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# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### *Financial penalties*

#### 17 Increase of certain maxima.

- (1) In section 37 (standard scale of fines) of the <sup>M1</sup>Criminal Justice Act 1982 (“the 1982 Act”) and section 289G of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975 (corresponding Scottish provision), for subsection (2) there shall be substituted the following subsection—

“(2) The standard scale is shown below—

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<i>Level on the scale</i>	<i>Amount of fine</i>
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000”.

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- (2) Part I of the <sup>M3</sup>Magistrates’ Courts Act 1980 (“the 1980 Act”) shall be amended as follows—

- (a) in section 24(3) and (4) (maximum fine on summary conviction of young person for indictable offence) and section 36(1) and (2) (maximum fine on conviction of young person by magistrates’ court), for “£400” there shall be substituted “£1,000”;

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- (b) in section 24(4) (maximum fine on summary conviction of child for indictable offence) and section 36(2) (maximum fine on conviction of child by magistrates' court), for "£100" there shall be substituted "£250"; and
  - (c) in section 32(9) (maximum fine on summary conviction of offence triable either way), for "£2,000" there shall be substituted "£5,000";
- and in section 289B(6) of the Criminal Procedure (Scotland) Act 1975 (interpretation), in the definition of "prescribed sum", for "£2,000" there shall be substituted "£5,000".
- (3) Schedule 4 to this Act shall have effect as follows—
- (a) in each of the provisions mentioned in column 1 of Part I (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted the amount specified in column 4;
  - (b) in each of the provisions mentioned in column 1 of Part II (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted the level on the standard scale specified in column 4;
  - (c) in each of the provisions mentioned in column 1 of Part III (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted a reference to the statutory maximum;
  - (d) the provisions set out in Part IV shall be substituted for Schedule 6A to the 1980 Act (fines that may be altered under section 143); and
  - (e) <sup>F1</sup> .....

#### Extent Information

**E1** S. 17 extends to England and Wales; s. 17(1)(2) also extend to Scotland see s. 102(4)(5)

#### Textual Amendments

**F1** S. 17(3)(e) repealed (20.9.1993) by 1993 c. 36, ss. 65(3), 79(14), Sch. 3 para. 1(1), **Sch. 6 Pt.I**; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix.

#### Modifications etc. (not altering text)

**C1** S. 17(1)(2) restricted (S.) (1.9.1992) by S.I. 1992/333, **art. 4A** (as inserted by S.I. 1992/2118, **art. 4**)

#### Commencement Information

**I1** S. 17 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**

#### Marginal Citations

**M1** 1982 c. 48.  
**M2** 1975 c. 21.  
**M3** 1980 c. 43.

## [<sup>F2</sup>18 Fixing of fines.

- (1) Before fixing the amount of any fine, a court shall inquire into the financial circumstances of the offender.
- (2) The amount of any fine fixed by a court shall be such as, in the opinion of the court, reflects the seriousness of the offence.

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- (3) In fixing the amount of any fine, a court shall take into account the circumstances of the case including, among other things, the financial circumstances of the offender so far as they are known, or appear, to the court.
- (4) Where—
- (a) an offender has been convicted in his absence in pursuance of section 11 or 12 of the Magistrates’ Courts Act 1980 (non-appearance of accused),
  - (b) an offender—
    - (i) has failed to comply with an order under section 20(1) below; or
    - (ii) has otherwise failed to co-operate with the court in its inquiry into his financial circumstances, or
  - (c) the parent or guardian of an offender who is a child or young person—
    - (i) has failed to comply with an order under section 20(1B) below; or
    - (ii) has otherwise failed to co-operate with the court in its inquiry into his financial circumstances,
- and the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender, it may make such determination as it thinks fit.
- (5) Subsection (3) above applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.]

**Textual Amendments**

**F2** S. 18 substituted (20.9.1993) by 1993 c. 36, s. 65(1)(4); S.I. 1993/1968, art. 2(2), Sch.2

**F3**<sup>19</sup> .....

**Textual Amendments**

**F3** S. 19 repealed (20.9.1993) by 1993 c. 36, ss. 65(2)(4), 79(14), Sch. 6 Pt.1; S.I. 1993/1968, art. 2(2), Sch.2, Appendix.

**20 Statements as to offenders’ means.**

- [<sup>F4</sup>(1) Where a person has been convicted of an offence, the court may, before sentencing him, make a financial circumstances order with respect to him.
- (1A) Where a magistrates’ court has been notified in accordance with section 12(2) of the <sup>M4</sup>Magistrates’ Courts Act 1980 that a person desires to plead guilty without appearing before the court, the court may make a financial circumstances order with respect to him.
- (1B) Before exercising its powers under section 55 of the <sup>M5</sup>Children and Young Persons Act 1933 against the parent or guardian of any person who has been convicted of an offence, the court may make a financial circumstances order with respect to the parent or (as the case may be) guardian.

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- (1C) In this section “a financial circumstances order” means, in relation to any person, an order requiring him to give to the court, within such period as may be specified in the order, such a statement of his financial circumstances as the court may require.]
- (2) A person who without reasonable excuse fails to comply with [<sup>F5</sup>a financial circumstances order] shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) If a person in furnishing any statement in pursuance of [<sup>F5</sup>a financial circumstances order]—
- (a) makes a statement which he knows to be false in a material particular;
  - (b) recklessly furnishes a statement which is false in a material particular; or
  - (c) knowingly fails to disclose any material fact,
- he shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.
- (4) Proceedings in respect of an offence under subsection (3) above may, notwithstanding anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.
- <sup>F6</sup>(5) .....

#### Textual Amendments

- F4** S. 20(1)(1A)(1B)(1C) substituted (20.9.1993) for s. 20(1) by 1993 c. 36, s. 65(3)(4), **Sch. 3 para. 2(1)**; S.I. 1993/1968, art. 2(2), **Sch.2**
- F5** Words in s. 20(2)(3) substituted (20.9.1993) by 1993 c. 36, s. 65(3)(4), **Sch. 3 para. 2(2)**; S.I. 1993/1968, art. 2(2), **Sch.2**
- F6** S. 20(5) repealed (20.9.1993) by 1993 c 36, ss. 65(3)(4), 79(14), Sch. 3 para. 2(3), Sch. 6 Pt.I; S.I. 1993/1968, art. 2(2), **Sch.2**, Appendix.

#### Commencement Information

- I2** S. 20 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

#### Marginal Citations

- M4** 1980 c. 43.  
**M5** 1933 c. 12.

VALID FROM 03/02/1995

#### [<sup>F7</sup>20A False statements as to financial circumstances.

- (1) A person who is charged with an offence who, in furnishing a statement of his financial circumstances in response to an official request—
- (a) makes a statement which he knows to be false in a material particular;
  - (b) recklessly furnishes a statement which is false in a material particular; or
  - (c) knowingly fails to disclose any material fact,
- shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.

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- (2) For the purposes of this section an official request is a request which—
- (a) is made by the clerk of the magistrates' court or the appropriate officer of the Crown Court, as the case may be; and
  - (b) is expressed to be made for informing the court, in the event of his being convicted, of his financial circumstances for the purpose of determining the amount of any fine the court may impose.
- (3) Proceedings in respect of an offence under this section may, notwithstanding anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.]

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#### Textual Amendments

- F7** [S. 20A](#) inserted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), [Sch. 9 para.43](#); [S.I. 1995/127, art. 2\(1\)](#), [Sch. 1](#)Appendix A

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