



# Criminal Justice and Public Order Act 1994

## CHAPTER 33

### CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

#### PART I

#### YOUNG OFFENDERS

##### *Secure training orders*

- 1 Secure training orders.
- 2 Secure training orders: supplementary provisions as to detention.
- 3 Supervision under secure training order.
- 4 Breaches of requirements of supervision of persons subject to secure training orders.
- 5 Provision etc. of secure training centres.
- 6 Management of secure training centres.
- 7 Contracting out of secure training centres.
- 8 Officers of contracted out secure training centres.
- 9 Powers and duties of custody officers employed at contracted out secure training centres.
- 9A Power of custody officers to detain suspected offenders
- 10 Intervention by Secretary of State in management of contracted out secure training centres.
- 11 Contracted out functions at directly managed secure training centres.
- 12 Escort arrangements and officers.
- 13 Protection of custody officers at secure training centres.
- 14 Wrongful disclosure of information relating to offenders detained at secure training centres.
- 15 Interpretation of sections 7 to 14.

*Status: Point in time view as at 05/07/1996.*

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*Custodial sentences for young offenders*

- 16 Long term detention of young offenders.
- 17 Maximum length of detention for young offenders.
- 18 Accommodation of young offenders sentenced to custody for life.

*Secure accommodation for certain young persons*

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- 20 Secure remands for young offenders.
- 21 Cost of secure accommodation.
- 22 Management of secure accommodation.

*Arrest of young persons in breach of conditions of remand*

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- 28 Police detention after charge.
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- 31 Imputations on character.

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- 32 Abolition of corroboration rules.
- 33 Abolition of corroboration requirements under Sexual Offences Act 1956.

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- 35 Effect of accused's silence at trial.
- 36 Effect of accused's failure or refusal to account for objects, substances or marks.
- 37 Effect of accused's failure or refusal to account for presence at a particular place.
- 38 Interpretation and savings for sections 34, 35, 36 and 37.
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### *Child testimony*

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- 51 Intimidation, etc., of witnesses, jurors and others.

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- 55 Powers of police to take non-intimate body samples.
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- 57 Retention of samples in certain cases.
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- 64 Supplementary powers of entry and seizure.
- 65 Raves: power to stop persons from proceeding.
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#### *Trespassory assemblies*

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- 71 Trespassory assemblies: power to stop persons from proceeding.

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- 73 Adverse occupation of residential premises.
- 74 Protected intending occupiers: supplementary provisions.
- 75 Interim possession orders: false or misleading statements.
- 76 Interim possession orders: trespassing during currency of order.

#### *Powers to remove unauthorised campers*

- 77 Power of local authority to direct unauthorised campers to leave land.
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### PREVENTION OF TERRORISM

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- 82 Offences relating to terrorism.

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- 83 Investigations into activities and financial resources of terrorist organisations.

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#### *Obscene publications and indecent photographs of children*

- 84 Indecent pseudo-photographs of children.  
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86 Indecent photographs of children: sentence of imprisonment.  
87 Publishing, displaying, selling or distributing etc. obscene material in Scotland: sentence of imprisonment.

#### *Video recordings*

- 88 Video recordings: increase in penalties.  
89 Video recordings: restriction of exemptions.  
90 Video recordings: suitability.  
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- 92 Obscene, offensive or annoying telephone calls: increase in penalty.

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##### ENGLAND AND WALES

#### *Prisoner escorts*

- 93 Arrangements for the provision of prisoner escorts.  
94 Powers and duties of prisoner custody officers acting in pursuance of such arrangements.  
95 Breaches of discipline by prisoners under escort.

#### *Contracted out prisons etc.*

- 96 Contracted out parts of prisons, etc.  
97 Temporary attachment of prison officers.  
98 Prisoners temporarily out of prison.

#### *Miscellaneous*

- 99 Contracted out functions at directly managed prisons.  
100 Provision of prisons by contractors.

#### *Supplemental*

- 101 Minor and consequential amendments.

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#### *Prisoner escorts*

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- 105 Breaches of discipline by prisoners under escort.

#### *Contracted out prisons*

- 106 Contracting out of prisons.
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- 108 Powers and duties of prisoner custody officers employed at contracted out prisons.
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- 110 Consequential modifications of 1989 Act, prison rules and directions.
- 111 Intervention by the Secretary of State.

#### *Contracted out functions*

- 112 Contracted out functions at directly managed prisons.

#### *Provision of new prisons*

- 113 Provision of new prisons.

#### *Supplemental*

- 114 Prisoner custody officers: general provisions.
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- 116 Minor and consequential amendments.
- 117 Interpretation of Chapter II.

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#### *Prisoner escorts*

- 118 Arrangements for the provision of prisoner escorts.
- 119 Monitoring etc. of prisoner escort arrangements.
- 120 Powers and duties of prisoner custody officers acting in pursuance of such arrangements.
- 121 Breaches of discipline by prisoners under escort.

#### *Supplemental*

- 122 Certification of custody officers.
- 123 Protection of prisoner custody officers.
- 124 Wrongful disclosure of information.
- 125 Interpretation of Chapter III.

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- 143 Male rape and buggery.

##### *Revised penalties for certain sexual offences*

- 144 Revised penalties for buggery and indecency between men.

##### *Homosexuality*

- 145 Age at which homosexual acts are lawful.
- 146 Extension of Sexual Offences Act 1967 to the armed forces and merchant navy.

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- 147 Homosexuality on merchant ships and in the armed forces: Northern Ireland.
- 148 Amendment of law relating to homosexual acts in Scotland.

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- 149 Incorporation of the Parole Board.
- 150 Powers to recall prisoners released on licence.

#### *Prisons: powers in relation to prisoners, visitors and others*

- 151 Power to test prisoners for drugs.
- 152 Powers of search by authorised employees in prisons.
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#### *Harassment, alarm or distress*

- 154 Offence of causing intentional harassment, alarm or distress.

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- 155 Offence of racially inflammatory publication etc. to be arrestable.

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- 156 Prohibition on use of cells from embryos or foetuses.

#### *Increase in certain penalties*

- 157 Increase in penalties for certain offences.

#### *Extradition procedures*

- 158 Extradition procedures.
- 159 Backing of warrants: Republic of Ireland.

#### *Constabulary powers in United Kingdom waters*

- 160 Extension of powers, etc., of constables to United Kingdom waters.

#### *Obtaining computer-held information*

- 161 Procuring disclosure of, and selling, computer-held personal information.
- 162 Access to computer material by constables and other enforcement officers.

#### *Closed-circuit television by local authorities*

- 163 Local authority powers to provide closed-circuit television.

#### *Serious fraud*

- 164 Extension of powers of Serious Fraud Office and of powers to investigate serious fraud in Scotland.



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*Copyright and illicit recordings: enforcement of offences*

- 165 Enforcement of certain offences relating to copyright and illicit recordings.

*Ticket touts*

- 166 Sale of tickets by unauthorised persons.  
166A Supplementary provision relating to sale and disposal of tickets on internet

*Taxi touts*

- 167 Touting for hire car services.

*General*

- 168 Minor and consequential amendments and repeals.  
169 Power of Secretary of State to make payments or grants in relation to crime prevention, etc.  
170 Security costs at party conferences.  
171 Expenses etc. under Act.  
172 Short title, commencement and extent.

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SCHEDULES —

SCHEDULE 1 — Escort Arrangements: England and Wales

*Arrangements for the escort of offenders detained at secure training centres*

- 1 (1) The Secretary of State may make arrangements for any...

*Monitoring etc. of escort arrangements*

- 2 (1) Escort arrangements shall include the appointment of—

*Powers and duties of custody officers acting in pursuance of escort arrangements*

- 3 (1) A custody officer acting in pursuance of escort arrangements...

*Interpretation*

- 4 In this Schedule— “escort arrangements” has the meaning given by...

SCHEDULE 2 — Certification of Custody Officers: England and Wales

*Preliminary*

- 1 In this Schedule— “certificate” means a certificate under section 12(3)...

*Issue of certificates*

- 2 (1) Any person may apply to the Secretary of State...

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*Suspension of certificate*

3 (1) This paragraph applies where at any time—

*Revocation of certificate*

4 Where at any time it appears to the Secretary of...

*False statements*

5 If any person, for the purpose of obtaining a certificate...

SCHEDULE 3 — Bail: Supplementary Provisions

*Bail Act 1976*

1 Section 5 of the Bail Act 1976 (supplementary provisions about...

2 After section 5 of the Bail Act 1976 there shall...

*Magistrates' Courts Act 1980*

3 After section 43A of the Magistrates' Courts Act 1980 there...

SCHEDULE 4 —

SCHEDULE 5 — Magistrates' Courts: Dealing with cases where accused pleads guilty

*Non-appearance of accused: plea of guilty*

1 For section 12 of the Magistrates' Courts Act 1980 (“the...

*Application of section 12 procedure where accused appears*

2 After section 12 of the 1980 Act there shall be...

*Consequential amendments*

3 (1) In consequence of the amendments made by paragraphs 1...

SCHEDULE 6 — Certification of Prisoner Custody Officers: Scotland

*Preliminary*

1 In this Schedule— “certificate” means a certificate under section 114...

*Issue of certificates*

2 (1) The Secretary of State may, on the application of...

*Suspension of certificate*

3 (1) This paragraph applies where at any time—

*Revocation of certificate*

4 Where at any time (whether on a reference to him...

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*False statements*

5 If any person, for the purpose of obtaining a certificate...

SCHEDULE 7 — Certification of Prisoner Custody Officers: Northern Ireland

*Preliminary*

1 In this Schedule— “certificate” means a certificate under section 122...

*Issue of certificates*

2 (1) Any person may apply to the Secretary of State...

*Suspension of certificate*

3 (1) This paragraph applies where at any time it appears...

*Revocation of certificate*

4 Where at any time it appears to the Secretary of...

*False statements*

5 If any person, for the purpose of obtaining a certificate...

SCHEDULE 8 — Increase in Penalties

Part I — INCREASE OF FINES FOR CERTAIN SEA FISHERIES OFFENCES

Part II — INCREASE OF FINES FOR CERTAIN MISUSE OF DRUGS OFFENCES

Part III — INCREASE IN PENALTIES FOR CERTAIN FIREARMS OFFENCES

SCHEDULE 9 — Minor Amendments

*Poaching: increase in penalties*

1 (1) The Game Act 1831 shall be amended as follows....

*Sexual offences: procurement of women*

2 In sections 2(1) and 3(1) of the Sexual Offences Act...

*Electronic transmission of obscene material*

3 In section 1(3) of the Obscene Publications Act 1959 (definition...

*Poaching: forfeiture of vehicles*

4 After section 4 of the Game Laws (Amendment) Act 1960...

*Magistrates' courts' jurisdiction in cases involving children and young persons*

5 In section 18 of the Children and Young Persons Act...

*Service of documents by first class post*

6 (1) In section 9(8) of the Criminal Justice Act 1967...

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*Transfers of proceedings*

7 .....

*Offences aggravated by possession of firearms*

8 In Schedule 1 to the Firearms Act 1968 (which lists...

*Notice of proceedings*

9 In section 34(2) of the Children and Young Persons Act...

*Treatment of mental condition of offenders placed on probation*

10 (1) Paragraph 5 of Schedule 1A to the Powers of...

*Rehabilitation of offenders placed on probation*

11 (1) In section 5 of the Rehabilitation of Offenders Act...

*Transfers of proceedings*

12 In section 3 of the Bail Act 1976 (general provisions)—...

*Anonymity of victims of certain offences*

13 In section 4 of the Sexual Offences (Amendment) Act 1976...

*Execution of warrants for non-payment*

14 (1) In section 38A(6) of the Criminal Law Act 1977...

*Committals for sentence*

15 In section 38 of the Magistrates' Courts Act 1980 (power...

*Conditional or absolute discharge: appeal to Crown Court*

16 In section 108(1A) of the Magistrates' Courts Act 1980 (right...

*Transfers of proceedings*

17 In section 76 of the Supreme Court Act 1981 (alteration...

*Transfers of proceedings*

18 In section 77 of the Supreme Court Act 1981 (date...

*Transfers of proceedings*

19 In section 81 of the Supreme Court Act 1981 (bail...

*Electronic transmission of obscene material (Scotland)*

20 In section 51(8) of the Civic Government (Scotland) Act 1982,...

*Fines for breach of attendance centre orders or rules*

21 In section 19 of the Criminal Justice Act 1982 (breach...

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*Video recordings*

22 In section 1 of the Video Recordings Act 1984 (which...

*Standard period of validity of search warrants*

23 In the following enactments there shall be omitted the words...

*Transfers of proceedings*

24 In section 62(10) of the Police and Criminal Evidence Act...

*Transfers of proceedings*

25 In section 16 of the Prosecution of Offences Act 1985...

*Award of costs against accused*

26 In section 18(5) of the Prosecution of Offences Act 1985...

*Transfers of proceedings*

27 In section 22 of the Prosecution of Offences Act 1985...

*Confiscation orders in drug trafficking cases: variation of sentences*

28 .....

*Transfer of fraud cases*

29 In section 4 of the Criminal Justice Act 1987 (transfer...

*Fraud cases: preparatory hearings*

30 In section 7 of the Criminal Justice Act 1987 (preparatory...

*Transfers of proceedings*

31 In section 25(1) of the Criminal Justice Act 1988 (principle...

*Evidence through television links*

32 In section 32 of the Criminal Justice Act 1988 (evidence...

*Competence of children*

33 In section 33A of the Criminal Justice Act 1988 (inserted...

*Reviews of sentencing*

34 In section 35 of the Criminal Justice Act 1988 (kinds...

*Assaulting prisoner custody officer triable with indictable offence*

35 In section 40(3) of the Criminal Justice Act 1988 (summary...

*Confiscation orders: variation of sentence*

36 In section 72A of the Criminal Justice Act 1988 (inserted...

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*Extradition from the United Kingdom*

37 (1) The Extradition Act 1989 shall be amended as follows....

*Remands and committals of young persons to secure accommodation*

38 In section 21 of the Children Act 1989 (provision of...

*Non-intimate samples: samples of hair*

39 In Article 63 of the Police and Criminal Evidence (Northern...

*Pre-sentence reports*

40 (1) The Criminal Justice Act 1991 shall be amended as...

*Curfew orders*

41 In section 12 of the Criminal Justice Act 1991 (curfew...

*Fines*

42 (1) Sections 18 and 20 of the Criminal Justice Act...

*False statements as to financial circumstances*

43 After section 20 of the Criminal Justice Act 1991 there...

*Effect of previous probation orders and discharges*

44 (1) Section 29 of the Criminal Justice Act 1991 (as...

*Sexual offences*

45 (1) In section 31(1) of the Criminal Justice Act 1991...

*Discretionary life prisoners*

46 (1) In section 34 of the Criminal Justice Act 1991...

*Committals for sentence*

47 In section 40(3) of the Criminal Justice Act 1991 (power...

*Extradited persons: sentence of imprisonment to reflect custody*

48 (1) In section 47 of the Criminal Justice Act 1991...

*Transfers of proceedings*

49 In section 53 of the Criminal Justice Act 1991 (notices...

*Community sentences: binding over of parent or guardian*

50 In section 58(2) of the Criminal Justice Act 1991 (power...

*Confiscation orders in terrorist-related activities cases: variation of sentences*

51 (1) In section 48 of the Northern Ireland (Emergency Provisions)...

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*Anonymity of victims of certain offences*

52 (1) The Sexual Offences (Amendment) Act 1992 shall be amended...

*Application of 1993 Act powers to pre-commencement offences*

53 Section 78(6) of the Criminal Justice Act 1993 (application of...

SCHEDULE 10 — Consequential Amendments

*Bail: exclusion in homicide and rape cases*

1 In section 2 of the Habeas Corpus Act 1679 (bail...

*Evidence of accused in criminal proceedings*

2 In section 1 of the Criminal Evidence Act 1898 (competency...

*Evidence of accused in criminal proceedings*

3 In section 1 of the Criminal Evidence Act (Northern Ireland)...

*Responsibility for fine for breach of requirements of secure training order*

4 In section 55(1A) of the Children and Young Persons Act...

*Bail: exclusion in homicide and rape cases*

5 In section 56(3) of the Children and Young Persons Act...

*Bail: exclusion in homicide or rape cases*

6 In section 37(1) of the Criminal Justice Act 1948 (power...

*Modernisation of “servant” in Prison Act*

7 In section 3(1) of the Prison Act 1952 (officers and...

*Use of young offender institutions as secure training centres*

8 In section 37(4) of the Prison Act 1952 (prisons not...

*Young offenders absconding from secure training centres*

9 (1) Section 49 of the Prison Act 1952 (persons unlawfully...

*Bail: exclusion in homicide and rape cases*

10 In section 4(2) of the Administration of Justice Act 1960...

*Young offenders: application of prison rules*

11 In section 23(4) of the Criminal Justice Act 1961 (which...

*Young offenders: transfer, supervision and recall within British Islands*

12 (1) Part III of the Criminal Justice Act 1961 (transfer,...

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*Payment of damages by police authority*

13 In section 48(4) of the Police Act 1964 (payment by...

*Cross-border enforcement: extension of protection*

14 In section 51 of the Police Act 1964 (assaults on,...

*Bail: exclusion in homicide and rape cases*

15 In section 22(1) of the Criminal Justice Act 1967 (power...

*Young offenders: detention under secure training order*

16 Section 67 of the Criminal Justice Act 1967 (computation of...

*Payment of damages by Scottish police authority*

17 In section 39(4) of the Police (Scotland) Act 1967 (payment...

*Assaults on constables etc.*

18 In section 41 of the Police (Scotland) Act 1967 (assaults...

*Bail: exclusion in homicide and rape cases*

19 In section 8(2)(a) of the Criminal Appeal Act 1968 (powers...

*Bail: exclusion in homicide and rape cases*

20 In section 11(5) of the Criminal Appeal Act 1968 (powers...

*Bail: exclusion in homicide and rape cases*

21 In section 16(3)(b) of the Criminal Appeal Act 1968 (powers...

*Bail: exclusion in homicide and rape cases*

22 In section 19(1) of the Criminal Appeal Act 1968 (power...

*Bail: exclusion in homicide and rape cases*

23 In section 36 of the Criminal Appeal Act 1968 (power...

*Young offenders: possession of firearms*

24 (1) The Firearms Act 1968 shall be amended as follows....

*Cross-border enforcement: extension of protection*

25 In section 7 of the Criminal Justice (Miscellaneous Provisions) Act...

*Sexual offences: male rape*

26 In section 9(2) of the Theft Act 1968 (offences which...

*Payment of damages by Police Authority for Northern Ireland*

27 In section 14(5) of the Police Act (Northern Ireland) 1970...



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*Jury service: penalty for serving when not qualified*

28 In section 20(5) of the Juries Act 1974 (offences in...

*Custody officers: ineligibility for jury service*

29 In Part I of Schedule 1 to the Juries Act...

*Rehabilitation of offenders subject to secure training orders*

30 In section 5(6) of the Rehabilitation of Offenders Act 1974...

*Prisoner custody officers: ineligibility for jury service*

31 In Schedule 2 to the Juries (Northern Ireland) Order 1974...

*Bail: exclusion in homicide and rape cases*

32 In section 4 of the Bail Act 1976 (entitlement to...

*Police bail: variation by magistrates*

33 In section 4(2) of the Bail Act 1976 (occasions for...

*Bail: no right for persons offending while on bail*

34 In Part III of Schedule 1 to the Bail Act...

*Sexual offences: male rape*

35 (1) The Sexual Offences (Amendment) Act 1976 shall be amended...

*Sexual offences: male rape*

36 (1) Section 4 of the Sexual Offences (Amendment) Act 1976...

*Indecent photographs etc.*

37 (1) The Protection of Children Act 1978 shall be amended...

*Indecent photographs etc. (Northern Ireland)*

38 (1) The Protection of Children (Northern Ireland) Order 1978 shall...

*Secure training orders: absence of accused*

39 In section 11(3) of the Magistrates' Courts Act 1980 (certain...

*Procedure for young offenders in cases of grave crimes*

40 In section 24(1)(a) of the Magistrates' Courts Act 1980 (exception...

*Bail: exclusion in homicide and rape cases*

41 In section 29(4)(b) of the Magistrates' Courts Act 1980 (person...

*Bail: exclusion in homicide and rape cases*

42 In section 37(1) of the Magistrates' Courts Act 1980 (committal...

*Status: Point in time view as at 05/07/1996.*

*Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 22 May 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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*Police bail*

43 In section 43(1) of the Magistrates' Courts Act 1980 (bail...

*Bail: exclusion in homicide or rape cases*

44 In section 113(1) of the Magistrates' Courts Act 1980 (power...

*Prisoner custody officers: ineligibility for jury service*

45 In Part I of Schedule 1 to the Law Reform...

*Young offenders: detention in the custody of a constable and others*

46 In section 6 of the Imprisonment (Temporary Provisions) Act 1980...

*Detention by constables and officers of a prison etc.: maximum period*

47 .....

*Bail: exclusion in homicide and rape cases*

48 In section 81(1) of the Supreme Court Act 1981 (power...

*Young offenders: legal representation*

49 In section 3(1) of the Criminal Justice Act 1982 (restriction...

*Young offenders: early release*

50 In section 32 of the Criminal Justice Act 1982 (early...

*Bail: exclusion in homicide and rape cases*

51 In section 51(4) of the Mental Health Act 1983 (power...

*Video recordings*

52 (1) The Video Recordings Act 1984 shall be amended as...

*Interim possession order: power of entry*

53 In section 17 of the Police and Criminal Evidence Act...

*Bail: exclusion in homicide and rape cases*

54 In section 38(1) of the Police and Criminal Evidence Act...

*Searches of persons detained at police stations*

55 In section 54(1)(b) of the Police and Criminal Evidence Act...

*Fingerprinting: speculative searches*

56 In section 61 of the Police and Criminal Evidence Act...

*Intimate samples: speculative searches*

57 In section 62 of the Police and Criminal Evidence Act...

*Status: Point in time view as at 05/07/1996.*

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*Non-intimate samples: speculative searches*

58 In section 63 of the Police and Criminal Evidence Act...

*Sexual offences: male rape and buggery*

59 In Part I of Schedule 5 to the Police and...

*Trespassory assemblies*

60 In section 15(1) of the Public Order Act 1986 (delegation...

*Inferences from accused's silence*

61 (1) The Criminal Evidence (Northern Ireland) Order 1988 shall be...

*Samples: application to terrorist suspects*

62 (1) The Prevention of Terrorism (Temporary Provisions) Act 1989 shall...

*Prevention of terrorism: consents for prosecutions etc.*

63 (1) The Prevention of Terrorism (Temporary Provisions) Act 1989 shall...

*Young offenders: powers to search and to test for drugs*

64 In section 19(4) of the Prisons (Scotland) Act 1989 (remand...

*Non-appearance of accused: plea of guilty*

65 In section 20(1A) of the Criminal Justice Act 1991 (power...

*Young offenders: secure training order a custodial sentence*

66 In section 31(1) of the Criminal Justice Act 1991 (which...

*Bail: exclusion in homicide and rape cases*

67 In section 40(3)(b) of the Criminal Justice Act 1991 (committal...

*Contracted out prisons: exclusion of search powers*

68 In section 87(3) of the Criminal Justice Act 1991 (provisions...

*Testing prisoners for drugs: director's function*

69 In section 87(4) of the Criminal Justice Act 1991 (certain...

*The Parole Board*

70 For Schedule 5 to the Criminal Justice Act 1991 (supplementary...

*Bail: exclusion in homicide and rape cases*

71 In Schedule 6 to the Criminal Justice Act 1991 (procedure...

*Status: Point in time view as at 05/07/1996.*

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*Probation officers for offenders subject to secure training orders*

72 In section 4 of the Probation Service Act 1993 (functions...

*Secure training orders: cost of supervision by probation officer*

73 In section 17 of the Probation Service Act 1993 (probation...

SCHEDULE 11 — Repeals

**Status:**

Point in time view as at 05/07/1996.

**Changes to legislation:**

Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 22 May 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.