
Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, SCHEDULE 10 is up to date with all changes known to be in force on or before 19 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

SCHEDULES

SCHEDULE 10

Section 89

REPEAL OF SECTIONS 181 TO 188 OF CRIMINAL JUSTICE ACT 2003: CONSEQUENTIAL AMENDMENTS

Prison Act 1952 (c. 52)

- 1 Omit section 49(4A) of the Prison Act 1952 (persons unlawfully at large).

Criminal Justice Act 1961 (c. 39)

- 2 In section 23 of the Criminal Justice Act 1961 (prison rules)—
- (a) in subsection (3), for “Subject to subsection (3A), the days” substitute “The days”;
 - (b) omit subsection (3A).

Firearms Act 1968 (c. 27)

- 3 In section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime), omit—
- (a) subsection (2A)(d);
 - (b) subsection (2B);
 - (c) in subsection (6), “, (2B)”.

Magistrates' Courts Act 1980 (c. 43)

- 4 Omit section 131(2A) of the Magistrates' Courts Act 1980 (remand of accused already in custody).

Road Traffic Offenders Act 1988 (c. 53)

- 5 In section 35A of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed), omit subsection (4)(c) and (d).

Football Spectators Act 1989 (c. 37)

- 6 In the Football Spectators Act 1989, omit—
- (a) section 14E(7) (banning orders);
 - (b) section 18(5) (information).

Prisoners (Return to Custody) Act 1995 (c. 3)

- 7 Omit section 1(1A) of the Prisoners (Return to Custody) Act 1995 (remaining at large after temporary release).

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

- 8 In Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995 (qualifications for standard licence), in paragraph 3(2)(a), for the words from “of 12 months or more” to the end substitute “exceeding 3 months”.

Crime (Sentences) Act 1997 (c. 43)

- 9 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfers of prisoners within the British Islands) is amended as follows.
- (2) In paragraph 6(4), omit the definitions of “custody plus order” and “intermittent custody order”.
- (3) In paragraph 8, in sub-paragraphs (2) and (4)—
- (a) after paragraph (aa) insert “ and ”;
 - (b) omit paragraph (ab).
- (4) In paragraph 9, in sub-paragraphs (2) and (4)—
- (a) after paragraph (aa) insert “ and ”;
 - (b) omit paragraph (ab).

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

- 10 In section 147A of the Powers of Criminal Courts (Sentencing) Act 2000 (extension of disqualification where custodial sentence also imposed), omit subsection (4)(c) and (d).

Extradition Act 2003 (c. 41)

- 11 (1) The Extradition Act 2003 is amended as follows.
- (2) In the following provisions, omit “(other than temporarily on licence pursuant to an intermittent custody order under section 183(1)(b) of the Criminal Justice Act 2003)”—
- (a) section 59(11)(b) (return of person to serve remainder of sentence);
 - (b) section 132(11)(b) (return of person to serve remainder of sentence);
 - (c) section 153B(10)(a)(ii) (return of person in pursuance of undertaking).
- (3) In section 216 (interpretation), omit subsection (6A).

Criminal Justice Act 2003 (c. 44)

- 12 The Criminal Justice Act 2003 is amended as follows.
- 13 In section 195 (interpretation of Chapter 3), omit the definitions of “custodial period”, “licence period” and “the number of custodial days”.
- 14 (1) Section 196 (meaning of “relevant order” in Chapter 4) is amended as follows.
- (2) In subsection (1)—
- (a) at the end of paragraph (a) insert “ or ”;
 - (b) omit paragraph (b);
 - (c) omit paragraph (d) and the word “or” preceding it.

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- (3) Omit subsection (2).
- 15 In section 197(1)(a)(i) (meaning of “responsible officer), omit “182(1) or”.
- 16 In section 202(4)(b) (circumstances in which court must not include programme requirement), omit “(or, where the relevant order is a custody plus order or an intermittent custody order, will be)”.
- 17 Omit section 204(4) and (5) (restrictions on imposing curfew requirement).
- 18 In section 213(3) (definition of “relevant period” for supervision requirement), omit paragraphs (b) and (c).
- 19 Omit section 216(2) (requirement to specify area in which offender will reside).
- 20 In section 241 (effect of direction under section 240 or 240A)—
- (a) in subsection (1), omit “or Chapter 3 (prison sentences of less than twelve months)”;
 - (b) omit subsection (2).
- 21 (1) Section 244 (duty to release prisoners) is amended as follows.
- (2) Omit subsection (2).
 - (3) In subsection (3)—
 - (a) omit paragraphs (b) and (c);
 - (b) in paragraph (d), omit “none of which falls within paragraph (c)”.
- 22 Omit section 245 (restrictions on duty to release intermittent custody prisoners).
- 23 (1) Section 246 (power to release prisoners on licence early) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), omit “, other than an intermittent custody prisoner,”;
 - (b) omit paragraph (b) and the word “and” preceding it.
 - (3) Omit subsection (3).
 - (4) In subsection (4)(i), omit from “or, where the sentence is one of intermittent custody” to the end.
 - (5) In subsection (5)—
 - (a) in paragraph (a), omit “or (b), (3)”;
 - (b) in paragraph (c), omit “or (3)(b)(ii)”.
 - (6) In subsection (6)—
 - (a) omit the definition of “the required custodial days”;
 - (b) in the definition of “the requisite custodial period”, omit “other than a sentence of intermittent custody” and “, (b)”;
 - (c) omit the definition of “sentence of intermittent custody”.
- 24 In section 249 (duration of licence)—
- (a) in subsection (1), for “subsections (2) and (3)” substitute “ subsection (3) ”;
 - (b) omit subsection (2);
 - (c) in subsection (3), omit the words from “and subsection (2)” to the end;
 - (d) omit subsection (4).

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- 25 In section 250 (licence conditions)—
- (a) omit subsections (2), (2A), (3) and (6);
 - (b) in subsection (7), for the words from “section 264(3)” to the end substitute “ and section 264(3) (consecutive terms) ”.
- 26 Omit section 251 (licence conditions on re-release of those serving less than 12 months).
- 27 In section 252(2) (duty to comply with licence conditions: overseas)—
- (a) at the end of paragraph (a) insert “ and ”;
 - (b) omit paragraph (b).
- 28 Omit section 253(4) (curfew conditions for those subject to intermittent custody order).
- 29 In section 260(7) (early removal of persons liable to removal from UK: definition of “requisite custodial period”), omit “, (b)”.
- 30 In section 261(6) (re-entry to UK of offender removed early: definitions), in the definition of “requisite custodial period”, omit “, (b)”.
- 31 Omit section 263(3) (concurrent terms: requirements of licence).
- 32 (1) Section 264 (consecutive terms) is amended as follows.
- (2) Omit subsection (1)(c) and the “and” preceding it.
- (3) In subsection (6) omit—
- (a) paragraph (a)(iii) and the “and” preceding it;
 - (b) paragraph (b).
- 33 Omit section 264A (consecutive terms: intermittent custody).
- 34 Omit section 265(1B) (restriction on consecutive sentences: intermittent custody).
- 35 In section 268 (interpretation of Chapter 6), omit the definitions of “intermittent custody prisoner”, “release” and “relevant court order”.
- 36 In section 302 (execution of process between England and Wales and Scotland), omit “paragraph 8(1) of Schedule 10”.
- 37 In section 305(1) (interpretation of Part 12)—
- (a) omit the definition of “custody plus order”;
 - (b) omit the definition of “intermittent custody order”;
 - (c) omit the words “custody plus order, intermittent custody order” (wherever they appear);
 - (d) in the definition of “responsible officer”, omit the words “a custody plus order, an intermittent custody order”.
- 38 (1) Schedule 12 (breach or amendment of suspended sentence order etc) is amended as follows.
- (2) In paragraph 8(2) (powers of court on breach of community requirement or conviction of further offence)—
- (a) in paragraph (a), omit “and custodial period”;
 - ^{F1}(b)
- (3) In paragraph 9(1) (further provision as to order that suspended sentence is to take effect)—

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- (a) omit “and custodial period”;
- (b) omit paragraph (a).

Textual Amendments

F1 Sch. 10 para. 38(2)(b) 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

- 39 In Schedule 32 (amendments relating to sentencing), omit paragraphs 12(2), (3) and (6), 29, 57, 58 and 68(2).

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 40 (1) The Domestic Violence, Crime and Victims Act 2004 is amended as follows.
- (2) Omit section 31 and Schedule 6 (intermittent custody).
 - (3) In Schedule 11 (repeals), omit the entries relating to the Criminal Justice Act 2003.

Armed Forces Act 2006 (c. 52)

- 41 (1) The Armed Forces Act 2006 is amended as follows.
- (2) In section 196 (term of sentence etc), omit—
 - (a) the reference to sections 181 and 182 of the Criminal Justice Act 2003;
 - (b) in the reference to Chapter 4 of Part 12 of that Act, the words “custody plus order or”.
 - (3) Omit sections 197 to 199 (imprisonment with or without custody plus order).
 - (4) In section 207 (definitions), omit the definition of “custody plus order”.
 - (5) In Schedule 7 (suspended sentence: further conviction or breach of requirement), omit paragraph 9(1)(a) (modification of paragraph 9(1)(a) of Schedule 12 to the Criminal Justice Act 2003).
 - (6) In Schedule 16 (minor and consequential amendments), omit paragraphs 222 and 223.

Criminal Justice and Immigration Act 2008 (c. 4)

- 42 Omit section 20(2) and (3) of the Criminal Justice and Immigration Act 2008.

Policing and Crime Act 2009 (c. 26)

- 43 Omit section 71(10) of the Policing and Crime Act 2009.

Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 (S.I. 2005/643)

- 44 Article 2(4) of the Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 is revoked.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2016/286, art. 4(1) by [S.I. 2017/225 art. 2](#)

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

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

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

- s. 9(3)(4) inserted by [2022 c. 36 s. 25\(2\)](#)
- s. 9A inserted by [2023 c. 32 s. 89\(3\)](#)
- s. 9B inserted by [2023 c. 32 s. 90](#)
- s. 10(3A)-(3E) inserted by [2022 c. 36 s. 67](#)
- Sch. 1 Pt. 1 para. 31ZA and cross-heading inserted by [2022 c. 36 s. 25\(1\)](#)
- Sch. 1 Pt. 1 para. 31B and cross-heading inserted by [2022 c. 36 s. 57\(2\)](#)
- Sch. 1 Pt. 1 para. 19(1A)(1B) and heading inserted by [2022 c. 36 s. 66\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 19(2A) inserted by [2022 c. 36 s. 66\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(8A) and heading inserted by [2022 c. 36 s. 66\(2\)\(c\)](#)
- Sch. 1 Pt. 1 para. 25(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 26(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27A(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 25(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 26(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27A(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(1A) and heading inserted by [2022 c. 36 s. 66\(4\)\(a\)](#)
- Sch. 1 Pt. 1 para. 30(2A) inserted by [2022 c. 36 s. 66\(4\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(3A) and heading inserted by [2022 c. 36 s. 66\(4\)\(c\)](#)
- Sch. 1 Pt. 1 para. 31A(2A) and heading inserted by [2022 c. 36 s. 66\(5\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31A(3A)(3B) and heading inserted by [2022 c. 36 s. 66\(5\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(6A) inserted by [2023 c. 37 s. 56\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31C inserted by [2023 c. 37 s. 56\(3\)](#)
- Sch. 1 Pt. 1 para. 27A(1) inserted by [S.I. 2017/617 reg. 3\(4\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 11(1A) inserted by [S.I. 2023/150 art. 4\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 11(3A) inserted by [S.I. 2023/150 art. 4\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 2(1)(b) omitted by [2018 anaw 2 Sch. 1 para. 21\(2\)\(a\)\(ii\)](#)
- Sch. 1 Pt. 1 para. 45(2) omitted by [2023 c. 32 s. 91\(2\)](#)
- Sch. 1 Pt. 1 para. 45(3) substituted by [2023 c. 32 s. 91\(3\)](#)
- Sch. 1 Pt. 1 para. 26(1) substituted by [S.I. 2017/617 reg. 3\(2\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))

- Sch. 1 Pt. 1 para. 27(1) substituted by [S.I. 2017/617 reg. 3\(3\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 19(10) words inserted by [2023 c. 37 s. 56\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words omitted by [2016 c. 19 Sch. 11 para. 2\(1\)](#)
- Sch. 1 Pt. 1 para. 45(4) words omitted by [2023 c. 32 s. 91\(4\)](#)
- Sch. 1 Pt. 1 para. 26 heading words substituted by [S.I. 2017/617 reg. 3\(2\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 27 heading words substituted by [S.I. 2017/617 reg. 3\(3\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 16A inserted by [2023 c. 37 s. 56\(4\)](#)
- Sch. 1 Pt. 3 para. 11(b) and word inserted by [S.I. 2017/617 reg. 3\(6\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 8(b) omitted by [S.I. 2017/617 reg. 3\(5\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 11(a) and word omitted by [S.I. 2017/617 reg. 3\(6\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 4 para. 8 inserted by [2022 c. 36 s. 66\(6\)](#)