

Status: Point in time view as at 01/03/1998.

Changes to legislation: Criminal Justice Act 1967 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Criminal Justice Act 1967

1967 CHAPTER 80

PART I **U.K.**

CRIMINAL PROCEDURE, ETC.

Committal proceedings

1—6. **Committal for trial without consideration of the evidence.** **E+W**

..... ^{F1}

Textual Amendments

F1 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

^{F27} **E+W**

Textual Amendments

F2 S. 7 repealed (4.7.1996 with effect as mentioned in [Sch. 2 para. 7](#) of the amending Act) by 1996 c. 25, ss. 68, 80, [Sch. 2 paras. 6\(2\), 7](#), [Sch. 5 para. 11](#) (with s. 78(1)); S.I. 1997/683, [art. 1\(2\)](#)

Miscellaneous provisions as to evidence, procedure and trial

8 **Proof of criminal intent.** **E+W**

A court or jury, in determining whether a person has committed an offence,—

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- (a) shall not be bound in law to infer that he intended or foresaw a result of his actions by reason only of its being a natural and probable consequence of those actions; but
- (b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inferences from the evidence as appear proper in the circumstances.

9 **Proof by written statement.** E+W+N.I.

- (1) In any criminal proceedings, other than committal proceedings under sections 4 to 6 of the Magistrates' Courts Act 1980, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.
- (2) The said conditions are—
 - (a) the statement purports to be signed by the person who made it;
 - (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
 - (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings; and
 - (d) none of the other parties or their solicitors, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:

Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

- (3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—
 - (a) if the statement is made by a person under the age of [^{F3}eighteen], it shall give his age;
 - (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
 - (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.
- (4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—
 - (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and
 - (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

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- (5) An application under paragraph (b) of the last foregoing subsection to a court other than a magistrates' court may be made before the hearing and on any such application the powers of the court shall be exercisable [^{F4}by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone.]
- (6) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.
- (7) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (8) A document required by this section to be served on any person may be served—
- (a) by delivering it to him or to his solicitor; or
 - (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office; or
 - (c) by sending it in a registered letter or by the recorded delivery service [^{F5}or by first class post]addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office; or
 - (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service [^{F6}or by first class post]addressed to the secretary or clerk of that body at that office.

Extent Information

- E1** This version of this provision extends to England, Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

- F3** Word in s. 9(3)(a) substituted (4.7.1996 with application (E.W.) (1.4.1997) and (N.I.) (1.1.1998) as mentioned in s. 69(2) of the amending Act) by 1996 c. 25, s. 69 (with s. 78(1)); S.I. 1997/682, art. 2; S.I. 1997/3108, art. 2
- F4** Words substituted for s. 9(5)(a)(b) by Courts Act 1971 (c. 23), Sch. 8 para. 49
- F5** Words in s. 9(8)(c) inserted (3.2.1995) by 1994 c. 33, s. 168(1), Sch. 9 para. 6(1)(a); S.I. 1995/127, art. 2(1), Sch. 1 Appendix A
- F6** Words in s. 9(8)(d) inserted (3.2.1995) by 1994 c. 33, s. 168(1), Sch. 9 para. 6(1)(b); S.I. 1995/127, art. 2(1), Sch. 1 Appendix A

Modifications etc. (not altering text)

- C1** S. 9 excluded by Medicines Act 1968 (c. 67), Sch. 3 para. 26; extended with modifications by Army Act 1955 (c. 18), s. 99A and Air Force Act 1955 (c. 19), s. 99A
- C2** S. 9 extended with modifications by Isle of Man Act 1979 (c. 58, SIF 29:4), s. 5(3)
- C3** S. 9 excluded by S.I. 1985/273, reg. 3, Sch. 2 Pt. VI, para. 12
- C4** S. 9 modified by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), ss. 79(4), 99(2)(3)(4)
- C5** S. 9 applied (1.4.1997) by 1957 c. 53, ss. 64A–64D (as inserted (1.4.1997) by 1996 c. 46, s. 5, Sch. 1 Pt. III para. 63; S.I. 1997/304, art. 2)
- S. 9: power to apply (with modifications) conferred (1.4.1997) by 1957 c. 53, ss. 63A–64D (as inserted (1.4.1997) by 1996 c. 46, s. 5, Sch. 1 Pt. III para. 63; S.I. 1997/304, art. 2)

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- S. 9 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), **Sch. 3 Pt. I**
 S. 9 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), **Sch. 3 Pt. I**
 S. 9 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. I**
C6 S. 9 applied (with modifications) (1.4.1997) by S.I. 1997/173, reg. 2, **Sch.**

9 **Proof by written statement.** S

- (1) In any criminal proceedings, other than committal proceedings under sections 4 to 6 of the Magistrates' Courts Act 1980, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.
- (2) The said conditions are—
- (a) the statement purports to be signed by the person who made it;
 - (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
 - (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings; and
 - (d) none of the other parties or their solicitors, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:
- Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.
- (3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—
- (a) if the statement is made by a person under the age of twenty-one, it shall give his age;
 - (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
 - (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.
- (4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—
- (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and
 - (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

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- (5) An application under paragraph (b) of the last foregoing subsection to a court other than a magistrates' court may be made before the hearing and on any such application the powers of the court shall be exercisable [^{F165}by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone.]
- (6) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.
- (7) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (8) A document required by this section to be served on any person may be served—
 - (a) by delivering it to him or to his solicitor; or
 - (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office; or
 - (c) by sending it in a registered letter or by the recorded delivery service [^{F166}or by first class post]addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office; or
 - (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service [^{F167}or by first class post]addressed to the secretary or clerk of that body at that office.

Extent Information

- E2** This version extends to Scotland only; a separate version has been created for England, Wales and Northern Ireland only

Textual Amendments

- F165** Words substituted for s. 9(5)(a)(b) by Courts Act 1971 (c. 23), **Sch. 8 para. 49**
- F166** Words in s. 9(8)(c) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 6(1)(a)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F167** Words in s. 9(8)(d) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 6(1)(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

Modifications etc. (not altering text)

- C25** S. 9 excluded by Medicines Act 1968 (c. 67), **Sch. 3 para. 26**; extended with modifications by Army Act 1955 (c. 18), **s. 99A** and Air Force Act 1955 (c. 19), **s. 99A**
- C26** S. 9 extended with modifications by Isle of Man Act 1979 (c. 58, SIF 29:4), **s. 5(3)**
- C27** S. 9 excluded by S.I. 1985/273, reg. 3, **Sch. 2 Pt. VI**, para. 12
- C28** S. 9 modified by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **ss. 79(4), 99(2)(3)(4)**
- C29** S. 9 applied (1.4.1997) by 1957 c. 53, **ss. 64A–64D** (as inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. III para. 63**; S.I. 1997/304, **art. 2**)
- S. 9: power to apply (with modifications) conferred (1.4.1997) by 1957 c. 53, **ss. 64A–64D** (as inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. III**; S.I. 1997/304, **art. 2**)
- S. 9 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), **Sch. 3 Pt. I**
- S. 9 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), **Sch. 3 Pt. I**
- S. 9 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. I**

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C30 S. 9 applied (with modifications) (1.4.1997) by S.I. 1997/173, reg. 2, Sch.

10 Proof by formal admission. **U.K.**

- (1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecutor or defendant, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.
- (2) An admission under this section—
 - (a) may be made before or at the proceedings;
 - (b) if made otherwise than in court, shall be in writing;
 - (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate;
 - (d) if made on behalf of a defendant who is an individual, shall be made by his counsel or solicitor;
- (3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter (including any appeal or retrial).
- (4) An admission under this section may with the leave of the court be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.

Modifications etc. (not altering text)

- C7** S. 10 applied (with modifications) (1.4.1997) by S.I. 1997/173, reg. 2, Sch.
 S. 10 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), Sch. 3 Pt. II
 S. 10 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), Sch. 3 Pt. II
 S. 10 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), Sch. 3 Pt. II

[^{F7}11 Notice of alibi. **U.K.**

- (1) On a trial on indictment the defendant shall not without the leave of the court adduce evidence in support of an alibi unless, before the end of the prescribed period, he gives notice of particulars of the alibi.
- (2) Without prejudice to the foregoing subsection, on any such trial the defendant shall not without the leave of the court call any other person to give such evidence unless—
 - (a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the defendant at the time he gives the notice, any information in his possession which might be of material assistance in finding the witness;
 - (b) if the name or the address is not included in that notice, the court is satisfied that the defendant, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained;

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- (c) if the name or the address is not included in that notice, but the defendant subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness, he forthwith gives notice of the name, address or other information, as the case may be; and
 - (d) if the defendant is notified by or on behalf of the prosecutor that the witness has not been traced by the name or at the address given, he forthwith gives notice of any such information which is then in his possession or, on subsequently receiving any such information, forthwith gives notice of it.
- (3) The court shall not refuse leave under this section if it appears to the court that the defendant was not informed in accordance with rules under [F8section 144 of the Magistrates' Courts Act 1980](rules of procedure for magistrates' courts) of the requirements of this section.
- (4) Any evidence tendered to disprove an alibi may, subject to any directions by the court as to the time it is to be given, be given before or after evidence is given in support of the alibi.
- (5) Any notice purporting to be given under this section on behalf of the defendant by his solicitor shall, unless the contrary is proved, be deemed to be given with the authority of the defendant.
- (6) A notice under subsection (1) of this section shall either be given in court during, or at the end of, the proceedings before the examining justices or be given in writing to the solicitor for the prosecutor, and a notice under paragraph (c) or (d) of subsection (2) of this section shall be given in writing to that solicitor.
- (7) A notice required by this section to be given to the solicitor for the prosecutor may be given by delivering it to him, or by leaving it at his office, or by sending it in a registered letter or by the recorded delivery service [F9or by first class post]addressed to him at his office.
- (8) In this section—
 - “evidence in support of an alibi” means evidence tending to show that by reason of the presence of the defendant at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission.
 - “the prescribed period” means the period of seven days from the end of the proceedings before the examining justices [F10or, where a notice of transfer has been given under [F11a relevant transfer provision], of the giving of that notice].
 - [F12“relevant transfer provision” means—
 - (a) section 4 of the Criminal Justice Act 1987; or
 - (b) section 53 of the Criminal Justice Act 1991.]
- (9) In computing the said period a Sunday, Christmas Day, Good Friday, a day which is a bank holiday under the M1Bank Holidays Act 1871 in England and Wales or a day appointed for public thanksgiving or mourning shall be disregarded.]

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Textual Amendments

- F7** S. 11 repealed (with saving) (E.W.N.I) (4.7.1996 with application (E.W.) (1.4.1997) and (N.I.) (1.1.1998) as mentioned in s. 74(5) of the amending Act) by 1996 c. 25, ss. 1(5), 74(1)(2)(5), 80, **Sch. 5 para. 9** (with s. 78(1)); S.I. 1997/682, **art. 2**, S.I. 1997/3108, art. 2
- F8** Words substituted by **Magistrates' Courts Act 1980** (c. 43, SIF 82), **Sch. 7 para. 64**
- F9** Words in s. 11(7) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 6(2)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F10** Words added by **Criminal Justice Act 1987** (c. 38, SIF 39:1), s. 15, **Sch. 2 para. 2**
- F11** Words in s. 11(8) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 7(a)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F12** Definition in s. 11(8) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 7(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

Modifications etc. (not altering text)

- C8** S. 11: power to repeal conferred (4.7.1996) by 1996 c. 25, **s. 78(6)(a)** (with s. 78(1))
S. 11 modified (2.10.2000) by S.I. 2000/2370, **rule 27(2)**, **Sch. 3 Pt. II**
S. 11 modified (2.10.2000) by S.I. 2000/2371, **rule 27(2)**, **Sch. 3 Pt. II**
S. 11 modified (2.10.2000) by S.I. 2000/2372, **rule 27(2)**, **Sch. 3 Pt. II**
- C9** S. 11 applied (with modifications) (1.4.1997) by S.I. 1997/173, **art. 2**

Marginal Citations

- M1** 1871 c. 17.

12 Application of sections 9 to 11 to courts-martial. **U.K.**

Without prejudice to section 99(1) of the ^{M2}Army Act 1955 or of the ^{M3}Air Force Act 1955 [^{F13}, or section 64A(1) of the Naval Discipline Act 1957,] (application to proceedings before courts-martial of civil rules as to the admissibility of evidence) and to any power to make rules ^{F14} . . . for the procedure of, and otherwise for the trial of offences by, courts-martial, [^{F15}sections 10 and 11 above shall apply to proceedings before courts-martial]as they apply to proceedings on indictment subject, however, to such modifications as may be prescribed by regulations made by the Secretary of State, being modifications which appear to him to be necessary or proper for the purpose of the operation of those sections in relation to proceedings before courts-martials.

Textual Amendments

- F13** Words in s. 12 inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 99(a)**; S.I. 1997/304, **art. 2** (with **art. 3**)
- F14** Words in s. 12 repealed (1.4.1997) by 1996 c. 46, s. 35(2), **Sch. 7 Pt. I**; S.I. 1997/304, **art. 2**
- F15** Words in s. 12 substituted for paras.(a) and (b) (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 99(b)**; S.I. 1997/304, **art. 2** (with **art. 3**)

Modifications etc. (not altering text)

- C10** S. 12 modified (4.7.1996 with application (E.W.) (1.4.1997) and (N.I.) (1.1.1998) by s. 74(5) of the amending Act) by 1996 c. 25, ss. 1(5), 74(3)(5) (with s. 78(1)); S.I. 1997/682, **art. 2**, S.I. 1997/3108, art. 2
S. 12: power to amend or repeal s. 12 conferred (4.7.1996) by 1996 c. 25, **s. 78(6)(b)** (with s. 78(1))
S. 12 applied (with modifications) (2.10.2000) by S.I. 2000/2372, **rule 27(1)(c)(2)(c)**
S. 12 applied (with modifications) (2.10.2000) by S.I. 2000/2371, **rule 27(1)(c)(2)(c)**

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S. 12 applied (with modifications) (2.10.2000) by [S.I. 2000/2370](#), [rule 27\(1\)\(d\)\(2\)\(c\)](#)

Marginal Citations

- M2 [1955 c. 18](#).
- M3 [1955 c. 19](#).

13 ^{F16} **E+W**

Textual Amendments

- F16 S. 13 repealed by [Juries Act 1974 \(c. 23\)](#), [Sch. 3](#)

14— ^{F17} **E+W**
16.

Textual Amendments

- F17 Ss. 14–16 repealed by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 6 Pt. I](#)

17 **Entry of verdict of not guilty by order of a judge.** **E+W**

Where a defendant arraigned on an indictment or inquisition pleads not guilty and the prosecutor proposes to offer no evidence against him, the court before which the defendant is arraigned may, if it thinks fit, order that a verdict of not guilty shall be recorded without the defendant being given in charge to a jury, and the verdict shall have the same effect as if the defendant had been tried and acquitted on the verdict of a jury.

18 ^{F18} **E+W**

Textual Amendments

- F18 Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\)](#), [Sch. 3](#)

19 **E+W**

..... ^{F19}

(2) For the purposes of this section any committal proceedings from which the proceedings on the summary trial arose shall be treated as part of the trial.

Textual Amendments

- F19 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

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20 Power of magistrates’ court to commit on bail for sentence. E+W

Where a magistrates’ court has power to commit an offender to a ^{F20}Crown Court] under section 5 of the ^{M4}Vagrancy Act 1824 (incurrible rogues). . . ^{F21}, the court may instead of committing him in custody commit him on bail.

Textual Amendments

F20 Words substituted by [Courts Act 1971 \(c. 23\), Sch. 8 para. 48\(b\)](#)

F21 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

Marginal Citations

M4 [1824 c. 83.](#)

21 ^{F22} E+W

Textual Amendments

F22 Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\), Sch. 3](#)

22 Extension of power of High Court to grant, or vary conditions of, bail. E+W

- ^{F23}(1) Where ^{F24}a magistrates’ court] withholds bail in criminal proceedings or imposes conditions in granting bail in criminal proceedings, the High Court may ^{F25}, subject to section 25 of the Criminal Justice and Public Order Act 1994,] grant bail or vary the conditions.
- (2) Where the High Court grants a person bail under this section it may direct him to appear at a time and place which the ^{F24}magistrates’ court] could have directed and the recognizance of any surety shall be conditioned accordingly.]
- (3) Subsections. . . ^{F26} (4) and (6) of section 37 of the ^{M5}Criminal Justice Act 1948 (ancillary provisions as to persons ^{F27}granted] to bail by the High Court under that section and the currency of sentence in the case of persons so admitted) shall apply in relation to the powers conferred by this section and persons ^{F27}granted] bail in pursuance of those powers as it applies in relation to the powers conferred by that section and persons ^{F27}granted] bail in pursuance of those powers, except that the said subsection (6) shall not apply in relation to a person ^{F27}granted] bail pending an appeal from a magistrates’ court to ^{F28}the Crown Court].
- (4) In this section. . . ^{F29}^{F30} . . . ^{F31}“bail in criminal proceedings” and “vary” shall have the same meanings as they have in the ^{M6}Bail Act 1976.]
- (5) The powers conferred on the High Court by this section shall be in substitution for the powers so conferred by paragraphs (a), (b) and (c) of section 37(1) of the ^{M7}Criminal Justice Act 1948, but except as aforesaid this section shall not prejudice any powers of the High Court to admit or direct the admission of persons to bail.

Textual Amendments

F23 S. 22(1)(2) substituted by [Bail Act 1976 \(c. 63\), Sch. 2 para. 37\(2\)](#)

Status: Point in time view as at 01/03/1998.

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- F24** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12**
- F25** Words in s. 22(1) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 15**; S.I. 1995/721, art. 2, **Sch.** Appendix A
- F26** Reference to [Criminal Justice Act 1948 \(c. 58\)](#), s. 37(3), repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**
- F27** Word substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 37(3)**
- F28** Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 48(b)**
- F29** Words repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV** and [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**
- F30** Word repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV** and [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**
- F31** Words added by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 37(4)**

Marginal Citations

- M5** 1948 c. 58.
- M6** 1976 c. 63.
- M7** 1948 c. 58.

23 ^{F32} **E+W**

Textual Amendments

- F32** Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**

24 ^{F33} **E+W**

Textual Amendments

- F33** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

25 **Restriction on issue of search warrants under Obscene Publications Act 1959.** **E+W**

A justice of the peace shall not issue a warrant under section 3(1) of the ^{M8}Obscene Publications Act 1959 (search for and seizure of obscene articles) except on an information laid by or on behalf of the Director of Public Prosecutions or by a constable.

Marginal Citations

- M8** 1959 c. 66.

26 ^{F34} **E+W**

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Textual Amendments

F34 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A,45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

27 ^{F35} **E+W**

Textual Amendments

F35 S. 27 repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

28— ^{F36} **E+W**
 30.

Textual Amendments

F36 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A,45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

31 **E+W**

- (1) ^{F37}
- (3) ^{F38}

Textual Amendments

F37 S. 31(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), s. 21, [Sch. 2](#)
F38 Ss. 31(3)–(6), 32(1) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. III](#)

32 **Amendments of Costs in Criminal Cases Act 1952. U.K.**

- (1) ^{F39}
- (2) [^{F40} . . . ^{F41} section 33 of the ^{M9}Courts Martial (Appeals) Act 1968] (payment out of moneys provided by Parliament of expenses of witnesses in connection with appeals to the Courts-Martial Appeal Court). . . ^{F42}shall apply in relation to a registered medical practitioner making a written report to a court in pursuance of a request to which this subsection applies as [^{F43}it applies] in relation to a person called to give evidence at the instance of the court, . . . ^{F42}.
- (3) The last foregoing subsection applies to a request to a registered medical practitioner to make a written or oral report on the medical condition of an offender or defendant, being a request made by a court—
 - (a) for the purpose of determining whether or not to make an order under [^{F44}section 3 of the ^{M10}Powers of Criminal Courts Act 1973] (probation orders requiring treatment for mental condition) or section 60 of the ^{M11}Mental Health Act 1959 (hospital orders and guardianship orders) or otherwise for the

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purpose of determining the most suitable method of dealing with an offender;
or

(b) in exercise of the powers conferred by [F45]section 30 of the Magistrates' Courts Act 1980](remand of a defendant for medical examination and requirement of such an examination on committing a defendant for trial on bail).

- (4) F46
(5) F47

Textual Amendments

- F39 Ss. 31(3)–(6), 32(1) repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. III
F40 Words substituted by Courts Act 1971 (c. 23), Sch. 6 para. 9
F41 Words repealed by Costs in Criminal Cases Act 1973 (c. 14), s. 21, Sch. 2
F42 Words repealed (E.W.) by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5)(6), Sch. 1 Pt. II para. 6(a), Sch. 2
F43 Words substituted (E.W.) by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5), Sch. 1 Pt. II para. 6(b)
F44 Words substituted by Powers of Criminal Courts Act 1973 (c. 62), Sch. 5 para. 17
F45 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 7 para. 65
F46 S. 32(4) repealed by Costs in Criminal Cases Act 1973 (c. 14), s. 21, Sch. 2
F47 S. 32(5) repealed by Criminal Appeal Act 1968 (c. 19), Sch. 7

Marginal Citations

- M9 1968 c. 20.
M10 1973 c. 62.
M11 1959 c. 72.

33 Taking and use of finger-prints and palm-prints. **E+W**

..... F48: in section 39 of the M12Criminal Justice Act 1948 (proof of previous convictions by finger-print) any reference to finger-prints shall be construed as including a reference to palm-prints.

Textual Amendments

- F48 Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

Marginal Citations

- M12 1948 c. 58.

34 Committal of persons under twenty-one accused of extradition crimes, etc. **E+W**

Any person under the age of twenty-one who apart from this section would be committed to prison under section 10 of the M13Extradition Act 1870 (committal of a person alleged to have committed an extradition crime) or section 5(1)(a) of the M14Backing of Warrants (Republic of Ireland) Act 1965 (remand in custody of a person for whose arrest a warrant has or is alleged to have been issued in the Republic of Ireland) shall be committed to an institution to which he could be committed if he

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were charged with an offence before the court which commits him, and any reference in those provisions to prison shall be construed accordingly.

Marginal Citations

- M13 1870 c. 52.
- M14 1965 c. 45.

35 F49 **E+W**

Textual Amendments

- F49 S. 35 repealed by [Criminal Law Act 1977 \(c. 45\), s. 65\(7\)](#), [Sch. 13](#)

36 **Interpretation of Part I.** **E+W**

(1) In this Part of this Act—

..... F50
 “committal proceedings” means proceedings before a magistrates’ court acting as examining justices;

..... F50
 “director”, in relation to a body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

(2) Expressions used in any provision of this Part of this Act relating to magistrates’ courts or proceedings before such courts and also used in [^{F51}the Magistrates’ Courts Act 1980] have the same meanings in any such provision as they have in that Act.

Textual Amendments

- F50 Definitions repealed by [Magistrates’ Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)
- F51 Words substituted by [Magistrates’ Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 66](#)

PART II U.K.

POWERS OF COURTS TO DEAL WITH OFFENDERS

37— F52 **E+W**
42.

Textual Amendments

- F52 Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

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43^{F53} **E+W**

Textual Amendments

F53 S. 43 repealed by [Criminal Law Act 1977 \(c. 45\), s. 65\(7\), Sch. 13](#)

Enforcement of payment of fines, etc.

44^{F54} **E+W**

Textual Amendments

F54 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

44A^{F55} **E+W**

Textual Amendments

F55 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

45^{F56} **E+W**

Textual Amendments

F56 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

46^{F57} **E+W**

Textual Amendments

F57 S. 46 repealed by [Administration of Justice Act 1970 \(c. 31\), Sch. 11](#)

47^{F58} **E+W**

Textual Amendments

F58 Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\), Sch. 6](#)

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48 **E+W**

- (1) **F59**
- (2) **F60**

Textual Amendments

F59 Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

F60 Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

49 **F61** **E+W**

Textual Amendments

F61 S. 49 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**

F63 **50** **F62** **E+W**

Textual Amendments

F62 Words repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

F63 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

51 **F64** **E+W**

Textual Amendments

F64 Ss. 51, 56(8)–(12) repealed by [Road Traffic Act 1972 \(c. 20\)](#), **Sch. 9 Pt. I**

52, 53. **F65** **E+W**

Textual Amendments

F65 Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

54 **E+W+S**

- (1) **F66**
- (4) **F67**

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- (5) F66
- (6) F68
- (7) F66
- (8) F68

Textual Amendments

- F66** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F67** Ss. 54(4), 56(7), 95(4)(5) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F68** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

55 F69 **E+W**

Textual Amendments

- F69** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

Miscellaneous

56 **Committal for sentence for offences tried summarily.** **E+W**

[^{F70}(1) Where a magistrates’ court (“the committing court”) commits a person in custody or on bail to the Crown Court under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of an offence (“the relevant offence”), the committing court—

- (a) if the relevant offence is an [^{F71}indictable offence], may also commit him, in custody or on bail as the case may require, to the Crown Court to be dealt with in respect of any other offence whatsoever in respect of which the committing court has power to deal with him (being an offence of which he has been convicted by that or any other court); or
- (b) if the relevant offence is a summary offence, may commit him, as aforesaid, to the Crown Court to be dealt with in respect of—
 - (i) any other offence of which the committing court has convicted him, being either an offence punishable with imprisonment or an offence in respect of which the committing court has a power or duty to order him to be disqualified under [^{F72}section 93 of the Road Traffic Act 1972, section 19 of the Transport Act 1981 or sections 34 to 36 of the Road Traffic Offenders Act 1988] (disqualification for certain motoring offences); or
 - (ii) any suspended sentence in respect of which the committing court has under section 24(1) of the ^{M15}Powers of Criminal Courts Act 1973 power to deal with him.]

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(2) The enactments to which this section applies are the ^{M16}Vagrancy Act 1824 (incorrigible rogues), [^{F73}^{F74}^{F75}sections 37, 38 and 38A] of the Magistrates’ Courts Act 1980] (committal for sentence) [^{F76}, section 17(3) of the Crime (Sentences) Act 1997 (committal for breach of conditions of release supervision order),]^{F77}, section 8(6) of the Powers of Criminal Courts Act 1973 (probationer convicted of subsequent offence) and section 24(2) of that Act and paragraph 2(2)(a) of Schedule 9 to the Criminal Law Act 1977 (committal to be dealt with in respect of a wholly or partly suspended sentence)]].

(3) The power of a magistrates’ court under section 8(4) of the ^{M17}Criminal Justice Act 1948 to commit to a [^{F78}Crown Court] a person subject to a probation order or an order for conditional discharge who has been convicted of an offence by the magistrates’ court shall be exercisable notwithstanding that the magistrates’ court has not dealt with him in respect of that offence; and accordingly in that subsection and subsection (5) of that section the words “and dealt with” shall cease to have effect.

(4) ^{F79}

(5) Where under subsection (1) of this section a magistrates’ court commits a person to be dealt with by a [^{F78}Crown Court] in respect of an offence, the latter court may after inquiring into the circumstances of the case deal with him in any way in which the magistrates’ court might have dealt with him, and, without prejudice to the foregoing provision, where under that subsection or any enactment to which this section applies a magistrates’ court so commits a person, any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates’ court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the [^{F78}Crown Court].

(6) Any duty imposed or power conferred by virtue of the last foregoing subsection on a [^{F78}Crown Court], in a case where an offender has been committed to the court under [^{F80}section 37 of the Magistrates’ Courts Act 1980], shall be discharged or may be exercised by the court notwithstanding that it sentences him to borstal training and in that or any other case shall be discharged or may be exercised notwithstanding anything in any other enactment and, in particular, in [^{F81}sections 34 to 36 and 44 of the Road Traffic Offenders Act 1988].

(7) ^{F82}

(8) ^{F83}

(13) In this section—

“disqualified” means disqualified for holding or obtaining a licence under Part II of the ^{M18}Road Traffic Act 1960 [^{F84}Part III of the Road Traffic Act 1972, section 19 of the Transport Act 1981 or Part III of the Road Traffic Act 1988].

..... ^{F85}

Textual Amendments

- F70** S. 56(1) substituted by [Criminal Law Act 1977 \(c. 45\), ss. 46, 65\(7\)](#)
- F71** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), s. 42\(1\)\(2\), Sch 8 para. 16](#)
- F72** Words substituted by virtue of [Transport Act 1981 \(c.56, SIF 107:1\), s. 30, Sch. 9 Pt. II para. 25](#) and [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), s. 4, Sch. 3 para. 3\(a\)](#)
- F73** Words substituted by [Powers of Criminal Courts Act 1973 \(c. 62\), s. 56\(1\), Sch. 5 para. 20\(b\)](#)

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- F74** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 67(a)**
- F75** Words in s. 56(2) substituted (1.10.1997) by 1997 c. 43, s. 55(1), **Sch. 4 para. 5(1)(a)**; S.I. 1997/2200, **art. 2(1)(2)(b)** (with art. 5)
- F76** Words in s. 56(2) substituted (1.10.1997) by 1997 c. 43, s. 55(1), **Sch. 4 para. 5(1)(b)**; S.I. 1997/2200, **art. 2(1)(2)(b)** (with art. 5)
- F77** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 42(1)(3), **Sch. 8 para. 16**
- F78** Words substituted by Courts Act 1971 (c. 23), Sch. 8 para. 48
- F79** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**
- F80** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 7 paras. 6, 7(b)
- F81** Words substituted by virtue of Transport Act 1981 (c. 56, SIF 107:1), s. 30, **Sch. 9 Pt. II para. 25** and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 3(b)**
- F82** Ss. 54(4), 56(7), 95(4)(5) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F83** Ss. 51, 56(8)–(12) repealed by Road Traffic Act 1972 (c. 20), **Sch. 9 Pt. I**
- F84** Words substituted by virtue of Transport Act 1981 (c. 56, SIF 107:1), s. 30, **Sch. 9 Pt. II para. 25** and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 3(c)**
- F85** Definitions repealed by Road Traffic Act 1972 (c. 20), **Sch. 9 Pt. I**

Modifications etc. (not altering text)

- C11** S. 55(2) amended (1.10.1997 for specified purposes and otherwise *prosp.*) by 1997 c. 43, s. 55(2), **Sch. 4 para. 5**; S.I. 1997/2200, **art. 2(1)(m)**
- C12** S. 56(5) excluded by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), s. 25(4)

Marginal Citations

- M15** 1973 c. 62.
- M16** 1824 c. 83.
- M17** 1948 c. 58.
- M18** 1960 c. 16.

57 ^{F86} **E+W**

Textual Amendments

- F86** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

58 ^{F87} **E+W**

Textual Amendments

- F87** S. 58 repealed by Immigration Act 1971 (c. 77), **Sch. 6**

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PART III U.K.

TREATMENT OF OFFENDERS

Release of prisoners on licence and supervision of prisoners after release

^{F88F89}**59** **E+W+S**

Textual Amendments

- F88** Ss. 59, 60 repealed (S.) by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**
- F89** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

^{F90}**60** ... **E+W+S**

Textual Amendments

- F90** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

^{F91}**61** ... **E+W+S**

Textual Amendments

- F91** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

^{F92}**62** ... **E+W+S**

Textual Amendments

- F92** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

63 ^{F93} **E+W**

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Textual Amendments

F93 S. 63 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

^{F94}**64** . . . **E+W+S**

Textual Amendments

F94 Ss. 59 to 64 repealed (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), [Sch. 13](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

Miscellaneous

65 **Abolition of corporal punishment in prison.** **E+W**

Corporal punishment shall not be inflicted in any prison or other institution to which the ^{M19}Prison Act 1952 applies, and accordingly section 18 of that Act shall cease to have effect.

Marginal Citations

M19 1952 c. 52.

66 **E+W**

- (1) ^{F95}
- (2) Section 15 of the said Act of 1952 (provision of separate buildings for male and female prisoners confined in the same prison) shall cease to have effect.
- (3) For sections 30 to 32 of the said Act of 1952 (discharged prisoners aid societies and allowances and expenses for discharged prisoners) there shall be substituted the following section:—

“30 Payments for discharged prisoners.

The Secretary of State may make such payments to or in respect of persons released or about to be released from prison as he may with the consent of the Treasury determine”

- (4) Any statutory instrument containing rules made under section 47 of the said Act of 1952 (prison rules) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and accordingly so much of section 52(2) of that Act as requires a draft of such an instrument to be laid before Parliament shall cease to have effect.
- (5) In section 47(4) of that Act (duty to include in prison rules provisions for the special treatment of certain classes of prisoners), paragraphs (b) and (c) (persons convicted of sedition, etc., and appellants) shall cease to have effect, and at the end of paragraph (d)

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(miscellaneous prisoners) there shall be added the words “or a person committed to custody on his conviction”.

Textual Amendments

F95 S. 66(1) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

Modifications etc. (not altering text)

- C13** The text of s. 66(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C14** The text of s. 66(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

67 **Computation of sentences of imprisonment passed in England and Wales.** E

+W

- (1) The length of any sentence of imprisonment imposed on an offender by a court shall be treated as reduced by any [^{F96}relevant period, but where he]^{F97}(a) was previously subject to a probation order, [^{F98}a community service order], an order for conditional discharge or a suspended sentence in respect of that offence, any such period falling before the order was made or suspended sentence passed shall be disregarded for the purposes of this section.
- (b)^{F99}
- ^{F100}(1A) In subsection (1) above “relevant period” means—
- (a) any period during which the offender was in police detention in connection with the offence for which the sentence was passed; or
- (b) any period during which he was in custody—
- (i) by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose; or
- (ii) by reason of his having been so committed and having been concurrently detained otherwise than by order of a court.]^{F101}or—
- (c) any period during which, in connection with the offence for which the sentence was passed, he was [^{F102}remanded [^{F103}or committed] to local authority accommodation] by virtue of an order under section 23 of the Children and Young Persons Act 1969 and in accommodation provided for the purpose of restricting liberty.]
- (2) For the purposes of this section a suspended sentence shall be treated as a sentence of imprisonment when it takes effect under [^{F104}section 23 of the Powers of Criminal Courts Act 1973] and as being imposed by the order under which it takes effect.
- ^{F105}(2A) Where a person is sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (sentences partly suspended), subsection (1) above—
- (a) operates to reduce the part of the sentence required to be served in prison;
- (b) operates to reduce the whole period of the sentence for the purposes of section 47(3) of that Act; but
- (c) does not operate to reduce any part of the sentence which is ordered under section 47(1) of that Act to be held in suspense.

Status: Point in time view as at 01/03/1998.

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(2B) Where—

- (a) an offender has been sentenced to imprisonment with an order under section 47(1) of that Act; and
- (b) he has been released from prison after serving part of his sentence; and
- (c) an order is subsequently made restoring part of his sentence.

the restored part shall for the purposes of this section be treated as a sentence of imprisonment imposed by the order restoring it (but shall not be reduced by any period spent in custody by the offender before the original sentence was passed).]

- (3) No period of custody, other than a period which would have been taken into account before the commencement of this Act under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence) for the purpose of reducing a term of imprisonment, shall be taken into account for the like purpose under this section unless it falls after the commencement of this Act.
- (4) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment shall, unless the context otherwise requires, be construed as a reference to the sentence pronounced by the court and not the sentence as reduced by this section.

[^{F106}(5) This section applies—

- (a) to sentences of detention in a young offender institution; ^{F107} . . .
- (b) to determinate sentences of detention passed under section 53(2) of the Children and Young Persons Act 1933 (sentences for serious indictable offences),
- ^{F108}(c) to secure training orders under section 1 of the Criminal Justice and Public Order Act 1994;]

as it applies to sentences of imprisonment.

[^{F109}(6) The reference in subsection [^{F110}(1A)] above to an offender being committed to custody by an order of a court includes a reference to his being [^{F111}remanded or]committed to a remand centre or to prison under section 23 of the Children and Young Persons Act 1969 or section 37 of the Magistrates' Courts Act 1980 but does not include a reference to his being [^{F112}remanded or committed to local authority accommodation] under the said section 23 .]

[^{F113}(7) A person is in police detention for the purposes of this section—

- (a) at any time when he is in police detention for the purposes of the Police and Criminal Evidence Act 1984; and
- (b) at any time when he is detained under [^{F114}section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989].

- (8) No period of police detention shall be taken into account under this section unless it falls after the coming into force of section 49 of the Police and Criminal Evidence Act 1984.]

Textual Amendments

- F96** Words substituted by [Police and Criminal Evidence Act 1984 \(c.60, SIF 95\)](#), **ss. 49(1), 51, 52**
- F97** “(a)” inserted by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 65(7), **Sch. 9 para. 10**
- F98** Words inserted by [Criminal Justice Act 1972 \(c. 71, SIF 39:1\)](#), s. 64(1), **Sch. 5**
- F99** [S. 67\(1\)\(b\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 78, **Sch. 16**

Status: Point in time view as at 01/03/1998.

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- F100** S. 67(1A) inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), **ss. 49(2)**, 51, 52
- F101** S. 67(1A)(c) added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 130, **Sch. 8 para. 16**
- F102** Words in s. 67(1A)(c) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 16**; S.I. 1991/828, **art. 3(2)**
- F103** Words in s. 67(1A)(c) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1) s. 100, Sch. 11 para. 2(2)(a); S.I. 1992/333, art. 2(2), **Sch. 2**
- F104** Words substituted by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), s. 56(1), **Sch. 5 para. 22**
- F105** S. 67(2A)(2B) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 77, **Sch. 14 para. 22**
- F106** S. 67(5) (which was added (E.W.) by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 10) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 2(3)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F107** Word in s. 67(5) repealed (1.3.1998) by 1994 c. 33, s. 168(3), **Sch. 11**; S.I. 1998/277, **art. 3(3)**
- F108** S. 67(5)(c) inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 16**; S.I. 1998/277, **art. 3(2)**
- F109** S. 67(6) added (E.W.) by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 10
- F110** Word substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123, 170, Sch. 8 para. 16, **Sch. 15 para. 19**
- F111** Words in s. 67(6) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 2(4)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F112** Words in s. 67(6) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 2(4)(b)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F113** S. 67(7)(8) added by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), **ss. 49(3)**, 51, 52
- F114** Words substituted by Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4, SIF 39:2), s. 25(1), **Sch. 8 para. 2**

Modifications etc. (not altering text)

- C15** S. 67 modified (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 41(2)(3), 45, Sch. 12 paras. 8(2)(5), 9, 11, **13** (with s. 51(3)); S.I. 1992/333, art. 2(2), **Sch. 2**
- C16** S. 67 applied (S.) (1.10.1997) by 1997 c. 43, s. 56(1), **Sch. 5 para. 9(1)(d)**; S.I. 1997/2200, **art. 2(1)(n)**
S. 67 applied (N.I.) (1.10.1997) by 1997 c. 43, s. 56(1), **Sch. 5 para. 10(1)(e)**; S.I. 1997/2200, **art. 2(1)(n)**

68

..... ^{F115} **E+W+S**

Textual Amendments

- F115** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

69

Extension of enactments relating to persons sentenced to imprisonment or detention to young offenders sentenced to detention. **U.K.**

- (1) In section 38(3) of the ^{M20}Criminal Justice Act 1961 (construction of references to imprisonment or detention and sentence) at the end there shall be added the following paragraph—

“(c) any reference to a person serving a sentence of, or sentenced to, imprisonment or detention shall be construed as including a reference to a person who, under any enactment relating to children and young persons in force in any part of the United Kingdom or any of the Channel Islands or the Isle of Man, has been sentenced by a court to

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be detained for an offence and is liable to be detained in accordance with directions given by the Secretary of State, by the Minister of Home Affairs for Northern Ireland or by the Governor of the Isle of Man with the concurrence of the Secretary of State, and any other reference to a sentence of imprisonment or detention shall be construed accordingly.”

- (2) In section 49 of the ^{M21}Prison Act 1952 ^{F116} . . . and section 38(2) of the ^{M22}Prison Act (Northern Ireland) 1953 (persons unlawfully at large) any reference to a person sentenced to imprisonment shall be construed as including a reference to any such person as is mentioned in the foregoing subsection.

Textual Amendments

F116 Words in s. 69(2) repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. I para. 5, Sch. 7 Pt. I

Modifications etc. (not altering text)

C17 The text of s. 69(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M20 1961 c. 39.

M21 1952 c. 52.

M22 1953 c. 18 (N.I.)

70 Prisoner transferred from Scotland to England for security. **E+W+S**

- (1) Where the Secretary of State, in the case of a person serving a sentence of imprisonment, . . . ^{F117} in Scotland, is of the opinion that in the interests of security or of public safety that person ought to be transferred to a prison in England and Wales, he may make an order for his transfer to that prison:

Provided that the Secretary of State may at any time make an order for the transfer of that person back to a prison in Scotland.

- (2) A person transferred to England and Wales or transferred back to Scotland under this section shall be treated for all purposes as if he had been transferred to England and Wales or, as the case may be, Scotland under section 26 of the ^{M23}Criminal Justice Act 1961.

Textual Amendments

F117 Words repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), Sch. 8

Marginal Citations

M23 1961 c. 39.

71 Exercise of powers of release. **E+W**

Any power conferred by or under any enactment to release a person from a prison or other institution to which the Prison Act 1952 applies or from an approved school may be exercised notwithstanding that he is not for the time being detained in that

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institution or school and a person released by virtue of this section shall, after his release, be treated in all respects as if he had been released from that institution or school.

72 Power of magistrates to issue warrants for arrest of escaped prisoners and mental patients. **U.K.**

[^{F118}(1) On an information in writing being laid before a justice of the peace for any area in England and Wales or Northern Ireland and substantiated on oath, or on an application being made to a sheriff, magistrate or justice of the peace in Scotland, alleging that any person is—

- (a) an offender unlawfully at large from a prison or other institution to which the Prison Act applies in which he is required to be detained after being convicted of an offence; or
- (b) a convicted mental patient liable to be retaken under [^{F119}section 18, 38(7) or 138 of the Mental Health Act 1983], section 36 or 106 of the ^{M24}Mental Health (Scotland) Act 1960 or [^{F120}Article 29, 45(6) or 132 of the Mental Health (Northern Ireland) Order 1986] (retaking of mental patients who are absent without leave or have escaped from custody);

the justice, sheriff or magistrate may issue a warrant to arrest him and bring him before a magistrates' court for that area or, in Scotland, before any sheriff.

(2) Where a person is brought before a magistrates' court or sheriff in pursuance of a warrant for his arrest under this section, the court or sheriff shall, if satisfied that he is the person named in the warrant and if satisfied as to the facts mentioned in paragraph (a) or (b) of the foregoing subsection, order him to be returned to the prison or other institution where he is required or liable to be detained or, in the case of a convicted mental patient, order him to be kept in custody or detained in a place of safety pending his admission to hospital.

(3) [^{F121}section 137 of the Mental Health Act 1983], section 105 of the ^{M25}Mental Health (Scotland) Act 1960 and [^{F122}Article 131 of the Mental Health (Northern Ireland) Order 1986] (custody, conveyance and detention of certain mental patients) shall apply to a convicted mental patient required by this section to be conveyed to any place or to be kept in custody or detained in a place of safety as they apply to a person required by or by virtue of [^{F123}the said Act of 1983], 1960 [^{F124}or 1984 or the said Order of 1986] 1960 or 1961, as the case may be, to be so conveyed, kept or detained.

(4) In this section—

“convicted mental patient” means a person liable after being convicted of an offence to be detained under [^{F125}Part III of the Mental Health Act 1983], Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health [^{F126}(Northern Ireland) Order 1986] in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge [^{F127}or in pursuance of a hospital direction and a limitation direction][^{F128}or a person liable to be detained under][^{F125}section 38 of the said Act of 1983][^{F129}or Article 45 of the Mental Health (Northern Ireland) Order 1986];

“place of safety” has the same meaning as in [^{F125}Part III of the said Act of 1983] or 1960 or Part III of the said [^{F130}Order of 1986], as the case may be;

“Prison Act” means the ^{M26}Prison Act 1952, the ^{M27}Prisons (Scotland) Act 1952 or the ^{M28}Prison Act (Northern Ireland) 1953, as the case may be.]

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- (5) Section 27 of the ^{M29}Criminal Justice Administration Act 1914 (power to issue warrants for the arrest of persons who may be arrested without a warrant) shall cease to have effect.

Textual Amendments

- F118** S. 72(1)–(4) repealed (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**
- F119** Words substituted by virtue of Mental Health (Amendment) Act 1982 (c. 51, SIF 85), s. 65(1), **Sch. 3 para. 35(a)** and Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(a)**
- F120** Words substituted by S.I. 1986/596, **art. 5(a)**
- F121** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(b)**
- F122** Words substituted by S.I. 1986/596, **art. 5(b)**
- F123** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(b)**
- F124** Words substituted by virtue of S.I. 1986/596, **art. 5(b)**
- F125** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(c)**
- F126** Words substituted by S.I. 1986/596, **art. 5(c)**
- F127** Words in s. 72(4) inserted (1.10.1997) by 1997 c. 43, s. 55(1), **Sch. 4 para. 5(2)**; S.I. 1997/2200, **art. 2(1)(l)(2)(b)**
- F128** Words inserted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), s. 65(1), **Sch. 3 para. 35(b)**
- F129** Words added by 1986/596, art. 5(c)
- F130** Words substituted by S.I. 1986/596, **art. 5(d)**

Modifications etc. (not altering text)

- C18** S. 72(4) amended (1.10.1997 for specified purposes and otherwise *prosp.*) by 1997 c. 43, s. 55(2), **Sch. 4 para. 5(2)**; S.I. 1997/2200, **art. 2(1)(m)**
- C19** The text of s. 72(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M24** 1960 c. 61.
- M25** 1960 c. 61.
- M26** 1952 c. 52.
- M27** 1952 c. 61.
- M28** 1953 c. 18 (N.I.)
- M29** 1914 c. 58.

PARTS IV, V **E+W+S**

73— **F131 E+W**
84.

Textual Amendments

- F131** Ss. 73–84 repealed by Legal Aid Act 1974 (c. 4), **Sch. 5 Pt. I**

85— **F132 E+W+S**
88.

Status: Point in time view as at 01/03/1998.

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Textual Amendments

F132 Ss. 85–88 repealed by [Firearms Act 1968 \(c. 27\)](#), [Sch. 7](#)

PART VI U.K.

MISCELLANEOUS AND GENERAL

Offences

89 False written statements tendered in evidence. **E+W**

(1) If any person in a written statement tendered in evidence in criminal proceedings by virtue of section. . . ^{F133} 9 of this Act [^{F134}or in proceedings before a court-martial by virtue of the said section 9 as extended by section 12 above or by section 99A of the ^{M30}Army Act 1955 or section 99A of the ^{M31}Air Force Act 1955] wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(2) The ^{M32}Perjury Act 1911 shall have effect as if this section were contained in that Act.

Textual Amendments

F133 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

F134 Words inserted by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 9 para. 15](#)

Modifications etc. (not altering text)

C20 [S. 89](#) applied (1.4.1997) by [1957 c. 53, ss. 64A–64D](#) (as inserted (1.4.1997) by [1996 c. 46, s. 5, Sch. 1 Pt. IV para. 63](#); [S.I. 1997/304, art. 2](#))

Marginal Citations

M30 [1955 c. 18](#).

M31 [1955 c. 19](#).

M32 [1911 c. 6](#).

90 ^{F135} **E+W**

Textual Amendments

F135 [S. 90](#) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

91 Drunkenness in a public place. **E+W**

(1) Any person who in any public place is guilty, while drunk, of disorderly behaviour may be arrested without warrant by any person and shall be liable on summary conviction to a fine not exceeding [^{F136}level 3 on the standard scale].

Status: Point in time view as at 01/03/1998.

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- (2) The foregoing subsection shall have effect instead of any corresponding provision contained in section 12 of the ^{M33}Licensing Act 1872, section 58 of the ^{M34}Metropolitan Police Act 1839, section 37 of the ^{M35}City of London Police Act 1839, and section 29 of the ^{M36}Town Police Clauses Act 1847 (being enactments which authorise the imposition of a short term of imprisonment or of a fine not exceeding £10 or both for the corresponding offence) and instead of any corresponding provision contained in any local Act.
- (3) The Secretary of State may by order repeal any provision of a local Act which appears to him to be a provision corresponding to subsection (1) of this section or to impose a liability to imprisonment for an offence of drunkenness or of being incapable while drunk.
- (4) In this section “public place” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.
- (5) ^{F137}

Textual Amendments

F136 words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

F137 S. 91(5) repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**

Modifications etc. (not altering text)

C21 S. 91(1) amended by [Criminal Justice Act 1972 \(c. 71\)](#), **s. 34**

Marginal Citations

M33 1872 c. 94.

M34 1839 c. 47.

M35 1839 c. xciv.

M36 1847 c. 89.

Increase of Fines, etc.

92 Increase of fines. U.K.

- (1) The enactments specified in column 1 of Part I of Schedule 3 to this Act, (being enactments creating the offences broadly described in column 2 of that Part of that Schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in that enactment were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine of, or not exceeding, the amount specified in column 3 of that Schedule.
- (2) The enactments specified in column 1 of Part II of the said Schedule 3 (being enactments which confer power to include in subordinate instruments a provision imposing a fine on summary conviction of any offence described in column 2 of that Part of that Schedule) shall each have effect as if the maximum amount of the fine which may be imposed by any provision contained in such an instrument and made under that enactment for any offence under the instrument were that specified in column 4 of that Schedule instead of that specified in column 3 of that Schedule.

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- (3) Any subordinate provision in force immediately before the commencement of this Act under an enactment specified in the said Part II shall, if it provides that the maximum amount of the fine which may be imposed on summary conviction of an offence specified in the provision shall be the amount specified in column 3 of the said Part II, have effect as if the said maximum amount were the amount specified in column 4 of the said Part II.
- (4) The last foregoing subsection shall have effect subject to any subordinate provision made under any enactment specified in the said Part II after the commencement of this Act.
- (5) The foregoing provisions of this section shall not affect the power of a court to impose a penalty for a continuing offence under any enactment specified in Part I of the said Schedule 3 or any subordinate provision made under an enactment specified in Part II of that Schedule except where such a penalty is expressly mentioned in column 3 of that Schedule; nor shall they affect the power of a court to award imprisonment under any such enactment or provision.
- (6) In this section “subordinate provision” means a provision contained in an instrument made under an enactment.
- (7) Part III of the said Schedule 3 shall have effect for the purpose of amending section 24 of the ^{M37}Public Health (Scotland) Act 1897.
- (8) ^{F138}
- (9) Nothing in this section shall affect the amount of the fine which may be imposed on conviction of an offence committed before the commencement of this Act.

Textual Amendments
F138 S. 92(8) repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

Marginal Citations
M37 1897 c. 38.

93 Alteration of maximum periods of imprisonment in default of payment of fines, etc. E+W+S

- (1) For the Table in paragraph 1 of Schedule 3 to the Magistrates’ Courts Act 1952 (maximum periods of imprisonment in default of payment of fines, etc.) there shall be substituted the following Table:—

TABLE

An amount not exceeding £2	seven days
An amount exceeding £2 but not exceeding £5	fourteen days
An amount exceeding £5 but not exceeding £20	thirty days

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96 F145 **E+W**

Textual Amendments
F145 Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

97 F146 **E+W**

Textual Amendments
F146 Ss. 97, 98(1)–(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

98 **Amendment of enactments relating to criminal appeals.** **E+W**

- (1) F147
- (6) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments shown in that Schedule (being minor amendments to remove doubts and anomalies, and otherwise to facilitate the consolidation of the enactments relating to criminal appeals in England and Wales, the corresponding enactments applying to Northern Ireland and the enactments relating to appeals from courts-martial).
- (7) F148

Textual Amendments
 F147 Ss. 97, 98(1)–(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**
 F148 S. 98(7) repealed (E.W.) by Criminal Appeal Act 1968 (c. 19), **Sch. 7** and (N.I.) Criminal Appeal (Northern Ireland) Act 1968 (c. 21), s. 54, **Sch. 5**

Modifications etc. (not altering text)
 C23 The text of s. 98(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

99 F149 **E+W**

Textual Amendments
F149 Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

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Miscellaneous

100 Regulations, rules and orders. **E+W+S**

- (1) Any power conferred by this Act on a Minister of the Crown to make regulations, rules or orders other than orders under section 70(1) of this Act shall be exercisable by statutory instrument.
- (2) Any regulations or rules under this Act, . . . ^{F150}, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F151}(2A) An order shall not be made under section 60(1A) of this Act unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.]
- (3) Any order made under any provision of this Act by statutory instrument may be varied or revoked by a subsequent order made under that provision.

Textual Amendments

F150 Words repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt. 1](#)

F151 [S. 100\(2A\)](#) inserted (E.W.S.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 33\(b\)](#) (but repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), [s. 45\(2\)](#), [Sch. 3](#))

101 Expenses. **E+W**

There shall be defrayed out of moneys provided by Parliament—

- (a) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment;
- (b) ^{F152}

Textual Amendments

F152 [S. 101\(b\)](#) repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt. 1](#)

102 Transitional provisions and savings. **E+W+S**

Schedule 5 to this Act shall have effect for the purpose of the transition to the provisions of this Act from the law in force before the commencement of those provisions and with respect to the application of this Act to things done before the commencement of those provisions.

103 Minor and consequential amendments and repeals. **U.K.**

- (1) The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.
- (2) The enactments specified in Schedule 7 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

Status: Point in time view as at 01/03/1998.

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Modifications etc. (not altering text)

- C24** The text of s. 103(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

104 General provisions as to interpretation. **U.K.**

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them; that is to say—

F153

“court” does not include a court-martial;

F154

[^{F155}“extended sentence certificate” means a certificate issued under section 28 of the ^{M38}Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section];

F154

F154

F154

“prison rules” means rules under section 47 of the ^{M39}Prison Act 1952;

“sentence of imprisonment” does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone;

[^{F156}“suspended sentence” means a sentence to which an order under section 22(1) of the ^{M40}Powers of Criminal Courts Act 1973 relates.]

- (2) For the purposes of any reference in this Act, however expressed, to the term of imprisonment or other detention to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.
- (3) Any reference in this Act however expressed to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.
- (4) Any reference in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of offenders of his age.
- (5) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

Textual Amendments

F153 Definition “the clerk of the court” repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

F154 [s. 104\(1\)](#): definitions of “explosive”, “firearm”, “imitation firearm” and “offensive weapon” repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.I](#) Group 1

F155 Definition substituted by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 5 para. 26\(a\)](#)

F156 Definition substituted by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 5 para. 26\(b\)](#)

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Marginal Citations

- M38 1973 c. 62.
- M39 1952 c. 52.
- M40 1973 c. 62.

105 Northern Ireland. **E+W+N.I.**

- (1) ^{F157}
- (3) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

Textual Amendments

- F157 S. 105(1)(2) repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

106 Short title, extent and commencement. **U.K.**

- (1) This Act may be cited as the Criminal Justice Act 1967.
- (2) The following provisions of this Act shall extend to Scotland, that is to say—
 - (a) so much of this Act as relates to courts-martial and appeals therefrom;
 - (b) section. . . ^{F158}48, 54(6) and (8), 93(3). . . ^{F159} and 102 and paragraphs 7, 10 to 12 and 14 of Schedule 5;
 - (c) Part III (except sections 63, 65, 66, 67 and 71) and Schedule 2;
 - (d) Part V;
 - (e) section 92 and Schedule 3 so far as they amend any enactment which extends to Scotland;
 - [^{F160}(ee) section 100;]
 - (f) so much of section 103(1) and Schedule 6 as amends. . . ^{F161}. . . ^{F162}, the ^{M41}Criminal Justice Act 1961 and the ^{M42}Criminal Justice (Scotland) Act 1963; and
 - (g) Part II of Schedule 7 and so much of section 103(2) as relates thereto;but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Scotland.
- (3) The following provisions of this Act shall extend to Northern Ireland, that is to say—
 - (a) so much of this Act as relates to courts-martial and appeals therefrom;
 - (b) sections. . . ^{F163} 69 and 72;
 - (c) so much of section 92 and Parts I and II of Schedule 3 as is extended to Northern Ireland by Part IV of that Schedule;
 - (d) ^{F164}
 - (e) so much of section 103(1) and Schedule 6 as amends. . . ^{F162} the ^{M43}Criminal Justice Act 1961;

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- (f) section 105; and
- (g) Part III of Schedule 7 and so much of section 103(2) as relates thereto;
- but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Northern Ireland.
- (4) Sections 69(1) and 92 of, and Schedule 3 to, this Act, so far as they amend any enactment which extends to the Channel Islands or the Isle of Man, shall extend to the Channel Islands or the Isle of Man, as the case may be.
- (5) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different purposes of this Act, and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day so appointed for the coming into force of that provision, and any such reference to the commencement of a provision of this Act shall be construed as a reference to the day appointed for the coming into force of the provision referred to.
- (6) Without prejudice to Schedule 5 to this Act, any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

Textual Amendments

- F158** Figure “3” repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**
- F159** Words repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), **Sch. 6 Pt. I**
- F160** [S. 106\(2\)\(ee\)](#) inserted (E.W.S.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 33(c)**
- F161** [S. 106\(2\)\(f\)](#) repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), **Sch. 13**
- F162** Words repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), **Sch. 7**
- F163** Words repealed by virtue of [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**
- F164** [S. 106\(3\)\(d\)](#) repealed (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), **Sch. 6 para. 13, Sch. 7 Pt. I**

Marginal Citations

- M41** 1961 c. 39.
- M42** 1963 c. 39.
- M43** 1961 c. 39.

Status:

Point in time view as at 01/03/1998.

Changes to legislation:

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