



Criminal Justice Act 1982

1982 CHAPTER 48

PART III

FINES ETC.

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 ^{M1}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

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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.
- (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)

C1 S. 38 extended (N.I.) by [Finance Act 1983 \(c. 28\)](#), [Sch. 9 para. 1\(1\)](#)

Marginal Citations

M1 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) ^{F1}
 - (ii) any enactment specified in the Schedule to the ^{M2}London Transport Act 1977 or in Schedule 1 to the ^{M3}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 ^{M4}City of London (Various Powers) Act 1977.

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- (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

- F1** 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)

- C2** 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

- M2** 1977 c. xii.
M3 1977 c. xvii.
M4 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 ^{M5}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.

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- (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 ^{M6}Transport Act 1962 (byelaws for railways and railway shipping services);
 - (b) to section 25(2) of the ^{M7}London Transport Act 1969 (byelaws for road transport premises);
 - (c) to the enactments specified in Part II of Schedule 2 to the ^{M8}City of London (Various Powers) Act 1977; or
 - (d) to the enactments specified in Schedule 2 to the ^{M9}British Railways Act 1977.
- (7) Where an enactment to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine or maximum fine in respect of a specified quantity or a specified number of things but also confers a power by subordinate instrument to make a person, as regards such an offence, liable on conviction to an alternative fine or maximum fine, subsection (5) above shall have effect to increase—
- (a) the alternative fine; and
 - (b) any amount that the enactment specifies as the maximum fine for which a subordinate instrument made in the exercise of the power conferred by it may provide,
- as well as the fine or maximum fine which it has effect to increase by virtue of subsection (2) above.
- (8) Subject to subsection (9) below, the appropriate level on the standard scale for the purposes of subsections (5) and (7) above is the level on that scale next above the amount that falls to be increased.
- (9) If the amount that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.
- (10) Where section 36 above applies, the amount that falls to be increased is the fine or maximum fine to which a person may be made liable by virtue of that section.

Marginal Citations

- M5** 1977 c. 45.
M6 1962 c. 46.
M7 1969 c. 1.
M8 1977 c. xv.
M9 1977 c. xvii.

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41 Emergency regulations.

In section 2(3) of the ^{M10}Emergency Powers Act 1920 for “of one hundred pounds” there shall be substituted “not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or not exceeding a lesser amount”.

Marginal Citations

M10 1920 c. 55.

42 Orders relating to spread of pests.

The following subsections shall be substituted for section 3(4) of the ^{M11}Plant Health Act 1967 (control of spread of pests in Great Britain)—

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

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

Marginal Citations

M11 1967 c. 8.

[^{F2}43 Byelaws relating to the burning of straw or stubble.

Any byelaws relating to the burning of straw or stubble [^{F3}or any other crop residue] made by a local authority under section 235 of the ^{M12}Local Government Act 1972 (byelaws for good rule and government and suppression of nuisances) may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding [^{F4}level 5 on the standard scale] . . . ^{F5}; and any such byelaw in force at the coming into force of this section which specifies £200 or any smaller sum as the maximum fine which may be imposed on summary conviction of an offence under any such byelaw shall have effect as if it specified £1,000 instead . . . ^{F5}]

Textual Amendments

F2 S. 43 repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(1)(2), 164(3), Sch. 15 para. 21, Sch. 16 Pt. IX

F3 Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 58(1)(a)(3), Sch. 8 para. 16

F4 Words substituted by virtue of Criminal Justice Act 1982 (c. 48), s. 46

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F5 Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 58(1)(b)(3), 170, Sch. 8 para. 16, [Sch. 16](#)

Marginal Citations

M12 [1972 c. 70](#).

44 **F6**

Textual Amendments

F6 [S. 44](#) repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. I](#)

45 **F7**

Textual Amendments

F7 [S. 45](#) repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. II](#)

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