
STATUTORY INSTRUMENTS

1991 No. 2208 (C.67)

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, SCOTLAND
CRIMINAL LAW, NORTHERN IRELAND**

**The Criminal Justice Act 1991
(Commencement No. 1) Order 1991**

Made - - - - 2nd October 1991

In exercise of the powers conferred on me by section 102(2) and (3) of the Criminal Justice Act 1991(1), I hereby make the following Order:

1. This Order may be cited as the Criminal Justice Act 1991 (Commencement No. 1) Order 1991.

2.—(1) The provisions of the Criminal Justice Act 1991 (“the 1991 Act”) referred to in column (1) of Schedule 1 to this Order (which relate to the matters described in column (2) of that Schedule) shall come into force on 14th October 1991.

(2) Subject to paragraph (3) below, the provisions of the 1991 Act referred to in column (1) of Schedule 2 to this Order (which relate to the matters described in column (2) of that Schedule) shall come into force on 25th October 1991.

(3) Notwithstanding paragraph (2) above, section 26(3) of the 1991 Act shall not come into force in so far as it would, apart from this paragraph, have effect with respect to the penalty provided by section 10(2)(b) of the Badgers Act 1973(2) for an offence under section 9(3) of that Act (contravention of or failure to comply with terms of licence).

(4) Subject to paragraph (5) below, the provisions of the 1991 Act referred to in column (1) of Schedule 3 to this Order (which relate to the matters described in column (2) of that Schedule) shall come into force on 31st October 1991.

(5) Until such time as section 75 of the 1991 Act (which provides for the combining in one probation area of all of the petty sessions divisions of the inner London area) may be in force, the references in paragraph 3(5)(3) of Schedule 3 to the Powers of Criminal Courts Act 1973(4) to the inner London probation area shall be treated as if they were references to the inner London area.

(1) 1991 c. 53.

(2) 1973 c. 57; section 9 is amended by section 4 of the Badgers Act 1991 (c. 36).

(3) As substituted by section 94(2)(c) of the 1991 Act.

(4) 1973 c. 62.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 3.—(1) Subject to paragraphs (2) and (3) below, this Order extends to England and Wales only.
- (2) The following provisions of this Order also extend to Scotland, namely—
- (a) in Schedule 1, the bringing into force of sections 99 and 102 of the 1991 Act;
 - (b) in Schedule 3, the bringing into force of section 26(4) of the 1991 Act.
- (3) The following provisions of this Order also extend to Northern Ireland, namely, in Schedule 1, the bringing into force of sections 99 and 102 of the 1991 Act.

Home Office
2nd October 1991

Kenneth Baker
One of Her Majesty's Principal Secretaries of
State

SCHEDULE 1

Article 2(1)

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1991
COMING INTO FORCE ON 14TH OCTOBER 1991

(1) Provisions of the Act	(2) Subject matter of provisions
Section 60(3)	Venue for secure accommodation applications for remanded juveniles
Section 99(1), save for the definitions of “child” and “young person”	General interpretation
Section 100, to the extent necessary to bring into force the provisions of Schedule 11 specified below	Minor and consequential amendments
Section 101(1), to the extent necessary to bring into force the provisions of Schedule 12 specified below	Transitional provisions, savings and repeals
Section 102, so far as not already in force	Short title, commencement and extent
In Schedule 11, paragraph 36	Minor and consequential amendments: “custody” to include certain local authority accommodation
In Schedule 12, paragraph 23	Transitional provisions: renaming of juvenile courts, etc.

SCHEDULE 2

Article 2(2)

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1991
COMING INTO FORCE ON 25TH OCTOBER 1991

(1) Provisions of the Act	(2) Subject matter of provisions
Section 26(3), to the extent specified in article 2(3)	Increase of penalties for offences under the Badgers Act 1973
Section 101(1), to the extent necessary to bring into force the provisions of Schedule 12 specified below.	Transitional provisions
In Schedule 12, paragraph 7	Transitional provisions: increase of certain penalties

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SCHEDULE 3

Article 2(4)

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1991
COMING INTO FORCE ON 31ST OCTOBER 1991

(1) Provisions of the Act	(2) Subject matter of provisions
Section 26(4) and (5)	Alteration of certain penalties
Section 73	Inspectors of probation
Section 74	Default power where probation committee fails to discharge statutory duty
Section 80	Arrangements for the provision of prisoner escorts
Section 81	Monitoring, etc. of prisoner escort arrangements
Section 82	Powers and duties of prisoner custody officers acting in pursuance of such arrangements
Section 83	Breaches of discipline by prisoners
Section 84	Contracting out of certain prisons
Section 85	Officers of contracted out prisons
Section 86	Powers and duties of prisoner custody officers employed at contracted out prisons
Section 87	Consequential modifications of 1952 Act
Section 88	Intervention by the Secretary of State
Section 89	Certification of prisoner custody officers
Section 90	Protection of prisoner custody officers
Section 91	Wrongful disclosure of information
Section 92(1)	Interpretation of Part IV
Section 93	Cash limits for magistrates' courts
Section 94	Cash limits for probation services
Section 95	Information for financial and other purposes
Section 96	Grants out of money provided by Parliament
Section 98	Expenses, etc.
Section 100, to the extent necessary to bring into force the provisions of Schedule 11 specified in Appendix A hereto	Minor and consequential amendments
Section 101(2), to the extent necessary to bring into force the provisions of Schedule 13 specified in Appendix B hereto	Repeals
Schedule 10	Certification of prisoner custody officers

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(1) Provisions of the Act	(2) Subject matter of provisions
So much of Schedule 11 as is specified in Appendix A hereto	Minor and consequential amendments
So much of Schedule 13 as is specified in Appendix B hereto	Repeals

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APPENDIX A

PROVISIONS OF SCHEDULE 11 COMING INTO FORCE ON 31ST OCTOBER 1991

So much of Schedule 11 as amends the following enactment:—

Paragraph 2(2)(a) of Schedule 3 to the Powers of Criminal Courts Act [1973 \(c. 62\)](#).

APPENDIX B

PROVISIONS OF SCHEDULE 13 COMING INTO FORCE ON 31ST OCTOBER 1991

So much of Schedule 13 as relates to the following enactment:—

Section 11 of the Metropolitan Police Act 1839 (2 & 3 Vict. c.47).

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2(1) of this Order brings into force on 14th October 1991 (the commencement date for the relevant provisions of the Children Act 1989 (c. 41)) section 60(3) of the Criminal Justice Act 1991 (together with paragraph 23 of Schedule 12) relating to remands and committals of children and young persons to local authority accommodation and various connected provisions.

Article 2(2) brings into force, as from 25th October 1991 (the commencement date of the Badgers Act 1991 (c. 36)) section 26(3), which substitutes increased penalties for offences under the Badgers Act 1973; by virtue of article 2(3), the existing penalty for an offence under section 9(3), for which no provision would otherwise exist after the coming into force of section 26(3) of the Act of 1991, is kept in being.

By virtue of article 2(4) the provisions of the Act of 1991 listed in Schedule 3 to the Order, which relate to the alteration of certain penalties, arrangements for the provision of prisoner escorts, the contracting out of certain prisons, cash limiting for magistrates' courts and the probation services, and the provision by the Secretary of State of information for financial and other purposes come into force on 31st October 1991.