



Criminal Justice and Immigration Act 2008

CHAPTER 4

CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

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- 9 In this Part of this Act “supervision requirement”, in relation...

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Power of magistrates' court to refer offender to Crown Court

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Appearance of offender before court

- 20 (1) Subject to sub-paragraph (2), where, otherwise than on the...

Warrants

- 21 (1) Sub-paragraph (2) applies where an offender is arrested in...

Adjournment of proceedings

- 22 (1) This paragraph applies to any hearing relating to an...

Restrictions on imposition of intensive supervision and surveillance or fostering

- 23 Subsection (4), and the provisions mentioned in subsection (6), of...

Provision of copies of orders etc.

- 24 (1) Where a court makes an order under this Schedule...

Power to amend maximum period of fostering requirement

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Making of youth rehabilitation order where offender resides or will reside in Northern Ireland

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Amendment of youth rehabilitation order where offender resides or proposes to reside in Northern Ireland

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Further provisions regarding the making or amending of youth rehabilitation orders under paragraph 1 or 2

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- 4 (1) Before making or amending a youth rehabilitation order in...

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Meaning of “supervision”

- 6 In this Part of this Schedule “supervision”, in relation to...

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Interpretation

8 In this Part of this Schedule, in relation to the...

Effect of the youth rehabilitation order in Northern Ireland

9 (1) The youth rehabilitation order is to be treated in...

Duty of offender to keep in touch with relevant officer

10 In section 5(5) (duty of offender to keep in touch...

Direction by Crown Court in Northern Ireland that proceedings in Northern Ireland be before a court of summary jurisdiction

11 Where the youth rehabilitation order was made or amended by...

Powers of the home court in respect of the youth rehabilitation order

12 The home court may exercise in relation to the youth...

13 (1) The home court may require the offender to appear...

14 Where an offender is required by virtue of paragraph 13...

Powers of court in England or Wales before which the offender is required to appear

15 Where an offender is required by virtue of paragraph 13...

16 (1) Paragraph 15(b) does not enable the relevant court in...

Power to amend provisions of Schedule in consequence of changes to the law in Northern Ireland

17 (1) This paragraph applies where a change is made to...

SCHEDULE 4 — Youth rehabilitation orders: consequential and related amendments

Part 1 — CONSEQUENTIAL AMENDMENTS

Children and Young Persons Act 1933 (c. 12)

1 The Children and Young Persons Act 1933 has effect subject...

2 (1) Section 34 (attendance at court of parent of child...

3 (1) Section 49 (restrictions on reports of proceedings in which...

Criminal Appeal Act 1968 (c. 19)

4 In section 10(2) of the Criminal Appeal Act 1968 (appeal...

Firearms Act 1968 (c. 27)

5 The Firearms Act 1968 has effect subject to the following...

6 In section 21(3ZA)(a) (possession of firearms by persons previously convicted...

7 In section 52(1A)(a) (forfeiture and disposal of firearms; cancellation of...

Health Services and Public Health Act 1968 (c. 46)

8 The Health Services and Public Health Act 1968 has effect...

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- 9 In section 64(3)(a) (financial assistance by the Secretary of State...
- 10 In section 65(3)(b) (financial and other assistance by local authorities...

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

- 11 The Social Work (Scotland) Act 1968 has effect subject to...
- 12 In section 86(3) (adjustments between authority providing accommodation etc, and...
- 13 In section 94(1) (interpretation)— (a) for the definition of “probation...

Children and Young Persons Act 1969 (c. 54)

- 14 The Children and Young Persons Act 1969 has effect subject...
- 15 Omit section 25 (transfers between England or Wales and Northern...
- 16 (1) Section 26 (transfers between England or Wales and the...
- 17 (1) Section 32 (detention of absentees) is amended as follows....
- 18 In section 70(1) (interpretation)— (a) omit the definition of “supervision...
- 19 In section 73(4)(a) (provisions of section 32 extending to Scotland)...

Rehabilitation of Offenders Act 1974 (c. 53)

- 20 The Rehabilitation of Offenders Act 1974 has effect subject to...
- 21 In section 5(5) (rehabilitation periods for particular sentences) after paragraph...
- 22 In section 7(2) (limitations on rehabilitation under Act, etc.) for...

Bail Act 1976 (c. 63)

- 23 In section 4(3) of the Bail Act 1976 (general right...

Magistrates' Courts Act 1980 (c. 43)

- 24 In Schedule 6A to the Magistrates' Courts Act 1980 (fines...

Contempt of Court Act 1981 (c. 49)

- 25 In section 14 of the Contempt of Court Act 1981...

Criminal Justice Act 1982

- 26 Part 3 of Schedule 13 to the Criminal Justice Act...
- 27 (1) Paragraph 7 (transfer to England and Wales) is amended...
- 28 (1) Paragraph 9 (general provision) is amended as follows.
- 29 After that paragraph insert— Community service orders relating to persons...

Mental Health Act 1983 (c. 20)

- 30 In section 37(8) of the Mental Health Act 1983 (powers...

Child Abduction Act 1984 (c. 37)

- 31 In paragraph 2(1) of the Schedule to the Child Abduction...

Prosecution of Offences Act 1985 (c. 23)

- 32 (1) Section 19 of the Prosecution of Offences Act 1985...

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Children Act 1989 (c. 41)

- 33 The Children Act 1989 has effect subject to the following...
- 34 (1) Section 21 (provision of accommodation for children in police...
- 35 In section 31(7)(b) (care and supervision orders), for sub-
paragraph (ii)...
- 36 In section 105(6) (interpretation)— (a) in paragraph (b), omit from...
- 37 (1) Part 3 of Schedule 3 (education supervision orders) is...
- 38 In paragraph 3 of Schedule 8 (privately fostered children) for...

Criminal Justice Act 1991 (c. 53)

- 39 Part 3 of Schedule 3 to the Criminal Justice Act...
- 40 (1) Paragraph 10 is amended as follows.
- 41 (1) Paragraph 11 is amended as follows.

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

- 42 In section 136 of the Criminal Justice and Public Order...

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

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Education Act 1996 (c. 56)

- 47 In section 562(2)(b) of the Education Act 1996 (Act not...

Crime and Disorder Act 1998 (c. 37)

- 48 The Crime and Disorder Act 1998 has effect subject to...
- 49 In section 38(4) (local provision of youth justice services)—
- 50 In Schedule 8 (minor and consequential amendments), in paragraph
13(2),...

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

- 51
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- 59 In section 159 (execution of process between England and Wales...
- 60
- 61 In section 163 (general definitions)— (a) omit the definitions of...
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- 63
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Child Support, Pensions and Social Security Act 2000 (c. 19)

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

68 The Criminal Justice and Court Services Act 2000 has effect...
69 In section 1(2)(a) (purposes of Chapter), after “2003” insert “...
70 In section 70 (interpretation, etc.) omit subsection (5).

Criminal Justice Act 2003 (c. 44)

71 Part 12 of the Criminal Justice Act 2003 (sentencing) has...
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92 In section 221(2) (provision of attendance centres)—
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94 Omit section 279 (drug treatment and testing requirement in action...
95 In section 330(5)(a) (orders subject to the affirmative resolution
procedure),...
96
97 Omit Schedule 24 (drug treatment and testing requirement in action...

Violent Crime Reduction Act 2006 (c. 38)

98 In section 47 of the Violent Crime Reduction Act 2006...

Offender Management Act 2007 (c. 21)

99 In section 1(4) of the Offender Management Act 2007 (meaning...
Part 2 — RELATED AMENDMENTS

Children and Young Persons Act 1933 (c. 12)

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Children and Young Persons Act 1969 (c. 54)

101 (1) Section 32 of the Children and Young Persons Act...

Bail Act 1976 (c. 63)

102 In section 4(3) of the Bail Act 1976 (general right...

Magistrates' Courts Act 1980 (c. 43)

103

Child Abduction Act 1984 (c. 37)

104 In paragraph 2(1) of the Schedule to the Child Abduction...

Children Act 1989 (c. 41)

105 In section 21(2)(c) of the Children Act 1989 (provision of...

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

106

107

108

Criminal Justice Act 2003 (c. 44)

109

SCHEDULE 5 — Offences specified for the purposes of sections 225(3A) and 227(2A) of Criminal Justice Act 2003

SCHEDULE 6 — Credit for period of remand on bail: transitional provisions

1 Credit for period of remand on bail: transitional provisions

2 Credit for period of remand on bail: transitional provisions

SCHEDULE 7 — Youth default orders: modification of provisions applying to youth rehabilitation orders

General

1 Any reference to the offender is, in relation to a...

Unpaid work requirement

2 (1) In its application to a youth default order, paragraph...

Attendance centre requirement

3 (1) In its application to a youth default order, paragraph...

Curfew requirement

4 (1) In its application to a youth default order, paragraph...

Enforcement, revocation and amendment of youth default order

5 (1) In its application to a youth default order, Schedule...

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Power to alter amount of money or number of hours or days

- 6 The Secretary of State may by order amend paragraph 2,...

Transfer of youth default order to Northern Ireland

- 7 (1) In its application to a youth default order, Schedule...

SCHEDULE 8 — Appeals in criminal cases

Part 1 — AMENDMENTS OF CRIMINAL APPEAL ACT 1968

- 1 The Criminal Appeal Act 1968 (c. 19) has effect subject...

Time limit on grant of certificates of fitness for appeal

- 2 In section 1 (appeal against conviction), in subsection (2)(b) after...
 3 In section 11 (supplementary provisions as to appeal against sentence),...
 4 In section 12 (appeal against verdict of not guilty on...
 5 In section 15 (appeal against finding of disability), in subsection...

Powers of Court to substitute different sentence

- 6 (1) Section 4 (sentence when appeal allowed on part of...

Interim hospital orders

- 7 The following provisions (which relate to the effect of interim...
 8 Before section 31 (but after the cross-heading preceding it) insert—...
 9 In section 31 (powers of Court which are exercisable by...

Evidence

- 10 (1) Section 23 (evidence) is amended as follows.

Powers of single judge

- 11 (1) Section 31 (powers of Court of Appeal which are...

Appeals against procedural directions

- 12 In section 31C (appeals against procedural directions), omit subsections (1)...

Detention of defendant pending appeal to Supreme Court

- 13 (1) Section 37 (detention of defendant on appeal by Crown)...
 Part 2 — AMENDMENTS OF CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1980
 14 The Criminal Appeal (Northern Ireland) Act 1980 (c. 47) has...

Time limit on grant of certificates of fitness for appeal

- 15 In section 1 (appeal against conviction), in paragraph (b) after...
 16 In section 12 (appeal against finding of not guilty on...
 17 In section 13A (appeal against finding of unfitness to be...

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Powers of Court to substitute different sentence

- 18 (1) Section 4 (alteration of sentence on appeal against conviction)...

Interim hospital orders

- 19 Section 10(6) (effect of interim hospital orders made by Court...
20 (1) For the cross-heading preceding section 30 substitute— “
Supplementary...
21 In section 45 (powers of Court which are exercisable by...

Evidence

- 22 (1) Section 25 (evidence) is amended as follows.
23 In section 26 (additional powers of Court), in subsection (1)...

Detention of defendant pending appeal to Supreme Court

- 24 (1) Section 36 (detention of defendant on appeal by Crown)...

Powers of single judge

- 25 (1) Section 45 (powers of Court of Appeal which are...
Part 3 — AMENDMENTS OF OTHER ACTS

Detention of defendant pending appeal from High Court to Supreme Court

- 26 (1) Section 5 of the Administration of Justice Act 1960...

Variation of sentences by Crown Court

- 27 (1) Section 49 of the Judicature (Northern Ireland) Act 1978...
28

SCHEDULE 9 — Alternatives to prosecution for persons under 18

- 1 The Crime and Disorder Act 1998 (c. 37) has effect...
2
- 3 After section 66 insert— Young offenders: youth conditional cautions
Youth...
4 (1) Section 114 (orders and regulations) is amended as follows....

SCHEDULE 10 — Protection for spent cautions under Rehabilitation of Offenders Act 1974

- 1 The Rehabilitation of Offenders Act 1974 (c. 53) is amended...
2
- 3 After section 8 (defamation actions) there is inserted— Protection
afforded...
4 After section 9 (unauthorised disclosure of spent convictions) insert—
Unauthorised...
5
- 6 After that Schedule insert— SCHEDULE 2 Protection for spent
cautions...

SCHEDULE 11 — Electronic monitoring of persons released on bail subject to conditions

- 1 The Bail Act 1976 (c. 63) has effect subject to...

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- 2 In section 3 (general provisions) for subsection (6ZAA) substitute—
- 3 (1) Section 3AA (electronic monitoring of compliance with bail conditions)...
- 4 After section 3AA insert— Conditions for the imposition of electronic...

SCHEDULE 12 — Bail for summary offences and certain other offences to be tried summarily

- 1 The Bail Act 1976 (c. 63) is amended as follows....
- 2 In section 3(6D)(a) (condition to be imposed on person in...
- 3 After section 9 (offence of agreeing to indemnify sureties in...
- 4 Schedule 1 (persons entitled to bail: supplementary provisions) is amended...
- 5 (1) Paragraph 1 (defendants to whom Part 1 applies) becomes...
- 6 After Part 1 insert— Part 1A Defendants Accused or Convicted...

SCHEDULE 13 — Allocation of cases triable either way etc.

- 1 Schedule 3 to the Criminal Justice Act 2003 (c. 44)...
- 2 In paragraph 2, in the paragraph set out in sub-paragraph...
- 3 In paragraph 6, for subsection (2)(c) of the section set...
- 4 In paragraph 8, in sub-paragraph (2)(a) for “trial on indictment”...
- 5 (1) Paragraph 9 is amended as follows.
- 6 Paragraph 13 is omitted.
- 7 Paragraph 22 is omitted.
- 8
- 9
- 10

SCHEDULE 14 — Special rules relating to providers of information society services

Domestic service providers: extension of liability

- 1 (1) This paragraph applies where a service provider is established...

Non-UK service providers: restriction on institution of proceedings

- 2 (1) This paragraph applies where a service provider is established...

Exceptions for mere conduits

- 3 (1) A service provider is not capable of being guilty...

Exception for caching

- 4 (1) This paragraph applies where an information society service consists...

Exception for hosting

- 5 (1) A service provider is not capable of being guilty...

Interpretation

- 6 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 15 — Sexual offences: grooming and adoption

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Meeting a child following sexual grooming

- 1 In section 15(1) of the Sexual Offences Act 2003 (c....

Adoption

- 2 The Sexual Offences Act 2003 (c. 42) has effect subject...
- 3 In section 27(1)(b) (family relationships) after “but for” insert “...
- 4 In section 29(1)(b) (sections 25 and 26: sexual relationships which...
- 5 (1) Section 64 (sex with an adult relative: penetration) is...
- 6 (1) Section 65 (sex with an adult relative: consenting to...
- 7 In section 47(1) of the Adoption Act 1976 (c. 36)...

SCHEDULE 16 — Hatred on the grounds of sexual orientation

- 1 Part 3A of the Public Order Act 1986 (c. 64)...
- 2 In the heading for Part 3A at the end insert...
- 3 In the italic cross-heading before section 29A at the end...
- 4 After that section insert— Meaning of “hatred on the grounds...
- 5 In the italic cross-heading before section 29B at the end...
- 6 (1) Section 29B (use of words or behaviour or display...
- 7 In section 29C(1) (publishing or distributing written material), after “religious...
- 8 In section 29D(1) (public performance of play), after “religious hatred”...
- 9 In section 29E(1) (distributing, showing or playing a recording), after...
- 10 In section 29F(1) (broadcasting or including programme in programme service),...
- 11 In section 29G(1) (possession of inflammatory material), for “religious hatred...
- 12 (1) Section 29H (powers of entry and search) is amended...
- 13 (1) Section 29I (power to order forfeiture) is amended as...
- 14 After section 29J insert— Protection of freedom of expression (sexual...
- 15 In section 29K(1) (savings for reports of parliamentary or judicial...
- 16 (1) Section 29L (procedure and punishment) is amended as follows...
- 17 In section 29N (interpretation), after the definition of “dwelling” insert —...

SCHEDULE 17 — Offences relating to nuclear material and nuclear facilities

Part 1 — AMENDMENTS OF NUCLEAR MATERIAL (OFFENCES) ACT 1983

- 1 The Nuclear Material (Offences) Act 1983 (c. 18) has effect...
- 2 (1) Section 1 (extended scope of certain offences) is amended...
- 3 After section 1 insert— Increase in penalties for offences committed...
- 4 For section 2 substitute— Offences involving preparatory acts and threats...
- 5 After section 3 (supplemental) insert— Application to activities of armed...
- 6 (1) Section 6 (material to which the Act applies) is...
- 7 In section 7 (application to the Channel Islands, Isle of...

Part 2 — AMENDMENTS OF CUSTOMS AND EXCISE MANAGEMENT ACT 1979

- 8 (1) The Customs and Excise Management Act 1979 (c. 2)...
- 9 (1) Her Majesty may by Order in Council provide for...

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SCHEDULE 18 — Penalties suitable for enforcement in England and Wales or Northern Ireland

Person residing in England and Wales

- 1 The financial penalty is suitable for enforcement in England and...

Person residing in Northern Ireland

- 2 The financial penalty is suitable for enforcement in Northern Ireland...

Person having property etc. in England and Wales

- 3 The financial penalty is suitable for enforcement in England and...

Person having property etc. in Northern Ireland

- 4 The financial penalty is suitable for enforcement in Northern Ireland...

Person having property etc. in England and Wales and Northern Ireland

- 5 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in England and Wales and Scotland

- 6 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in Northern Ireland and Scotland

- 7 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in England and Wales, Scotland and Northern Ireland

- 8 (1) This paragraph applies if— (a) the certificate states that...

Interpretation

- 9 Where the person required to pay the financial penalty is...

SCHEDULE 19 — Grounds for refusal to enforce financial penalties

Part 1 — THE GROUNDS FOR REFUSAL

- A1 The certificate is incomplete or obviously does not correspond to...
- 1 A penalty (of any kind) has been imposed on the...
- 2 A penalty (of any kind) has been imposed on the...
- 2A Enforcement of the financial penalty is statute-barred under the law...
- 3 (1) The decision was made in respect of conduct—
- 3A The decision was made in respect of conduct—
- 4 (1) The decision was made in respect of conduct—
- 5 The decision was made in respect of conduct by a...
- 5A It appears that the decision was in fact made for...
- 6 (1) The certificate indicates that the proceedings in which the...
- 7 (1) The financial penalty is for an amount less than...

Part 2 — EUROPEAN FRAMEWORK LIST (FINANCIAL PENALTIES)

- 8 Participation in a criminal organisation.
- 9 Terrorism.
- 10 Trafficking in human beings.
- 11 Sexual exploitation of children and child pornography.

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- 12 Illicit trafficking in narcotic drugs and psychotropic substances.
 - 13 Illicit trafficking in weapons, munitions and explosives.
 - 14 Corruption.
 - 15 Fraud, including that affecting the financial interests of the European...
 - 16 Laundering of the proceeds of crime.
 - 17 Counterfeiting currency, including of the euro.
 - 18 Computer-related crime.
 - 19 Environmental crime, including illicit trafficking in endangered animal species and...
 - 20 Facilitation of unauthorised entry and residence.
 - 21 Murder, grievous bodily injury.
 - 22 Illicit trade in human organs and tissue.
 - 23 Kidnapping, illegal restraint and hostage-taking.
 - 24 Racism and xenophobia.
 - 25 Organised or armed robbery.
 - 26 Illicit trafficking in cultural goods, including antiques and works of...
 - 27 Swindling.
 - 28 Racketeering and extortion.
 - 29 Counterfeiting and piracy of products.
 - 30 Forgery of administrative documents and trafficking therein.
 - 31 Forgery of means of payment.
 - 32 Illicit trafficking in hormonal substances and other growth promoters.
 - 33 Illicit trafficking in nuclear or radioactive materials.
 - 34 Trafficking in stolen vehicles.
 - 35 Rape.
 - 36 Arson.
 - 37 Crimes within the jurisdiction of the International Criminal Court.
 - 38 Unlawful seizure of aircraft or ships.
 - 39 Sabotage.
 - 40 Conduct which infringes road traffic regulations, including breaches of regulations...
 - 41 Smuggling of goods.
 - 42 Infringement of intellectual property rights.
 - 43 Threats and acts of violence against persons, including violence during...
 - 44 Criminal damage.
 - 45 Theft.
 - 46 Offences created by the issuing State and serving the purpose...
- Part 3 — INTERPRETATION
- 47 (1) In this Schedule— (a) “conduct” includes any act or...

SCHEDULE 20 — Closure orders: premises associated with persistent disorder or nuisance

.....

SCHEDULE 21 — Nuisance or disturbance on HSS premises

Offence of causing nuisance or disturbance on HSS premises

- 1 (1) A person commits an offence if—

Power to remove person causing nuisance or disturbance

- 2 (1) If a constable reasonably suspects that a person is...

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Guidance about the power to remove etc.

- 3 (1) The Department of Health, Social Services and Public Safety...

SCHEDULE 22 — Police misconduct and performance procedures
Part 1 — AMENDMENTS OF POLICE ACT 1996

- 1 The Police Act 1996 (c. 16) has effect subject to...

General duty of Secretary of State

- 2 In section 36(2)(d) (general duty of Secretary of State) for...

Regulations for police forces

- 3 (1) Section 50 (regulations for police forces) is amended as...

Regulations for special constables

- 4 (1) Section 51 (regulations for special constables) is amended as...

Police Federations

- 5 In section 59(3) (representation only by another member of a...

Police Advisory Board

- 6 (1) Section 63(3) (supply of draft regulations to the Police...

Representation at disciplinary and other proceedings

- 7 For section 84 substitute— Representation etc. at disciplinary and other...

Appeals against dismissal etc.

- 8 (1) Section 85 (appeals against dismissal etc.) is amended as...

Guidance concerning disciplinary proceedings etc.

- 9 (1) Section 87 (guidance concerning disciplinary proceedings etc.) is amended...

Police officers engaged on service outside their force

- 10 (1) Section 97 (police officers engaged on service outside their...

Police Appeals Tribunals

- 11 (1) Schedule 6 (appeals to police appeals tribunals) is amended...
Part 2 — AMENDMENTS OF MINISTRY OF DEFENCE POLICE ACT 1987
12 The Ministry of Defence Police Act 1987 (c. 4) has...

Defence Police Federation

- 13 In section 3(4) (representation of a member of the Ministry...

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Regulations relating to disciplinary matters

- 14 (1) Section 3A (regulations relating to disciplinary matters) is amended...

Representation etc. at disciplinary proceedings

- 15 For section 4 substitute— Representation etc. at disciplinary proceedings (1) The Secretary of State shall by regulations make provision...

Appeals against dismissal etc.

- 16 For section 4A substitute— Appeals against dismissal etc. (1) The Secretary of State shall by regulations—
Part 3 — AMENDMENTS OF RAILWAYS AND TRANSPORT SAFETY ACT 2003
- 17 The Railways and Transport Safety Act 2003 (c. 20) has...

Police regulations: general

- 18 (1) Section 36 (police regulations: general) is amended as follows....

Police regulations: special constables

- 19 After section 37(1) (power to make regulations about special constables)...

Police regulations by Secretary of State

- 20 For section 42(3) substitute— (3) If regulations under this section...

Regulations: further appeal

- 21 Omit section 43 (regulations: further appeal).

SCHEDULE 23 — Investigation of complaints of police misconduct etc.

- 1 The Police Reform Act 2002 (c. 30) has effect subject...
- 2 In section 23(2) (regulations) after paragraph (q) insert—
- 3 Schedule 3 (handling of complaints and conduct matters etc.) is...
- 4 In paragraph 6(4) (handling of complaints by appropriate authority: use...
- 5 After paragraph 19 insert— Special procedure where investigation relates to...
- 6 (1) Paragraph 20A (accelerated procedure in special cases) is amended...
- 7 (1) Paragraph 20B (investigations managed or carried out by Commission:...
- 8 In paragraph 20D(2) (action by Commission on receipt of memorandum)...
- 9 (1) Paragraph 20E (other investigations: action by appropriate authority) is...
- 10 Omit paragraph 20G (special cases: Director of Public Prosecutions) and...
- 11 (1) Paragraph 21A (procedure where conduct matter is revealed in...
- 12 (1) Paragraph 22 (final reports on investigations) is amended as...
- 13 (1) Paragraph 23 (action by Commission in response to investigation...

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- 14 (1) Paragraph 24 (action by the appropriate authority in response...
 15 In paragraph 24A(2) (final reports on investigations into other DSI...
 16 (1) Paragraph 24B (action in response to a report on...
 17 (1) Paragraph 25 (appeals to Commission with respect to an...
 18 (1) Paragraph 27 (duties with respect to disciplinary proceedings) is...
 19 After paragraph 28 insert— Minor definitions In this Part of this
 Schedule— “gross misconduct” means a...

SCHEDULE 24 — Section 327A of Criminal Justice Act 2003: meaning of “child sex offence”

The following is the Schedule to be inserted as Schedule...

SCHEDULE 25 — Amendments to armed forces legislation

Part 1 — COURTS-MARTIAL (APPEALS) ACT 1968

- 1 The Courts-Martial (Appeals) Act 1968 (c. 20) has effect subject...

Power to dismiss certain appeals following references by the CCRC

- 2 After section 25B insert— Appeals following references by the CCRC...

Interim hospital orders

- 3 Section 16(5) (effect of interim hospital order made by Appeal...
 4 Section 25B(3) (as substituted by the Armed Forces Act 2006)...
 5 Before section 36 (but after the cross-heading preceding it) insert—...
 6 In section 36 (powers of Court under Part 2 which...

Evidence

- 7 (1) Section 28 (evidence) is amended as follows.

Appeals against procedural directions

- 8 In section 36C (appeals against procedural directions), subsections (1) and...

Detention of accused pending appeal to Supreme Court

- 9 (1) Section 43 (as amended by the Armed Forces Act...
 Part 2 — ARMED FORCES ACT 2006
 10 The Armed Forces Act 2006 (c. 52) has effect subject...

Consecutive custodial sentences

- 11 In section 188(4) (consecutive custodial sentences), after “Part 12 of...

Dangerous offenders

- 12 In section 209 (offenders under 18 convicted of certain serious...
 13 (1) Section 219 (dangerous offenders aged 18 or over) is...
 14 (1) Section 220 (certain violent or sexual offences: offenders aged...
 15 (1) Section 221 (dangerous offenders aged under 18) is amended...
 16 (1) Section 222 (offenders aged under 18: certain violent or...
 17 (1) Section 223 (the required opinion for the purposes of...
 18 (1) Section 228 (appeals where previous convictions set aside) is...
 19 In section 237 (purposes of sentencing), in subsection (3)(b)—

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- 20 In section 256 (pre-sentence reports), in subsection (1)(c) for the...
- 21 In section 260 (discretionary custodial sentences: general restrictions), in subsection...
- 22 In section 261 (length of discretionary custodial sentences: general provision)—...
- 23 In section 273 (review of unduly lenient sentences by Court...

Restrictions on imposing community punishment

- 24 In section 253(2)(h) (duties in complying with section 252) for...
- 25 In section 254(1) (savings for powers to mitigate sentence etc.)...
- 26 (1) Section 270 (community punishments: general restrictions etc.) is amended...
- 27 After section 270 insert— Community punishment available only for offences...

Review of sentence on reference by Attorney General

- 28 In section 273 (reviews of unduly lenient sentencing by Court...

Compensation for miscarriages of justice

- 29 (1) Section 276 (compensation for miscarriages of justice) is amended...
- 30 After section 276 insert— Miscarriages of justice: amount of compensation...
- 31 In section 373 (orders, regulations etc.) in subsection (3)(a), after...

Imposition of unpaid work requirement for breach of service community order or overseas service community order

- 32 In paragraph 14(b) of Schedule 5 (modifications of Schedule 8...

Suspended prison sentences: further conviction or breach of requirement

- 33 In paragraph 9(1)(b) of Schedule 7 (which provides for paragraph...
Part 3 — TRANSITIONAL PROVISIONS

Transitional provisions: compensation for miscarriage of justice

- 34 (1) Paragraph 29(3) has effect in relation to any application...

SCHEDULE 26 — Minor and consequential amendments
Part 1 — FINE DEFAULTERS

Magistrates' Courts Act 1980 (c. 43)

- 1 In section 81(3) of the Magistrates' Courts Act 1980 (enforcement...

Criminal Justice Act 2003 (c. 44)

- 2 (1) The Criminal Justice Act 2003 is amended as follows....
Part 2 — OTHER AMENDMENTS

Prison Act 1952 (c. 52)

- 3 In section 43(1)(aa) of the Prison Act 1952 (provision by...

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Criminal Justice Act 1961 (c. 39)

- 4 In section 38(3)(c) of the Criminal Justice Act 1961 (construction...

Children and Young Persons Act 1969 (c. 54)

- 5

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

- 6 In section 13A(3) of the Criminal Appeal (Northern Ireland) Act...

Wildlife and Countryside Act 1981 (c. 69)

- 7 In section 19XA(1) of the Wildlife and Countryside Act 1981...

Mental Health Act 1983 (c. 20)

- 8 In section 37 of the Mental Health Act 1983 (powers...

Repatriation of Prisoners Act 1984 (c. 47)

- 9 The Repatriation of Prisoners Act 1984 has effect subject to...
 10 Before section 1 insert— “ Transfer of prisoners to or...
 11 (1) Section 1 (issue of warrant for transfer) is amended...
 12 (1) Section 2 (transfer out of the United Kingdom) is...
 13 (1) Section 3 (transfer into the United Kingdom) is amended...
 14 (1) Section 4 (temporary return) is amended as follows
 15 Before section 5 (operation of warrant and retaking prisoners) insert—...
 16 (1) Section 5 (operation of warrant and retaking prisoners) is...
 17 (1) Section 6 (revocation etc. of warrants) is amended as...
 18 (1) Section 8 is amended as follows.
 19 (1) The Schedule (operation of certain enactments in relation to...

Police and Criminal Evidence Act 1984 (c. 60)

- 20 (1) In section 37B of the Police and Criminal Evidence...

Criminal Justice Act 1987 (c. 38)

- 21 In section 1(17) of the Criminal Justice Act 1987 (application...

Criminal Justice Act 1988 (c. 33)

- 22 The Criminal Justice Act 1988 has effect subject to the...
 23 In section 36 (reviews of sentencing), in subsection (2)(b)(iii) for...
 24 In section 160(1) (offence of possession of indecent photographs of...

Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17))

- 25 In article 15(5) of the Criminal Justice (Evidence, Etc.) (Northern...

Football Spectators Act 1989 (c. 37)

- 26 In paragraph 1(c), (k) and (q) of Schedule 1 to...

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Criminal Justice (International Co-operation) Act 1990 (c. 5)

- 27 In section 6(7) of the Criminal Justice (International Co-operation) Act...

Broadcasting Act 1990 (c. 42)

- 28 (1) Section 167 of the Broadcasting Act 1990 (power to...

Criminal Justice Act 1991 (c. 53)

- 29 (1) The Criminal Justice Act 1991 is amended as follows....

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

- 30 In section 10 of the Prisoners and Criminal Proceedings (Scotland)...

Crime (Sentences) Act 1997 (c. 43)

- 31 The Crime (Sentences) Act 1997 has effect subject to the...
32 (1) Schedule 1 (transfer of prisoners within the British Islands)...
33 (1) Schedule 2 (repatriation of prisoners to the British Islands)...

Crime and Disorder Act 1998 (c. 37)

- 34 (1) Section 38(4) of the Crime and Disorder Act 1998...

Youth Justice and Criminal Evidence Act 1999 (c. 23)

- 35 The Youth Justice and Criminal Evidence Act 1999 has effect...
36 (1) Section 35 (child complainants and other child witnesses) is...
37 (1) Section 62 (meaning of “sexual offence” and other references...
38 The amendments made by paragraphs 36 and 37 are deemed...
39 Where an order under section 61 of the Youth Justice...

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

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

- 50 In section 1 of the Criminal Justice and Court Services...

Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564) (N.I. 2)

- 51 In Article 10 of the Life Sentences (Northern Ireland) Order...

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Crime (International Co-operation) Act 2003 (c. 32)

52 In section 48(2)(b) of the Crime (International Co-operation) Act 2003...

Sexual Offences Act 2003 (c. 42)

53 The Sexual Offences Act 2003 has effect subject to the...

54 (1) In section 83(6)(a) (notification requirements: initial notification) after “court”...

55 (1) In section 85(4)(a) (notification requirements: periodic notification) after “court”...

56 (1) Section 133 (interpretation) is amended as follows.

57 (1) In section 138 (orders and regulations), at the end...

58 (1) Schedule 3 (sexual offences in respect of which offender...

Criminal Justice Act 2003 (c. 44)

59 The Criminal Justice Act 2003 has effect subject to the...

60 (1) Section 23A (financial penalties) is amended as follows.

61 After section 23A insert— Variation of conditions A relevant prosecutor may, with the consent of the offender,...

62 In section 25 (codes of practice) in subsection (2) after...

63 In sections 88(3), 89(9) and 91(5) (days to be disregarded...

64

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71 In section 264 (consecutive terms), in subsection (6)(a)(i) after “means”...

72

73 In section 273 (life prisoners transferred to England and Wales),...

74 (1) Section 325 (arrangements for assessing etc risks posed by...

75 In section 326(5)(a) (review of arrangements), for “and this section”...

76

77 In Part 4 of Schedule 37, in the entry relating...

Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950)

78 In paragraph 14 of Schedule 2 to the Criminal Justice...

Terrorism Act 2006 (c. 11)

79 (1) Schedule 1 to the Terrorism Act 2006 (Convention offences)...

Natural Environment and Rural Communities Act 2006 (c. 16)

80 In paragraph 7 of Schedule 5 to the Natural Environment...

Police and Justice Act 2006 (c. 48)

81 (1) The Police and Justice Act 2006 is amended as...

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Armed Forces Act 2006 (c. 52)

82 (1) The Armed Forces Act 2006 has effect subject to...

Offender Management Act 2007 (c. 21)

83 In section 1 of the Offender Management Act 2007 (meaning...

SCHEDULE 27 — Transitory, transitional and saving provisions
Part 1 — YOUTH JUSTICE

Abolition of certain youth orders and related amendments

1 (1) Section 1, subsections (1) and (2) of section 6,...

Reparation orders

2 (1) Sub-paragraph (2) applies if the amendments of Schedule 8...

Making of youth rehabilitation orders: other existing orders

3 In paragraph 29(3)(c) of Schedule 1 (requirements not to conflict...

Instructions: other existing orders

4 In section 5(3)(c) (instructions not to conflict with other obligations),...

Fine default: section 35 of the Crime (Sentences) Act 1997

5 The amendments, repeals and revocations in section 6, Schedule 4...

Restrictions on imposing community sentences

6 In subsection (5) of section 148 of the Criminal Justice...

Attendance centre rules

7 The reference in paragraph 1(2)(a)(ii) of Schedule 2 to rules...
Part 2 — SENTENCING

Release and recall of prisoners

8

9

10 The amendments made by subsections (3) and (5) of section...

11 In section 255A and 255C of the Criminal Justice Act...

12 The amendment made by subsection (1) of section 32 applies...

Fine defaulters

13 (1) Section 39 and Schedule 7 do not apply—
Part 3 — APPEALS

Appeals against conviction etc.

14 The amendment made by section 42 applies in relation to...

15 The amendment made by section 43 applies in relation to...

Changes to legislation: Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Prosecution appeals

16 (1) The amendment made by section 44 applies in relation...

17 (1) The amendment made by section 45 applies in relation...

Part 4 — OTHER CRIMINAL JUSTICE PROVISIONS

Alternatives to prosecution for offenders under 18

18 The amendments made by Schedule 9 do not apply in...

Protection for spent cautions under Rehabilitation of Offenders Act 1974

19 (1) Subject to the following provisions of this paragraph, the...

20 In the application of subsection (7) of section 9A of...

Extension of powers of non-legal staff

21 A designation made under section 7A of the Prosecution of...

Compensation for miscarriages of justice

22 (1) Section 61(3) has effect in relation to any application...

Part 5 — CRIMINAL LAW

Penalties for possession of extreme pornographic images

23 In section 67(4)(a) the reference to the general limit in...

Indecent photographs of children

24 (1) Section 69(3) applies in relation to things done as...

Maximum penalty for publication etc. of obscene articles

25 Section 71 does not apply to offences committed before the...

Offences relating to nuclear material and nuclear facilities

26 The new section 2 inserted into the Nuclear Material (Offences)...

Reasonable force for purposes of self-defence etc.

27 (1) Section 76 applies whether the alleged offence took place...

Unlawfully obtaining etc. personal data: defences

28 The amendment made by section 78 does not apply in...

Part 6 — INTERNATIONAL CO-OPERATION IN RELATION TO CRIMINAL JUSTICE MATTERS

Mutual recognition of financial penalties

29 (1) The amendments made by subsection (1) of section 80,...

Repatriation of prisoners

30 The amendment made by section 93 does not apply to...

Part 7 — VIOLENT OFFENDER ORDERS

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Penalties for offences

- 31 In section 113(7)(c) the reference to the general limit in...

Service custody and detention

- 32 (1) In relation to any time before the commencement of...
Part 8 — ANTI-SOCIAL BEHAVIOUR

Review of anti-social behaviour orders etc.

- 33 (1) The amendments made by section 123 do not apply...

Individual support orders

- 34 (1) The amendments made by section 124 do not apply...
Part 9 — POLICE

Police misconduct and performance procedures

- 35 (1) This paragraph applies if paragraphs 7, 8(3), 15 and...
Part 10 — SPECIAL IMMIGRATION STATUS

Conditions on designated persons

- 36 In the application of section 133 to England and Wales...
Part 11 — MISCELLANEOUS

Persistent sales of tobacco to persons under 18

- 37 The new sections 12A and 12B inserted into the Children...

Sexual offences

- 38 The amendment made by sub-paragraph (1) of paragraph 57 of...

SCHEDULE 28 — Repeals and revocations

Part 1 — YOUTH REHABILITATION ORDERS

Part 2 — SENTENCING

Part 3 — APPEALS

Part 4 — OTHER CRIMINAL JUSTICE PROVISIONS

Part 5 — CRIMINAL LAW

Part 6 — INTERNATIONAL CO-OPERATION IN RELATION TO CRIMINAL
JUSTICE MATTERS

Part 7 — ANTI-SOCIAL BEHAVIOUR

Part 8 — POLICING

Changes to legislation:

Criminal Justice and Immigration Act 2008 is up to date with all changes known to be in force on or before 09 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.

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Changes and effects yet to be applied to :

- s. 119(4) words omitted by [2012 c. 7 Sch. 14 para. 107\(a\)](#)
- s. 119(4) words substituted by [2012 c. 7 Sch. 14 para. 107\(b\)](#)
- s. 130(5)(b) words substituted by [S.I. 2019/745 reg. 18\(2\)](#) (This amendment not applied to legislation.gov.uk. Reg. 18 omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 134(5) omitted by [2016 c. 19 Sch. 11 para. 2\(k\)](#)
- s. 135(5) words substituted by [2016 c. 19 Sch. 11 para. 4\(e\)](#)
- s. 136(1)(b) words substituted by [S.I. 2019/745 reg. 18\(3\)](#) (This amendment not applied to legislation.gov.uk. Reg. 18 omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 7 para. 5(1) words added by [2008 c. 25 Sch. 1 para. 90\(2\)](#)
- Sch. 26 para. 60-62 omitted by [2022 c. 32 Sch. 11 para. 38\(1\)\(c\)](#)
- Sch. 27 para. 31 words substituted by [S.I. 2023/149 reg. 2\(1\)](#)[Sch. Pt. 1 table](#) (This amendment not applied to legislation.gov.uk. The words to be substituted do not occur in Sch. 27 para. 31 following the substitution of words in that para. by S.I. 2023/149, reg. 16(4); the application of this amendment to Sch. 27 para. 31 is removed from Sch. Pt. 1 (18.10.2023) by S.I. 2023/1108, regs. 1(2), 4(7))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)