

Status: Point in time view as at 01/09/2007.

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SCHEDULES

^{X1}SCHEDULE 1

Sections 15 and 30.

OFFENCES MADE TRIABLE ONLY SUMMARILY, AND RELATED AMENDMENTS

Editorial Information

X1 The text of Sch. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1	2	3	4	5
Offence	Enactment	Amendment	Old Penalties	New penalties
Night Poaching Act 1828 (c. 69)				
1. Offences under section 1 (taking or destroying game or rabbits by night or entering land for that purpose).	Section 1	For the words from “such offender” onwards substitute “he shall be liable on summary conviction to a fine not exceeding £200”.	(a) for a first offence, on summary conviction, 3 months or £100 and, in default of finding sureties of £10, a further 6 months; (b) for a second offence, on summary conviction, 6 months or £100 and, in default of finding sureties of £20, a further 12 months; (c) for a third offence, on conviction on indictment, 2 years or a fine or both.	£200.
2.
	F1	F1	F1	F1

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**Public Meeting
Act 1908 (c. 66)**

3. Offences under section 1(1) (endeavouring to break up a public meeting).	Section 1(1).	After “offence” add “and shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both”.	(a) on summary conviction 3 months or £100 or both; (b) on conviction on indictment 12 months or £500 or both.	6 months or £1,000 or both.
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**Children and
Young Persons
Act 1933 (c. 12)**

4. Offences under section 3 (allowing persons under 16 to be in brothels).	Section 3.	For the words from “guilty” to “twenty-five pounds” substitute “liable on summary conviction to a fine not exceeding £50”.	(a) on summary conviction 6 months or £25 or both; (b) on conviction on indictment 6 months or £25 or both.	6 months or £50 or both.
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**Public Order
Act 1936 (1
Edw. 8 & 1 Geo.
6.) (c. 6)**

5. Offences under section 5 (conduct conducive to breaches of the peace).	Section 5 (as substituted by section 7 of the Race Relations Act 1965).	After “offence” add “and shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine	(a) on summary conviction 3 months or £100 or both;	6 months or £1,000 or both.
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**Police Act 1964
(c. 48)**

F9	F9	F9	F9	F9
18...

**Theatres Act
1968 (c. 54)**

19. Offences under section 6 (provocation of breach of the peace by means of public performance of play).	Section 6(2).	For paragraphs (a) and (b) substitute “on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six months or to both”.	(a) on summary conviction 3 months or £100 or both; (b) on conviction on indictment 12 months or £500 or both.	6 months or £1,000 or both.
20.
	F10	F10	F10	F10

**Health and
Safety at Work
etc. Act 1974
(c. 37)**

21. Offences under section 33(5) (continuing contravention of improvement notice, prohibition notice or court order).	Section 33(5).	For the words from “liable” to “£50” substitute “liable on summary conviction to a fine not exceeding £100”.	£50 for each day on which the contravention continues.	£100 for each day on which the contravention continues.
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Textual Amendments

- F1** Sch. 1 para. 2 repealed by the [Wages Act 1986 \(c. 48, SIF 43:2\)](#), s. 32(2), **Sch. 5 Pt. III**
- F2** In Sch. 1 the entry relating to s. 7 of the [Water Act 1945](#) repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15)
- F3** Sch. 1 paras. 7, 8 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), **Sch. 27** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

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- F4** Sch. 1 item 9 repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 9 Pt. II**
- F5** Sch. 1: entry repealed (26.3.2001) by [S.I. 2001/1149, art. 3\(2\)](#), **Sch. 2** (with art. 4(11))
- F6** Sch. 1 paras. 11–13 repealed by [Dentists Act 1984 \(c. 24, SIF 83:1\)](#), s. 54(2)(3), **Sch. 6 Pt. I**
- F7** Sch. 1 paras. 14–16 repealed by [Opticians Act 1989 \(c. 44, SIF 83:1\)](#), s. 37, **Sch. 2**
- F8** Sch. 1 para. 17 (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), **Sch. 17** (with ss. 352, 354); [S.I. 2006/3272, art. 2\(4\)\(5\)](#), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)
- F9** Sch. 1 para. 18 repealed (22.8.1996) by [1996 c. 16, ss. 103\(3\), 104\(1\)](#), **Sch. 9 Pt. I**.
- F10** Entries relating to the Road Traffic Act 1972 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 3, **Sch. 1 Pt. I**

SCHEDULES 2—4

. . . **F11**

Textual Amendments

- F11** Schs. 2–4 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

^{X2}SCHEDULE 5

Section 28.

ALTERATION OF PENALTIES ON SUMMARY CONVICTION OF CERTAIN OFFENCES TRIABLE EITHER WAY

Editorial Information

- X2** The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 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.

- 1 (1) The ^{M1}Misuse of Drugs Act 1971 shall be amended as follows—
- (a) ^{F12}
 - (b) in the entries in Schedule 4 showing the punishment that may be imposed on persons summarily convicted of offences mentioned in subparagraph (2) (b) below, for “6 months or £200, or both” there shall be substituted “three months or £500, or both”; and
 - (c) in the entry in Schedule 4 relating to section 5(2)—
 - (i) for “6 months or £400, or both” (being the maximum punishment on summary conviction of an offence under that section where a Class B drug was involved) there shall be substituted “3 months or £500, or both”; and
 - (ii) for “6 months or £200, or both” (being the maximum punishment on summary conviction of such an offence where a Class C drug was involved) there shall be substituted “3 months or £200, or both”.

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- [^{F13}(1A) The offences mentioned in subparagraph (1)(b) above are offences under the following provisions of the Misuse of Drugs Act 1971, where the controlled drug in relation to which the offence was committed was a Class C drug, namely—
 - (i) section 4(2) (production, or being concerned in the production of a controlled drug);
 - (ii) section 4(3) (supplying or offering a controlled drug or being concerned in the doing of either activity by another);
 - (iii) section 5(3) (having possession of a controlled drug with intent to supply it to another);
 - (iv) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there);
 - (v) section 12(6) (contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs); or
 - (vi) section 13(3) (contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs).]

(2) The offences to which (as provided in section 28(8) above) section 28(2) above does not apply are—

- (a) ^{F14}
- (c) offences under the following provisions of the ^{M2}Customs and Excise Act 1952, where the controlled drug constituting the goods in respect of which the offence was committed was a Class C drug, namely—
 - (i) section 45(1) (improper importation);
 - (ii) section 56(2) (improper exportation);
 - (iii) section 304 (fraudulent evasion of prohibition or restriction affecting goods).

(3) In this paragraph “controlled drug”, “Class B drug” and “Class C drug” have the same meaning as in the ^{M3}Misuse of Drugs Act 1971.

Textual Amendments

F12 Sch. 5 para. 1(1)(a) repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [Sch. 6](#)

F13 Sch. 5 para. 1(1A) inserted by [Magistrates' Courts Act 1980 \(c. 43 SIF 82\)](#), Sch. 7 para. 154(b)

F14 Sch. 5 para. 1(2)(a)(b) repealed by [Magistrates' Courts Act 1980 \(c. 43 SIF 82\)](#), Sch. 9

Marginal Citations

M1 1971 c. 38

M2 1952 c. 44.

M3 1971 c. 38.

2 ^{F15}

Textual Amendments

F15 Sch. 5 para. 2 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 3, [Sch. 1 Pt. I](#)

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X³SCHEDULE 6

INCREASE OF FINES FOR CERTAIN SUMMARY OFFENCES

Editorial Information

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1	2	3	4
Enactment creating offence	Penalty enactment	Old maximum fine	New maximum fine
Metropolitan Police Act 1839 (c. 47)			
Offences under section 54 (miscellaneous offences in thoroughfares, including furious driving, obstructing a thoroughfare and discharging firearms).	Section 54 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20	£50.
...
F16	F16	F16	F16
Licensing Act 1872 (c. 94)			
Offences under the first paragraph of section 12 (being found drunk in a highway or other public place).	Section 12 (as amended by section 1 of the Penalties for Drunkenness Act 1962).	£5.	£25.
...
F17	F17	F17	F17
Licensing Act 1902 (c. 28)			
Offences under section 2(1) (being drunk in a highway or other public place while in charge of a child).	Section 2(1) (as amended by section 1 of the Penalties for Drunkenness Act 1962).	£10.	£50.
...
F18	F18	F18	F18

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**Protection of
Animals (Scotland)
Act 1912 (c. 14)**

Offences under section 1(1) (inflicting of unnecessary suffering on, and cruelty to, animals).	Section 1 (1) (as amended by section 3 of the Protection of Animals (Amendment) Act 1954.)	£50.	£500.
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**Children and Young
Persons Act 1933
(c. 12)**

Offences under section 39(2) (Publication of matters identifying juveniles in court proceedings).	Section 39(2).	£50.	£500.
Offences under section 49 (newspaper reports of proceedings in juvenile courts).	Section 49(2).	£50.	£500.

**Protection of
Animals Act 1934
(c. 21)**

Offences under section 1(1) (prohibition of certain public contests, performances and exhibitions with horses or bulls).	Section 2.	£100.	£500.
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**Public Health Act
1936 (c. 49)**

F19	F19	F19	F19
...
F19	F19	F19	F19
...
Offences under section 290(6) (failure to execute works).	Section 290(6).	£5.	£500.

**Public Order Act
1936 (1 Edw. 8. & 1
Geo. 6.) (c. 6)**

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Offences under the following provisions— section 1(1) (wearing uniform signifying association with political organisation); section 3(4) (knowingly failing to comply with conditions as regards processions); section 4(1) (possession of offensive weapon at public meeting).	Section 7(2).	£50.	£500.
Children and Young Persons (Scotland) Act 1937 (c.37)			
Offences under section 46(2) (Publication of matters identifying juveniles in court proceedings).	Section 46(2).	£50.	£500.
Cinematograph Films (Animals) Act 1937 (c.59)			
Offences under section 1(1) (prohibition of films in production of which suffering has been caused to animals).	Section 1(3).	£100.	£200.
F20 ...			
[^{F21}Nursing Homes Registration (Scotland) Act 1938 (c. 73)]			
[^{F21} Any offence under the Act for which no express penalty is provided, except	[^{F21} Section 8 (as amended by Schedule 3 to the Criminal Justice Act 1967).]	[^{F21} £20].	[^{F21} £500.]

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an offence under
section 1(4).]

**Education Act 1944
(c. 31)**

F22	F22	F22	F22
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F22			
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F22			
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F23			
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	F23	F23	F23

F23	F23	F23	F23
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F24	F24	F24	F24
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F24	F24	F24	F24

**Water (Scotland)
Act 1946 (c. 42)**

Offences under section 59(3) (contravention of prohibition or restriction on use of hosepipes).	Section 59(3).	£5.	£200.
Any offence consisting in a contravention of section 30(1) of Schedule 4 (wasting water by non-repair of pipes etc.).	Section 30(1) of Schedule 4.	£5.	£200.
Any offence consisting in a contravention of section 33 of Schedule 4 (causing the supply of water to be interfered with).	Section 33 of Schedule 4.	£5.	£200.

**Fire Services Act
1947 (c. 41)**

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offences under section 31(1) (giving false fire alarm).	Section 31(1) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£50.	£500.
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National Assistance Act 1948 (c. 29)

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F25	F25	F25	F25
...
F25	F25	F25	F25
Offences under section 55(2) (obstruction).	Section 55(2) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £20 for a second or subsequent offence.	£500

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F26	F26	F26	F26

Agriculture (Scotland) Act 1948 (c. 45)

Offences under section 50(1) (prohibition of night shooting and use of spring traps).	Section 50(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.
Offences under section 50A(1) (open trapping of hares and rabbits).	Section 50A(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.

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F27	F27	F27	F27

Docking and Nicking of Horses Act 1949 (c. 70)

Offences under section 1(1) (prohibition of docking or nicking horses).	Section 1(3).	£25.	£200.
Offences under section 2(3) (offences in connection with importation of docked horses).	Section 2(3).	£25.	£200.

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Offences under section 2(4) (making a false statement).	Section 2(4).	£25.	£200.
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... F28	... F28	... F28	... F28
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... F29	... F29	... F29	... F29
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... F30	... F30	... F30	... F30
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Cockfighting Act 1952 (c. 59)

Offences under section 1(1) (possession of appliances for use in fighting of domestic fowl).	Section 1(1).	£25.	£200.
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Dogs (Protection of Livestock) Act 1953 (c. 28)

Offences under section 1(1) (owning or keeping a dog which worries livestock).	Section 1(6) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20 for a first offence and £50 for a second or subsequent offence in respect of the same dog.	£200.
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... F31	... F31	... F31	... F31
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Pests Act 1954 (c. 68)

Offences under section 8(1) (restrictions on unlawful spring traps).	Section 8(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.
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Offences under section 9(1) (open trapping of hares and rabbits).	Section 9(2).	£20, or, if the offender has been previously convicted as mentioned in section 9(2), £50.	£200.
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Offences under section 12 (spreading of myxomatosis).	Section 12.	£20 for a first offence and £50 for a second or subsequent offence.	£200.
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... F32	... F32	... F32	... F32
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F33	F33	F33	F33
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F34	F34	F34	F34
Street Offences Act 1959 (c. 57)			
Offences under section 1 (loitering or soliciting for purposes of prostitution).	Section 1(2).	£10 for a first offence and £50 for a second or subsequent offence.	£50 for a first offence and £200 for a second or subsequent offence.
Mental Health Act 1959 (c. 72)			
Offences under section 20(2) (breach of a condition of the registration of a residential home).	Section 20(2) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£500.
...
F35	F35	F35	F35
Animals (Cruel Poisons) Act 1962 (c. 26)			
Offences under section 1 (offences in connection with use of prohibited poison for destroying animals).	Section 1	£50.	£200.
Education (Scotland) Act 1962 (c. 47)			
Offences under the following provisions—	Section 43(1) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £20 for a second or subsequent offence.	£50.
section 35(1) (failure by parent to secure regular attendance by his child at a public school);			
section 41 (failure to comply with requirements of			

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school attendance
order);

section 42(3) (refusal
to allow medical
officer of appropriate
Health Board to
examine child).

Deer Act 1963 (c. 36)

Any offence under the Act.	Section 8.	£20 for a first offence and £50 for a second or subsequent offence.	£500.
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Licensing Act 1964 (c. 26)

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F36	F36	F36	F36
Offences under section 174(2) (refusal of person who is drunk etc. to leave licensed premises on request).	Section 174(2).	£5.	£25.

F37

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F38	F38	F38	F38

Housing (Scotland) Act 1966 (c. 49)

Offences under section 110(1)(a) and (b) (failure to comply with notice requiring execution of works) where committed in respect of a notice served under section 107 (provision of means of escape from fire).	Section 110(1)(a) and (b).	£100.	£500.
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Road Traffic Regulation Act 1967 (c. 76)

Offences under section 13(4) (Contravention of	Section 13(4) (as amended by Part II of Schedule 5 to the	£100.	£500.
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provisions as to use of special roads).	Road Traffic Act 1974).		
Police (Scotland) Act 1967 (c. 77)			
Offences under section 41(1) (assaults on constables etc), where the offender has not, within the period of two years immediately preceding the offence, been convicted of an offence against the section.	Section 41(1).	£50.	£500.
Sea Fisheries (Shellfish) Act 1967 (c. 83)			
Offences under section 7(4) (using prohibited fishing implements etc. in an area of fishery or oyster bed to which section applies).	Section 7(4).	£2 for a first offence, £5 for a second offence and £10 for a third or subsequent offence.	£200.
Abortion Act 1967 (c. 87)			
Offences under section 2(3) (contravening or failing to comply with regulations as to notification).	Section 2(3).	£100.	£1000.
Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)			
Offences under the following provisions— section 1(1) (prevention of unnecessary pain and distress to livestock); section 2(2) (breach of regulations with	Section 7(1).	£100 for a first offence and £200 for a second or subsequent offence.	£500.

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respect to welfare of livestock).

**Social Work
(Scotland) Act 1968
(c. 49)**

Offences under section 6(5) (obstructing officer in exercise of power under section 6).	Section 6(5).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
[^{F21} Offences under section 60(3) (failure to comply with regulation etc. in respect of the control of residential and other establishments).]	[^{F21} Section 60(3).]	[^{F21} £50.]	[^{F21} £500.]
[^{F21} Offences under section 61(3) (carrying on establishment without registration).]	[^{F21} Section 61(3).]	[^{F21} £50 for a first offence and £100 for a second or subsequent offence.]	[^{F21} £500.]
[^{F21} Offences under section 62(6) (failure to comply with a condition of the registration of an establishment).]	[^{F21} Section 62(6).]	[^{F21} £50 for a first offence and £100 for a second or subsequent offence.]	[^{F21} £500.]
[^{F21} Offences under section 65(4) (obstructing officer in exercise of power under section 65).]	[^{F21} Section 65(4).]	[^{F21} £10 for a first offence and £50 for a second or subsequent offence.]	[^{F21} £500.]

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**Late Night
Refreshment Houses
Act 1969 (c.53)**

Offences under section 9(4) (refusal of person who is	Section 11(3).	£5.	£25.
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drunk, etc. to leave
licensed late night
refreshment house on
request).

**Employers' Liability
(Compulsory
Insurance) Act 1969
(c.57)**

Offences under section 4(3) (offences in relation to certificates of insurance).	Section 4(3).	£50.	£200.
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Offences under section 5 (employer failing to insure employee).	Section 5.	£200.	£500.
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**Conservation of
Seals Act 1970
(c. 30)**

Any offence under the Act, except an offence under section 11(7).	Section 5(2).	£50 for a first offence and £100 for a second or subsequent offence.	£500.
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**Misuse of Drugs Act
1971 (c. 38)**

Offences under section 17(3) (failure to comply with notice requiring information relating to prescribing supplying etc. of drugs)	Schedule 4.	£100.	£200.
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**Road Traffic Act
1972 (c. 20)**

Offences under section 3 (careless, and inconsiderate, driving).	Part I of Schedule 4 (as amended by Part III of Schedule 5 to the Road Traffic Act 1974).	£200.	£500.
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**Poisons Act 1972
(c. 66)**

Any offence under section 8(1) (contravention of provisions of sections 1 to 7, other than	Section 8(1).	£50.	£500.
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Changes to legislation: Criminal Law Act 1977 is up to date with all changes known to be in force on or before 12 July 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)

section 6(4), or of the
Poisons Rules).

Offences under section 6(4) (using title etc. falsely to suggest entitlement to sell poison).	Section 6(4)	£20.	£50.
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Offences under section 9(8) (obstructing an inspector etc.).	Section 9(8).	£5.	£50.
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**Health and Safety at
Work etc. Act 1974
(c.37)**

Offences under the following provisions—	Section 33(2).	£400.	£1,000.
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section 33(1)(d)
(contravening
requirement
imposed by or
under section 14
or obstructing any
person in exercise
of his powers under
section 14);

section 33(1)(e)
(contravening
requirement imposed
by inspector) where
the requirement
contravened was
imposed under
section 20;

section 33(1)(f)
(preventing etc. any
other person from
appearing before
inspector);

section 33(1)(h)
(intentionally
obstructing an
inspector);

section 33(1)(n)
(falsely pretending to
be an inspector).

**Control Of Pollution
Act 1974 (c. 40)**

Status: Point in time view as at 01/09/2007.

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Offences under section 78(1) (burning insulation from a cable).	Section 78(2) (as substituted by the Clean Air Enactments (Repeals and Modifications) Regulations 1974).	£400.	£1,000.
F41			
...			
F42			
...			
F42	F42	F42	F42
...
F42	F42	F42	F42
...
F42	F42	F42	F42
...
...
F43	F43	F43	F43

Salmon and Freshwater Fisheries Act 1975 (c. 51)

Offences against any provision of the Act not specified in the Table in Part I of Schedule 4.	Paragraph 1(2) of Schedule 4.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 1 (fishing with certain instruments for salmon, trout or freshwater fish and possessing certain instruments for fishing for such fish) if not acting with another.	The Table in Part I of Schedule 4.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 19(2) (fishing for salmon during the annual close season or weekly close time).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 19(4) (fishing for trout during the	The said Table.	£100 for a first offence and £200	£500.

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annual close season or weekly close time).		for a second or subsequent offence.	
Offences under section 19(6) (fishing for freshwater fish during the annual close season for freshwater fish and fishing for eels by means of a rod and line during that season).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 19(7) (fishing for rainbow trout during the annual close season for rainbow trout and fishing for eels by means of a rod and line during that season).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 21 (prohibition on use of certain devices at certain times).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 27 (fishing for fish otherwise than under the authority of a licence and possessing an unlicensed instrument with intent to use it for fishing) if not acting with another.	The said Table.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Prevention of Terrorism (Temporary Provisions) Act 1976 (c. 8)			
Offences under section 2(1) (display of support in public for a proscribed organisation).	Section 2(1).	£400.	£1,000.
Offences under paragraph 1(9)	Paragraph 1(9) of Schedule 3.	£200.	£500.

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of Schedule 3
(contravention
of order under
section 13).

Textual Amendments

- F16** Entries relating to Offences Against the Person Act 1861 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**
- F17** Entry relating to Merchant Shipping Act 1894 repealed by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 7 Pt. II**
- F18** Entry relating to Protection of Animals Act 1911 (c. 27, SIF 4:5), repealed by Protection of Animals (Penalties) Act 1987 (c. 35, SIF 4:5), s. **2(2)(b)**
- F19** Entries relating to offences under ss. 60(1) and 59(4) of the Public Health Act 1936 repealed (E.W.) by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**
- F20** Sch. 6: entry relating to the Architects Registration Act 1938 repealed (1.4.1997) by 1996 c. 53, s. 147, **Sch. 3 Pt. II**; S.I. 1996/2842, **art. 4**.
- F21** Sch. 6: entry repealed (S.) (1.4.2002) by 2001 asp 8, s. 80(1), Sch. 4; S.S.I. 2002/162, **art. 2**
- F22** Sch. 6: entry relating to the Education Act 1944 repealed (1.10.1993) by 1993 c. 35, ss. 303, 307, Sch. 19 para. 68, **Sch. 21 Pt. I**; S.I. 1993/1975, art. 9, **Sch. 1**
- F23** In Sch. 6, the entries relating to ss. 14 and 16 of the Water Act 1945 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15)
- F24** Entries relating to sections 64(1) and 67 of Schedule 3 to the Water Act 1945 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F25** Entries relating to ss. 37(1), 40(3) of the National Assistance Act 1948 (c. 29, SIF 81:3) repealed by Residential Homes Act 1980 (c. 7), s. 12(2), **Sch. 2**
- F26** Entry relating to Children Act 1948 repealed by Child Care Act 1980 (c. 5), s. 90(1), **Sch. 6**
- F27** Entry relating to Wireless Telegraphy Act 1949 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. IV**
- F28** Entries relating to Midwives Act 1951 repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36, SIF 83:1), **Sch. 8**
- F29** Entries relating to Midwives (Scotland) Act 1951 repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36, SIF 83:1), **Sch. 8**
- F30** Entry relating to Nurses (Scotland) Act 1951 repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36, SIF 83:1), **Sch. 8**
- F31** Entries relating to Protection of Birds Act 1954 repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), **Sch. 17 Pt. II**
- F32** Entry relating to the Food and Drugs Act 1955 repealed by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 11**
- F33** Entry relating to Nurses Act 1957 repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36, SIF 83:1), **Sch. 8**
- F34** Entry relating to Highways Act 1959 (c. 25) repealed by Highways Act 1980 (c. 66, SIF 59), **Sch. 25**
- F35** Entry relating to 130(3) of the Mental Health Act 1959 repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**
- F36** Entries relating to s. 169 of the Licensing Act 1964 repealed by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, **Sch. 4**
- F37** Sch. 6: entry headed Police Act 1964 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**
- F38** Entry relating to s. 65(1) of the Housing Act 1964 (c. 56, SIF 61) repealed by Housing Act 1980 (c. 51, SIF 61), **Sch. 26**

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- F39** Sch. 6: entry repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-11, 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))
- F40** Entry relating to s. 61 of the [Housing Act 1969 \(c. 33, SIF 61\)](#) repealed by [Housing Act 1980 \(c. 51, SIF 4:5\)](#), [Sch. 26](#)
- F41** Sch. 6: entry relating to the [Criminal Procedure \(Scotland\) Act 1975](#) repealed (S.) (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), [Sch. 5](#).
- F42** Entries relating to [Nursing Homes Act 1975](#) repealed (E.W.) by [Registered Homes Act 1984 \(c. 23, SIF 113:3\)](#), s. 57, [Sch. 3](#)
- F43** Entry relating to [Conservation of Wild Creatures and Wild Plants Act 1975 \(c. 48\)](#) repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), [Sch. 17 Pt. II](#)

X⁴SCHEDULE 7

Section 40.

TRANSFER OF FINE ORDERS

Editorial Information

X4 The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 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.

1 **F44**

Textual Amendments

F44 Sch. 7 para. 1 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

Scotland

F45₂

Textual Amendments

F45 Sch. 7 para. 2 repealed (S.) (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), [Sch.5](#).

3 **F46**

Textual Amendments

F46 Sch. 7 para. 3 repealed by [S.I. 1981/1675](#), (N.I.), [Sch. 1](#)

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SCHEDULE 8

F47

Textual Amendments

F47 Sch. 8 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 9](#)

X5 SCHEDULE 9

Section 47.

MATTERS ANCILLARY TO SECTION 47

Editorial Information

X5 The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 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.

Probation orders

- 1 Where a court makes an order under section 47(1) above with respect to a sentence of imprisonment, it shall not make a probation order in the offender's case in respect of another offence of which he is convicted by or before that court, or for which he is dealt with by that court.

Courts competent to restore sentence held in suspense

- 2 (1) In relation to a sentence of imprisonment part of which is held in suspense, the courts competent under section 47(3) above are—
- (a) the Crown Court; and
 - (b) where the sentence was passed by a magistrates' court, any magistrates' court before which the offender appears or is brought.
- (2) Where an offender is convicted by a magistrates' court of an offence punishable with imprisonment and the court is satisfied that the offence was committed during the whole period of a sentence passed by the Crown Court with an order under section 47(1) above—
- (a) it may, if it thinks fit, commit him in custody or on bail to the Crown Court; and
 - (b) if it does not, it shall give written notice of the conviction to the appropriate officer of that court.
- (3) For the purposes of this and the next following paragraph, a sentence of imprisonment passed on an offender with an order under section 47(1) above shall be treated as having been passed (with such an order) by the court which originally sentenced him.

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Recall of offender on re-conviction

- 3 (1) If it appears to the Crown Court, where that court has jurisdiction in accordance with sub-paragraph (2) below, or to a justice of the peace having jurisdiction in accordance with that sub-paragraph that an offender has been convicted in Great Britain of an offence punishable with imprisonment committed during the whole period of a sentence passed with an order under section 47(1) above and that he has not been dealt with in respect of the part of the sentence held in suspense, that court or justice may, subject to the following provisions of this paragraph, issue a summons requiring the offender to appear at the place and time specified therein, or a warrant for his arrest.
- (2) Jurisdiction for the purposes of sub-paragraph (1) above may be exercised—
- (a) if the sentence was passed by the Crown Court, by that court;
 - (b) if it was passed by a magistrates' court, by a justice acting for the area for which that court acted.
- (3) Where an offender is convicted by a court in Scotland of an offence punishable with imprisonment and the court is informed that the offence was committed during the whole period of a sentence passed in England and Wales with an order under section 47(1) above, the court shall give written notice of the conviction to the appropriate officer of the court by which the original sentence was passed.
- (4) Unless he is acting in consequence of a notice under sub-paragraph (3) above, a justice of the peace shall not issue a summons under this paragraph except on information and shall not issue a warrant under this paragraph except on information in writing and on oath.
- (5) A summons or warrant issued under this paragraph shall direct the offender to appear or to be brought before the court by which the original sentence of imprisonment was passed. ^{F48}

Textual Amendments

F48 Sch. 9 para. 3A inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 40](#)

Consecutive sentences of imprisonment

- 3A (1) This paragraph applies where—
- (a) an offender is serving consecutive sentences of imprisonment; and
 - (b) at least one of the sentences was passed with an order under section 47(1) of this Act.
- (2) Where this paragraph applies the offender shall, so far as the consecutive sentences are concerned, be treated for the purposes—
- (a) of computing the date when he should be released from prison; and
 - (b) of calculating the term of imprisonment liable to be restored under section 47(3) of this Act,
- as if he had been sentenced to a single term of imprisonment with an order under section 47(1) of this Act of which the part which he is immediately required to serve in prison were the aggregate—
- (i) of the part which he is required to serve in prison of any consecutive sentence passed with an order under section 47(1) of this Act; and

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- (ii) of the whole term of any other consecutive sentence,
and of which the part which is held in suspense were the aggregate of all parts of the sentences which were ordered to be held in suspense under that section.
- (3) Section 47(6) of this Act shall have effect, in relation to any consecutive sentence passed with an order under section 47(1) of this Act, as if for the words following the word “prison” there were substituted the following words “if—
- (a) none of the sentences to which he is subject had been passed with an order under subsection (1) above; and
 - (b) he had not had, in respect of any sentence passed with such an order, any remission under section 25(1) of the Prison Act 1952 (industry and good conduct in prison).”.
- (4) In this paragraph “a consecutive sentence” means a sentence which is one of two or more sentences of imprisonment the terms of which have been ordered to run consecutively.

Miscellaneous (procedural)

- 4 Where the offender is before the Crown Court with a view to the exercise by that court of its powers under section 47(3) above, any question whether and, if so, when he has been convicted of an offence shall be determined by the court and not by the verdict of a jury.
- 5 Where the offender has been before a court with a view to its exercising those powers, the appropriate officer shall—
- (a) if the court decided not to exercise the powers, record that fact; and
 - (b) whether or not it exercised them, notify the appropriate officer of the court which passed the original sentence as to the manner in which the offender was dealt with.
- 6 For the purposes of any enactment conferring rights of appeal in criminal cases, the restoration by a court under section 47(3) above of a part of a sentence held in suspense shall be treated as a sentence passed on the offender by that court for the original offence, that is to say the offence for which the original sentence was passed with an order under section 47(1) above.

Miscellaneous (consequential)

- 7 [F49]Subject to section 60(1C) of the Criminal Justice Act 1967 (release on licence), where] a sentence of imprisonment is passed with an order under section 47(1) above, it is still to be regarded for all purposes as a sentence of imprisonment for the term stated by the court, notwithstanding that part of it is held in suspense by virtue of the order; and, for the avoidance of doubt, a sentence of which part is held in suspense by virtue of such an order is not to be regarded as falling within the expression “suspended sentence” for the purposes of any legislation, instrument or document.

Textual Amendments

F49 Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 41](#)

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- 8 Where an offender is sentenced to imprisonment with an order under section 47 above and, having served part of the sentence in prison, is discharged under section 25(1) of the ^{M4}Prison Act 1952 (remission for industry and good conduct), the remainder of the sentence being held in suspense, the sentence is not to be regarded as expiring under that section.

Marginal Citations

M4 1952 c. 52.

- 9 In section 21 of the ^{M5}Firearms Act 1968 (prohibition on possession of firearms by persons previously convicted of crime), after subsection (2) there shall be inserted—

“(2A) For the purposes of section (2) above, “the date of his release”, in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977, is the date on which he completes service of so much of the sentence as was by that order required to be served in prison”.

Marginal Citations

M5 1968 c. 27.

- 10 In section 67 of the ^{M6}Criminal Justice Act 1967 (computation of sentence where offender has been previously in custody), in subsection (1), after “arose, but” there shall be inserted “(a)”, . . . ^{F50}.

Textual Amendments

F50 Words repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

Marginal Citations

M6 1967 c. 80.

- 11 In section 1 of the ^{M7}Rehabilitation of Offenders Act 1974 (general principle as to rehabilitation when conviction is spent), after subsection (2) there shall be inserted—

“(2A) Where in respect of a conviction a person has been sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977, he is to be treated for the purposes of subsection (2) above as having served the sentence as soon as he completes service of so much of the sentence as was by that order required to be served in prison”.

Marginal Citations

M7 1974 c. 53.

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SCHEDULE 10

. . . F51

Textual Amendments

F51 Sch. 10 repealed by [Coroners Act 1988 \(c. 13\)](#), s. 326(2), [Sch. 4](#)

X6F52 SCHEDULE 11

AMENDMENTS OF CRIMINAL PROCEDURE (SCOTLAND ACT) 1975]

Editorial Information

X6 The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 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.

Textual Amendments

F52 Sch. 11 repealed (S.) (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), [Sch.5](#).

F53¹ There shall be inserted after section 193 a new section as follows—

“193A Fines on conviction on indictment to be without limit.

Where a person convicted on indictment of any offence (whether triable only on indictment or triable either on indictment or summarily) would, apart from this section, be liable to a fine not exceeding a specified amount, he shall by virtue of this section be liable to a fine of any amount]”.

Textual Amendments

F53 Sch. 11 repealed (S.) (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), [Sch.5](#).

F54² There shall be inserted after section 283 a new section as follows—

“283A Offences which are to become triable only summarily.

(1) The provision of this or any other enactment notwithstanding, the offences mentioned (and broadly described) in column 1 of Schedule 7A to this Act shall be triable only summarily.

(2) Subsection (1) above is without prejudice to any other provision by virtue of which any offence is triable only summarily.]”.

Textual Amendments

F54 Sch. 11 repealed (S.) (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), [Sch.5](#).

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3

F55

Textual Amendments

F55 Sch. 11 paras. 3, 6 repealed [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**.

- ^{F56}4 (1) In section 289(a), for “£150” there shall be substituted “the prescribed sum (within the meaning of section 289B below)”.
- (2) In section 289(b) for “£150” there shall be substituted “the prescribed sum (within the meaning of section 289B below)]”.

Textual Amendments

F56 Sch. 11 repealed (S.) (1.4.1996) by [1995 c. 40, ss. 6, 7\(2\)](#), **Sch.5**.

^{F57}5 There shall be inserted after section 289 new sections as follows—

“289A Amendments relating to penalties (and mode of trial) for offences made triable only summarily.

- (1) The enactments specified in column 2 of Schedule 7A to this Act (which relate to the modes of, and the maximum penalties for, the offences which are by section 283A of this Act made triable only summarily) shall so far as they relate to Scotland have effect subject to the amendments specified in column 3 of that Schedule.
- (2) The said amendments have the effect of altering the maximum penalties available on summary conviction of those offences 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.

289B Penalties on summary conviction for offences triable either summarily or on indictment.

- (1) Where any offence created by a relevant enactment may by virtue of that enactment be tried either on indictment or summarily, the maximum fine if it is tried summarily shall be the prescribed sum (unless the offence is one for which by virtue of some other enactment a larger fine may be imposed on summary conviction).
- (2) Where, by virtue of a relevant enactment, a person summarily convicted of any offence to which subsection (1) above relates would, apart from this section, be liable to a maximum fine of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, subsection (1) above shall apply irrespective of whether the conviction is a first, second or subsequent one.
- (3) Subsection (1) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not

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exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.

- (4) Where, as regards any offence to which subsection (1) above relates, there is under any enactment (in whatever words) a power by subordinate instrument to restrict the amount of the fine which on summary conviction can be imposed in respect of that offence—
- (a) subsection (1) above shall not affect that power or override any restriction imposed in exercise of that power; and
 - (b) the amount to which that fine may be restricted in exercise of that power shall be any amount less than the maximum fine which could be imposed on summary conviction in respect of the offence apart from any restriction so imposed.
- (5) Where there is under a relevant enactment (in whatever words) a power by subordinate instrument to create a criminal offence—
- (a) the maximum fine which may in the exercise of that power be authorised on summary conviction in respect of such an offence, when that offence may be tried either on indictment or summarily, shall by virtue of this subsection be the prescribed sum unless some larger maximum fine can be authorised on summary conviction in respect of such an offence by virtue of an enactment other than this subsection; and
 - (b) subsection (1) above shall not override any restriction imposed in the exercise of that power on the amount of the fine which on summary conviction can be imposed in respect of an offence created in the exercise of the power.
- (6) In this section—
- “the Prescribed sum” means £1,000 or such sum as is for the time being substituted in this definition by an order in force under section 289D(1) below;
 - “relevant enactment” means an enactment contained in the Criminal Law Act 1977 or in any Act (including this Act) passed before, or in the same Session as, that Act.
- (7) Schedule 7B to this Act shall have effect for the purpose of altering the penalties available on summary conviction of the offences therein mentioned; and subsection (1) above shall not apply on summary conviction of any of the offences mentioned in paragraph 1(2) of the said Schedule 7B.

298C Increase of fines for certain summary convictions.

- (1) The enactments specified in column 2 of Schedule 7C 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 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.

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- (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 203 of the Local Government (Scotland) Act 1973 (offences against byelaws) but (the provisions of section 462(11) of this Act notwithstanding) not that section as applied to byelaws made under any provision contained in a local or private Act other than by a local authority; and
 - (b) paragraph 5 of Schedule 6 to the Weights and Measures Act 1963 (byelaws about solid fuel), including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act.
- (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 by virtue of any enactment to which subsection (2) above applies; 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).
- (4) 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).
- (5) Every enactment to which subsection (4) 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.
- (6) Where, by virtue of any enactment to which subsection (4) above applies by virtue of paragraph (a) of that subsection, a person convicted of a summary offence would, apart from this section, be liable to a fine, or maximum fine, of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, subsection (5) above shall apply separately in relation to each specified amount less than £50, even if this produces the same instead of different amounts for different convictions.
- (7) Subsection (5) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not

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exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.

- (8) In subsection (4) 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.
- (9) In this section “enactment” does not include an enactment contained in an order, regulation or other instrument made under an Act.

289D Power to alter sums specified in certain provisions.

- (1) If it appears to the Secretary of State that there has been a change in the value of money since the last occasion when the prescribed sum (within the meaning of section 289B above) was fixed (whether by the coming into force of a provision of this Act or by order under this subsection), the Secretary of State may by order substitute for that sum such other sum as appears to him justified by the change.
- (2) Where it appears to the Secretary of State that the difference between a sum to which subsection (3) below applies and the prescribed sum (within the meaning of section 289B above) has been or would be altered or eliminated by an order made or proposed to be made under subsection (1) above, he may by order amend the enactment specifying the first-mentioned sum so as to substitute for that sum such other sum as appears to him to be justified by a change in the value of money appearing to him to have taken place between—
 - (a) the last occasion on which the sum in question was fixed; and
 - (b) the making of the order or proposed order under subsection (1) above.
- (3) This subsection applies to any sum specified in any enactment contained in the Criminal Law Act 1977 or in any Act (including this Act) passed before, or in the same Session as, that Act as—
 - (a) the maximum fine which may be imposed on summary conviction of an offence triable either summarily or on indictment;
 - (b) the maximum fine which, in the exercise of any power by subordinate instrument to impose penal provisions, may be authorised on summary conviction in respect of an offence triable either summarily or on indictment; or
 - (c) the maximum amount of caution which an accused may be ordained to find under section 284(c) above.
- (4) An order under subsection (1) or (2) above—
 - (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked by a subsequent order thereunder, and
 - (b) without prejudice to Schedule 14 to the Criminal Law Act 1977, shall not affect the punishment for an offence committed before that order comes into force.]”.

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Textual Amendments

F57 Sch. 11 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5**.

6

F58

Textual Amendments

F58 Sch. 11 paras. 3, 6 repealed **Criminal Justice Act 1982 (c. 48, SIF 39:1)**, **Sch. 16**

F59⁷

For section 394(b) there shall be substituted the following paragraph—

“(b) to substitute for imprisonment a fine which in the case of an offence triable either summarily or on indictment shall not exceed the prescribed sum (within the meaning of section 289B above), and in the case of an offence triable only summarily shall not exceed £200 (in either case, with or without caution for good behaviour, not exceeding the amount and the period competent under this Part of this Act):]”.

Textual Amendments

F59 Sch. 11 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5**.

F60⁸

In section 397(1) for the words “or under section 72A of the ^{M8}Magistrates’ Courts Act 1952” there shall be substituted the words “, under section 72A of the Magistrates’ Courts Act 1952 or under section 104A of the ^{M9}Magistrates’ Courts Act (Northern Ireland) 1964]”.

Textual Amendments

F60 Sch. 11 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5**.

Marginal Citations

M8 1952 c. 55.

M9 1964 c. 21.

F61⁹

In section 414(1) after the word “convicted” there shall be inserted the words “summarily by a sheriff or stipendiary magistrate]”.

Textual Amendments

F61 Sch. 11 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5**.

F62¹⁰

In section 462, in the interpretation of “fine” there shall be inserted after the word “includes” the words “(a) any pecuniary penalty, and (b)]”.

Textual Amendments

F62 Sch. 11 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5**.

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11—13. F63

Textual Amendments

F63 Sch. 11 paras. 11, 12, 13 repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 8**

^{X7}SCHEDULE 12

Section 65.

MINOR AND CONSEQUENTIAL AMENDMENTS

Editorial Information

X7 The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 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.

NIGHT POACHING ACT 1828 (C. 69)

- 1 In section 2 (assaults by persons committing offences under the Act), for the words from “whether it be” onwards substitute “be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding £500, or both”.
- 2 In section 9 (entering land, with others, armed and for the purpose of taking or distroying game or rabbits), for the words from “at the discretion of the court” onwards substitute “on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500, or to both”.

METROPOLITAN POLICE COURTS ACT 1839 (C. 71)

Section 24 (offence of possessing stolen goods without a satisfactory explanation) shall cease to have effect.

ACCESSORIES AND ABETTORS ACT 1861 (C. 94)

In section 8 (abettors in misdemeanors,) for “any misdemeanor” substitute “any indictable offence”, and for “a misdemeanor” substitute “an offence”.

OFFENCES AGAINST THE PERSON ACT 1861 (C. 100)

For section 16 (sending letters threatening to murder) substitute—

“16 Threats to kill.

A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person shall be guilty

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of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years.”

PUBLIC STORES ACT 1875 (C. 25)

Section 7 (offences of possessing, without a satisfactory explanation public stores suspected of being stolen) and section 9 (offence, applicable to certain dealers and others, of possessing, without a satisfactory explanation, property reasonably believed to be public stores) shall cease to have effect.

EXPLOSIVE SUBSTANCES ACT 1883 (C. 3)

In section 3(1) (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), for “a term not exceeding twenty years” substitute “life”.

CORONERS ACT 1877 (C. 71)

Section 4(2) (duty of coroner to take depositions in a case of murder or manslaughter) shall cease to have effect.

CHILDREN ACT 1948 (C.43)

In section 29(5)(carrying on an unregistered voluntary home) omit the words from “and to a further fine” onwards (which provide for a fine of £2 in respect of each day during which an offence under the subsection continues after conviction).

F64

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Textual Amendments

F64 Entries relating to [Criminal Justice Act 1948 \(c. 58\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

F65

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Textual Amendments

F65 Entry relating to [Representation of the People Act 1949](#) repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 9](#)

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F66

Textual Amendments

F66 Entries relating to [Prison Act 1952 \(c. 52\)](#), repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

F67

Textual Amendments

F67 Entries relating to [Magistrates' Courts Act 1952](#) repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

BIRTHS AND DEATHS REGISTRATION ACT 1953 (C. 20)

In section 29(4) (correction of error in register resulting from error in information given by a coroner's certificate), for the words preceding "the coroner, if satisfied", substitute—

"(4) Where—

- (a) an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by a coroner's certificate concerning a dead body upon which or a death touching which he has held an inquest; or
- (b) such an error relating to the cause of death occurs in the information given by a coroner's certificate issued under section 20(4) of the Coroners (Amendment) Act 1926 in the case of an inquest which was adjourned in compliance with section 20(1) of that Act (adjournment in cases of murder etc. or at request of D.P.P.) but was subsequently resumed."

SEXUAL OFFENCES ACT 1956 (C.69)

- 1 A prosecution for an offence to which paragraph 14 or 15 (incest and attempts thereat) of Part II of Schedule 2 (table of offences with mode of prosecution) relates shall not be commenced except by or with the consent of the Director of Public Prosecutions; and accordingly in sub-paragraph (a) and (b) of each of those paragraphs, in the second column, for the words from "without" to "behalf" substitute "except by or with the consent".
- 2 In paragraphs 17 and 18 of the said Part II (indecent assault)—
 - (a) for sub-paragraph (ii) in the second column substitute—

“(ii) summarily (by virtue of section 16(2) of the Criminal Law Act 1977).”;
 - (b) in the third column, for the words “As provided” to “or both)” substitute—

“As provided by section 28(1) of that Act (that is to say six months or the prescribed sum within the meaning of that section, or both).”.

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ADOPTION ACT 1958 (7&8 ELIZ.2.C.5.)

In section 50 (prohibition of certain payments), after subsection (3) insert—

“(3A) This section does not apply to—

- (a) any payment made by an adoption agency to a person who has applied or proposes to apply to a court for an adoption order or an order under section 53 of this Act (provisional adoption orders), being a payment of or towards any legal or medical expenses incurred or to be incurred by that person in connection with the application; or
- (b) any payment made by an adoption agency to another adoption agency in consideration of the placing of a child in the actual custody of any person with a view to the child’s adoption; or
- (c) any payment made by an adoption agency to a voluntary organisation for the time being approved for the purposes of this paragraph by the Secretary of State as a fee for the services of that organisation in putting that adoption agency into contact with another adoption agency with a view to the making of arrangements between the adoption agencies for the adoption of a child,

and never has applied to payments of the kinds mentioned in paragraphs (a) and (b) of this subsection.

In paragraph (c) of this subsection “voluntary organisation” means a body, other than a public or local authority, the activities of which are not carried on for profit.”

OBSCENE PUBLICATIONS ACT 1959 (C. 66)

In section 3(3) (powers of search and seizure) at end add—

“Provided also that this subsection does not apply in relation to any article seized under subsection (1) of this section which is returned to the occupier of the premises or, as the case may be, to the user of the stall or vehicle in or on which it was found.”

CRIMINAL JUSTICE ACT 1961 (C. 39)

1 F68

Textual Amendments
F68 Paras. 1, 2(3)(4) of the entries relating to [Criminal Justice Act 1961 \(c.39\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

- 2 (1) Section 26 (transfer of prisoner to serve sentence) shall be amended as follows.
- (2) In subsection (1) (power of responsible Minister to order transfer of prisoner from one part of the United Kingdom to another)—
 - (a) after “to another part of the United Kingdom” insert “or to any of the Channel Islands or the Isle of Man”; and
 - (b) for “in that part of the United Kingdom” substitute “there”.

(3) F69

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Textual Amendments

F69 Paras. 1, 2(3)(4) of the entries relating to [Criminal Justice Act 1961 \(c.39\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

- 3 (1) Section 28 (transfer of prisoner for trial) shall be amended as follows.
- (2) In subsection (1) (power of responsible Minister to order transfer from one part of the United Kingdom to another)—
- (a) after “to another part of the United Kingdom” insert “or to any of the Channel Islands or the Isle of Man”; and
- (b) after “that other part” insert “or that island”.
- (3) After subsection (1) insert—
- “(1A) If it appears to the Secretary of State that a person serving a sentence of imprisonment or detention in any of the Channel Islands or the Isle of Man should be transferred to a part of the United Kingdom for the purpose of attending criminal proceedings against him there, the Secretary of State may make an order for his transfer to that part and for his removal to a prison or other institution there.”.
- (4) In subsection (2) (treatment of transferred prisoner while he remains in the part of the United Kingdom to which he has been transferred under subsection (1)), omit “subsection (1) of” and after “United Kingdom” insert “or island”.
- (5) In subsection (3) (transfer back after trial)—
- (a) after “subsection (1)”, wherever occurring, insert “or (1A)”;
- (b) after “Minister” insert “(in the case of a person so transferred to any part of the United Kingdom) or the Secretary of State (in the case of a person so transferred to any of the Channel Islands or the Isle of Man)”; and
- (c) after “country”, wherever occurring, insert “or island”.
- 4 (1) Section 29 (removal of detained person in the interests of justice or for the purposes of a public inquiry) shall be amended as follows.
- (2) In subsection (1) (power of responsible Minister to direct removal from one place to another within the United Kingdom), after “other part of the United Kingdom” insert “or in any of the Channel Islands or the Isle of Man”.
- (3) After subsection (1) insert—
- “(1A) If the Secretary of State is satisfied, in the case of a person detained in any of the Channel Islands or the Isle of Man in a prison, remand centre or detention centre, that the attendance of that person at any place in the United Kingdom is desirable in the interests of justice or for the purposes of any public inquiry, the Secretary of State may direct that person to be taken to that place.”.
- (4) In subsection (2), for “responsible Minister” substitute “Minister by whom that direction is given”.
- 5 In section 39(1) (interpretation) in paragraph (b) of the definition of “responsible Minister” for “the Minister of Home Affairs for Northern Ireland” substitute “the Secretary of State”.

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LICENSING ACT 1964 (C. 26)

1 F70

Textual Amendments

F70 Para. 1 of the entries relating to the Licensing Act 1964 repealed by [Finance Act 1983 \(c. 28, SIF 40:1\)](#), [Sch. 10](#)

2 F71

Textual Amendments

F71 Para. 2 of the entries relating to the Licensing Act 1964 repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

HOUSING ACT 1964 (C. 56)

In section 65, after subsection (1) (penalty for failure to comply with notice requiring execution of works under Part II of ^{M10}Housing Act 1961 insert—

“(1A) In the case of an offence under subsection (1) above committed in respect of a notice served under section 16 of the Act of 1961, that subsection shall have effect with the substitution of the words “£500” for the words “one hundred pounds” in paragraphs (a) and (b).”.

Marginal Citations

M10 [1961 c.65](#)

HOUSING (SCOTLAND) ACT 1966 (C. 49)

In section 110, after subsection (1) (penalty for failure to comply with notice requiring execution of works) insert—

“(1A) In the case of an offence under subsection (1) above committed in respect of a notice served under section 107 of this Act, that subsection shall have effect with the substitution of the words “£500” for the words “one hundred pounds” in paragraphs (a) and (b).”.

CRIMINAL LAW ACT 1967 (C. 58)

In section 2(1) (under which an offence carrying a sentence of five years imprisonment or more is an arrestable offence) after “five years” insert “(or might be so sentenced but for the restrictions imposed by section 29 of the Criminal Law Act 1977)” and at the end add—

“The said restrictions are those which apply where, in pursuance of subsection (2) of section 23 of the said Act of 1977 (certain offences to be tried summarily if value involved is small) a magistrates’ court summarily convicts a person of a scheduled offence within the meaning of the said section 23.”.

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F72

Textual Amendments

F72 Entries relating to Road Traffic Regulation Act 1967 repealed (E.W.S.) by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), ss. 143, 144, 146, [Sch. 14](#), and repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), [Sch. 3](#)

CRIMINAL JUSTICE ACT 1967 (C. 80)

1 F73

Textual Amendments

F73 Entries relating to ss. 3, 24, 44(5), 44A of the Criminal Justice Act 1967 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

- 2 In section 22, as amended by paragraph 37 of Schedule 2 to the ^{M11}Bail Act 1976, (extension of power of High Court to grant, or vary conditions of, bail)—
- (a) in subsection (1) and (2) for “inferior court” substitute “magistrates’ court”;
and
 - (b) in subsection (4) omit “ “inferior court” means a magistrates’, court or a coroner and”.

Marginal Citations

M11 1976 c. 63.

- 3 In section 23(2) (requirements as to bringing before a justice of the peace or court a person arrested after admission to bail), after paragraph (b) insert—
- “In reckoning for the purposes of this subsection any period of twenty-four hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.”

4 F74

Textual Amendments

F74 Entries relating to ss. 3, 24, 44(5), 44A of the Criminal Justice Act 1967 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

5 F75

Textual Amendments

F75 Entries relating to ss. 3, 24, 44(5), 44A of the Criminal Justice Act 1967 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

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F76

Textual Amendments

F76 Entries relating to ss. 3, 24, 44(5), 44A of the Criminal Justice Act 1967 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

7 (1) Section 60 (release on licence of persons serving determinate sentences) shall be amended as follows—

(2) F77

(3) After subsection (5) insert—

“(5A) A licence granted to any person under this section in England and Wales shall, unless previously revoked under section 62 of this Act, remain in force until a date specified in the licence, being—

(a) in the case of a licence granted to a person in respect of whom an extended sentence certificate was issued when sentence was passed on him, the date of the expiration of the sentence;

(b) in the case of a licence granted under subsection (1) of this section to a person who was under the age of twenty-one when sentence was passed on him and is released on licence before attaining the age of twenty-two—

(i) if the date on which he attains the age of twenty-two is earlier than the remission date, the remission date;

(ii) if the date on which he attains the age of twenty-two is not earlier than the remission date, the date on which he attains the age of twenty-two or the date of the expiration of the sentence, whichever is the earlier;

(c) in the case of a licence granted by virtue of subsection (3)(b) of this section to a person who was under the age of twenty-one when sentence was passed on him, the date on which he attains the age of twenty-two or the date of the expiration of the sentence, whichever is the earlier;

(d) in a case not within any of the preceding paragraphs, the remission date.

In this subsection “the remission date”, in relation to a person released on licence under this section, means the date on which he could have been discharged from prison on remission of part of his sentence under the prison rules, if, after the date of his release on licence, he had not forfeited remission on any part of the sentence under the rules.”.

(4) In subsection (6) (duration of a licence, after “this section” insert “in Scotland” and, in paragraph (a), omit the words from “to a person” where they first occur to “or”.

(5) Omit subsection (8)(d).

(6) The preceding provisions of this paragraph shall not apply in relation to a licence granted before the coming into force of this paragraph.

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Textual Amendments

F77 Paras. 7(2), 8 of the entries relating to the [Criminal Justice Act 1967 \(c. 80\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

8 **F78**

Textual Amendments

F78 Paras. 7(2), 8 of the entries relating to the [Criminal Justice Act 1967 \(c. 80\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

9 in subsection 91 (drunkenness in a public place) omit subsection (5).

COMPANIES ACT 1967 (c. 81)

1 In subsection 49(1) (certain offences to be triable summarily), after “triable” insert “only”.

2 Paragraph 1 above shall be deemed to have had an effect as from the passing of the ^{M12}Companies Act 1967.

Marginal Citations

M12 1967 c. 81.

FIREARMS ACT 1968(c. 27)

For paragraph 3 of Part II of Schedule 6 (under which a person charged with an offence specified in Schedule 1 to the Magistrates’ Courts Act 1952 and an offence under section 17(1) or (2) of the Firearms Act 1968 (using firearm to resist arrest, and possessing firearm while committing certain offences) may not be tried summarily for the former if he is sent for trial for the latter) substitute the following paragraph—

- “3 (1) Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates’ court with an offence triable either way listed in Schedule 3 to the Criminal Law Act 1977 (“the listed offence”) and is also charged before that court with an offence under section 17(1) or (2) of this Act, the following provisions of this paragraph shall apply.
- (2) Subject to the following sub-paragraph the court shall proceed as if the listed offence were triable only on indictment and sections 19 to 24 of the said Act of 1977 (procedure for determining mode of trial of offences triable either way) shall not apply in relation to that offence.
- (3) If the court determines not to commit the accused for trial in respect of the offence under section 17(1) or (2), or if proceedings before the court for that offence are otherwise discontinued, the preceding sub-paragraph shall cease to apply as from the time when this occurs and—

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- (a) if at that time the court has not yet begun to inquire into the listed offence as examining justices, the court shall, in the case of the listed offence, proceed in the ordinary way in accordance with the said sections 19 to 24; but
- (b) if at that time the court has begun so to inquire into the listed offence, those sections shall continue not to apply and the court shall proceed with its inquiry into that offence as examining justices, but shall have power in accordance with section 25(3) and (4) of the said Act of 1977 to change to summary trial with the accused’s consent.”.

F79

Textual Amendments
F79 Sch. 12: entry relating to the Theft Act 1968 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with **Sch. 11** paras. 1, 2)

F80 ...

Textual Amendments
F80 Sch. 12: entry repealed (1.9.2007) by **Gambling Act 2005** (c. 19), s. 358(1), **Sch. 17** (with ss. 352, 354); **S.I. 2006/3272**, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, **Sch. 4**) (as inserted by **S.I. 2007/2169**, arts. 3, 6, **Sch.**)

F80 ...

CHILDREN AND YOUNG PERSONS ACT 1969 (C.54)

F81₁

Textual Amendments
F81 Sch. 3: para. 1 in the entry relating to the **Children and Young Persons Act 1969** (c. 54) repealed by **Criminal Justice Act 1982** (c. 48, SIF 39:1), s. 78, **Sch. 16**.

2 In section 13(3) (selection of supervisor for person placed under supervision of probation officer), omit the words from “or if,” to “place” (which provide for the selected officer to be changed at the instance of the case committee).

F82₃

Textual Amendments
F82 Sch. 12: in the entry relating to the **Children and Young Persons Act 1969** para. 3 repealed (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**.

4 In section 16(10) (meaning of “ attendance centre order” etc. for purposes of section 15(4)(a))—

Status: Point in time view as at 01/09/2007.

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(a) after “In”, where it first occurs, insert “ paragraph (b) of subsection (2A) and ”;

^{F83}(b)

^{F83}(c)

Textual Amendments

F83 Sch. 3: para. 4(b)(c) in the entry relating to the [Children and Young Persons Act 1969 \(c. 54\)](#) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(2), **Sch. 16**.

5 In paragraph 6 of Schedule 4 (restriction on power to make attendance centre order), at the end add “ other than one consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction ”.

6 Paragraphs 1 and 3 above, and any related repeal provided for in Schedule 13 to this Act, shall not apply in relation to supervision orders made before the coming into force of those paragraphs.

.....^{F84}

Textual Amendments

F84 Entries relating to [Road Traffic Act 1972](#) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 3, **Sch. 1 Pt. I**

FINANCE ACT 1972 (C. 41)

Paragraph 9 of Schedule 6 (right of members of value added tax tribunals to refuse to serve on juries) shall cease to have effect as regards juries in England and Wales.

.....^{F85}

Textual Amendments

F85 Entries relating to [Criminal Justice Act 1972 \(c. 71\)](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

ADMINISTRATION OF JUSTICE ACT 1973 (C. 15)

1 In section 9(4) (abatement of salaries of holders of certain judicial offices, including the stipendiary magistrates mentioned in subsection (1)(e) and (f), by reference to pensions payable in respect of any public office in the United Kingdom or elsewhere), after “United Kingdom or” insert “, except as respects any holder of judicial office mentioned in subsection (1)(e) or (f) above,”.

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2 Paragraph 1 above shall be deemed to have had effect as from the passing of the Administration of Justice Act 1973.

POWERS OF CRIMINAL COURTS ACT 1973 (C. 62)^{F86F86}

Textual Amendments
F86 Sch. 12: para. 1 of the entry relating to the Powers of Criminal Courts Act 1973 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

1
2 For section 2(5)(b) (which requires a probation order requiring residence in an institution to specify the name of the institution as well as the required period of residence, and imposes a limit of twelve months on that period) substitute—
 “(b) where the order requires the offender to reside in an approved probation hostel or any other institution, the period for which he is so required to reside shall be specified in the order.”
3 In section 9(1) (breach of conditional discharge by young offenders)—
 (a) for the words from “not being” to “1952” substitute “triable only on indictment in the case of an adult.”;
 (b) for the words from “such an offence” onwards substitute “an offence triable either way and had been tried summarily.”
^{F87}4

Textual Amendments
F87 Sch. 12: para. 4 of the entry relating to the Powers of Criminal Courts Act 1973 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1,2)

5 In section 17(3) (power of Crown Court to revoke or vary community service orders), for the words from the beginning to “and it appears to the Crown Court” substitute—
 “(3) Where an offender in respect of whom such an order is in force—
 (a) is convicted of an offence before the Crown Court; or
 (b) is committed by a magistrates’ court to the Crown Court for sentence and is brought or appears before the Crown Court; or
 (c) by virtue of subsection (2)(b) above is brought or appears before the Crown Court,
 and it appears to the Crown Court”.
^{F88}6

Textual Amendments
F88 Sch. 12: in the entry relating to the Powers of Criminal Courts Act 1973, paras. 6,7,8,9 and 11 repealed (5.2.1994) by 1993 c. 47, ss. 32, 33(2), **Sch. 4**

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F89⁷

Textual Amendments

F89 Sch. 12: in the entry relating to the Powers of Criminal Courts Act 1973, paras. 6,7,8,9 and 11 repealed (5.2.1994) by [1993 c. 47, ss. 32, 33\(2\)](#), [Sch. 4](#)

F90⁸

Textual Amendments

F90 Sch. 12: in the entry relating to the Powers of Criminal Courts Act 1973, paras. 6,7,8,9 and 11 repealed (5.2.1994) by [1993 c. 47, ss. 32, 33\(2\)](#), [Sch. 4](#)

F91⁹

Textual Amendments

F91 Sch. 12: in the entry relating to the Powers of Criminal Courts Act 1973, paras. 6,7,8,9 and 11 repealed (5.2.1994) by [1993 c. 47, ss. 32, 33\(2\)](#), [Sch. 4](#)

10 Paragraph 3(2)(b) of Schedule 1 (which precludes a supervising court from amending a probation order so as to require residence in an institution for more than twelve months in all) shall be omitted.

F92¹¹

Textual Amendments

F92 Sch. 12: in the entry relating to the Powers of Criminal Courts Act 1973, paras. 6,7,8,9 and 11 repealed (5.2.1994) by [1993 c. 47, ss. 32, 33\(2\)](#), [Sch.4](#)

..... F93

Textual Amendments

F93 Entries relating to Legal Aid Act 1974 repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

JURIES ACT 1974 (c. 23)

F94 ...

Textual Amendments

F94 Sch. 12: entry repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 10](#); [S.I. 2004/829, art. 2\(1\)\(2\)\(i\)\(iv\)](#)

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HEALTH AND SAFETY AT WORK ETC. ACT 1974 (C. 37)

In section 15(6)(d) (power to restrict punishments which can be imposed in respect of certain offences) after “punishments” insert “(other than the maximum fine on conviction on indictment)”.

REHABILITATION OF OFFENDERS ACT 1974 (C. 53)

In section 6(6)(a) (convictions in England and Wales which are to be disregarded for purposes of the provisions of section 6(4)(a) as to the extension of rehabilitation periods) for “an offence which is not triable on indictment” substitute “a summary offence or of a scheduled offence (within the meaning of section 23 the Criminal Law Act 1977) tried summarily in pursuance of subsection (2) of that section (summary trial where value involved is small);”

F95F96

Textual Amendments

- F95** Sch. 12: para. 1 of the entries relating to the Adoption Act 1976 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), **Sch. 10**
Sch. 12: entries repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 5** (with [Sch. 4 paras. 2, 6-8](#)); [S.I. 2005/2897](#), art. 2(b)
- F96** Sch. 12: para. 1 of the entries relating to the Adoption Act 1976 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), **Sch. 10**

BAIL ACT 1976 (C. 63)

- 1 In section 2(2), in the definition of “court”, for “a justice of the peace or a coroner” substitute “or a justice of the peace”.
- 2 In section 3(8) (power of the court granting bail to vary conditions of bail or impose conditions in respect of bail granted unconditionally)—
 - (a) for “it may” substitute “that court or, where that court has committed a person on bail to the Crown Court for trial or to be sentenced or otherwise dealt with, that court or the Crown Court may”;
 - (b) for “it was” substitute “bail was”;
 - (c) for “it has” substitute “has been”.
- 3 (1) Section 5 (supplementary provisions about bail) shall be amended as follows.
 - (2) After subsection (8) insert—
 - “(8A) An order under subsection (7) above shall, unless previously revoked, take effect at the end of twenty-one days beginning with the day on which it was made.
 - (8B) A court which has ordered the forfeiture of a security under subsection (7) above may, if satisfied on an application made by or on behalf of the person who gave it that he did after all have reasonable cause for his failure to surrender to custody, by order remit the forfeiture or declare that it extends to such amount less than the full value of the security as it thinks fit to order.

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(8C) An application under subsection (8B) above may be made before or after the order for forfeiture has taken effect, but shall not be entertained unless the court is satisfied that the prosecution was given reasonable notice of the applicant’s intention to make it.”

(3) After subsection (9) insert—

“(9A) Where an order is made under subsection 8(B) above after the order for forfeiture of the security in question has taken effect, any money which would have fallen to be repaid or paid by over to the person who gave the security if the order under subsection (8B) has been made before the order for forfeiture took effect shall be repaid or paid over to him.”

F974

Textual Amendments

F97 Sch. 12: entry repealed (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 221, [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)

Editorial Information

X8 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

F98 [Sch. 13](#): entry relating to the Protection of Animals (Amendment) Act 1954 repealed (S.) (3.11.2006) by [The Animal Health and Welfare \(Scotland\) Act 2006 \(Consequential Provisions\) Order 2006 \(S.S.I. 2006/536\)](#), art. 1, [sch. 3](#)

Status: Point in time view as at 01/09/2007.

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SCHEDULE 13

REPEALS

Chapter	Short title	Extent of repeal
5 Ric. 2. Stat. 1. c. 7.	Forcible Entry Act 1381.	The whole Chapter.
15 Ric. 2. c. 2. (1391).	Statutes concerning forcible entries and riots confirmed.	The whole Chapter.
8 Hen. 6. c. 9.	Forcible Entry Act 1429.	The whole Chapter.
31 Eliz. 1. c. 11.	Forcible Entry Act 1588.	The whole Act.
21 Jac. 1. c. 15.	Forcible Entry Act 1623.	The whole Act.
9 Geo. 4. c. 69.	Night Poaching Act 1823.	Sections 4 and 11.
1 & 2 Will. 4. c. 37.	Truck Act 1831.	Section 10.
2 & 3 Vict. c. 71.	Metropolitan Police Courts Act 1839.	Section 24.
24 & 25 Vict. c. 100.	Offences Against the Person Act 1861.	In section 4, the words preceding "whosoever".
38 & 39 Vict. c. 25.	Public Stores Act 1875.	Sections 7, 9 and 10.
38 & 39 Vict. c. 86.	Conspiracy and Protection of Property Act 1875.	Section 3. In sections 5 and 7, the words "or on indictment as hereinafter mentioned". Section 9. Section 19(1) and (2). Section 15.
39 & 40 Vict. c. 77.	Cruelty to Animals Act 1876.	In section 17, the words from "or if" to "Justiciary".
42 & 43 Vict. c. 22.	Prosecution of Offences Act 1879.	In section 5, the words "or coroner" (wherever occurring) and the words "and coroner" and "inquisition", and the word "coroner" where it occurs before the words "or officer". Section 5.
44 & 45 Vict. c. 60.	Newspaper Libel and Registration Act 1881.	Section 13(1) and (3).
50 & 51 Vict. c. 46.	Truck Amendment Act 1887.	Section 13(1) and (3).
50 & 51 Vict. c. 71.	Coroners Act 1887.	In section 4, subsection (2) and, in subsection (3), the words from "and if" onwards. Section 5. Sections 9, 10, 16 and 20. In section 18, paragraphs (4) and (5). The whole Act.
51 & 52 Vict. c. xxxviii.	City of London Fire Inquests Act 1888.	The whole Act.
52 & 53 Vict. c. 63.	Interpretation Act 1889.	In section 27, the word "coroner".
55 & 56 Vict. c. 64.	Witnesses (Public Inquiries) Protection Act 1892.	In section 3, the words from "provided that" onwards. In section 6, paragraph (2).
5 & 6 Geo. 5. c. 90.	Indictments Act 1915.	In section 8(3), the words "inquisitions, and also to". Section 28(3).
15 & 16 Geo. 5. c. 86.	Criminal Justice Act 1925.	Section 28(3).
16 & 17 Geo. 5. c. 59.	Coroners (Amendment) Act 1926.	Section 13(2)(a) and (d). Section 25.
8 & 9 Geo. 6. c. 42.	Water Act 1945.	In section 7(1) of Schedule 3, the second paragraph (d) and the word "or" preceding it.
10 & 11 Geo. 6. c. 14.	Exchange Control Act 1947.	In Part II of Schedule 5, paragraphs 2(3) and 3(1).
11 & 12 Geo. 6. c. 45.	Children Act 1948.	In section 29(3), the words from "and to a further time" onwards.
11 & 12 Geo. 6. c. 58.	Criminal Justice Act 1948.	In section 19(3), the words "or justice". Section 43(3).
12, 13 & 14 Geo. 6. c. 101.	Justices of the Peace Act 1949.	Section 43(3).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	Customs and Excise Act 1952.	In section 283(2)(a), the words "or more". Section 285(1).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	Magistrates' Courts Act 1952.	Sections 18 and 19. Sections 24 and 25. Section 32. Section 102(3). In section 104, the proviso. Section 125. Section 127(2). Schedule 1. In paragraph 8 of Schedule 2, the words "and the trial by jury of certain summary offences". In Schedule 3, paragraph 3.
2 & 3 Eliz. 2. c. 40.	Protection of Animals (Amendment) Act 1954.	In section 3, the words from "subsection (1) of section one of the Protection of Animals Act 1911" to "1912" and the words from "respectively enactments" to "animals and".
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	In Part II of Schedule 2, the words in the fourth column of the entries relating to sections 30 to 32 and in the second column of the entries relating to sections 33 to 36 the words from "but subject" onwards in each entry. In Schedule 3, the entry relating to the Magistrates' Courts Act 1952.
5 & 6 Eliz. 2. c. 1.	Police, Fire and Probation Officers Remuneration Act 1956.	The whole Act, so far as unrepealed.
5 & 6 Eliz. 2. c. 29.	Magistrates' Courts Act 1957.	In section 1(1), paragraph (a).

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Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 45.	Prevention of Fraud (Investments) Act 1958.	Section 13(2).
7 & 8 Eliz. 2. c. 66.	Obscene Publications Act 1959.	In the proviso to section 1(3), the words from "a cinematograph exhibition" to "in the course of". In section 2, subsection (2) and, in subsection (3), the words "on indictment". Section 45(3).
8 & 9 Eliz. 2. c. 57.	Films Act 1960.	
9 & 10 Eliz. 2. c. 39.	Criminal Justice Act 1961.	Section 8(1). Section 11(2). In section 28(6), the proviso. In section 28(2), the words "subsection (1) of". In Schedule 1, the entry relating to the Coroners (Amendment) Act 1926. Sections 12(3) and 13. Schedule 3.
9 & 10 Eliz. 2. c. 60.	Suicide Act 1961.	In Part II of Schedule 4, the entry relating to the Magistrates' Courts Act 1952.
10 & 11 Eliz. 2. c. 15.	Criminal Justice Administration Act 1962.	In section 1(2)(a) the words from "the first paragraph of section twelve" to "1894". In section 1(2)(b) the words "section two of the Licensing Act 1902". Section 26. In section 53(1), the entries relating to section 26 and Schedule 3. In Schedule 3, Part II, Section 1(1).
10 & 11 Eliz. 2. c. 52.	Penalties for Drunkenness Act 1962.	In section 30(5), the words from "and the clerk" onwards. Section 1(8).
1963 c. 39.	Criminal Justice (Scotland) Act 1963.	Section 8(10).
1963 c. 52.	Public Order Act 1963.	Section 19(2).
1964 c. 26.	Licensing Act 1964.	Section 20(6).
1966 c. 27.	Building Control Act 1966.	Section 82(5).
1966 c. 34.	Industrial Development Act 1966.	
1966 c. 36.	Veterinary Surgeons Act 1966.	
1967 c. 1.	Land Commission Act 1967.	
1967 c. 54.	Finance Act 1967.	In paragraph 4 of Schedule 7, the words from "and the clerk" onwards.
1967 c. 58.	Criminal Law Act 1967.	Section 4(3). Section 5(4). Section 4(2). Section 5(2). Section 7(2)(b). Section 9.
1967 c. 60.	Sexual Offences Act 1967.	

Chapter	Short title	Extent of repeal
1967 c. 76.	Road Traffic Regulation Act 1967.	In section 43(2), the words from "in the case of" to "carriageway". In section 80, in subsection (5), the words "by virtue of regulations made for the purposes of this subsection", and, in subsection (11), the words from "and the" to "payable". Section 91.
1967 c. 80.	Criminal Justice Act 1967.	In section 22(4), the words "inferior court" means a magistrates' court or a coroner and". Section 27. Section 35. Section 43. In section 60, in subsection (6)(a), the words from "to a person" where they first occur to "or", and subsection (8)(d). Section 91(5). Section 92(8). Section 93. In section 106(2)(f), the words "the Summary Jurisdiction (Scotland) Act 1954". In Part I of Schedule 3, the entries relating to section 54 of the Metropolitan Police Act 1839, the Offences against the Person Act 1861, the Nursing Homes Registration (Scotland) Act 1938, the Fire Services Act 1947, the National Assistance Act 1948, section 8 of the Midwives Act 1951, section 9 of the Midwives (Scotland) Act 1951, the Dogs (Protection of Livestock) Act 1953, section 55 of the Food and Drugs Act 1955, section 119(4)(b) of the Highways Act 1959, section 20(2) of the Mental Health Act 1959 and section 43(1) of the Education (Scotland) Act 1962. In Part II of Schedule 3, the entry relating to the Public Health Act 1875. In Schedule 6, paragraphs 14 to 16 and 21.
1968 c. 27.	Firearms Act 1968.	In section 57(4), the definition of "indictable offence".

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Chapter	Short title	Extent of repeal
1968 c. 60.	Theft Act 1968.	Section 29(2). In Part III of Schedule 2, the entry relating to the Magistrates' Courts Act 1952.
1968 c. 73.	Transport Act 1968.	In section 131(2), the words "by virtue of regulations made for the purposes of this subsection".
1969 c. 19.	Decimal Currency Act 1969.	In Schedule 8, paragraph 8. Paragraph 21 of Schedule 2.
1969 c. 51.	Development of Tourism Act 1969.	In paragraph 3 of Schedule 2, sub-paragraph (2) and, in sub-paragraph (4), the words "2 and ", "the Director of Public Prosecutions or " and "as the case may be".
1969 c. 54.	Children and Young Persons Act 1969.	In section 3, in subsection (1)(b) and in subsection (6), the words "within the meaning of the Magistrates' Courts Act 1952". In section 6, in subsection (1), the words "within the meaning of the Magistrates' Courts Act 1952" and subsection (2). In section 12, subsection (2)(a) and, in subsection (3), paragraphs (b) to (d) and, in paragraph (e), the words from "and if" onwards. In section 13(3), the words from "or if" to "place". In section 15(1), the words "in either case". Section 34(5). In Schedule 5, paragraph 56. In section 1, subsections (2) and (4).
1969 c. 56.	Auctions (Bidding Agreements) Act 1969.	In section 1, subsections (2) and (4).
1970 c. 31.	Administration of Justice Act 1970.	In section 41(6)(a), the words from "and in" to "Scotland" and the words "in each case". In section 51(1), the words from "In sections (24)" to "to the said section 6". In paragraph 4 of Part I of Schedule 9, the words "or inquisition".
1971 c. 23.	Courts Act 1971.	Section 27(2). In section 59(5)(e), the words from "and" in the first place where it occurs to the end. In Schedule 8, paragraphs 15(1), 16 and 20, in paragraph 34(1) the words "19(4), 25(5)", paragraph 34(3) and in paragraph 48(a) the words "14, 16, 21(c)".

M3

Chapter	Short title	Extent of repeal
1971 c. 38. 1972 c. 20.	Misuse of Drugs Act 1971. Road Traffic Act 1972.	Section 26(4). In Part I of Schedule 4, in the entry relating to section 1, in column 2, the words "or dangerous"; in the entry relating to section 2, in column 2, the words "and dangerous" and "generally"; in the entry relating to section 17, in column 2, the words "and dangerous". In Part IV of Schedule 4, in paragraph 3, the words "5, 6 or 5". Section 43(2)(b) and the word "or" preceding it.
1972 c. 60.	Gas Act 1972.	Section 4 of Schedule 1, sub-paragraph (2) and, in sub-paragraph (5), the words "the Director of Public Prosecutions" where first occurring.
1972 c. 63.	Industry Act 1972.	In section 34(1), the word "medical".
1972 c. 71.	Criminal Justice Act 1972.	Section 47. Section 20(3).
1973 c. 14.	Costs in Criminal Cases Act 1973.	In paragraph 2 of Schedule 3, sub-paragraph (2) and, in sub-paragraph (5), the words "(2) and".
1973 c. 43.	Hallmarking Act 1973.	In section 2(8)(a), the words "or approved probation home". In section 30, in subsection (1), the words "limiting the amount of the fine that may be imposed or" and subsection (2). Section 33. In section 49, in subsection (1), the words "and homes", "respectively" and "and approved probation homes", and, in subsections (2) and (3), the words "or home". In section 50, in subsection (1), the words "Any approved bail hostel and", in subsection (2), the words "or home", and, in subsection (3), the words "any approved bail hostel or" and "hostel or". In section 51, the words "or homes" and "or home" wherever occurring.
1973 c. 62.	Powers of Criminal Courts Act 1973.	

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Chapter	Short title	Extent of repeal
1973 c. 62. —cont.	Powers of Criminal Courts Act 1973—cont.	In section 57(1), in the paragraph beginning with the words “prohibition hostel”, the words from “being persons who” onwards. In section 58(a), the word “33”. In Schedule 1, paragraph 3(2)(b). In Schedule 3:— in paragraph 9, the words from “or if” to “place”; in paragraphs 11 and 12, the words “prohibition homes” in paragraph 18(1)(b), the words “conditions of service”. In Schedule 5, paragraphs 6 and 8.
1974 c. 40.	Control of Pollution Act 1974.	In section 87(3), the word from “section 3(2)” to “18(2) of this Act” under “.”
1974 c. 44. 1974 c. 50.	Housing Act 1974. Road Traffic Act 1974.	In Schedule 13, paragraph 2. In Part II of Schedule 5, the entry relating to section 13(4) In Part III of Schedule 5, the entry relating to section 3 and in the entry relating to section 17, in the second column, the words “and dangerous”. In Part IV of Schedule 5 paragraph 4(1) to (3) and (4)(a).
1974 c. 52.	Trade Union and Labour Relations Act 1974.	Section 29(7).
1975 c. 20.	District Courts (Scotland) Act 1975.	Section 3(3). In section 27(1), the words “to the Magistrates’ Courts Act 1952 and”.
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	In Schedule 1, paragraph 26. Section 17. Section 325. In section 403(1), the word from “if” to “of payment of the fine”.
1976 c. 42.	Protection of Birds (Amendment) Act 1976.	In section 403(4), the word from “or that Table” to the end. Section 403(5). In section 463(1), in paragraph (a) the word “17”, in paragraph (b) the words “325” and in paragraph (d) sub-paragraphs (i) and (ii). In Schedule 9, paragraphs 11 and 35. The whole Act.

Chapter	Short title	Extent of repeal
1976 c. 63.	Bail Act 1976.	In section 2(2), the definition of “coroner’s rules”. Section 10. In Schedule 2, paragraph 4, in paragraph 3(4) the word “and” where it first occurs, and in paragraph 38 the words “in paragraph (a)”.

SCHEDULE 14

Section 65.

TRANSITIONAL PROVISIONS

- 1 A provision contained in any of sections [F99 15 and 17] above or in Schedule 11 to this Act, and any related amendment or repeal provided for in Schedule 12 or 13 to this Act, shall not apply in relation to proceedings commenced before the coming into force of that provision.

Textual Amendments

F99 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 155](#)

Modifications etc. (not altering text)

C1 Sch. 14 para. 1 extended (N.I.) by [Finance Act 1983 \(c. 28, SIF 40:1\)](#), [Sch. 1 para. 1\(1\)](#)

2

F100

Textual Amendments

F100 Sch. 14 paras. 2, 4 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

Status: Point in time view as at 01/09/2007.

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- 3 (1) This paragraph applies to any provision of this Act which relates to the punishment by way of fine or imprisonment which may be imposed on summary conviction of offences mentioned in section 30(3) above, in Schedule 1 . . . ^{F101} to this Act or in Schedule 7A to the ^{M13}Criminal Procedure (Scotland) Act 1975.
- (2) A provision to which this paragraph applies shall have effect in relation to an offence for which proceedings are commenced after the material time even if that offence was committed before that time; but in the case of an offence committed before the material time, such a provision shall not render a person liable on summary conviction to any punishment greater than that to which he would have been liable on conviction on indictment if at the time of his conviction that provision had not yet come into force.
- (3) In relation to a provision to which this paragraph applies “the material time” means the time when that provision comes into force.

Textual Amendments

F101 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

Marginal Citations

M13 1975 c. 21.

- 4 ^{F102}

Textual Amendments

F102 Sch. 14 paras. 2, 4 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

- 5 Except as provided in paragraph 3 above a provision of this Act . . . ^{F103} which relates to the punishment by way of fine or imprisonment for any offence shall not affect the punishment for an offence committed before that provision comes into force.

Textual Amendments

F103 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

Status:

Point in time view as at 01/09/2007.

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