



Criminal Justice Act 1982

CHAPTER 48

CRIMINAL JUSTICE ACT 1982

PART I

TREATMENT OF YOUNG OFFENDERS

Custody and detention of persons under 21

- 1 General restriction on custodial sentences.
- 1A Detention in a young offender institution.
- 1B Special provision for offenders under 17.
- 1C Accommodation of offenders sentenced to detention in a young offender institution.
- 2 Social inquiry reports etc.
- 3 Restriction on imposing custodial sentences on persons under 21 not legally represented.
- 4—7
- 8 Custody for life.
- 9 Detention of persons aged 17 to 20 for default or contempt.
- 10 Computation of custodial sentences for young offenders.

Accommodation of young offenders

- 11 Provision of premises for young offenders etc.
- 12 Accommodation of young offenders and defaulters etc.

Provisions supplementary to sections 1 to 12

- 13 Conversion of sentence of youth custody to sentence of imprisonment.
- 14
- 15 Release of young offenders.

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Attendance centres

- 16 Provision, regulation and management of attendance centres.
- 17 Attendance centre orders.
- 18 Discharge and variation of attendance centre orders.
- 19 Breaches of attendance centre orders or attendance centre rules.

Supervision orders

- 20 Requirements in supervision orders.
- 21 Provision of supervision facilities.

Offences by person subject to care order owing to previous offence

- 22 Charge and control of offenders.

Care orders and children in care

- 23 Criteria for making care orders.
- 24 Restriction on making care orders in respect of persons not legally represented.
- 25 Restriction of liberty of children in care.

Sanctions against parents and guardians

- 26 Payment of fines by parents and guardians.
- 27 Compensation.
- 28 Increase of limit on amount of recognisance to be taken from parents and guardians.

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.

Suspended sentences

- 30 Prison sentence partly served and partly suspended.
- 31 Activation of suspended sentence.

Early release

- 32 Early release of prisoners.

Release on licence

- 33 Power to alter minimum period for eligibility for release on licence.

Computation of sentences

- 34

PART III

FINES ETC.

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Abolition of enhanced penalties

- 35 Abolition of enhanced penalties on subsequent conviction of summary offences under Acts of Parliament.
- 36 Abolition of enhanced penalties under subordinate instruments.

Introduction of standard scale of fines

- 37 The standard scale of fines for summary offences.

Increase of fines

- 38 General increase of fines for summary offences under Acts of Parliament.
- 39 Special cases.
- 40 General increase of fines under subordinate instruments.
- 41 Emergency regulations.
- 42 Orders relating to spread of pests.
- 43 Byelaws relating to the burning of straw or stubble.
- 44
- 45

Application of standard scale to existing enactments

- 46 Conversion of references to amounts to references to levels on scale.
- 47 Provisions supplementary to sections 35 to 46.

Power to alter maximum fines etc.

- 48 Power to alter sums.

Shipping and oil pollution

- 49 Fines for certain offences under Merchant Shipping Acts and Prevention of Oil Pollution Act 1971.
- 50 Fines for offences against regulations relating to wireless telegraphy apparatus on foreign ships and aircraft.

Fine enforcement

- 51 Variation of instalments and means inquiries.
- 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.

PART IV

PROVISIONS APPLICABLE TO SCOTLAND ONLY

- 53 Power to alter certain fines and other sums.
- 54 Revision of penalties for summary offences and of certain other sums.
- 55 Mode of trial of, and penalties for, certain offences.
- 56 Schedules 7A to 7D to the Criminal Procedure (Scotland) Act 1975 and Schedules 6 and 7 to this Act.

PART V

MISCELLANEOUS

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The Chief Inspectors of Prisons

57 Her Majesty's Chief Inspectors of Prisons.

Courts-martial etc.

58 Courts-martial and Standing Civilian Courts.

Persons remanded in custody

59 Remand in custody in absence of accused.

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

Committal on written statements

61 Legal representation in case of committal on written statements.

Requirement of social inquiry reports

62 Social inquiry reports on persons who have not previously served prison sentences.

Deferment of sentence

63 Deferment of sentence.

Persons recommended for deportation

64 Persons recommended by courts for deportation.

Probation and after-care.

65 (1) The designations "probation and after-care area", "probation and after-care..."

66 Right of appeal of probationer etc.

Compensation

67 Compensation orders.

Community service

68 Community service orders.

Imprisonment for fine defaulters etc.

69 Maximum periods of imprisonment for defaulting on fines etc.

Vagrancy

70 Vagrancy offences.

Loitering and soliciting

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

Unsworn statements

72 Abolition of right of accused to make unsworn statement.

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Recall of witnesses

73 Recall of witnesses.

Interpretation

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

Supplementary

76 Financial provision.
77 Minor and consequential amendments.
78 Repeals.
79 Transitional.
80 Commencement.
81 Citation and extent.

SCHEDULES

SCHEDULE 1 — Offences Excluded from Section 32

Part I — OFFENCES MENTIONED IN SECTION 32(2)(A)

Part II — OFFENCES MENTIONED IN SECTION 32(2)(B)

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MALICIOUS DAMAGE ACT 1861 (c. 97)

OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)

EXPLOSIVE SUBSTANCES ACT 1883 (c. 3)

INFANT LIFE (PRESERVATION) ACT 1929 (c. 34)

INFANTICIDE ACT 1938 (c. 36)

SEXUAL OFFENCES ACT 1956 (c. 69)

FIREARMS ACT 1968 (c. 27)

THEFT ACT 1968 (c. 60)

MISUSE OF DRUGS ACT 1971 (c. 38)

CRIMINAL DAMAGE ACT 1971 (c. 48)

ROAD TRAFFIC ACT 1972 (c. 20)

CUSTOMS AND EXCISE MANAGEMENT ACT 1979 (c. 2)

AVIATION SECURITY ACT 1982 (c. 36)

DRUG TRAFFICKING OFFENCES ACT 1986 (c. 32)

PUBLIC ORDER ACT 1986

CRIMINAL JUSTICE ACT 1988 (c.33)

THE ROAD TRAFFIC ACT 1988 (c.52)

CRIMINAL JUSTICE (INTERNATIONAL COOPERATION) ACT 1990 (c. 31)

AVIATION AND MARITIME SECURITY ACT 1990 (c. 31)

CHANNEL TUNNEL (SECURITY) ORDER 1994 No.570

DRUG TRAFFICKING ACT 1994

Part III — OFFENCES MENTIONED IN SECTION 32(2)(c)

SCHEDULE 2 — Fines to remain at their present level

SCHEDULE 3 — Special Increases

SCHEDULE 4 — Fines imposed otherwise than on conviction

SCHEDULE 5 — Schedule to be inserted after Schedule 6 to Magistrates' Courts Act 1980

SCHEDULE 6A Fines that may be altered under section 143...

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SCHEDULE 6 — Schedule to be Inserted as Schedule 7D to the Criminal Procedure (Scotland) Act 1975

SCHEDULE 7 — Amendment of Certain Enactments to Refer to Standard Scale

SCHEDULE 8 — Courts-Martial etc.

- 1 (1) The following subsection shall be inserted after section 57(2)...
- 2 Section 71A of the Army Act 1955 and of the...
- 3 In section 71AA of the Army Act 1955 and the...
- 4 (1) In section 71B of the Army Act 1955 and...
- 5 In section 85 of the Army Act 1955 and the...
- 6 In section 145(1)(b) of those Acts (forfeiture of pay for...
- 7 Paragraph 10 of Schedule 5A to the Army Act 1955...
- 8 (1) In paragraph 11(2) of Schedule 5A to the Army...
- 9 The following sub-paragraph shall be substituted for sub-paragraphs (1) and...
- 10 (1) In paragraph 14(1) of those Schedules (recognisances from parents...
- 11 In paragraph 15(3) of those Schedules (scale of punishments and...
- 12 (1) In section 8(1)(b) of the Armed Forces Act 1976...

SCHEDULE 9 — Amendments of Magistrates' Courts Act 1980 relating to remands in custody

- 1 The words "or would be required to be brought before..."
- 2 In paragraph (a) of subsection (1) of section 128 (remand...
- 3 The following subsections shall be inserted after the said subsection...
- 4 The following subsections shall be inserted after subsection (3) of...
- 5 The following subsection shall be inserted after subsection (4) of...
- 6 Section 131(3) (by virtue of which so long as an...
- 7 In paragraph 3 of Schedule 5 (transfer of remand hearings)...

SCHEDULE 10 — Amendments of Schedule 3 to Immigration Act 1971

- 1 In paragraph 2— (a) in sub-paragraph (1), after the word...
- 2 The following shall be added after paragraph 3— Powers of...

SCHEDULE 11 — Probation and After-Care

- 1 In the Powers of Criminal Courts Act 1973—
- 2 In section 2(3) of that Act (probation orders) for the...
- 3 The following sections shall be inserted after section 4 of...
- 4 In section 47(a) of that Act (the probation service and...
- 5 In Schedule 1 to that Act (discharge and amendment of...
- 6 In Schedule 3 to that Act (duties and powers of...

SCHEDULE 12 — Community Service Orders—England and Wales

- 1 In section 14 of the Powers of Criminal Courts Act...
- 2 In section 17 of that Act (amendment and revocation of...

SCHEDULE 13 — Community Service Orders—Reciprocal Arrangements

Part I — RECIPROCAL ARRANGEMENTS (ENGLAND AND WALES)—
PERSONS RESIDING IN SCOTLAND OR NORTHERN IRELAND

- 1
- 2

Part II — RECIPROCAL ARRANGEMENTS (SCOTLAND)—PERSONS
RESIDING IN ENGLAND AND WALES OR NORTHERN IRELAND

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- 3 In sections 183(5A) and 384(5A) of the Criminal Procedure (Scotland)...
- 4 In section 6 of the Community Service by Offenders (Scotland)...
- 5 After section 6 of that Act there shall be inserted...
- 6 In section 15 of that Act for subsection (5) there...
- Part III — RECIPROCAL ARRANGEMENTS (NORTHERN IRELAND)—PERSONS
RESIDING IN ENGLAND AND WALES OR SCOTLAND

*Making an amendment of community service orders
relating to persons residing in England and Wales*

- 7 (1) Where a court in Northern Ireland considering the making...

Making and amendment of community service orders relating to persons residing in Scotland

- 8 (1) Where a court in Northern Ireland considering the making...

*Community service orders relating to persons
residing in England and Wales or Scotland—General*

- 9 (1) Where a community service order is made or amended...

SCHEDULE 14 — Minor and Consequential Amendments

Vagrancy Act 1824 (c. 83)

- 1 In the Vagrancy Act 1824 the words “, subject to...

Merchant Shipping Act 1894 (c. 60)

- 2 (1) In paragraph (b) of subsection (1) of section 680...

Customs and Excise Act 1952 (c. 44)

- 3 For section 283(5) of the Customs and Excise Act 1952...

Prison Act 1952 (c. 52)

- 4 In section 13(2) of the Prison Act 1952 (which among...
- 5 In section 22(2)(b) of that Act (removal of prisoners for...
- 6 In section 37(4) of that Act (closing of prisons) for...
- 7 In section 47 of that Act (rules for the management...
- 8 In section 49 of that Act (persons unlawfully at large)—...
- 9 In section 53(1) of that Act (interpretation) for the words...

Criminal Justice Act 1961 (c. 39)

- 10 In section 23 of the Criminal Justice Act 1961 (by...
- 11 The following subsections shall be substituted for subsections (4) to...
- 12 The words “youth custody centre” shall be substituted for the...
- 13 In subsection (2) of section 32 of that Act (supervision...
- 14 The words “or of any authorised officer” shall be added...
- 15 In section 38 of that Act (construction of references to...
- 16 In section 39 of that Act (interpretation)—
- 17 In section 42(1) of that Act (application to Scotland), and...

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Criminal Justice Act 1967 (c. 80)

- 18—21
22 The following subsections shall be inserted after subsection (2) of...

Criminal Appeal Act 1968 (c. 19)

- 23 In section 10 of the Criminal Appeal Act 1968 (appeal...

Firearms Act 1968 (c. 27)

- 24 In section 21 of the Firearms Act 1968 (possession of...

Children and Young Persons Act 1969 (c. 54)

- 25
26 In section 16(10) of that Act (which includes a definition...
27 In section 23(4) of that Act (remand to care of...
28 The following subsection shall be added at the end of...

Fire Precautions Act 1971 (c. 40)

- 29 In section 40(2)(a) of the Fire Precautions Act 1971 (which...

Powers of Criminal Courts Act 1973 (c. 62)

- 30 In subsection (3)(c) of section 6 of the Powers of...
31 In section 13 of that Act (under which a conviction...
32
33 In section 32(2) of that Act (enforcement etc. of fines...
34 The following subsection shall be inserted as subsection (2) of...

Juries Act 1974 (c. 23)

- 35 In Schedule 1 to the Juries Act 1974 (persons ineligible...

Rehabilitation of Offenders Act 1974 (c. 53)

- 36 In section 5(1) of the Rehabilitation of Offenders Act 1974...
37 In section 5(2) (rehabilitation periods for particular sentences)—

Criminal Law Act 1977 (c. 45)

- 38 In section 36 of the Criminal Law Act 1977 (enforcement...
39 In subsection (5) of section 38A of that Act (execution...
40 The following shall be inserted after paragraph 3 of Schedule...
41 In paragraph 7 of that Schedule, for the word "Where"...

Customs and Excise Management Act 1979 (c. 2)

- 42 Section 147(5) of the Customs and Excise Management Act 1979...
43 In section 156 of that Act (saving for outlying enactments...

Child Care Act 1980 (c. 5)

- 44 In section 10(2) of the Child Care Act 1980 (parental...
45
46

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Magistrates' Courts Act 1980 (c. 43)

- 47 In section 24(3) of the Magistrates' Courts Act 1980 (powers...
- 48 In section 31 of that Act (general limit on powers...
- 49 The following subsections shall be substituted for subsection (1) of...
- 50 In section 77(2) of that Act (power to fix a...
- 51 In section 81(1) of that Act (enforcement of fines imposed...
- 52 In section 82 of that Act (restriction on power to...
- 53 In section 88 of that Act (supervision pending payment)—
- 54 The following section shall be inserted after section 96 of...
- 55 The words "or the Crown Court" shall be added at...
- 56 In section 133(1) of that Act (consecutive terms of imprisonment)...
- 57 At the end of section 134 of that Act (detention...
- 58 The following subsection shall be added as subsection (3) of...
- 59 In Schedule 4 to that Act (imprisonment for default) the...

Contempt of Court Act 1981 (c. 49)

- 60 The following subsection shall be inserted after subsection (2) of...

SCHEDULE 15 — Minor and Consequential Amendments Scotland

Trespass (Scotland) Act 1865 (c. 56)

- 1 In section 4 of the Trespass (Scotland) Act 1865 (apprehension...

Electric Lighting Act 1882 (c. 56)

- 2

Merchant Shipping Act 1894 (c. 60)

- 3 In section 680 of the Merchant Shipping Act 1894 (prosecution...
- 4 At the beginning of section 702 of that Act (offences...
- 5 For paragraph (a) of section 703 of that Act (summary...

Public Health (Scotland) Act 1897 (c. 38)

- 6 In section 18 of the Public Health (Scotland) Act 1897...
- 7 In section 24 of that Act (penalty for contravention of...

Food and Drugs (Scotland) Act 1956 (c. 30)

- 8 In section 56 of the Food and Drugs (Scotland) Act...

South of Scotland Electricity Order Confirmation Act 1956 (c. xciv)

- 9 For section 51 of the South of Scotland Electricity Order...
- 10 In section 55 of that Order (penalty for interference with...

North of Scotland Electricity Order Confirmation Act 1958 (c. ii)

- 11 For section 36 of the North of Scotland Electricity Order...
- 12 In section 40 of that Order (penalty for interference with...

Roads (Scotland) Act 1970 (c. 20)

- 13 In section 48 of the Roads (Scotland) Act 1970 (prosecution...

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14

Immigration Act 1971 (c. 77)

15 In section 6 of the Immigration Act 1971 (recommendations by...

16

Criminal Procedure (Scotland) Act 1975 (c. 21)

17 In section 193A of the Criminal Procedure (Scotland) Act 1975...

18 In section 421(1) of the Criminal Procedure (Scotland) Act 1975...

19 In section 462(1) of that Act (interpretation), in the definition...

National Health Service (Scotland) Act 1978 (c. 29)

20 In paragraph 1(1) of Schedule 9 to the National Health...

21 In paragraph 7 of Schedule 10 to that Act (penalties...

22

Water (Scotland) Act 1980 (c. 45)

23 In section 38(6) of the Water (Scotland) Act 1980 (penalties...

24 In section 77 of that Act (obtaining supplies to meet...

25 In section 94(a) of that Act (penalties for false information)...

26 In section 95(a) of that Act (penalties for offences not...

27 In paragraph 10(3) of Schedule 4 to that Act (offences...

28 In paragraph 37 of Schedule 4 to that Act (pollution...

29 In paragraph 43 of Schedule 4 to that Act—

Criminal Justice (Scotland) Act 1980 (c. 62)

30 In section 55 of the Criminal Justice (Scotland) Act 1980...

SCHEDULE 16 — Repeals

SCHEDULE 17 — Transitional Provisions

Young offenders

1 (1) Where an offender has before the commencement of sections...

2 (1) Subject to sub-paragraph (2) below, an order for detention...

3 (1) Subject to sub-paragraph (2) below, where at the commencement...

4 An offender who was sentenced to Borstal training on a...

5 (1) A custodial order to which this sub-paragraph applies shall...

6 (1) Subject to sub-paragraph (3) below, where at the commencement...

7 (1) This paragraph applies to any offender who at the...

8 Where at the commencement of sections 1 to 15 above...

9 Rules under section 47 of the Prison Act 1952 may...

10 (1) Where under section 23(1)(a) or (b) of the Powers...

11 A person who immediately before the commencement of sections 1...

12 A person who immediately before the commencement of sections 1...

13 A person who immediately before the commencement of sections 1...

14 (1) Where— (a) a person has been released from prison,...

15 Until the commencement of sections 1 to 15 above, if...

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Probation

- 16 Any requirement under section 4 of the Powers of Criminal...
- 17 Case committees which are in existence at the commencement of...

Fines

- 18 Any provision of Schedule 15 to this Act which alters...

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