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Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 32

AMENDMENTS RELATING TO SENTENCING

PART 1

GENERAL

Piracy Act 1837 (c. 88)

- 1 Section 3 of the Piracy Act 1837 (punishment for offence under certain repealed Acts relating to piracy) shall cease to have effect.

Commencement Information

- II** Sch. 32 para. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 42\(2\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Children and Young Persons Act 1933 (c. 12)

- 2 (1) Section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which young persons are concerned) is amended as follows.
- (2) ^{F1}
- (3) In subsection (11)—
- (a) in the definition of “sexual offence”, for “has the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “means an offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003”, and
- (b) in the definition of “violent offence”, for “has the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “means an offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003”.

Textual Amendments

- F1** Sch. 32 para. 2(2) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); [S.I. 2009/3074, art. 2\(u\)\(xxxi\)](#)

Commencement Information

- I2** Sch. 32 para. 2 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 42\(3\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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Prison Act 1952 (c. 52)

- 3 In section 53 of the Prison Act 1952 (interpretation), for “section 62 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ section 221 of the Criminal Justice Act 2003 ”.

Commencement Information

- I3** Sch. 32 para. 3 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(4) (subject to **art. 2(2)**, Sch. 2)

Criminal Justice Act 1967 (c. 80)

- 4 The Criminal Justice Act 1967 is amended as follows.

Commencement Information

- I4** Sch. 32 para. 4 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(5) (subject to **art. 2(2)**, Sch. 2)

- 5 In section 32 (amendments of Costs in Criminal Cases Act 1952), in subsection (3) (a), for “make an order under paragraph 5 of Schedule 2 to the Powers of Criminal Courts (Sentencing) Act 2000 (probation orders requiring treatment for mental condition) or” there is substituted “ include in a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) a mental health requirement under section 207 of that Act or make an order under ”.

Commencement Information

- I5** Sch. 32 para. 5 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(5) (subject to **art. 2(2)**, Sch. 2)

- 6 In section 104 (general provisions as to interpretation)_
 (a) in subsection (1), the definition of “suspended sentence” is omitted, and
 (b) subsection (2) is omitted.

Commencement Information

- I6** Sch. 32 para. 6 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(5) (subject to **art. 2(2)**, Sch. 2)

Criminal Appeal Act 1968 (c. 19)

- 7 The Criminal Appeal Act 1968 is amended as follows.

Commencement Information

- I7** Sch. 32 para. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(6) (subject to **art. 2(2)**, Sch. 2)

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8 (1) Section 10 (appeal against sentence in cases dealt with by Crown Court otherwise than on conviction on indictment) is amended as follows.

(2) In subsection (2) —

- (a) in paragraph (b), for “or a community order within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ a youth community order within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000 or a community order within the meaning of Part 12 of the Criminal Justice Act 2003 ”, and
- (b) paragraph (c) and the word “or” immediately preceding it are omitted.

Commencement Information

I8 Sch. 32 para. 8 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

9 In section 11 (supplementary provisions as to appeal against sentence), subsection (4) is omitted.

Commencement Information

I9 Sch. 32 para. 9 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

10 In Schedule 2 (procedural and other provisions applicable on order for retrial), in paragraph 2(4), for the words from the beginning to “apply” there is substituted “ Section 240 of the Criminal Justice Act 2003 (crediting of periods of remand in custody: terms of imprisonment and detention) shall apply ”.

Commencement Information

I10 Sch. 32 para. 10 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Firearms Act 1968 (c. 27)

11 The Firearms Act 1968 is amended as follows.

Commencement Information

I11 Sch. 32 para. 11 partly in force; Sch. 32 para. 11 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 11 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

12 (1) Section 21 (possession of firearms by persons previously convicted of crime) is amended as follows.

(2) In subsection (2A), after paragraph (c) there is inserted—

- “(d) in the case of a person who has been subject to a sentence of imprisonment to which an intermittent custody order under section 183(1)(b) of the Criminal Justice Act 2003 relates, the date of his final release.”

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(3) After subsection (2A) there is inserted—

“(2B) A person who is serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates shall not during any licence period specified for the purposes of subsection (1)(b) (i) of that section have a firearm or ammunition in his possession.”

(4) In subsection (3)(b), for “probation order” there is substituted “community order”.

(5) After subsection (3) there is inserted—

“(3ZA) In subsection (3)(b) above, “community order” means—

- (a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 made in England and Wales, or
- (b) a probation order made in Scotland.”

(6) In subsection (6), after “(2)” there is inserted “, (2B)”.

Commencement Information

I12 Sch. 32 para. 12 wholly in force at 4.4.2005; Sch. 32 para. 12 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 12(1)-(3)(6) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); Sch. 32 para. 12 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(7\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

13 (1) Section 52 (forfeiture and disposal of firearms; cancellation of certificate by convicting court) is amended as follows.

(2) In subsection (1)(c), for “probation order” there is substituted “community order”.

(3) After subsection (1) there is inserted —

“(1A) In subsection (1)(c) “community order” means—

- (a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 made in England and Wales, or
- (b) a probation order made in Scotland.”

Commencement Information

I13 Sch. 32 para. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(7\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

14

F2

Textual Amendments

F2 Sch. 32 para. 14 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); [S.I. 2009/3074](#), [art. 2\(u\)\(xxxi\)](#)

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Commencement Information

- I14** Sch. 32 para. 14 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(8) (subject to [art. 2\(2\)](#), Sch. 2)

Children and Young Persons Act 1969 (c. 54)

- 15 In section 23 of the Children and Young Persons Act 1969 (remands and committals to local authority accommodation), for the definition of “sexual offence” and “violent offence” in subsection (12) there is substituted—

““sexual offence” means an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003;

“violent offence” means murder or an offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003;”.

Commencement Information

- I15** Sch. 32 para. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(9) (subject to [art. 2\(2\)](#), Sch. 2)

Immigration Act 1971 (c. 77)

- 16 In section 7 of the Immigration Act 1971 (exemption from deportation for certain existing residents), in subsection (4), for “section 67 of the Criminal Justice Act 1967” there is substituted “ section 240 of the Criminal Justice Act 2003 ”.

Commencement Information

- I16** Sch. 32 para. 16 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(10) (subject to [art. 2\(2\)](#), Sch. 2)

PROSPECTIVE

Thames Barrier and Flood Prevention Act 1972 (c. xiv)

- 17 In section 56 of the Thames Barrier and Flood Prevention Act 1972 (orders for carrying out certain defence works), in subsection (3)(a)(ii), for “six months” there is substituted “ 12 months ”.

Rehabilitation of Offenders Act 1974 (c. 53)

- 18 (1) Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular offences) is amended as follows.

(2) In subsection (1)—

(a) at the end of paragraph (e), there is inserted “ and ”, and

(b) after that paragraph, there is inserted the following paragraph—

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“(f) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, a sentence of detention for public protection under section 226 of that Act or an extended sentence under section 227 or 228 of that Act”

(3) In subsection (4A), after the words “probation order” there is inserted “ or a community order under section 177 of the Criminal Justice Act 2003 ”.

Commencement Information

I17 Sch. 32 para. 18 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(11\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Armed Forces Act 1976 (c. 52)

19 ^{F3}

Textual Amendments

F3 Sch. 32 para. 19 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Bail Act 1976 (c. 63)

20 The Bail Act 1976 is amended as follows.

Commencement Information

I18 Sch. 32 para. 20 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(12\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

21 (1) Section 2 (other definitions) is amended as follows.

(2) In subsection (1)(d)—

- (a) the words “placing the offender on probation or” are omitted, and
- (b) for “him” there is substituted “ the offender ”.

(3) In subsection (2), in the definition of “probation hostel”, for the words from “by” onwards there is substituted “ by a community order under section 177 of the Criminal Justice Act 2003 ”.

Commencement Information

I19 Sch. 32 para. 21 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(12\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

22 In section 4 (general right to bail of accused persons and others), in subsection (3), for the words from “to be dealt with” onwards there is substituted “or the Crown Court to be dealt with under—

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- (a) Part 2 of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach of certain youth community orders), or
- (b) Part 2 of Schedule 8 to the Criminal Justice Act 2003 (breach of requirement of community order).”

Commencement Information

I20 Sch. 32 para. 22 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(12) (subject to art. 2(2), Sch. 2)

- 23 In Part 3 of Schedule 1 (interpretation), in the definition of “default” in paragraph 4, for the words from “Part II” onwards there is substituted “ Part 2 of Schedule 8 to the Criminal Justice Act 2003 (breach of requirement of order) ”.

Commencement Information

I21 Sch. 32 para. 23 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(12) (subject to art. 2(2), Sch. 2)

Criminal Law Act 1977 (c. 45)

- 24 In section 3 of the Criminal Law Act 1977 (penalties for conspiracy), in subsection (1), for “section 127 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ section 163 of the Criminal Justice Act 2003 ”.

Commencement Information

I22 Sch. 32 para. 24 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(13) (subject to art. 2(2), Sch. 2)

Magistrates' Courts Act 1980 (c. 43)

- 25 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

I23 Sch. 32 para. 25 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(14) (subject to art. 2(2), Sch. 2)

- 26 In section 11 (non appearance of accused), in subsection (3), for “section 119 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ paragraph 8(2)(a) or (b) of Schedule 12 to the Criminal Justice Act 2003 ”.

Commencement Information

I24 Sch. 32 para. 26 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(14) (subject to art. 2(2), Sch. 2)

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PROSPECTIVE

- 27 In section 33 (maximum penalties on summary conviction in pursuance of section 22), in subsection (1)(a), for “3 months” there is substituted “ 51 weeks ”.

PROSPECTIVE

- 28 In section 85 (power to remit fine), in subsection (2A), for “section 35(2)(a) or (b) of the Crime (Sentences) Act 1997” there is substituted “ section 300(2) of the Criminal Justice Act 2003 ”.

- 29 In section 131 (remand of accused already in custody), after subsection (2) there is inserted—

“(2A) Where the accused person is serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates, the reference in subsection (2) to the expected date of his release is to be read as a reference to the expected date of his next release on licence.”.

Commencement Information

I25 Sch. 32 para. 29 partly in force; Sch. 32 para. 29 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 29 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

- 30 In section 133 (consecutive terms of imprisonment), in subsection (1), for “Subject to section 84 of the Powers of Criminal Courts (Sentencing) Act 2000,” there is substituted “ Subject to section 265 of the Criminal Justice Act 2003, ”.

Commencement Information

I26 Sch. 32 para. 30 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(14\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

- 31 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (ineligibility for and disqualification and excusal from jury service), in Part 2, in paragraph (bb), for sub-paragraph (v) there is substituted—

“(v) a community order within the meaning of section 177 of the Criminal Justice Act 2003;

(va) a youth community order as defined by section 33 of the Powers of Criminal Courts (Sentencing) Act 2000;”.

Commencement Information

I27 Sch. 32 para. 31 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(15\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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Public Passenger Vehicles Act 1981 (c. 14)

- 32 (1) In Schedule 3 to the Public Passenger Vehicles Act 1981 (supplementary provisions as to qualifications for PSV operators licence), paragraph 1 is amended as follows.
- (2) In sub-paragraph (4)(a), for “a community service order for more than sixty hours” there is substituted “ a community order requiring the offender to perform unpaid work for more than sixty hours ”.
- (3) In sub-paragraph (6), for the words from “ “a community” onwards there is substituted “ “a community order” means an order under section 177 of the Criminal Justice Act 2003, a community punishment order made before the commencement of that section or a community service order under the Community Service by Offenders (Scotland) Act 1978”.

Commencement Information

I28 Sch. 32 para. 32 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(16) (subject to **art. 2(2)**, Sch. 2)

PROSPECTIVE

Criminal Attempts Act 1981 (c. 47)

F⁴33

Textual Amendments

F4 Sch. 32 para. 33 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

Criminal Justice Act 1982 (c. 48)

- 34 The Criminal Justice Act 1982 is amended as follows.

Commencement Information

I29 Sch. 32 para. 34 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(17) (subject to **art. 2(2)**, Sch. 2)

- 35 In section 32 (early release of prisoners), in subsection (1)(a), after “life” there is inserted “ , imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or an extended sentence under section 227 of that Act ”.

Commencement Information

I30 Sch. 32 para. 35 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(17) (subject to **art. 2(2)**, Sch. 2)

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- 36 (1) Part 3 of Schedule 13 (reciprocal arrangements (Northern Ireland): persons residing in England and Wales or Scotland) is amended as follows.
- (2) In paragraph 7—
- (a) in sub-paragraph (2)(b), for “such orders” there is substituted “ an unpaid work requirement of a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”, and
- (b) in sub-paragraph (3)(b), for the words from “community service orders” onwards there is substituted “ community orders within the meaning of Part 12 of the Criminal Justice Act 2003 conferred on responsible officers by that Part of that Act. ”.
- (3) For paragraph 9(3) there is substituted—
- “(3) Subject to the following provisions of this paragraph—
- (a) a community service order made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a community order made in England and Wales under section 177 of the Criminal Justice Act 2003 and the provisions of Part 12 of that Act (so far as relating to such orders) shall apply accordingly; and
- (b) a community service order made or amended in the circumstances specified in paragraph 8 above shall be treated as if it were a community service order made in Scotland and the legislation relating to community service orders in Scotland shall apply accordingly.”
- (4) In paragraph 9(4)(a), after “community service orders” there is inserted “ or, as the case may be, community orders (within the meaning of Part 12 of the Criminal Justice Act 2003) ”.
- (5) In paragraph 9(5), after “a community service order” there is inserted “ or, as the case may be, a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”.
- (6) In paragraph 9(6)—
- (a) after “community service orders”, where first occurring, there is inserted “ or, as the case may be, community orders (within the meaning of Part 12 of the Criminal Justice Act 2003) ”, and
- (b) in paragraph (b)(i), for “the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ Part 12 of the Criminal Justice Act 2003 ”.

Commencement Information

I31 Sch. 32 para. 36 wholly in force at 4.4.2005, see s. 336(3) and *S.I. 2005/950*, **art. 2(1)**, *Sch. 1 para. 42(17)* (subject to **art. 2(2)**, *Sch. 2*)

Mental Health Act 1983 (c. 20)

- 37 The Mental Health Act 1983 is amended as follows.

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Commencement Information

I32 Sch. 32 para. 37 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(18\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 38 In section 37 (powers of courts to order hospital admission or guardianship)—
- (a) in subsection (1), the words “or falls to be imposed under section 109(2) of the Powers of Criminal Courts (Sentencing) Act 2000” are omitted,
 - (b) for subsections (1A) and (1B) there is substituted —
 - “(1A) In the case of an offence the sentence for which would otherwise fall to be imposed—
 - (a) under section 51A(2) of the Firearms Act 1968,
 - (b) under section 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (c) under any of sections 225 to 228 of the Criminal Justice Act 2003,nothing in those provisions shall prevent a court from making an order under subsection (1) above for the admission of the offender to a hospital.
 - (1B) References in subsection (1A) above to a sentence falling to be imposed under any of the provisions mentioned in that subsection are to be read in accordance with section 305(4) of the Criminal Justice Act 2003.”
 - (c) in subsection (8), for “probation order” there is substituted “community order (within the meaning of Part 12 of the Criminal Justice Act 2003)”.

Commencement Information

I33 Sch. 32 para. 38 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(18\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 39 In section 45A (powers of higher courts to direct hospital admission), in subsection (1)(b), the words from “except” to “1997” are omitted.

Commencement Information

I34 Sch. 32 para. 39 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(18\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Repatriation of Prisoners Act 1984 (c. 47)

- 40 The Repatriation of Prisoners Act 1984 is amended as follows.

Commencement Information

I35 Sch. 32 para. 40 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(19\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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- 41 In section 2 (transfer out of the United Kingdom), in subsection (4)(b), for sub-paragraph (i) there is substituted—
- “(i) released on licence under section 28(5) of the Crime (Sentences) Act 1997 or under section 244 or 246 of the Criminal Justice Act 2003; or”.

Commencement Information

I36 Sch. 32 para. 41 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(19\)](#) (subject to [art. 2\(2\), Sch. 2](#))

- 42 In section 3 (transfer into the United Kingdom), subsection (9) is omitted.
- 43 (1) The Schedule (operation of certain enactments in relation to the prisoner) is amended as follows in relation to prisoners repatriated to England and Wales.
- (2) In paragraph 2, for sub-paragraphs (1A) and (2) there is substituted—
- “(2) If the warrant specifies a period to be taken into account for the purposes of this paragraph, the amount of time the prisoner has served shall, so far only as the question whether he has served a particular part of a life sentence is concerned, be deemed to be increased by that period.
- (3) Where the prisoner’s sentence is for a term of less than twelve months, Chapter 6 of Part 12 of the Criminal Justice Act 2003 shall apply as if the sentence were for a term of twelve months or more.
- (4) In this paragraph—
- “the enactments relating to release on licence” means section 28(5) and (7) of the Crime (Sentences) Act 1997 and Chapter 6 of Part 12 of the Criminal Justice Act 2003;
- “sentence”, means the provision included in the warrant which is equivalent to sentence.”.
- (3) Paragraph 3 is omitted.

Commencement Information

I37 Sch. 32 para. 43 wholly in force at 4.4.2005; Sch. 32 para. 43(3) in force at 18.12.2003, see s. 336(2); Sch. 32 para. 43 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(19\)](#) (subject to [art. 2\(2\), Sch. 2](#))

Police and Criminal Evidence Act 1984 (c. 60)

- 44 In section 38 of the Police and Criminal Evidence Act 1984 (duties of custody officer after charge), for the definitions of “sexual offence” and “violent offence” in subsection (6A) there is substituted—
- ““sexual offence” means an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003;
- “violent offence” means murder or an offence specified in Part 1 of that Schedule;”.

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Commencement Information

I38 Sch. 32 para. 44 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(20\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Criminal Justice Act 1988 (c. 33)

45 The Criminal Justice Act 1988 is amended as follows.

Commencement Information

I39 Sch. 32 para. 45 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(21\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

46 In section 36 (reviews of sentencing), in subsection (2), for the words from “erred in law” onwards there is substituted—

- “(a) erred in law as to his powers of sentencing; or
- (b) failed to impose a sentence required by—
 - (i) section 51A(2) of the Firearms Act 1968;
 - (ii) section 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000; or
 - (iii) any of sections 225 to 228 of the Criminal Justice Act 2003.”

Commencement Information

I40 Sch. 32 para. 46 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(21\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

47 In section 50 (suspended and partly suspended sentences on certain civilians in courts-martial and Standing Civilian Courts), in subsection (3)(b)(i), for “Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “Criminal Justice Act 2003”.

Commencement Information

I41 Sch. 32 para. 47 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(21\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Firearms (Amendment) Act 1988 (c. 45)

48 The Firearms (Amendment) Act 1988 is amended as follows.

49 In section 1 (prohibited weapons and ammunition), in subsection (4A) after paragraph (b) there is inserted—

- “(bb) may amend subsection (1A)(a) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences: power to detain for specified period) so as to include a reference to any provision added by the order to section 5(1) of the principal Act,

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- (bc) may amend section 50(5A)(a), 68(4A)(a) or 170(4A)(a) of the Customs and Excise Management Act 1979 (offences relating to improper importation or exportation) so as to include a reference to anything added by the order to section 5(1) of the principal Act.”.
- 50 In section 27(4) (which relates to Northern Ireland), after “Except for” there is inserted “ section 1, so far as enabling provision to be made amending the Customs and Excise Management Act 1979, and ”.

PROSPECTIVE

Road Traffic Act 1988 (c. 52)

- 51 In section 164 of the Road Traffic Act 1988 (power of constables to require production of driving licence and in certain cases statement of date of birth), in subsection (5), for “section 40 of the Crime (Sentences) Act 1997” there is substituted “ section 301 of the Criminal Justice Act 2003 ”.

VALID FROM 01/12/2020

Road Traffic Offenders Act 1988 (c. 53)

- 52 The Road Traffic Offenders Act 1988 is amended as follows.

Commencement Information

I42 Sch. 32 para. 52 partly in force; Sch. 32 para. 52 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 52 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(22\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

PROSPECTIVE

- 53 In section 27 (production of licence), in subsection (3), for “section 40 of the Crime (Sentences) Act 1997” there is substituted “ section 301 of the Criminal Justice Act 2003 ”.
- 54 In section 46 (combination of disqualification and endorsement with probation orders and orders for discharge), in subsection (1), paragraph (a) and the word “or” following it shall cease to have effect.

Commencement Information

I43 Sch. 32 para. 54 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(22\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Football Spectators Act 1989 (c. 37)

- 55 The Football Spectators Act 1989 is amended as follows.

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Commencement Information

I44 Sch. 32 para. 55 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(23) (subject to **art. 2(2)**, Sch. 2)

56 In section 7 (disqualification for membership of scheme), subsection (9) is omitted.

Commencement Information

I45 Sch. 32 para. 56 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(23) (subject to **art. 2(2)**, Sch. 2)

57 In section 14E (banning orders: general), after subsection (6) there is inserted—

“(7) A person serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates is to be treated for the purposes of this section as having been detained in legal custody until his final release; and accordingly any reference in this section to release is, in relation to a person serving such a sentence, a reference to his final release.”

Commencement Information

I46 Sch. 32 para. 57 partly in force; Sch. 32 para. 57 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 57 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, Sch.

58 In section 18 (information), after subsection (4) there is inserted—

“(5) In relation to a person serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates, any reference in this section to his detention or to his release shall be construed in accordance with section 14E(7).”

Commencement Information

I47 Sch. 32 para. 58 partly in force; Sch. 32 para. 58 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 58 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, Sch.

Children Act 1989 (c. 41)

59 The Children Act 1989 is amended as follows.

Commencement Information

I48 Sch. 32 para. 59 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(24) (subject to **art. 2(2)**, Sch. 2)

60 (1) Section 68 (persons disqualified from being foster parents) is amended as follows.

(2) In subsection (2)(d), the words “a probation order has been made in respect of him or he has been” are omitted.

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(3) After subsection (2) there is inserted—

“(2A) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of subsection (2)(d).”

Commencement Information

I49 Sch. 32 para. 60 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(24\)](#) (subject to [art. 2\(2\), Sch. 2](#))

61 (1) In Schedule 9A (child minding and day care for young children), paragraph 4 is amended as follows.

(2) In sub-paragraph (2)(g), the words “placed on probation or” are omitted.

(3) At the end there is inserted—

“(7) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of this paragraph.”

Commencement Information

I50 Sch. 32 para. 61 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(24\)](#) (subject to [art. 2\(2\), Sch. 2](#))

Criminal Justice Act 1991 (c. 53)

62 The Criminal Justice Act 1991 is amended as follows.

Commencement Information

I51 Sch. 32 para. 62 partly in force; Sch. 32 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 62 in force for certain purposes at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(25\)](#) (subject to [art. 2\(2\), Sch. 2](#))

PROSPECTIVE

63 Section 65 (supervision of young offenders after release) is omitted.

64 (1) Schedule 3 (reciprocal enforcement of certain orders) is amended as follows.

(2) In paragraph 10(3)(d), for the words from “paragraph 3 of Schedule 2” onwards there is substituted “section 201 of the Criminal Justice Act 2003”.

(3) In paragraph 11(2) —

(a) in paragraph (a)—

(i) for “probation order” there is substituted “community order”, and

(ii) ^{F5}

(b) for paragraph (b) there is substituted—

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“(b) the provisions of Part 12 of that Act (so far as relating to such orders) shall apply accordingly.”.

- (4) In paragraph 11(3), for paragraphs (a) and (b) there is substituted—
- “(a) the requirements of Part 12 of the Criminal Justice Act 2003 relating to community orders (within the meaning of that Part);
 - (b) the powers of the home court under Schedule 8 to that Act, as modified by this paragraph; and”.
- (5) In paragraph 11(4), for the words from “probation order made by a court” onwards there is substituted “community order made by a court in England and Wales under section 177 of the Criminal Justice Act 2003, except a power conferred by paragraph 9(1)(b) or (c) or 13(2) of Schedule 8 to that Act”.
- (6) In paragraph 11(5), for “the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “Part 12 of the Criminal Justice Act 2003”.

Textual Amendments

- F5** Sch. 32 para. 64(3)(a)(ii) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); [S.I. 2009/3074](#), [art. 2\(u\)\(xxxi\)](#)

Commencement Information

- I52** Sch. 32 para. 64 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(25\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Aggravated Vehicle-Taking Act 1992 (c. 11)

- 65 In section 1 of the Aggravated Vehicle-Taking Act 1992 (new offence of aggravated vehicle taking), in subsection (2)(a), for “section 127 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “section 163 of the Criminal Justice Act 2003”.

Commencement Information

- I53** Sch. 32 para. 65 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(26\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 66 In section 10 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (life prisoners transferred to Scotland)—
- (a) in subsection (1)—
 - (i) in paragraph (a), sub-paragraph (i), and the succeeding “or”, are omitted, and
 - (ii) after paragraph (a)(ii) there is inserted “or
 - (iii) subsections (5) to (8) of section 28 (early release of life prisoners to whom that section applies) of the Crime (Sentences) Act 1997 (c. 43) (in this section, the “1997 Act”) apply by virtue of an order

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made under section 28(2)(b) of that Act (while that provision was in force) or an order made under section 269(2) of, or paragraph 3(1)(a) of Schedule 22 to, the Criminal Justice Act 2003;”, and

(iii) for “28(2)(b) or 82A(2) or paragraph” there is substituted “ 82A(2), 28(2)(b) or 269(2) or paragraph 3(1)(a) or ”;

(b) after subsection (1) there is inserted—

“(1AA) This Part of this Act, except section 2(9), applies also to a transferred life prisoner—

- (a) who is transferred from England and Wales on or after the date on which section 269 of the Criminal Justice Act 2003 comes into force,
- (b) in relation to whom paragraph 3 of Schedule 22 to that Act applies by virtue of paragraph 2(a) of that Schedule, but
- (c) in respect of whom, under the paragraph so applying, no order has been made,

as if the prisoner were a life prisoner within the meaning of section 2 of this Act and the punishment part of his sentence within the meaning of that section were the notified minimum term defined by paragraph 3(4) of that Schedule.”; and

(c) in subsection (5)(b)—

- (i) for “the Crime (Sentences) Act 1997” there is substituted “ the 1997 Act ”, and
- (ii) after the words “Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)” there is inserted “ section 269(2) of, or paragraph 3(1)(a) of Schedule 22 to, the Criminal Justice Act 2003, ”.

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

67 In section 25 of the Criminal Justice and Public Order Act 1994 (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences), in paragraph (c) of the definition of “conviction” in subsection (5)

- (a) the words “placing the offender on probation or” are omitted, and
- (b) for “him” there is substituted “ the offender ”.

Commencement Information

I54 Sch. 32 para. 67 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(27\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)

68 (1) In Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995 (qualifications for standard licence), paragraph 3 is amended as follows.

(2) In sub-paragraph (2)(a), for “exceeding three months” there is substituted “ of 12 months or more or, before the commencement of section 181 of the Criminal Justice Act 2003, a term exceeding 3 months ”.

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(3) In sub-paragraph (2)(c), for “community service order” there is substituted “community order”.

(4) For sub-paragraph (3)(b), there is substituted—

“(b) “community order” means a community order under section 177 of the Criminal Justice Act 2003, a community punishment order made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community service order under the Community Service by Offenders (Scotland) Act 1978.”.

Commencement Information

I55 Sch. 32 para. 68 partly in force; Sch. 32 para. 68 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 68(1)(3)(4) in force at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 42(28) (subject to art. 2(2), Sch. 2)

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

69 The Criminal Procedure (Scotland) Act 1995 is amended as follows.

Commencement Information

I56 Sch. 32 para. 69 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(29) (subject to art. 2(2), Sch. 2)

70 (1) Section 234 (probation orders: persons residing in England and Wales) is amended as follows.

(2) In subsection (1), the words after paragraph (b) are omitted.

(3) For subsection (2) there is substituted—

“(2) Subsection (1) above applies to any probation order made under section 228 unless the order includes requirements which are more onerous than those which a court in England and Wales could impose on an offender under section 177 of the Criminal Justice Act 2003.”

(4) In subsection (3), the words from “or to vary” to “one hundred” are omitted.

(5) In subsection (4)—

(a) [F6]in paragraph (a)—

(i) for “paragraph 5(3) of Schedule 2 to the 2000 Act” there is substituted “section 207(2) of the Criminal Justice Act 2003”,

(ii) for “or, as the case may be, community rehabilitation orders” there is substituted “or, as the case may be, community orders under Part 12 of that Act”, and

(iii) for “paragraph 5 of the said Schedule 2” there is substituted “section 207 of the Criminal Justice Act 2003”, and]

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(b) in paragraph (b), for “sub-paragraphs (5) to (7) of the said paragraph 5” there is substituted “ sections 207(4) and 208(1) and (2) of the Criminal Justice Act 2003 ”.

(6) After subsection (4) there is inserted—

“(4A) A probation order made or amended under this section must specify as the corresponding requirements for the purposes of this section requirements which could be included in a community order made under section 177 of the Criminal Justice Act 2003.”

(7) ^{F7}

(8) For subsection (6) there is substituted—

“(6) In its application to a probation order made or amended under this section, Schedule 8 to the Criminal Justice Act 2003 has effect subject to the following modifications—

(a) any reference to the responsible officer has effect as a reference to the person appointed or assigned under subsection (1)(a) above,

(b) in paragraph 9—

(i) paragraphs (b) and (c) of sub-paragraph (1) are omitted,

(ii) in sub-paragraph (6), the first reference to the Crown Court has effect as a reference to a court in Scotland, and

(iii) any other reference in sub-paragraphs (6) or (7) to the Crown Court has effect as a reference to the court in Scotland, and

(c) Parts 3 and 5 are omitted.”

(9) In subsection (10)—

(a) for the words from “paragraph 6” to “community rehabilitation orders” there is substituted “ paragraph 8 of Schedule 9 (which relates to community orders ”, and

(b) for “an order made under section 41” there is substituted “ a community order made under Part 12 ”.

Textual Amendments

F6 Sch. 32 para. 70(5)(a) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

F7 Sch. 32 para. 70(7) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I57 Sch. 32 para. 70 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(29\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

(a) in subsection (1)—

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- (i) in paragraph (a)(ii), for “a community punishment order” there is substituted “an unpaid work requirement imposed by a community order (within the meaning of Part 12 of the Criminal Justice Act 2003)”, and
- (ii) in paragraph (a)(iii), for “community punishment orders made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “unpaid work requirements imposed by community orders made under section 177 of the Criminal Justice Act 2003”,
- (b) in subsection (2)(b), for “community punishment orders made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “unpaid work requirements imposed by community orders made under section 177 of the Criminal Justice Act 2003”, and
- (c) in subsection (3)(b), for “in respect of community punishment orders conferred on responsible officers by the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “conferred on responsible officers by Part 12 of the Criminal Justice Act 2003 in respect of unpaid work requirements imposed by community orders (within the meaning of that Part)”.

Commencement Information

158 Sch. 32 para. 71 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(29) (subject to art. 2(2), Sch. 2)

- 72 In section 244 (community service orders: provisions relating to persons living in England and Wales or Northern Ireland)—
- (a) in subsection (3)(a)—
 - (i) for “community punishment order” there is substituted “community order (within the meaning of Part 12 of the Criminal Justice Act 2003)”, and
 - (ii) for “community punishment orders” there is substituted “such community orders”,
 - (b) in subsection (4)(a), for “community punishment orders” there is substituted “community orders (within the meaning of Part 12 of the Criminal Justice Act 2003)”,
 - (c) in subsection (5), for “community punishment order” there is substituted “a community order (within the meaning of Part 12 of the Criminal Justice Act 2003)”, and
 - (d) in subsection (6)—
 - (i) for “community punishment orders”, where first occurring, there is substituted “community orders (within the meaning of Part 12 of the Criminal Justice Act 2003)”, and
 - (ii) in paragraph (b)(ii), for “the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “Part 12 of the Criminal Justice Act 2003”.

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Commencement Information

I59 Sch. 32 para. 72 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(29) (subject to **art. 2(2)**, Sch. 2)

Education Act 1996 (c. 56)

73 **F8**

Textual Amendments

F8 Sch. 32 para. 73 repealed (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I60 Sch. 32 para. 73 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(30) (subject to **art. 2(2)**, Sch. 2)

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

74 The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

Commencement Information

I61 Sch. 32 para. 74 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

75 In Article 2 (interpretation) after paragraph (8) there is inserted—

“(9) For the purposes of this Order, a sentence falls to be imposed under paragraph (2) of Article 52A of the Firearms (Northern Ireland) Order 1981 if it is required by that paragraph and the court is not of the opinion there mentioned.”

Commencement Information

I62 Sch. 32 para. 75 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

76 In Article 4 (absolute and conditional discharge), in paragraph (1), for “(not being an offence for which the sentence is fixed by law)” there is substituted “ (not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981) ”.

Commencement Information

I63 Sch. 32 para. 76 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

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77 In Article 10 (probation orders), in paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “ (not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981) ”.

Commencement Information

I64 Sch. 32 para. 77 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

78 (1) Article 13 (community service orders) is amended as follows.

(2) In paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “ (not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981) ”.

(3) In paragraph (4)(b) as it has effect pursuant to paragraph 7(1) of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements), for “such orders” there is substituted “ an unpaid work requirement of a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”.

Commencement Information

I65 Sch. 32 para. 78 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

79 In Article 15 (orders combining probation and community service), in paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “ (not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981) ”.

Commencement Information

I66 Sch. 32 para. 79 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

80 **F9**

Textual Amendments

F9 Sch. 32 para. 80 repealed (1.4.2009) by [The Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), **art. 102**, **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 para. 19(e) (subject to Sch. 2)

Commencement Information

I67 Sch. 32 para. 80 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

81 **F10**

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Textual Amendments

F10 Sch. 32 para. 81 repealed (1.4.2009) by [The Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), [art. 102](#), [Sch. 6 Pt. 1](#); [S.R. 2009/120](#), [art. 2](#), Sch. 1 para. 19(e) (subject to Sch. 2)

Commencement Information

I68 Sch. 32 para. 81 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(31) (subject to [art. 2\(2\)](#), Sch. 2)

Crime (Sentences) Act 1997 (c. 43)

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

Commencement Information

I69 Sch. 32 para. 82 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(32) (subject to [art. 2\(2\)](#), Sch. 2)

- 83 (1) Section 31 (duration and conditions of licences) is amended as follows.
- (2) In subsection (3), for the words from “except” onwards there is substituted “ except in accordance with recommendations of the Parole Board ”.
- (3) Subsection (4) is omitted.
- (4) In subsection (6), for “section 46(3) of the 1991 Act” there is substituted “ section 259 of the Criminal Justice Act 2003 ”.

Commencement Information

I70 Sch. 32 para. 83 wholly in force at 4.4.2005; Sch. 32 para. 83(1)-(3) in force at 18.12.2003, see s. 336(2); Sch. 32 para. 83(4) in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(32) (subject to [art. 2\(2\)](#), Sch. 2)

84 In section 32 (recall of life prisoners while on licence) for subsection (5) there is substituted—

“(5) Where on a reference under subsection (4) above the Parole Board directs the immediate release on licence under this section of the life prisoner, the Secretary of State shall give effect to the direction.”

85 (1) Schedule 1 (transfers of prisoners within the British Islands) is amended as follows.

(2) In paragraph 6, after sub-paragraph (3) there is inserted—

“(4) In this Part of this Schedule—

“the 2003 Act” means the Criminal Justice Act 2003;

“custody plus order” has the meaning given by section 181(4) of that Act;

“intermittent custody order” has the meaning given by section 183(2) of that Act.”

(3) In paragraph 8 (restricted transfers from England and Wales to Scotland)—

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- (a) for sub-paragraph (2)(a) there is substituted—
- “(a) sections 241, 244, 247 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Scotland;
 - (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Scotland;
 - (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall also apply to him (subject to Schedule 11 to that Act); and”
- (b) for sub-paragraph (4)(a) there is substituted—
- “(a) sections 241, 249 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 103 and 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Scotland;
 - (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Scotland;
 - (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall also apply to him (subject to Schedule 11 to that Act); and”
- (c) for sub-paragraphs (5) to (7) there is substituted—
- “(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c) there were substituted the words “a relevant officer of such local authority as may be specified in the licence”.
 - (“) Any provision of sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if—
 - (a) any reference to secure accommodation were a reference to secure accommodation within the meaning of Part 2 of the Children (Scotland) Act 1995 or a young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989,
 - (b) except in section 103(2), any reference to the Secretary of State were a reference to the Scottish Ministers,
 - (c) any reference to an officer of a local probation board were a reference to a relevant officer as defined by section 27(1)

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- of the Prisoners and Criminal Proceedings (Scotland) Act 1993,
- (d) any reference to a youth court were a reference to a sheriff court,
 - (e) in section 103, any reference to a [F11]local justice area] were a reference to a local government area within the meaning of the Local Government etc. (Scotland) Act 1994,
 - (f) in section 103(3), for paragraphs (b) and (c) there were substituted a reference to an officer of a local authority constituted under that Act for the local government area in which the offender resides for the time being,
 - (g) section 103(5) were omitted,
 - (h) in section 104, for subsection (1) there were substituted—
 - “(1) Where a detention and training order is in force in respect of an offender and it appears on information to a sheriff court having jurisdiction in the locality in which the offender resides that the offender has failed to comply with requirements under section 103(6)(b), the court may—
 - (a) issue a citation requiring the offender to appear before it at the time specified in the citation, or
 - (b) issue a warrant for the offender’s arrest.”,
 - (i) section 104(2) were omitted, and
 - (j) in section 104(6), the reference to the Crown Court were a reference to the High Court of Justiciary.”
- (4) In paragraph 9 (restricted transfers from England and Wales to Northern Ireland)—
- (a) for sub-paragraph (2)(a) there is substituted—
 - “(a) sections 241, 244, 247 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
 - (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
 - (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall apply to him (subject to Schedule 11 to that Act); and”,
 - (b) for sub-paragraph (4)(a) there is substituted—
 - “(a) sections 241, 249 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 103 and 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;

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- (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
 - (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall apply to him (subject to Schedule 11 to that Act); and”
- (c) for sub-paragraphs (5) to (7) there is substituted—
- “(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c) there were substituted the words “a probation appointed for or assigned to the petty sessions district within which the prisoner for the time being resides”.”

(5) In paragraph 15 (unrestricted transfers: general provisions), sub-paragraph (5) is omitted.

Textual Amendments

F11 Words in Sch. 32 para. 85(3)(c) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 112\(a\)](#)

Commencement Information

I71 Sch. 32 para. 85 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(32\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

86 In Schedule 2 (repatriation of prisoners to the British Islands) paragraphs 2 and 3 are omitted.

Commencement Information

I72 Sch. 32 para. 86 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(32\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Crime and Disorder Act 1998 (c. 37)

87 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I73 Sch. 32 para. 87 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(33\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

88 In section 18 (interpretation etc. of Chapter 1)—

- (a) after the definition of “responsible officer” in subsection (1) there is inserted—

““serious harm” shall be construed in accordance with section 224 of the Criminal Justice Act 2003;” and

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(b) subsection (2) is omitted.

Commencement Information

I74 Sch. 32 para. 88 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(33) (subject to **art. 2(2)**, Sch. 2)

- 89 (1) Section 38 (local provision of youth justice services) is amended as follows.
- (2) ^{F12}
- (3) In subsection (4)(i), after “1997 Act”)” there is inserted “ or by virtue of conditions imposed under section 250 of the Criminal Justice Act 2003 ”.

Textual Amendments

F12 Sch. 32 para. 89(2) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I75 Sch. 32 para. 89 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(33) (subject to **art. 2(2)**, Sch. 2)

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

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

Commencement Information

I76 Sch. 32 para. 90 partly in force; Sch. 32 para. 90 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 90 in force for certain purposes at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 91 (1) Section 6 (committal for sentence in certain cases where offender committed in respect of another offence) is amended as follows.
- (2) In subsection (3)(b), for “section 120(1) below” there is substituted “ paragraph 11(1) of Schedule 12 to the Criminal Justice Act 2003 ”.
- (3) For subsection (4)(e), there is substituted—
- “(e) paragraph 11(2) of Schedule 12 to the Criminal Justice Act 2003 (committal to Crown Court where offender convicted during operational period of suspended sentence).”.

Commencement Information

I77 Sch. 32 para. 91 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 92 In section 7 (power of Crown Court on committal for sentence under section 6), in subsection (2), for “section 119 below” there is substituted “ paragraphs 8 and 9 of Schedule 12 to the Criminal Justice Act 2003 ”.

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Commencement Information

I78 Sch. 32 para. 92 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 93 In section 12 (absolute and conditional discharge)—
- (a) in subsection (1) for “109(2), 110(2) or 111(2) below” there is substituted “ section 110(2) or 111(2) below, section 51A(2) of the Firearms Act 1968 or section 225, 226, 227 or 228 of the Criminal Justice Act 2003) ”, and
 - (b) subsection (4) (duty to explain effect of order for conditional discharge) is omitted.

Commencement Information

I79 Sch. 32 para. 93 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 94 In the heading to Part 4, and the heading to Chapter 1 of that Part, for “COMMUNITY ORDERS” there is substituted “ YOUTH COMMUNITY ORDERS ”.

Commencement Information

I80 Sch. 32 para. 94 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 95 [F13]For section 33 there is substituted—

“Meaning of “youth community order” and “community sentence”

- (1) In this Act “youth community order” means any of the following orders—
- (a) a curfew order;
 - (b) an exclusion order;
 - (c) an attendance centre order;
 - (d) a supervision order;
 - (e) an action plan order.
- (2) In this Act “community sentence” means a sentence which consists of or includes—
- (a) a community order under section 177 of the Criminal Justice Act 2003, or
 - (b) one or more youth community orders.”]

Textual Amendments

F13 Sch. 32 para. 95 repealed (30.11.2009 for specified purposes and otherwise prosp.) by **Criminal Justice and Immigration Act 2008 (c. 4)**, ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

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Commencement Information
I81 Sch. 32 para. 95 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

- 96 (1) Section 36B (electronic monitoring of requirements in community orders) is amended as follows.
- (2) In the heading for “**community orders**” there is substituted “**youth community orders**”, and
- (3) In subsection (1)—
- (a) for “to (4)” there is substituted “and (3)”, and
 - (b) for “community order” there is substituted “youth community order”.
- (4) In subsection (2) and (6)(a), for “community order” there is substituted “youth community order”.

Commencement Information
I82 Sch. 32 para. 96 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

97 F14

Textual Amendments
F14 Sch. 32 para. 97 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information
I83 Sch. 32 para. 97 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

98 F15

Textual Amendments
F15 Sch. 32 para. 98 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information
I84 Sch. 32 para. 98 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

99 F16

Textual Amendments
F16 Sch. 32 para. 99 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

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100 F17

Textual Amendments

F17 Sch. 32 para. 100 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I85 Sch. 32 para. 100 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

101 F18

Textual Amendments

F18 Sch. 32 para. 101 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I86 Sch. 32 para. 101 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 102 (1) Section 60 (attendance centre orders) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “sections 34 to 36 above” there is substituted “ sections 148, 150 and 156 of the Criminal Justice Act 2003 ” and for “21” there is substituted “ 16 ”, and
 - (b) in paragraph (b), for “21” there is substituted “ 16 ”, and
 - (c) paragraph (c) and the word “or” immediately preceding it are omitted.
- (3) In subsection (4), for paragraphs (a) and (b) there is substituted “ shall not exceed 24 ”.
- (4) In subsection (7), for “community order” there is substituted “ youth community order ”.

Commencement Information

I87 Sch. 32 para. 102 partly in force; Sch. 32 para. 102 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 102(1)(2)(a)(4) in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

103 F19

Textual Amendments

F19 Sch. 32 para. 103 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

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Commencement Information

I88 Sch. 32 para. 103 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

104 **F20**

Textual Amendments

F20 Sch. 32 para. 104 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I89 Sch. 32 para. 104 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

105 **F21**

Textual Amendments

F21 Sch. 32 para. 105 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I90 Sch. 32 para. 105 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

106 (1) Section 73 (reparation orders) is amended as follows.

(2) **F22**

(3) Subsection (7) is omitted.

Textual Amendments

F22 Sch. 32 para. 106(2) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I91 Sch. 32 para. 106 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

107 In section 74 (requirements and provisions of reparation order, and obligations of person subject to it), in subsection (3)(a), after “community order” there is inserted “ or any youth community order ”.

Commencement Information

I92 Sch. 32 para. 107 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

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- 108 In section 76 (meaning of custodial sentence), in subsection (1) after paragraph (b) there is inserted—
- “(bb) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003;
 - (bc) a sentence of detention under section 228 of that Act;”.

Commencement Information

I93 Sch. 32 para. 108 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 109 (1) Section 82A (determination of tariffs) is amended as follows.
- (2) In subsection (1), for the words from “where” onwards there is substituted “ where the sentence is not fixed by law ”.
- (3) In subsection (3)—
- (a) in paragraph (b), for “section 87” there is substituted “ section 240 of the Criminal Justice Act 2003 ”, and
 - (b) in paragraph (c), for “sections 33(2) and 35(1) of the Criminal Justice Act 1991” there is substituted “ section 244(1) of the Criminal Justice Act 2003 ”.
- (4) In subsection (4)—
- (a) after “If” there is inserted “ the offender was aged 21 or over when he committed the offence and ”, and
 - (b) the words “subject to subsection (5) below” are omitted.
- (5) Subsections (5) and (6) are omitted.

Commencement Information

I94 Sch. 32 partly in force; Sch. 32 para. 109(2)(3)(b)(4)(5) in force at 18.12.2003, see s. 336(2); Sch. 32 para. 109(1) in force for certain purposes and Sch. 32 para. 109(3)(a) in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 110 (1) Section 91 (offenders under 18 convicted of certain serious offences) is amended as follows.
- (2) In subsection (3), for “none of the other methods in which the case may legally be dealt with” there is substituted “ neither a community sentence nor a detention and training order ”.
- (3) In subsection (4), for “section 79 and 80 above” there is substituted “ section 152 and 153 of the Criminal Justice Act 2003 ”.

Commencement Information

I95 Sch. 32 para. 110 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 111 (1) Section 100 (detention and training orders) is amended as follows.
- (2) In subsection (1)—

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- (a) for the words from the beginning to “subsection (2)” there is substituted “Subject to sections 90 and 91 above, sections 226 and 228 of the Criminal Justice Act 2003, and subsection (2)”, and
- (b) for paragraph (b) there is substituted—
 - “(b) the court is of the opinion that subsection (2) of section 152 of the Criminal Justice Act 2003 applies or the case falls within subsection (3) of that section,”.

(3) Subsection (4) is omitted.

Commencement Information

I96 Sch. 32 para. 111 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

112 In section 106 (interaction of detention and training orders with sentences of detention in a young offender institution), subsections (2) and (3) are omitted.

Commencement Information

I97 Sch. 32 para. 112 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

113 After section 106 there is inserted—

“106A Interaction with sentences of detention

- (1) In this section—
 - “the 2003 Act” means the Criminal Justice Act 2003;
 - “sentence of detention” means—
 - (a) a sentence of detention under section 91 above, or
 - (b) a sentence of detention under section 228 of the 2003 Act (extended sentence for certain violent or sexual offences: persons under 18).
- (2) Where a court passes a sentence of detention in the case of an offender who is subject to a detention and training order, the sentence shall take effect as follows—
 - (a) if the offender has at any time been released by virtue of subsection (2), (3), (4) or (5) of section 102 above, at the beginning of the day on which the sentence is passed, and
 - (b) if not, either as mentioned in paragraph (a) above or, if the court so orders, at the time when the offender would otherwise be released by virtue of subsection (2), (3), (4) or (5) of section 102.
- (3) Where a court makes a detention and training order in the case of an offender who is subject to a sentence of detention, the order shall take effect as follows—
 - (a) if the offender has at any time been released under Chapter 6 of Part 12 of the 2003 Act (release on licence of fixed-term prisoners), at the beginning of the day on which the order is made, and

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- (b) if not, either as mentioned in paragraph (a) above or, if the court so orders, at the time when the offender would otherwise be released under that Chapter.
- (4) Where an order under section 102(5) above is made in the case of a person in respect of whom a sentence of detention is to take effect as mentioned in subsection (2)(b) above, the order is to be expressed as an order that the period of detention attributable to the detention and training order is to end at the time determined under section 102(5)(a) or (b) above.
- (5) In determining for the purposes of subsection (3)(b) the time when an offender would otherwise be released under Chapter 6 of Part 12 of the 2003 Act, section 246 of that Act (power of Secretary of State to release prisoners on licence before he is required to do so) is to be disregarded.
- (6) Where by virtue of subsection (3)(b) above a detention and training order made in the case of a person who is subject to a sentence of detention under section 228 of the 2003 Act is to take effect at the time when he would otherwise be released under Chapter 6 of Part 12 of that Act, any direction by the Parole Board under subsection (2)(b) of section 247 of that Act in respect of him is to be expressed as a direction that the Board would, but for the detention and training order, have directed his release under that section.
- (7) Subject to subsection (9) below, where at any time an offender is subject concurrently—
- (a) to a detention and training order, and
 - (b) to a sentence of detention,
- he shall be treated for the purposes of the provisions specified in subsection (8) below as if he were subject only to the sentence of detention.
- (8) Those provisions are—
- (a) sections 102 to 105 above,
 - (b) section 92 above and section 235 of the 2003 Act (place of detention, etc.), and
 - (c) Chapter 6 of Part 12 of the 2003 Act.
- (9) Nothing in subsection (7) above shall require the offender to be released in respect of either the order or the sentence unless and until he is required to be released in respect of each of them.”

Commencement Information

198 Sch. 32 para. 113 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

114 In section 110 (required custodial sentence for third class A drug trafficking offence), subsection (3) is omitted.

Commencement Information

199 Sch. 32 para. 114 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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- 115 In section 111 (minimum of three years for third domestic burglary) subsection (3) is omitted.

Commencement Information

I100 Sch. 32 para. 115 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 116 Sections 116 and 117 (return to prison etc. where offence committed during original sentence) shall cease to have effect.

Commencement Information

I101 Sch. 32 para. 116 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 117 In section 130 (compensation orders against convicted persons), in subsection (2), for “109(2), 110(2) or 111(2) above,” there is substituted “ 110(2) or 111(2) above, section 51A(2) of the Firearms Act 1968 or section 225, 226, 227 or 228 of the Criminal Justice Act 2003, ”.

Commencement Information

I102 Sch. 32 para. 117 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 118 In section 136 (power to order statement as to financial circumstances of parent or guardian) in subsection (2), for “section 126 above” there is substituted “ section 162 of the Criminal Justice Act 2003 ”.

Commencement Information

I103 Sch. 32 para. 118 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 119 (1) Section 138 (fixing of fine or compensation to be paid by parent or guardian) is amended as follows.
- (2) In subsection (1)(a), for “section 128 above” there is substituted “ section 164 of the Criminal Justice Act 2003 ”.
- (3) In subsection (2), for “sections 128(1) (duty to inquire into financial circumstances) and” there is substituted “ section 164(1) of the Criminal Justice Act 2003 and section ”.
- (4) In subsection (4)—
- (a) for “section 129 above” there is substituted “ section 165 of the Criminal Justice Act 2003 ”,
 - (b) for “section 129(1)” there is substituted “ section 165(1) ”, and
 - (c) for “section 129(2)” there is substituted “ section 165(2) ”.

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Commencement Information

I104 Sch. 32 para. 119 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

120 In section 146 (driving disqualification for any offence), in subsection (2), for “109(2), 110(2) or 111(2) above” there is substituted “ 110(2) or 111(2) above, section 51A(2) of the Firearms Act 1968 or section 225, 226, 227 or 228 of the Criminal Justice Act 2003 ”.

Commencement Information

I105 Sch. 32 para. 120 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

121 In section 154 (commencement of Crown Court sentence), in subsection (2), for “section 84 above” there is substituted “ section 265 of the Criminal Justice Act 2003 ”.

Commencement Information

I106 Sch. 32 para. 121 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

122 ^{F23}

Textual Amendments

F23 Sch. 32 para. 122 repealed (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

- 123 (1) Section 163 (interpretation) is amended as follows.
- (2) In the definition of “attendance centre” for “section 62(2) above” there is substituted “ section 221(2) of the Criminal Justice Act 2003 ”.
- (3) In the definition of “attendance centre order” for the words from “by virtue of” to “Schedule 3” there is substituted “ by virtue of paragraph 4(2)(b) or 5(2)(b) of Schedule 3 ”.
- (4) In the definition of “community order”, for “section 33(1) above” there is substituted “ section 177(1) of the Criminal Justice Act 2003 ”.
- (5) ^{F24}
- (6) In the definition of “operational period”, for “section 118(3) above” there is substituted “ section 189(1)(b)(ii) of the Criminal Justice Act 2003 ”.
- (7) In the definition of “suspended sentence”, for “section 118(3) above” there is substituted “ section 189(7) of the Criminal Justice Act 2003 ”.
- (8) At the end there is inserted—

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““youth community order” has the meaning given by section 33(1) above.”.

Textual Amendments

F24 Sch. 32 para. 123(5) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I107 Sch. 32 para. 123 partly in force; Sch. 32 para. 123 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 123(5) in force for certain purposes and Sch. 32 para. 123(1)(2)(4)(6)-(8) in force at 4.4.2005 by S.I. 2005/950, [arts. 2](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

124 In section 164 (further interpretative provision) for subsection (3) there is substituted—

“(3) References in this Act to a sentence falling to be imposed—

- (a) under section 110(2) or 111(2) above,
- (b) under section 51A(2) of the Firearms Act 1968, or
- (c) under any of sections 225 to 228 of the Criminal Justice Act 2003,

are to be read in accordance with section 305(4) of the Criminal Justice Act 2003.”

Commencement Information

I108 Sch. 32 para. 124 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

125 ^{F25}

Textual Amendments

F25 Sch. 32 para. 125 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

126 In Schedule 5 (breach, revocation and amendment of attendance centre orders)—

- (a) in paragraph 1(1)(b), for “section 62(3) of this Act” there is substituted “section 222(1)(d) or (e) of the Criminal Justice Act 2003 ”,
- (b) in paragraph 2(5)(b), for “section 79(2) of this Act” there is substituted “section 152(2) of the Criminal Justice Act 2003 ”, and
- (c) in paragraph 3(3)(b), for “section 79(2) of this Act” there is substituted “section 152(2) of the Criminal Justice Act 2003 ”.

Commencement Information

I109 Sch. 32 para. 126 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(34\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

127 ^{F26}

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Textual Amendments

F26 Sch. 32 para. 127 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I110 Sch. 32 para. 127 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

128 **F27**

Textual Amendments

F27 Sch. 32 para. 128 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I111 Sch. 32 para. 128 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

129 **F28**

Textual Amendments

F28 Sch. 32 para. 129 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I112 Sch. 32 para. 129 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

Child Support, Pensions and Social Security Act 2000 (c. 19)

130 The Child Support, Pensions and Social Security Act 2000 is amended as follows.

Commencement Information

I113 Sch. 32 para. 130 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(35) (subject to [art. 2\(2\)](#), Sch. 2)

- 131 (1) Section 62 (loss of benefit for breach of community order) is amended as follows.
- (2) In subsection (8), for the definition of “relevant community order” there is substituted—
- ““relevant community order” means—
- (a) a community order made under section 177 of the Criminal Justice Act 2003; or

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(b) any order falling in England or Wales to be treated as such an order.”

(3) ^{F29}

Textual Amendments

F29 Sch. 32 para. 131(3) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, Sch. 28 Pt. 1; S.I. 2009/3074, art. 2(u)(xxxi)

Commencement Information

I114 Sch. 32 para. 131 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(35) (subject to art. 2(2), Sch. 2)

132 In section 64 (information provision), in subsection (6)(a), after “community orders” there is inserted “ (as defined by section 177 of the Criminal Justice Act 2003) ”.

Commencement Information

I115 Sch. 32 para. 132 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(35) (subject to art. 2(2), Sch. 2)

Criminal Justice and Court Services Act 2000 (c. 43)

133 The Criminal Justice and Court Services Act 2000 is amended as follows.

Commencement Information

I116 Sch. 32 para. 133 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(36) (subject to art. 2(2), Sch. 2)

134 In section 1 (purposes of Chapter 1 of Part 1 of the Act), in subsection (2)—

(a) in paragraph (a), after “community orders” there is inserted “ (as defined by section 177 of the Criminal Justice Act 2003) ”, and

(b) after paragraph (c) there is inserted—

“(d) giving effect to suspended sentence orders (as defined by section 189 of the Criminal Justice Act 2003).”

Commencement Information

I117 Sch. 32 para. 134 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 42(36) (subject to art. 2(2), Sch. 2)

135 In section 42 (interpretation of Part 2), in subsection (2)(a), for “section 119 of the Powers of Criminal Court (Sentencing) Act 2000” there is substituted “ paragraph 8(2)(a) or (b) of Schedule 12 of the Criminal Justice Act 2003 ”.

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Commencement Information

I118 Sch. 32 para. 135 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

136 (1) Section 62 (release on licence etc: conditions as to monitoring) is amended as follows.

(2) For subsection (3) there is substituted—

“(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).”

(3) In subsection (5) after paragraph (e) there is inserted “, and

(f) a sentence of detention under section 226 or 228 of the Criminal Justice Act 2003”.

Commencement Information

I119 Sch. 32 para. 136 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

137 In section 69 (duties of local probation boards in connection with victims of certain offences), in subsection (8), for paragraph (a) there is substituted—

“(a) murder or an offence specified in Schedule 15 to the Criminal Justice Act 2003,”.

Commencement Information

I120 Sch. 32 para. 137 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

138 **F30**

Textual Amendments

F30 Sch. 32 para. 138 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I121 Sch. 32 para. 138 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

International Criminal Court Act 2001 (c. 17)

139 (1) Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), is amended as follows.

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(2) In paragraph 2(1), for paragraph (d) there is substituted—

“(d) section 240 of the Criminal Justice Act 2003 (crediting of periods of remand in custody).”

(3) In paragraph 3(1), for “Part 2 of the Criminal Justice Act 1991” there is substituted “sections 244 to 264 of the Criminal Justice Act 2003”.

Commencement Information

I122 Sch. 32 para. 139 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(37) (subject to [art. 2\(2\)](#), Sch. 2)

Armed Forces Act 2001 (c. 19)

140 ^{F31}

Textual Amendments

F31 Sch. 32 para. 140 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Proceeds of Crime Act 2002 (c. 29)

141 In section 38 of the Proceeds of Crime Act 2002 (provisions about imprisonment or detention), in subsection (4)(a), for “section 118(1) of the Sentencing Act” there is substituted “section 189(1) of the Criminal Justice Act 2003”.

Commencement Information

I123 Sch. 32 para. 141 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(38) (subject to [art. 2\(2\)](#), Sch. 2)

Sexual Offences Act 2003 (c. 42)

142 The Sexual Offences Act 2003 is amended as follows.

Commencement Information

I124 Sch. 32 para. 142 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(39) (subject to [art. 2\(2\)](#), Sch. 2)

143 In section 131 (application of Part 2 to young offenders), after paragraph (j) there is inserted—

“(k) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003,

(l) an extended sentence under section 228 of that Act.”.

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Commencement Information

I125 Sch. 32 para. 143 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(39) (subject to [art. 2\(2\)](#), Sch. 2)

144 In section 133 (general interpretation), at the end of paragraph (a) of the definition of “community order” there is inserted “ (as that Act had effect before the passing of the Criminal Justice Act 2003) ”.

.....

Commencement Information

I126 Sch. 32 para. 144 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(39) (subject to [art. 2\(2\)](#), Sch. 2)

Status:

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