



Criminal Law Act 1977

1977 CHAPTER 45

PART III U.K.

CRIMINAL PROCEDURE, PENALTIES, ETC.

Penalties

27^{F1} **E+W**

Textual Amendments

F1 Ss. 16, 18–27, 28(1)–(7), 29, 30(4) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

28 **Penalties on summary conviction for offences triable either way.** **E+W**

(1)^{F2}

(8) Schedule 5 to this Act shall have effect for the purpose of altering the penalties available on summary conviction of certain offences triable either way not listed in [^{F3}Schedule 1 to the Magistrates' Courts Act 1980]; . . .^{F4}

Textual Amendments

F2 Ss. 16, 18–27, 28(1)–(7), 29, 30(4) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

F3 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 149**

F4 Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

29^{F5} **E+W**

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Textual Amendments

F5 Ss. 16, 18–27, 28(1)–(7), 29, 30(4) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

**30 Penalties (and mode of trial) for offences made triable only summarily. E+W
+S**

^{X1}(1) The enactments specified in column 2 of Schedule 1 to this Act, which relate to the mode of trial of, and the maximum penalties for, the offences mentioned (and broadly described) in column 1 of that Schedule (being the offences which by section 15(1)(a) above made triable only summarily instead of either way) shall have effect subject to the amendments specified in column 3 of that Schedule.

^{X1}(2) The said amendments have the effect of altering the maximum penalties available on summary conviction of the offences so mentioned as well as making alterations consequential on their becoming triable only summarily; and in that Schedule column 4 shows the present maximum penalties by way of fine or imprisonment on summary conviction and on conviction on indictment, and column 5 shows the new maximum penalties resulting from the amendments.

(3) A person who (by virtue of section 15 above) is summarily convicted of an offence under section 2 (assaults by persons committing offences under the Act) or section 9 (entering land, with others, armed and for the purpose of taking or destroying game or rabbits) of the ^{M1}Night Poaching Act 1828 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding £500, or to both (instead of to a maximum penalty on conviction on indictment of seven years imprisonment or a fine or both for an offence under the said section 2, or of fourteen years imprisonment or a fine or both for an offence under the said section 9).

(4) ^{F6}

Editorial Information

X1 The text of ss. 5(10)(11), 15(2), 17, 30(1)(2), 31(10), 32(3), 46, 49, 52, 57, 63(1), 65(4)(5), Sch. 13 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.

Textual Amendments

F6 Ss. 16, 18–27, 28(1)–(7), 29, 30(4) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

Marginal Citations

M1 1828 c. 69.

31 Increase of fines for certain summary offences. E+W+S

(1) The enactments specified in column 2 of Schedule 6 to this Act, which relate to the maximum fines for the offences mentioned (and broadly described) in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed on summary conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in

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column 3 of that Schedule, so however that the preceding provision shall not alter the maximum daily fine, if any, provided for by any of those enactments.

(2) This subsection applies to the following enactments (by virtue of which certain byelaws may make persons contravening the byelaws liable on summary conviction to a fine not exceeding £20), namely—

- (a) section 183 of the ^{M2}Public Health Act 1875 and section 237 of the ^{M3}Local Government Act 1972 (local authorities' byelaws) in their application to byelaws under any public general Act; and
- (b)

(3) In the enactments to which subsection (2) above applies for any reference to £20 there shall be substituted a reference to £50; and any provision in force at the coming into force of this subsection which—

- (a) is contained in any byelaw made under a public general Act by virtue of—
 - (i) any enactment to which subsection (2) above applies; or
 - (ii) section 251 of the ^{M4}Local Government Act 1933; and
- (b) specifies £20 as the maximum fine which may be imposed on summary conviction in respect of a contravention of, or offence under, any byelaw mentioned in that provision,

shall have effect as if it specified £50 instead (but with no change by virtue of this subsection in the maximum daily fine, if any, for which it provides).

The preceding provisions of this subsection are without prejudice to subsection (4) below.

(4) The following byelaws, namely—

- (a) byelaws under section 75 of the ^{M5}Public Health Act 1961 (byelaws as to pleasure fairs and roller skating rinks);
- (b) byelaws under section 76 of that Act (byelaws as to seaside pleasure boats); . . .
- (c)

may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding [^{F9}level 3 on the standard scale] and, in the case of a continuing offence, a further fine not exceeding £5 for each day during which the offence continues after the conviction thereof; and any such byelaw in force at the coming into force of this subsection which specifies £20 or any smaller sum as the maximum fine which may be imposed on summary conviction of an offence under any such byelaw shall have effect as if it specified [^{F9}level 3 on the standard scale], instead (but with no change by virtue of this subsection in the maximum daily fine, if any, for which it provides).

(5) This subsection applies to any pre-1949 enactment (however framed or worded) which—

- (a) as regards any summary offence makes a person liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act); or
- (b) confers power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act).

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- (6) Every enactment to which subsection (5) above applies shall have effect as if for the specified amount less than £50 there mentioned there were substituted—
 - (a) £25 if the specified amount is less than £20; or
 - (b) £50 if the specified amount is not less than £20.
- (7) F10
- (8) Subsection (6) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.
- (9) In subsection (5) above “pre-1949 enactment” means an enactment passed before 1st January 1949 or an enactment passed on or after that date which (whether directly or, through successive re-enactments, indirectly) re-enacts with or without modification an enactment passed before that date.
- ^{x2}(10) In section 67(6) of the ^{M6}Medicines Act 1968, for “£400” (which gives the maximum fine on summary conviction which can be imposed by regulations under section 66 for contravention of the regulations) there shall be substituted “£1,000”.
- (11) In this section “enactment” does not include an enactment contained in an order, regulation or other instrument made under an Act.

Editorial Information

X2 The text of ss. 5(10)(11), 15(2), 17, 30(1)(2), 31(10), 32(3), 46, 49, 52, 57, 63(1), 65(4)(5), Sch. 13 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.

Textual Amendments

F7 S. 31(2)(b) repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98(1), Sch. 11 para. 21(2), [Sch. 13](#)

F8 Word “and” and s. 31(4)(c) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

F9 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

F10 S. 31(7) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

Marginal Citations

M2 1875 c. 55.

M3 1972 c. 70.

M4 1933 c. 51.

M5 1961 c. 64.

M6 1968 c.67.

32 Other provisions as to maximum fines. U.K.

- (1) Where a person convicted on indictment of any offence (whether triable only on indictment or either way) would, apart from this subsection, be liable to a fine not exceeding a specified amount, he shall by virtue of this subsection be liable to a fine of any amount.
- (2) F11

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^{X3}(3) In paragraph 1(1)(d) of Schedule 2 to the ^{M7}European Communities Act 1972, for the words “£5 a day” (which give the maximum daily fine with which an offence created under the powers conferred by section 2(2) of that Act can under those powers be made punishable on summary conviction) there shall be substituted the words “£100 a day”.

Editorial Information

X3 The text of ss. 5(10)(11), 15(2), 17, 30(1)(2), 31(10), 32(3), 46, 49, 52, 57, 63(1), 65(4)(5), Sch. 13 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.

Textual Amendments

F11 Ss. 32(2), 34, 35, 36(2)–(8) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

Modifications etc. (not altering text)

C1 S. 32(1) extended (N.I.) by Finance Act 1983 (c. 28, SIF 39:1), **Sch. 9 para. 1(1)**

C2 S. 32(1) excluded by Criminal Attempts Act 1981 (c. 47, SIF 82), **s. 4(5)(b)(i)**

Marginal Citations

M7 1972 c. 68

33 **Penalty for offences under section 3 of Explosive Substances Act 1883.** **E+W+S**

For an offence under section 3 of the ^{M8}Explosive Substances Act 1883 (attempt to cause explosion, or making or keeping explosive, with intent to endanger life or property in the United Kingdom or the Republic of Ireland) the maximum term of imprisonment which may be imposed by a court in Great Britain shall be increased from twenty years to life.

Marginal Citations

M8 1883 c. 3.

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