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STATUTORY INSTRUMENTS

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**1999 No. 3426 (C. 94)**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Crime and Disorder Act 1998  
(Commencement No. 6) Order 1999**

*Made - - - - 15th December 1999*

In exercise of the powers conferred upon him by section 121 of the Crime and Disorder Act 1998(1), the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Crime and Disorder Act 1998 (Commencement No. 6) Order 1999.

2. Section 40 (youth justice plans) of the Crime and Disorder Act 1998 shall, except to the extent that it is already in force, come into force on 1st January 2000.

3. Subject to article 4 below, the following provisions of the Crime and Disorder Act 1998 shall come into force on 1st April 2000:

- (a) sections 73 to 79 (young offenders: detention and training orders);
- (b) paragraphs 1, 6, 7, 9(1)(a) and (2), 10(b), 14, 15, 22, 31, 35, 39, 41, 50(1) to (4), 51, 52(1), 78(b), 109 to 112, 114, 135(2)(a), (9) and (10) and 144 of Schedule 8; and
- (c) the entries in Schedule 10 relating to:
  - (i) sections 56(6) and 67 of the Criminal Justice Act 1967(2);
  - (ii) sections 1 and 42 of the Powers of Criminal Courts Act 1973(3);
  - (iii) section 37 of the Magistrates' Courts Act 1980(4);
  - (iv) section 1A to 1C of the Criminal Justice Act 1982(5);
  - (v) sections 31 and 61 of, and Schedule 12 to, the Criminal Justice Act 1991(6);
  - (vi) section 17 of the Probation Service Act 1993(7);
  - (vii) sections 1 to 4 of, and Schedule 10 to, the Criminal Justice and Public Order Act 1994(8); and

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(1) 1998 c. 37.  
(2) 1967 c. 80.  
(3) 1973 c. 62.  
(4) 1980 c. 43.  
(5) 1982 c. 48.  
(6) 1991 c. 53.  
(7) 1993 c. 47.  
(8) 1994 c. 33.

(viii) section 2 of the Drug Trafficking Act 1994<sup>(9)</sup>.

4.—(1) A court to which it falls on or after 1st April 2000 to determine for the purposes of any enactment how a previous court could or might have dealt with an offender shall if the offender is under the age of 18 make that determination as if:

- (a) the following provisions had been in force:
  - (i) sections 73 to 79 of the Crime and Disorder Act 1998; and
  - (ii) paragraph 50(1) of Schedule 8 to that Act; and
- (b) sections 1 to 4 of the Criminal Justice and Public Order Act 1994 had not been in force.

(2) Where—

- (a) before 1st April 2000 an offender has been committed for sentence by a magistrates' court to the Crown Court under section 37 of the Magistrates' Court Act 1980; but
- (b) the Crown Court has not dealt with him before that date,

the Crown Court may after inquiring into the circumstances of the case deal with him in any way in which the magistrates' court could deal with him.

(3) The amendment of section 1A of the Criminal Justice Act 1982 by paragraph 50(1) of Schedule 8 to the Crime and Disorder Act 1998, and the repeal in Schedule 10 to that Act relating to section 1C of the Criminal Justice Act 1982, shall not affect the operation of those sections in relation to offenders sentenced to detention in a young offender institution before the commencement of that paragraph or that repeal.

(4) The amendments of:

- (a) section 49 of the Children and Young Persons Act 1933<sup>(10)</sup>;
- (b) section 49 of the Prison Act 1952<sup>(11)</sup>;
- (c) section 52 of the Firearms Act 1968<sup>(12)</sup>; and
- (d) section 4 of the Probation Service Act 1993

by paragraphs 1, 7, 15 and 109, respectively, of Schedule 8 to the Crime and Disorder Act 1998 shall not affect the operation of those sections in relation to offenders who are subject to detention or supervision under a secure training order made before the commencement of those paragraphs.

(5) The repeals of section 67(5)(c) of the Criminal Justice Act 1967 and sections 1 to 4 of the Criminal Justice and Public Order Act 1994 shall not affect the operation of those sections in relation to offenders who are subject to detention or supervision under a secure training order made before the commencement of those repeals.

Home Office  
15th December 1999

*Jack Straw*  
One of Her Majesty's Principal Secretaries of  
State

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(9) 1994 c. 37.  
(10) 1933 c. 12.  
(11) 1952 c. 52.  
(12) 1968 c. 27.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st April 2000 sections 73 to 79 of the Crime and Disorder Act 1998, subject to minor transitional arrangements and savings. These provisions relate to detention and training orders. The Order also brings into force on that date a number of related minor provisions. The Order also brings section 40 of the 1998 Act (youth justice plans) fully into force on 1st January 2000.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Crime and Disorder Act 1998 have been brought into force by commencement orders before the date of this Order.

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 41 and 49 (both partially), 114, 116 and 117	1.8.98	<a href="#">1998/1883</a>
Section 84 and Schedules 2 and 9 (both partially)	7.8.98	<a href="#">1998/1883</a>
Sections 5 to 9, 10 (partially), 11 and 12, 13 (partially), 14 and 15, 17 and 18, 28 to 37, 38 to 40 (all partially only), 41 and 42, 43 (partially), 46 (partially), 47 and 48, 49 (partially), 50, 52 (partially), 53 to 64, 65 and 66 (both partially), 67 to 70, 71 (partially), 72, 82 and 83, 85 to 96, 97 (partially), 100 (partially), 101 and 102, 104 to 108, 110 to 113, 115, 118, 119 and 120 and Schedules 2, 3 (partially), 4 to 7, and 8 to 10 (all partially only)	30.9.98	<a href="#">1998/2327</a>
Sections 2 and 3, 4 (partially), 16, 20, 21 and 22 (both partially), 23, 24 and 26 (partially) and Schedules 1 and 8 (partially)	1.12.98	<a href="#">1998/2327</a> (as amended) by <a href="#">1998/2906</a>
Section 103 and Schedules 8, 9 and 10 (all partially only)	1.1.99	<a href="#">1998/3263</a>

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

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 51 and 52 and Schedules 3, 8 and 10 (both partially)	4.1.99	1998/2327
Sections 99 and 100 and Schedule 9 (partially)	28.1.99	1998/3263
Sections 25 to 27	1.3.99	1998/3263
Sections 1, 4, 19, 21, 22 and 71 (partially)	1.4.99	1998/3263
Sections 43 to 45, 97 and 98 and Schedules 8 and 10 (both partially)	1.6.99	1999/1279
Sections 80 and 81 and Schedule 9 (partially)	1.7.99	1998/3263
Sections 46 and 49	1.11.99	1999/2976