



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.

^{F1}(1)

^{F1}(2)

^{F2}(3)

^{F1}(5)

^{F1}(5A)

(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F1 [S. 1\(1\)\(2\)\(5\)\(5A\)](#) repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\)](#), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

Status: Point in time view as at 29/07/2021.

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F2 S. 1(3)-(4A) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

F3**1A**

Textual Amendments

F3 S. 1A repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F4**1B**

Textual Amendments

F4 Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**; S.1B repealed and superseded (1.1.2000) by 1998 c. 37, ss. 73(7)(a), 120(2), 121(2), **Sch. 10**; S.I. 1999/3426, **art. 3(c)(iv)**

F5**1C**

Textual Amendments

F5 S. 1C repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F6**2**

Textual Amendments

F6 S. 2 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

F7**3**

Textual Amendments

F7 S. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

4—7. **F8**

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Textual Amendments

F8 Ss. 4–7 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 16](#)

F⁹8

Textual Amendments

F9 S. 8 repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\)](#), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

F¹⁰9

Textual Amendments

F10 S. 9 repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\)](#), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

10 Computation of custodial sentences for young offenders.

The following subsections shall be added at the end of section 67 of the ^{M1}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

M1 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 ^{M2}Prison Act 1952—

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“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—
 - (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.”

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Marginal Citations

M2 1952 c. 52.

^{F11} **12**

Textual Amendments

F11 S. 12 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Provisions supplementary to sections 1 to 12

^{F12} **13**

Textual Amendments

F12 S. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

14 ^{F13}

Textual Amendments

F13 S. 14 repealed by **Criminal Justice Act 1988** (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

^{F14} **15**

Textual Amendments

F14 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

^{F15} **16**

Textual Amendments

F15 S. 16 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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F16¹⁷

Textual Amendments
F16 S. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F17¹⁸

Textual Amendments
F17 S. 18 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F18¹⁹

Textual Amendments
F18 S. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Supervision orders

F19²⁰

Textual Amendments
F19 S. 20 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F20²¹

Textual Amendments
F20 S. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Offences by person subject to care order owing to previous offence

F21²²

Textual Amendments
F21 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)

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Care orders and children in care

^{F22}**23**

Textual Amendments

F22 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)**

^{F23}**24**

Textual Amendments

F23 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)**

^{F24}**25**

Textual Amendments

F24 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

^{F25}**26**

Textual Amendments

F25 S. 26 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F26}**27**

Textual Amendments

F26 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)**

^{F27}**28** **Increase of limit on amount of recognisance to be taken from parents and guardians.**

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Textual Amendments

F27 S. 28 repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), [Sch. 1 Pt. 3](#)

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 ^{M3}[^{F28}Senior Courts 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 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

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- (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 ^{M4}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 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;”.

^{F29}(3)

Textual Amendments

F28 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

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F29 S. 29(3) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

Marginal Citations

M3 1981 c. 54.

M4 1968 c. 19.

Suspended sentences

^{F30}30 **Prison sentence partly served and partly suspended.**

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Textual Amendments

F30 S. 30 repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), [Sch. 1 Pt. 3](#)

^{F31}31 **Activation of suspended sentence.**

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Textual Amendments

F31 S. 31 repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), [Sch. 1 Pt. 3](#)

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 [^{F32}, imprisonment for public protection [^{F33}, a serious terrorism sentence]^{F34}... or an extended sentence ^{F35}...]; 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, [^{F36}or
 - (c) imprisonment to which they were sentenced for an offence under section 42 of the Armed Forces Act 2006 (criminal conduct) as respects which the corresponding offence under the law of England and Wales (within the meaning of that section) is—
 - (i) an excluded offence;
 - (ii) an attempt to commit an excluded offence;
 - (iii) conspiracy to commit an excluded offence; or
 - (iv) aiding or abetting, counselling, procuring or inciting the commission of an excluded offence.]

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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.

[^{F37}(1A) In this section—

- (a) references to a sentence of imprisonment include a sentence of detention (other than a sentence of service detention within the meaning of the Armed Forces Act 2006), including a detention and training order and an order under section 211 of the Armed Forces Act 2006;
- (b) references to a sentence of imprisonment for life include custody for life and detention at Her Majesty's pleasure;
- (c) references to a sentence of imprisonment for public protection are to a sentence under section 225 or 226 of the Criminal Justice Act 2003, including a sentence passed as a result of section 219 or 221 of the Armed Forces Act 2006;

[^{F38}(ca) references to a serious terrorism sentence are to a sentence under section 268A or 282A of the Sentencing Code;]

- (d) references to an extended sentence are to a sentence under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003 [^{F39}or under section 254, 266 or 279 of the Sentencing Code], including a sentence passed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006;
- (e) references to prison include youth detention accommodation (within the meaning of [^{F40}section 248 of the Sentencing Code].)

(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
- (c) an offence specified in Part III of that Schedule.

[^{F41}(2A) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, [^{F42}encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of subsection (1)(c)(ii) to (iv) above as if the reference in subsection (3) (b) of that section to any of the following provisions of that Act were a reference to subsection (1)(c)(ii) to (iv).]

(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) [^{F43}or (1)(c)] 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 ^{M5}Powers of Criminal Courts

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Act 1973) was issued when the sentence was passed, his release shall be a release on licence under section 60 of the ^{M6}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 ^{F44}... is released from prison in pursuance of an order under this section, his sentence shall expire on his release.

^{F45}(6A) Subsection (6) does not apply—

- (a) where the person is within subsection (5), or
- (b) where the sentence is a detention and training order or a sentence under section 211 of the Armed Forces Act 2006.]

^{F46}(7)

^{F46}(7A)

- (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.
- (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 ^{M7}Imprisonment (Temporary Provisions) Act 1980 (which is superseded by this section) shall cease to have effect.

Textual Amendments

- F32** Words in s. 32(1)(a) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 35](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(17\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I.](#)

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- 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F33** Words in s. 32(1)(a) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 7(a)**
- F34** Words in s. 32(1)(a) omitted (20.3.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(2)(a)**; S.I. 2015/778, art. 2(1)(c)
- F35** Words in s. 32(1)(a) omitted (20.3.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(2)(b)**; S.I. 2015/778, art. 2(1)(c)
- F36** S. 32(1)(c) and word added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 94(2)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F37** S. 32(1A) substituted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(3)**; S.I. 2015/778, art. 2(1)(c)
- F38** S. 32(1A)(ca) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 7(b)**
- F39** Words in s. 32(1A)(d) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 70(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F40** Words in s. 32(1A)(e) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 70(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F41** S. 32(2A) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 94(4)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F42** Words in s. 32(2A) substituted (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 5 para. 1** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)
- F43** Words in s. 32(3)(b) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 94(5)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F44** Words in s. 32(6) omitted (20.3.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(4)**; S.I. 2015/778, art. 2(1)(c)
- F45** S. 32(6A) inserted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(5)**; S.I. 2015/778, art. 2(1)(c)
- F46** S. 32(7)(7A) omitted (20.3.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(6)**; S.I. 2015/778, art. 2(1)(c); S.I. 2015/778, art. 2(1)(c)

Modifications etc. (not altering text)

- C2** S. 32 excluded (1.9.2001) by 2001 c. 17, s. 42, **Sch. 7 para. 3(1)**; S.I. 2001/2161, art. 2 (with art. 3)
- C3** S. 32(1)(b)(iv) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 8(a)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)
- C4** S. 32(1)(c) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), art. 1(3), **Sch. 1 para. 23**
- C5** S. 32(1)(c)(iv) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 8(b)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

Marginal Citations

- M5** 1973 c. 62.
M6 1967 c. 80.
M7 1980 c. 57.

Status: Point in time view as at 29/07/2021.

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Release on licence

^{F47}33

Textual Amendments

F47 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 ^{F48}

Textual Amendments

F48 S. 34 repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**

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—

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- (a) section 33 to 36 of the ^{M8}Sexual Offences Act 1956 (brothel-keeping and prostitution); or
- (b) section 1(2) of the ^{M9}Street Offences Act 1959 (loitering and soliciting for the purpose of prostitution).

Marginal Citations

- M8** 1956 c. 69.
- M9** 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.
- (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)

- C6** 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

^{F49}**37 The standard scale of fines for summary offences.**

Textual Amendments

- F49** S. 37 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 29](#) (with ss. 413(4), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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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 ^{M10}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 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.

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- (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)

C7 S. 38 extended (N.I.) by Finance Act 1983 (c. 28), Sch. 9 para. 1(1)

Marginal Citations

M10 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)^{F50}
 - (ii) any enactment specified in the Schedule to the^{M11}London Transport Act 1977 or in Schedule 1 to the^{M12}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^{M13}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 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

F50 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)

C8 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

M11 1977 c. xii.

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M12 1977 c. xvii.

M13 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 ^{M14}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.
- (6) Subsection (5) above does not apply—
 - (a) to section 67(3) of the ^{M15}Transport Act 1962 (byelaws for railways and railway shipping services);
 - (b) to section 25(2) of the ^{M16}London Transport Act 1969 (byelaws for road transport premises);
 - (c) to the enactments specified in Part II of Schedule 2 to the ^{M17}City of London (Various Powers) Act 1977; or
 - (d) to the enactments specified in Schedule 2 to the ^{M18}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

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- (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

- M14 1977 c. 45.
M15 1962 c. 46.
M16 1969 c. 1.
M17 1977 c. xv.
M18 1977 c. xvii.

^{F51}41 Emergency regulations.

Textual Amendments

- F51 S. 41 repealed (14.11.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), Sch. 3; S.I. 2005/2040, art. 3(r)

42 Orders relating to spread of pests.

The following subsections shall be substituted for section 3(4) of the ^{M19}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.”.

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Marginal Citations

M19 1967 c. 8.

^{F52} 43

Textual Amendments

F52 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 ^{F53}

Textual Amendments

F53 S. 44 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. I

45 ^{F54}

Textual Amendments

F54 S. 45 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. II

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

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level on the standard scale to which the enactment refers by virtue of subsection (1) above or not exceeding a lesser amount.

- (3) If [^{F55}regulations under paragraph 5 of Schedule 23 to the Sentencing Act 2020 alter the sums specified in section 122(1) of the Sentencing Code], 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 [^{F56}the regulations].
- (4) In this section “relevant enactment” means—
- (a) any enactment contained in an Act passed before this Act . . . ^{F57};
 - (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

- F55** Words in s. 46(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 71\(a\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2
- F56** Words in s. 46(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 71\(b\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2
- F57** 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)

- C9** S. 46 extended (N.I.) by [Finance Act 1983 \(c. 28\), s. 47, Sch. 9 para. 1\(1\)](#)

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)

- C10** 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 ^{M20}Magistrates’ Courts Act 1980 (power to alter sums specified in certain provisions)—
- (a) the following subsection shall be substituted for subsection (1)—

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“(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);

(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.”;

^{F58}(c)

; and

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

^{F58}(2)

Textual Amendments

F58 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](#)

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Marginal Citations

M20 1980 c. 43.

Shipping and oil pollution

F59⁴⁹

Textual Amendments

F59 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)

F60⁵⁰ **Fines for offences against regulations relating to wireless telegraphy apparatus on foreign ships and aircraft.**

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Textual Amendments

F60 S. 50 repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), s. 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

Fine enforcement

51 **Variation of instalments and means inquiries.**

(1) The following section shall be inserted after section 85 of the ^{M21}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;

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(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

M21 1980 c. 43.

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 ^{M22}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

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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.”.

Marginal Citations

M22 1977 c. 45.

F61 PART IV

Textual Amendments

F61 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 ^{M34}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.

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- (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) ^{F62}

Textual Amendments
F62 S. 57(2) repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

Marginal Citations
M34 1952 c. 52.

Courts-martial etc.

^{F63}**58 Courts-martial and Standing Civilian Courts.**

.....

Textual Amendments
F63 S. 58 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Persons remanded in custody

59 Remand in custody in absence of accused.

- (1) The ^{M35}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 ^{M36}Imprisonment (Temporary Provisions) Act 1980.

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Marginal Citations

M35 1980 c. 43.

M36 1980 c. 57.

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

- (1) In section 81 of the ^{M37}[^{F28}Senior Courts 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 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

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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.”.

^{F64}(4)

Textual Amendments

F28 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

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

Marginal Citations

M37 1981 c. 54

Committal on written statements

[^{F65}61 Legal representation in case of committal on written statements.

In section 6(2)(a) of the ^{M38}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)”.]

Textual Amendments

F65 S. 61 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 4](#); S.I. 2012/1320, [art. 4\(1\)\(d\)\(2\)\(3\)](#) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(d), [Sch.](#) (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, [art. 2](#)); S.I. 2013/1103, [art. 2\(1\)\(d\)\(2\)\(3\)](#) (with arts. 3, 4)

Marginal Citations

M38 1980 c. 43.

Requirement of social inquiry reports

^{F66}62

Status: Point in time view as at 29/07/2021.

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Textual Amendments

F66 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

^{F67} **63**

Textual Amendments

F67 S. 63 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

Persons recommended for deportation

64 **Persons recommended by courts for deportation.**

Schedule 3 to the ^{M39}Immigration Act 1971 shall be amended in accordance with Schedule 10 to this Act.

Modifications etc. (not altering text)

C11 S. 64 extended (Isle of Man) (13.3.2008 for specified purposes, 1.5.2008 in so far as not already in force) by [The Immigration \(Isle of Man\) Order 2008 \(S.I. 2008/680\)](#), arts. 1(2), [9](#) (with [art. 5](#), [Sch. 2](#))

Marginal Citations

M39 [1971 c. 77](#).

Probation and after-care.

^{F68} **65**

Textual Amendments

F68 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 ^{M40}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

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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 ^{M41}Magistrates’ Courts Act 1980 (right of appeal to the Crown Court)—

“(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.”.

^{F69}(3)

Textual Amendments

F69 S. 66(3) repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(3)(p)**

Marginal Citations

M40 1968 c. 19.

M41 1980 c. 43.

Compensation

^{F70}**67**

Textual Amendments

F70 S. 67 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Community service

68 **Community service orders.**

^{F71}(1)

(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.

Textual Amendments

F71 S. 68(1) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), **Sch. 1 Pt. 3**

Imprisonment for fine defaulters etc.

69 **Maximum periods of imprisonment for defaulting on fines etc.**

^{F72}(1)

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(2) F73

Textual Amendments

- F72** S. 69(1) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)
F73 S. 69(2) repealed by **Armed Forces Act 1986** (c. 21, SIF 7:1), s. 16(2), **Sch. 2**

Vagrancy

70 Vagrancy offences.

- (1) Where a person is convicted—
- (a) under section 3 or 4 of the ^{M42}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
 - (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)

- C12** 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

- M42** 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 ^{M43}Street Offences Act 1959—

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“(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

M43 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 evidence, he shall do so [^{F74}(subject to sections 55 and 56 of the Youth Justice and Criminal Evidence Act 1999)] 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—
- if it is one which he is required by law to make personally; or
 - if he makes it by way of mitigation before the court passes sentence upon him.

^{F75}(3)

Textual Amendments

F74 Words in s. 72(1) inserted (24.7.2002) by 1999 c. 23, ss. 67, 68(3) Sch. 4 para. 10 (with Sch. 7 para. 5(2)); S.I. 2002/1739, art. 2(f)

F75 S. 72(3) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

Recall of witnesses

73 Recall of witnesses.

- (1) After section 148 of the ^{M44}Criminal Procedure (Scotland) Act 1975 there shall be inserted the following new section—

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“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

M44 1975 c. 21.

Interpretation

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

F76

Textual Amendments

F76 Ss. 74, 75 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 16](#)

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.

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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;
 - ...^{F77}
 - ...^{F77}
 - section 76;
 - section 77, so far as it relates to paragraph 20 of Schedule 14;
 - section 78, so far as it relates to the^{M45}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

F77 Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**

Modifications etc. (not altering text)

C13 [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

M45 [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;
 - ...^{F78}

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F79
...

- (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).

[^{F80}(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—

F81
...

section 47(2);
section 49;

F82
...

section 64 (including Schedule 10);
section 68(2) (including Schedule 13);

[^{F83}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 ^{M46}Animal Health Act 1981, extends to England and Wales only; and

(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 ^{M47}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.

^{F84}(9)

^{F85}(10)

- (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 ^{M48}Criminal Law Act 1977;

(b) sections 32 and 143 of the ^{M49}Magistrates' Courts Act 1980, and

(c) in this Act—

(i) sections 35 to 38;

(ii) section 39 (including Schedules 2 and 3);

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- (iii) section 40;
 - (iv) sections 46 and 47;
 - ^{F86}(v)
 - (vi) section 64 (including Schedule 10);
 - (vii) section 74(1); and
 - (viii) section 75.
- ^{F87}(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 ^{M50}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

- F78** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. 1](#)
- F79** Words repealed by [S.I. 1984/703 \(N.I. 3\)](#), art. 19(1)(2), [Sch. 6 para. 29\(a\)](#), Sch. 1
- F80** S. 81(4A) inserted by [S.I. 1984/703 \(N.I. 3\)](#), art. 19(1), [Sch. 6 para. 29\(b\)](#)
- F81** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6](#)
- F82** Words in s. 81(5) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))
- F83** Words inserted by [S.I. 1984/703 \(N.I. 3\)](#), art. 19(1), [Sch. 6 para. 29\(c\)](#)
- F84** S. 81(9) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F85** S. 81(10) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F86** S. 81(12)(c)(v) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))
- F87** 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

- M46** [1981 c. 22](#).
- M47** [1899 c. 19](#).
- M48** [1977 c. 45](#).
- M49** [1980 c. 43](#).
- M50** [1961 c. 39](#).

Status:

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