



# Criminal Justice and Immigration Act 2008

## CHAPTER 4

### CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

#### PART 1

##### YOUTH REHABILITATION ORDERS

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- 143 Persistent sales of tobacco to persons under 18

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- 23 Restrictions on imposition of intensive supervision and surveillance or  
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- 25 Power to amend maximum period of fostering requirement

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NORTHERN IRELAND

- 1 Making of youth rehabilitation order where offender resides or will  
reside in Northern Ireland
- 2 Amendment of youth rehabilitation order where offender resides or  
proposes to reside in Northern Ireland
- 3 Further provisions regarding the making or amending of youth  
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- 4 (1) Before making or amending a youth rehabilitation order in...
- 5 Modifications to Part 1
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  - Part 2 — PROVISIONS RELATING TO AN ORDER MADE OR AMENDED UNDER  
PART 1
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- 8 Interpretation
- 9 Effect of the youth rehabilitation order in Northern Ireland
- 10 Duty of offender to keep in touch with relevant officer
- 11 Direction by Crown Court in Northern Ireland that proceedings in  
Northern Ireland be before a court of summary jurisdiction
- 12 Powers of the home court in respect of the youth rehabilitation order
- 13 (1) The home court may require the offender to appear...
- 14 Where an offender is required by virtue of paragraph 13...
- 15 Powers of court in England or Wales before which the offender is  
required to appear
- 16 (1) Paragraph 15(b) does not enable the relevant court in...
- 17 Power to amend provisions of Schedule in consequence of changes to  
the law in Northern Ireland

SCHEDULE 4 — Youth rehabilitation orders: consequential and related  
amendments

Part 1 — CONSEQUENTIAL AMENDMENTS

- 1 Children and Young Persons Act 1933 (c. 12)
- 2 (1) Section 34 (attendance at court of parent of child...
- 3 (1) Section 49 (restrictions on reports of proceedings in which...
- 4 Criminal Appeal Act 1968 (c. 19)

*Status: This is the original version (as it was originally enacted).*

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- 5 Firearms Act 1968 (c. 27)
- 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...
- 8 Health Services and Public Health Act 1968 (c. 46)
- 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...
- 11 Social Work (Scotland) Act 1968 (c. 49)
- 12 In section 86(3) (adjustments between authority providing accommodation etc, and...
- 13 In section 94(1) (interpretation)— (a) for the definition of “probation...
- 14 Children and Young Persons Act 1969 (c. 54)
- 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)...
- 20 Rehabilitation of Offenders Act 1974 (c. 53)
- 21 In section 5(5) (rehabilitation periods for particular sentences) after paragraph...
- 22 In section 7(2) (limitations on rehabilitation under Act, etc.) for...
- 23 Bail Act 1976 (c. 63)
- 24 Magistrates' Courts Act 1980 (c. 43)
- 25 Contempt of Court Act 1981 (c. 49)
- 26 Criminal Justice Act 1982
- 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...
- 30 Mental Health Act 1983 (c. 20)
- 31 Child Abduction Act 1984 (c. 37)
- 32 Prosecution of Offences Act 1985 (c. 23)
- 33 Children Act 1989 (c. 41)
- 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...
- 39 Criminal Justice Act 1991 (c. 53)
- 40 (1) Paragraph 10 is amended as follows.
- 41 (1) Paragraph 11 is amended as follows.
- 42 Criminal Justice and Public Order Act 1994 (c. 33)
- 43 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 44 (1) Section 234 (probation orders: persons residing in England and...
- 45 (1) Section 242 (community service orders: persons residing in England...
- 46 (1) Section 244 (community service orders: general provisions relating to...
- 47 Education Act 1996 (c. 56)
- 48 Crime and Disorder Act 1998 (c. 37)

- 49 In section 38(4) (local provision of youth justice services)—
- 50 In Schedule 8 (minor and consequential amendments), in paragraph 13(2),...
- 51 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 52 In section 19(4)(a) (making of referral orders: effect on court's...
- 53 In section 73 (reparation orders)— (a) for subsection (4)(b) substitute —...
- 54 In section 74(3)(a) (requirements and provisions of reparation order, and...
- 55 In section 75 (breach, revocation and amendment of reparation orders)...
- 56 In section 91(3) (offenders under 18 convicted of certain serious...
- 57 In section 137(2) (power to order parent or guardian to...
- 58 In section 150(2) (binding over of parent or guardian), for...
- 59 In section 159 (execution of process between England and Wales...
- 60 (1) Section 160 (rules and orders) is amended as follows....
- 61 In section 163 (general definitions)— (a) omit the definitions of...
- 62 (1) Schedule 8 (breach, revocation and amendment of action plan...
- 63 In Schedule 10 (transitory modifications), omit paragraphs 4 to 6...
- 64 In Schedule 11 (transitional provisions)— (a) in paragraph 4, omit—...
- 65 Child Support, Pensions and Social Security Act 2000 (c. 19)
- 66 (1) Section 62 (loss of benefit for breach of community...
- 67 (1) Section 64 (information provision) is amended as follows.
- 68 Criminal Justice and Court Services Act 2000 (c. 43)
- 69 In section 1(2)(a) (purposes of Chapter), after “2003” insert “,...
- 70 In section 70 (interpretation, etc.) omit subsection (5).
- 71 Criminal Justice Act 2003 (c. 44)
- 72 (1) Section 147 (meaning of “community sentence” etc.) is amended...
- 73 (1) Section 148 (restrictions on imposing community sentences) is amended...
- 74 In section 149(1) (passing of community sentence on offender remanded...
- 75 In section 150 (community sentence not available where sentence fixed...
- 76 (1) Section 151 (community order for persistent offender previously fined)...
- 77 (1) Section 156 (pre-sentence reports and other requirements) is amended...
- 78 In section 161 (pre-sentence drug testing)— (a) in subsection (1),...
- 79 (1) Section 166 (savings for powers to mitigate sentences and...
- 80 (1) Section 174 (duty to give reasons for, and explain...
- 81 In section 176 (interpretation of Chapter 1)—
- 82 In section 177(1) (community orders) for “16” substitute “18”.
- 83 In section 197(1)(b) (meaning of “the responsible officer”), omit “the...
- 84 In section 199 (unpaid work requirement)— (a) in subsection (3),...
- 85 In section 201 (activity requirement), in subsection (3)(a), for sub-paragraphs...
- 86 In section 202 (programme requirement), in subsection (4)(a), for sub-paragraphs...
- 87 In section 203(2), for paragraphs (a) and (b) substitute “an...
- 88 In section 209(2)(c) (drug rehabilitation requirement), for sub-paragraphs (i) and...
- 89 In section 211 (periodic review of drug rehabilitation requirement), omit...

- 90 In section 214 (attendance centre requirement), after subsection (6) add  
—...
- 91 In section 217(1)(b) (requirement to avoid conflict with religious beliefs...
- 92 In section 221(2) (provision of attendance centres)—
- 93 In section 222(1)(e) (rules), after “attendance centre requirements” insert “,...
- 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 In Schedule 8 (breach, revocation or amendment of community order),...
- 97 Omit Schedule 24 (drug treatment and testing requirement in action...
- 98 Violent Crime Reduction Act 2006 (c. 38)
- 99 Offender Management Act 2007 (c. 21)
- Part 2 — RELATED AMENDMENTS
- 100 Children and Young Persons Act 1933 (c. 12)
- 101 Children and Young Persons Act 1969 (c. 54)
- 102 Bail Act 1976 (c. 63)
- 103 Magistrates' Courts Act 1980 (c. 43)
- 104 Child Abduction Act 1984 (c. 37)
- 105 Children Act 1989 (c. 41)
- 106 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 107 In Schedule 1 (youth offender panels: further court proceedings), after...
- 108 (1) Schedule 8 (breach, revocation and amendment of action plan...
- 109 Criminal Justice Act 2003 (c. 44)

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 A period specified under paragraph 2 is to be treated...
- 2 (1) This paragraph applies where— (a) a court sentences an...

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

- 1 General
- 2 Unpaid work requirement
- 3 Attendance centre requirement
- 4 Curfew requirement
- 5 Enforcement, revocation and amendment of youth default order
- 6 Power to alter amount of money or number of hours or days
- 7 Transfer of youth default order to Northern Ireland

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...
- 2 Time limit on grant of certificates of fitness for appeal
- 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...
- 6 Powers of Court to substitute different sentence
- 7 Interim hospital orders

- 8 Before section 31 (but after the cross-heading preceding it) insert—...
- 9 In section 31 (powers of Court which are exercisable by...
- 10 Evidence
- 11 Powers of single judge
- 12 Appeals against procedural directions
- 13 Detention of defendant pending appeal to Supreme Court
- Part 2 — AMENDMENTS OF CRIMINAL APPEAL (NORTHERN IRELAND)  
ACT 1980
- 14 The Criminal Appeal (Northern Ireland) Act 1980 (c. 47) has...
- 15 Time limit on grant of certificates of fitness for appeal
- 16 In section 12 (appeal against finding of not guilty on...
- 17 In section 13A (appeal against finding of unfitness to be...
- 18 Powers of Court to substitute different sentence
- 19 Interim hospital orders
- 20 (1) For the cross-heading preceding section 30 substitute—  
Supplementary ...
- 21 In section 45 (powers of Court which are exercisable by...
- 22 Evidence
- 23 In section 26 (additional powers of Court), in subsection (1)...
- 24 Detention of defendant pending appeal to Supreme Court
- 25 Powers of single judge
- Part 3 — AMENDMENTS OF OTHER ACTS
- 26 Detention of defendant pending appeal from High Court to Supreme  
Court
- 27 Variation of sentences by Crown Court
- 28 (1) Section 155 of the Powers of Criminal Courts (Sentencing)...

SCHEDULE 9 — Alternatives to prosecution for persons under 18

- 1 The Crime and Disorder Act 1998 (c. 37) has effect...
- 2 (1) Section 65 (reprimands and warnings) is amended as follows....
- 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 In section 6(6) for “the Schedule” substitute “Schedule 1”.
- 3 After section 8 (defamation actions) there is inserted— Protection  
afforded...
- 4 After section 9 (unauthorised disclosure of spent convictions) insert—  
Unauthorised...
- 5 The Schedule (service disciplinary proceedings) is re-numbered as  
Schedule 1....
- 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...
- 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 Before paragraph 23 insert— (1) Section 3 (committal for sentence on summary trial of...
- 9 In paragraph 23, in subsection (5) of the first of...
- 10 In paragraph 24 after sub-paragraph (4) insert—

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

- 1 Domestic service providers: extension of liability
- 2 Non-UK service providers: restriction on institution of proceedings
- 3 Exceptions for mere conduits
- 4 Exception for caching
- 5 Exception for hosting
- 6 Interpretation

SCHEDULE 15 — Sexual offences: grooming and adoption

- 1 Meeting a child following sexual grooming
- 2 Adoption
- 3 In section 27(1)(b) (family relationships) after “but for” insert “section...
- 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...

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

- 1 Person residing in England and Wales
- 2 Person residing in Northern Ireland
- 3 Person having property etc. in England and Wales
- 4 Person having property etc. in Northern Ireland
- 5 Person having property etc. in England and Wales and Northern Ireland
- 6 Person having property etc. in England and Wales and Scotland
- 7 Person having property etc. in Northern Ireland and Scotland
- 8 Person having property etc. in England and Wales, Scotland and Northern Ireland
- 9 Interpretation

#### SCHEDULE 19 — Grounds for refusal to enforce financial penalties

##### Part 1 — THE GROUNDS FOR REFUSAL

- 1 A penalty (of any kind) has been imposed on the...
- 2 A penalty (of any kind) has been imposed on the...
- 3 (1) 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...
- 6 The certificate does not confirm that— (a) if the proceedings...
- 7 (1) The financial penalty is for an amount less than...

##### Part 2 — EUROPEAN FRAMEWORK LIST (FINANCIAL PENALTIES)

- 8 Participation in a criminal organisation.

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- 9 Terrorism.
  - 10 Trafficking in human beings.
  - 11 Sexual exploitation of children and child pornography.
  - 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

- 1 Offence of causing nuisance or disturbance on HSS premises
- 2 Power to remove person causing nuisance or disturbance
- 3 Guidance about the power to remove etc.

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...
- 2 General duty of Secretary of State
- 3 Regulations for police forces
- 4 Regulations for special constables
- 5 Police Federations
- 6 Police Advisory Board
- 7 Representation at disciplinary and other proceedings
- 8 Appeals against dismissal etc.
- 9 Guidance concerning disciplinary proceedings etc.
- 10 Police officers engaged on service outside their force
- 11 Police Appeals Tribunals

Part 2 — AMENDMENTS OF MINISTRY OF DEFENCE POLICE ACT 1987

- 12 The Ministry of Defence Police Act 1987 (c. 4) has...
- 13 Defence Police Federation
- 14 Regulations relating to disciplinary matters
- 15 Representation etc. at disciplinary proceedings
- 16 Appeals against dismissal etc.

Part 3 — AMENDMENTS OF RAILWAYS AND TRANSPORT SAFETY ACT  
2003

- 17 The Railways and Transport Safety Act 2003 (c. 20) has...
- 18 Police regulations: general
- 19 Police regulations: special constables
- 20 Police regulations by Secretary of State
- 21 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...
- 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”

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...
- 2 Power to dismiss certain appeals following references by the CCRC
- 3 Interim hospital orders
- 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...
- 7 Evidence
- 8 Appeals against procedural directions
- 9 Detention of accused pending appeal to Supreme Court

Part 2 — ARMED FORCES ACT 2006

- 10 The Armed Forces Act 2006 (c. 52) has effect subject...
- 11 Consecutive custodial sentences
- 12 Dangerous offenders
- 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)—
- 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...
- 24 Restrictions on imposing community punishment
- 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...
- 28 Review of sentence on reference by Attorney General
- 29 Compensation for miscarriages of justice
- 30 After section 276 insert— Miscarriages of justice: amount of  
compensation...
- 31 In section 373 (orders, regulations etc.) in subsection (3)(a), after...
- 32 Imposition of unpaid work requirement for breach of service community  
order or overseas service community order
- 33 Suspended prison sentences: further conviction or breach of requirement

Part 3 — TRANSITIONAL PROVISIONS

- 34 Transitional provisions: compensation for miscarriage of justice

SCHEDULE 26 — Minor and consequential amendments

Part 1 — FINE DEFAULTERS

- 1 Magistrates' Courts Act 1980 (c. 43)
- 2 Criminal Justice Act 2003 (c. 44)

Part 2 — OTHER AMENDMENTS

- 3 Prison Act 1952 (c. 52)
- 4 Criminal Justice Act 1961 (c. 39)
- 5 Children and Young Persons Act 1969 (c. 54)
- 6 Criminal Appeal (Northern Ireland) Act 1980 (c. 47)
- 7 Wildlife and Countryside Act 1981 (c. 69)
- 8 Mental Health Act 1983 (c. 20)
- 9 Repatriation of Prisoners Act 1984 (c. 47)
- 10 Before section 1 insert— Transfer of prisoners to or from...
- 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...
- 20 Police and Criminal Evidence Act 1984 (c. 60)
- 21 Criminal Justice Act 1987 (c. 38)
- 22 Criminal Justice Act 1988 (c. 33)
- 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...
- 25 Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17))
- 26 Football Spectators Act 1989 (c. 37)
- 27 Criminal Justice (International Co-operation) Act 1990 (c. 5)
- 28 Broadcasting Act 1990 (c. 42)
- 29 Criminal Justice Act 1991 (c. 53)
- 30 Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)
- 31 Crime (Sentences) Act 1997 (c. 43)
- 32 (1) Schedule 1 (transfer of prisoners within the British Islands)...
- 33 (1) Schedule 2 (repatriation of prisoners to the British Islands)...
- 34 Crime and Disorder Act 1998 (c. 37)
- 35 Youth Justice and Criminal Evidence Act 1999 (c. 23)
- 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...
- 40 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 41 In section 12 (absolute and conditional discharge), in subsection (1)...
- 42 In section 24(5)(a) (first meeting: duration of contract), after “under...
- 43 In section 28(a) (offender etc. referred back to court), for...
- 44 In section 92 (detention under sections 90 and 91: place...
- 45 In section 116 (power to order return to prison where...
- 46 In section 130 (compensation orders), in subsection (2) for “section...
- 47 In section 146 (driving disqualification for any offence), in subsection...
- 48 In section 164 (further interpretative provisions), in subsection (3)(c) for...
- 49 (1) Schedule 1 (youth offender panels: further court proceedings) is...
- 50 Criminal Justice and Court Services Act 2000 (c. 43)
- 51 Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564) (N.I. 2)
- 52 Crime (International Co-operation) Act 2003 (c. 32)
- 53 Sexual Offences Act 2003 (c. 42)

*Status: This is the original version (as it was originally enacted).*

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- 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...
- 59 Criminal Justice Act 2003 (c. 44)
- 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 In section 142 (purposes of sentencing), in subsection (2)(c) for...
- 65 In section 150 (circumstances in which community sentence not available),...
- 66 In section 152 (general restrictions on imposing custodial sentences), in...
- 67 In section 153 (length of discretionary custodial sentences: general provision),...
- 68 In section 163 (general power of Crown Court to fine)...
- 69 In section 224 (meaning of “specified offence” etc), in subsection...
- 70 Section 233 (offences under service law) is omitted.
- 71 In section 264 (consecutive terms), in subsection (6)(a)(i) after “means”...
- 72 In section 305 (interpretation of Part 12), in subsection (4)—...
- 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 In section 330(5)(a) (orders subject to the affirmative procedure) after...
- 77 In Part 4 of Schedule 37, in the entry relating...
- 78 Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950)
- 79 Terrorism Act 2006 (c. 11)
- 80 Natural Environment and Rural Communities Act 2006 (c. 16)
- 81 Police and Justice Act 2006 (c. 48)
- 82 Armed Forces Act 2006 (c. 52)
- 83 Offender Management Act 2007 (c. 21)

## SCHEDULE 27 — Transitory, transitional and saving provisions

### Part 1 — YOUTH JUSTICE

- 1 Abolition of certain youth orders and related amendments
- 2 Reparation orders
- 3 Making of youth rehabilitation orders: other existing orders
- 4 Instructions: other existing orders
- 5 Fine default: section 35 of the Crime (Sentences) Act 1997
- 6 Restrictions on imposing community sentences
- 7 Attendance centre rules

### Part 2 — SENTENCING

- 8 Release and recall of prisoners
- 9 Section 33(1A) of the Criminal Justice Act 1991 (c. 53)...
- 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...
  - 13 Fine defaulters
    - Part 3 — APPEALS
  - 14 Appeals against conviction etc.
  - 15 The amendment made by section 43 applies in relation to...
  - 16 Prosecution appeals
  - 17 (1) The amendment made by section 45 applies in relation...
    - Part 4 — OTHER CRIMINAL JUSTICE PROVISIONS
  - 18 Alternatives to prosecution for offenders under 18
  - 19 Protection for spent cautions under Rehabilitation of Offenders Act 1974
  - 20 In the application of subsection (7) of section 9A of...
  - 21 Extension of powers of non-legal staff
  - 22 Compensation for miscarriages of justice
    - Part 5 — CRIMINAL LAW
  - 23 Penalties for possession of extreme pornographic images
  - 24 Indecent photographs of children
  - 25 Maximum penalty for publication etc. of obscene articles
  - 26 Offences relating to nuclear material and nuclear facilities
  - 27 Reasonable force for purposes of self-defence etc.
  - 28 Unlawfully obtaining etc. personal data: defences
    - Part 6 — INTERNATIONAL CO-OPERATION IN RELATION TO CRIMINAL JUSTICE MATTERS
  - 29 Mutual recognition of financial penalties
  - 30 Repatriation of prisoners
    - Part 7 — VIOLENT OFFENDER ORDERS
  - 31 Penalties for offences
  - 32 Service custody and detention
    - Part 8 — ANTI-SOCIAL BEHAVIOUR
  - 33 Review of anti-social behaviour orders etc.
  - 34 Individual support orders
    - Part 9 — POLICE
  - 35 Police misconduct and performance procedures
    - Part 10 — SPECIAL IMMIGRATION STATUS
  - 36 Conditions on designated persons
    - Part 11 — MISCELLANEOUS
  - 37 Persistent sales of tobacco to persons under 18
  - 38 Sexual offences
- 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