 2012/2231, **art. 4** (with S.I. 2013/1180, **art. 2(b)**)
- F64** S. 35(4)(b) substituted (31.3.2003 for W., 1.6.2003 for E.) by 2002 c. 32, s. 206, **Sch. 21 para. 128(2)** (with ss. 210(8), 214(4)); S.I. 2002/3185, **art. 5**, **Sch. Pt. II**; S.I. 2003/1115, **art. 3**
- F65** S. 35(5) repealed (31.3.2003 for W., 1.6.2003 for E.) by 2002 c. 32, s. 206, 215(2), **Sch. 21 para. 128(3)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3158, **art. 5**, **Sch. Pt. II**; S.I. 2003/1115, **art. 3**

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

- C10** S. 35 applied (7.3.2005) by [The Disqualification from Working with Children \(Scotland\) Order 2005 \(S.I. 2005/267\)](#), arts. 1, 2



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### Marginal Citations

**M17** 1999 c. 14.

**M18** 1996 c. 56.

## 36 Meaning of “regulated position”.

- [<sup>F34</sup>(1) The regulated positions for the purposes of this Part are—
- (a) a position whose normal duties include work in an establishment mentioned in subsection (2),
  - (b) a position whose normal duties include work on day care premises,
  - (c) a position whose normal duties include caring for, training, supervising or being in sole charge of children,
  - (d) a position whose normal duties involve unsupervised contact with children under arrangements made by a responsible person,
  - (e) a position whose normal duties include caring for children under the age of 16 in the course of the children’s employment,
  - (f) a position a substantial part of whose normal duties includes supervising or training children under the age of 16 in the course of the children’s employment,
  - (g) a position mentioned in subsection (6),
  - (h) a position whose normal duties include supervising or managing an individual in his work in a regulated position.
- (2) The establishments referred to in subsection (1)(a) are—
- (a) an institution which is exclusively or mainly for the detention of children,
  - (b) a hospital which is exclusively or mainly for the reception and treatment of children,
  - (c) a care home, residential care home, nursing home or private hospital which is exclusively or mainly for children,
  - (d) an educational institution,
  - (e) a children’s home or voluntary home,
  - (f) a home provided under section 82(5) of the <sup>M19</sup>Children Act 1989.
- (3) For the purposes of this section, work done on any premises is treated as not being done on day care premises to the extent that—
- (a) it is done in a part of the premises in which children are not looked after, or
  - (b) it is done at times when children are not looked after there.
- (4) The duties referred to in subsection (1)(c) and (d) do not include (respectively)—
- (a) caring for, training, supervising or being in sole charge of children in the course of the children’s employment, or
  - (b) duties involving contact with children in the course of the children’s employment.
- (5) The reference in subsection (1)(d) to unsupervised contact is to contact in the absence of any responsible person or carer; and in this subsection, “carer” means a person who holds a position such as is mentioned in subsection (1)(c).
- (6) The positions mentioned in subsection (1)(g) are—
- (a) member of the governing body of an educational institution,



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- (b) member of a relevant local government body,
  - [<sup>F66</sup>(ba) director of children’s services and director of adult social services of a local authority in England,]
  - (c) director of social services of a local authority [<sup>F67</sup>in Wales],
  - (d) chief education officer of a local education authority [<sup>F68</sup>in Wales],
  - (e) charity trustee of a children’s charity,
  - (f) member of the Youth Justice Board for England and Wales,
  - [<sup>F69</sup>(fa) Children’s Commissioner and deputy Children’s Commissioner appointed under Part 1 of the Children Act 2004,]
  - (g) Children’s Commissioner for Wales or deputy Children’s Commissioner for Wales,
  - (h) member, or chief executive, of the Children and Family Court Advisory and Support Service.
- (7) For the purposes of subsection (6), a person is a member of a relevant local government body if—
- (a) he is a member of, or of an executive of, a local authority and discharges any education functions, or social services functions, of a local authority,
  - (b) he is a member of an executive of a local authority which discharges any such functions,
  - (c) he is a member of—
    - (i) a committee of an executive of a local authority, or
    - (ii) an area committee, or any other committee, of a local authority, which discharges any such functions.
- (8) In its application to Northern Ireland, subsection (6) is to be read as mentioning also the following positions—
- (a) member, or director of social services, of a Health and Social Services Board established under Article 16 of the <sup>M20</sup>Health and Personal Social Services (Northern Ireland) Order 1972,
  - (b) member, or executive director of social work, of a Health and Social Services trust established under Article 10 of the <sup>M21</sup>Health and Personal Social Services (Northern Ireland) Order 1991,
  - (c) member, or chief education officer, of an education and library board established under Article 3 of the <sup>M22</sup>Education and Libraries (Northern Ireland) Order 1986.
  - [<sup>F70</sup>(d) Commissioner for Children and Young People for Northern Ireland appointed under the Commissioner for Children and Young People (Northern Ireland) Order 2003.]
- (9) Any reference in subsection (7) to a committee includes a reference to any sub-committee which discharges any functions of that committee.
- (10) For the purposes of subsection (1)(h), the holder of a position—
- (a) only supervises an individual if he supervises the day-to-day performance of the individual’s duties, and
  - (b) only manages an individual if the individual is directly responsible to him for the performance of his duties or he has authority to dismiss the individual.

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- (11) For the purposes of this section, a charity is a children’s charity if the individuals who are workers for the charity normally include individuals working in regulated positions.
- (12) For the purposes of this section, an individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this subsection do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.
- (13) For the purposes of this section, the following are responsible persons in relation to a child—
- (a) the child’s parent or guardian and any adult with whom the child lives,
  - (b) the person in charge of any establishment mentioned in subsection (2) in which the child is accommodated, is a patient or receives education, and any person acting on behalf of such a person,
  - [<sup>F71</sup>(c) in relation to England—
    - (i) a person registered under Part 3 of the Childcare Act 2006, otherwise than as a childminder, for providing care on premises on which the child is cared for,
    - (ii) a person registered under Part 3 of that Act as a childminder who is providing early years or later years childminding (within the meaning of that Part of that Act) for the child,
  - (ca) in relation to Wales, a person registered under Part 10A of the Children Act 1989 for providing day care on premises on which the child is cared for, and]
  - (d) any person holding a position mentioned in subsection (6).
- (14) In this section—
- “area committee” has the same meaning as in section 18 of the <sup>M23</sup>Local Government Act 2000,
- “detention” means detention by virtue of an order of a court or under an enactment,
- “education functions”, in relation to a local authority, means any functions with respect to education which are conferred on the authority in its capacity as a local education authority,
- “executive”, in relation to a local authority, has the same meaning as in Part II of the Local Government Act 2000,
- “social services functions”, in relation to a local authority, has the same meaning as in the <sup>M24</sup>Local Authority Social Services Act 1970.
- (15) For the purpose of amending the definition of “regulated position”, the Secretary of State may by order make any amendment of this section (apart from this subsection) which he thinks appropriate.]

#### Textual Amendments

**F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 3](#); S.I. 2010/1101, [art. 5](#); S.I. 2012/2231, [art. 4](#) (with S.I. 2013/1180, [art. 2\(b\)](#))

**F66** S. 36(6)(ba) inserted (E.W.) (with effect in accordance with s. 18(9) of the commencing S.I.) by [Children Act 2004 \(c. 31\)](#), s. 67(2), [Sch. 2 para. 7\(3\)\(a\)](#); S.I. 2007/1792, [art. 2](#)

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- F67** Words in s. 36(6)(c) inserted (E.W.) (with effect in accordance with s. 18(9) of the commencing S.I.) by [Children Act 2004 \(c. 31\)](#), s. 67(2), **Sch. 2 para. 7(3)(b)**; S.I. 2007/1792, art. 2
- F68** Words in s. 36(6)(d) inserted (E.W.) (with effect in accordance with s. 18(9) of the commencing S.I.) by [Children Act 2004 \(c. 31\)](#), s. 67(2), **Sch. 2 para. 7(3)(c)**; S.I. 2007/1792, art. 2
- F69** S. 36(6)(fa) inserted (15.11.2004) by [Children Act 2004 \(c. 31\)](#), s. 67(1), **Sch. 1 para. 11**
- F70** S. 36(8)(d) added (14.3.2003) by [The Commissioner for Children and Young People \(Northern Ireland\) Order 2003 \(S.I. 2003/439\)](#), art. 1(2)(b), **Sch. 2 para. 16** (with art. 27)
- F71** S. 36(13)(c)(ca) substituted for s. 36(13)(c) (6.4.2007) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 39**; S.I. 2007/1019, art. 4 (with art. 6Sch. para. 5)

#### Marginal Citations

- M19** 1989 c. 41.
- M20** S.I. 1972/1265 (N.I. 14).
- M21** S.I. 1991/194 (N.I. 1).
- M22** S.I. 1986/594 (N.I. 3).
- M23** 2000 c. 22.
- M24** 1970 c. 42.

### 37 Disqualification in Scotland or Northern Ireland.

- [<sup>F34</sup>(1) The Secretary of State may by order provide that section 35 shall apply in relation to an individual falling within subsection (2) as it applies in relation to an individual who is disqualified from working with children.
- (2) An individual falls within this subsection if, under the law of Scotland or Northern Ireland, he is subject to a prohibition or disqualification which, in the opinion of the Secretary of State, corresponds to disqualification (by any of the means mentioned in section 35(4)) from working with children.]

#### Textual Amendments

- F34** Ss. 26-37 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 3**; S.I. 2010/1101, **art. 5**; S.I. 2012/2231, **art. 4** (with S.I. 2013/1180, **art. 2(b)**)

### 38 Rehabilitation of offenders.

- [<sup>F72</sup>(1) Where a disqualification order is made in respect of an individual's conviction of an offence, the rehabilitation period which, in accordance with section 6 of the <sup>M25</sup>Rehabilitation of Offenders Act 1974, is applicable to the conviction is to be determined as if that order had not been made; and a disqualification order is not a sentence for the purposes of that Act.
- (2) In this section, "conviction" has the same meaning as in that Act.]

#### Textual Amendments

- F72** Ss. 26-38 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 3**; S.I. 2010/1101, **art. 5**

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#### Marginal Citations

M25 1974 c. 53.

### *Indecent conduct towards children*

#### <sup>F73</sup>39 **Extension of offence: conduct towards 14 and 15 year olds.**

.....

#### Textual Amendments

F73 S. 39 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, Sch. 6 para. 44(2), [Sch. 7](#); S.I. 2004/874, art. 2

#### 40 **Extension of corresponding Northern Ireland offence: conduct towards 14 to 16 year olds.**

[<sup>F74</sup>(1) The Children and Young Persons Act (Northern Ireland) 1968 is amended as follows.

(2) At the end of section 22 (indecent conduct towards child) there is inserted—

“(2) In this section, “child” means a person under the age of seventeen.”

(3) In section 180(1) (interpretation), in the definition of “child”—

(a) after “ “child”” there is inserted “ , except when used in section 22, ”, and

(b) at the end there is inserted “ and, when used in section 22, has the meaning assigned to it by that section ”.]

#### Textual Amendments

F74 S. 40 repealed (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769\)](#), art. 1(3), Sch. 1 para. 28, [Sch. 3](#); S.R. 2008/510, art. 2

### *Indecent photographs of children: increase of maximum penalties*

#### 41 **Indecent photographs of children: increase of maximum penalties.**

(1) In section 6(2) of the <sup>M26</sup>Protection of Children Act 1978 (punishments), for “three” there is substituted “ ten ”.

(2) In Article 3(4)(a) of the <sup>M27</sup>Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children), for “three” there is substituted “ ten ”.

(3) In section 160 of the <sup>M28</sup>Criminal Justice Act 1988 (summary offence of possession of indecent photograph of child)—

(a) after subsection (2) there is inserted—

“(2A) A person shall be liable on conviction on indictment of an offence under this section to imprisonment for a term not exceeding five years or a fine, or both.”,

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- (b) for the sidenote there is substituted “ Possession of indecent photograph of child ”.
- (4) In Article 15 of the <sup>M29</sup>Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (summary offence of possession of indecent photograph of child)—
- (a) after paragraph (2) there is inserted—
- “(2A) A person shall be liable on conviction on indictment of an offence under paragraph (1) to imprisonment for a term not exceeding five years or a fine, or both.”,
- (b) for the heading there is substituted “ Possession of indecent photograph of child ”.

#### Marginal Citations

**M26** 1978 c. 37.

**M27** S.I. 1978/1047 (N.I. 17).

**M28** 1988 c. 33.

**M29** S.I. 1988/1847 (N.I. 17).

### General

#### 42 Interpretation of Part II.

- (1) In this Part—

<sup>F75</sup>  
...

“care home” has the same meaning as in the <sup>M30</sup>Care Standards Act 2000,  
“charity” and “charity trustee” have the same meanings as in the <sup>M31</sup>Charities Act 1993,

“child” means a person under the age of 18,

“children’s home” has—

(a) in relation to England and Wales, the same meaning as in the Care Standards Act 2000,

(b) in relation to Northern Ireland, the meaning which would be given by Article 90(1) of the <sup>M32</sup>Children (Northern Ireland) Order 1995 if, in Article 91(2) of that Order, sub-paragraphs (a), (f) and (g) and the words after sub-paragraph (h) were omitted,

“Class A drug” has the same meaning as in the <sup>M33</sup>Misuse of Drugs Act 1971,

[<sup>F76</sup>“day care premises” means—

(a) in relation to England, premises in respect of which a person is registered, otherwise than as a childminder, under Part 3 of the Childcare Act 2006,

(b) in relation to Wales, premises in respect of which a person is registered under Part 10A of the Children Act 1989 for providing day care,]

[<sup>F77</sup>“disqualification order” has the meaning given by section 30,]

“educational institution” means an institution which is exclusively or mainly for the provision of full-time education to children,

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- “employment” means paid employment, whether under a contract of service or apprenticeship or under a contract for services,
- “hospital” has—
- (a) in relation to England and Wales, the meaning given by section 128(1) of [<sup>F78</sup>the National Health Service Act 2006 or the National Health Service (Wales) Act 2006],
  - (b) in relation to Northern Ireland, the meaning given by Article 2(2) of the <sup>M34</sup>Health and Personal Social Services (Northern Ireland) Order 1972,
- “local authority” has the same meaning as in the <sup>M35</sup>Education Act 1996,
- “nursing home” has the meaning given by Article 16 of the <sup>M36</sup>Registered Homes (Northern Ireland) Order 1992,
- “private hospital” has the meaning given by Article 90(2) of the <sup>M37</sup>Mental Health (Northern Ireland) Order 1986,
- “residential care home” has the meaning given by Article 3 of the <sup>M38</sup>Registered Homes (Northern Ireland) Order 1992,
- “the Tribunal” means the [<sup>F79</sup>First-tier Tribunal],
- “voluntary home” has the meaning given by Article 74(1) of the <sup>M39</sup>Children (Northern Ireland) Order 1995,
- “work” includes—
- (a) work of any kind, whether paid or unpaid and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract, and
  - (b) an office established by or by virtue of an enactment,
- and “working” is to be read accordingly.

F80 .....

### Textual Amendments

- F75** Words in s. 42(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 16 para. 183(a), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F76** Words in s. 42(1) substituted (6.4.2007) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 40**; S.I. 2007/1019, art. 4 (with art. 6Sch. para. 6)
- F77** Words in s. 42(1) repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 3; S.I. 2010/1101, art. 5; S.I. 2012/2231, art. 4 (see S.I. 2013/1180, art. 2(b))
- F78** Words in s. 42(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 213** (with Sch. 3 Pt. 1)
- F79** Words in s. 42(1) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 189**
- F80** S. 42(2) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 16 para. 183(b), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

### Marginal Citations

- M30** 2000 c. 14.  
**M31** 1993 c. 10.  
**M32** S.I. 1995/755 (N.I. 2).

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- M33** 1971 c. 38.
- M34** S.I. 1972/1265 (N.I. 14).
- M35** 1996 c. 56.
- M36** S.I. 1992/3204 (N.I. 20).
- M37** S.I. 1986/595 (N.I. 4).
- M38** S.I. 1992/3204 (N.I. 20).
- M39** S.I. 1995/755 (N.I. 2).

## PART III

### DEALING WITH OFFENDERS

#### CHAPTER I

##### COMMUNITY SENTENCES

###### *Renaming certain community orders*

#### **43 Probation orders renamed community rehabilitation orders.**

- (1) An order under subsection (1) of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 (probation orders), whenever made, is to be referred to as a community rehabilitation order.
- (2) References in any enactment, instrument or document to a community rehabilitation order include (where the context allows) an order under any provision corresponding to that subsection which is repealed by that Act.
- (3) Accordingly—
  - (a) in subsection (2) of that section, for “ “probation order” ” there is substituted “ “community rehabilitation order” ”, but
  - (b) paragraph 1(3) of Schedule 11 to that Act (general transitional provisions) does not apply to that subsection as amended by this.
- (4) References in any enactment, instrument or document to a probation order—
  - (a) are to an order under any provision corresponding to section 41(1) of that Act which is repealed by that Act, and
  - (b) include (where the context allows) an order under that subsection.
- (5) In section 163 of the Powers of Criminal Courts (Sentencing) Act 2000 (general definitions), at the appropriate place there is inserted—
 

“ “community rehabilitation order” has the meaning given by section 43 of the Criminal Justice and Court Services Act 2000”.

#### **44 Community service orders renamed community punishment orders.**

- (1) An order under subsection (1) of section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 (community service orders), whenever made, is to be referred to as a community punishment order.



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- (2) References in any enactment, instrument or document to a community punishment order include (where the context allows) an order under any provision corresponding to that subsection which is repealed by that Act.
- (3) Accordingly—
  - (a) in subsection (2) of that section, for “ “community service order” ” there is substituted “ “community punishment order” ”, but
  - (b) paragraph 1(3) of Schedule 11 to that Act (general transitional provisions) does not apply to that subsection as amended by this.
- (4) References in any enactment, instrument or document to a community service order—
  - (a) are to an order under any provision corresponding to section 46(1) of that Act which is repealed by that Act, and
  - (b) include (where the context allows) an order under that subsection.
- (5) In section 163 of the <sup>M40</sup>Powers of Criminal Courts (Sentencing) Act 2000 (general definitions), in the definition of “community service order”—
  - (a) for “service” there is substituted “punishment”,
  - (b) for the words from “means” to the first mention of “above” there is substituted “has the meaning given by section 44 of the Criminal Justice and Court Services Act 2000”,
 and that definition is moved to follow the definition of “community order”.

#### Marginal Citations

M40 2000 c. 6.

#### 45 Combination orders renamed community punishment and rehabilitation orders.

- (1) An order under subsection (1) of section 51 of the Powers of Criminal Courts (Sentencing) Act 2000 (combination orders), whenever made, is to be referred to as a community punishment and rehabilitation order.
- (2) References in any enactment, instrument or document to a community punishment and rehabilitation order include (where the context allows) an order under any provision corresponding to that subsection which is repealed by that Act.
- (3) Accordingly—
  - (a) in subsection (2) of that section, for “ “combination order” ” there is substituted “ “community punishment and rehabilitation order” ”, but
  - (b) paragraph 1(3) of Schedule 11 to that Act (general transitional provisions) does not apply to that subsection as amended by this.
- (4) References in any enactment, instrument or document to a combination order—
  - (a) are to an order under any provision corresponding to section 51(1) of that Act which is repealed by that Act, and
  - (b) include (where the context allows) an order under that subsection.
- (5) In section 163 of the Powers of Criminal Courts (Sentencing) Act 2000 (general definitions), at the appropriate place there is inserted—

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

““community punishment and rehabilitation order” has the meaning given by section 45 of the Criminal Justice and Court Services Act 2000”.

### *New community orders*

#### **F81 46 Exclusion orders.**

.....

##### **Textual Amendments**

- F81** S. 46 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27](#) paras. 1, 5); [S.I. 2009/3074](#), art. 2(u)(xxix)

#### **F82 47 Drug abstinence orders.**

.....

##### **Textual Amendments**

- F82** Ss. 47-51 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1](#) para. 44(4)(t) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

##### **Commencement Information**

- II** S. 47 wholly in force at 2.7.2001; s. 47 not in force at Royal Assent see s. 80; s. 47 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), [art. 2\(a\)](#)

### *Miscellaneous*

#### **F82 48 Pre-sentence drug testing.**

.....

##### **Textual Amendments**

- F82** Ss. 47-51 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1](#) para. 44(4)(t) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

#### Commencement Information

- I2** S. 48 wholly in force at 2.7.2001; s. 48 not in force at Royal Assent see s. 80; s. 48 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), [art. 2\(b\)](#)

### <sup>F82</sup>**49** Community sentences: drug abstinence requirements.

.....

#### Textual Amendments

- F82** Ss. 47-51 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), [art. 2](#); and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), [art. 2](#); (3.12.2012) by [S.I. 2012/2905](#), [art. 4](#); (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), [art. 2\(l\)](#))

#### Commencement Information

- I3** S. 49 wholly in force at 2.7.2001; s. 49 not in force at Royal Assent see s. 80; s. 49 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), [art. 2\(c\)](#)

### <sup>F82</sup>**50** Community sentences: curfew requirements.

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#### Textual Amendments

- F82** Ss. 47-51 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), [art. 2](#); and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), [art. 2](#); (3.12.2012) by [S.I. 2012/2905](#), [art. 4](#); (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), [art. 2\(l\)](#))

#### Commencement Information

- I4** S. 50 wholly in force at 2.7.2001; s. 50 not in force at Royal Assent see s. 80; s. 50 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), [art. 2\(d\)](#)

PROSPECTIVE

### <sup>F82</sup>**51** Community sentences: exclusion requirements.

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*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

### Textual Amendments

**F82** Ss. 47-51 repealed (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 37 Pt. 7**; **S.I. 2005/950**, art. 2(1), **Sch. 1 para. 44(4)(t)** (with **Sch. 2**) (as explained (29.7.2005) by **S.I. 2005/2122**, art. 2; and as amended: (14.7.2008) by **2008 c. 4**, Sch. 26 para. 78, Sch. 28 Pt. 2; **S.I. 2008/1586**, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by **S.I. 2009/3111**, art. 2; (3.12.2012) by **S.I. 2012/2905**, art. 4; (3.12.2012) by **2012 c. 10**, Sch. 14 para. 17; **S.I. 2012/2906**, art. 2(l))

## 52 Community sentences: electronic monitoring of requirements.

After section 36A of the <sup>M41</sup>Powers of Criminal Courts (Sentencing) Act 2000 there is inserted—

### “36B Electronic monitoring of requirements in community orders.

- (1) Subject to subsections (2) to (4) below, a community order may include requirements for securing the electronic monitoring of the offender’s compliance with any other requirements imposed by the order.
- (2) A court shall not include in a community order a requirement under subsection (1) above unless the court—
  - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant areas specified in subsections (7) to (10) below; and
  - (b) is satisfied that the necessary provision can be made under those arrangements.
- (3) Where—
  - (a) it is proposed to include in an exclusion order a requirement for securing electronic monitoring in accordance with this section; but
  - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
 the requirement shall not be included in the order without that person’s consent.
- (4) Where—
  - (a) it is proposed to include in a community rehabilitation order or a community punishment and rehabilitation order a requirement for securing the electronic monitoring of the offender’s compliance with a requirement such as is mentioned in paragraph 8(1) of Schedule 2 to this Act; but
  - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
 the requirement shall not be included in the order without that person’s consent.
- (5) An order which includes requirements under subsection (1) above shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (6) The Secretary of State may make rules for regulating—

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*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

- (a) the electronic monitoring of compliance with requirements included in a community order; and
  - (b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with requirements included in the order.
- (7) In the case of a curfew order or an exclusion order, the relevant area is the area in which the place proposed to be specified in the order is situated.
- In this subsection, “place”, in relation to an exclusion order, has the same meaning as in section 40A below.
- (8) In the case of a community rehabilitation order or a community punishment and rehabilitation order, the relevant areas are each of the following—
- (a) where it is proposed to include in the order a requirement for securing compliance with a requirement such as is mentioned in sub-paragraph (1) of paragraph 7 of Schedule 2 to this Act, the area mentioned in sub-paragraph (5) of that paragraph;
  - (b) where it is proposed to include in the order a requirement for securing compliance with a requirement such as is mentioned in sub-paragraph (1) of paragraph 8 of that Schedule, the area mentioned in sub-paragraph (5) of that paragraph;
  - (c) where it is proposed to include in the order a requirement for securing compliance with any other requirement, the area proposed to be specified under section 41(3) below.
- (9) In the case of a community punishment order, a drug treatment and testing order, a drug abstinence order, a supervision order or an action plan order, the relevant area is the petty sessions area proposed to be specified in the order.
- (10) In the case of an attendance centre order, the relevant area is the petty sessions area in which the attendance centre proposed to be specified in the order is situated.”

**Commencement Information**

**I5** S. 52 partly in force; s. 52 not in force at Royal Assent see s. 80; s. 52 in force for specified purposes at 20.6.2001 and 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(e\)](#)

**I6** S. 52 in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), [art. 2](#)

**Marginal Citations**

**M41** [2000 c. 6](#).

PROSPECTIVE

<sup>F83</sup> **53 Breach of community orders: warning and punishment.**

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*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
**Changes to legislation:** Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

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### Textual Amendments

**F83** Ss. 53-55 repealed (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 37 Pt. 7**; **S.I. 2005/950**, art. 2(1), **Sch. 1 para. 44(4)(t)** (with **Sch. 2**) (as explained (29.7.2005) by **S.I. 2005/2122**, art. 2; and as amended: (14.7.2008) by **2008 c. 4**, Sch. 26 para. 78, Sch. 28 Pt. 2; **S.I. 2008/1586**, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by **S.I. 2009/3111**, art. 2; (3.12.2012) by **S.I. 2012/2905**, art. 4; (3.12.2012) by **2012 c. 10**, Sch. 14 para. 17; **S.I. 2012/2906**, art. 2(l))

## <sup>F83</sup> 54 Breach of community orders: failure to answer summons.

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### Textual Amendments

**F83** Ss. 53-55 repealed (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 37 Pt. 7**; **S.I. 2005/950**, art. 2(1), **Sch. 1 para. 44(4)(t)** (with **Sch. 2**) (as explained (29.7.2005) by **S.I. 2005/2122**, art. 2; and as amended: (14.7.2008) by **2008 c. 4**, Sch. 26 para. 78, Sch. 28 Pt. 2; **S.I. 2008/1586**, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by **S.I. 2009/3111**, art. 2; (3.12.2012) by **S.I. 2012/2905**, art. 4; (3.12.2012) by **2012 c. 10**, Sch. 14 para. 17; **S.I. 2012/2906**, art. 2(l))

## <sup>F83</sup> 55 Regulation of community orders.

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### Textual Amendments

**F83** Ss. 53-55 repealed (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 37 Pt. 7**; **S.I. 2005/950**, art. 2(1), **Sch. 1 para. 44(4)(t)** (with **Sch. 2**) (as explained (29.7.2005) by **S.I. 2005/2122**, art. 2; and as amended: (14.7.2008) by **2008 c. 4**, Sch. 26 para. 78, Sch. 28 Pt. 2; **S.I. 2008/1586**, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by **S.I. 2009/3111**, art. 2; (3.12.2012) by **S.I. 2012/2905**, art. 4; (3.12.2012) by **2012 c. 10**, Sch. 14 para. 17; **S.I. 2012/2906**, art. 2(l))

## CHAPTER II

### MISCELLANEOUS

#### *Young offenders: reprimands and warnings*

## 56 Reprimands and warnings.

- (1) In section 65 of the <sup>M42</sup>Crime and Disorder Act 1998 (reprimands and warnings)—
- (a) for subsection (5)(a) there is substituted—
    - “(a) where the offender is under the age of 17, give any reprimand or warning in the presence of an appropriate adult; and”
  - (b) in subsection (6), after paragraph (a) there is inserted—
    - “(aa) the places where reprimands and warnings may be given”.

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*

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(2) In section 34 of the <sup>M43</sup>Police and Criminal Evidence Act 1984 (limitations on police detention), for subsection (5)(b) there is substituted—

“(b) that, in respect of any such matter, proceedings may be taken against him or he may be reprimanded or warned under section 65 of the <sup>M44</sup>Crime and Disorder Act 1998”.

#### Marginal Citations

**M42** 1998 c. 37.

**M43** 1984 c. 60.

**M44** 1998 c. 37.

### *Police powers: drugs*

#### **57 Testing persons in police detention.**

(1) The <sup>M45</sup>Police and Criminal Evidence Act 1984 is amended in accordance with subsections (2) to (4).

(2) After section 63A there is inserted—

#### **“63B Testing for presence of Class A drugs.**

(1) A sample of urine or a non-intimate sample may be taken from a person in police detention for the purpose of ascertaining whether he has any specified Class A drug in his body if the following conditions are met.

(2) The first condition is—

- (a) that the person concerned has been charged with a trigger offence; or
- (b) that the person concerned has been charged with an offence and a police officer of at least the rank of inspector, who has reasonable grounds for suspecting that the misuse by that person of any specified Class A drug caused or contributed to the offence, has authorised the sample to be taken.

(3) The second condition is that the person concerned has attained the age of 18.

(4) The third condition is that a police officer has requested the person concerned to give the sample.

(5) Before requesting the person concerned to give a sample, an officer must—

- (a) warn him that if, when so requested, he fails without good cause to do so he may be liable to prosecution, and
- (b) in a case within subsection (2)(b) above, inform him of the giving of the authorisation and of the grounds in question.

(6) A sample may be taken under this section only by a person prescribed by regulations made by the Secretary of State by statutory instrument.

No regulations shall be made under this subsection unless a draft has been laid before, and approved by resolution of, each House of Parliament.



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- (7) Information obtained from a sample taken under this section may be disclosed—
- (a) for the purpose of informing any decision about granting bail in criminal proceedings (within the meaning of the <sup>M46</sup>Bail Act 1976) to the person concerned;
  - (b) where the person concerned is in police detention or is remanded in or committed to custody by an order of a court or has been granted such bail, for the purpose of informing any decision about his supervision;
  - (c) where the person concerned is convicted of an offence, for the purpose of informing any decision about the appropriate sentence to be passed by a court and any decision about his supervision or release;
  - (d) for the purpose of ensuring that appropriate advice and treatment is made available to the person concerned.
- (8) A person who fails without good cause to give any sample which may be taken from him under this section shall be guilty of an offence.

### **63C Testing for presence of Class A drugs: supplementary.**

- (1) A person guilty of an offence under section 63B above shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 4 on the standard scale, or to both.
  - (2) A police officer may give an authorisation under section 63B above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
  - (3) If a sample is taken under section 63B above by virtue of an authorisation, the authorisation and the grounds for the suspicion shall be recorded as soon as is practicable after the sample is taken.
  - (4) If the sample is taken from a person detained at a police station, the matters required to be recorded by subsection (3) above shall be recorded in his custody record.
  - (5) Subsections (11) and (12) of section 62 above apply for the purposes of section 63B above as they do for the purposes of that section; and section 63B above does not prejudice the generality of sections 62 and 63 above.
  - (6) In section 63B above—
    - “Class A drug” and “misuse” have the same meanings as in the <sup>M47</sup>Misuse of Drugs Act 1971;
    - “specified” (in relation to a Class A drug) and “trigger offence” have the same meanings as in Part III of the Criminal Justice and Court Services Act 2000.”
- (3) In section 38 (duties of custody officer after charge)—
- (a) in subsection (1)(a), after sub-paragraph (iii) there is inserted—
    - “(iiiia) in the case of a person who has attained the age of 18, the custody officer has reasonable grounds for believing that the detention of the person is necessary to enable a sample to be taken from him under section 63B below”;

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(b) at the end of subsection (2) there is inserted “ but may not authorise a person to be kept in police detention by virtue of subsection (1)(a)(iia) after the end of the period of six hours beginning when he was charged with the offence ”.

(4) At the end of section 66 (codes of practice) there is inserted—

“(2) Codes shall (in particular) include provision in connection with the exercise by police officers of powers under section 63B above.”

<sup>F84</sup>(5) .....

#### Textual Amendments

**F84** S. 57(5) repealed (1.12.2005) by [Drugs Act 2005 \(c. 17\)](#), s. 24(3), Sch. 1 para. 5, [Sch. 2](#); S.I. 2005/3053, art. 2(1)(f)

#### Commencement Information

**I7** S. 57 partly in force; s. 57 not in force at Royal Assent, see s. 80; s. 57 in force for specified purposes at 20.6.2001, 2.7.2001, 20.5.2002, 2.9.2002 and 1.4.2003 by [S.I. 2001/2232](#), [art. 2\(f\)](#), [S.I. 2001/1149](#), art. 2, [S.I. 2002/1862](#), [art. 2](#) and [S.I. 2003/709](#), [art. 2](#)

**I8** S. 57 in force at 1.4.2004 for specified purposes by [S.I. 2004/780](#), [art. 2](#)

**I9** S. 57 in force at 1.4.2005 for specified purposes by [S.I. 2005/596](#), [art. 2](#)

**I10** S. 57 in force at 1.12.2005 in so far as not already in force by [S.I. 2005/3054](#), [art. 2](#)

#### Marginal Citations

**M45** 1984 c. 60.

**M46** 1976 c. 63.

**M47** 1971 c. 38.

### Bail

#### 58 Right to bail: relevance of drug misuse.

In section 4 of the <sup>M48</sup>Bail Act 1976 (general right to bail), after subsection (8) there is inserted—

“(9) In taking any decisions required by Part I or II of Schedule 1 to this Act, the considerations to which the court is to have regard include, so far as relevant, any misuse of controlled drugs by the defendant (“controlled drugs” and “misuse” having the same meanings as in the <sup>M49</sup>Misuse of Drugs Act 1971).”

#### Commencement Information

**I11** S. 58 wholly in force at 2.7.2001; s. 58 not in force at Royal Assent see s. 80; s. 58 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), [art. 2\(g\)](#)

#### Marginal Citations

**M48** 1976 c. 63.

**M49** 1971 c. 38.

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*

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## *Detention*

PROSPECTIVE

### **59 Remand centres.**

In section 43(1) of the <sup>M50</sup>Prison Act 1952 (places of detention provided by Secretary of State), paragraph (a) (remand centres) is to cease to have effect.

#### **Marginal Citations**

**M50** 1952 c. 52.

### **60 Life sentences: tariffs.**

- (1) After section 82 of the <sup>M51</sup>Powers of Criminal Courts (Sentencing) Act 2000 there is inserted—

#### *“ Life sentences*

##### **82A Determination of tariffs.**

- (1) This section applies if a court passes a life sentence in circumstances where—
  - (a) the sentence is not fixed by law; or
  - (b) the offender was aged under 18 when he committed the offence.
- (2) The court shall, unless it makes an order under subsection (4) below, order that the provisions of section 28(5) to (8) of the <sup>M52</sup>Crime (Sentences) Act 1997 (referred to in this section as the “early release provisions”) shall apply to the offender as soon as he has served the part of his sentence which is specified in the order.
- (3) The part of his sentence shall be such as the court considers appropriate taking into account—
  - (a) the seriousness of the offence, or of the combination of the offence and one or more offences associated with it;
  - (b) the effect of any direction which it would have given under section 87 below (crediting periods of remand in custody) if it had sentenced him to a term of imprisonment; and
  - (c) the early release provisions as compared with sections 33(2) and 35(1) of the <sup>M53</sup>Criminal Justice Act 1991.
- (4) If the court is of the opinion that, because of the seriousness of the offence or of the combination of the offence and one or more offences associated with it, no order should be made under subsection (2) above, the court shall order that, subject to subsection (5) below, the early release provisions shall not apply to the offender.
- (5) If, in a case where an order under subsection (4) above is in force, the offender was aged under 18 when he committed the offence, the Secretary of State shall

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at the appropriate stage direct that the early release provisions shall apply to the offender as soon as he has served the part of his sentence which is specified in the direction.

(6) The appropriate stage, for the purposes of subsection (5) above, is when the Secretary of State has formed the opinion, having regard to any factors determined by him to be relevant for the purpose, that it is appropriate for him to give the direction.

(7) In this section—

“court” includes a court-martial;

“life sentence” has the same meaning as in Chapter II of Part II of the <sup>M54</sup>Crime (Sentences) Act 1997.

(8) So far as this section relates to sentences passed by a court-martial, section 167(1) below does not apply.”

(2) In section 90 of the <sup>M55</sup>Powers of Criminal Courts (Sentencing) Act 2000 (offenders who commit murder when under 18: duty to detain at Her Majesty’s pleasure), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”; and, in the sidenote, after “murder” there is inserted “ etc. ”.

(3) This section has effect in relation to sentences passed after the coming into force of this section.

(4) In relation to any time before the coming into force of section 87 of the <sup>M56</sup>Powers of Criminal Courts (Sentencing) Act 2000, section 82A of that Act shall have effect as if, in paragraph (b) of subsection (3), for “of any direction which it would have given under section 87 below (crediting periods of remand in custody)” there were substituted “ which section 67 of the <sup>M57</sup>Criminal <sup>M58</sup>Justice Act 1967 would have had ”.

#### Extent Information

**E9** S. 60 extends to U.K., see s. 81(1)(2)(b)

#### Marginal Citations

**M51** 2000 c. 6.

**M52** 1997 c. 43.

**M53** 1991 c. 53.

**M54** 1997 c. 43.

**M55** 2000 c. 6.

**M56** 2000 c. 6.

**M57** 2000 c. 6.

**M58** 1967 c. 80.

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*

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## PROSPECTIVE

## 61 Abolition of sentences of detention in a young offender institution, custody for life, etc.

- (1) No court is to pass a sentence of detention in a young offender institution or a sentence of custody for life, and no court is to make a custodial order except in relation to a person who is aged at least 17 but under 18.
- (2) No court is to commit a person to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged at least 18 but under 21 for default or contempt) or make an order fixing a term of detention under that section.
- (3) A person who—
  - (a) has been sentenced (before the coming into force of this section) to a term of detention in a young offender institution, to custody for life or to a custodial order, and
  - (b) is aged at least 18 but under 21,
 may be detained in a young offender institution, or in a prison, determined by the Secretary of State.
- (4) A person—
  - (a) who has been committed (before the coming into force of this section) to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 or in respect of whom an order fixing a term of detention under that section has been made (before the coming into force of this section), and
  - (b) who is aged under 21,
 may be detained in a young offender institution, or in a prison, determined by the Secretary of State.
- (5) A person who has been sentenced to imprisonment and is aged under 21 may be detained—
  - (a) in a prison, or
  - (b) in a young offender institution in which one or more persons mentioned in subsection (3) or (4) are detained,
 determined by the Secretary of State.
- (6) A determination of the Secretary of State under this section may be made in respect of an individual or any description of individuals.
- <sup>F85</sup>(7) .....
- (8) In this section—
 

“court” includes a court-martial and a Standing Civilian Court,

“custodial order” means an order under—

  - (a) section 71AA of, or paragraph 10 of Schedule 5A to, the <sup>M59</sup>Army Act 1955,
  - (b) section 71AA of, or paragraph 10 of Schedule 5A to, the <sup>M60</sup>Air Force Act 1955,

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(c) section 43AA of, or paragraph 10 of Schedule 4A to, the <sup>M61</sup>Naval Discipline Act 1957.

(9) On the coming into force of this section—

- (a) paragraph (b) of the definition of “qualifying sentence” in section 30(1), and
  - (b) paragraph (b) of the definition of “relevant sentence” in section 69(7),
- are omitted.

#### Extent Information

**E10** S. 61 extends to U.K., see s. 81(1)(2)(c)

#### Textual Amendments

**F85** S. 61(7) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

#### Marginal Citations

**M59** 1955 c. 18.

**M60** 1955 c. 19.

**M61** 1957 c. 53.

### *Release of prisoners on licence etc.*

## **62 Release on licence etc: conditions as to monitoring.**

(1) This section applies where a sentence of imprisonment has been imposed on a person and, by virtue of any enactment—

- (a) the Secretary of State is required to, or may, release the person from prison, and
- (b) the release is required to be, or may be, subject to conditions (whether conditions of a licence or any other conditions, however expressed).

(2) The conditions may include—

- (a) conditions for securing the electronic monitoring of his compliance with any other conditions of his release,
- (b) conditions for securing the electronic monitoring of his whereabouts (otherwise than for the purpose of securing his compliance with other conditions of his release).

[<sup>F86</sup>(3) In relation to a prisoner released under section 246 of the Criminal Justice Act 2003 (power to release prisoners on licence before required to do so), the monitoring referred to in subsection (2)(a) does not include the monitoring of his compliance with conditions imposed under section 253 of that Act (curfew condition).]

(4) The Secretary of State may make rules about the conditions that may be imposed by virtue of this section.

(5) In this section, “sentence of imprisonment” includes—

- (a) a detention and training order,
- (b) a sentence of detention in a young offender institution,

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- (c) a sentence of detention under section 90 of the <sup>M62</sup>Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty’s pleasure),
  - (d) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences),
  - (e) a sentence of custody for life under section 93 or 94 of that Act, [<sup>F87</sup>, <sup>F88</sup> ...
  - (f) a sentence of detention under section 226 or 228 of the Criminal Justice Act 2003 [<sup>F89</sup>(including one passed as a result of section 221 or 222 of the Armed Forces Act 2006)]
  - [<sup>F90</sup>(g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
  - (h) an order under section 211 of that Act,]
- and “prison” shall be construed accordingly.

#### Textual Amendments

- F86** S. 62(3) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 136\(2\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(36) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F87** S. 62(5)(f) and word inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 136\(3\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(36) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F88** Word in s. 62(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F89** Words in s. 62(5)(f) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 184\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F90** S. 62(5)(g)(h) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 184\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

#### Marginal Citations

**M62** 2000 c. 6.

#### <sup>F91</sup>63 Supervision of young offenders after release.

#### Textual Amendments

- F91** S. 63 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))



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## 64 Release on licence etc: drug testing requirements.

- (1) This section applies where—
- (a) the Secretary of State releases from prison a person aged 18 or over on whom a sentence of imprisonment has been imposed for a trigger offence, and
  - (b) the release is subject to conditions (whether conditions of a licence or any other conditions, however expressed).
- (2) For the purpose of determining whether the person is complying with any of the conditions, they may include the following requirement.
- (3) The requirement is that the person must provide, when instructed to do so by an officer of a local probation board [<sup>F92</sup>, an officer of a provider of probation services] or a person authorised by the Secretary of State, any sample mentioned in the instruction for the purpose of ascertaining whether he has any specified Class A drug in his body.
- (4) The function of giving such an instruction is to be exercised in accordance with guidance given from time to time by the Secretary of State; and regulations made by the Secretary of State may regulate the provision of samples in pursuance of such an instruction.
- (5) In this section, “sentence of imprisonment” includes—
- (a) a detention and training order,
  - (b) a sentence of detention in a young offender institution,
  - (c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty’s pleasure),
  - (d) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences),
  - (e) a sentence of custody for life under section 93 or 94 of that Act,
  - [<sup>F93</sup>(g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
  - (h) an order under section 211 of that Act,]
- and “prison” shall be construed accordingly.

### Textual Amendments

**F92** Words in s. 64(3) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 18(2)**

**F93** S. 64(5)(g)(h) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 185(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

### Commencement Information

**I12** S. 64 wholly in force at 2.7.2001; s. 64 not in force at Royal Assent see s. 80; s. 64 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by S.I. 2001/2232, **art. 2(i)**

## 65 Short-term prisoners: release subject to curfew conditions.

In section 34A of the <sup>M63</sup>Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(d) there is inserted—

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“(da) the prisoner is subject to the notification requirements of Part I of the <sup>M64</sup>Sex Offenders Act 1997;”.

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**Marginal Citations**  
**M63** 1991 c. 53.  
**M64** 1997 c. 51.

*Sexual or violent offenders*

<sup>F94</sup>**66 Amendments of the Sex Offenders Act 1997.**

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**Textual Amendments**  
**F94** S. 66 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, Sch. 6 para. 44(2), **Sch. 7**; S.I. 2004/874, art. 2

<sup>F95</sup>**67 Arrangements for assessing etc. risks posed by certain offenders.**

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**Textual Amendments**  
**F95** S. 67 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 12**; S.I. 2004/829, art. 2(1)(2)(1)(v) (with art. 2(5))

<sup>F96</sup>**68 Section 67: interpretation.**

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**Textual Amendments**  
**F96** S. 68 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 12**; S.I. 2004/829, art. 2(1)(2)(1)(v)

<sup>F97</sup>**69 Duties of local probation boards in connection with victims of certain offences.**

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**Textual Amendments**  
**F97** S. 69 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, Sch. 10 para. 55, **Sch. 11**; S.I. 2005/1705, art. 2(d)(f)

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## CHAPTER III

### SUPPLEMENTARY

#### 70 Interpretation, etc.

(1) In this Part—

“Class A drug” has the same meaning as in the <sup>M65</sup>Misuse of Drugs Act 1971,

“specified”, in relation to a Class A drug, means specified by an order made by the Secretary of State,

“trigger offence” has the meaning given by Schedule 6.

(2) The Secretary of State may by order amend Schedule 6 so as to add, modify or omit any description of offence.

(3) In this Part (except in section 69), references to release include temporary release.

(4) In section 163 of the <sup>M66</sup>Powers of Criminal Courts (Sentencing) Act 2000 (general definitions), at the appropriate places there are inserted—

““specified Class A drug” has the same meaning as in Part III of the Criminal Justice and Court Services Act 2000”,

““trigger offence” has the same meaning as in Part III of the Criminal Justice and Court Services Act 2000”.

<sup>F98</sup>(5) .....

#### Textual Amendments

**F98** S. 70(5) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), Sch. 4 para. 70, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xiii)(u)(xxix)

#### Commencement Information

**I13** S. 70 wholly in force at 2.7.2001; s. 70 not in force at Royal Assent see s. 80; s. 70 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), **art. 2(j)**

#### Marginal Citations

**M65** 1971 c. 38.

**M66** 2000 c. 6.

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## PART IV

### GENERAL AND SUPPLEMENTARY

#### CHAPTER I

##### GENERAL

#### 71 Access to driver licensing records.

- (1) The Secretary of State may make any information held by him for the purposes of Part III of the <sup>M67</sup>Road Traffic Act 1988 available to the [<sup>F99</sup>National Policing Improvement Agency] for use by constables [<sup>F100</sup>and members of the staff of the Serious Organised Crime Agency].
- (2) In respect of any information made available to the [<sup>F101</sup>National Policing Improvement Agency] under subsection (1), the Secretary of State may by regulations—
  - (a) determine the purposes for which constables [<sup>F102</sup>and members of the staff of the Serious Organised Crime Agency] may be given access to the information,
  - (b) determine the circumstances in which any of the information to which they have been given access may be further disclosed by them.
- (3) Before making any regulations applying in respect of constables in police forces in Scotland, the Secretary of State must, to the extent to which the regulations will so apply, consult the Scottish Ministers.
- (4) In this section [<sup>F103</sup>—
 

“constables” includes —

  - (a) persons employed by a police authority under section 15(1) of the Police Act 1996 who are under the direction and control of the chief officer of police of the police force maintained by that authority,
  - (b) persons employed by a police authority under section 9(1) of the Police (Scotland) Act 1967 who are under the direction and control of the chief constable of the police force maintained for the authority's area,
  - (c) police support staff (within the meaning of the Police (Northern Ireland) Act 2000), and
  - (d) persons employed by the British Transport Police Authority under section 27(1) of the Railways and Transport Safety Act 2003 who are under the direction and control of the Chief Constable of the British Transport Police Force],

“information” means information held in any form.

<sup>F104</sup>(5) .....

#### Textual Amendments

**F99** Words in s. 71(1) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 1 para. 75\(2\)](#); [S.I. 2007/709, art. 3\(a\)](#) (with art. 6)

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- F100** Words in s. 71(1) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 161**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F101** Words in s. 71(2) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 75(3)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F102** Words in s. 71(2)(a) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 161**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F103** Words in s. 71(4) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 123(1), 178(8)**; S.I. 2005/1521, art. 3(1)(k)
- F104** S. 71(5) repealed (12.1.2009) by Policing and Crime Act 2009 (c. 26), s. 116(6)(b), **Sch. 8 Pt. 13**

#### Commencement Information

- I14** S. 71 partly in force; s. 71 not in force at Royal Assent see s. 80; s. 71(1)-(4) in force at 29.10.2001 by S.I. 2001/3385, **art. 2**

#### Marginal Citations

- M67** 1988 c. 52.

## 72 Failure to secure regular attendance at school.

- (1) In section 444 of the <sup>M68</sup>Education Act 1996 (failure to secure regular attendance at school)—

- (a) after subsection (1) there is inserted—

“(1A) If in the circumstances mentioned in subsection (1) the parent knows that his child is failing to attend regularly at the school and fails without reasonable justification to cause him to do so, he is guilty of an offence.”,

- (b) in subsection (8), for “this section” there is substituted “ subsection (1) ”,
- (c) after that subsection there is inserted—

“(8A) A person guilty of an offence under subsection (1A) is liable on summary conviction—

- (a) to a fine not exceeding level 4 on the standard scale, or
- (b) to imprisonment for a term not exceeding three months, or both.

(8B) If, on the trial of an offence under subsection (1A), the court finds the defendant not guilty of that offence but is satisfied that he is guilty of an offence under subsection (1), the court may find him guilty of that offence.”

- (2) This section does not apply to an offence committed before the section comes into force.

#### Marginal Citations

- M68** 1996 c. 56.

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### 73 Parenting orders: responsible officer.

In section 8(8) of the <sup>M69</sup>Crime and Disorder Act 1998 (parenting orders: persons who may be specified as the responsible officer), after paragraph (b) there is inserted—

“(bb) a person nominated by a person appointed as chief education officer under section 532 of the <sup>M70</sup>Education Act 1996”.

#### Marginal Citations

**M69** 1998 c. 37.

**M70** 1996 c. 56.

### 74 Amendments.

Schedule 7 (which makes minor and consequential amendments) is to have effect.

#### Commencement Information

**I15** S. 74 partly in force; s. 74 not in force at Royal Assent see s. 80; s. 74 in force for specified purposes at 20.6.2001 and 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(k\)](#)

**I16** S. 74 in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), [art. 2](#)

PROSPECTIVE

### 75 Repeals.

The enactments specified in Schedule 8 are repealed to the extent specified.

## CHAPTER II

### SUPPLEMENTARY

### 76 Subordinate legislation.

- (1) This section applies to any power conferred by this Act on <sup>F105</sup>... the Secretary of State to make regulations, rules or an order.
- (2) The power, unless it is a power to make an order under section 19, 20 or 23, shall be exercisable by statutory instrument.
- (3) The power may be exercised so as to make different provision for different purposes or different areas.
- (4) The power includes power to make—
  - (a) any supplementary, incidental or consequential provision, and
  - (b) any transitory, transitional or saving provision,
 which the Minister exercising the power considers necessary or expedient.
- (5) An order—

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- (a) making any provision by virtue of section 10, 26(2), 36(15), 57(5) or 70(2), or
  - (b) making any provision by virtue of section 77(2) which adds to, replaces or omits any part of the text of an Act,
- may only be made if a draft of the statutory instrument containing the order has been laid before and approved by resolution of each House of Parliament.
- (6) Any other statutory instrument made in exercise of a power to which this section applies shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (7) Subsection (6) does not apply to a statutory instrument containing an order—
    - (a) revoking an order made by virtue of section 10, or
    - (b) made by virtue only of section 80.

#### Textual Amendments

**F105** Words in s. 76(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 30(b)

### 77 Supplementary and consequential provision, etc.

- (1) <sup>F106</sup>... the Secretary of State may by order make—
  - (a) any supplementary, incidental or consequential provision,
  - (b) any transitory, transitional or saving provision,
 which he considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Act.
- (2) The provision which may be made under subsection (1) includes provision amending or repealing any enactment, instrument or document.

#### Textual Amendments

**F106** Words in s. 77(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 30(b)

### 78 General interpretation.

- (1) In this Act—
  - <sup>F107</sup>...
    - “enactment” includes an enactment contained in subordinate legislation,
    - “functions” includes powers and duties,
    - “local probation board” has the meaning given by section 4,
    - “subordinate legislation” has the same meaning as in the <sup>M71</sup>Interpretation Act 1978.
- (2) In this Act, “enactment” means an enactment whenever passed or made; but in this Part it means—
  - (a) an Act passed before, or in the same Session as, this Act, and
  - (b) subordinate legislation made before the passing of this Act.



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### Textual Amendments

**F107** Words in s. 78(1) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

### Marginal Citations

**M71** [1978 c. 30](#).

## 79 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown by virtue of this Act,
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

## 80 Commencement.

- (1) This Act shall come into force on such day as the Lord Chancellor or the Secretary of State may by order appoint.
- (2) Different days may be appointed under this section for different purposes and different areas.
- (3) Subsection (1) does not apply to—
  - (a) sections 19 to 22,
  - (b) section 60,
  - (c) this Chapter,
  - (d) in Schedule 7, paragraphs 15(1)(e) and (2), 18(3)(c)(i) and (4), 22(1)(e) and (2), 25(3)(c)(i) and (4), 29(1)(e) and (2), 32(3)(c)(i) and (4), 135 to 138, 142, 144 to 148 and 203(3) and (4),
  - (e) the repeals mentioned in the note to Schedule 8.

### Subordinate Legislation Made

**P1** S. 80 power partly exercised: 1.3.2001 appointed for specified provision by [S.I. 2001/340](#), [art. 2](#)  
 S. 80 power partly exercised: 1.3.2001 appointed for specified provision by [S.I. 2001/562](#), [art. 2](#)  
 S. 80 power partly exercised: 1.4.2001 appointed for specified provisions by [S.I. 2001/919](#), [art. 2](#)  
 S. 80 partly exercised: 2.9.2002 appointed for specified provisions by [S.I. 2002/1862](#), [art. 2](#)  
 S. 80 power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1651](#), [art. 2](#)  
 S. 80 power partly exercised: 31.5.2001 appointed for specified provisions by [S.I. 2001/166](#), [art. 3](#)  
 S. 80 power partly exercised: different dates appointed for specified provisions by [S.I. 2001/2232](#), [art. 2](#)  
 S. 80 power partly exercised: 29.10.2001 appointed for specified provisions by [S.I. 2001/3385](#), [art. 2](#)  
 S. 80 power partly exercised: 20.5.2002 appointed for specified provisions by [S.I. 2002/1149](#), [art. 2](#)

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## 81 Extent.

- (1) Subject to the following provisions, this Act extends to England and Wales only.
- (2) Subsection (1) does not apply to—
  - (a) sections 26 to 33, so far as they relate to the making of orders by, or orders made by, [<sup>F108</sup>the Court Martial or the Court Martial Appeal Court],
  - (b) section 60, and paragraphs 135 to 138, 142 and 144 to 148 of Schedule 7, so far as they relate to sentences passed by a court-martial,
  - (c) section 61 so far as it relates to sentences passed by a court-martial or a Standing Civilian Court,
  - (d) section 66 and Schedule 5,
  - (e) section 71,
  - (f) this Chapter,
  - (g) paragraphs 17 and 19 of Schedule 2,
  - <sup>F109</sup>(h) .....
  - (i) paragraph 159 of Schedule 7.
- (3) Sections 35, 36 and 41 extend to England and Wales and Northern Ireland.
- (4) Section 40 extends to Northern Ireland only.
- (5) The amendment or repeal by Schedule 7 or 8 of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.
- (6) For the purposes of the <sup>M72</sup>Scotland Act 1998, any provision of section 66 and Schedule 5 and, so far as relating to those provisions and extending to Scotland, any provision of this Chapter is to be taken to be a pre-commencement enactment within the meaning of that Act.

### Textual Amendments

**F108** Words in s. 81(2)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 186\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**F109** S. 81(2)(h) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 186\(b\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

### Marginal Citations

**M72** 1998 c. 46.

## 82 Short title.

This Act may be cited as the Criminal Justice and Court Services Act 2000.

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## SCHEDULES

### <sup>F110</sup>SCHEDULE 1

Section 4.

#### LOCAL PROBATION BOARDS

##### Textual Amendments

**F110** Sch. 1 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), [Sch. 5 Pt. 1](#); S.I. 2008/504, art. 4(1)(m)(viii)(2); S.I. 2009/547, art. 2(1)(m)(viii)(2)

#### <sup>F110</sup> Constitution

- 1 A local probation board shall be a body corporate.
- 2 (1) A local probation board is to consist of a chairman, a chief officer and not less than five other members.
  - (2) One of the other members is to be appointed by the [<sup>F111</sup>Lord Chief Justice, after consulting the Lord Chancellor] from among the judges of the Crown Court (being a judge of the High Court, a Circuit judge [<sup>F112</sup>, a Recorder or a District Judge (Magistrates' Courts)]).
  - (3) The chairman, the chief officer and the other members are to be appointed by the Secretary of State.
  - (4) Regulations may make provision as to their appointment (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment as a member).
  - (5) Regulations made by virtue of sub-paragraph (4) and coming into force on or after the coming into force of section 4 must make provision—
    - (a) for the selection procedure for the chairman, the chief officer and the other members of the board who are to be appointed by the Secretary of State to include selection panels,
    - (b) in the case of the chief officer, for the board to be represented on any selection panel making a final recommendation to the Secretary of State.
  - (6) Regulations must provide, so far as it is practicable to do so, for the persons appointed to be representative of the local community in the board's area and to live or work (or to have lived or worked) in that area.
  - (7) Below in this Schedule, "member" includes the chairman and chief officer (where the context allows).
- <sup>F113</sup>(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (2).]

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#### Textual Amendments

- F111** Words in Sch. 1 para. 2(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 298\(2\)\(a\)](#); S.I. 2006/1014, art. 2(a), [Sch. 1 para. 11\(x\)](#)
- F112** Words in Sch. 1 para. 2(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 393](#); S.I. 2005/910, art. 3(y)
- F113** Sch. 1 para. 2(8) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 298\(2\)\(b\)](#); S.I. 2006/1014, art. 2(a), [Sch. 1 para. 11\(x\)](#)

#### *Tenure of members*

- 3 (1) A person is to hold and vacate office as a member in accordance with the terms of the instrument appointing him.
- (2) A person may at any time resign office as a member by giving written notice to the Secretary of State or, as the case may be, the Lord Chancellor.
- (3) The Secretary of State or, as the case may be, the Lord Chancellor may remove a member from office by giving written notice to him.
- [<sup>F114</sup>(3A) The power conferred by sub-paragraph (3) may be exercised by the Lord Chancellor to remove a person appointed by him by virtue of paragraph 2(2) only with the concurrence of the Lord Chief Justice.]
- (4) Regulations may make provision as to the tenure of office of the members (including the circumstances in which they cease to hold office or may be removed or suspended from office).
- (5) The chief officer is to be treated for the purposes of the <sup>M73</sup>Employment Rights Act 1996 as if he were in Crown employment (within the meaning of that Act).
- (6) Sub-paragraphs (1) to (3) have effect subject to sub-paragraph (5) and any regulations made by virtue of sub-paragraph (4).

#### Textual Amendments

- F114** Sch. 1 para. 3(3A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 298\(3\)](#); S.I. 2006/1014, art. 2(a), [Sch. 1 para. 11\(x\)](#)

#### Marginal Citations

- M73** 1996 c. 18.

#### *Chairman's report*

- 4 Regulations may require the chairman to make a report to the Secretary of State about the performance of the other members, or any of them, and may confer other functions on the chairman.

#### *Remuneration etc.*

- 5 (1) It is for the Secretary of State to pay, or make provision for paying, to or in respect of any person who is or has been a member—

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- (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity,
- determined by him.

- (2) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as a member otherwise than on the expiration of his term of office to receive compensation, the Secretary of State may pay an amount of compensation determined by him to that person.

#### *Procedure*

- 6 Regulations may provide for—
- (a) the establishment and functions of committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members),
  - (b) the procedure of the boards and of any committees or sub-committees of the boards (including quorum and the validation of proceedings in the event of vacancies or defects in appointment).

#### *Secretary and Treasurer*

- 7 Regulations shall provide—
- (a) for each local probation board to appoint a secretary or treasurer (including the conditions to be fulfilled for appointment),
  - (b) for the tenure of office of a secretary or treasurer so appointed (including the circumstances in which he ceases to hold office or may be removed or suspended from office).

#### *Staff*

- 8 (1) A local probation board may appoint staff on terms and conditions determined by the local probation board as to—
- (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity.
- (2) But—
- (a) a determination under this paragraph requires the approval of the Secretary of State,
  - (b) the Secretary of State may give directions as to the appointment of staff of a description specified in the directions,
  - (c) the Secretary of State may give directions as to the qualifications, experience or training of staff.

#### *Delegation of functions*

- 9 A local probation board may arrange for a committee, sub-committee or member to discharge functions of the board.
- 10 Regulations may provide for prescribed functions or other powers of a local probation board to be exercised by the chief officer on behalf of the board.

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#### *Payments to boards*

- 11 (1) The Secretary of State may pay to a local probation board any amount he considers appropriate.
- (2) If he considers it appropriate, he may make any payment on conditions.
- (3) The conditions may (among other things)—
- (a) regulate the purposes for which the payment or any part of it may be used,
  - (b) require repayment to the Secretary of State in specified circumstances.

#### *Supervision*

- 12 (1) Functions and other powers of local probation boards must be performed in accordance with any directions given to them by the Secretary of State.
- (2) A local probation board must provide the Secretary of State with any information relating to the performance of its functions or other powers which he may from time to time require.

#### *Ancillary powers*

- 13 (1) Subject to any directions given by the Secretary of State, a local probation board may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) holding property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of performing its functions,
  - (d) accepting gifts.
- (3) But a local probation board—
- (a) may not hold land (though it may manage it),
  - (b) may not borrow money, whether by way of overdraft or otherwise, without the approval of the Secretary of State.
- (4) Approval under this paragraph may be either general or special.

#### *Directions*

- 14 (1) Different directions may be given under this Chapter for different purposes.
- (2) Directions under this Chapter may be either general or special.
- (3) Directions under this Chapter may apply in relation to local probation boards generally or in relation to one or more local probation boards identified in the directions.

#### *Annual plan*

- 15 (1) A local probation board must, before the beginning of each financial year—

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- (a) prepare a plan setting out how it intends to exercise its functions in that year, having regard to the circumstances prevailing in its area, and dealing with any other matter which the Secretary of State by directions requires it to deal with in respect of that year,
  - (b) send a copy of the plan to the Secretary of State.
- (2) If the plan does not appear to the Secretary of State to be satisfactory, he may direct the local probation board to modify it.

#### *Reports*

- 16 (1) A local probation board must—
- (a) make a report to the Secretary of State on the performance of its functions during each financial year, and
  - (b) arrange for the report to be published.
- (2) The Secretary of State may give directions as to—
- (a) the information to be given in the report and the form in which it is to be given,
  - (b) the time by which the report is to be made,
  - (c) the form and manner in which the report is to be published.

#### *Accounts*

- 17 (1) A local probation board must—
- (a) keep proper accounts and proper records in relation to the accounts,
  - (b) prepare in respect of each financial year of the board a statement of accounts.
- (2) The Comptroller and Auditor General may examine any accounts of a local probation board, any records relating to the accounts and any auditor’s report on them.
- (3) In the <sup>M74</sup>Audit Commission Act 1998—
- (a) in section 11(2) (consideration of reports and recommendations), for paragraph (f) there is substituted—
    - “(f) local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000”,
  - (b) in Schedule 2 (accounts subject to audit), for paragraph 1(p) there is substituted—
    - “(p) a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000”.
- (4) The Secretary of State must prepare in respect of each financial year consolidated accounts of the local probation boards and send them, not later than the time specified in directions given by the Treasury, to the Comptroller and Auditor General.
- (5) The Comptroller and Auditor General must examine and certify the consolidated accounts and lay copies of them, together with his report on them, before the House of Commons.

#### **Marginal Citations**

M74 1998 c. 18.



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### *Complaints*

- 18 Regulations may require each local probation board to make and publicise arrangements for dealing with complaints made by or on behalf of prescribed persons in relation to things done under the arrangements made by the board under section 5.

### *Status*

- 19 A local probation board is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property is not to be regarded as property of, or property held on behalf of, the Crown.

### *Interpretation*

- 20 “Financial year”, in this Schedule, means—
- (a) the period beginning with the date on which the local probation board is established and ending with the next following 31st March, and
  - (b) each successive period of twelve months.]

## [<sup>F115</sup>SCHEDULE 1A

Section 7

### FURTHER PROVISION ABOUT THE INSPECTORATE

#### **Textual Amendments**

**F115** Sch. 1A inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. **31(2)**, 53(1); S.I. 2007/709, art. 3(m) (with art. 6)

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

**C11** Sch. 1A modified (temp.) (1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\)](#), arts. 1(1), **3(10)**

### *Delegation of functions*

- 1 (1) A member of the inspectorate may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If a member of the inspectorate delegates the carrying out of an inspection under subparagraph (1) it is nevertheless to be regarded for the purposes of section 7 and this Schedule as carried out by that member.
- (3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

### *Inspection programmes and inspection frameworks*

- 2 (1) The chief inspector shall from time to time, or at such times as the Secretary of State may specify by order, prepare—

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- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
  - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the chief inspector shall consult the Secretary of State and (subject to sub-paragraph (3))—
- (a) Her Majesty's Chief Inspector of Prisons,
  - (b) Her Majesty's Chief Inspector of Constabulary,
  - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service,
  - (d) Her Majesty's Chief Inspector of Court Administration,
  - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
  - <sup>F116</sup>(f) . . . . .
  - [<sup>F117</sup>(g) the Care Quality Commission,]
  - (h) the Audit Commission for Local Government and the National Health Service in England <sup>F118</sup>...,
  - (i) the Auditor General for Wales, and
  - (j) any other person or body specified by an order made by the Secretary of State,
- and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The requirement in sub-paragraph (2) to consult, and to send copies to, a person or body listed in paragraphs (a) to (j) of that sub-paragraph is subject to any agreement made between the chief inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.
- (4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (5) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectorate from making visits without notice.

#### Textual Amendments

- F116** Sch. 1A para. 2(2)(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 74(2)(a), [Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(z), 36
- F117** Sch. 1A para. 2(2)(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 74\(2\)\(b\)](#); S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)
- F118** Words in Sch. 1A para. 2(2)(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(r), [Sch. 18 Pt. 9](#); S.I. 2008/172, art. 4(a)(n)(i)

#### *Inspections by other inspectors of organisations within inspectorate's remit*

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the chief inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,

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the chief inspector shall, subject to sub-paragraph (7), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.

- (2) The persons or bodies within this sub-paragraph are—
  - (a) Her Majesty's Chief Inspector of Prisons;
  - (b) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
  - <sup>F119</sup>(c) .....
  - <sup>F120</sup>(d) the Care Quality Commission;]
  - (e) the Audit Commission for Local Government and the National Health Service in England <sup>F121</sup>....
- (3) The Secretary of State may by order amend sub-paragraph (2).
- (4) In sub-paragraph (1)(a) “specified organisation” means a person or body specified by an order made by the Secretary of State.
- (5) A person or body may be specified under sub-paragraph (4) only if it exercises functions in relation to any matter falling within the scope of the duties of the inspectorate under section 7.
- (6) A person or body may be specified under sub-paragraph (4) in relation to particular functions that it has.

In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.
- (7) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (8) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.

This is subject to sub-paragraph (9).
- (9) The Secretary of State, if satisfied that the proposed inspection—
  - (a) would not impose an unreasonable burden on the organisation in question, or
  - (b) would not do so if carried out in a particular manner,may give consent to the inspection being carried out, or being carried out in that manner.
- (10) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—
  - (a) provision about the form of notices;
  - (b) provision prescribing the period within which notices are to be given;
  - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
  - (d) provision for revising or withdrawing notices;
  - (e) provision for setting aside notices not validly given.

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#### Textual Amendments

- F119** Sch. 1A para. 3(2)(c) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 74(3)(a), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(z), 36
- F120** Sch. 1A para. 3(2)(d) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 5 para. 74(3)(b)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)
- F121** Words in Sch. 1A para. 3(2)(e) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(r), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)

#### *Co-operation*

- 4 The inspectorate shall co-operate with—
- (a) Her Majesty's Chief Inspector of Prisons,
  - (b) Her Majesty's Inspectors of Constabulary,
  - (c) Her Majesty's Inspectorate of the Crown Prosecution Service,
  - (d) Her Majesty's Chief Inspector of Court Administration,
  - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
  - <sup>F122</sup>(f) .....
  - <sup>F123</sup>(g) the Care Quality Commission,]
  - (h) the Audit Commission for Local Government and the National Health Service in England <sup>F124</sup>....,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by an order made by the Secretary of State,
- where it is appropriate to do so for the efficient and effective discharge of the functions of the inspectorate.

#### Textual Amendments

- F122** Sch. 1A para. 4(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 74(4)(a), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(z), 36
- F123** Sch. 1A para. 4(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 5 para. 74(4)(b)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)
- F124** Words in Sch. 1A para. 4(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(r), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)

#### *Joint action*

- 5 (1) The inspectorate may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of the inspectorate's functions.
- (2) The chief inspector, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a “joint inspection programme”) setting out—
- (a) what inspections the inspectorate proposes to carry out in the exercise of the power conferred by sub-paragraph (1), and
  - (b) what inspections the chief inspectors within sub-paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.

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- (3) The chief inspectors within this sub-paragraph are—
  - (a) Her Majesty's Chief Inspector of Prisons;
  - (b) Her Majesty's Chief Inspector of Constabulary;
  - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service;
  - (d) Her Majesty's Chief Inspector of Court Administration.
- (4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
- (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.
- (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

*Assistance for other public authorities*

- 6 (1) The chief inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the chief inspector thinks fit.]

SCHEDULE 2

Section 11.

CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

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

**C12** Sch. 2: transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4

*Constitution*

- 1 The Service is to consist of a chairman, and not less than [<sup>F125</sup>nine] other members, appointed by the [<sup>F126</sup>Secretary of State].

**Textual Amendments**

**F125** Word in Sch. 2 para. 1 substituted (1.4.2005) by [Children Act 2004 \(c. 31\)](#), s. 67(6), [Sch. 3 para. 14](#); [S.I. 2005/700](#), art. 2(2)

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), [Sch. para. 4\(4\)](#)

- 2 (1) Regulations may provide—
  - (a) for the appointment of the chairman and other members and for the co-option by the Service for particular purposes of additional members (including the

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number, or limits on the number, of persons who may be appointed or co-opted and any conditions to be fulfilled for appointment or co-option),

- (b) for the tenure of office of the chairman and other members and any co-opted members (including the circumstances in which they cease to hold office or may be removed or suspended from office).

- (2) References below in this Schedule to members of the Service do not include co-opted members.

*Remuneration etc. of members*

- 3 (1) The Service may pay, or make provision for paying, to or in respect of any person who is or has been the chairman or another member—
- (a) any remuneration, fees or expenses,  
 (b) any pension, allowance or gratuity,  
 determined by the [<sup>F126</sup>Secretary of State].
- (2) The Service may, to any extent determined by the [<sup>F126</sup>Secretary of State], reimburse any co-opted members for any expenses or loss of earnings.
- (3) Where a person ceases to be chairman or another member of the Service otherwise than on the expiry of his term of office and it appears to the [<sup>F126</sup>Secretary of State] that there are circumstances which make it right for that person to receive compensation, the Service may pay that person an amount determined by the [<sup>F126</sup>Secretary of State].

**Textual Amendments**

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

*Procedure*

- 4 Regulations may provide for—
- (a) the establishment and functions of committees (including committees which include persons who are not the chairman or another member of the Service),  
 (b) the procedure of the Service and of any of its committees (including quorum and the validation of proceedings in the event of vacancies or defects in appointment).

*Staff and other officers*

- 5 (1) The Service may appoint—
- (a) staff to perform the functions of officers of the Service, and  
 (b) other staff.
- (2) Regulations may make provision as to the qualifications, experience or training to be required of officers of the Service (whether or not appointed under sub-paragraph (1) (a)).
- (3) One of the staff appointed under sub-paragraph (1)(b) is to be the chief executive.

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- (4) The Service must not appoint a person—
- (a) as chief executive, or
  - (b) as a member of the staff of a description specified in a direction given by the [<sup>F126</sup>Secretary of State],
- without the approval of the [<sup>F126</sup>Secretary of State].

**Textual Amendments**

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 6
- (1) Staff of the Service are to be appointed on terms and conditions determined by the Service as to—
- (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity.
- (2) It is for the Service to determine the terms and conditions of any arrangements under section 13(4) under which individuals perform the functions of officers of the Service.
- (3) But a determination under this paragraph requires the approval of the [<sup>F126</sup>Secretary of State].

**Textual Amendments**

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

*Delegation*

- 7
- The Service may arrange for the chairman or any other member to discharge functions of the Service on its behalf.

*Payments to the Service*

- 8
- (1) The [<sup>F126</sup>Secretary of State] may, at any time, pay to the Service any amount he considers appropriate.
- (2) If he considers it appropriate, he may make any payment on conditions.

**Textual Amendments**

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**



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### *Supervision*

- 9 (1) Functions and other powers of the Service, and functions of any officer of the Service, must be performed in accordance with any directions given by the [F126Secretary of State].
- (2) In particular, the directions may make provision for the purpose of ensuring that the services provided are of appropriate quality and meet appropriate standards.
- (3) The Service must provide the [F126Secretary of State] with any information relating to the performance of its functions which he may from time to time require.

#### **Textual Amendments**

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

### *Ancillary powers*

- 10 (1) Subject to any directions given by the [F126Secretary of State], the Service may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) holding land and other property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of performing its functions,
  - (d) accepting gifts.
- (3) But the Service may not borrow money, whether by way of overdraft or otherwise, without the approval of the [F126Secretary of State].

#### **Textual Amendments**

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

### *Directions*

- 11 (1) Different directions may be given under this Schedule for different purposes.
- (2) Directions under this Schedule may be either general or special.

### *Reports and accounts*

- 12 (1) The Service must make a report to the [F126Secretary of State] in respect of each financial year on the performance of its functions.
- (2) The [F126Secretary of State] may give directions as to—
- (a) the information to be given in the report and the form in which it is to be given, and

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- (b) the time by which the report is to be given.
- (3) The [F126Secretary of State] must—
  - (a) lay a copy of the report before each House of Parliament,
  - (b) arrange for the report to be published in a manner he considers appropriate.

#### Textual Amendments

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 13 (1) The Service must—
- (a) keep proper accounts and proper records in relation to the accounts,
  - (b) prepare in respect of each financial year of the Service a statement of accounts, and
  - (c) send copies of the statement to the [F126Secretary of State] and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the [F126Secretary of State] as to—
- (a) the information to be contained in it,
  - (b) the manner in which the information contained in it is to be presented,
  - (c) the methods and principles according to which the statement is to be prepared,
- and must contain any additional information the [F126Secretary of State] may require to be provided for the information of Parliament.
- (3) The Service must, in accordance with directions given by the [F126Secretary of State]—
- (a) appoint an auditor who is not a member of the Service’s staff, and
  - (b) ensure that the auditor makes a report to the [F126Secretary of State] about the preparation of the accounts and about the statement of accounts.
- (4) The Comptroller and Auditor General must examine, certify and report on the statement of accounts and must lay copies of the statement and of his report before each House of Parliament.

#### Textual Amendments

**F126** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 14 “Financial year”, in this Schedule, means—
- (a) the period beginning with the date on which the Service is established and ending with the next following 31st March, and
  - (b) each successive period of twelve months.

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### *Complaints*

- 15 The Service must make and publicise a scheme for dealing with complaints made by or on behalf of prescribed persons in relation to the performance by the Service and its officers of their functions.

### *Status*

- 16 The Service is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property is not to be regarded as property of, or property held on behalf of, the Crown.

### *General*

- 17 In Schedule 2 to the <sup>M75</sup>Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), at the appropriate place there is inserted—

“Children and Family Court Advisory and Support Service.”

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**Marginal Citations**

**M75** 1967 c. 13.

- 18 (1) Employment with the Service shall be included in the kinds of employment to which a scheme under section 1 of the <sup>M76</sup>Superannuation Act 1972 can apply.
- (2) The Service must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to subparagraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

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**Marginal Citations**

**M76** 1972 c. 11.

- 19 In Part II of Schedule 1 to the <sup>M77</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place there is inserted—

“The Children and Family Court Advisory and Support Service”

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**Marginal Citations**

**M77** 1975 c. 24.

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## SCHEDULE 3

Section 19.

### TRANSFER OF PROPERTY

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

**C13** Sch. 3: transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4

#### Commencement Information

**I17** Sch. 3: s. 19 (which induces Sch. 3) wholly in force at Royal Assent; Sch. 3 expressed to be brought into force at 1.4.2001 by [S.I. 2001/919](#), art. 2(e)

- 1 A scheme may, in particular—
  - (a) provide for the creation of rights or interests, or the imposition of liabilities or conditions, in relation to property transferred, or rights or interests acquired, by virtue of the scheme,
  - (b) provide for any property, liabilities or conditions to be determined under the scheme.
- 2
  - (1) A scheme is to have effect in relation to any property or liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property or liabilities.
  - (2) A right of pre-emption, right of reverter or other similar right is not to operate or become exercisable as a result of any transfer of property by virtue of the scheme.
  - (3) In the case of such a transfer, any such right is to have effect as if the transferee were the same person in law as the transferor and as if no transfer of the property had taken place.
- 3
  - (1) Such compensation as is just is to be paid to any person in respect of any right which would, apart from paragraph 2, have operated in favour of, or become exercisable by, that person but which, in consequence of the operation of that paragraph, cannot subsequently operate in his favour or (as the case may be) become exercisable by him.
  - (2) Any compensation payable by virtue of sub-paragraph (1) is to be paid by the transferor or by the transferee or by both.
  - (3) A scheme may provide for the determination of any disputes as to whether and, if so, how much, compensation is payable by virtue of sub-paragraph (1) and as to the person to whom or by whom it is to be paid.
- 4 Paragraphs 2 and 3 apply in relation to the creation of rights or interests, or the doing of anything else, in relation to property as they apply in relation to a transfer of property; and references to the transferor and transferee are to be read accordingly.
- 5 A certificate issued by the [<sup>F127</sup>Secretary of State] that any property or liability has, or has not, been transferred by virtue of a scheme is conclusive evidence of the transfer or (as the case may be) the fact that there has not been a transfer.

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**Textual Amendments**  
**F127** Words in Sch. 3 para. 5 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(2)**

<sup>F128</sup>SCHEDULE 4

Section 26.

MEANING OF “OFFENCE AGAINST A CHILD”

**Textual Amendments**  
**F128** Sch. 4 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes, 17.6.2013 in so far as not already in force) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 3; S.I. 2010/1101, art. 5; S.I. 2012/2231, art. 4 (see S.I. 2013/1180, art. 2(b))

- [<sup>F128</sup>1 The offences mentioned in paragraph (a) of subsection (1) of section 26 are—
- (a) an offence under section 1 of the <sup>M78</sup>Children and Young Persons Act 1933 (cruelty to children),
  - (b) an offence under section 1 of the <sup>M79</sup>Infanticide Act 1938 (infanticide),
  - <sup>F129</sup>(c) .....
  - <sup>F129</sup>(d) .....
  - <sup>F129</sup>(e) .....
  - <sup>F129</sup>(f) .....
  - <sup>F129</sup>(g) .....
  - <sup>F129</sup>(h) .....
  - <sup>F129</sup>(i) .....
  - (j) an offence under section 1 of the <sup>M80</sup>Protection of Children Act 1978 (indecent photographs of children),
  - (k) an offence under section 1 of the <sup>M81</sup>Child Abduction Act 1984 (abduction of child by parent),
  - (l) an offence under section 160 of the <sup>M82</sup>Criminal Justice Act 1988 (possession of indecent photograph of child),
  - [<sup>F130</sup>(m) an offence under any of sections 5 to 26 and 47 to 50 of the Sexual Offences Act 2003 (offences against children).]

**Extent Information**  
**E11** sch.4 para.1 extends to UK.see s.81(1)(2)(a) for th eextent

**Textual Amendments**  
**F129** Sch. 4 paras. 1(c)-(i) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, **Sch. 7**; S.I. 2004/874, art. 2  
**F130** Sch. 4 para. 1(m) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, **Sch. 6 para. 44(5)** (a); S.I. 2004/874, art. 2

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### Marginal Citations

- M78 1933 c. 12.
- M79 1938 c. 36.
- M80 1978 c. 37.
- M81 1984 c. 37.
- M82 1988 c. 33.

- 2 The offences mentioned in paragraph (b) of that subsection are—
- (a) murder,
  - (b) manslaughter,
  - (c) kidnapping,
  - (d) false imprisonment,
  - (e) an offence under section 18 or 20 of the Offences against the <sup>M83</sup>Person Act 1861 (wounding and causing grievous bodily harm),
  - (f) an offence under section 47 of that Act (assault occasioning actual bodily harm),
  - <sup>F131</sup>(g) .....
  - <sup>F131</sup>(h) .....
  - <sup>F131</sup>(i) .....
  - <sup>F131</sup>(j) .....
  - <sup>F131</sup>(k) .....
  - <sup>F131</sup>(l) .....
  - <sup>F131</sup>(m) .....
  - <sup>F132</sup>[<sup>F133</sup>(n) an offence under any of sections 1 to 4, 30 to 41, 52, 53, 57 to 61, 66 and 67 of the Sexual Offences Act 2003.]
  - <sup>F134</sup>(o) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation). ]

### Extent Information

- E12 Sch. 4 para. 2 extends to UK, see s. 81(1)(2)(a) for the extent

### Textual Amendments

- F131 Sch. 4 paras. 2(g)-(m) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); [S.I. 2004/874](#), art. 2
- F132 Sch. 4 para. 2(n) inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 146\(4\)](#), [162\(2\)](#) (with s. 159); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)
- F133 Sch. 4 para. 2(n) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 6 para. 44\(5\)\(b\)](#); [S.I. 2004/874](#), art. 2
- F134 Sch. 4 para. 2(o) inserted (1.12.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 5\(6\)](#), [48\(3\)](#); [S.I. 2004/494](#); [S.I. 2004/2999](#), art. 2, [Sch.](#)

### Marginal Citations

- M83 1861 c. 100.

- 3 A person falls within this paragraph if—
- (a) he commits an offence under section 16 of the Offences against the <sup>M84</sup>Person Act 1861 (threats to kill) by making a threat to kill a child,

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- F135(b) .....
- F135(c) .....
- F135(d) .....
- F135(e) .....
- F135(f) .....
- F135(g) .....
- F135(h) .....
- F135(i) .....
- F135(j) .....
- F135(k) .....
- F135(l) .....
- F135(m) .....
- F135(n) .....
- F135(o) .....
- F135(p) .....
- F135(q) .....
- F135(r) .....
- (s) he commits an offence under section 4(3) of the <sup>M85</sup>Misuse of Drugs Act 1971 by—
- (i) supplying or offering to supply a Class A drug to a child,
- (ii) being concerned in the supplying of such a drug to a child, or
- (iii) being concerned in the making to a child of an offer to supply such a drug,
- [<sup>F136</sup>(sa) he commits an offence under section 62 or 63 of the Sexual Offences Act 2003 (committing an offence or trespassing with intent to commit a sexual offence) in a case where the intended offence was an offence against a child.]
- [<sup>F137</sup>(sb) he commits an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult) in respect of a child.]
- (t) he commits an offence of—
- (i) aiding, abetting, counselling, procuring or inciting the commission of an offence against a child, or
- (ii) conspiring or attempting to commit such an offence.]

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#### **Extent Information**

**E13** sch.4 para.3 extends to UK.see s.81(1)(2)(a) for the extent

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#### **Textual Amendments**

**F135** Sch. 4 paras. 3(b)-(r) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); [S.I. 2004/874](#), art. 2

**F136** Sch. 4 para. 3(sa) inserted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 6 para. 44\(5\)](#) (c); [S.I. 2004/874](#), art. 2



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**F137** Sch. 4 para. 3(sb) inserted (21.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), s. 60, **Sch. 10 para. 56**; S.I. 2005/579, art. 2(c)

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

**C14** Sch. 4 para. 3(t)(i) modified (E.W.N.I.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 40** (with **Sch. 13 para. 5**); S.I. 2008/2504, art. 2(a)

**Marginal Citations**

**M84** 1861 c. 100.

**M85** 1971 c. 38.

**F138**SCHEDULE 5

Section 66.

**Textual Amendments**

**F138** Sch. 5 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, **Sch. 6 para. 44(6)**, **Sch. 7**; S.I. 2004/874, art. 2

SCHEDULE 6

Section 70.

TRIGGER OFFENCES

**Commencement Information**

**I18** Sch. 6 wholly in force at 2.7.2001; Sch. 6 not in force at Royal Assent see s. 80; Sch. 6 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by **S.I. 2001/2232, art. 2(1)**

1 Offences under the following provisions of the **M86**Theft Act 1968 are trigger offences:

- section 1 (theft)
- section 8 (robbery)
- section 9 (burglary)
- section 10 (aggravated burglary)
- section 12 (taking motor vehicle or other conveyance without authority)
- section 12A (aggravated vehicle-taking)
- F139**  
...
- [**F140**section 22 (handling stolen goods)]
- section 25 (going equipped for stealing, etc.)

**Textual Amendments**

**F139** Words in Sch. 6 para. 1 repealed (15.1.2007) by Fraud Act 2006 (c. 35), s. 15(1), **Sch. 1 para. 32(1)**, **Sch. 3**; S.I. 2006/3200, art. 2

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**F140** Words in Sch. 6 para. 1 inserted (27.7.2004) by [The Criminal Justice and Court Services Act 2000 \(Amendment\) Order 2004 \(S.I. 2004/1892\)](#), arts. 1(1), **2(2)**

#### Commencement Information

**I19** Sch. 6 wholly in force at 2.7.2001; Sch. 6 not in force at Royal Assent see s. 80; Sch. 6 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), **art. 2(I)**

#### Marginal Citations

**M86** 1968 c. 60.

2 Offences under the following provisions of the <sup>M87</sup>Misuse of Drugs Act 1971 are trigger offences, if committed in respect of a specified Class A drug:

#### Commencement Information

**I20** Sch. 6 wholly in force at 2.7.2001; Sch. 6 not in force at Royal Assent see s. 80; Sch. 6 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), **art. 2(I)**

#### Marginal Citations

**M87** 1971 c. 38.

[<sup>F1413</sup> Offences under the following provisions of the Fraud Act 2006 are trigger offences—  
     section 1 (fraud)  
     section 6 (possession etc. of articles for use in frauds)  
     section 7 (making or supplying articles for use in frauds).]

#### Textual Amendments

**F141** Sch. 6 para. 3 inserted (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 15(1), **Sch. 1 para. 32(2)**; [S.I. 2006/3200](#), art. 2

[<sup>F142</sup>[<sup>F143</sup>3A. An offence under section 1(1) of the Criminal Attempts Act 1981 is a trigger offence, if committed in respect of an offence under—  
     (a) any of the following provisions of the Theft Act 1968:  
         section 1 (theft)  
         section 8 (robbery)  
         section 9 (burglary)  
         section 22 (handling stolen goods), or  
     (b) section 1 of the Fraud Act 2006 (fraud).]

#### Textual Amendments

**F142** substituted (1.8.2007) by [The Criminal Justice and Court Services Act 2000 \(Amendment\) Order 2007 \(S.I. 2007/2171\)](#), arts. 1(1), **2**

**F143** Sch. 6 para. 3, para. 4 inserted (27.7.2004) by [The Criminal Justice and Court Services Act 2000 \(Amendment\) Order 2004 \(S.I. 2004/1892\)](#), arts. 1(1), **2(3)**

4. Offences under the following provisions of the Vagrancy Act 1824 are trigger offences:

*Status:* Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.  
*Changes to legislation:* Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

section 3 (begging)  
section 4 (persistent begging).]

**Textual Amendments**

**F143** Sch. 6 para. 3, para. 4 inserted (27.7.2004) by [The Criminal Justice and Court Services Act 2000 \(Amendment\) Order 2004 \(S.I. 2004/1892\)](#), arts. 1(1), **2(3)**

SCHEDULE 7

Section 74.

MINOR AND CONSEQUENTIAL AMENDMENTS

**PART I**

NEW NAMES

*Community rehabilitation orders*

**F144**<sub>1</sub> .....

**Textual Amendments**

**F144** Sch. 7 paras. 1-3 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

*Community punishment orders*

**F144**<sub>2</sub> .....

**Textual Amendments**

**F144** Sch. 7 paras. 1-3 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

*Community punishment and rehabilitation orders*

**F144**<sub>3</sub> .....

**Status:** Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.  
**Changes to legislation:** Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

### Textual Amendments

**F144** Sch. 7 paras. 1-3 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

### *Officers of local probation boards*

- 4 (1) In the following enactments—
- (a) for “a probation officer” there is substituted “ an officer of a local probation board ”,
  - (b) for “the probation officer” there is substituted “ the officer of a local probation board ”.
- (2) The enactments are—
- In the <sup>M88</sup>Children and Young Persons Act 1969—
    - section 23(4) (as it has effect pursuant to section 98(3) of the <sup>M89</sup>Crime and Disorder Act 1998 (alternative provision for 15 and 16 year old boys)),
    - in section 34, subsections (2) and (3).
  - In the <sup>M90</sup>Criminal Procedure (Insanity and Unfitness to Plead) Act 1991—
    - in Schedule 2, in paragraph 3, sub-paragraphs (1)(b) and (3).
  - In the <sup>M91</sup>Criminal Justice Act 1991—
    - section 37(4A)(a),
    - section 43(5),
    - in section 65, subsections (1)(a) and (1A) (in both places),
    - in Schedule 3, paragraph 11(5)(b).
  - In the <sup>M92</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993—
    - sections 12(2)(a) and 15(4).
  - In the <sup>M93</sup>Criminal Procedure (Scotland) Act 1995—
    - sections 209(3)(a) and 234(1)(a).
  - In the <sup>M94</sup>Crime (Sentences) Act 1997—
    - section 31(2A)(a).
  - In the Crime and Disorder Act 1998—
    - sections 8(8)(a), 18(3) (in both places) and 39(5)(a).
  - In the <sup>M95</sup>Powers of Criminal Courts (Sentencing) Act 2000—
    - in section 41, subsections (4), (5)(a), (6) and (9)(a) and (b),
    - in section 46, subsections (5)(a) and (b) and (11)(a) and (b),
    - in section 54, subsections (2) and (3),
    - in section 57, subsections (1) to (4),
    - F145** ...
    - F145** ...
    - section 73(5),
    - in section 74, subsections (5)(a) and (6),
    - in section 103, subsections (3)(a) and (4) (in both places),

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in section 122, subsections (2) and (5),  
sections 157(1)(a) and 162(2)(a) and (b),  
in Schedule 2—  
paragraph 2(2)(a)(i) and (ii),  
paragraph 3(2)(a) and (b).

#### Textual Amendments

**F145** Sch. 7 para. 4(2) entries repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, art. 2(u)(xxix)

#### Marginal Citations

**M88** 1969 c. 54.  
**M89** 1998 c. 37.  
**M90** 1991 c. 25.  
**M91** 1991 c. 53.  
**M92** 1993 c. 9.  
**M93** 1995 c. 46.  
**M94** 1997 c. 43.  
**M95** 2000 c. 6.

## PART II

### GENERAL

PROSPECTIVE

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

5 In section 49(6)(c) of the Children and Young Persons Act 1933 (restrictions on reports of proceedings), for “21” there is substituted “ 18 ”.

#### *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

6 In Part I of the Second Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (capacities in respect of which payments may be made under Part V, and paying authorities), for paragraphs 6 and 7 there is substituted—

“6. Member of the staff of a local probation board or of two or more local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000

The local probation board or, as the case may be, the local probation boards acting jointly.

7. Chief officer of a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000

The Secretary of State.”

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PROSPECTIVE

*Prison Act 1952 (c. 52)*

- 7 The Prison Act 1952 is amended as follows.
- 8 In section 13(2) (legal custody of prisoner), for “section 95, 98, 99 or 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “section 99 of the <sup>M96</sup>Powers of Criminal Courts (Sentencing) Act 2000 or section 61 of the Criminal Justice and Court Services Act 2000”.

**Marginal Citations**

**M96** 2000 c. 6.

- 9 In section 37(4) (closing of prisons), “remand centre” is omitted.
- 10 In section 43 (remand centres, detention centres and youth custody centres)—
- (a) in subsection (2)—
    - (i) in paragraph (a), for “21” there is substituted “18” and “a remand centre or” is omitted,
    - (ii) paragraphs (b) and (c) are omitted,
  - (b) subsection (3) is omitted,
  - (c) in subsection (4), “remand centres” is omitted,
  - (d) subsection (7) is omitted.
- 11 In section 47 (rules for the management of prisons, remand centres, detention centres and borstal institutions)—
- (a) in subsection (1) and the sidenote, “remand centres” is omitted,
  - (b) in subsection (5), “remand centre” is omitted.

*Army Act 1955 (c. 18)*

- 12 The Army Act 1955 is amended as follows.

PROSPECTIVE

- 13 In section 57(2A) (offences in relation to courts-martial), for “twenty-one” there is substituted “eighteen”.
- 14 In section 71(1) (punishments which may be awarded by sentence of a court-martial), after paragraph (bb) there is inserted—
- “(bc) order that the convicted person be disqualified from working with children”.
- 15 (1) In section 71A (juveniles)—
- (a) in subsections (1), (1D) and (1E)(i), for “21” there is substituted “18”,
  - (b) subsections (1A) to (1C) are omitted,
  - (c) in subsection (1D), paragraph (b) and the “and” preceding it are omitted,
  - (d) in subsection (1E), paragraph (b) and the “or” preceding it are omitted,

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*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

- (e) in subsection (3), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
- (f) in subsection (4), for “an adult” (in both places) there is substituted “ a person who has attained 18 years of age ”,
- (g) in subsection (5), “custody for life or” and “and to a sentence of custody for life” are omitted.

(2) Sub-paragraph (1)(e) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**I21** Sch.7 para.15 partly in force:Sch.7 para.15(1)(e) and (2) comes into force at RA.see s.80(3)(d)

#### PROSPECTIVE

- 16 In section 71AA (young service offenders: custodial orders)—
- (a) in subsection (1)—
    - (i) for “twenty-one” (in both places) there is substituted “ eighteen ”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall be not less than the period of two months; and”,
  - (b) in subsection (1AA), “aged 17” is omitted,
  - (c) in paragraph (a) of subsection (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the <sup>M97</sup>Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
  - (d) in subsection (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.

#### Marginal Citations

**M97** 2000 c. 6.

#### PROSPECTIVE

- 17 In section 71AB(1) (reasons to be given where custodial sentence awarded to young offender), paragraph (b) and the “or” preceding it are omitted.
- 18 (1) Schedule 5A (powers of court on trial of civilian) is amended as follows.
- (2) In paragraph 10—
- (a) in sub-paragraph (1)—
    - (i) for “under 21” there is substituted “ under 18 ” and for “age of 21” there is substituted “ age of 18 ”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall not be less than the period of two months;”,



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*Changes to legislation:* Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

- (b) in sub-paragraph (1A), “under 18 years of age” is omitted,
- (c) in sub-paragraph (1AA)(a), for “21” there is substituted “ 18 ”,
- (d) in paragraph (a) of sub-paragraph (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the <sup>M98</sup>Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
- (e) in sub-paragraph (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.

(3) In paragraph 15—

- (a) in sub-paragraph (3), in paragraphs (a) and (b), for “21” there is substituted “ 18 ”,
- (b) in the table—
  - (i) in the heading to the first column, for “21” there is substituted “ 18 ”,
  - (ii) for the heading to the second column there is substituted “ Offender aged 17 but under 18 ”,
  - (iii) in the second column, “Custody for life” is omitted,
- (c) in the note following the table—
  - (i) in sub-paragraph (a), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
  - (ii) in sub-paragraph (i), for “custody for life” there is substituted “ a custodial order ”.

(4) Sub-paragraph (3)(c)(i) has effect in relation to sentences passed after the coming into force of section 60.

**Commencement Information**

**I22** Sch.7 para.18 partly in force:Sch.7 para.18(3)(c)(i) and (4) comes into force at RA.see s.80(3)(d)

**Marginal Citations**

**M98** 2000 c. 6.

*Air Force Act 1955 (c. 19)*

19 The Air Force Act 1955 is amended as follows.

PROSPECTIVE

20 In section 57(2A) (offences in relation to courts-martial), for “twenty-one” there is substituted “ eighteen ”.

21 In section 71(1) (punishments which may be awarded by sentence of a court-martial), after paragraph (bb) there is inserted—  
“(bc) order that the convicted person be disqualified from working with children”.

22 (1) In section 71A (juveniles)—  
(a) in subsections (1), (1D) and (1E)(i), for “21” there is substituted “ 18 ”,

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*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

- (b) subsections (1A) to (1C) are omitted,
- (c) in subsection (1D), paragraph (b) and the “and” preceding it are omitted,
- (d) in subsection (1E), paragraph (b) and the “or” preceding it are omitted,
- (e) in subsection (3), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
- (f) in subsection (4), for “an adult” (in both places) there is substituted “ a person who has attained 18 years of age ”,
- (g) in subsection (5), “custody for life or” and “and to a sentence of custody for life” are omitted.

(2) Sub-paragraph (1)(e) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**I23** Sch.7 para.22 partly in force:Sch.7 para.22(1)(e) and (2) comes into force at RA.see s.80(3)(d)

#### PROSPECTIVE

- 23 In section 71AA (young service offenders: custodial orders)—
- (a) in subsection (1)—
    - (i) for “twenty-one” (in both places) there is substituted “ eighteen ”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall be not less than the period of two months; and”,
  - (b) in subsection (1AA), “aged 17” is omitted,
  - (c) in paragraph (a) of subsection (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the <sup>M99</sup>Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
  - (d) in subsection (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.

#### Marginal Citations

**M99** 2000 c. 6.

#### PROSPECTIVE

- 24 In section 71AB(1) (reasons to be given where custodial sentence awarded to young offender), paragraph (b) and the “or” preceding it are omitted.
- 25 (1) Schedule 5A (powers of court on trial of civilian) is amended as follows.
- (2) In paragraph 10—
- (a) in sub-paragraph (1)—

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- (i) for “under 21” there is substituted “ under 18 ” and for “age of 21” there is substituted “ age of 18 ”,
  - (ii) for paragraph (a) there is substituted—
    - “(a) shall not be less than the period of two months;”,
  - (b) in sub-paragraph (1A), “under 18 years of age” is omitted,
  - (c) in sub-paragraph (1AA)(a), for “21” there is substituted “ 18 ”,
  - (d) in paragraph (a) of sub-paragraph (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
  - (e) in sub-paragraph (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.
- (3) In paragraph 15—
- (a) in sub-paragraph (3), in paragraphs (a) and (b), for “21” there is substituted “ 18 ”,
  - (b) in the table—
    - (i) in the heading to the first column, for “21” there is substituted “ 18 ”,
    - (ii) for the heading to the second column there is substituted “ Offender aged 17 but under 18 ”,
    - (iii) in the second column, “Custody for life” is omitted,
  - (c) in the note following the table—
    - (i) in sub-paragraph (a), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
    - (ii) in sub-paragraph (i), for “custody for life” there is substituted “ a custodial order ”.
- (4) Sub-paragraph (3)(c)(i) has effect in relation to sentences passed after the coming into force of section 60.

#### **Commencement Information**

**I24** Sch.7 para.25 partly in force:Sch.7 para.25(3)(c)(i) and (4) comes into force at RA.see s.80(3)(d)

#### *Naval Discipline Act 1957 (c. 53)*

26 The Naval Discipline Act 1957 is amended as follows.

PROSPECTIVE

- 27 In section 38(3A) (offences in relation to courts-martial), for “twenty-one” there is substituted “ eighteen ”.
- 28 In section 43(1) (punishments which may be awarded to persons convicted of offences under Part I of that Act), after paragraph (bb) there is inserted—
  - “(bc) order that the convicted person be disqualified from working with children”.
- 29 (1) In section 43A (juveniles)—

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*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

- (a) in subsections (1), (1D) and (1E)(i), for “21” there is substituted “ 18 ”,
- (b) subsections (1A) to (1C) are omitted,
- (c) in subsection (1D), paragraph (b) and the “and” preceding it are omitted,
- (d) in subsection (1E), paragraph (b) and the “or” preceding it are omitted,
- (e) in subsection (3), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
- (f) in subsection (4), for “an adult” (in both places) there is substituted “ a person who has attained 18 years of age ”,
- (g) in subsection (5), “custody for life or” and “and to a sentence of custody for life” are omitted.

(2) Sub-paragraph (1)(e) has effect in relation to sentences passed after the coming into force of section 60.

#### Commencement Information

**I25** Sch.7 para.29 partly in force:Sch.7 para.29(1)(e) and (2) comes into force at RA. see s.80(3)(d)

#### PROSPECTIVE

- 30 In section 43AA (young service offenders: custodial orders)—
- (a) in subsection (1)—
    - (i) for “twenty-one” (in both places) there is substituted “ eighteen ”,
    - (ii) for paragraph (a) there is substituted—
      - “(a) shall be not less than the period of two months; and”,
  - (b) in subsection (1AA), “aged 17” is omitted,
  - (c) in paragraph (a) of subsection (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the <sup>M100</sup>Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
  - (d) in subsection (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.

#### Marginal Citations

**M100** 2000 c. 6.

#### PROSPECTIVE

- 31 In section 43AB(1) (reasons to be given where custodial sentence awarded to young offender), paragraph (b) and the “or” preceding it are omitted.
- 32 (1) Schedule 4A (powers of court on trial of civilian) is amended as follows.
- (2) In paragraph 10—
- (a) in sub-paragraph (1)—

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- (i) for “under 21” there is substituted “ under 18 ” and for “age of 21” there is substituted “ age of 18 ”,
  - (ii) for paragraph (a) there is substituted—
    - “(a) shall not be less than the period of two months; and”,
  - (b) in sub-paragraph (1A), “under 18 years of age” is omitted,
  - (c) in sub-paragraph (1AA)(a), for “21” there is substituted “ 18 ”,
  - (d) in paragraph (a) of sub-paragraph (6), for the words from “any institution” to the end of the paragraph there is substituted “ such secure accommodation (within the meaning of section 107 of the Powers of Criminal Courts (Sentencing) Act 2000) as may be determined by the Secretary of State or by such other person as may be authorised by him for that purpose ”,
  - (e) in sub-paragraph (6A), for “detention in a young offender institution” there is substituted “ imprisonment ”.
- (3) In paragraph 15—
- (a) in sub-paragraph (3), in paragraphs (a) and (b), for “21” there is substituted “ 18 ”,
  - (b) in the table—
    - (i) in the heading to the first column, for “21” there is substituted “ 18 ”,
    - (ii) for the heading to the second column there is substituted “ Offender aged 17 but under 18 ”,
    - (iii) in the second column, “Custody for life” is omitted,
  - (c) in the note following the table—
    - (i) in sub-paragraph (a), after “murder” there is inserted “ or any other offence the sentence for which is fixed by law as life imprisonment ”,
    - (ii) in sub-paragraph (i), for “custody for life” there is substituted “ a custodial order ”.
- (4) Sub-paragraph (3)(c)(i) has effect in relation to sentences passed after the coming into force of section 60.

**Commencement Information**

**I26** Sch.7 para.32 partly in force:Sch.7 para.32(3)(c)(i) and (4) comes into force at RA.see s.80(3)(d)

PROSPECTIVE

*Criminal Justice Act 1961 (c. 39)*

33

In section 23(4) of the Criminal Justice Act 1961 (prison rules), for “secure training centres and remand centres” there is substituted “ and secure training centres ”.

*Status:* Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.  
*Changes to legislation:* Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

PROSPECTIVE

*Criminal Justice Act 1967 (c. 80)*

- 34 The Criminal Justice Act 1967 is amended as follows.
- 35 In section 34 (committal of persons under twenty-one accused of extradition crimes etc.), for “twenty-one” there is substituted “eighteen”.
- 36 In section 67(6) (computation of sentences of imprisonment passed in England and Wales), “to a remand centre or” is omitted.

*Social Work (Scotland) Act 1968 (c. 49)*

- 37 In section 94(1) of the Social Work (Scotland) Act 1968 (interpretation)—
- (a) at the appropriate place there is inserted—
- ““community rehabilitation order” has the meaning given by section 43 of the Criminal Justice and Court Services Act 2000”,
- <sup>F146</sup>(b) .....

**Textual Amendments**

**F146** Sch. 7 para. 37(b) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, art. 2(u)(xxix)

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

- 38 The Children and Young Persons Act 1969 is amended as follows.

PROSPECTIVE

<sup>F147</sup>39 .....

**Textual Amendments**

**F147** Sch. 7 para. 39 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 46\(3\)](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 40 In section 34(3) (transitional modifications of Part I), for “probation committee” there is substituted “local probation board”.
- 41 In section 46(1) (discontinuance of approved schools etc.), “within the meaning of the <sup>M101</sup>Probation Service Act 1993” is omitted.

**Marginal Citations**

**M101** 1993 c. 47.

- 42 In section 70(1) (general interpretation), at the appropriate place there is inserted—

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*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
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““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.

- 43 (1) Schedule 3 (approved schools and other institutions) is amended as follows.
- (2) In paragraph 6(1), after “<sup>M102</sup>Probation Service Act 1993” there is inserted “ or section 3, 5 or 9 of the Criminal Justice and Court Services Act 2000 ”.
- (3) In paragraph 9—
- (a) in sub-paragraph (2)—
- (i) for “either” there is substituted “ any ”,
- (ii) in paragraph (a), “or” is omitted,
- (iii) after paragraph (b) there is inserted—
- “(c) section 3 of the Criminal Justice and Court Services Act 2000 (functions of the Secretary of State);
- (d) section 5 of that Act (functions of local probation boards); or
- (e) section 9 of that Act (approved premises),”
- (b) for sub-paragraph (4)(b) there is substituted—
- “(b) the amount which in his opinion represents the proportion of the contributions paid by local authorities under section 90 of the Act of 1933 or (as the case may be) the proportion of the sums paid by—
- (i) probation committees under rules made under the Probation Service Act 1993,
- (ii) the Secretary of State under section 3 or 9 of the Criminal Justice and Court Services Act 2000, and
- (iii) local probation boards under section 5 of that Act, which (in either case) should be treated as having been paid on account of expenditure of a capital nature in connection with the former approved institution;”.
- (4) In paragraph 10(4)(b), after “Probation Service Act 1993” there is inserted “ or under section 3, 5 or 9 of the Criminal Justice and Court Services Act 2000 ”.

**Marginal Citations**

**M102** 1993 c. 47.

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 44 (1) Subject to sub-paragraph (2), in section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” includes a local probation board established under section 4 of this Act.
- (2) An order under section 1(5) of the Local Authorities (Goods and Services) Act 1970 (power to provide that a person or description of persons shall be a public body for the purposes of that Act) may repeal the provisions of sub-paragraph (1) above as they apply to a local probation board specified in the order.



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*Changes to legislation:* Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

*Pensions (Increase) Act 1971 (c. 56)*

- 45 In Schedule 2 to the <sup>M103</sup>Pensions (Increase) Act 1971 (official pensions), after paragraph 53 there is inserted—
- “53A A pension payable in accordance with regulations under section 7 of the <sup>M104</sup>Superannuation Act 1972 in respect of service as chairman, chief officer, member or member of the staff of a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000.”

**Marginal Citations**

M103 1972 c. 11.  
M104 1972 c. 11.

*Local Government Act 1972 (c. 70)*

- 46 In Part I of Schedule 12A to the Local Government Act 1972 (access to information: exempt information)—
- (a) in paragraph 2(a), “or” is omitted,
  - (b) at the end of paragraph 2(b) there is inserted “or
    - (c) a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.”,
  - (c) after paragraph 2 there is inserted—
- “2A Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.”

*Juries Act 1974 (c. 23)*

<sup>F148</sup>47 .....

**Textual Amendments**

**F148** Sch. 7 para. 47 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 10](#); [S.I. 2004/829](#), art. 2(1)(2)(I)(iv)

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

- 48 The Rehabilitation of Offenders Act 1974 is amended as follows.
- 49 In section 5 (rehabilitation periods for particular sentences)—
- (a) in subsection (4A), for “a person was placed on probation” there is substituted “ a probation order was made ”,
  - (b) in subsection (4A)(b), for “probation order” there is inserted “ order in question ”.
- 50 In section 6(3) (the rehabilitation period applicable to a conviction)—

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**Changes to legislation:** *Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

- (a) for “placed on probation” there is substituted “ a probation order was made ”
- (b) for “or probation” there is substituted “ or a breach of the order ”.

*Adoption Act 1976 (c. 36)*

F149 51 .....

**Textual Amendments**  
 F149 Sch. 7 paras. 51-53 repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 5](#) (with [Sch. 4 paras. 2, 6-8](#)); [S.I. 2005/2897](#), art. 2(b)

F149 52 .....

**Textual Amendments**  
 F149 Sch. 7 paras. 51-53 repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 5](#) (with [Sch. 4 paras. 2, 6-8](#)); [S.I. 2005/2897](#), art. 2(b)

F149 53 .....

**Textual Amendments**  
 F149 Sch. 7 paras. 51-53 repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 5](#) (with [Sch. 4 paras. 2, 6-8](#)); [S.I. 2005/2897](#), art. 2(b)

PROSPECTIVE

*Criminal Law Act 1977 (c. 45)*

- 54 The Criminal Law Act 1977 is amended as follows.
- 55 In section 38A(5) (execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine), in the definition of “prison”, for paragraph (ia) there is substituted—
- “(ia) in the case of a person under that age arrested in England and Wales, any prison, or any young offender institution in which one or more persons mentioned in section 61(3), (4) or (5) of the Criminal Justice and Court Services Act 2000 are detained, determined by the Secretary of State (in respect of that person or a description of persons including that person);”.
- 56 In section 38B(5) (further provision for execution of warrants of commitment), in the definition of “prison”, for paragraph (a) there is substituted—
- “(a) in the case of a person who is under the age of 21 years arrested in England and Wales, any prison, or any young offender institution in which one or more persons mentioned in section 61(3), (4) or (5) of the Criminal Justice and Court Services Act 2000 are detained,

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determined by the Secretary of State (in respect of that person or a description of persons including that person); and”.

*Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22)*

57 In section 26(2) of the Domestic Proceedings and Magistrates’ Courts Act 1978 (reconciliation)—

- (a) for “a probation officer” there is substituted “ an officer of the Service (within the meaning of the Criminal Justice and Court Services Act 2000) ”,
- (b) for “the probation officer or that” there is substituted “ that officer or ”.

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

58 The Magistrates’ Courts Act 1980 is amended as follows.

PROSPECTIVE

59 In section 11(3) (non-appearance of accused: general provisions), “or detention in a detention centre” is omitted.

PROSPECTIVE

60 In section 31 (general limit on power of magistrates’ court to impose imprisonment), in subsections (1) and (2), “or youth custody” is omitted.

61 Section 72 (report by probation officer on means of parties) is omitted.

PROSPECTIVE

62 In section 77(2) (postponement of issue of warrant), “or detention under section 108 of the Powers of<sup>M105</sup>Criminal Courts (Sentencing) Act 2000 (detention of persons aged 18 to 20 for default)” is omitted.

**Marginal Citations**

**M105** 2000 c. 6.

PROSPECTIVE

63 In section 82 (restriction on power to impose imprisonment for default)—

- (a) in subsection (1)(c), “youth custody or detention in a detention centre” is omitted,
- (b) in subsections (1)(c), (3)(a) and (5)(b), for “section 9 of the<sup>M106</sup>Criminal Justice Act 1982” there is substituted “ section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 ”,

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- (c) in subsection (4A)(e), for “section 17 of the <sup>M107</sup>Criminal Justice Act 1982” there is substituted “ section 60 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Marginal Citations**

- M106 1982 c. 48.
- M107 1982 c. 48.

PROSPECTIVE

- 64 In section 88 (supervision pending payment)—
  - (a) in subsection (4), for “detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ prison ” and for “such detention” there is substituted “ prison ”,
  - (b) in subsection (5), for “such detention” there is substituted “ prison ”.

PROSPECTIVE

- 65 Section 96A (application of Part III to persons aged 18 to 20) is omitted.

PROSPECTIVE

- 66 In section 133 (consecutive terms of imprisonment)—
  - (a) in subsection (1), the first, second and fourth mentions of “or youth custody” are omitted,
  - (b) subsection (2A) is omitted.

PROSPECTIVE

- 67 In section 135 (detention of offender for one day in court house or police station), subsection (3) is omitted.

PROSPECTIVE

- 68 In section 136 (committal to custody overnight at police station), subsection (4) is omitted.

PROSPECTIVE

- F150<sup>69</sup> .....

**Status:** Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.  
**Changes to legislation:** Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

### Textual Amendments

**F150** Sch. 7 para. 69 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, art. 2(u)(xxix)

### PROSPECTIVE

#### *Imprisonment (Temporary Provisions) Act 1980 (c. 57)*

70 In section 6 of the Imprisonment (Temporary Provisions) Act 1980 (detention in the custody of a constable), in subsections (1) and (2), “remand centre” is omitted.

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

71 In paragraph 7(3)(b) of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements), for “probation committee for that area to appoint or assign a probation officer” there is substituted “ local probation board for that area (established under section 4 of the Criminal Justice and Court Services Act 2000) to appoint or assign an officer of the board ”.

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

72 The Mental Health Act 1983 is amended as follows.

### PROSPECTIVE

73 In section 48(2)(a) (removal to hospital of other prisoners), “or remand centre” is omitted.

74 In section 134(3)(e) (correspondence of patients), for “probation committee (within the meaning of the <sup>M108</sup>Probation Service Act 1993)” there is substituted “ local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 ”.

### Marginal Citations

**M108** 1993 c. 47.

#### *Health and Social Services and Social Security Adjudications Act 1983 (c. 41)*

75 In section 10(16) of the Health and Social Services and Social Security Adjudications Act 1983 (central council for education and training in social work), paragraph (b) and the “and” preceding it are omitted.

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

PROSPECTIVE

76 The Police and Criminal Evidence Act 1984 is amended as follows.

PROSPECTIVE

F151 77 .....

**Textual Amendments**

**F151** Sch. 7 para. 77 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 17 Pt. 2](#); S.I. 2005/3495, art. 2(1)(u)

78 In section 62 (intimate samples), at the beginning of subsection (1) there is inserted “ Subject to section 63B below ”.

**Commencement Information**

**I27** Sch. 7 para. 78 wholly in force at 2.7.2001; Sch. 7 para. 78 not in force at Royal Assent see s. 80; Sch. 7 para. 78 in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(i\)](#)

*Child Abduction and Custody Act 1985 (c. 60)*

79 The Child Abduction and Custody Act 1985 is amended as follows.

80 In sections 6(a) and 21(a) (reports), for “a probation officer” there is substituted “ an officer of the Service ”.

81 In section 27 (interpretation), after subsection (4) there is inserted—

“(5) In this Act “officer of the Service” has the same meaning as in the Criminal Justice and Court Services Act 2000.”

*Local Government Act 1988 (c. 9)*

82 In the Local Government Act 1988, in Schedule 2 (public supply or works contracts: the public authorities), for “A probation committee (within the meaning of the <sup>M109</sup>Probation Service Act 1993)” there is substituted “ A local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 ”.

**Marginal Citations**

**M109** 1993 c. 47.

*Education Reform Act 1988 (c. 40)*

F152 83 .....

**Status:** Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.  
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**Textual Amendments**

**F152** Sch. 7 para. 83 repealed (31.3.2003 for W., 1.6.2003 for E.) by 2002 c. 32, ss. 215(2), 216, 217, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, **art. 5 Sch. Pt. II**; S.I. 2003/1115, **art. 3**

*Local Government Finance Act 1988 (c. 41)*

**F153**84 .....

**Textual Amendments**

**F153** Sch. 7 paras. 84-86 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, **art. 3(aa)**

**F153**85 .....

**Textual Amendments**

**F153** Sch. 7 paras. 84-86 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, **art. 3(aa)**

**F153**86 .....

**Textual Amendments**

**F153** Sch. 7 paras. 84-86 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, **art. 3(aa)**

*Children Act 1989 (c. 41)*

- 87 The Children Act 1989 is amended as follows.
- 88 In section 7 (welfare reports)—
- (a) in subsection (1), for “a probation officer” (in both places) there is substituted “an officer of the Service”,
  - (b) in subsection (5), for “probation officer” there is substituted “officer of the Service”.
- 89 In section 16 (family assistance orders)—
- (a) in subsection (1)(a), for “a probation officer” there is substituted “an officer of the Service”,
  - (b) subsections (8) and (9) are omitted.
- 90 In section 31(1)(b) (care and supervision orders), “or of a probation officer” is omitted.
- 91 In section 41 (representation of child and of his interests in certain proceedings)—
- (a) in subsections (1) and (11), for “a guardian ad litem” there is substituted “an officer of the Service”,
  - (b) in subsections (2), (4)(a) and (10)(a) and (b), for “guardian ad litem” there is substituted “officer of the Service”,



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- (c) in subsection (10)(c), for “guardians ad litem” there is substituted “ officers of the Service ”,
  - (d) subsections (7) to (9) and (12) are omitted,
  - (e) for the cross-heading preceding section 41 there is substituted “ Representation of child ”.
- 92 In section 42 (right of guardian ad litem to have access to local authority records)—
- (a) in subsection (1)—
    - (i) for “a person” there is substituted “ an officer of the Service ”,
    - (ii) for “as a guardian ad litem under this Act” there is substituted “ under section 41 ”,
  - (b) in subsection (2), for “a guardian ad litem” there is substituted “ an officer of the Service ”,
  - (c) for the sidenote there is substituted “ Right of officer of the Service to have access to local authority records ”.
- 93 In section 58(4) (financial provisions applicable on cessation of controlled or assisted community home or disposal etc of premises)—
- (a) in paragraph (a), “or” is omitted,
  - (b) in paragraph (b), after “hostels or homes” there is inserted “or
    - (c) of sums paid under section 3, 5 or 9 of the Criminal Justice and Court Services Act 2000 in relation to expenditure on approved premises (within the meaning of Part I of that Act).”
- 94 In section 68(2)(d), (persons disqualified from being private foster parents), for “has been placed on probation or” there is substituted “ a probation order has been made in respect of him or he has been ”.
- 95 In section 105(1) (interpretation), at the appropriate place there is inserted—
- ““officer of the Service” has the same meaning as in the Criminal Justice and Court Services Act 2000;”.
- 96 In Schedule 3 (supervision orders), in paragraph 9, sub-paragraphs (2) to (5) are omitted.
- 97 In Schedule 10 (amendments of adoption legislation), paragraph 29 is omitted.

PROSPECTIVE

*Computer Misuse Act 1990 (c. 18)*

- 98 In section 2(2)(b) of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences), for “of twenty-one years of age or over (not previously convicted)” there is substituted “ who has attained the age of twenty-one years (eighteen in relation to England and Wales) and has no previous convictions ”.

*Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25)*

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
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**Textual Amendments**

**F154** Sch. 7 paras. 99-102 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); S.I. 2005/1705, art. 2(f)

**F154**100 .....

**Textual Amendments**

**F154** Sch. 7 paras. 99-102 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); S.I. 2005/1705, art. 2(f)

PROSPECTIVE

**F154**101 .....

**Textual Amendments**

**F154** Sch. 7 paras. 99-102 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); S.I. 2005/1705, art. 2(f)

**F154**102 .....

**Textual Amendments**

**F154** Sch. 7 paras. 99-102 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); S.I. 2005/1705, art. 2(f)

*Criminal Justice Act 1991 (c. 53)*

103 The Criminal Justice Act 1991 is amended as follows.

PROSPECTIVE

**F155**104 .....

**Textual Amendments**

**F155** Sch. 7 paras. 104-107 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); S.I. 2005/950, art. 2(1), [Sch. 1](#) para. 44(4)(t) (with [Sch. 2](#)) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26](#) para. 78, [Sch. 28](#) Pt. 2; S.I. 2008/1586, [Sch. 1](#) paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14](#) para. 17; S.I. 2012/2906, art. 2(l))

**F155**105 .....

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
**Changes to legislation:** Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

**Textual Amendments**

**F155** Sch. 7 paras. 104-107 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

**F155**106

**Textual Amendments**

**F155** Sch. 7 paras. 104-107 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

**F155**107

**Textual Amendments**

**F155** Sch. 7 paras. 104-107 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

108 In section 68 (persons aged 17 to be treated as young persons for certain purposes), paragraph (b) is omitted.

PROSPECTIVE

109 In section 92(1) (interpretation of Part IV), in the definition of “prison”, “or remand centre” is omitted.

110 In section 99(1) (general interpretation), at the appropriate place there is inserted—  
 ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.

**Status:** Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.  
**Changes to legislation:** Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

- 111 In Schedule 3 (reciprocal enforcement of certain orders)—
- (a) in paragraph 10—
- (i) in sub-paragraphs (2)(b) and (3)(c), for “probation committee” there is substituted “ local probation board ”,
- (ii) in sub-paragraph (3)(a), for “a probation officer assigned” there is substituted “ an officer of a local probation board assigned ”,
- (iii) in sub-paragraph (3)(d), for “probation centre” there is substituted “ community rehabilitation centre ”,
- F156(b) .....

**Textual Amendments**

**F156** Sch. 7 para. 111(b) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))

**Commencement Information**

**I28** Sch. 7 para. 111 partly in force; Sch. para. 111 not in force at Royal Assent see s. 80; Sch. 7 para. 111(a) in force at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(ii\)](#)

PROSPECTIVE

- 112 In Schedule 8 (amendments for treating persons aged 17 as young persons), paragraphs 2 and 6(3) are omitted.

PROSPECTIVE

- 113 In Schedule 12 (transitional provisions and savings), in paragraphs 15(4) and 16(3), “remand centre or” is omitted.

PROSPECTIVE

*Water Industry Act 1991 (c. 56)*

- 114 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), in paragraph 13(2)(a), for “young offender institution or remand centre” there is substituted “ or young offender institution ”.

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PROSPECTIVE

*Prison Security Act 1992 (c. 25)*

- 115 In section 1(6) of the Prison Security Act 1992 (offence of prison mutiny), in the definition of “prison”, for “young offender institution or remand centre” there is substituted “ or young offender institution ”.

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

- 116 The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.
- 117 In section 15(5) (variation of supervised release order), for “probation officer” there is substituted “ officer of a local probation board ”.
- 118 In section 27(1) (interpretation of Part I), at the appropriate place there is inserted—  
““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.

PROSPECTIVE

*Intelligence Services Act 1994 (c. 13)*

- 119 In section 5(3B)(b) of the Intelligence Services Act 1994 (warrants: general), after “twenty-one” there is inserted “ (eighteen in relation to England and Wales) ”.

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

- 120 The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- 121 In section 209(7) (supervised release orders), for “probation officer” there is substituted “ officer of a local probation board ”.
- 122 In section 228(2)(b) (probation orders), for “probation committee” there is substituted “ local probation board ”.
- 123 In section 234 (probation orders: persons residing in England and Wales)—
- <sup>F157</sup>(a) .....
- (b) in subsection (3)(c), for “probation committee” there is substituted “ local probation board ”,
- <sup>F158</sup>(c) .....
- (d) in subsection (5)(a), for “probation order” there is substituted “ community rehabilitation order ”,
- (e) in subsection (5)(b), for “combination order” there is substituted “ community punishment and rehabilitation order ”,
- <sup>F158</sup>(f) .....

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### Textual Amendments

**F157** Sch. 7 para. 123(a) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

**F158** Sch. 7 para. 123(c)(f) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

124 In section 242 (community service orders: persons residing in England and Wales)

**F159**(a) .....

**F159**(b) .....

(c) in subsection (3)(b)—

(i) for “probation committee” there is substituted “ local probation board ”,

(ii) for “a probation officer” there is substituted “ an officer of the board ”.

### Textual Amendments

**F159** Sch. 7 para. 124(a)(b) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

125 In section 244 (community service orders: general provisions relating to persons living in England and Wales or Northern Ireland)—

(a) for subsection (3) there is substituted—

“(3) Subject to the following provisions of this section—

(a) a community service order made or amended in the circumstances specified in section 242 shall be treated as if it were a community punishment order made in England and Wales and the legislation relating to community punishment orders which has effect in England and Wales shall apply accordingly; and

(b) a community service order made or amended in the circumstances specified in section 243 shall be treated as if it were a community service order made in Northern Ireland and the legislation relating to community service orders which has effect in Northern Ireland shall apply accordingly.”

(b) in subsections (4)(a) and (6), after “community service orders” there is inserted “ or, as the case may be, community punishment orders ”,

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- (c) in subsection (5), after “a community service order” there is inserted “ or, as the case may be, a community punishment order ”.

126 In section 307(1) (interpretation), at the appropriate place there is inserted—  
 ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000”.

*Education Act 1996 (c. 56)*

127 The Education Act 1996 is amended as follows.

128 In section 468 (school may be struck off for contravention of regulations about employment of teachers), at the end there is inserted—

“(2) Where the Secretary of State is satisfied that a person who is included (otherwise than provisionally) in the list kept under section 1 of the <sup>M110</sup>Protection of Children Act 1999 (individuals considered unsuitable to work with children) or is subject to an order under section 28 or 29 of the Criminal Justice and Court Services Act 2000 (disqualification from working with children)—

- (a) is employed in a registered or provisionally registered school, or  
 (b) is the proprietor of such a school,

he may order that the school be struck off the register or (as the case may be) that the Registrar is not to register the school.”

**Marginal Citations**

**M110** 1999 c. 14.

129 After section 473 there is inserted—

**“473A Removal of disqualification: persons no longer unsuitable to work with children.**

- (1) Subject to section 473B, a person to whom this section applies may make an application under this section to the Tribunal.
- (2) This section applies to any person who is disqualified, by an order made under section 470 or 471 on the grounds that he is unsuitable to work with children—
  - (a) from being the proprietor of any independent school; or
  - (b) from being a teacher or other employee in any school.
- (3) On an application under this section the Tribunal shall determine whether or not the individual shall continue to be subject to the order.
- (4) If the Tribunal is satisfied that the individual is no longer unsuitable to work with children, it shall direct that the order shall cease to have effect; otherwise it shall dismiss the application.
- (5) In this section and section 473B, “the Tribunal” means the tribunal established by section 9 of the <sup>M111</sup>Protection of Children Act 1999.



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### **473B Conditions for application under section 473A.**

- (1) A person may only make an application under section 473A with the leave of the Tribunal.
- (2) An application for leave under this section may not be made unless the appropriate conditions are satisfied in the person's case.
- (3) In the case of a person who was a child when the order was made, the appropriate conditions are satisfied if—
  - (a) at least five years have elapsed since the order was made; and
  - (b) in the period of five years ending with the time when he makes the application under this section, he has made no other such application.
- (4) In the case of any other person, the appropriate conditions are satisfied if—
  - (a) at least ten years have elapsed since the order was made; and
  - (b) in the period of ten years ending with the time when he makes the application under this section, he has made no other such application.
- (5) The Tribunal shall not grant an application under this section unless it considers—
  - (a) that the person's circumstances have changed since the order was made, or, as the case may be, since he last made an application under this section; and
  - (b) that the change is such that leave should be granted."

#### **Marginal Citations**

M111 1999 c. 14.

- 130 In section 474 (removal of disqualification)—
  - (a) at the end of subsection (1) there is inserted—

“But this subsection does not apply in relation to the disqualification of a person to whom section 473A applies.”,
  - (b) for the sidenote there is substituted “Removal of disqualification: other cases.”

*Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))*

- 131 The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.
- 132 In Article 10(1A) (probation orders) as it has effect pursuant to paragraph 10(1) of Schedule 3 to the <sup>M112</sup>Criminal Justice Act 1991 (reciprocal enforcement of certain orders), for “probation committee” there is substituted “local probation board”.

#### **Marginal Citations**

M112 1991 c. 53.

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

F160 133 .....

#### Textual Amendments

**F160** Sch. 7 para. 133 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

#### *Sexual Offences (Protected Material) Act 1997 (c. 39)*

134 In section 2(1) of the Sexual Offences (Protected Material) Act 1997 (meaning of other expressions), in the definition of “prison”, for “young offender institution or remand centre” there is substituted “ or young offender institution ”.

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

135 The Crime (Sentences) Act 1997 is amended as follows.

136 In section 28 (duty to release certain life prisoners)—

(a) for the words from the beginning to the end of subsection (5)(a) there is substituted—

“(1A) In this Chapter—

(a) references to a life prisoner to whom this section applies are references to a life prisoner in respect of whom an order has been made under subsection (2) of section 82A of the <sup>M113</sup>Powers of Criminal Courts (Sentencing) Act 2000 or a direction under subsection (5) of that section has been given or will be required to be given at the appropriate stage; and

(b) references to the relevant part of his sentence are references to the part of his sentence specified in the order or direction or, in the case of a life prisoner in respect of whom a direction under subsection (5) of that section has not been given but will be required to be given at the appropriate stage, the whole of his sentence,

and in this section “appropriate stage”, in relation to such a direction, has the same meaning as in subsection (6) of that section.

(1B) But if a life prisoner is serving two or more life sentences—

(a) he is not to be treated for the purposes of this Chapter as a life prisoner to whom this section applies unless such an order or direction has been made or given in respect of each of those sentences or such a direction will be required to be given at the appropriate stage; and

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- (b) the provisions of subsections (5) to (8) below do not apply in relation to him until he has served the relevant part of each of them.
- (5) As soon as—
  - (a) a life prisoner to whom this section applies has served the relevant part of his sentence”,
  - (b) subsection (9) is omitted.

**Marginal Citations**

M113 2000 c. 6.

- 137 In section 33 (life prisoners transferred to England and Wales)—
- (a) for “section 28” (in subsections (1) and (2)) there is substituted “ the provisions of section 28(5) to (8) ”,
  - (b) in subsection (5), for “subsections (5) and (7) of section 28” there is substituted “ the provisions of section 28(5) to (8) ”.
- 138 In section 34(1) (interpretation), the words following the first mention of “sentences” are omitted.

PROSPECTIVE

F161 139 .....

**Textual Amendments**

**F161** Sch. 7 para. 139 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7; S.I. 2005/950, art. 2\(1\), Sch. 1 para. 44\(4\)\(t\) \(with Sch. 2\)](#) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\); \(30.11.2009\) by S.I. 2009/3111, art. 2; \(3.12.2012\) by S.I. 2012/2905, art. 4; \(3.12.2012\) by \[2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2\\(l\\)\]\(#\)\)](#)

PROSPECTIVE

F162 140 .....

**Textual Amendments**

**F162** Sch. 7 para. 140 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7; S.I. 2005/950, art. 2\(1\), Sch. 1 para. 44\(4\)\(t\) \(with Sch. 2\)](#) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\); \(30.11.2009\) by S.I. 2009/3111, art. 2; \(3.12.2012\) by S.I. 2012/2905, art. 4; \(3.12.2012\) by \[2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2\\(l\\)\]\(#\)\)](#)

- 141 In section 54(1) (general interpretation), at the appropriate place there is inserted—

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- ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.
- 142 In section 57(8) (extent), at the end there is inserted—
- “or the extent of Chapter II of Part II so far as it relates to sentences passed by a court-martial
- ,”
- and Chapter II of Part II of that Act is to be treated as always having had effect as amended by this paragraph.
- 143 In Schedule 1 (transfer of prisoners within the British Islands), in each of paragraphs 8(5) and 11(6), in the table, for “Probation officer” there is substituted “ Officer of a local probation board ”.
- 144 In Schedule 5 (transitional provisions and savings), paragraph 5(1) is omitted.
- 145 Paragraphs 135 to 138 and 144 above have effect in relation to life sentences passed after commencement.
- 146 Paragraph 147 below applies where a person serving any life sentence passed after commencement—
- (a) is also serving a life sentence passed before commencement, or
  - (b) by reason of any sentence passed before commencement, is a transferred life prisoner within the meaning of section 33,
- and the sentences referred to in paragraphs (a) and (b) are referred to in paragraph 147 below as pre-commencement life sentences.
- 147 Section 28(1B) is to have effect as if—
- (a) any reference to a life sentence included a pre-commencement life sentence,
  - (b) any reference to an order or direction in relation to such a life sentence were to—
    - (i) an order under section 28(2)(b) or a direction under section 28(4) (as originally enacted), or
    - (ii) a certificate under section 33,
  - (c) any reference to the relevant part of such a life sentence were to the part specified in the order, direction or certificate (as the case may be) relating to that sentence.
- 148 In paragraphs 145 and 146 above, “commencement” means the coming into force of section 60 of this Act and “life sentence” has the same meaning as in Chapter II of Part II of that Act.

PROSPECTIVE

*Police Act 1997 (c. 50)*

- 149 In section 93(4)(b) of the Police Act 1997 (authorisations to interfere with property etc.), after “twenty-one” there is inserted “ (eighteen in relation to England and Wales) ”.

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*Crime and Disorder Act 1998 (c. 37)*

- 150 The Crime and Disorder Act 1998 is amended as follows.
- 151 In sections <sup>F163</sup> . . . 38(2)(b), 39(3)(b), 41(10), 42(3) and 115(2)(e), for “probation committee” there is substituted “ local probation board ”.

**Textual Amendments**

**F163** Words in Sch. 7 para. 151 repealed (1.10.2002) by 2002 c. 30, s. 107, **Sch. 8**; S.I. 2002/2306, **art. 2(g)(iii)(i)**

- 152 In section 117(1) (interpretation), after the definition of “guardian” there is inserted—
- ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;”.
- 153 In Schedule 8 (minor and consequential amendments), paragraph 110 is omitted.

*Protection of Children Act 1999 (c. 14)*

- 154 The Protection of Children Act 1999 is amended as follows.
- <sup>F164</sup>155 . . . . .

**Textual Amendments**

**F164** Sch. 7 para. 155 repealed (E.W.) (12.10.2009) by **Safeguarding Vulnerable Groups Act 2006 (c. 47)**, s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 2**, **Sch.** (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

- 156 Section 6 (appeals against prohibition or restriction of employment) is omitted.
- 157 <sup>F165</sup>In section 9(2) (the Tribunal)—
- (a) in paragraph (a), after “4” there is inserted “ , 4A or 4B ”,
  - (b) for paragraph (b) there is substituted—
    - “(b) on an appeal or determination under regulations made under section 218(6) of the 1988 Act;”,
  - (c) for the “or” before paragraph (d) there is substituted—
    - “(ca) on a determination under section 473A or 473B of the Education Act 1996;”,
  - (d) after paragraph (d) there is inserted
    - (e) on a determination under section 32 or 33 of the Criminal Justice and Court Services Act 2000.”]

**Textual Amendments**

**F165** Sch. 7 para. 157 repealed (E.W.) (12.10.2009 for specified purposes, 30.3.2010 for specified purposes) by **Safeguarding Vulnerable Groups Act 2006 (c. 47)**, s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 2**, **Sch.** (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11); S.I. 2010/1101, **art. 5**

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F166 158 .....

#### Textual Amendments

**F166** Sch. 7 para. 158 repealed (E.W.) (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\), s. 65, Sch. 10](#) (with [ss. 51, 57\(3\), 60\(4\), 64\(5\)](#)); [S.I. 2009/2611, art. 2, Sch.](#) (with [arts. 5-7](#)) (as amended (30.3.2010) by [S.I. 2010/1101, arts. 6-11](#))

159 In section 14 (extent etc.)—

(a) in subsection (3), for “This Act, except section 8 and this section,” there is substituted “ Subject to subsections (4) and (5) below, this Act ”,

(b) after subsection (4) there is inserted—

“(5) Section 9 above and the Schedule to this Act extend to the whole of the United Kingdom.”

#### *Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

160 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

F167 161 .....

#### Textual Amendments

**F167** Sch. 7 para. 161 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7; S.I. 2005/950, art. 2\(1\), Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2\(l\)](#))

F168 162 .....

#### Textual Amendments

**F168** Sch. 7 para. 162 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7; S.I. 2005/950, art. 2\(1\), Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2\(l\)](#))

F169 163 .....

#### Textual Amendments

**F169** Sch. 7 para. 163 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(u\)\(xxix\)](#)

F170 164 .....

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
**Changes to legislation:** Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

**Textual Amendments**

**F170** Sch. 7 para. 164 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), art. 2(u)(xxix)

PROSPECTIVE

**F171** 165 .....

**Textual Amendments**

**F171** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

**F171** 166 .....

**Textual Amendments**

**F171** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

**F171** 167 .....

**Textual Amendments**

**F171** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

**F171** 168 .....

**Textual Amendments**

**F171** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch.



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1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

**F171** 169 .....

**Textual Amendments**

**F171** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

**F171** 170 .....

**Textual Amendments**

**F171** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

**F171** 171 .....

**Textual Amendments**

**F171** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

**F171** 172 .....

**Textual Amendments**

**F171** Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

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PROSPECTIVE

173 In section 60(1)(b) (attendance centre orders), after “court” there is inserted “ has power or ”.

F172 174 .....

**Textual Amendments**

F172 Sch. 7 para. 174 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, art. 2(u)(xxix)

F173 175 .....

**Textual Amendments**

F173 Sch. 7 para. 175 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, art. 2(u)(xxix)

PROSPECTIVE

No  
commentary  
item  
could be  
found  
for this  
reference  
key-  
e2693836086e5922ed2910b803149889176

PROSPECTIVE

No  
commentary  
item  
could be  
found  
for this  
reference  
key-  
e2693836086e5922ed2910b803149889<sup>F174</sup>177

**Textual Amendments**

F174 Sch. 7 para. 177 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); S.I. 2005/950, art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, [Sch. 28 Pt. 2](#); S.I. 2008/1586, Sch.

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1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

No .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**  
**reference**  
**key-**  
**e2693836086e5922ed2910b803149889178**

PROSPECTIVE

F175 179 .....

**Textual Amendments**

F175 Sch. 7 para. 179 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

No .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**  
**reference**  
**key-171b7b7f3c2d34610d483129ca603285180**

PROSPECTIVE

No .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
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**reference**  
**key-171b7b7f3c2d34610d483129ca603285181**

PROSPECTIVE

**No** .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**  
**reference**  
**key-171b7b7f3c2d34610d483129ca603285182**

PROSPECTIVE

183 In section 99 (conversion of sentence of detention or custody to sentence of imprisonment), subsection (2) is omitted.

PROSPECTIVE

**No** .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**  
**reference**  
**key-2d71776d853e9743a974f51998a8e9a9184**

PROSPECTIVE

**No** .....  
**commentary**  
**item**  
**could be**  
**found**  
**for this**  
**reference**  
**key-2d71776d853e9743a974f51998a8e9a9185**

PROSPECTIVE

**No** .....  
**commentary**  
**item**  
**could be**  
**found**

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

**for this reference**  
**key-2d71776d853e9743a974f51998a8e9a9186**

PROSPECTIVE

**No commentary item could be found for this reference**  
**key-2d71776d853e9743a974f51998a8e9a9187**

PROSPECTIVE

188 Section 108 (detention of persons aged at least 18 but under 21 for default or contempt) is omitted.

PROSPECTIVE

F176 189 .....

**Textual Amendments**

**F176** Sch. 7 para. 189 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), [Sch. 1](#) para. 44(4)(t) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

F177 190 .....

**Textual Amendments**

**F177** Sch. 7 para. 190 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); [S.I. 2020/1236](#), reg. 2

PROSPECTIVE

F178 191 .....

**Status:** Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.  
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**Textual Amendments**

**F178** Sch. 7 para. 191 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

PROSPECTIVE

**F179** 192 .....

**Textual Amendments**

**F179** Sch. 7 para. 192 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 28 Pt. 1 (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(u)(xxix)

PROSPECTIVE

193 In section 139 (powers and duties of Crown Court in relation to fines and forfeited recognizances)—

- (a) in subsection (2), “or of detention under section 108 above (detention of persons aged 18 to 20 for default)” is omitted,
- (b) in subsection (3), “or detained” is omitted,
- (c) in subsection (3)(c), “custody for life or detention in a young offender institution” is omitted,
- (d) in subsection (4), “or detention” is omitted,
- (e) in subsection (5), the second “or detention” is omitted.

PROSPECTIVE

194 In section 140(3) (enforcement of fines imposed and recognizances forfeited by Crown Court), “or detention under section 108 above” is omitted.

195 For the sidenote to section 157 (other reports of probation officers and members of youth offending teams), there is substituted “ Other reports of officers of local probation boards and members of youth offending teams ”.

196 In section 160 (rules and orders)—

- (a) in subsection (2)(a), for the words from “40(1)” to “Schedule 2” there is substituted “ 36B(6), 40(1), 40C(1), 42(2E), 58A(8) or 162 or paragraph 3, 7, or 8 of Schedule 2 ”,

**F180**(b) .....

- (c) in subsection (3)(a)—
  - F181**(i) .....
  - F182**(ii) .....
  - F182**(iii) .....

(d) for subsection (5) there is substituted—

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- “(5) The following may make different provision for different cases or classes of case—
- (a) any order under section 36B(5), 37(6), 40(2), 40A(6) or 40C(2) or paragraph 7 or 8 of Schedule 2;
  - (b) any rules under section 36B, 40(1), 40C(1), 42(2E), 47(3C), 58A(8) or 162 or paragraph 7 or 8 of Schedule 2.”

**Textual Amendments**

- F180** Sch. 7 para. 196(b) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [Sch. 28 Pt. 1](#); [S.I. 2009/3074](#), [art. 2\(u\)\(xxix\)](#)
- F181** Sch. 7 para. 196(c)(i) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(u\)\(xxix\)](#)
- F182** Sch. 7 para. 196(c)(ii)(iii) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), [art. 2](#); and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), [art. 2](#); (3.12.2012) by [S.I. 2012/2905](#), [art. 4](#); (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), [art. 2\(l\)](#))

**Commencement Information**

- I29** Sch. 7 para. 196 partly in force; Sch. 7 para. 196 not in force at Royal Assent see s. 80; Sch. 7 para. 196 in force for specified purposes at 20.6.2001 and in force for other specified purposes at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(vi\)](#)
- I30** Sch. 7 para. 196(a)(b)(d) in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), [art. 2](#)
- I31** Sch. 7 para. 196(c)(i)(ii) in force at 2.9.2004 in so far as not already in force by [S.I. 2004/2171](#), [art. 2](#)

- 197 In section 163 (general definitions)—
- (a) in the definition of “attendance centre order”, for “4(1)(c) or 5(1)(c)” there is substituted “4(1C)(c) or 5(1C)(c)”,
  - (b) the definitions of “combination order”, “probation order” and “probation period” are omitted,
  - <sup>F183</sup>(c) .....
  - <sup>F184</sup>(d) .....
  - (e) at the end of the definition of “custodial sentence” there is inserted “ and, in relation to sentences passed before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000, includes a sentence of custody for life and a sentence of detention in a young offender institution ”,
  - (f) at the appropriate places there are inserted—
    - <sup>F185</sup> ...
    - “community rehabilitation period” means the period for which a person subject to a community rehabilitation or community punishment and rehabilitation order is placed under supervision by the order
    - “drug abstinence order” means an order under section 58A(1) above
    - <sup>F185</sup> ...
    - “local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000
  - (g) in the definition of “responsible officer”—
    - <sup>F186</sup>(i) .....



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F187 (ii) .....

**Textual Amendments**

- F183** Sch. 7 para. 197(c) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(t)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F184** Sch. 7 para. 197(d) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with **Sch. 27 paras. 1, 5**); [S.I. 2009/3074](#), art. 2(u)(xxix)
- F185** Words in Sch. 7 para. 197(f) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with **Sch. 27 paras. 1, 5**); [S.I. 2009/3074](#), art. 2(u)(xxix)
- F186** Sch. 7 para. 197(g)(i) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 28 Pt. 1** (with **Sch. 27 paras. 1, 5**); [S.I. 2009/3074](#), art. 2(u)(xxix)
- F187** Sch. 7 para. 197(g)(ii) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(t)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

**Commencement Information**

- I32** Sch. 7 para. 197 partly in force; Sch. 7 para. 197 not in force at Royal Assent see s. 80; Sch. 7 para. 197(b) in force and Sch. 7 para. 197(f) in force for specified purposes at 1.4.2001 by [S.I. 2001/919](#), **art. 2(f)(iii)**; Sch. 7 para. 197(f) in force for specified purposes at 20.6.2001 and 2.7.2001 and Sch. 7 para. 197(g)(ii) in force for specified purposes at 20.6.2001 and in force insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), **art. 2(m)(vii)**
- I33** Sch. 7 para. 197(f) in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), **art. 2**
- I34** Sch. 7 para. 197(g)(i) in force at 2.9.2004 by [S.I. 2004/2171](#), **art. 2**

F188 198 .....

**Textual Amendments**

- F188** Sch. 7 paras. 198-200 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(t)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F188 199 .....

**Textual Amendments**

- F188** Sch. 7 paras. 198-200 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(t)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

F188 200 .....

*Status: Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.*  
*Changes to legislation: Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)*

### Textual Amendments

**F188** Sch. 7 paras. 198-200 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

**F189** 201 .....

### Textual Amendments

**F189** Sch. 7 para. 201 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), art. 2(u)(xxix)

202 (1) Schedule 8 (breach, revocation and amendment of action plan orders and reparation orders) is amended as follows.

**F190** (2) .....

- (3) In paragraph 6(7)—
- (a) paragraph (a) is omitted,
  - (b) in paragraph (b), “if it has not been so notified” is omitted.

### Textual Amendments

**F190** Sch. 7 para. 202(2) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), art. 2(u)(xxix)

### Commencement Information

**I35** Sch. 7 para. 202 partly in force; Sch. 7 para. 202 not in force at Royal Assent see s. 80; Sch. 7 para. 202(1)(2)(a) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(x\)](#)

- 203 (1) Schedule 9 (consequential amendments) is amended as follows.
- (2) Paragraphs 5(3), 9, 10, 12, 14, 15, 17, 19, 20, 22, 34(a), 56, 57, 66, 68, 70, 77, 78, 111(4), 143(b), 152 to 156 and 166(3) are omitted.
  - (3) Paragraphs 182 and 188 are omitted.
  - (4) Sub-paragraph (3) has effect in relation to sentences passed after the coming into force of section 60.
  - (5) In paragraph 183, sub-paragraph (2)(b) and the preceding “and”, and sub-paragraphs (3)(b) and (3)(c), are omitted.

### Commencement Information

**I36** Sch. 7 para. 203 partly in force; Sch. 7 para. 203(3)(4) in force at Royal Assent see s. 80(3)(d); Sch. 7 para. 203(1) in force and Sch. 7 para. 203(2) in force for specified purposes at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(v\)\(vi\)](#)

**Status:** Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.  
**Changes to legislation:** Criminal Justice and Court Services Act 2000 is up to date with all changes known to be in force on or before 02 August 2023. 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)

PROSPECTIVE

F191<sup>204</sup> .....

**Textual Amendments**

**F191** Sch. 7 para. 204 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, art. 2(u)(xxix)

*Child Support, Pensions and Social Security Act 2000 (c. 19)*

F192<sup>205</sup> .....

**Textual Amendments**

**F192** Sch. 7 paras. 205-207 repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); S.I. 2010/293, art. 2(3)(b) (with art. 2(4))

F192<sup>206</sup> .....

**Textual Amendments**

**F192** Sch. 7 paras. 205-207 repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); S.I. 2010/293, art. 2(3)(b) (with art. 2(4))

F192<sup>207</sup> .....

**Textual Amendments**

**F192** Sch. 7 paras. 205-207 repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); S.I. 2010/293, art. 2(3)(b) (with art. 2(4))

*Learning and Skills Act 2000 (c. 21)*

F193<sup>208</sup> .....

**Textual Amendments**

**F193** Sch. 7 paras. 208-210 repealed (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 2](#); S.I. 2008/3077, art. 4(h)(iv)

F193<sup>209</sup> .....

**Textual Amendments**

**F193** Sch. 7 paras. 208-210 repealed (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 2](#); S.I. 2008/3077, art. 4(h)(iv)

**Status:** Point in time view as at 30/03/2010. This version of this Act contains provisions that are prospective.

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210

F193

#### Textual Amendments

**F193** Sch. 7 paras. 208-210 repealed (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 2](#); [S.I. 2008/3077](#), art. 4(h)(iv)

PROSPECTIVE

#### *Regulation of Investigatory Powers Act 2000 (c. 23)*

211

In section 81(3)(a) of the Regulation of Investigatory Powers Act 2000 (general interpretation), after “twenty-one” there is inserted “ (eighteen in relation to England and Wales) ”.

### SCHEDULE 8

Section 75.

#### REPEALS

#### Commencement Information

**I37** Sch. 8 partly in force; Sch. 8 in force at Royal Assent for specified repeals see s. 80(3)(e); Sch. 8 in force for specified purposes at 11.1.2001 by [S.I. 2000/3302](#), [art. 2](#); Sch. 8 in force for further specified purposes at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(g\)](#); Sch. 8 in force (E.W.) for specified purposes at 20.6.2001 and in force (E.W.) for other specified purposes at 2.7.2001 by [S.I. 2001/2232](#), art. 2(n)

Chapter	Short title	Extent of repeal
1948 c. 58.	Criminal Justice Act 1948.	In section 27, in subsection (1), the words from “then, if the court” to “not been so notified”, and subsection (2). In section 39(3), “or remand centre”. In section 80(1), the definitions of “local authority” and “remand centre”.
1952 c. 52.	Prison Act 1952.	In section 37(4), “remand centre”. In section 43, subsection (1) (a), in subsection (2), in paragraph (a) “a remand centre or” and paragraphs (b) and (c), subsection (3),

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1955 c. 18.	Army Act 1955.	<p>in subsection (4), “remand centres” and subsection (7).          In section 47, in subsection (1), “remand centres” and, in subsection (5), “remand centre”.</p>
		<p>In section 71A, subsections (1A) to (1C), in subsection (1D), paragraph (b) and the “and” preceding it, in subsection (1E), paragraph (b) and the “or” preceding it and, in subsection (5), “custody for life or” and “and to a sentence of custody for life”.          In section 71AA(1AA), “aged 17”.          In section 71AB(1), paragraph (b) and the “or” preceding it.          In Schedule 5A, in paragraph 10(1A), “under 18 years of age” and, in paragraph 15(3), in the second column of the table, “Custody for life”.</p>
1955 c. 19.	Air Force Act 1955.	<p>In section 71A, subsections (1A) to (1C), in subsection (1D), paragraph (b) and the “and” preceding it, in subsection (1E), paragraph (b) and the “or” preceding it and, in subsection (5), “custody for life or” and “and to a sentence of custody for life”.          In section 71AA(1AA), “aged 17”.          In section 71AB(1), paragraph (b) and the “or” preceding it.          In Schedule 5A, in paragraph 10(1A), “under 18 years of age” and, in paragraph 15(3), in the second column of the table, “Custody for life”.</p>
1957 c. 53.	Naval Discipline Act 1957.	<p>In section 43A, subsections (1A) to</p>

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		(1C), in subsection (1D), paragraph (b) and the “and” preceding it, in subsection (1E), paragraph (b) and the “or” preceding it and, in subsection (5), “custody for life or” and “and to a sentence of custody for life”. In section 43AA(1AA), “aged 17”. In section 43AB(1), paragraph (b) and the “or” preceding it. In Schedule 4A, in paragraph 10(1A), “under 18 years of age” and, in paragraph 15(3), in the second column of the table, “Custody for life”.
1959 c. 45.	Metropolitan Magistrates’ Courts Act 1959.	Section 3. In section 4(2), “of the probation system within the inner London probation area”.
1967 c. 80.	Criminal Justice Act 1967.	In section 67(6), “to a remand centre or”.
1968 c. 27.	Firearms Act 1968.	In section 52(1)(a), “in a young offender institution or”.
1969 c. 54.	Children and Young Persons Act 1969.	In section 23 (as it has effect pursuant to section 98(2) of the Crime and Disorder Act 1998), in subsection (1), “a remand centre or”, subsection (4) (b), in subsection (5), “remand centre or” and, in subsection (5A), “a remand centre or”. Children and Young Persons Act 1969.—cont. In section 46(1), “within the meaning of the Probation Service Act 1993”. In Schedule 3, in paragraph 9(2)(a), “or”.
1971 c. 40.	Fire Precautions Act 1971.	In section 40(2)(a), “remand centre”.
1972 c. 70.	Local Government Act 1972.	In Part I of Schedule 12A, in paragraph 2(a), “or”.

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1974 c. 23.	Juries Act 1974.	In Schedule 1, in Part I, in Group B, in the entry for the warden and staff of a probation hostel or bail hostel, “(within the meaning of the Probation Service Act 1993)”.
1976 c. 36.	Adoption Act 1976.	In section 65(1)(b), “of a person to act as reporting officer”. Section 65A.
1980 c. 43.	Magistrates’ Courts Act 1980.	In section 11(3), “or detention in a detention centre”. In section 31, in subsections (1) and (2), “or youth custody”. Section 72. In section 77(2), “or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged 18 to 20 for default)”. In section 82(1)(c), “youth custody or detention in a detention centre”. Section 96A. In section 133, in subsection (1), the first, second and fourth mentions of “or youth custody” and subsection (2A). Section 135(3). Section 136(4). In Schedule 6A, the entry relating to Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000.
1980 c. 57.	Imprisonment (Temporary Provisions) Act 1980.	In section 6, in subsections (1) and (2), “remand centre”.
1983 c. 20.	Mental Health Act 1983.	In section 48(2)(a), “or remand centre”.
1983 c. 41.	Health and Social Services and Social Security Adjudications Act 1983.	In section 10(16), paragraph (b) and the “and” preceding it.
1988 c. 33.	Criminal Justice Act 1988.	In section 75(3), “or of detention under section 108 of that Act of 2000 (detention



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		of persons aged 17 to 20 for contempt)".
1988 c. 34.	Legal Aid Act 1988.	In section 21(11), "or a remand centre".
1988 c. 52.	Road Traffic Act 1988.	Section 105(2)(b).
1989 c. 41.	Children Act 1989.	In section 16, subsections (8) and (9). In section 31(1)(b), "or of a probation officer". In section 41, subsections (7) to (9) and (12). In section 58(4)(a), "or". In Schedule 3, in paragraph 9, sub-paragraphs (2) to (5). In Schedule 10, paragraph 29.
1990 c. 41.	Courts and Legal Services Act 1990.	In Schedule 16, paragraphs 7 and 17. In Schedule 18, paragraph 25(4)(b).
1991 c. 25.	Criminal Procedure (Insanity and Unfitness to Plead) Act 1991.	In Schedule 1, in paragraph 4(1), paragraph (c) and the "or" preceding it.
1991 c. 53.	Criminal Justice Act 1991.	Section 37A(7). In section 45(1), "or to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000". Section 68(b). In section 92(1), in the definition of "prison", "or remand centre". In Schedule 8, paragraphs 2 and 6(3). In Schedule 12, in paragraphs 15(4) and 16(3), "remand centre or".
1992 c. 14.	Local Government Finance Act 1992.	In Schedule 1, in paragraph 1(4), "or section 108 of the Powers of Criminal Courts (Sentencing) Act 2000".
1993 c. 47.	Probation Service Act 1993.	The whole Act.
1994 c. 19.	Local Government (Wales) Act 1994.	In Schedule 16, paragraph 109.
1994 c. 33.	Criminal Justice and Public Order Act 1994.	In section 117(3)(a), "and a remand centre". Criminal Justice and Public Order Act 1994.—cont.

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		In section 125(3)(a), “remand centre or”.
		In Schedule 10, paragraphs 72 and 73.
1994 c. 37.	Drug Trafficking Act 1994.	In section 9, in subsection (2), “or of detention under section 108 of the 2000 Act (detention of persons aged 18 to 20 for default)” and, in subsection (5), “or detention”.
		In section 10(2), “or detention”.
		In section 15(13), “or of detention”.
		In section 16(4)(b), “or detention”.
		In section 17(4)(b), “or of detention”.
		In section 21(5)(a), “or of detention”.
		In section 41(7), “or detention”.
1996 c. 33.	Prisoners’ Earnings Act 1996.	In section 4(2), in the definition of “prisoner”, “or remand centre”.
1997 c. 43.	Crime (Sentences) Act 1997.	Section 28(9). In section 34(1), the words following the first mention of “sentences”.
		In Schedule 5, paragraph 5(1).
1998 c. 37.	Crime and Disorder Act 1998.	In Schedule 8, paragraph 110.
1999 c. 14.	Protection of Children Act 1999.	Section 6.
1999 c. 22.	Access to Justice Act 1999.	In Schedule 10, paragraphs 17 and 41 to 45. In Schedule 11, paragraphs 15 and 42.
1999 c. 29.	Greater London Authority Act 1999.	Section 326.
2000 c. 6.	Powers of Criminal Courts (Sentencing) Act 2000.	Section 38. In section 40(1)(a), the words from “(including” to “available)”.
		In section 46(13), “(a) or (b)”.

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In section 47(5)(a), “(a) or (b)”.

In section 64(2), the words from “and selected under arrangements” to the end of the subsection.

In section 76(1), paragraphs (c) and (d).

In section 78, in subsections (1) and (2), “or detention in a young offender institution”.

In section 87(12), paragraph (b) and the preceding “and”.

Sections 93 to 98.

Section 99(2).

In section 106, subsection (1) and, in subsection (3), the words from the beginning to “and”.

Section 108.

Section 110(6).

Section 111(6).

Section 137(2)(a).

In section 139, in subsection (2), “or of detention under section 108 above (detention of persons aged 18 to 20 for default)”, in subsection (3), “or detained”, in subsection (3) (c), “custody for life or detention in a young offender institution”, in subsection (4), “or detention” and, in subsection (5), the second “or detention”.

In section 140(3), “or detention under section 108 above”.

In section 163, the definitions of “combination order”, “probation order” and “probation period”.

In Schedule 3, paragraph 9(2), in paragraph 25, subparagraph (2) and, in subparagraph (3), “or (2)”.

In Schedule 7, in paragraph 7(7), paragraph (a) and, in paragraph (b), “if the justice or youth court has not been so notified”.

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		In Schedule 8, in paragraph 6(7), paragraph (a) and, in paragraph (b), “if it has not been so notified”.
		In Schedule 9, paragraphs 5(3), 9, 10, 12, 14, 15, 17, 19, 20, 22, 34(a), 56, 57, 66, 68, 70, 77, 78, 111(4), 143(b), 152 to 156, 166(3), 182, in paragraph 183, sub-paragraph (2)(b) and the preceding “and”, sub-paragraphs (3)(b) and (3)(c) and paragraph 188.
		In Schedule 10, in paragraph 12(2), the “and” preceding paragraph (d).
2000 c. 21.	Learning and Skills Act 2000.	In section 121(1), the definition of “probation committee”.
2000 c.	Criminal Justice and Court Services Act 2000.	In section 30(1), paragraph (b) of the definition of “qualifying sentence”. In section 69(7), paragraph (b) of the definition of “relevant sentence”.

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The repeals—

- (a) in sections 28 and 34 of, and paragraph 5 of Schedule 5 to, the Crime (Sentences) Act 1997, and
- (b) of paragraphs 182 and 188 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000,

have effect in relation to sentences passed after the coming into force of section 60 of this Act.

**Status:**

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**Changes to legislation:**

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