



# Criminal Justice Act 1988

## CHAPTER 33

### CRIMINAL JUSTICE ACT 1988

#### PART I

##### EXTRADITION

###### *Preliminary*

1—21 Scope of Part I.

###### *Suppression of terrorism*

22 Suppression of terrorism.

#### PART II

##### DOCUMENTARY EVIDENCE IN CRIMINAL PROCEEDINGS

23 First-hand hearsay.

24 Business etc. documents.

25 Principles to be followed by court.

26 Statements in documents that appear to have been prepared for purposes of criminal proceedings or investigations.

27 Proof of statements contained in documents.

28 Documentary evidence— supplementary.

#### PART III

##### OTHER PROVISIONS ABOUT EVIDENCE IN CRIMINAL PROCEEDINGS

29 Issue of letters of request.

30 Expert reports.

31 Form of evidence and glossaries.

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- 32 Evidence through television links.
- 32A Video recordings of testimony from child witnesses.
- 33 Evidence of persons under 14 in committal proceedings.
- 33A Evidence given by children.
- 34 Abolition of requirement of corroboration for unsworn evidence of children.
- 34A Cross-examination of alleged child victims.

#### **PART IV**

##### REVIEWS OF SENTENCING

- 35 Scope of Part IV.
- 36 Reviews of sentencing.

#### **PART V**

##### JURISDICTION, IMPRISONMENT, FINES, ETC.

###### *Jurisdiction*

- 37 Certain either way offences relating to motor vehicles to be summary offences.
- 38 Criminal damage etc. as summary offences.
- 39 Common assault and battery to be summary offences.
- 40 Power to join in indictment count for common assault etc.
- 41 Power of Crown Court to deal with summary offence where person committed for either way offence.
- 42 Amendments relating to committal for sentence.

###### *Power of Court of Appeal to order retrial*

- 43 Power of Court of Appeal to order retrial.

###### *Imprisonment*

- 44 Firearms offences.
- 45 Increase in maximum term of imprisonment for cruelty to children and young persons.
- 46 Maximum term of imprisonment on summary conviction under Prevention of Crime Act 1953 and maximum fine under Restriction of Offensive Weapons Act 1959.
- 47 Corruption.
- 48 Increase in penalty for insider dealing.
- 49 Repeal of s.134 of Magistrates' Courts Act 1980.
- 50 Suspended and partly suspended sentences on certain civilians in courts-martial and Standing Civilian Courts.

###### *Maximum fines under subordinate legislation*

- 51 Statutory maximum as penalty on summary conviction for offences triable either way in subordinate legislation.
- 52 Penalties on conviction for summary offences under subordinate legislation— conversion of references to amounts to references to levels on scale.

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- 53 Powers to specify maximum fines for summary offences under subordinate instruments— conversion of references to amounts to references to levels on scale—England and Wales.
- 54 Fines on summary conviction for offences under subordinate instruments— conversion to references to levels on scale—Scotland.
- 55 Fines under secondary subordinate instruments— England and Wales.
- 56 Fines under secondary subordinate instruments: Scotland.
- 57 Powers of harbour authorities to provide for maximum fines up to level 4 on standard scale.
- 58 Byelaws relating to the burning of crop residues.

*Exceptionally high maximum fines*

- 59 Power to alter exceptionally high maximum fines.

*Default in payment of fines etc.*

- 60 Periods of imprisonment for default.
- 61 Default – procedure.
- 62 Fines on companies.

*Fines and other pecuniary penalties—miscellaneous*

- 63 .....
- 64 Increase of maximum fine under s.32 of the Game Act 1831.
- 65 Powers of civilian fine enforcement officers.
- 66 Fisheries offences on River Tweed.
- 67 Fines imposed and recognizances forfeited by coroners.
- 68 .....

*Forfeiture*

- 69 Forfeiture general.
- 70 Forfeiture for drug offences.

**PART VI**

**CONFISCATION OF THE PROCEEDS OF AN OFFENCE**

- 71 Confiscation orders.
- 72 Making of confiscation orders.
- 72A Postponed determinations.
- 72AA Confiscation relating to a course of criminal conduct.
- 73 Statements, etc. relevant to making confiscation orders.
- 73A Provision of information by defendant.
- 74 Definition of principal terms used.

*Review and revision of certain questions and determinations*

- 74A Review of cases where proceeds of crime not assessed.
- 74B Revision of assessment of proceeds of crime.
- 74C Revision of assessment of amount to be recovered.

*Enforcement, etc. of confiscation orders*

- 75 Application of procedure for enforcing fines.
- 75A Interest on sums unpaid under confiscation orders.

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- 76 Cases in which restraint orders and charging orders may be made.
- 77 Restraint orders.
- 78 Charging orders in respect of land, securities, etc.
- 79 Charging orders: supplementary provisions.
- 80 Realisation of property.
- 81 Application of proceeds of realisation and other sums.
- 82 Exercise of powers by High Court or receiver.
- 83 Variation of confiscation orders.
- 84 Bankruptcy of defendant etc.
- 85 Sequestration in Scotland of defendant etc.
- 86 Winding up of company holding realisable property.
- 87 Insolvency officers dealing with property subject to restraint order.
- 88 Receivers: supplementary provisions.
- 89 Compensation.

#### *Enforcement in Scotland*

- 90 Recognition and enforcement of orders in Scotland.
- 91 Supplementary.
- 92 Inhibition and arrestment of property in Scotland.
- 93 Proof in Scotland of High Court orders.

#### *Money laundering and other offences*

- 93A Assisting another to retain the benefit of criminal conduct.
- 93B Acquisition, possession or use of proceeds of criminal conduct.
- 93C Concealing or transferring proceeds of criminal conduct.
- 93D Tipping-off.
- 93E Application of sections 93A to 93D to Scotland.
- 93F Prosecution by order of the Commissioners of Customs and Excise.
- 93G Extension of certain offences to Crown servants and exemptions for regulators etc.

#### *Investigations into the proceeds of criminal conduct*

- 93H Order to make material available.
- 93I Authority for search.
- 93J Disclosure of information held by government departments.

#### *Enforcement of external orders*

- 94 Enforcement of Northern Ireland orders.
- 95 Enforcement of Northern Ireland order in Scotland.
- 96 Enforcement of other external orders.
- 97 Registration of external confiscation orders.

#### *Miscellaneous and supplemental*

- 98 Disclosure of information subject to contractual restriction upon disclosure.
- 99 Authorisation of delay in notifying arrest etc.
- 100 Power to inspect Land Register, etc.
- 101 Abolition of power to make criminal bankruptcy order.
- 102 Part VI— Interpretation.

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- 103 Amendments of Drug Trafficking Offences Act 1986 and Criminal Justice (Scotland) Act 1987.

## PART VII

### COMPENSATION BY COURT AND CRIMINAL INJURIES COMPENSATION BOARD

#### *Powers of court*

- 104 Compensation orders.  
105 Enforcement of compensation orders.  
106 Discretion of Crown Court to specify extended period of imprisonment in default of payment of compensation.

#### *Compensation for victim out of forfeited property*

- 107 Power to make order applying proceeds of sale of property forfeited by offender for benefit of victim.

#### *The Criminal Injuries Compensation Scheme*

- 108 The Criminal Injuries Compensation Board and the administration of the scheme.  
109 Criminal injuries.  
110 Qualifying injuries.  
111 Awards of compensation.  
112 Powers to withhold and reduce compensation.  
113 Right of appeal.  
114 Minimum awards.  
115 Reimbursement and recovery.  
116 Reimbursement and recovery in Scotland.  
117 Inalienability of compensation awards.

## PART VIII

### AMENDMENTS OF LAW RELATING TO JURIES

- 118 Abolition of peremptory challenge.  
119 Persons aged between 65 and 70 to be eligible as jurors.  
120 Discretionary deferral of jury service.  
121 Continuation of trials for murder on death or discharge of juror.  
122 Autrefois acquit and autrefois convict.

## PART IX

### YOUNG OFFENDERS

- 123 Custodial sentences for young offenders.  
124 Detention of young offenders in Scotland.  
125 Abolition of power of court to commit juvenile to remand centre instead of local authority care. 1969 c. 54.  
126 Amendment of section 53(2) of Children and Young Persons Act 1933.  
127 Payment of fine by parent or guardian.  
128 Supervision.  
129 Signature of orders relating to detention of young offenders.  
130 Computation of sentence—time passed in care of local authority in accommodation provided for restricting liberty. 1967 c. 80.

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## PART X

### PROBATION AND THE PROBATION SERVICE, ETC.

- 131 Bail: hostel conditions.
- 132 Administration of the probation service etc.

## PART XI

### MISCELLANEOUS

#### *Miscarriages of justice*

- 133 Compensation for miscarriages of justice.
- 133A Miscarriages of justice: amount of compensation
- 133B Cases where person has been detained for at least 10 years

#### *Torture*

- 134 Torture.
- 135 Requirement of Attorney General's consent for prosecutions.
- 136, 137 .....
- 138 Application to Channel Islands, Isle of Man and colonies.

#### *Articles with blades or points and offensive weapons*

- 139 Offence of having article with blade or point in public place.
- 139A Offence of having article with blade or point (or offensive weapon) on school premises.
- 139B Power of entry to search for articles with a blade or point and offensive weapons.
- 140 Extension of constable's power to stop and search.
- 141 Offensive weapons.
- 141ZA Application of section 141 to swords: further provision
- 141ZB Importation of offensive weapons: prohibition
- 141ZC Prohibition on importation of offensive weapons: exceptions
- 141ZD Prohibition on importation of offensive weapons: burdens of proof
- 141A Sale of knives and certain articles with blade or point to persons under sixteen.
- 142 Power of justice of the peace to authorise entry and search of premises for offensive weapons.

#### *Serious fraud*

- 143 Assistance to Isle of Man and Channel Islands.
- 144 Transferred charges.
- 145 Power to petition for winding-up etc. on information obtained on investigation by Director of Serious Fraud Office.

#### *Evidence before Service courts*

- 146 Evidence before courts-martial etc.

#### *Amendments of Police and Criminal Evidence Act 1984 etc.*

- 147 Searches of detained persons.
- 148 Computer data about fingerprints.

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149 .....

*Provisions relating to Customs and Excise*

- 150 Bail for persons in customs detention.
- 151 Customs and Excise power of arrest.
- 152 Remands of suspected drug offenders to customs detention.

*Bail and custody*

- 153 Court to give reasons for granting bail to a person accused of serious offence.
- 154 Decisions where bail refused on previous hearing.
- 155 Remands in custody for more than eight days.

*Appeals*

- 156 Appeals to Crown Court.
- 157 Groundless appeals and applications for leave to appeal.

*Reports of criminal proceedings*

- 158 Anonymity in rape etc. cases.
- 159 Crown Court proceedings— orders restricting or preventing reports or restricting public access.

*Possession of indecent photograph of child*

- 160 Summary offence of possession of indecent photograph of child.
- 160A Marriage and other relationships
- 161 Possession of indecent photographs of children: Scotland.

*Video recordings*

- 162 Enforcement of Video Recordings Act 1984.

*Restitution orders*

- 163 Application of restitution orders to the Crown.

*Magistrates' courts areas and officers*

- 164 Alteration of names of petty sessions areas.
- 165 Officers of inner London magistrates' courts.

*Costs and expenses*

- 166 Costs and expenses of prosecution witnesses and other persons.

*Acquisition of easements etc.*

- 167 Acquisition of easements etc. under Prison Act 1952.

**PART XII**

**GENERAL AND SUPPLEMENTARY**

- 168 Northern Ireland.
- 169 Financial provision.

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- 170 Minor and consequential amendments and repeals.
- 171 Commencement.
- 172 Extent.
- 173 Citation.

## SCHEDULES

### SCHEDULE 1 — . . .

### SCHEDULE 2 — Documentary Evidence—Supplementary

- 1 Where a statement is admitted as evidence in criminal proceedings...
- 2 A statement which is given in evidence by virtue of...
- 3 In estimating the weight, if any, to be attached to...
- 4 Without prejudice to the generality of any enactment conferring power...
- 5 Expressions used in Part II of this Act and in...
- 6 In Part II of this Act “confession has the meaning...

### SCHEDULE 3 — Reviews of Sentencing—Supplementary

- 1 Notice of an application for leave to refer a case...
- 2 If the registrar of criminal appeals is given notice of...
- 3 Rules of court may enable a person to whose sentencing...
- 4 An application to the Court of Appeal for leave to...
- 5 The time during which a person whose case has been...
- 6 Except as provided by paragraphs 7 and 8 below, a...
- 7 A person in custody shall not be entitled to be...
- 8 The power of the Court of Appeal to pass sentence...
- 9 A person whose sentencing is the subject of a reference...
- 10 The term of any sentence passed by the Court of...
- 11 Where on a reference to the Court of Appeal under...
- 12 In the application of this Schedule to Northern Ireland—

### SCHEDULE 4 — Confiscation Orders

#### Part I — OFFENCES IN RESPECT OF WHICH MAGISTRATES’ COURTS MAY MAKE CONFISCATION ORDERS

#### Part II — ORDERS VARYING LIST OF OFFENCES

- 1 The Secretary of State may by order made by statutory...
- 2 A statutory instrument containing an order under paragraph 1 above...

### SCHEDULE 5 — Drug Trafficking Amendments

#### Part I

- 1 The Drug Trafficking Offences Act 1986 shall be amended as...
- 2 In section 7 (cases in which restraint orders and charging...
- 3 (1) The following subsection shall be inserted after subsection (5)...
- 4 (1) The following paragraphs shall be substituted for subsection (3)(a)...
- 5 Subsection (1) of section 10 of that Act (charging orders:...
- 6 (1) Section 12 (application of proceeds of realisation and other...
- 7 In section 15 (bankruptcy of defendant etc.)—
- 8 (1) Section 16 (sequestration in Scotland of defendant etc.) shall...
- 9 In subsection (1) of section 17 (winding up of company...
- 10 The following section shall be inserted after that section— Insolvency...
- 11 In subsection (2) of section 18 (receivers: supplementary provisions)  
for...



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- 12 In section 19 (compensation)— (a) in paragraph (b)(i) of subsection...
- 13 .....
- 14 (1) The following paragraph shall be substituted for subsection (1)(d)...
- 15 The following sections shall be substituted for section 26—  
Enforcement...
- 16 The following subsections shall be substituted for subsections (12)  
and...
- 17 In section 40(4) (effect of Act in Scotland), in paragraph...  
Part II — AMENDMENTS OF CRIMINAL JUSTICE (SCOTLAND) ACT 1987
- 18 The Criminal Justice (Scotland) Act 1987 shall be amended as...
- 19 In section 1 (confiscation orders) in paragraph (b) of subsection...
- 20 In subsection (6)(a) of section 11 (which applies the provisions...
- 21 In subsection (3) of section 16 (application of proceeds of...
- 22 In section 34(6)(d) (bankruptcy in England and Wales of person...
- 23 In subsection (5) of section 38 (order to permit entry...

SCHEDULE 6 —

SCHEDULE 7 —

SCHEDULE 8 — Custodial Sentences for Young Offenders  
Part I — AMENDMENTS

*General*

- 1 In any enactment for a reference to a detention centre...
- 2 In any enactment except— (a) section 21 of the Firearms...
- 3 (1) In any enactment except— (a) Part II of Schedule...

*Army Act 1955 (c. 18)*

*Air Force Act 1955 (c. 19)*

*Naval Discipline Act 1957 (c. 53)*

- 4 In subsection (6) – (a) of section 71AA of the...
- 5 In sub-paragraph (6) of paragraph 10— (a) of Schedule 5A...

*Firearms Act 1968 (c. 27)*

- 6 In section 21(1) and (2) of the Firearms Act 1968...

*Employment Agencies Act 1973 (c. 35)*

- 7 In section 13(7)(a)(ii) of the Employment Agencies Act 1973 for...

*Juries Act 1974 (c. 23)*

- 8 In Part I of Schedule 1 to the Juries Act...

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 9 In section 5 of the Rehabilitation of Offenders Act 1974...

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*Criminal Justice Act 1982 (c. 48)*

- 10 The following paragraph shall be inserted after paragraph (b) of...  
     Part II — TRANSITIONAL PROVISIONS
- 11 (1) Where— (a) before the date on which section 1A...
- 12 An offender who was sentenced to youth custody on a...
- 13 A person who at the commencement of section 1A of...
- 14 Rules under section 47 of the Prison Act 1952 may...
- 15 Where on the commencement of section 1A of the Criminal...
- 16 Nothing in this Act affects any right of appeal against...

SCHEDULE 9 — Detention of Young Offenders in Scotland  
 Part I — AMENDMENTS

1 . . . . .

*Army Act 1955 (c. 18)*

*Air Force Act 1955 (c. 19)*

*Naval Discipline Act 1957 (c. 53)*

- 2 In subsection (6)— (a) of section 71AA of the Army...
- 3 In sub-paragraph (6) of paragraph 10— (a) of Schedule 5A...

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)*

- 4 In paragraph (b) of Part II (Persons Disqualified) of Schedule...

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

- 5 In section 41(2)(b)(ii) of the Criminal Justice (Scotland) Act 1980...  
     Part II — TRANSITIONAL PROVISIONS
- 6 An Offender who was ordered to be detained in a...
- 7 A person who at the commencement of section 124 of...
- 8 Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation...

SCHEDULE 10 — Supervision  
 Part I — SECTIONS SUBSTITUTED FOR SECTION 12 OF CHILDREN AND  
 YOUNG PERSONS ACT 1969

- 12 Power to include requirements in supervision orders.
- 12A Young offenders.
- 12B Requirements as to mental treatment.
- 12C Requirements as to education.
- 12D Duty of court to state in certain cases that requirement in place of  
 custodial sentence.

Part II — AMENDMENTS CONSEQUENTIAL ON SUBSTITUTION OF SECTIONS  
 SET OUT IN PART 1 FOR SECTION 12

The amendments of the Children and Young Persons Act 1969...

Part III

- 1 . . . . .
- 2 . . . . .
- 3 . . . . .

Part IV — SECTION INSERTED AFTER SECTION 16

Application of sections 17 to 19 of Criminal Justice Act...

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## SCHEDULE 11 —

### *Amendments of Schedule 3 to Powers of Criminal Courts Act 1973*

- 1 Schedule 3 to the Powers of Criminal Courts Act 1973...
- 2 In paragraph 4— (a) in sub-paragraph (1), for the word...
- 3 The following paragraphs shall be inserted after paragraph 6—
- 4 Paragraph 7 shall cease to have effect.
- 5 The following paragraph shall be substituted for paragraph 10(3)(a)—
- 6 The following paragraph shall be inserted after paragraph 18(1)(a)—

### *Amendment of Local Government Finance Act 1982*

- 8 In paragraph (1) of section 12(2) of the Local Government...

## SCHEDULE 12 — Assessors of Compensation for Miscarriages of Justice

- 1 A person may only be appointed to be an assessor...
- 2 A person shall hold and vacate office as an assessor...
- 3 A person shall vacate office as an assessor—
- 4 A person may at any time resign his office as...
- 5 Subject to paragraph 6 below, the Secretary of State may...
- 6 The power conferred by paragraph 5 above shall only be...
- 7 An assessor shall be paid such remuneration and allowances as...

## SCHEDULE 13 — Evidence Before Courts-Martial Etc.

### *Interpretation*

- 1 In this Schedule— “procedural instruments” means— (a) Rules of Procedure...

### *First-hand hearsay*

- 2 Sections 23 and 24 above shall have effect in relation...

### *Documentary evidence*

- 3 Section 25 above shall have effect in relation to proceedings...
- 4 In section 26 above— (a) the reference to criminal proceedings...
- 5 Without prejudice to the generality of any enactment conferring power...

### *Letters of request etc.*

- 6 (1) No application shall be made under section 3 of...

### *Form of evidence and glossaries*

- 7 For the purpose of helping members— (a) of courts-martial constituted...

### *Use of television links*

- 8 (1) The Secretary of State may by order direct that...

### *Video recordings of evidence*

- 9 (1) The Secretary of State may by order direct that...

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*Cross -examination of children*

10 (1) The Secretary of State may by order direct that...

SCHEDULE 14 —

SCHEDULE 15 — Minor and Consequential Amendments

*Criminal Law Act 1826 (c. 64)*

1 Section 30 of the Criminal Law Act 1826 (which enables...

*Offences against the Person Act 1861 (c. 100)*

2 The Offences against the Person Act 1861 shall be amended...  
3 There shall be omitted from section 44 (certificates as to...  
4 In section 45 (bars to further proceedings) for the words...

*Bankruptcy Act 1914 (c. 59)*

5 Section 28 of the Bankruptcy Act 1914 (effect of order...

*Land Registration Act 1925 (c. 21)*

6 In section 49(1)(g) of the Land Registration Act 1925 (protection...  
7 In section 112A(1) of that Act (inspection in connection with...

*Children and Young Persons Act 1933 (c. 12)*

8 In Schedule 1 to the Children and Young Persons Act...  
9 References in that Act to the offences mentioned in Schedule...

*Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)*

10 The following paragraph shall be substituted for paragraph (iA) of...

*Prison Act 1952 (c. 52)*

11 The following paragraph shall be inserted after paragraph (a) of...  
12 In subsection (3) of that section, for the word "or"...

*Visiting Forces Act 1952 (c. 67)*

13 In section 5 of the Visiting Forces Act 1952 (custody...  
14 (1) In subsection (1) of section 12 of that Act,...  
15 —In paragraphs 1(a) and 2(a) of the Schedule, after the...

*Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)*

16 In paragraph 4 of the Schedule to the Backing of...

*Criminal Justice Act 1967 (c. 80)*

17 The Criminal Justice Act 1967 shall be amended as follows...  
18 In section 62— (a) in subsection (10) (subsequent release of...  
19 In subsection (6) of section 67 (computation of sentences) for...

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*Criminal Appeal Act 1968 (c. 19)*

- 20 The Criminal Appeal Act 1968 shall be amended as follows....
- 21 Section 9 shall be renumbered so as to become section...
- 22 (1) In subsection (2)(b) of section 10 (proceedings from which...
- 23 (1) In subsection (2) of section 11 (supplementary provisions as...
- 24 The following subsection shall be substituted for subsection (4) of...
- 25 The following section shall be inserted after section 18— Appeals...
- 26 In subsection (1) of section 19 (bail)—
- 27 In section 29(2)(b) (circumstances in which there may not be...
- 28 The following section shall be substituted for section 30— Restitution...
- 29 The following shall be substituted for the words in section...
- 30 The following subsection shall be inserted after subsection (2A) of...
- 31 The following shall be substituted in the first subsection of...
- 32 The following paragraph shall be inserted after paragraph 1 of...

*Theft Act 1968 (c. 60)*

- 33 In subsection (5) of section 28 of the Theft Act...
- 34 .....
- 54, 55 .....
- 57 .....
- 81 .....
- 83, 84 .....
- 85—88 .....
- 92—94 .....
- 95, 96 .....

*Children and Young Persons Act 1969 (c. 54)*

- 35 In subsection (1) of section 20A of the Children and...
- 36 In section 29 of that Act (recognisance on release of...

*Tribunals and Inquiries Act 1971 (c. 62)*

- 37 .....

*Powers of Criminal Courts Act 1973 (c. 62)*

- 38 The Powers of Criminal Courts Act 1973 shall be amended...
- 39 In subsection (1) of section 34A (power of Crown Court...
- 40 The following subsection shall be substituted for section 35(4)—
- 41 In subsection (4)(b) of section 43 (power to deprive offender...
- 42 .....

*Legal Aid Act 1974 (c. 4)*

- 43 In section 28(7A) of the Legal Aid Act 1974 for...

*Juries Act 1974 (c. 23)*

- 44 In subsection (1) of section 3 of the Juries Act...
- 45 In section 6(1) of that Act (summoning of jury in...
- 46 In section 20(4) of that Act (offences) after the word...

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*Rehabilitation of Offenders Act 1974 (c. 53)*

47 In section 1(2)(a) of the Rehabilitation of Offenders Act 1974...

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

48 In each of sections 171 and 368 of the Criminal...  
49 In section 289G of that Act (which creates the standard...  
50 In Schedule 1 to that Act (which lists offences against...  
51 In the said Schedule 1 after paragraph (d) there shall...

*Bail Act 1976 (c. 63)*

52 In section 2(2) the following definitions shall be inserted before...

*Sexual Offences (Amendment) Act 1976 (c. 82)*

53 (1) The Sexual Offences (Amendment) Act 1976 shall have effect...

*Judicature (Northern Ireland) Act 1978 (c. 23)*

56 In section 49(6) of the Judicature (Northern Ireland) Act 1978...

*Interpretation Act 1978 (c. 30)*

58 In Schedule 1 to the Interpretation Act 1978—  
59 In the definition of “offence triable either way” in that...

*Protection of Children Act 1978 (c. 37)*

60 The Protection of Children Act 1978 shall be amended as...  
61 (1) In subsection (1) of section 4 (entry, search and...  
62 (1) In subsection (2) of section 5 (forfeiture) the words...

*Justices of the Peace Act 1979 (c. 55)*

63 At the end of subsection (1)(b) of section 61 of...

*Child Care Act 1980 (c. 5)*

64 In section 73(1)(b) of the Child Care Act 1980 (places...

*Magistrates’ Courts Act 1980 (c. 43)*

65 The Magistrates’ Courts Act 1980 shall be amended as follows....  
66 In section 6(5) (display of notice of committal or discharge)...  
67 In subsection (1) of section 37 (committal to Crown Court...  
68 At the end of subsection (8) of section 102 (written...  
69 (1) In subsection (3A) of section 128 (remand in custody...  
70 The following subsection shall be inserted after subsection (2) of...

*Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

71 The Criminal Appeal (Northern Ireland) Act 1980 shall be amended...  
72 The following subsection shall be substituted for subsection (4) of...  
73 The following section shall be inserted after section 16— Appeals...  
74 The following section shall be substituted for section 17— Bail...  
75 The following section shall be substituted for section 18— Groundless...

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Criminal Justice Act 1988 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- 76 (1) In section 44(1) (constitution of Court of Appeal on...
- 77 The following paragraph shall be substituted for section 45(2)(d)—
- 78 The following subsection shall be inserted after section 45(3)—

*Supreme Court Act 1981 (c. 54)*

- 79 In the proviso to section 47(5) of the Supreme Court...
- 80 The following paragraph shall be inserted after subsection (4)(a) of...

*Civil Jurisdiction and Judgments Act 1982 (c. 27)*

- 82 In section 18(4A) of the Civil Jurisdiction and Judgments Act...

*Civic Government (Scotland) Act 1982 (c. 45)*

- 89 In subsection (7) of section 52 of the Civic Government...

*Criminal Justice Act 1982 (c. 48)*

- 90 At the end of section 15(11) of the Criminal Justice...
- 91 At the end of part II of Schedule 1 to...

*Police and Criminal Evidence Act 1984 (c. 60)*

- 97 The Police and Criminal Evidence Act 1984 shall be amended...
- 98 At the end of subsection (3)(b) of section 24 (arrest)...
- 99 In section 55(1) (intimate searches) for the words “such a...
- 100 In section 65, in the definition of “intimate samples”, for...
- 101 In section 120 (extent) the second of the two subsections...
- 102 At the end of Schedule 5 to that Act there...

*Prosecution of Offences Act 1985 (c. 23)*

- 103 The following paragraph shall be inserted after subsection (4)(a) of...
- 104 In subsection (11) of section 22 of that Act (power...

*Local Government Act 1985 (c. 51)*

- 105 .....

*Bankruptcy (Scotland) Act 1985 (c. 66)*

- 106 The Bankruptcy (Scotland) Act 1985 shall be amended as follows....
- 107 In section 5(4) (interpretation) after “1987” there shall be added...
- 108 In section 7(1) (constitution of apparent insolvency)—
- 109 Section 55(2) (discharge of debtor not to release him from...

*Insolvency Act 1986 (c. 45)*

- 110 Section 281(4) of the Insolvency Act 1986 (discharge of debtor...

*Criminal Justice Act 1987 (c. 38)*

*Criminal Justice (Scotland) Act 1987 (c. 41)*

- 111 The following paragraph shall be substituted for subsection (6)(j) of...

*Status: Point in time view as at 01/04/1996.*

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*Criminal Justice Act 1987 (c. 38)*

- 112 The Criminal Justice Act 1987 shall be amended as follows....
- 113 (1) In subsection (2) of section 2 (Director's investigation powers),...
- 114 (1) In subsection (1) of section 11, for the words...
- 115 In section 13(1), for the words "operates only so as..."
- 116 In paragraph 6(1) of Schedule 1, for "(4)" there shall...

*Criminal Justice (Scotland) Act 1987 (c. 41)*

- 117 (1) Section 52 of the Criminal Justice (Scotland) Act 1987...

*The Public Order (Northern Ireland) Order 1987 S.I. 1987 No. 463 (N.I.7)*

- 118 (1) In Article 24(2) of the Public Order (Northern Ireland)...

SCHEDULE 16 — Repeals

- 1 The repeals in the Offences against the Person Act 1861...
- 2 The repeal in the Road Traffic Act 1972 does not...
- 3 The repeal of sections 74 and 75 of the Criminal...



**Status:**

Point in time view as at 01/04/1996.

**Changes to legislation:**

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