

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).

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.

- (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).

- 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”;
 - (b) in paragraph (b), for the words from “with either or both” to the end substitute “with the substitution for the original term of a lesser term”.

Status: This is the original version (as it was originally enacted).

- (3) In paragraph 9(1) (further provision as to order that suspended sentence is to take effect)—
- (a) omit “and custodial period”;
 - (b) omit paragraph (a).
- 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.