



# Criminal Justice Act 1967

## 1967 CHAPTER 80

### PART I

#### CRIMINAL PROCEDURE, ETC.

##### *Committal proceedings*

#### **1—6. Committal for trial without consideration of the evidence.**

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**F1** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)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

##### **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**F2** S. 7 repealed (4.7.1996 with effect as mentioned in [Sch. 2 para. 7](#) of the amending Act) by 1996 c. 25, ss. 68, 80, [Sch. 2 paras. 6\(2\), 7](#), [Sch. 5 para. 11](#)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.**

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.

- (1) In any criminal proceedings<sup>[F3]</sup>, 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 [<sup>F4</sup>twenty-one][<sup>F4</sup>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
- [<sup>F5</sup>(a) by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone.][<sup>F6</sup>; or
  - (b) subject to subsection (5A), by a qualifying judge advocate (within the meaning of the Senior Courts Act 1981) sitting alone.
- (5A) Subsection (5)(e) applies only where the application in question is to the Crown Court.]
- (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 [<sup>F7</sup>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 [<sup>F8</sup>or by first class post] addressed to the secretary or clerk of that body at that office[<sup>F9</sup>;
- and in paragraph (d) of this subsection references to the secretary, in relation to a limited liability partnership, are to any designated member of the limited liability partnership.]

### Textual Amendments

- F3** Words in s. 9(1) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 43\(2\)](#), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), art. 4(1)(c)(d)(2)(3) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4); [S.I. 2012/2574](#), art. 2(2)(3)(c)(d), [Sch. \(with arts. 34\)](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(d)(2)(3) (with [arts. 34](#))
- F4** 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](#)
- F5** Words in s. 9(5) renumbered as s. 9(5)(a) (temp.) (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 2 para. 8\(2\)\(b\)\(3\)](#); [S.I. 2012/669](#), [art. 4\(c\)](#)
- F6** [S. 9\(5\)\(b\)\(5A\)](#) and word inserted (cond.) (temp.) (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 2 para. 8\(2\)\(b\)\(4\)](#); [S.I. 2012/669](#), [art. 4\(c\)](#)

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- F7** 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
- F8** 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
- F9** Words in s. 9(8) inserted (E.W.S) (6.4.2001) by S.I. 2001/1090, reg. 9, **Sch. 5 para. 4**

#### **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**)  
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.**
- C7** S. 9 applied (1.1.2004) by **Extradition Act 2003 (c. 41), s. 205(1)(2)(a), 221**; S.I. 2003/3103, art. 2 (with **arts. 34**) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- C8** S. 9 modified (8.2.2007) by **Wireless Telegraphy Act 2006 (c. 36), s. 126(2), Sch. 4 para. 10(3)(a)(5)(a)(6)(a)** (with **Sch. 8 paras. 20, 27**)
- C9** S. 9 applied (with modifications) (31.10.2009) by **The Armed Forces (Court Martial) Rules 2009 (S.I. 2009/2041), rules 1, 75(1)(2)**
- C10** S. 9 applied (with modifications) (31.10.2009) by **The Armed Forces (Summary Appeal Court) Rules 2009 (S.I. 2009/1211), rules 1, 61(1)(2)**
- C11** S. 9 applied (with modifications) (31.10.2009) by **The Armed Forces (Service Civilian Court) Rules 2009 (S.I. 2009/1209), rules 1, 60(1)(2)**
- C12** S. 9 excluded (14.8.2012) by **The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), Sch. 31 para. 26(1)** (with **Sch. 32**)

## **10 Proof by formal admission.**

- (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;

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- (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his counsel or solicitor (whether at the time it was made or subsequently) before or at the proceedings in question.
- (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)**

- C13** 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](#)
- C14** S. 10 applied (with modifications) (1.1.2004) by [Extradition Act 2003 \(c. 41\), s. 205\(1\)\(2\)\(b\)\(3\), 221; S.I. 2003/3103, art. 2 \(with arts. 34\) \(as amended \(18.12.2003\) by S.I. 2003/3312, art. 2\)](#)
- C15** S. 10 applied (with modifications) (31.10.2009) by [The Armed Forces \(Summary Appeal Court\) Rules 2009 \(S.I. 2009/1211\), rules 1, 62](#)
- C16** S. 10 applied (with modifications) (31.10.2009) by [The Armed Forces \(Service Civilian Court\) Rules 2009 \(S.I. 2009/1209\), rules 1, 61](#)
- C17** S. 10 applied (with modifications) (31.10.2009) by [The Armed Forces \(Court Martial\) Rules 2009 \(S.I. 2009/2041\), rules 1, 76](#)

**<sup>F10</sup> 11 Notice of alibi.**

.....

**Textual Amendments**

- F10** S. 11 repealed (24.6.2008) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 17; S.I. 2008/1650, art. 4\(c\)](#)

**<sup>F11</sup> 12 Application of sections 9 to 11 to courts-martial.**

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**Textual Amendments**

- F11** S. 12 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 17; S.I. 2009/812, art. 3\(a\)\(b\) \(with transitional provisions in S.I. 2009/1059\); S.I. 2009/1167, art. 4](#)

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**Textual Amendments**

**F12** S. 13 repealed by [Juries Act 1974 \(c. 23\)](#), [Sch. 3](#)

**14**— ..... <sup>F13</sup>  
**16.**

**Textual Amendments**

**F13** 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.**

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 [<sup>F14</sup>any further steps being taken in the proceedings], and the verdict shall have the same effect as if the defendant had been tried and acquitted on the verdict of a jury [<sup>F15</sup>or a court].

**Textual Amendments**

**F14** Words in s. 17 substituted (24.7.2006 for E.W., 8.1.2007 in so far as not already in force) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 42\(a\)](#); S.I. 2006/1835, art. 2(h); S.I. 2006/3422, art. 2(c)(i)

**F15** Words in s. 17 inserted (24.7.2006 for E.W., 8.1.2007 in so far as not already in force) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 42\(b\)](#); S.I. 2006/1835, art. 2(h); S.I. 2006/3422, art. 2(c)(i)

**18** ..... <sup>F16</sup>

**Textual Amendments**

**F16** Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\)](#), [Sch. 3](#)

**19** ..... <sup>F17</sup>

(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**

**F17** 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.

Where a magistrates' court has power to commit an offender to a <sup>F18</sup>Crown Court] under section 5 of the <sup>M1</sup>Vagrancy Act 1824 (incorrigible rogues). . . <sup>F19</sup>, the court may instead of committing him in custody commit him on bail.

### Textual Amendments

**F18** Words substituted by Courts Act 1971 (c. 23), Sch. 8 para. 48(b)

**F19** Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

### Marginal Citations

**M1** 1824 c. 83.

## 21 ..... <sup>F20</sup>

### Textual Amendments

**F20** 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.

<sup>F21</sup>(1) Where

[ <sup>F23</sup>a magistrates' court] withholds bail in criminal proceedings or imposes <sup>F22</sup>(a) conditions in granting bail in criminal proceedings, <sup>F24</sup>and

(b) it does so where an application to the court to state a case for the opinion of the High Court is made,]

the High Court may <sup>F25</sup> ... grant bail or vary the conditions.

[ Where a magistrates' court withholds bail in extradition proceedings or imposes <sup>F26</sup>(1A) conditions in granting bail in extradition proceedings, the High Court may 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 <sup>F23</sup>magistrates' court] could have directed and the recognizance of any surety shall be conditioned accordingly.]

(3) Subsections <sup>F27</sup>... (4) and (6) of section 37 of the <sup>M2</sup>Criminal Justice Act 1948 (ancillary provisions as to persons <sup>F28</sup>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 <sup>F28</sup>granted] bail in pursuance of those powers as it applies in relation to the powers conferred by that section and persons <sup>F28</sup>granted] bail in pursuance of those powers <sup>F29</sup>...

(4) In this section <sup>F30</sup>... <sup>F31</sup>... <sup>F32</sup>“bail in criminal proceedings”<sup>F33</sup>, “extradition proceedings”] and “vary” shall have the same meanings as they have in the <sup>M3</sup>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 <sup>M4</sup>Criminal

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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**

- F21** S. 22(1)(2) substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 37(2)**
- F22** Reference in s. 22(1) inserted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 17(1)(a)**, 336(3), 336(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F23** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12**
- F24** S. 22(1)(b) and preceding word inserted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 17(1)(b)**, 336(3), 336(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F25** Words in s. 22(1) repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 2**; S.I. 2004/829, art. 2(1)(2)(1)(ii)
- F26** S. 22(1A) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 13 para. 27(2)**; S.I. 2006/3364, art. 2(e)
- F27** Reference to [Criminal Justice Act 1948 \(c. 58\)](#), **s. 37(3)**, repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**
- F28** Word substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 37(3)**
- F29** Words in s. 22(3) repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 2**; S.I. 2004/829, art. 2(1)(2)(1)(ii)
- F30** Words 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)**
- F32** Word repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**
- F33** Words in s. 22(4) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 13 para. 27(3)**; S.I. 2006/3364, art. 2(e)

**Marginal Citations**

- M2** 1948 c. 58.
- M3** 1976 c. 63.
- M4** 1948 c. 58.

**23** ..... **F34**

**Textual Amendments**

- F34** Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**

**24** ..... **F35**

**Textual Amendments**

- F35** 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.**

A justice of the peace shall not issue a warrant under section 3(1) of the <sup>M5</sup>Obscene Publications Act 1959 (search for and seizure of obscene articles) except on an



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information laid by or on behalf of the Director of Public Prosecutions or by a constable.

**Marginal Citations**

**M5** 1959 c. 66.

**26** ..... **F36**

**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](#)

**27** ..... **F37**

**Textual Amendments**

**F37** S. 27 repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

**28**— ..... **F38**  
**30.**

**Textual Amendments**

**F38** 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**  
(1) ..... **F39**  
(3) ..... **F40**

**Textual Amendments**

**F39** S. 31(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), s. 21, [Sch. 2](#)  
**F40** Ss. 31(3)–(6), 32(1) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. III](#)

**F41** **32 Amendments of Costs in Criminal Cases Act 1952.**

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**Textual Amendments**

**F41** S. 32 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**33 Taking and use of finger-prints and palm-prints.**

.....<sup>F42</sup>in section 39 of the <sup>M6</sup>Criminal 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**

**F42** Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

**Marginal Citations**

**M6** 1948 c. 58.

<sup>F43</sup>**34 Committal of persons under twenty-one accused of extradition crimes, etc.**

.....

**Textual Amendments**

**F43** S. 34 repealed (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 221, [Sch. 3 para. 3](#), [Sch. 4](#); S.I. 2003/3103, art. 2 (with arts. 3-5) (as amended (11.12.2003) by S.I. 2003/3258, art. 2 and (18.12.2003) by S.I. 2003/3312, art. 2)

**35** .....<sup>F44</sup>

**Textual Amendments**

**F44** S. 35 repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

**36 Interpretation of Part I.**

(1) In this Part of this Act—

<sup>F45</sup>.....

[<sup>F46c</sup>“committal proceedings” means proceedings before a magistrates’ court acting as examining justices;]

<sup>F45</sup>.....

“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.

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(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 [F47the Magistrates' Courts Act 1980] have the same meanings in any such provision as they have in that Act.

**Textual Amendments**

- F45 Definitions repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)
- F46 Words in [s. 36\(1\)](#) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), [s. 336\(3\)\(4\)](#), [Sch. 3 para. 43\(3\)](#), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(d\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2012/2574](#), [art. 2\(2\)\(3\)\(c\)\(d\)](#), [Sch.](#) (with [arts. 34](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- F47 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 66](#)

**PART II**

**POWERS OF COURTS TO DEAL WITH OFFENDERS**

37— ..... F48  
42.

**Textual Amendments**

- F48 [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](#)

43 ..... F49

**Textual Amendments**

- F49 [S. 43](#) repealed by [Criminal Law Act 1977 \(c. 45\)](#), [s. 65\(7\)](#), [Sch. 13](#)

*Enforcement of payment of fines, etc.*

44 ..... F50

**Textual Amendments**

- F50 [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 ..... F51

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**Textual Amendments**

**F51** 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** ..... **F52**

**Textual Amendments**

**F52** 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** ..... **F53**

**Textual Amendments**

**F53** S. 46 repealed by [Administration of Justice Act 1970 \(c. 31\)](#), **Sch. 11**

**47** ..... **F54**

**Textual Amendments**

**F54** 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**

**48** (1) ..... **F55**

(2) ..... **F56**

**Textual Amendments**

**F55** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

**F56** 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** ..... **F57**

**Textual Amendments**

**F57** S. 49 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**

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**F59** **50** ..... **F58**

**Textual Amendments**

- F58** Words repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F59** Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

**51** ..... **F60**

**Textual Amendments**

- F60** Ss. 51, 56(8)–(12) repealed by Road Traffic Act 1972 (c. 20), **Sch. 9 Pt. I**

**52, 53.** ..... **F61**

**Textual Amendments**

- F61** 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**

- (1) ..... **F62**
- (4) ..... **F63**
- (5) ..... **F62**
- (6) ..... **F64**
- (7) ..... **F62**
- (8) ..... **F64**

**Textual Amendments**

- F62** 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**
- F63** Ss. 54(4), 56(7), 95(4)(5) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F64** 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** ..... **F65**

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**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**

*Miscellaneous*

<sup>F66</sup>**56** .....

**Textual Amendments**

**F66** S. 56 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**57** ..... <sup>F67</sup>

**Textual Amendments**

**F67** 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** ..... <sup>F68</sup>

**Textual Amendments**

**F68** S. 58 repealed by Immigration Act 1971 (c. 77), **Sch. 6**

**PART III**

TREATMENT OF OFFENDERS

*Release of prisoners on licence and supervision of prisoners after release*

<sup>F69F70</sup>**59** .....

**Textual Amendments**

**F69** Ss. 59, 60 repealed (S.) by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**  
**F70** 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**

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<sup>F71</sup>**60** ...

**Textual Amendments**

**F71** 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](#)

<sup>F72</sup>**61** ...

**Textual Amendments**

**F72** 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](#)

<sup>F73</sup>**62** ...

**Textual Amendments**

**F73** 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** ..... <sup>F74</sup>

**Textual Amendments**

**F74** S. 63 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

<sup>F75</sup>**64** ...

**Textual Amendments**

**F75** 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](#)

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### Miscellaneous

#### 65 Abolition of corporal punishment in prison.

Corporal punishment shall not be inflicted in any prison or other institution to which the <sup>M7</sup>Prison Act 1952 applies, and accordingly section 18 of that Act shall cease to have effect.

#### Marginal Citations

**M7** 1952 c. 52.

#### 66

- (1) ..... **F76**
- (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) (miscellaneous prisoners) there shall be added the words “or a person committed to custody on his conviction”.

#### Textual Amendments

**F76** S. 66(1) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

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

- C18** 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.
- C19** 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.



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**F77 67 Computation of sentences of imprisonment passed in England and Wales.**

.....

**Textual Amendments**

**F77** S. 67 repealed (4.4.2005) (except in relation to a case in which a court has imposed a sentence of imprisonment in respect of an offence committed before 4.4.2005 (whether or not it has also imposed a sentence of imprisonment in respect of an offence committed after that date)) by [Crime \(Sentences\) Act 1997 \(c. 43\), s. 57\(2\)](#), [Sch. 6](#); [S.I. 2005/932](#), art. 2

**68** ..... **F78**

**Textual Amendments**

**F78** 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.**

(1) In section 38(3) of the <sup>M8</sup>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 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 <sup>M9</sup>Prison Act 1952 <sup>F79</sup>. . . and section 38(2) of the <sup>M10</sup>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**

**F79** 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)**

**C20** 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.

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#### Marginal Citations

- M8** 1961 c. 39.  
**M9** 1952 c. 52.  
**M10** 1953 c. 18 (N.I.)

### 70 Prisoner transferred from Scotland to England for security.

- (1) Where the Secretary of State, in the case of a person serving a sentence of imprisonment, . . . <sup>F80</sup> 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 <sup>M11</sup>Criminal Justice Act 1961.

#### Textual Amendments

- F80** Words repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), [Sch. 8](#)

#### Marginal Citations

- M11** 1961 c. 39.

### 71 Exercise of powers of release.

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 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.

- [<sup>F81</sup>(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 [<sup>F82</sup>section 18, 38(7) or 138 of the Mental Health Act 1983], section 36 or 106 of the <sup>M12</sup>Mental Health (Scotland) Act 1960 or [<sup>F83</sup>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);

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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) [<sup>F84</sup>section 137 of the Mental Health Act 1983], section 105 of the <sup>M13</sup>Mental Health (Scotland) Act 1960 and [<sup>F85</sup>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 [<sup>F86</sup>the said Act of 1983], 1960 [<sup>F87</sup>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 [<sup>F88</sup>Part III of the Mental Health Act 1983], Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health [<sup>F89</sup>(Northern Ireland) Order 1986] in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge [<sup>F90</sup>or in pursuance of a hospital direction and a limitation direction][<sup>F91</sup>or a person liable to be detained under][<sup>F88</sup>section 38 of the said Act of 1983][<sup>F92</sup>or Article 45 of the Mental Health (Northern Ireland) Order 1986];
- “place of safety” has the same meaning as in [<sup>F88</sup>Part III of the said Act of 1983] or 1960 or Part III of the said [<sup>F93</sup>Order of 1986], as the case may be;
- “Prison Act” means the <sup>M14</sup>Prison Act 1952, the <sup>M15</sup>Prisons (Scotland) Act 1952 or the <sup>M16</sup>Prison Act (Northern Ireland) 1953, as the case may be.]
- (5) Section 27 of the <sup>M17</sup>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.
- [<sup>F94</sup>(6) References in this section to offences include service offences within the meaning of the Armed Forces Act 2006.]

#### Textual Amendments

- F81** S. 72(1)–(4) repealed (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 10 Pt. I
- F82** 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)
- F83** Words substituted by S.I. 1986/596, art. 5(a)
- F84** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 4 para. 21(b)
- F85** Words substituted by S.I. 1986/596, art. 5(b)
- F86** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 4 para. 21(b)
- F87** Words substituted by virtue of S.I. 1986/596, art. 5(b)
- F88** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 4 para. 21(c)
- F89** Words substituted by S.I. 1986/596, art. 5(c)

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- F90** 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)**
- F91** Words inserted by **Mental Health (Amendment) Act 1982** (c. 51, SIF 85), s. 65(1), **Sch. 3 para. 35(b)**
- F92** Words added by 1986/596, art. 5(c)
- F93** Words substituted by S.I. 1986/596, **art. 5(d)**
- F94** S. 72(6) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006** (c. 52), s. 383(2), **Sch. 16 para. 49**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

- C21** S. 72 modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009** (S.I. 2009/1059), art. 1(3), **Sch. 1 para. 10**
- C22** 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)**
- C23** 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**

- M12** 1960 c. 61.
- M13** 1960 c. 61.
- M14** 1952 c. 52.
- M15** 1952 c. 61.
- M16** 1953 c. 18 (N.I.)
- M17** 1914 c. 58.

**PARTS IV, V**

73— ..... F95  
84.

**Textual Amendments**

**F95** Ss. 73–84 repealed by **Legal Aid Act 1974** (c. 4), **Sch. 5 Pt. I**

85— ..... F96  
88.

**Textual Amendments**

**F96** Ss. 85–88 repealed by **Firearms Act 1968** (c. 27), **Sch. 7**

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## PART VI

### MISCELLANEOUS AND GENERAL

#### Offences

#### 89 False written statements tendered in evidence.

- (1) If any person in a written statement tendered in evidence in criminal proceedings by virtue of section <sup>F97</sup> ... 9 of this Act <sup>F98</sup> ... 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 <sup>M18</sup>Perjury Act 1911 shall have effect as if this section were contained in that Act.

#### Textual Amendments

**F97** Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

**F98** Words in s. 89(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

**C24** 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)

**C25** S. 89 applied (31.10.2009) by [The Armed Forces \(Service Civilian Court\) Rules 2009 \(S.I. 2009/1209\)](#), rules 1, [60\(4\)](#)

**C26** S. 89 applied (31.10.2009) by [The Armed Forces \(Court Martial\) Rules 2009 \(S.I. 2009/2041\)](#), rules 1, [75\(4\)](#)

**C27** S. 89 applied (31.10.2009) by [The Armed Forces \(Summary Appeal Court\) Rules 2009 \(S.I. 2009/1211\)](#), rules 1, [61\(4\)](#)

#### Marginal Citations

**M18** [1911 c. 6](#).

#### 90 ..... <sup>F99</sup>

#### Textual Amendments

**F99** [S. 90](#) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

#### 91 Drunkenness in a public place.

- (1) Any person who in any public place is guilty, while drunk, of disorderly behaviour <sup>F100</sup> ... shall be liable on summary conviction to a fine not exceeding [<sup>F101</sup>level 3 on the standard scale].
- (2) The foregoing subsection shall have effect instead of any corresponding provision contained in section 12 of the <sup>M19</sup>Licensing Act 1872, section 58 of the <sup>M20</sup>Metropolitan

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Police Act 1839, section 37 of the <sup>M21</sup>City of London Police Act 1839, and section 29 of the <sup>M22</sup>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) ..... F102

#### Textual Amendments

**F100** Words in s. 91(1) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 7 para. 15, **17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)

**F101** words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

**F102** S. 91(5) repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**

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

**C28** S. 91(1) amended by [Criminal Justice Act 1972 \(c. 71\)](#), s. 34

#### Marginal Citations

**M19** 1872 c. 94.

**M20** 1839 c. 47.

**M21** 1839 c. xciv.

**M22** 1847 c. 89.

### *Increase of Fines, etc.*

## 92 Increase of fines.

- (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.
- <sup>F103</sup>(7) .....
- (8) ..... <sup>F104</sup>
- (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**  
**F103** S. 92(7) repealed (S.) (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [Sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/319, art. 2(a), Sch. 1  
**F104** S. 92(8) repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

**93 Alteration of maximum periods of imprisonment in default of payment of fines, etc.**

- (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
An amount exceeding £20 but not exceeding £50	sixty days

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An amount not exceeding £50                      ninety days

(2) In paragraph 3 of the said Schedule 3 (maximum periods of imprisonment in default of payment of sums due on summary conviction of a revenue offence) for the references to £20 and £50 there shall be substituted £50 and £100 respectively and for the reference to three months there shall be substituted a reference to ninety days.

(3) ..... F105

(4) ..... F106

**Textual Amendments**

**F105** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

**F106** S. 93(4) repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), **Sch. 6 Pt. I**

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

**C29** The text of s. 93(1)–(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Fees*

94 ..... F107

**Textual Amendments**

**F107** 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**

*Administration of probation and after-care services*

**95      Probation and after-care areas and committees.**

(1) ..... F108

(2) ..... F109

(4) ..... F110

**Textual Amendments**

**F108** S. 95(1) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

**F109** 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**

**F110** Ss. 54(4), 56(7), 95(4)(5) repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**



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96 ..... F111

**Textual Amendments**

**F111** 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 ..... F112

**Textual Amendments**

**F112** Ss. 97, 98(1)–(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

98 **Amendment of enactments relating to criminal appeals.**

(1) ..... F113

(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) ..... F114

**Textual Amendments**

**F113** Ss. 97, 98(1)–(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

**F114** 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)**

**C30** 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 ..... F115

**Textual Amendments**

**F115** 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.

- (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, . . . <sup>F116</sup>, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F117</sup>(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

**F116** Words repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt. I](#)

**F117** [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.

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) . . . . . <sup>F118</sup>

#### Textual Amendments

**F118** [S. 101\(b\)](#) repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt. I](#)

#### 102 Transitional provisions and savings.

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.

- (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.

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

**C31** 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.**

(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—

F119  
.....

“court” does not include [F120 the Court Martial, the Summary Appeal Court, the Service Civilian Court, the Court Martial Appeal Court or the Supreme Court on an appeal brought from the Court Martial Appeal Court];

F121  
.....

[F122 “extended sentence certificate” means a certificate issued under section 28 of the M23 Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section];

F121  
.....

F121  
.....

F121  
.....

“prison rules” means rules under section 47 of the M24 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;

F123  
.....

F124 (2) .....

(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**

**F119** Definition “the clerk of the court” repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

**F120** Words in s. 104(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 50](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**F121** 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

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- F122** S. 104(1): definition of “extended sentence certificate” substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 26(1)**
- F123** Words in s. 104(1) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 6(a), **37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 42(5), 44(4)(b) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F124** S. 104(2) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 6(b), **37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 42(5), 44(4)(b) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

#### Marginal Citations

- M23** 1973 c. 62.  
**M24** 1952 c. 52.

## 105 Northern Ireland.

- (1) . . . . . <sup>F125</sup>
- (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

- F125** S. 105(1)(2) repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

## 106 Short title, extent and commencement.

- (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) [<sup>F126</sup>section 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;
  - [<sup>F127</sup>(ee) section 100;]
  - (f) so much of section 103(1) and Schedule 6 as amends. . . <sup>F128</sup> . . . <sup>F129</sup>, the <sup>M25</sup>Criminal Justice Act 1961 and the <sup>M26</sup>Criminal Justice (Scotland) Act 1963; and
  - (g) Part II of Schedule 7 and so much of section 103(2) as relates thereto;

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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. . . <sup>F130</sup> 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) . . . . . <sup>F131</sup>
  - (e) so much of section 103(1) and Schedule 6 as amends. . . <sup>F129</sup> the <sup>M27</sup>Criminal Justice Act 1961;
  - (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**

- F126** Words in s. 106(2)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 27**
- F127** S. 106(2)(ee) inserted (E.W.S.) by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 33(c)
- F128** S. 106(2)(f) repealed by Criminal Law Act 1977 (c. 45), s. 65(7), **Sch. 13**
- F129** Words repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**
- F130** Words repealed by virtue of Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F131** 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**

- M25** 1961 c. 39.
- M26** 1963 c. 39.
- M27** 1961 c. 39.

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