



Criminal Justice Act 1982

1982 CHAPTER 48

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

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.