

## SCHEDULES

### SCHEDULE 4

Section 39

#### TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

##### PART 1

##### PROVISIONS RELATING TO PART 1

###### *Compensation for certain former chief officers of local probation boards*

- 1 The Secretary of State may pay such compensation as he considers appropriate to any person who—
- (a) ceases to hold office as chief officer of a local probation board by virtue of the abolition of the board by virtue of this Part; and
  - (b) has not been appointed as chief executive of a probation trust before ceasing to hold office as chief officer.

###### *Continuity of employment where chief officer is appointed chief executive of a probation trust*

- 2 (1) If a person who holds office as chief officer of a local probation board is appointed as chief executive of a probation trust, his period of Crown employment in that office (including any period mentioned in section 22(2) of the Criminal Justice and Court Services Act 2000 (c. 43) for former chief probation officers) counts as a period of employment with the probation trust.
- (2) In this paragraph “Crown employment” means the employment in which the chief executive of a local probation board was, by virtue of paragraph 3(5) of Schedule 1 to that Act, treated as being employed for the purposes of the Employment Rights Act 1996 (c. 18).

###### *General saving for existing functions of the Secretary of State*

- 3 Nothing in the provisions of Part 1 conferring functions on the Secretary of State affects any other functions of his which are exercisable for any purpose that corresponds to any of the section 1 purposes.

###### *Interpretation*

- 4 Expressions used in this Part of this Schedule have the same meaning as in Part 1.

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*Status: This is the original version (as it was originally enacted).*

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## PART 2

### PROVISIONS RELATING TO PART 2

#### *Penalty for offences under sections 40C & 40D of the Prison Act 1952*

- 5 In the application of section 40C and 40D of the Prison Act 1952 (c. 52) (inserted by sections 22 and 23) in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44) (limit on magistrates' court's powers to impose imprisonment), the reference in subsection (5)(b) of those sections to 12 months is to be read as a reference to 6 months.

## PART 3

### PROVISIONS RELATING TO PART 3

#### *Imprisonment of offenders aged 18 or over but under 21*

- 6 (1) Sub-paragraph (2) applies if section 35(4)(a) comes into force before the day on which section 61 of the Criminal Justice and Court Services Act 2000 (c. 43) (abolition of sentences of detention in a young offender institution, custody for life, etc.) comes into force (or fully into force).
- (2) The provision that may be made by order under section 38(1) includes provision modifying the provision inserted by section 35(4)(a) of this Act with respect to sentences passed, or other things done, at any time before section 61 of that Act comes into force (or fully into force).

#### *Remand centres*

- 7 If section 59 of the Criminal Justice and Court Services Act 2000 (abolition of remand centres) has not come into force (or fully into force) before the coming into force of paragraph 18(2) of Schedule 3, that paragraph has effect until section 59 of the Criminal Justice and Court Services Act 2000 comes into force (or comes fully into force) as if after "prison" (in the second place it occurs) there were inserted " , remand centre".