



Criminal Justice Act 1982

1982 CHAPTER 48

PART I

TREATMENT OF YOUNG OFFENDERS

Modifications etc. (not altering text)

C1 Pt. I (ss. 1–28) modified by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123(6), Sch. 8 paras. 11, 16

Custody and detention of persons under 21

1 General restriction on custodial sentences.

- (1) Subject to subsection (2) below, no court shall pass a sentence of imprisonment on a person under 21 years of age or commit such a person to prison for any reason.
- (2) Nothing in subsection (1) above shall prevent the committal to prison of a person under 21 years of age who is remanded in custody or committed in custody for trial or sentence.

^{F1}(3)

^{F2}(5) No court shall commit a person under 21 years of age to be detained under section 9 below unless it is of the opinion that no other method of dealing with him is appropriate; and in forming any such opinion, the court—

- (a) shall take into account all such information about the circumstances of the default or contempt (including any aggravating or mitigating factors) as is available to it; and
- (b) may take into account any information about that person which is before it.

(5A) Where a magistrates' court commits a person under 21 years of age to be detained under section 9 below, it shall—

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- (a) state in open court the reason for its opinion that no other method of dealing with him is appropriate; and
 - (b) cause that reason to be specified in the warrant of commitment and to be entered in the register.]
- (6) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State his age shall be deemed to be that which it appears to the court or the Secretary of State (as the case may be) to be after considering any available evidence.

Textual Amendments

- F1** S. 1(3)-(4A) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), [Sch.13](#); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)
- F2** S. 1(5)(5A) substituted (1.10.1992) for s. 1(5) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para.30](#); [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)

[^{F3}1A Detention in a young offender institution.

- (1) Subject to section 8 below and to section 53 of the Children and Young Persons Act ^{MI}1933, where—
- (a) [^{F4}an offender under 21 but not less than 15 years of age] is convicted of an offence which is punishable with imprisonment in the case of a person aged 21 or over; and
 - [the court is of the opinion that either or both of paragraphs (a) and (b) of ^{F5}(b) subsection (2) of section 1 of the Criminal Justice Act 1991 apply or the case falls within subsection (3) of that section,]
- the sentence that the court is to pass is a sentence of detention in a young offender institution.
- (2) Subject to [^{F6}section 1B(2)] below, the maximum term of detention in a young offender institution that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for that offence.
- (3) Subject to subsection (4) below [^{F7}. . .], a court shall not pass a sentence for an offender's detention in a young offender institution for less than [^{F8}the minimum period applicable to the offender under subsection (4A) below] .
- (4) A court may pass a sentence of detention in a young offender institution for less than [^{F9}the minimum period applicable] for an offence under [^{F10}section 65(6) of the Criminal Justice Act 1991].
- [For the purposes of subsections (3) and (4) above, the minimum period of detention ^{F11}(4A) applicable to an offender is—
- (a) in the case of an offender under 21 but not less than 18 years of age, the period of 21 days; and
 - (b) in the case of an offender under 18 years of age, the period of two months.]
- (5) Subject to section 1B(4) below, where—
- (a) an offender is convicted of more than one offence for which he is liable to a sentence of detention in a young offender institution; or

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- (b) an offender who is serving a sentence of detention in a young offender institution is convicted of one or more further offences for which he is liable to such a sentence.

the court shall have the same power to pass consecutive sentences of detention in a young offender institution as if they were sentences of imprisonment.

- (6) Where an offender who—

- (a) is serving a sentence of detention in a young offender institution, and
- (b) is aged over 21 years.

is convicted of one or more further offences for which he is liable to imprisonment, the court shall have the power to pass one or more sentences of imprisonment to run consecutively upon the sentence of detention in a young offender institution.]

Textual Amendments

- F3** Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**
- F4** Words in s. 1A(1)(a) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 63(2)(a), (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**
- F5** S. 1A(1)(b) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 31(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F6** Words in s. 1A(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 63(2)(b), (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**
- F7** Words in s. 1A(3) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 63(2)(c), 101(2), **Sch. 13** (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**
- F8** Words in s. 1A(3) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 63(2)(c), (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**
- F9** Words in s. 1A(4) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 63(2)(d), (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**
- F10** Words in s. 1A(4) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 31(2)**; S.I. 1992/333, art. 2(2), **Sch.2**
- F11** S. 1A(4A) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 63(2)(e), (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

Marginal Citations

- M1** 1933 c.12(20).

[^{F12}1B Special provision for offenders under 17.

^{F13}(1)

- (2) In the case of an offender[^{F14}aged 15, 16 or 17] the maximum term of detention in a young offender institution that a court may impose is whichever is the lesser of—

- (a) the maximum term of imprisonment the court may impose for the offence; and
- (b) [^{F15}24 months].

^{F13}(3)

- [A court shall not pass on an offender aged 15, 16 or 17 a sentence of detention in a ^{F16}(4) young offender institution whose effect would be that the offender would be sentenced to a total term which exceeds [^{F15}24 months]].

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- (5) Where the total term of detention in a young offender institution to which an offender aged 15, 16 or 17 is sentenced exceeds [^{F15}24 months], so much of the term as exceeds [^{F15}24 months] shall be treated as remitted.
- (6) In this section “total term” means—
- (a) in the case of an offender sentenced (whether or not on the same occasion) to two or more terms of detention in a young offender institution which are consecutive or wholly or partly concurrent, the aggregate of those terms;
 - (b) in the case of any other offender, the term of the sentence of detention in a young offender institution in question.]

Textual Amendments

- F12** Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**
- F13** S. 1B(1)(3) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 63(3)(a), 101(2), **Sch. 13** (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch. 2**
- F14** Words in s. 1B(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 63(3)(b), (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch. 2**
- F15** Words in s. 1B(2)(b)(4)(5) substituted (3.2.1995) by 1994 c. 33, s. 17(2)(3)(4); S.I. 1995/127, art. 2(1)(2), **Schs. 1,2**
- F16** S. 1B(4)(5) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 63(3)(c), (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

- C2** S. 1B amended (1.8.1998) by 1998 c. 37, s. 116(4); S.I. 1998/1883, art. 2(d)

^{F17}1C Accommodation of offenders sentenced to detention in a young offender institution.

- (1) Subject to section 22(2)(b) of the Prison Act ^{M2}1952 (removal to hospital etc.), an offender sentenced to detention in a young offender institution [^{F18}or to custody for life] shall be detained in [^{F19}a young offender institution] unless a direction under this section is in force in relation to him.
- (2) The Secretary of State may from time to time direct that an offender sentenced to detention in a young offender institution [^{F18}or to custody for life] shall be detained in a prison or remand centre instead of a young offender institution, but if he is [^{F20}under 18] at the time of the direction, only for a temporary purpose.]

Textual Amendments

- F17** Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**
- F18** Words in s. 1C(1)(2) inserted (3.2.1995) by 1994 c. 33, s. 18(1); S.I. 1995/127, art. 2(1)(2), **Schs. 1,2**
- F19** Words in s. 1C(1) substituted (3.2.1995) by 1994 c. 33, s. 18(1)(a); S.I. 1995/127, art. 2(1)(2), **Schs. 1,2**
- F20** Words in s. 1C(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 63(4), (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch. 2**

Marginal Citations

- M2** 1952 c.52(39:1).

Status: Point in time view as at 01/10/1997.

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F21 2

Textual Amendments

F21 S. 2 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

3 Restriction on imposing custodial sentences on persons under 21 not legally represented.

(1) A magistrates’ court on summary conviction or the Crown Court on committal for sentence or on conviction on indictment shall not—

- [^{F22}(a) pass a sentence of detention in a young offender institution under section 1A above;]
- (c) pass a sentence of custody for life under section 8(2) below; or
- (d) make an order for detention under section 53(2) of the ^{M3}Children and Young Persons Act 1933.

in respect of or on a person who is not legally represented in that court, unless either—

- (i) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or
- (ii) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.

(2) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced, and in subsection (1)(i) and (ii) above “legal aid” means legal aid for the purposes of proceedings in that court, whether the whole proceedings or the proceedings on or in relation to sentence; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.

Textual Amendments

F22 S. 3(1)(a) substituted (1.10.1992) for s. 3(1)(a)(b) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para.32; S.I. 1992/333, art. 2(2), Sch.2

Marginal Citations

M3 1933 c. 12.

4—7. ^{F23}

Textual Amendments

F23 Ss. 4—7 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, Sch. 16

Status: Point in time view as at 01/10/1997.

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8 Custody for life.

- (1) Where a person under the age of 21 is convicted of murder or any other offence the sentence for which is fixed by law as imprisonment for life, the court shall sentence him to custody for life unless he is liable to be detained under section 53(1) of the ^{M4}Children and Young Persons Act 1933 (detention of persons under 18 convicted of murder).
- (2) Where a person aged [^{F24}18 years] or over but under the age of 21 is convicted of any other offence for which a person aged 21 years or over would be liable to imprisonment for life, the court shall, if it considers that a custodial sentence for life would be appropriate, sentence him to custody for life.

Textual Amendments

F24 Words in s. 8(2) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 63(5), (with Sch. 12 para. 17); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

Modifications etc. (not altering text)

C3 [S. 8\(2\)](#) modified (1.10.1997) by [1997 c. 43](#), s. 2(2)(b); [S.I. 1997/2200](#), art. 2(1)(b)

Marginal Citations

M4 [1933 c. 12](#).

9 Detention of persons aged 17 to 20 for default or contempt.

- (1) In any case where, but for section 1(1) above, a court would have power—
- to commit a person under 21 but not less than [^{F25}18 years] of age to prison for default in payment of a fine or any other sum of money; or
 - to make an order fixing a term of imprisonment in the event of such a default by such a person; or
 - to commit such a person to prison for contempt of court or any kindred offence,
- the court shall have power, subject to section 1(5) above, to commit him to be detained under this section or, as the case may be, to make an order fixing a term of detention under this section in the event of default, for a term not exceeding the term of imprisonment.
- (2) For the purposes of subsection (1) above, the power of a court to order a person to be imprisoned under section 23 of the ^{M5}Attachment of Earnings Act 1971 shall be taken to be a power to commit him to prison.

Textual Amendments

F25 Words in s. 9(1)(a) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 63(5), (with Sch. 12 para. 17); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

Modifications etc. (not altering text)

C4 [S. 9](#) restricted by [Drug Trafficking Offences Act 1986 \(c. 32, SIF 39:1\)](#), s. 6(2)(b)(6)

C5 [S. 9](#) modified by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 75(3), [Sch. 8 para. 16](#)

C6 [S. 9](#) modified (3.2.1995) by [1994 c. 37](#), ss. 9(2)(3)(6), 69(2) (with s. 66(2)).

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Marginal Citations

M5 1971 c. 32.

10 Computation of custodial sentences for young offenders.

The following subsections shall be added at the end of section 67 of the ^{M6}Criminal Justice Act 1967 (reduction of custodial sentence by period already spent in custody)

“(5) This section applies—

- (a) to orders made under section 4 of the Criminal Justice Act 1982 (detention centre orders); and
- (b) to sentences passed by virtue of section 6 of the Criminal Justice Act 1982 (youth custody sentences),

as it applies to sentences of imprisonment.

- (6) The reference in subsection (1) above to an offender being committed to custody by an order of a court includes a reference to his being committed to a remand centre or to prison under section 23 of the Children and Young Persons Act 1969 or section 37 of the Magistrates’ Courts Act 1980 but does not include a reference to his being committed to the care of a local authority under the said section 23.”.

Marginal Citations

M6 1967 c. 80.

Accommodation of young offenders

11 Provision of premises for young offenders etc.

The following section shall be substituted for section 43 of the ^{M7}Prison Act 1952—

“43 Remand centres, detention centres and youth custody centres.

(1) The Secretary of State may provide—

- (a) remand centres, that is to say places for the detention of persons not less than 14 but under 21 years of age who are remanded or committed in custody for trial or sentence;
- (b) detention centres, that is to say places in which male offenders not less than 14 but under 21 years of age who are ordered to be detained in such centres under the Criminal Justice Act 1982 may be kept for short periods under discipline suitable to persons of their age and description; and
- (c) youth custody centres, that is to say places in which offenders not less than 15 but under 21 years of age may be detained and given training, instruction and work and prepared for their release.

(2) The Secretary of State may from time to time direct—

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- (a) that a woman aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default shall be detained in a remand centre or a youth custody centre instead of a prison;
 - (b) that a woman aged 21 years or over who is remanded in custody or committed in custody for trial or sentence shall be detained in a remand centre instead of a prison;
 - (c) that a person under 21 but not less than 17 years of age who is remanded in custody or committed in custody for trial or sentence shall be detained in a prison instead of a remand centre or a remand centre instead of a prison, notwithstanding anything in section 27 of the Criminal Justice Act 1948 or section 23(3) of the Children and Young Persons Act 1969.
- (3) Notwithstanding subsection (1) above, any person required to be detained in an institution to which this Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre.
- (4) Sections 5A, 6(2) and (3), 16, 22, 25 and 36 of this Act shall apply to remand centres, detention centres and youth custody centres and to persons detained in them as they apply to prisons and prisoners.
- (5) The other provisions of this Act preceding this section, except sections 28 and 37(2) above, shall apply to such centres and to persons detained in them as they apply to prisons and prisoners, but subject to such adaptations and modifications as may be specified in rules made by the Secretary of State.
- (6) References in the preceding provisions of this Act to imprisonment shall, so far as those provisions apply to institutions provided under this section, be construed as including references to detention in those institutions.
- (7) Nothing in this section shall be taken to prejudice the operation of section 12 of the Criminal Justice Act 1982.”

Marginal Citations
M7 1952 c. 52.

12 Accommodation of young offenders and defaulters etc.

- (1) F26
- F27(6)
- F27(7)
- (8) F28
- (10) A person in respect of whom an order had been made under section 9 above is to be detained—
 - (a) in a remand centre;
 - (b) in a detention centre;
 - (c) in a youth custody centre; or

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- (d) in any place in which a person aged 21 years or over could be imprisoned or detained for default in payment of a fine or any other sum of money, as the Secretary of State may from time to time direct.
- (11) This section is without prejudice—
- (a) to section 22(2)(b) of the ^{M8}Prison Act 1952 (removal to hospital etc.); ^{F29} . . .
 - (b) to section 43(3) of that Act (detention in remand centre for a temporary purpose or for the purpose of providing maintenance and domestic services).

Textual Amendments

- F26** S. 12(1)–(5) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**
- F27** S. 12(6)(7) repealed (3.2.1995) by 1994 c. 33, ss. 18(2), 168(3), **Sch.11**; S.I. 1995/127, art. 2(1)(2), **Sch. 1** Appendix C, Sch.2
- F28** S. 12(8)(9) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**
- F29** S. 12(11)(b) and the word “and” repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/127, art. 2(1)(2), **Sch. 1** Appedix C, Sch.2

Marginal Citations

- M8** 1952 c. 52.

Provisions supplementary to sections 1 to 12

13 Conversion of sentence of youth custody to sentence of imprisonment.

- (1) Subject to subsection (3) below, where—
- (a) an offender has been sentenced to a term of youth custody; and
 - (b) either—
 - (i) he has attained the age of 21 years; or
 - (ii) the conditions specified in subsection (2) below are satisfied in relation to him,
- the Secretary of State may direct that he shall be treated as if he had been sentenced to imprisonment for the same term.
- (2) The conditions mentioned in subsection (1) above are—
- (a) that the offender has attained the age of 18 years; and
 - (b) that he has been reported to the Secretary of State by the board of visitors of the institution in which he is detained as exercising a bad influence on the other inmates of the institution or as behaving in a disruptive manner to the detriment of those inmates.
- (3) An offender who by virtue of this section falls to be treated as if he had been sentenced to imprisonment instead of youth custody is not to be so treated for the purposes of section 15 below.
- (4) Where the Secretary of State gives a direction under subsection (1) above in relation to an offender, the portion of the term of youth custody imposed by the youth custody sentence which he has already served shall be deemed to have been a portion of a term of imprisonment.

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(5) Rules under section 47 of the ^{M9}Prison Act 1952 may provide that any award for an offence against discipline made in respect of an offender serving a youth custody sentence shall continue to have effect after a direction under subsection (1) above has been given in relation to him.

[^{F30}(6) This section applies to a person who is serving a sentence of custody for life under section 8(2) above, or is detained under section 53 of the Children and Young Persons Act 1933, as it applies to a person serving a sentence of detention in a young offender institution.]

Textual Amendments
F30 S. 13(6) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para.33; S.I. 1992/333, art. 2(2), Sch.2

Marginal Citations
M9 1952 c. 52.

14 ^{F31}

Textual Amendments
F31 S. 14 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, Sch. 16

^{F32}15

Textual Amendments
F32 S. 15 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

Attendance centres

16 Provision, regulation and management of attendance centres.

- (1) The Secretary of State may continue to provide attendance centres.
- (2) in this Act “attendance centre” means a place at which offenders under 21 years of age may be required to attend and be given under supervision appropriate occupation or instruction, in pursuance of orders made—
 - (a) by the Crown Court or magistrates’ courts under section 17 below;
 - (b) by [^{F33}youth courts] or other magistrates’ courts under section 15(2A) or (4) of the ^{M10}Children and Young Persons Act 1969 (attendance centre orders made on breach of requirements in supervision orders); or
 - (c) by magistrates’ courts under section 6(3)(c) of the ^{M11}Powers of Criminal Courts Act 1973 (attendance centre orders made on breach of requirements in probation orders).

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- (3) The Secretary of State may by statutory instrument make rules for the regulation and management of attendance centres.
- (4) For the purpose of providing attendance centres the Secretary of State may make arrangements with any local authority or police authority for the use of premises of that authority.
- (5) A draft of any statutory instrument containing rules under this section shall be laid before Parliament.

Textual Amendments

F33 Words in s. 16(2)(b) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para.40\(2\)\(o\)](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

Marginal Citations

M10 1969 c. 54.
M11 1973 c. 62.

17 Attendance centre orders.

- (1) Subject to subsections (3) and (4) below, where a court—
 - (a) would have power, but for section 1 above, to pass a sentence of imprisonment on a person who is under 21 years of age or to commit such a person to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone; or
 - (b) has power to deal with any such person under^[F34]Part II of Schedule 2 to the Criminal Justice Act 1991] for failure to comply with any of the requirements of a probation order, ^[F35]or
 - (c) has power to commit to prison for default in payment of any sum of money a person who is under 25 but is not less than 21 years of age,]the court may, if it has been notified by the Secretary of state that an attendance centre is available for the reception of persons of his description, order him to attend at such a centre, to be specified in the order, for such number of hours as may be so specified.
- (2) An order under this section is referred to in this Act as an “attendance centre order”.

^{F36}(3)

- (4) The aggregate number of hours for which an attendance centre order may require an offender to attend at an attendance centre shall not be less than 12 except where he is under 14 years of age and the court is of opinion that 12 hours would be excessive, having regard to his age or any other circumstances.
- (5) The aggregate number of hours shall not exceed 12 except where the court is of opinion, having regard to all the circumstances, that 12 hours would be inadequate, and in that case shall not exceed 24 where the offender is under^[F37]16 years] of age, or 36 hours where the offender is under 21 ^[F38]or, as the case may be, 25] but not less than^[F37]16 years] of age.

Status: Point in time view as at 01/10/1997.

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- (6) A court may make an attendance centre order in respect of an offender before a previous attendance centre order made in respect of him has ceased to have effect, and may determine the number of hours to be specified in the order without regard—
- (a) to the number specified in the previous order; or
 - (b) to the fact that that order is still in effect.
- (7) An attendance centre order shall not be made unless the court is satisfied that the attendance centre to be specified in it is reasonably accessible to the person concerned, having regard to his age, the means of access available to him and any other circumstances.
- (8) The times at which an offender is required to attend at an attendance centre shall be such as to avoid interference, so far as practicable, with his school hours or working hours.
- (9) The first such time shall be a time at which the centre is available for the attendance of the offender in accordance with the notification of the Secretary of State and shall be specified in the order.
- (10) The subsequent times shall be fixed by the officer in charge of the centre, having regard to the offender's circumstances.
- (11) An offender shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.
- (12) Where a court makes an attendance centre order, the clerk of the court shall deliver or send a copy of the order to the officer in charge of the attendance centre specified in it, and shall also deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode.
- (13) Where an offender has been ordered to attend at an attendance centre in default of the payment of any sum of money—
- (a) on payment of the whole sum to any person authorised to receive it, the attendance centre order shall cease to have effect;
 - (b) on payment of a part of the sum to any such person, the total number of hours for which the offender is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part bears to the said sum.

Textual Amendments

- F34** Words in s. 17(1) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 34**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F35** Words in s. 17(1) inserted (1.10.1997) by 1997 c. 43, s. **36(1)**; S.I. 1997/2200, art. **2(1)(f)**
- F36** S. 17(3) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 67(1)(a), 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F37** Words in s. 17(5) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. **67(1)(b)**, S.I. 1992/333, art. 2(2), Sch. 2
- F38** Words in s. 17(5) inserted (1.10.1997) by 1997 c. 43, s. **36(2)**; S.I. 1997/2200, art. **2(1)(f)**

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Modifications etc. (not altering text)

C7 S. 17 applied with modifications by [Children and Young Persons Act 1969 \(c. 54, SIF 20\)](#), **s. 16A** (as added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, Sch. 8 para. 16, **Sch. 10 Pt. IV**)

18 Discharge and variation of attendance centre orders.

- (1) An attendance centre order may be discharged on an application made by the offender or the officer in charge of the relevant attendance centre.
- (2) An application under subsection (1) above shall be made to one of the courts specified in subsection (3) below or to the Crown Court under subsection (4) below, and the discharge of such an order shall be by order of the court.
- (3) Subject to subsection (4) below, the power to discharge an attendance centre order shall be exercised—
 - (a) by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated; or
 - (b) by the court which made the order.
- (4) Where the court which made the order is the Crown Court and there is included in the order a direction that the power to discharge the order is reserved to that court, the power shall be exercised by that court.

[^{F39}(4A) The power to discharge an attendance centre order includes power to deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.]

- (5) An attendance centre order may, on the application of the offender or of the officer in charge of the relevant attendance centre, be varied by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated; and an attendance centre order made by a magistrates' court may also be varied, on such an application, by that court.
- (6) The power to vary an attendance centre order is a power by order—
 - (a) to vary the day or hour specified in the order for the offender's first attendance at the relevant attendance centre; or
 - (b) [^{F40}. . .], to substitute for the relevant attendance centre an attendance centre which the court is satisfied is reasonably accessible to the offender, having regard to his age, the means of access available to him and any other circumstances.
- (7) Where an application is made under this section by the officer in charge of an attendance centre, the court may deal with it without summoning the offender.
- (8) It shall be the duty of the clerk to a court which makes an order under this section—
 - (a) to deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode; and
 - (b) to deliver or send a copy—
 - (i) if the order is made by virtue of subsection (1) or (6)(a) above, to the officer in charge of the relevant attendance centre; and

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(ii) if it is made by virtue of subsection (6)(b) above, to the officer in charge of the attendance centre which the order as varied will require the offender to attend.

(9) In this section “the relevant attendance centre”, in relation to an attendance centre order, means the attendance centre specified in the order or substituted for the attendance centre so specified by an order made by virtue of subsection (6)(b) above.

Textual Amendments

F39 S. 18(4A) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 67(2), (with Sch. 12 para. 21(1)); S.I. 1992/333, art. 2(2), Sch.2

F40 Words in s. 18(6)(b) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 67(3), 101(2), Sch. 13; S.I. 1992/333, art. 2(2), Sch.2

Modifications etc. (not altering text)

C8 Ss. 18, 19 applied with modifications by Children and Young Persons Act 1969 (c. 54, SIF 20), s. 16A (as added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 8 para. 16, Sch. 10 Pt. IV)

19 Breaches of attendance centre orders or attendance centre rules.

(1) Where an attendance centre order has been made and it appears on information to a justice acting for a relevant petty sessions area that the offender—

- (a) has failed to attend in accordance with the order; or
- (b) while attending has committed a breach of rules made under section 16(3) above which cannot be adequately dealt with under those rules,

the justice may issue a summons requiring the offender to appear at the place and time specified in the summons before a magistrates’ court acting for the area or, if the information is in writing and on oath, may issue a warrant for the offender’s arrest requiring him to be brought before such a court.

(2) for the purposes of this section a petty sessions area is a relevant petty sessions area in relation to an attendance centre order—

- (a) if the attendance centre which the offender is required to attend by an order made by virtue of section 17(1) or 18(6)(b) above is situated in it; or
- (b) if the order was made by a magistrates’ court acting for it.

(3) If it is proved to the satisfaction of the magistrates’ court before which an offender appears or is brought under this section that he has failed without reasonable excuse to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court^{F41} may, without prejudice to the continuation of the order, impose on him a fine not exceeding £1,000 or]—

- (a) if the attendance centre order was made by a magistrates’ court, may revoke it and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
- (b) if the order was made by the Crown Court, may commit him in custody or release him on bail until he can be brought or appear before the Crown Court.

^{F42}(3A) A fine imposed under subsection (3) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.]

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- (4) A magistrates' court which deals with an offender's case under subsection (3)(b) above shall send to the Crown Court a certificate signed by a justice of the peace giving particulars of the offender's failure to attend or, as the case may be, the breach of the rules which he has committed, together with such other particulars of the case as may be desirable; and a certificate purporting to be so signed shall be admissible as evidence of the failure or the breach before the Crown Court.
- (5) Where by virtue of subsection (3)(b) above the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court may revoke the attendance centre order and deal with him, for the offence in respect of which the order was made, in any manner in which it could have dealt with him for that offence if it had not made the order.
- [^{F43}(5A) In dealing with an offender under subsection (3)(a) or (5) above, the court concerned—
- (a) shall take into account the extent to which the offender has complied with the requirements of the attendance centre order; and
 - (b) may assume, in the case of an offender who has wilfully and persistently failed to comply with those requirements, that he has refused to give his consent to a community sentence which has been proposed by the court and requires that consent.]
- (6) A person sentenced under subsection (3)(a) above for an offence may appeal to the Crown Court against the sentence.
- (7) In proceedings before the Crown Court under this section, any question whether there has been a failure to attend or a breach of the rules shall be determined by the court and not by the verdict of a jury.

Textual Amendments

- F41** Words in s. 19(3) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 67(4), 101(1), [Sch. 12 para. 21\(2\)](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)
- F42** S. 19(3A) substituted (3.2.1995) by virtue of 1994 c. 33, s. 168(1), [Sch. 9 para.21](#); S.I. 1995/127, art. 2(1)(2), [Sch. 1](#) Appendix A, Sch.2
- F43** S. 19(5A) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 67(6); S.I. 1992/333, art. 2(2), [Sch. 2](#)

Modifications etc. (not altering text)

- C9** Ss. 18, 19 applied with modifications by [Children and Young Persons Act 1969 \(c. 54, SIF 20\)](#), s. 16A (as added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, Sch. 8 para. 16, [Sch. 10 Pt. IV](#))
- C10** S. 19(3) power to amend conferred (1.10.1992) by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 6A](#) (as inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), [Sch. 4, Pt. IV](#); S.I. 1992/333, art. 2(2), [Sch. 2](#))

Supervision orders

20 Requirements in supervision orders.

- (1) ^{F44}

Status: Point in time view as at 01/10/1997.

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- (2) The following subsection shall be substituted for section 18(4) of the ^{M12}Children and Young Persons Act 1969 (expenditure incurred by supervisor for purposes of directions under section 12(2) to be defrayed by local authority)—

- “(4) Where a supervision order—
- (a) requires compliance with directions given by virtue of section 12(2) of this Act; or
 - (b) includes by virtue of section 12(3C) of this Act a requirement which involves the use of facilities for the time being specified in a scheme in force under section 19 of this Act for an area in which the supervised person resides or will reside,
- any expenditure incurred by the supervisor for the purposes of the directions or requirements shall be defrayed by the local authority whose area is named in the order in pursuance of subsection (2) of this section.”.

Textual Amendments

F44 S. 20(1) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**

Marginal Citations

M12 1969 c. 54.

21 Provision of supervision facilities.

- (1) The following section shall be substituted for section 19 of the Children and Young Persons Act 1969—

“19 Facilities for the carrying out of supervisors’ directions and requirements included in supervision orders by virtue of section 12(3C).

- (1) It shall be the duty of a local authority, acting either individually or in association with other local authorities, to make arrangements with such persons as appear to them to be appropriate, for the provision by those persons of facilities for enabling—
- (a) directions given by virtue of section 12(2) of this Act to persons resident in their area; and
 - (b) requirements that may only be included in a supervision order by virtue of section 12(3C) of this Act if they are for the time being specified in a scheme,
- to be carried out effectively.
- (2) The authority or authorities making any arrangements in accordance with subsection (1) of this section shall consult each relevant probation committee as to the arrangements.
- (3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.
- (4) A scheme shall come into force on a date to be specified in it.

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- (5) The authority or authorities making a scheme shall send copies of it to the clerk to the justices for each petty sessions area of which any part is included in the area to which the scheme relates.
- (6) A copy of a scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at all reasonable hours, and any such authority shall on demand by any person furnish him with a copy of the scheme free of charge.
- (7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.
- (8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.
- (9) The powers conferred by subsection (7) of this section shall not be exercisable by an authority or authorities unless they have first consulted each relevant probation committee.
- (10) The authority or authorities who made a scheme shall send to the clerk to the justices for each petty sessions area of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) of this section, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements, and the new or altered arrangements shall come into force on that date.
- (11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.
- (12) A supervision order shall not require compliance with directions given by virtue of section 12(2) of this Act unless the court making it is satisfied that a scheme under this section is in force for the area where the supervised person resides or will reside; and no such directions may involve the use of facilities which are not for the time being specified in a scheme in force under this section for that area.
- (13) Subject to subsection (14) of this section, a supervision order may not include by virtue of subsection 12(3C) of this Act—
 - (a) any requirement that would involve the supervised person in absence from home—
 - (i) for more than 2 consecutive nights; or
 - (ii) for more than 2 nights in any one week; or
 - (b) if the supervised person is of compulsory school age, any requirement to participate in activities during normal school hours,
unless the court making the order is satisfied that the facilities whose use would be involved are for the time being specified in a scheme in force under this section for the area in which the supervised person resides or will reside.
- (14) Subsection (13)(b) of this section does not apply to activities carried out in accordance with arrangements made or approved by the local education authority in whose area the supervised person resides or will reside.

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- (15) It shall be the duty of every local authority to ensure that a scheme made by them in accordance with this section, either individually or in association with any other local authority, comes into force for their area not later than 30th April 1983 or such later date as the Secretary of State may allow.
 - (16) In this section “relevant probation committee” means a probation committee for an area of which any part is included in the area to which a scheme under this section relates.
 - (17) Expressions used in this section and in the Education Act 1944 have the same meanings in this section as in that Act.”
- (2) A scheme under section 19 of the ^{M13}Children and Young Persons Act 1969, as originally enacted, which is in force for an area at the commencement of this section shall continue in force thereafter until the coming into force of the first scheme for that area made under the section substituted for that section by subsection (1) above.

Marginal Citations
M13 1969 c. 54.

Offences by person subject to care order owing to previous offence

^{F45}**22**

Textual Amendments
F45 S. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Care orders and children in care

^{F46}**23**

Textual Amendments
F46 S. 23 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

^{F47}**24**

Textual Amendments
F47 S. 24 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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F48 25

Textual Amendments

F48 S. 25 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Sanctions against parents and guardians

26 Payment of fines by parents and guardians.

The following section shall be substituted for section 55 of the ^{M14}Children and Young Persons Act 1933—

“55 Power to order parent or guardian to pay fine etc.

(1) Where—

- (a) a child or young person is convicted or found guilty of any offence for the commission of which a fine or costs may be imposed or a compensation order may be made under section 35 of the powers of Criminal Courts Act 1973; and
- (b) the court is of opinion that the case would best be met by the imposition of a fine or costs or the making of such an order, whether with or without any other punishment,

it shall be the duty of the court to order that the fine, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person himself, unless the court is satisfied—

- (i) that the parent or guardian cannot be found; or
- (ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) A parent or guardian may appeal to the Crown Court against an order under this section made by a magistrates’ court.

(4) A parent or guardian may appeal to the Court of Appeal against an order made under this section by the Crown Court, as if he had been convicted on indictment and the order were a sentence passed on his conviction.”

Marginal Citations

M14 1933 c. 12.

F49 27

Status: Point in time view as at 01/10/1997.

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Textual Amendments

F49 S. 27 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

28 Increase of limit on amount of recognisance to be taken from parents and guardians.

In section 2(13) of the Children and Young Persons Act 1969 (by virtue of which the maximum amount for which the parent or guardian of a child or a young person can be required by an order under section 1 of that Act to enter into a recognisance to take proper care of and exercise proper control over him is £200), for “£200” there shall be substituted “£500”.

PART II

PARTIAL SUSPENSION OF SENTENCES, EARLY RELEASE, RELEASE ON LICENCE OR BAIL ETC.

Bail

29 Power of Crown Court to grant bail pending appeal.

- (1) In section 81 of the ^{M15}Supreme Court Act 1981—
- (a) in subsection (1) (which lists cases in which the Crown Court may grant bail) at the end of paragraph (e) there shall be added—
- “or
- (f) to whom the Crown Court has granted a certificate under section 1(2) or 11(1A) of the Criminal Appeal Act 1968 or under subsection (1B) below;”;
- (b) the following subsections shall be inserted after that subsection—
- “(1A) The power conferred by subsection (1)(f) does not extend to a case to which section 12 or 15 of the Criminal Appeal Act 1968 (appeal against verdict of not guilty by reason of insanity or against finding of disability) applies.
- (1B) A certificate under this subsection is a certificate that a case is fit for appeal on a ground which involves a question of law alone.
- (1C) The power conferred by subsection (1)(f) is to be exercised—
- (a) where the appeal is under section 1 or 9 of the Criminal Appeal Act 1968, by the judge who tried the case; and
- (b) where it is under section 10 of that Act, by the judge who passed the sentence.
- (1D) The power may only be exercised within twenty-eight days from the date of the conviction appealed against, or in the case of appeal against sentence, from the date on which sentence was passed or, in the case

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of an order made or treated as made on conviction, from the date of the making of the order.

- (1E) The power may not be exercised if the appellant has made an application to the Court of Appeal for bail in respect of the offence or offences to which the appeal relates.
- (1F) It shall be a condition of bail granted in the exercise of the power that, unless a notice of appeal has previously been lodged in accordance with subsection (1) of section 18 of the Criminal Appeal Act 1968—
- (a) such a notice shall be so lodged within the period specified in subsection (2) of that section; and
 - (b) not later than 14 days from the end of that period, the appellant shall lodge with the Crown Court a certificate from the registrar of criminal appeals that a notice of appeal was given within that period.
- (1G) If the Crown Court grants bail to a person in the exercise of the power, it may direct him to appear—
- (a) if a notice of appeal is lodged within the period specified in section 18(2) of the Criminal Appeal Act 1968 at such time and place as the Court of Appeal may require; and
 - (b) if no such notice is lodged within that period, at such time and place as the Crown Court may require.”.
- (2) In the ^{M16}Criminal Appeal Act 1968—
- (a) in section 11—
 - (i) in subsection (1), for the word “An” there shall be substituted the words “Subject to subsection (1A) below, an”; and
 - (ii) the following subsection shall be inserted after that subsection—

“(1A) If the judge who passed the sentence grants a certificate that the case is fit for appeal under section 9 or 10 of this Act, an appeal lies under this section without the leave of the Court of Appeal.”;
 - (b) the following section shall be substituted for section 19—

“19 Bail.

- (1) The Court of Appeal may, if they think fit,—
 - (a) grant an appellant bail pending the determination of his appeal; or
 - (b) revoke bail granted to an appellant by the Crown Court under paragraph (f) of section 81(1) of the Supreme Court Act 1981; or
 - (c) vary the conditions of bail granted to an appellant in the exercise of the power conferred by that paragraph.
- (2) The powers conferred by subsection (1) above may be exercised—
 - (a) on the application of an appellant; or
 - (b) if it appears to the registrar of criminal appeals of the Court of Appeal (hereafter referred to as “the registrar”) that any

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of them ought to be exercised, on a reference to the court by him.”;

(c) the following paragraph shall be substituted for section 31(2)(e)—

“(e) to exercise the powers conferred by section 19 of this Act;”.

(3) F50

Textual Amendments

F50 S. 29(3) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

Marginal Citations

M15 1981 c. 54.

M16 1968 c. 19.

Suspended sentences

30 Prison sentence partly served and partly suspended.

(1) Section 47 of the ^{M17}Criminal Law Act 1977 (which gives a court sentencing an offender to imprisonment for not less than six months and not more than two years power to suspend part of the sentence) shall have effect subject to the following amendments.

(2) In subsection (1), for the word “Where” there shall be substituted the words “Subject to subsection (1A) below, where”.

(3) In the said subsection (1), for the word “six” there shall be substituted the word “three”.

(4) The following subsections shall be inserted after that subsection—

“(1A) A court shall not make an order under this section unless the case appears to the court to be one in which an order under section 22 of the Powers of Criminal Courts Act 1973 (sentences wholly suspended) would be inappropriate.

(1B) Subsection (1A) above is without prejudice to section 20 of the Powers of Criminal Courts Act 1973 (restriction on imposing sentences of imprisonment on persons who have not previously served prison sentences).”.

(5) In subsection (2), for the words from the beginning to “that”, there shall be substituted the words “The part of the sentence to be served in prison shall be not less than twenty-eight days and the part to be held in suspense shall be not less than one-quarter of the whole term, and the offender shall not be required to serve the latter”.

(6) In subsection (3), for the words “subsection (4)”, there shall be substituted the words “subsections (4) and (4A)”.

(7) The following subsection shall be inserted after subsection (4)—

“(4A) If an order restoring part of a sentence has been made under subsection (3) above, no order restoring any further part of it may be made.”.

(8) The following subsections shall be added after subsection (8)—

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- “(9) The Secretary of State may by order made by statutory instrument vary—
- (a) the minimum term of imprisonment for the time being specified in subsection (1) above;
 - (b) the minimum part of the sentence to be served in prison for the time being specified in subsection (2) above.
- (10) An order made by virtue of subsection (9)(b) above may provide that the minimum part of the sentence to be served in prison shall be a specified length of time or a specified fraction of the whole sentence.
- (11) An order shall not be made under subsection (9) above unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.”

Marginal Citations

M17 1977 c. 45.

31 Activation of suspended sentence.

In section 23(1) of the ^{M18}Powers of Criminal Courts Act 1973, the words “which have arisen since the suspended sentence was passed” shall be omitted.

Marginal Citations

M18 1973 c. 62.

Early release

32 Early release of prisoners.

- (1) The Secretary of State may order that persons of any class specified in the order who are serving a sentence of imprisonment, other than—
- (a) imprisonment for life; or
 - (b) imprisonment to which they were sentenced—
 - (i) for an excluded offence;
 - (ii) for attempting to commit such an offence;
 - (iii) for conspiracy to commit such an offence; or
 - (iv) for aiding or abetting, counselling, procuring or inciting the commission of such an offence,
- shall be released from prison at such time earlier (but not more than six months earlier) than they would otherwise be so released as may be fixed by the order; but the Secretary of State shall not make an order under this section unless he is satisfied that it is necessary to do so in order to make the best use of the places available for detention.
- (2) In this section “excluded offence” means—
- (a) an offence (whether at common law or under any enactment) specified in Part I of Schedule 1 to this Act; and
 - (b) an offence under an enactment specified in Part II of that Schedule; and

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- (c) an offence specified in Part III of that Schedule.
- (3) No person may be released under this section if—
- (a) he is subject to more than one sentence of imprisonment; and
 - (b) at least one of the terms that he has to serve is for an offence mentioned in subsection (1)(b)(i), (ii), (iii) or (iv) above.
- (4) An order under this section—
- (a) may define a class of persons in any way;
 - (b) may relate to one or more specified prisons, or to prisons of a specified class (however defined), or to prisons generally; and
 - (c) may make the time at which a person of any specified class is to be released depend on any circumstances whatever.
- (5) Where a person who is to be released from prison in pursuance of an order under this section is a person serving a sentence of imprisonment in respect of whom an extended sentence certificate (within the meaning of the ^{M19}Powers of Criminal Courts Act 1973) was issued when the sentence was passed, his release shall be a release on licence under section 60 of the ^{M20}Criminal Justice Act 1967, irrespective of whether at the time of his release he could have been released on licence under that section by virtue of subsection (3) thereof.
- (6) Where a person not within subsection (5) above is released from prison in pursuance of an order under this section, his sentence shall expire on his release.
- (7) Subsections (1), (4) and (6) above shall apply in relation to any institution to which the ^{M21}Prison Act 1952 applies and to persons detained in any such institutions other than persons serving sentences of custody for life, as they apply in relation to prisons and persons serving such sentences of imprisonment as are mentioned in subsection (1) above.
- (8) An order under this section shall be made by statutory instrument.
- (9) No order under this section shall be made unless—
- (a) a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament; or
 - (b) the expedited procedure conditions are satisfied.
- (10) The expedited procedure conditions are satisfied if—
- (a) the order does not provide for the release of any persons before one month earlier than they would otherwise be released; and
 - (b) it is declared in the order that it appears to the Secretary of State that by reason of urgency it is necessary to make the order without a draft having been so approved.
- (11) Every such order (except such an order of which a draft has been so approved)—
- (a) shall be laid before Parliament; and
 - (b) shall cease to have effect at the expiry of a period of 40 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order.

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- (12) In reckoning for the purposes of subsection (11) above any period of 40 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (13) An order under this section shall not remain in force after the expiration of 6 months beginning with the date on which it is made, but without prejudice to the power of the Secretary of State to revoke it or to make a further order under this section.
- (14) Section 5 of the ^{M22}Imprisonment (Temporary Provisions) Act 1980 (which is superseded by this section) shall cease to have effect.

Marginal Citations

- M19** 1973 c. 62.
- M20** 1967 c. 80.
- M21** 1952 c. 52.
- M22** 1980 c. 57.

Release on licence

^{F51}**33**

Textual Amendments

- F51** S. 33 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](#)

Computation of sentences

34 ^{F52}

Textual Amendments

- F52** S. 34 repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. I](#)

Status: Point in time view as at 01/10/1997.

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PART III

FINES ETC.

Abolition of enhanced penalties

35 Abolition of enhanced penalties on subsequent conviction of summary offences under Acts of Parliament.

- (1) Subject to subsection (3) below, this section applies where under an Act a person convicted of a summary offence—
- (a) is 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; or
 - (b) is liable to imprisonment for a longer term in the case of a second or subsequent conviction; or
 - (c) is only liable to imprisonment in the case of a second or subsequent conviction.
- (2) Where this section applies, a person guilty of such an offence shall be liable on summary conviction—
- (a) to a fine or, as the case may be, a maximum fine of an amount not exceeding the greatest amount;
 - (b) to imprisonment for a term not exceeding the longest or only term, to which he would have been liable before this section came into force if his conviction had satisfied the conditions required for the imposition of a fine or maximum fine of that amount or imprisonment for that term.
- (3) This section does not apply to offences under—
- (a) section 33 to 36 of the ^{M23}Sexual Offences Act 1956 (brothel-keeping and prostitution); or
 - (b) section 1(2) of the ^{M24}Street Offences Act 1959 (loitering and soliciting for the purpose of prostitution).

Marginal Citations

M23 1956 c. 69.

M24 1959 c. 57.

36 Abolition of enhanced penalties under subordinate instruments.

- (1) This section applies where an Act (however framed or worded) confers power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction—
- (a) 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; or
 - (b) to imprisonment for a longer term in the case of a second or subsequent conviction; or
 - (c) to imprisonment only in the case of a second or subsequent conviction.

Status: Point in time view as at 01/10/1997.

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- (2) Any such Act shall have effect as if it conferred power by subordinate instrument to make a person liable—
- (a) to a fine or, as the case may be, a maximum fine of an amount not exceeding the greatest amount;
 - (b) to imprisonment for a term not exceeding the longest or only term, to which he would have been liable before this section came into force if his conviction had satisfied the conditions required for the imposition of a fine or maximum fine of that amount or imprisonment for that term.

Modifications etc. (not altering text)

C11 S. 36 amended by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 55(6), [Sch. 8 para. 16](#)

Introduction of standard scale of fines

37 The standard scale of fines for summary offences.

- (1) There shall be a standard scale of fines for summary offences, which shall be known as “the standard scale”.

[^{F53}(2) The standard scale is shown below—

<i>Level on the scale</i>	<i>Amount of fine</i>
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000]

- (3) Where any enactment (whether contained in an Act passed before or after this Act) provides—
- (a) that a person convicted of a summary offence shall be liable on conviction to a fine or a maximum fine by reference to a specified level on the standard scale; or
 - (b) confers power by subordinate instrument to make a person liable on conviction of a summary offence (whether or not created by the instrument) to a fine or maximum fine by reference to a specified level on the standard scale,
- it is to be construed as referring to the standard scale for which this section provides as that standard scale has effect from time to time by virtue either of this section or of an order under section 143 of the ^{M25}Magistrates’ Courts Act 1980.

Textual Amendments

F53 S. 37(2) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 17(1), 101(1), [Sch. 12 para. 6](#); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

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Modifications etc. (not altering text)

- C12** S. 37 extended (N.I.) by Wireless Telegraphy Act 1949 (c. 54, SIF 96), **s. 14(9)** and Finance Act 1983 (c. 28), **Sch. 9 para. 1(1)**, by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), **s. 171(2A)(a)** (as inserted by Finance Act 1984 (c. 43, SIF 40:1), s. 9, **Sch. 5 para. 3**), by Car Tax Act 1983 (c. 53, SIF 40:2), **Sch. 1 para. 8(7)**, by Medical Act 1983 (c. 54, SIF 83:1), **ss. 49(1)(2), 54**, by Telecommunications Act 1984 (c. 12, SIF 96), **ss. 75, 106(3)(a)**, Sch. 3 para. 2, and by Dentists Act 1984 (c. 24, SIF 83:1), **s. 53(4)(a)**
- C13** S. 37 amended by S.I. 1984/703 (N.I. 3), **art. 5(3)**
- C14** S. 37 extended (with modifications) (1.12.1992) to the Isle of Man by S.I. 1992/2670, **art. 2(a)**
- C15** S. 37 extended (with modifications) (1.2.1993) to Guernsey by S.I. 1992/3202, **art. 2(a)**

Marginal Citations

- M25** 1980 c. 43.

Increase of fines

38 General increase of fines for summary offences under Acts of Parliament.

- (1) Subject to subsection (5) below and to section 39(1) below, this section applies to any enactment contained in an Act passed before this Act (however framed or worded) which, as regards any summary offence created not later than 29th July 1977 (the date of the passing of the^{M26}Criminal Law Act 1977), makes a person liable on conviction to a fine or maximum fine which—
 - (a) is less than £1,000; and
 - (b) was not altered by section 30 or 31 of the Criminal Law Act 1977; and
 - (c) has not been altered since 29th July 1977 or has only been altered since that date by section 35 above.
- (2) Subject to subsection (7) below, where an enactment to which this section applies provides on conviction of a summary offence for a fine or maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine shall be treated for the purposes of this section as being the fine or maximum fine for the offence.
- (3) Where an enactment to which this section applies provides for different fines or maximum fines in relation to different circumstances or persons of different descriptions, they are to be treated separately for the purposes of this section.
- (4) An enactment in which section 31(6) and (7) of the Criminal Law Act 1977 (pre-1949 enactments) produced the same fine or maximum fine for different convictions shall be treated for the purposes of this section as if there were omitted from it so much of it as before 29th July 1977 had the effect that a person guilty of an offence under it was liable on summary conviction to a fine or maximum fine less than the highest fine or maximum fine to which he would have been liable if his conviction had satisfied the conditions required for the imposition of the highest fine or maximum fine.
- (5) This section shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.
- (6) The fine or maximum fine for an offence under an enactment to which this section applies shall be increased to the amount at the appropriate level on the standard scale

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unless it is an enactment in relation to which section 39(2) below provides for some other increase.

- (7) Where an enactment to which this section applies provides on conviction of a summary offence for a fine or maximum fine in respect of a specified quantity or a specified number of things but also specifies an alternative fine or maximum fine, subsection (6) above shall have effect to increase—
- (a) the alternative fine; and
 - (b) any amount that the enactment specifies as the maximum which a fine under it may not exceed,
- as well as the fine or maximum fine which it has effect to increase by virtue of subsection (2) above.
- (8) Subject to subsection (9) below, the appropriate level on the standard scale for the purposes of subsection (6) and (7) above is the level on that scale next above the amount of the fine or maximum fine that falls to be increased.
- (9) If the amount of the fine or maximum fine that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.
- (10) Where section 35 above applies, the amount of the fine or maximum fine that falls to be increased is to be taken to be the fine or maximum fine to which a person is liable by virtue of that section.

Modifications etc. (not altering text)

C16 S. 38 extended (N.I.) by Finance Act 1983 (c. 28), Sch. 9 para. 1(1)

Marginal Citations

M26 1977 c. 45.

39 Special cases.

- (1) Section 38 above does not apply—
- (a) to any enactment specified in Schedule 2 to this Act; or
 - (b) to the following enactments—
 - (i)^{F54}
 - (ii) any enactment specified in the Schedule to the ^{M27}London Transport Act 1977 or in Schedule 1 to the ^{M28}British Railways Act 1977 to the extent that the enactment was amended by section 12(1) of the former Act or section 13(1) of the latter;
 - (iii) any enactment specified in Part I of Schedule 2 to the ^{M29}City of London (Various Powers) Act 1977.
- (2) The enactments specified in column 2 of Schedule 3 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 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.
- (3) The enactments specified in column 2 of Schedule 4 to this Act, which relate to certain maximum fines that may be imposed on a person otherwise than on conviction of an

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offence, their broad effect being described in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed 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.

Textual Amendments

F54 S. 39(1)(b)(i) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), **ss. 3 5**, Sch. 4 paras. 1, 2

Modifications etc. (not altering text)

C17 S. 39(1)(b)(ii) extended by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(a)**, Sch. 6 para. 27

Marginal Citations

M27 1977 c. xii.

M28 1977 c. xvii.

M29 1977 c. xv.

40 General increase of fines under subordinate instruments.

- (1) Subject to subsection (4) below, this section applies to any enactment contained in an Act passed before this Act (however framed or worded) which confers a power, created not later than 29th July 1977, by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction to a fine or maximum fine which—
 - (a) is less than £1,000; and
 - (b) was not altered by section 31 of the ^{M30}Criminal Law Act 1977, if the fine or maximum fine to which a person may be made liable by virtue of the enactment has not been altered since 29th July 1977 or has only been altered since that date by section 36 above.
- (2) Subject to subsection (7) below, where an enactment to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine or maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine shall be treated for the purposes of this section as being the fine or maximum fine to which a person may be made liable by virtue of the enactment.
- (3) Where an enactment to which this section applies confers a power to provide for different fines or maximum fines in relation to different circumstances or persons of different descriptions, the amounts specified as those fines or maximum fines are to be treated separately for the purposes of this section.
- (4) This section shall not affect so much of any enactment as (in whatever words) confers power by subordinate instrument to make a person liable on conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.
- (5) Subject to subsection (6) below, the fine or maximum fine to which a person may be made liable by virtue of an enactment to which this section applies shall be increased to the amount at the appropriate level on the standard scale.

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- (6) Subsection (5) above does not apply—
- (a) to section 67(3) of the ^{M31}Transport Act 1962 (byelaws for railways and railway shipping services);
 - (b) to section 25(2) of the ^{M32}London Transport Act 1969 (byelaws for road transport premises);
 - (c) to the enactments specified in Part II of Schedule 2 to the ^{M33}City of London (Various Powers) Act 1977; or
 - (d) to the enactments specified in Schedule 2 to the ^{M34}British Railways Act 1977.
- (7) Where an enactment to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine or maximum fine in respect of a specified quantity or a specified number of things but also confers a power by subordinate instrument to make a person, as regards such an offence, liable on conviction to an alternative fine or maximum fine, subsection (5) above shall have effect to increase—
- (a) the alternative fine; and
 - (b) any amount that the enactment specifies as the maximum fine for which a subordinate instrument made in the exercise of the power conferred by it may provide,
- as well as the fine or maximum fine which it has effect to increase by virtue of subsection (2) above.
- (8) Subject to subsection (9) below, the appropriate level on the standard scale for the purposes of subsections (5) and (7) above is the level on that scale next above the amount that falls to be increased.
- (9) If the amount that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.
- (10) Where section 36 above applies, the amount that falls to be increased is the fine or maximum fine to which a person may be made liable by virtue of that section.

Marginal Citations

- M30** 1977 c. 45.
M31 1962 c. 46.
M32 1969 c. 1.
M33 1977 c. xv.
M34 1977 c. xvii.

41 Emergency regulations.

In section 2(3) of the ^{M35}Emergency Powers Act 1920 for “of one hundred pounds” there shall be substituted “not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or not exceeding a lesser amount”.

Marginal Citations

- M35** 1920 c. 55.

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42 Orders relating to spread of pests.

The following subsections shall be substituted for section 3(4) of the ^{M36}Plant Health Act 1967 (control of spread of pests in Great Britain)—

“(4) An order made by a competent authority under this section may provide that a person guilty of an offence against the order shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or not exceeding a lesser amount.

(4A) An order so made for preventing the spread in Great Britain of the Colorado beetle (*Leptinotarsa decemlineata* (Say)) may provide that a person guilty of an offence against the order relating to the keeping of living specimens of the beetle (in any stage of existence), or to the distribution in any manner of such specimens, shall be liable on summary conviction to imprisonment for not more than three months, as well as, or as an alternative to, a fine under subsection (4) above.”.

Marginal Citations

M36 1967 c. 8.

^{F55} 43

Textual Amendments

F55 S. 43 repealed (18.2.1993) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1)(2), Sch. 15 para. 21, Sch. 16 Pt. IX; S.I. 1993/274, art. 2(1).

44 ^{F56}

Textual Amendments

F56 S. 44 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. I

45 ^{F57}

Textual Amendments

F57 S. 45 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. II

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Application of standard scale to existing enactments

46 Conversion of references to amounts to references to levels on scale.

- (1) Where—
- (a) either—
- (i) a relevant enactment makes a person liable to a fine or maximum fine on conviction of a summary offence; or
- (ii) a relevant enactment confers power by subordinate instrument to make a person liable to a fine or maximum fine on conviction of a summary offence (whether or not created by the instrument); and
- (b) the amount of the fine or maximum fine for the offence is, whether by virtue of this Part of this Act or not, an amount shown in the second column of the standard scale,
- a reference to the level in the first column of the standard scale corresponding to that amount shall be substituted for the reference in the enactment to the amount of the fine or maximum fine.
- (2) Where a relevant enactment confers a power such as is mentioned in subsection (1)(a) (ii) above, the power shall be construed as a power to make a person liable to a fine or, as the case may be, a maximum fine not exceeding the amount corresponding to the level on the standard scale to which the enactment refers by virtue of subsection (1) above or not exceeding a lesser amount.
- (3) If an order under section 143 of the ^{M37}Magistrates' Courts Act 1980 alters the sums specified in section 37(2) above, the second reference to the standard scale in subsection (1) above is to be construed as a reference to that scale as it has effect by virtue of the order.
- (4) In this section “relevant enactment” means—
- (a) any enactment contained in an Act passed before this Act . . . ^{F58};
- (b) any enactment contained in this Act;
- (c) any enactment contained in an Act passed on the same day as this Act; and
- (d) any enactment contained in an Act passed after this Act but in the same Session as this Act.
- (5) This section shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a maximum fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

Textual Amendments

F58 Words repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), ss. 21, 23, 29, 31(8), [Sch. 1](#)

Modifications etc. (not altering text)

C18 [S. 46](#) extended (N.I.) by [Finance Act 1983 \(c. 28\)](#), s. 47, [Sch. 9 para. 1\(1\)](#)

Marginal Citations

M37 [1980 c. 43](#).

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47 Provisions supplementary to sections 35 to 46.

- (1) In sections 35 to 40 and 46 above “fine” includes a pecuniary penalty but does not include a pecuniary forfeiture or pecuniary compensation.
- (2) Nothing in any provision contained in sections 35 to 46 above shall affect the punishment for an offence committed before that provision comes into force.

Modifications etc. (not altering text)

C19 S. 47 extended (N.I.) by [Finance Act 1983 \(c. 28\)](#), s. 47, [Sch. 9 para. 1\(1\)](#)

Power to alter maximum fines etc.

48 Power to alter sums.

- (1) In section 143 of the ^{M38}Magistrates’ Courts Act 1980 (power to alter sums specified in certain provisions)—
 - (a) the following subsection shall be substituted for subsection (1)—
 - “(1) If it appears to the Secretary of State that there has been a change in the value of money since the relevant date, he may by order substitute for the sum or sums for the time being specified in any provision mentioned in subsection (2) below such other sum or sums as appear to him justified by the change.”;
 - (b) in subsection (2)—
 - (i) the following paragraph shall be inserted after paragraph (a)—
 - “(aa) section 24(3) and (4) above;”;
 - (ii) the following paragraphs shall be inserted after paragraph (c)—
 - “(ca) section 34(3)(b) above;
 - (cb) section 36 above;”;
 - (iii) the following paragraphs shall be added after paragraph (e)—
 - “(f) any provision mentioned in Schedule 6A to this Act;
 - (g) paragraph 11(2) of Schedule 5A to the Army Act 1955 and to the Air Force Act 1955 (compensation orders);
 - (h) paragraph 14(1) of that Schedule and paragraph 14(1) of Schedule 4A to the Naval Discipline Act 1957 (recognizance from parents and guardians);
 - (i) section 2(13) of the Children and Young Persons Act 1969 (recognizance from parents and guardians);
 - (j) the Table in section 31(3A) of the Powers of Criminal Courts Act 1973;
 - (k) section 8(1)(b) of the Armed Forces Act 1976 (maximum fine awarded by Standing Civilian Courts);
 - (l) paragraph 22(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (various offences relating to sex establishments);

Status: Point in time view as at 01/10/1997.

Changes to legislation: Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 03 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)

- (m) paragraph 23(2) of that Schedule (permitting persons under 18 to enter sex establishments and employing persons known to be under that age in the business of sex establishments);
- (n) section 7(4)(a) of the Cinematograph (Amendment) Act 1982 (using premises without licence);
- (o) section 37(2) of the Criminal Justice Act 1982.”;

^{F59}(c)
; and

(d) in subsection (5), for the words “Criminal Law Act 1977” there shall be substituted the words “Criminal Justice Act 1982”.

^{F59}(2)

Textual Amendments

F59 S. 48(1)(c)(2) 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**

Marginal Citations

M38 1980 c. 43.

Shipping and oil pollution

^{F60}**49**

Textual Amendments

F60 S. 49 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

50 Fines for offences against regulations relating to wireless telegraphy apparatus on foreign ships and aircraft.

(1) In section 6 of the ^{M39}Wireless Telegraphy Act 1949—

- (a) in subsection (2), for the words “such”, in the second place where it occurs, to “regulations”, in the fourth place where it occurs, there shall be substituted the words “a maximum fine for each offence of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or of a lesser amount”; and
- (b)

^{F61}

(2) Nothing in this section shall affect the punishment for an offence committed before this section comes into operation.

Textual Amendments

F61 S. 50(1)(b) repealed by S.I. 1984/703 (N.I. 3), art. 19(2), **Sch. 7**

Status: Point in time view as at 01/10/1997.

Changes to legislation: Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 03 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)

Marginal Citations

M39 1949 c. 54.

Fine enforcement

51 Variation of instalments and means inquiries.

- (1) The following section shall be inserted after section 85 of the ^{M40}Magistrates' Courts Act 1980—

“85A Variation of instalments of sum adjudged to be paid by conviction.

Where under section 75 above a magistrates' court orders that a sum adjudged to be paid by a conviction shall be paid by instalments, the court, on an application made by the person liable to pay that sum, shall have power to vary that order by varying the number of instalments payable, the amount of any instalment payable, and the date on which any instalment becomes payable.”.

- (2) In section 86 of that Act (power of magistrates' court to fix day for appearance of offender at means inquiry etc.)—

- (a) the following subsections shall be substituted for subsection (1)—

“(1) A magistrates' court which has exercised in relation to a sum adjudged to be paid by a conviction either of the powers conferred by section 75(1) above shall have power, either then or later, to fix a day on which, if the relevant condition is satisfied, the offender must appear in person before the court for either or both of the following purposes, namely—

- (a) to enable an inquiry into his means to be made under section 82 above;
- (b) to enable a hearing required by subsection (5) of the said section 82 to be held.

(1A) Where the power which the court has exercised is the power to allow time for payment of a sum (“the adjudged sum”), the relevant condition is satisfied if any part of that sum remains unpaid on the day fixed by the court.

(1B) Where the power which the court has exercised is the power to order payment by instalments, the relevant condition is satisfied if an instalment which has fallen due remains unpaid on the day fixed by the court.”; and

- (b) the following paragraph shall be substituted for subsection (4)(a)—

“(a) the relevant condition is satisfied; and”.

Marginal Citations

M40 1980 c. 43.

Status: Point in time view as at 01/10/1997.

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52 Reciprocal execution in England and Wales and Northern Ireland of warrants of commitment for non-payment of sum adjudged to be paid by conviction.

After section 38A of the ^{M41}Criminal Law Act 1977 there shall be inserted the following section—

“38B Further provision for execution of warrants of commitment for nonpayment of sum adjudged to be paid by conviction in England and Wales or Northern Ireland.

- (1) Subject to subsection (6) below, a person against whom there has been issued in England and Wales a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Northern Ireland by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in Northern Ireland; and Article 158(4) and (5) of the Magistrates’ Courts (Northern Ireland) Order 1981 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such warrant which has been issued in England and Wales as they apply in relation to the execution of a warrant for arrest.
- (2) Subject to subsection (6) below, a person against whom there has been issued in Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in England and Wales by any constable acting within his police area in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in England and Wales.
- (3) A person arrested by virtue of subsection (1) or (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested; and while so detained he shall be treated for all purposes as if he were detained under a warrant of commitment issued in that part of the United Kingdom.
- (4) A warrant of commitment issued by a court in Northern Ireland may be executed in England and Wales by virtue of this section whether or not it has been endorsed under section 27 of the Petty Sessions (Ireland) Act 1851.
- (5) In this section—
 - “part of the United Kingdom” means England and Wales or Northern Ireland;
 - “prison” means—
 - (a) in the case of a person who is under the age of 21 years arrested in England and Wales, any place in which he could be detained under section 12(10) of the Criminal Justice Act 1982; and
 - (b) in the case of a person under that age arrested in Northern Ireland, a young offenders centre; and

“sum adjudged to be paid by a conviction” has the meaning given by section 150(3) of the Magistrates’ Courts Act 1980 or, in Northern Ireland, Article 2(5) of the Magistrates’ Courts (Northern Ireland) Order 1981.

- (6) This section shall not apply to the arrest of persons under the age of 17 years.”.

Status: Point in time view as at 01/10/1997.

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Marginal Citations

M41 1977 c. 45.

F62 **PART IV**

Textual Amendments

F62 Pt. IV (ss. 53-56) repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch.5 (with Sch. 3 paras. 1, 3, 6, 16, 17)

PART V

MISCELLANEOUS

The Chief Inspectors of Prisons

57 Her Majesty’s Chief Inspectors of Prisons.

(1) The following shall be inserted after section 5 of the M53 Prison Act 1952—

“5A Appointment and functions of Her Majesty’s Chief Inspector of Prisons.

- (1) Her Majesty may appoint a person to be Chief Inspector of Prisons.
- (2) It shall be the duty of the Chief Inspector to inspect or arrange for the inspection of prisons in England and Wales and to report to the Secretary of State on them.
- (3) The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions in prisons.
- (4) The Secretary of State may refer specific matters connected with prisons in England and Wales and prisoners in them to the Chief Inspector and direct him to report on them.
- (5) The Chief Inspector shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament.
- (6) The Chief Inspector shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.”

(2) F63

Textual Amendments

F63 S. 57(2) repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

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Marginal Citations

M53 1952 c. 52.

Courts-martial etc.

58 Courts-martial and Standing Civilian Courts.

Schedule 8 shall have effect in relation to offenders who come before courts-martial and Standing Civilian Courts.

Persons remanded in custody

59 Remand in custody in absence of accused.

- (1) The ^{M54}Magistrates' Courts Act 1980 shall have effect subject to the amendments specified in Schedule 9 to this Act, being amendments to modify the requirement that a person may not be remanded in custody without being brought before the court.
- (2) Nothing in this section shall affect the operation of section 2 of the ^{M55}Imprisonment (Temporary Provisions) Act 1980.

Marginal Citations

M54 1980 c. 43.

M55 1980 c. 57.

60 Applications to Crown Court for bail by persons remanded in custody.

- (1) In section 81 of the ^{M56}Supreme Court Act 1981—
 - (a) in subsection (1) (which lists cases in which the Crown Court may grant bail) at the end of paragraph (f) there shall be added “or
 - (g) who has been remanded in custody by a magistrates' court on adjourning a case under—
 - (i) section 5 (adjournment of inquiry into offence);
 - (ii) section 10 (adjournment of trial);
 - (iii) section 18 (initial procedure on information against adult for offence triable either way); or
 - (iv) section 30 (remand for medical examination),of the Magistrates' Courts Act 1980;”;
 - (b) the following subsections shall be inserted after that subsection—
 - “(1H) Where the Crown Court grants a person bail under subsection (1)(g) it may direct him to appear at time and place which the magistrates' court could have directed and the recognizance of any surety shall be conditioned accordingly.
 - (1J) The Crown Court may only grant bail to a person under subsection (1)(g) if the magistrates' court which remanded him in custody has

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certified under section 5(6A) of the Bail Act 1976 that it heard full argument on his application for bail before it refused the application.”.

(2) In subsection (6)(a) of section 5 of the Bail Act 1976 (supplementary provisions about decisions on bail) after the word “Court”, in the first place where it occurs, there shall be inserted the words “or if it issues a certificate under subsection (6A) below”.

(3) The following subsections shall be inserted after that subsection—

“(6A) Where in criminal proceedings—

(a) a magistrates’ court remands a person in custody under any of the following provisions of the Magistrates’ Courts Act 1980—

- (i) section 5 (adjournment of inquiry into offence);
- (ii) section 10 (adjournment of trial);
- (iii) section 18 (initial procedure on information against adult for offence triable either way); or
- (iv) section 30 (remand for medical examination),

after hearing full argument on an application for bail from him; and

(b) either—

- (i) it has not previously heard such argument on an application for bail from him in those proceedings; or
- (ii) it has previously heard full argument from him on such an application but it is satisfied that there has been a change in his circumstances or that new considerations have been placed before it,

it shall be the duty of the court to issue a certificate in the prescribed form that they heard full argument on his application for bail before they refused the application.

(6B) Where the court issues a certificate under subsection (6A) above in a case to which paragraph (b)(ii) of that subsection applies, it shall state in the certificate the nature of the change of circumstances or the new considerations which caused it to hear a further fully argued bail application.

(6C) Where a court issues a certificate under subsection (6A) above it shall cause the person to whom it refuses bail to be given a copy of the certificate.”.

(4) F64

Textual Amendments

F64 S. 60(4) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

Marginal Citations

M56 1981 c. 54

Status: Point in time view as at 01/10/1997.

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Committal on written statements

61 Legal representation in case of committal on written statements.

In section 6(2)(a) of the ^{M57}Magistrates' Courts Act 1980 for the words "is not represented by counsel or a solicitor" there shall be substituted the words "has no solicitor acting for him in the case (whether present in court or not)".

Marginal Citations

M57 1980 c. 43.

Requirement of social inquiry reports

^{F65}**62**

Textual Amendments

F65 S. 62 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**

Deferment of sentence

63 Deferment of sentence.

Section 1 of the ^{M58}Powers of Criminal Courts Act 1973 (which gives a court sentencing an offender the power to defer passing sentence on him) shall have effect subject to the following amendments—

- (a) in subsection (1), for the words from "to have" to "sentence" there shall be substituted the words "or any other court to which it falls to deal with him to have regard, in dealing with him";
- (b) the words " , subject to subsection (8A) below," shall be inserted after the word "and" in subsection (2);
- (c) the words "deal with" shall be substituted—
 - (i) for the words "pass sentence on" in subsection (4);
 - (ii) for the words "pass sentence on" in subsection (4A); and
 - (iii) for the word "sentence" in the second place where it occurs in subsection (5); and
- (d) the following subsections shall be substituted for subsection (8)—

“(8) The power of a court under this section to deal with an offender in a case where the passing of sentence has been deferred thereunder—

- (a) includes power to deal with him in any way in which the court which deferred passing sentence could have dealt with him; and
- (b) without prejudice to the generality of the foregoing, in the case of a magistrates' court, includes the power conferred

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by section 37 or 38 of the Magistrates’ Courts Act 1980 to commit him to the Crown Court for sentence.

(8A) Where, in a case where the passing of sentence on an offender in respect of one or more offences has been deferred under this section, a magistrates’ court deals with him by committing him to the Crown Court under section 37 or 38 of the Act of 1980, the power of the Crown Court to deal with him includes the same power to defer passing sentence on him as if he had just been convicted of the offence or offences on indictment before the court.”.

Marginal Citations
M58 1973 c. 62.

Persons recommended for deportation

64 Persons recommended by courts for deportation.

Schedule 3 to the ^{M59}Immigration Act 1971 shall be amended in accordance with Schedule 10 to this Act.

Marginal Citations
M59 1971 c. 77.

Probation and after-care.

F6665

Textual Amendments
F66 S. 65 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), Sch.4.

66 Right of appeal of probationer etc.

(1) The following subsection shall be inserted after subsection (1) of section 50 of the ^{M60}Criminal Appeal Act 1968 (meaning of “sentence”)—

“(1A) Section 13 of the Powers of Criminal Courts Act 1973 (under which a conviction of an offence for which a probation order or an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this Act, whether against conviction or otherwise.”.

(2) The following subsection shall be inserted after subsection (1) of section 108 of the ^{M61}Magistrates’ Courts Act 1980 (right of appeal to the Crown Court)—

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“(1A) Section 13 of the Powers of Criminal Courts Act 1973 (under which a conviction of an offence for which a probation order or an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this section, whether against conviction or otherwise.”.

(3) In the ^{M62}Powers of Criminal Courts Act 1973—

(a) the following subsection shall be inserted after subsection (1) of section 11 (substitution of conditional discharge for probation)—

“(1A) No application may be made under subsection (1) above while an appeal against the probation order is pending.”; and

(b) in Schedule 1 (discharge and amendment of probation orders)—

(i) the following sub-paragraph shall be inserted after paragraphs 1(1) and 3(1)—

“(1A) No application may be made under sub-paragraph (1) above while an appeal against the probation order is pending.”;

(ii) the following sub-paragraph shall be inserted after paragraph 2(1)—

“(1A) No order may be made under sub-paragraph (1) above while an appeal against the probation order is pending.”;

(iii) in paragraph 4, for the word “Where” there shall be substituted the words “Subject to paragraph 4A below, where”; and

(iv) the following paragraph shall be inserted after that paragraph—

“4A

No application may be made under paragraph 4 above while an appeal against the probation order is pending.”.

Marginal Citations

M60 1968 c. 19.

M61 1980 c. 43.

M62 1973 c. 62.

Compensation

67 Compensation orders.

In section 35 of the ^{M63}Powers of Criminal Courts Act 1973 (which gives a court power to make a compensation order in addition to dealing with an offender in any other way)—

(a) the following subsections shall be substituted for subsection (1)—

“(1) Subject to the provisions of this Part of this Act and to section 40 of the Magistrates’ Courts Act 1980 (which imposes a monetary limit on the powers of a magistrates’ court under this section), a court by or before which a person is convicted of an offence, instead of or in addition to dealing with him in any other way, may, on application or otherwise, make an order (in this Act referred to as “a compensation

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order”) requiring him to pay compensation for any personal injury, loss or damage resulting from that offence or any other offence which is taken into consideration by the court in determining sentence.

- (1A) Compensation under subsection (1) above shall be of such amount as the court considers appropriate, having regard to any evidence and to any representations that are made by or on behalf of the accused or the prosecutor.”; and
- (b) the following subsection shall be inserted after subsection (4)—

“(4A) Where the court considers—

- (a) that it would be appropriate both to impose a fine and to make a compensation order; but
- (b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation,

the court shall give preference to compensation (though it may impose a fine as well).”.

Marginal Citations

M63 1973 c. 62.

Community service

68 Community service orders.

- (1) Schedule 12 to this Act shall have effect with respect—
- (a) to the powers of courts in England and Wales in relation to community service orders; and
- (b) to arrangements for persons in England and Wales to perform work under such orders.
- (2) Schedule 13 to this Act shall have effect for the purpose of the enforcement in one part of the United Kingdom of community service orders made in another part.

Imprisonment for fine defaulters etc.

69 Maximum periods of imprisonment for defaulting on fines etc.

- (1) In section 31 of the ^{M64}Powers of Criminal Courts Act 1973—
- (a) the following subsections shall be substituted for subsections (2) to (4)—
- “(2) Subject to the provisions of this section, if the Crown Court imposes a fine on any person or forfeits his recognizance, the court shall make an order fixing a term of imprisonment or of detention under section 9 of the Criminal Justice Act 1982 (detention of persons aged 17 to 20 for default) which he is to undergo if any sum which he is liable to pay is not duly paid or recovered.
- (3) No person shall on the occasion when a fine is imposed on him or his recognizance is forfeited by the Crown Court be committed to

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prison or detained in pursuance of an order under subsection (2) above unless—

- (a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith;
- (b) it appears to the court that he is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods; or
- (c) on the occasion when the order is made the court sentences him to immediate imprisonment, custody for life, youth custody or detention in a detention centre for that or another offence, or sentences him as aforesaid for an offence in addition to forfeiting his recognizance, or he is already serving a sentence of custody for life or a term—
 - (i) of imprisonment;
 - (ii) of youth custody;
 - (iii) of detention in a detention centre; or
 - (iv) of detention under section 9 of the Criminal Justice Act 1982.

(3A) Subject to subsections (3B) and (3C) below, the periods set out in the second column of the following Table shall be the maximum periods of imprisonment or detention under subsection (2) above applicable respectively to the amounts set out opposite thereto.

TABLE

An amount not exceeding £25	7 days
An amount exceeding £25 but not exceeding £50	14 days
An amount exceeding £50 but not exceeding £200	30 days
An amount exceeding £200 but not exceeding £500	60 days
An amount exceeding £500 but not exceeding £1,000	90 days
An amount exceeding £1,000 but not exceeding £2,500	6 months
An amount exceeding £2,500 but not exceeding £5,000	9 months
An amount exceeding £5,000	12 months

(3B) Where the amount due at the time imprisonment or detention is imposed is so much of a fine or forfeited recognizance as remains due after part payment, then, subject to subsection (3C) below, the maximum period applicable to the amount shall be the period applicable to the whole sum reduced by such number of days as bears

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to the total number of days therein the same proportion as the part paid bears to the total sum.

(3C) In calculating the reduction required under subsection (3B) above any fraction of a day shall be left out of account and the maximum period shall not be reduced to less than five days.

(4) Where any person liable for the payment of a fine or a sum due under a recognizance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment or youth custody or a term of detention under section 4 or 9 of the Criminal Justice Act 1982, the court may order that any term of imprisonment or detention fixed under subsection (2) above shall not begin to run until after the end of the first-mentioned term.”; and

(b) the following subsections shall be substituted for subsections (7) and (8)—

“(7) Any term fixed under subsection (2) above as respects a fine imposed in pursuance of such an enactment, that is to say a fine which the magistrates’ court could have imposed, shall not exceed the period applicable to that fine (if imposed by the magistrates’ court) under section 149(1) of the Customs and Excise Management Act 1979.

(8) This section shall not apply to a fine imposed by the Crown Court on appeal against a decision of a magistrates’ court, but subsections (2) to (3C) above shall apply in relation to a fine imposed or recognizance forfeited by the criminal division of the Court of Appeal, or by the House of Lords on appeal from that division, as they apply in relation to a fine imposed or recognizance forfeited by the Crown Court, and the references to the Crown Court in subsections (2) and (3) above shall be construed accordingly.”.

(2) F67

Textual Amendments

F67 S. 69(2) repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(2), [Sch. 2](#)

Marginal Citations

M64 1973 c. 62.

Vagrancy

70 Vagrancy offences.

(1) Where a person is convicted—

(a) under section 3 or 4 of the ^{M65}Vagrancy Act 1824, of wandering abroad, or placing himself in any public place, street, highway, court, or passage, to beg or gather alms; or

(b) under section 4 of that Act—

(i) of wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, and not giving a good account of himself; or

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- (ii) of wandering abroad, and endeavouring by the exposure of wounds and deformities to obtain or gather alms,
- the court shall not have power to sentence him to imprisonment but shall have the same power to fine him as if this section had not been enacted.
- (2) If a person deemed a rogue and vagabond by virtue of section 4 of the Vagrancy Act 1824 is thereafter guilty of an offence mentioned in subsection (1) above, he shall be convicted of that offence under section 4 of that Act and accordingly—
- (a) shall not be deemed an incorrigible rogue; and
- (b) shall not be committed to the Crown Court,
- by reason only of that conviction.
- (3) This section applies to offences committed before as well as after it comes into effect.

Modifications etc. (not altering text)

C20 S. 70(1) amended (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 26(5); S.I. 1991/2208, art. 2(4), [Sch.3](#).

Marginal Citations

M65 1824 c. 83.

Loitering and soliciting

71 Abolition of imprisonment for loitering and soliciting for purposes of prostitution.

- (1) The following subsection shall be substituted for section 1(2) of the ^{M66}Street Offences Act 1959—
- “(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine of an amount not exceeding level 2 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or, for an offence committed after a previous conviction, to a fine of an amount not exceeding level 3 on that scale.”.
- (2) The subsection substituted by subsection (1) above for section 1(2) of the Street Offences Act 1959 shall have effect in relation to offences committed before as well as after this section comes into force.

Marginal Citations

M66 1959 c. 57.

Unsworn statements

72 Abolition of right of accused to make unsworn statement.

- (1) Subject to subsections (2) and (3) below, in any criminal proceedings the accused shall not be entitled to make a statement without being sworn, and accordingly, if he gives

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evidence, he shall do so on oath and be liable to cross-examination; but this section shall not affect the right of the accused, if not represented by counsel or a solicitor, to address the court or jury otherwise than on oath on any matter on which, if he were so represented, counsel or a solicitor could address the court or jury on his behalf.

- (2) Nothing in subsection (1) above shall prevent the accused making a statement without being sworn—
- (a) if it is one which he is required by law to make personally; or
 - (b) if he makes it by way of mitigation before the court passes sentence upon him.
- (3) Nothing in this section applies—
- (a) to a trial; or
 - (b) to proceedings before a magistrates' court acting as examining justices, which began before the commencement of this section.

Recall of witnesses

73 Recall of witnesses.

- (1) After section 148 of the ^{M67}Criminal Procedure (Scotland) Act 1975 there shall be inserted the following new section—

“148A Recall of witnesses.

In any trial, on the motion of either party, the presiding judge may permit a witness who has been examined to be recalled.”.

- (2) After section 349 of the said Act of 1975 there shall be inserted the following new section—

“349A Recall of witnesses.

In any trial, on the motion of either party, the presiding judge may permit a witness who has been examined to be recalled.”.

Marginal Citations

M67 1975 c. 21.

Interpretation

74, 75. Construction of references to “statutory maximum”.

..... **F68**

Textual Amendments

F68 Ss. 74, 75 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 16](#)

Status: Point in time view as at 01/10/1997.

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Supplementary

76 Financial provision.

There shall be defrayed out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.

77 Minor and consequential amendments.

The enactments specified in Schedules 14 and 15 to this Act shall have effect subject to the amendments there specified (being minor amendments and amendments consequential on the foregoing provisions of this Act).

78 Repeals.

The enactments specified in Schedule 16 to this Act (which include enactments already obsolete or unnecessary) are repealed to the extent specified in the third column of that Schedule.

79 Transitional.

The transitional provisions in Schedule 17 to this Act shall have effect.

80 Commencement.

(1) The following provisions of this Act shall come into force on the day this Act is passed, namely—

section 32;

section 33;

section 57;

...
F69

...
F69

section 76;

section 77, so far as it relates to paragraph 20 of Schedule 14;

section 78, so far as it relates to the ^{M68}Imprisonment (Temporary Provisions) Act 1980;

section 79, so far as it relates to paragraph 15 of schedule 17;

this section; and

section 81.

(2) Subject to subsection (1) above, this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes.

Textual Amendments

F69 Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 16](#)

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Modifications etc. (not altering text)

C21 S. 80(2): power of appointment partly exercised by (E.W.) S.I. 1982/1857, 1983/182 and by (S.) S.I. 1983/24, 1983/758 (Act now wholly in force so far as relating to E.W. and S. with the exception of the repeal in Sch. 16 of s. 38(5)(c)(d) of [Criminal Justice Act 1961 \(c. 39\)](#) which relate principally to sentences in the Channel Islands and the Isle of Man

Marginal Citations

M68 1980 c. 57.

81 Citation and extent.

- (1) This Act may be cited as the Criminal Justice Act 1982.
- (2) Subject to the following provisions of this section, this Act extends to England and Wales only.
- (3) The following provisions of this Act extend to England and Wales and Scotland—
 - section 33;
 - section 41;
 - section 42;
 - ...^{F70}
 - ...^{F71}
 - ...
- (4) The following provisions of this Act extend to Scotland only—
 - Part IV (including Schedules 6 and 7);
 - section 57(2);
 - section 73;
 - section 74(2).

[^{F72}(4A) Section 74(3) above extends to Northern Ireland only]

- (5) The following provisions of this Act extend to England and Wales, Scotland and Northern Ireland—
 - ...^{F73}
 - section 47(2);
 - section 49;
 - section 50;
 - section 64 (including Schedule 10);
 - section 68(2) (including Schedule 13);
 - [^{F74}section 75;]
 - section 76;
 - section 80;
 - this section.
- (6) Section 52 above extends to England and Wales and Northern Ireland.
- (7) Sections 77 and 78 above extend to any part of the United Kingdom in so far as they amend or repeal any enactment which extends to that Part, except that—
 - (a) section 78, so far as it relates to the ^{M69}Animal Health Act 1981, extends to England and Wales only; and

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- (b) the following provisions—
 - (i) section 77, so far as it relates to paragraph 2 of Schedule 15; and
 - (ii) section 78, so far as it relates to the ^{M70}Electric Lighting (Clauses) Act 1899,
extend to Scotland only.
- (8) Section 79 above extends to Scotland only, so far as it relates to paragraph 18 of Schedule 17.
- (9) Section 58 above (including Schedule 8), so far as it relates to any enactment, extends to any place to which that enactment extends.
- (10) Section 78 above, so far as it relates to any enactment contained in—
 - (a) the ^{M71}Army Act 1955;
 - (b) the ^{M72}Air Force Act 1955;
 - (c) the ^{M73}Naval Discipline Act 1957; or
 - (d) the ^{M74}Armed Forces Act 1976,extends to any place to which that enactment extends.
- (11) Her Majesty may by Order in Council direct that all or any of the enactments specified in subsection (12) below shall extend, subject to such modifications as may be specified in the Order, to the Isle of Man or any of the Channel Islands.
- (12) The enactments mentioned in subsection (11) above are—
 - (a) section 32(1) of the ^{M75}Criminal Law Act 1977;
 - (b) sections 32 and 143 of the ^{M76}Magistrates' Courts Act 1980, and
 - (c) in this Act—
 - (i) sections 35 to 38;
 - (ii) section 39 (including Schedules 2 and 3);
 - (iii) section 40;
 - (iv) sections 46 and 47;
 - (v) section 50;
 - (vi) section 64 (including Schedule 10);
 - (vii) section 74(1); and
 - (viii) section 75.
- ^{F75}(13)
- (14) Section 77 above extends to the Isle of Man and the Channel Islands, so far as it relates to paragraphs 11 to 16 of Schedule 14.
- (15) Section 78 above extends to the Isle of Man and the Channel Islands, so far as it relates to section 32(2)(a), (c) and (e) of the ^{M77}Criminal Justice Act 1961.

Subordinate Legislation Made

P1 **S. 81:** power previously exercised by **S.I. 1983/1897**, 1983/1898, 1984/1690, 1986/1884

Textual Amendments

F70 Words repealed by **Airports Act 1986** (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

F71 Words repealed by **S.I. 1984/703** (N.I. 3), art. 19(1)(2), **Sch. 6 para. 29(a)**, Sch. 1

F72 **S. 81(4A)** inserted by **S.I. 1984/703** (N.I. 3), art. 19(1), **Sch. 6 para. 29(b)**

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- F73** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6](#)
- F74** Words inserted by [S.I. 1984/703 \(N.I. 3\)](#), art. 19(1), [Sch. 6 para. 29\(c\)](#)
- F75** [S. 81\(13\)](#) repealed (1.1.1996) by [1995 c. 21](#), ss. 314(1), 316(2), [Sch.12](#) (with s. 312(1), [Sch. 14 para. 1](#))

Marginal Citations

- M69** 1981 c. 22.
- M70** 1899 c. 19.
- M71** 1955 c. 18.
- M72** 1955 c. 19.
- M73** 1957 c. 53.
- M74** 1976 c. 52.
- M75** 1977 c. 45.
- M76** 1980 c. 43.
- M77** 1961 c. 39.

Status:

Point in time view as at 01/10/1997.

Changes to legislation:

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