



# Criminal Law Act 1977

## 1977 CHAPTER 45

### PART VI

#### SUPPLEMENTARY

#### 64 Meaning of “indictable offence”, “summary offence” and “offence triable either way” in England and Wales.

(1) In this Act . . . <sup>F1</sup>—

- (a) “indictable offence” means an offence which, if committed by an adult, is triable on indictment, whether it is exclusively so triable or triable either way;
- (b) “summary offence” means an offence which, if committed by an adult, is triable only summarily;
- (c) “offence triable either way” means an offence which, if committed by an adult, is triable either on indictment or summarily;

and the terms “indictable”, “summary” and “triable either way”, in their application to offences, shall be construed accordingly.

(2) In the definitions in subsection (1) above references to the way or ways in which an offence is triable are to be construed without regard to the effect, if any, of [<sup>F2</sup>section 22 of the Magistrates’ Courts Act 1980 (cases where value involved is small)] on the mode of trial.

#### Textual Amendments

**F1** Words repealed by [Interpretation Act 1978 \(c. 30\)](#), [Sch. 3](#)

**F2** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 152](#)

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

**C1** [S. 64\(1\)](#) extended (N.I.) by [Finance Act 1983 \(c. 28\)](#), [Sch. 9 para. 1\(1\)](#)

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: Criminal Law Act 1977, Part VI is up to date with all changes known to be in force on or before 23 May 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)*

**65 Citation, etc.**

- (1) This Act may be cited as the Criminal Law Act 1977.
- (2) The provisions of sections [<sup>F3</sup>15] to 32 and 48 above, so far as they relate to proceedings before magistrates’ courts, shall be construed as one with the [<sup>F4</sup>Magistrates’ Courts Act 1980], except that in those provisions “fine” shall include any pecuniary penalty.
- (3) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as extended or applied, by or under any other enactment, including this Act.
- <sup>X1</sup>(4) The enactments specified in Schedule 12 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.
- <sup>X1</sup>(5) Subject to the transitional provisions contained in this Act, the enactments specified in Schedule 13 to this Act (which include certain spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (6) There shall be defrayed out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.
- (7) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different purposes.
- (8) Without prejudice to any other transitional provision contained in this Act, the transitional provisions contained in Schedule 14 to this Act shall have effect.
- (9) Without prejudice to Schedule 14 or any other transitional provision contained in this Act, an order under subsection (7) above 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.
- (10) In this Act—
  - (a) Part V and, so far as there provided, the provisions mentioned in section 63(2) above extend to Scotland;
  - (b) the following provisions extend to Northern Ireland namely—
    - sections 38 to 40,
    - ..... <sup>F5</sup>
    - section 52,
    - ..... <sup>F6</sup>
    - subsections (1), (3) and (6) to (10) of this section,
    - Schedule 7,
    - in Schedule 14, paragraph 5;
  - (c) section 31 and Schedule 6, so far as they amend any enactment which extends to the Channel Islands or the Isle of Man, extend to the Channel Islands or the Isle of Man, as the case may be;
  - (d) subsections (4) and (5) above and Schedules 12 and 13, so far as they relate to—

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- (i) section 45 of the <sup>M1</sup>Prison Act 1952 (in its application to persons for the time being in Northern Ireland or in the Channel Islands or the Isle of Man);
- (ii) Part III and section 39(1) of the <sup>M2</sup>Criminal Justice Act 1961; and
- (iii) sections 60 and 63 of the <sup>M3</sup>Criminal Justice Act 1967 (in their application to persons for the time being in Northern Ireland or in the Channel Islands or the Isle of Man),
- extend to Northern Ireland, the Channel Islands and the Isle of Man (as well as, by virtue of paragraph (a) above, to Scotland;
- (e) section 32(3) extends to all places (except Scotland) to which section 2 of the <sup>M4</sup>European Communities Act 1972 extends (as well as, by virtue of paragraph (a) above, to Scotland), . . . <sup>F7</sup>;
- but save as aforesaid, this Act extends to England and Wales only.

#### 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.

#### Subordinate Legislation Made

- P1** [S. 65\(7\)](#): power of appointment fully exercised (Act wholly in force on 20.5.1985): [S.I. 1977/1365](#), 1426, 1682, 1744; 1978/712, 900; 1980/487, 587, 1632, 1701; 1982/243; 1985/579

#### Textual Amendments

- F3** Figure substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 153](#)
- F4** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 153](#)
- F5** Words repealed by [Criminal Appeal \(Northern Ireland\) Act 1980 \(c. 47, SIF 38\)](#), [Sch. 5](#)
- F6** Words repealed (N.I.) by [S.I. 1981/1115](#), [Sch. 7](#)
- F7** Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

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

- C2** [S. 65\(2\)](#) extended (N.I.) by [Finance Act 1983 \(c. 28, SIF 40:1\)](#), [Sch. 1 para. 1\(1\)](#)

#### Marginal Citations

- M1** 1952 c. 52.
- M2** 1961 c. 39.
- M3** 1967 c. 80.
- M4** 1972 c. 68.

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