

Status: Point in time view as at 03/12/2012.

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Criminal Justice Act 2003 (c. 44) is up to date with all changes known to be in force on or before 23 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 26

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

OTHER AMENDMENTS

Criminal Justice Act 2003 (c. 44)

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

Commencement Information

- I1** Sch. 26 para. 59 in force at 14.7.2008 by [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 48\(a\)](#)
I2 Sch. 26 para. 59 in force at 8.7.2009 for specified purposes by [S.I. 2009/1678](#), [arts. 2\(b\)\(i\)](#), [3\(b\)\(i\)](#)

- 60 (1) Section 23A (financial penalties) is amended as follows.
- (2) In subsection (5), for paragraphs (b) and (c) substitute—
“(b) the person to whom the financial penalty is to be paid and how it may be paid.”
- (3) In subsection (6), for “to the specified officer” substitute “in accordance with the provision specified under subsection (5)(b).”
- (4) After subsection (6) insert—
“(6A) Where a financial penalty is (in accordance with the provision specified under subsection (5)(b)) paid to a person other than a designated officer for a local justice area, the person to whom it is paid must give the payment to such an officer.”
- (5) Omit subsections (7) to (9).

Commencement Information

- I3** Sch. 26 para. 60 in force at 8.7.2009 by [S.I. 2009/1678](#), [art. 3\(b\)\(ii\)](#)

61 After section 23A insert—

“23B Variation of conditions

A relevant prosecutor may, with the consent of the offender, vary the conditions attached to a conditional caution by—

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- (a) modifying or omitting any of the conditions;
- (b) adding a condition.”

Commencement Information

I4 Sch. 26 para. 61 in force at 8.7.2009 by [S.I. 2009/1678](#), [art. 2\(b\)\(ii\)](#)

- 62 In section 25 (codes of practice) in subsection (2) after paragraph (g) insert—
 “(ga) the provision which may be made by a relevant prosecutor under section 23A(5)(b).”.

Commencement Information

I5 Sch. 26 para. 62 in force at 8.7.2009 by [S.I. 2009/1678](#), [art. 3\(b\)\(ii\)](#)

- 63 In sections 88(3), 89(9) and 91(5) (days to be disregarded in calculating certain time periods relating to bail and custody under Part 10), before paragraph (a) insert—
 “(za) Saturday.”.

Commencement Information

I6 Sch. 26 para. 63 in force at 15.7.2008 by [S.I. 2008/1586](#), [art. 2\(2\)](#)

- 64 In section 142 (purposes of sentencing), in subsection (2)(c) for “any of sections 225 to 228” substitute “ section 225(2) or 226(2) ”.

Commencement Information

I7 [Sch. 26 para. 64](#) in force at 14.7.2008 by [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 48\(a\)](#)

- 65 In section 150 (circumstances in which community sentence not available), in paragraph (d) for “any of sections 225 to 228” to the end substitute “ section 225(2) or 226(2) of this Act (requirement to impose sentence of imprisonment for life or detention for life) ”.

Commencement Information

I8 [Sch. 26 para. 65](#) in force at 14.7.2008 by [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 48\(a\)](#)

- 66 In section 152 (general restrictions on imposing custodial sentences), in subsection (1)(b) for “any of sections 225 to 228” substitute “ section 225(2) or 226(2) ”.

Commencement Information

I9 [Sch. 26 para. 66](#) in force at 14.7.2008 by [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 48\(a\)](#)

- 67 In section 153 (length of discretionary custodial sentences: general provision), in subsection (1), omit “falling to be”.

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I10 Sch. 26 para. 67 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(a)

68 In section 163 (general power of Crown Court to fine) for “any of sections 225 to 228” substitute “ section 225(2) or 226(2) ”.

Commencement Information

I11 Sch. 26 para. 68 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(a)

69 In section 224 (meaning of “specified offence” etc), in subsection (3) the definition of relevant offence is omitted.

Commencement Information

I12 Sch. 26 para. 69 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(a)

70 Section 233 (offences under service law) is omitted.

Commencement Information

I13 Sch. 26 para. 70 in force at 23.3.2010 by S.I. 2010/712, art. 2(e)

71 In section 264 (consecutive terms), in subsection (6)(a)(i) after “means” insert “ one-half of ”.

Commencement Information

I14 Sch. 26 para. 71 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(a) (with Sch. 2 para. 2)

72 In section 305 (interpretation of Part 12), in subsection (4)—
(a) for paragraphs (c) and (d) substitute—
 “(c) a sentence falls to be imposed under subsection (2) of section 225 if the court is obliged to pass a sentence of imprisonment for life under that subsection;
 (d) a sentence falls to be imposed under subsection (2) of section 226 if the court is obliged to pass a sentence of detention for life under that subsection;”, and
(b) paragraph (e) is omitted.

Commencement Information

I15 Sch. 26 para. 72 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(a)

73 In section 273 (life prisoners transferred to England and Wales), after subsection (4) insert—

“(5) The reference in subsection (2)(b) above to a person who has been transferred to England and Wales in pursuance of a warrant issued under the

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Repatriation of Prisoners Act 1984 includes a reference to a person who is detained in England and Wales in pursuance of a warrant under section 4A of that Act (warrant transferring responsibility for detention and release of offender).”

Commencement Information

I16 Sch. 26 para. 73 in force at 14.7.2008 by [S.I. 2008/1586](#), art. 2(1), [Sch. 1 para. 48\(a\)](#)

74 (1) Section 325 (arrangements for assessing etc risks posed by certain offenders) is amended as follows.

(2) In subsection (8), for “section 326” substitute “ sections 326 and 327A ”.

(3) After that subsection insert—

“(8A) Responsible authorities must have regard to any guidance issued under subsection (8) in discharging those functions.”

Commencement Information

I17 Sch. 26 para. 74 in force at 14.7.2008 by [S.I. 2008/1586](#), art. 2(1), [Sch. 1 para. 48\(a\)](#)

75 In section 326(5)(a) (review of arrangements), for “and this section” substitute “ , this section and section 327A ”.

Commencement Information

I18 Sch. 26 para. 75 in force at 14.7.2008 by [S.I. 2008/1586](#), art. 2(1), [Sch. 1 para. 48\(a\)](#)

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Textual Amendments

F1 Sch. 26 para. 76 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 35\(b\)\(iii\)](#); [S.I. 2012/2906](#), art. 2(s)

77 In Part 4 of Schedule 37, in the entry relating to the Magistrates' Courts Act 1980, in the second column, omit the words “In section 33(1), paragraph (b) and the word “and” immediately preceding it”.

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