

Status: Point in time view as at 10/09/2024.

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SCHEDULES

SCHEDULE 1

Section 12

AMENDMENTS RELATED TO PART 1

The 1984 Act

- 1 The 1984 Act is amended as follows.
- 2 In section 18 (entry and search after arrest), for subsection (5) there is substituted—
 - “(5) A constable may conduct a search under subsection (1)—
 - (a) before the person is taken to a police station or released on bail under section 30A, and
 - (b) without obtaining an authorisation under subsection (4),if the condition in subsection (5A) is satisfied.
 - (5A) The condition is that the presence of the person at a place (other than a police station) is necessary for the effective investigation of the offence.”
- 3 In section 21 (access and copying), at the end there is inserted—
 - “(9) The references to a constable in subsections (1), (2), (3)(a) and (5) include a person authorised under section 16(2) to accompany a constable executing a warrant.”
- 4 In section 22 (retention), at the end there is inserted—
 - “(7) The reference in subsection (1) to anything seized by a constable includes anything seized by a person authorised under section 16(2) to accompany a constable executing a warrant.”
- 5 In section 34 (limitation on police detention), for subsection (7) there is substituted—
 - “(7) For the purposes of this Part a person who—
 - (a) attends a police station to answer to bail granted under section 30A,
 - (b) returns to a police station to answer to bail granted under this Part, or
 - (c) is arrested under section 30D or 46A,is to be treated as arrested for an offence and that offence is the offence in connection with which he was granted bail.”
- 6 In section 35(1) (designated police stations), for “section 30(3) and (5) above” there is substituted “sections 30(3) and (5), 30A(5) and 30D(2)”.
- 7 In section 36 (custody officers at police stations), after subsection (7) there is inserted—

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“(7A) Subject to subsection (7B), subsection (7) applies where a person attends a police station which is not a designated station to answer to bail granted under section 30A as it applies where a person is taken to such a station.

(7B) Where subsection (7) applies because of subsection (7A), the reference in subsection (7)(b) to the officer who took him to the station is to be read as a reference to the officer who granted him bail.”

8 In section 41(2) (calculation of periods of time), after paragraph (c) there is inserted—

“(ca) in the case of a person who attends a police station to answer to bail granted under section 30A, the time when he arrives at the police station;”.

9 In section 45A(2)(a) (functions which may be performed by video-conferencing), after “taken to” there is inserted “, or answering to bail at, ”.

10 In section 47 (bail after arrest)—

- (a) in subsection (6), after “granted bail” there is inserted “ under this Part ”, and
- (b) in subsection (7), after “released on bail” there is inserted “ under this Part ”.

Criminal Justice Act 1987 (c. 38)

11 In section 2 of the Criminal Justice Act 1987 (director’s investigation powers), after subsection (6) there is inserted—

“(6A) Where an appropriate person accompanies a constable, he may exercise the powers conferred by subsection (5) but only in the company, and under the supervision, of the constable.”

12 In subsection (7) of that section (meaning of appropriate person), for “subsection (6) above” there is substituted “ this section ”.

13 In subsection (8D) of that section (references to evidence obtained by Director), after “by a constable” there is inserted “ or by an appropriate person ”.

Criminal Justice and Police Act 2001 (c. 16)

14 In section 56 of the Criminal Justice and Police Act 2001 (property seized by constables etc.), after subsection (4) there is inserted—

- “(4A) Subsection (1)(a) includes property seized on any premises—
- (a) by a person authorised under section 16(2) of the 1984 Act to accompany a constable executing a warrant, or
 - (b) by a person accompanying a constable under section 2(6) of the Criminal Justice Act 1987 in the execution of a warrant under section 2(4) of that Act.”

Armed Forces Act 2001 (c. 19)

15 F1

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Textual Amendments

F1 Sch. 1 para. 15 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Police Reform Act 2002 (c. 30)

16 Schedule 4 to the Police Reform Act 2002 (powers exercisable by police civilians) is amended as follows.

^{F2}17

Textual Amendments

F2 Sch. 1 paras. 17-19 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 16\(3\)](#); [S.I. 2017/1139](#), reg. 2(k) (as amended by [S.I. 2017/1162](#), reg. 2)

^{F2}18

Textual Amendments

F2 Sch. 1 paras. 17-19 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 16\(3\)](#); [S.I. 2017/1139](#), reg. 2(k) (as amended by [S.I. 2017/1162](#), reg. 2)

^{F2}19

Textual Amendments

F2 Sch. 1 paras. 17-19 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 16\(3\)](#); [S.I. 2017/1139](#), reg. 2(k) (as amended by [S.I. 2017/1162](#), reg. 2)

20 In paragraph 34 (powers of escort officer to take arrested person to prison), in sub-paragraph (1)(a), for “subsection (1) of section 30” there is substituted “subsection (1A) of section 30”.

SCHEDULE 2

Section 28

CHARGING OR RELEASE OF PERSONS IN POLICE DETENTION

1 The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.

2 (1) Section 37 (duties of custody officers before charge) is amended as follows.

(2) In subsection (7) for paragraphs (a) and (b) there is substituted—

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- “(a) shall be released without charge and on bail for the purpose of enabling the Director of Public Prosecutions to make a decision under section 37B below,
- (b) shall be released without charge and on bail but not for that purpose,
- (c) shall be released without charge and without bail, or
- (d) shall be charged.”

(3) After that subsection there is inserted—

“(7A) The decision as to how a person is to be dealt with under subsection (7) above shall be that of the custody officer.

(7B) Where a person is released under subsection (7)(a) above, it shall be the duty of the custody officer to inform him that he is being released to enable the Director of Public Prosecutions to make a decision under section 37B below.”

(4) In subsection (8)(a) after “(7)(b)” there is inserted “ or (c) ”.

3 After that section there is inserted—

“37A Guidance

- (1) The Director of Public Prosecutions may issue guidance—
 - (a) for the purpose of enabling custody officers to decide how persons should be dealt with under section 37(7) above or 37C(2) below, and
 - (b) as to the information to be sent to the Director of Public Prosecutions under section 37B(1) below.
- (2) The Director of Public Prosecutions may from time to time revise guidance issued under this section.
- (3) Custody officers are to have regard to guidance under this section in deciding how persons should be dealt with under section 37(7) above or 37C(2) below.
- (4) A report under section 9 of the Prosecution of Offences Act 1985 (report by DPP to Attorney General) must set out the provisions of any guidance issued, and any revisions to guidance made, in the year to which the report relates.
- (5) The Director of Public Prosecutions must publish in such manner as he thinks fit—
 - (a) any guidance issued under this section, and
 - (b) any revisions made to such guidance.
- (6) Guidance under this section may make different provision for different cases, circumstances or areas.

37B Consultation with the Director of Public Prosecutions

- (1) Where a person is released on bail under section 37(7)(a) above, an officer involved in the investigation of the offence shall, as soon as is practicable, send to the Director of Public Prosecutions such information as may be specified in guidance under section 37A above.

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- (2) The Director of Public Prosecutions shall decide whether there is sufficient evidence to charge the person with an offence.
- (3) If he decides that there is sufficient evidence to charge the person with an offence, he shall decide—
 - (a) whether or not the person should be charged and, if so, the offence with which he should be charged, and
 - (b) whether or not the person should be given a caution and, if so, the offence in respect of which he should be given a caution.
- (4) The Director of Public Prosecutions shall give written notice of his decision to an officer involved in the investigation of the offence.
- (5) If his decision is—
 - (a) that there is not sufficient evidence to charge the person with an offence, or
 - (b) that there is sufficient evidence to charge the person with an offence but that the person should not be charged with an offence or given a caution in respect of an offence,a custody officer shall give the person notice in writing that he is not to be prosecuted.
- (6) If the decision of the Director of Public Prosecutions is that the person should be charged with an offence, or given a caution in respect of an offence, the person shall be charged or cautioned accordingly.
- (7) But if his decision is that the person should be given a caution in respect of the offence and it proves not to be possible to give the person such a caution, he shall instead be charged with the offence.
- (8) For the purposes of this section, a person is to be charged with an offence either—
 - (a) when he is in police detention after returning to a police station to answer bail or is otherwise in police detention at a police station, or
 - (b) in accordance with section 29 of the Criminal Justice Act 2003.
- (9) In this section “caution” includes—
 - (a) a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003, and
 - (b) a warning or reprimand under section 65 of the Crime and Disorder Act 1998.

37C Breach of bail following release under section 37(7)(a)

- (1) This section applies where—
 - (a) a person released on bail under section 37(7)(a) above or subsection (2)(b) below is arrested under section 46A below in respect of that bail, and
 - (b) at the time of his detention following that arrest at the police station mentioned in section 46A(2) below, notice under section 37B(4) above has not been given.
- (2) The person arrested—

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- (a) shall be charged, or
 - (b) shall be released without charge, either on bail or without bail.
- (3) The decision as to how a person is to be dealt with under subsection (2) above shall be that of a custody officer.
- (4) A person released on bail under subsection (2)(b) above shall be released on bail subject to the same conditions (if any) which applied immediately before his arrest.

37D Release under section 37(7)(a): further provision

- (1) Where a person is released on bail under section 37(7)(a) or section 37C(2)(b) above, a custody officer may subsequently appoint a different time, or an additional time, at which the person is to attend at the police station to answer bail.
- (2) The custody officer shall give the person notice in writing of the exercise of the power under subsection (1).
- (3) The exercise of the power under subsection (1) shall not affect the conditions (if any) to which bail is subject.
- (4) Where a person released on bail under section 37(7)(a) or 37C(2)(b) above returns to a police station to answer bail or is otherwise in police detention at a police station, he may be kept in police detention to enable him to be dealt with in accordance with section 37B or 37C above or to enable the power under subsection (1) above to be exercised.
- (5) If the person is not in a fit state to enable him to be so dealt with or to enable that power to be exercised, he may be kept in police detention until he is.
- (6) Where a person is kept in police detention by virtue of subsection (4) or (5) above, section 37(1) to (3) and (7) above (and section 40(8) below so far as it relates to section 37(1) to (3)) shall not apply to the offence in connection with which he was released on bail under section 37(7)(a) or 37C(2)(b) above.”

Commencement Information

- II** Sch. 2 para. 3 wholly in force at 1.10.2007; Sch. 2 para. 3 not in force at Royal Assent, see s. 336(3); Sch. 2 para. 3 in force for certain purposes at 29.1.2004 by [S.I. 2004/81](#), [art. 4](#); Sch. 2 para. 3 in force for certain purposes at 3.7.2004 by [S.I. 2004/1629](#), [art. 2](#) and Sch. 2 para. 3 in force for certain further purposes at 1.10.2007 by [S.I. 2007/2874](#), [art. 2\(1\)\(3\)](#)

- 4 In section 40 (review of police detention) in subsection (9) after “37(9)” there is inserted “ or 37D(5) ”.
- 5 In section 46A (power of arrest for failure to answer police bail) after subsection (1) insert—
- “(1A) A person who has been released on bail under section 37(7)(a) or 37C(2)(b) above may be arrested without warrant by a constable if the constable has reasonable grounds for suspecting that the person has broken any of the conditions of bail.”

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- 6 (1) Section 47 (bail after arrest) is amended as follows.
- (2) In subsection (1) (release on bail under Part 4 shall be release on bail granted in accordance with certain provisions of the Bail Act 1976) for “Subject to subsection (2) below” there is substituted “ Subject to the following provisions of this section ”.
- (3) In subsection (1A) (bail conditions may be imposed when a person is released under section 38(1)) after “section”, in the first place where it occurs, there is inserted “ 37(7)(a) above or section ”.
- (4) After that subsection there is inserted—
- “(1B) No application may be made under section 5B of the Bail Act 1976 if a person is released on bail under section 37(7)(a) or 37C(2)(b) above.
- (1C) Subsections (1D) to (1F) below apply where a person released on bail under section 37(7)(a) or 37C(2)(b) above is on bail subject to conditions.
- (1D) The person shall not be entitled to make an application under section 43B of the Magistrates' Courts Act 1980.
- (1E) A magistrates' court may, on an application by or on behalf of the person, vary the conditions of bail; and in this subsection “vary” has the same meaning as in the Bail Act 1976.
- (1F) Where a magistrates' court varies the conditions of bail under subsection (1E) above, that bail shall not lapse but shall continue subject to the conditions as so varied.”

SCHEDULE 3

Section 41

ALLOCATION OF CASES TRIABLE EITHER WAY, AND SENDING CASES TO THE CROWN COURT ETC

PART 1

PRINCIPAL AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

- 1 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

I2 Sch. 3 para. 1 in force at 18.6.2012 by [S.I. 2012/1320](#), [art. 3\(d\)\(i\)](#)

- 2 (1) Section 17A (initial indication as to plea) is amended as follows.
- (2) For paragraph (b) of subsection (4) there is substituted—
- “(b) he may (unless section 17D(2) below were to apply) be committed [^{F3}for sentence] to the Crown Court under section 3 or (if applicable)

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3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.”

(3) After subsection (9) there is inserted—

“(10) If in respect of the offence the court receives a notice under section 51B or 51C of the Crime and Disorder Act 1998 (which relate to serious or complex fraud cases and to certain cases involving children respectively), the preceding provisions of this section and the provisions of section 17B below shall not apply, and the court shall proceed in relation to the offence in accordance with section 51 or, as the case may be, section 51A of that Act.”

Textual Amendments

F3 Words in Sch. 3 para. 2 inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 2](#)

Commencement Information

I3 Sch. 3 para. 2 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

I4 Sch. 3 para. 2 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

I5 Sch. 3 para. 2 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

3 After section 17C there is inserted—

“17D Maximum penalty under section 17A(6) or 17B(2)(c) for certain offences

(1) If—

- (a) the offence is a scheduled offence (as defined in section 22(1) below);
- (b) the court proceeds in relation to the offence in accordance with section 17A(6) or 17B(2)(c) above; and
- (c) the court convicts the accused of the offence,

the court shall consider whether, having regard to any representations made by him or by the prosecutor, the value involved (as defined in section 22(10) below) appears to the court to exceed the relevant sum (as specified for the purposes of section 22 below).

(2) If it appears to the court clear that the value involved does not exceed the relevant sum, or it appears to the court for any reason not clear whether the value involved does or does not exceed the relevant sum—

- (a) subject to subsection (4) below, the court shall not have power to impose on the accused in respect of the offence a sentence in excess of the limits mentioned in section 33(1)(a) below; and
- (b) sections 3 and 4 of the Powers of Criminal Courts (Sentencing) Act 2000 shall not apply as regards that offence.

(3) Subsections (9) to (12) of section 22 below shall apply for the purposes of this section as they apply for the purposes of that section (reading the

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reference to subsection (1) in section 22(9) as a reference to subsection (1) of this section).

- (4) Subsection (2)(a) above does not apply to an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking).

17E Functions under sections 17A to 17D capable of exercise by single justice

- (1) The functions of a magistrates' court under sections 17A to 17D above may be discharged by a single justice.
- (2) Subsection (1) above shall not be taken as authorising—
- (a) the summary trial of an information (otherwise than in accordance with section 17A(6) or 17B(2)(c) above); or
 - (b) the imposition of a sentence,
- by a magistrates' court composed of fewer than two justices.”

Commencement Information

- 16** Sch. 3 para. 3 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- 17** Sch. 3 para. 3 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- 18** Sch. 3 para. 3 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 4 In section 18 (initial procedure on information against adult for offence triable either way), for subsection (5) there is substituted—

“(5) The functions of a magistrates' court under sections 19 to 23 below may be discharged by a single justice, but this subsection shall not be taken as authorising—

- (a) the summary trial of an information (otherwise than in accordance with section 20(7) below); or
- (b) the imposition of a sentence,

by a magistrates' court composed of fewer than two justices.”

Commencement Information

- 19** Sch. 3 para. 4 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- 110** Sch. 3 para. 4 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- 111** Sch. 3 para. 4 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 5 For section 19 (court to begin by considering which mode of trial appears more suitable) there is substituted—

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“19 Decision as to allocation

- (1) The court shall decide whether the offence appears to it more suitable for summary trial or for trial on indictment.
- (2) Before making a decision under this section, the court—
 - (a) shall give the prosecution an opportunity to inform the court of the accused’s previous convictions (if any); and
 - (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.
- (3) In making a decision under this section, the court shall consider—
 - (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
 - (b) any representations made by the prosecution or the accused under subsection (2)(b) above,
 and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 170 of the Criminal Justice Act 2003.
- (4) Where—
 - (a) the accused is charged with two or more offences; and
 - (b) it appears to the court that the charges for the offences could be joined in the same indictment or that the offences arise out of the same or connected circumstances,
 subsection (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.
- (5) In this section any reference to a previous conviction is a reference to—
 - (a) a previous conviction by a court in the United Kingdom; or
 - (b) a previous finding of guilt in—
 - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence); or
 - (ii) any proceedings before a Standing Civilian Court.
- (6) If, in respect of the offence, the court receives a notice under section 51B or 51C of the Crime and Disorder Act 1998 (which relate to serious or complex fraud cases and to certain cases involving children respectively), the preceding provisions of this section and sections 20, 20A and 21 below shall not apply, and the court shall proceed in relation to the offence in accordance with section 51(1) of that Act.”

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- I12** Sch. 3 para. 5 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I13** Sch. 3 para. 5 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I14** Sch. 3 para. 5 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

- 6 For section 20 (procedure where summary trial appears more suitable) there is substituted—

“20 Procedure where summary trial appears more suitable

- (1) If the court decides under section 19 above that the offence appears to it more suitable for summary trial, the following provisions of this section shall apply (unless they are excluded by section 23 below).
- (2) The court shall explain to the accused in ordinary language—
 - (a) that it appears to the court more suitable for him to be tried summarily for the offence;
 - (b) that he can either consent to be so tried or, if he wishes, be tried on indictment; and
 - [^{F4}(c) that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3 or (if applicable) section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.]
- (3) The accused may then request an indication (“an indication of sentence”) of whether a custodial sentence or non-custodial sentence would be more likely to be imposed if he were to be tried summarily for the offence and to plead guilty.
- (4) If the accused requests an indication of sentence, the court may, but need not, give such an indication.
- (5) If the accused requests and the court gives an indication of sentence, the court shall ask the accused whether he wishes, on the basis of the indication, to reconsider the indication of plea which was given, or is taken to have been given, under section 17A or 17B above.
- (6) If the accused indicates that he wishes to reconsider the indication under section 17A or 17B above, the court shall ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (7) If the accused indicates that he would plead guilty the court shall proceed as if—
 - (a) the proceedings constituted from that time the summary trial of the information; and
 - (b) section 9(1) above were complied with and he pleaded guilty under it.
- (8) Subsection (9) below applies where—

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- (a) the court does not give an indication of sentence (whether because the accused does not request one or because the court does not agree to give one);
 - (b) the accused either—
 - (i) does not indicate, in accordance with subsection (5) above, that he wishes; or
 - (ii) indicates, in accordance with subsection (5) above, that he does not wish,
 to reconsider the indication of plea under section 17A or 17B above; or
 - (c) the accused does not indicate, in accordance with subsection (6) above, that he would plead guilty.
- (9) The court shall ask the accused whether he consents to be tried summarily or wishes to be tried on indictment and—
- (a) if he consents to be tried summarily, shall proceed to the summary trial of the information; and
 - (b) if he does not so consent, shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.

20A Procedure where summary trial appears more suitable: supplementary

- (1) Where the case is dealt with in accordance with section 20(7) above, no court (whether a magistrates' court or not) may impose a custodial sentence for the offence unless such a sentence was indicated in the indication of sentence referred to in section 20 above.
- (2) Subsection (1) above is subject to sections 3A(4), 4(8) and 5(3) of the Powers of Criminal Courts (Sentencing) Act 2000.
- (3) Except as provided in subsection (1) above—
 - (a) an indication of sentence shall not be binding on any court (whether a magistrates' court or not); and
 - (b) no sentence may be challenged or be the subject of appeal in any court on the ground that it is not consistent with an indication of sentence.
- (4) Subject to section 20(7) above, the following shall not for any purpose be taken to constitute the taking of a plea—
 - (a) asking the accused under section 20 above whether (if the offence were to proceed to trial) he would plead guilty or not guilty; or
 - (b) an indication by the accused under that section of how he would plead.
- (5) Where the court gives an indication of sentence under section 20 above, it shall cause each such indication to be entered in the register.
- (6) In this section and in section 20 above, references to a custodial sentence are to a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000, and references to a non-custodial sentence shall be construed accordingly.”

Status: Point in time view as at 10/09/2024.

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Textual Amendments

- F4** Sch. 3 para. 6: By [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 3](#) it is provided (8.5.2008) that in para. 6 subsection (2)(c) of "the section set out in that paragraph" shall be substituted.

Commencement Information

- I15** Sch. 3 para. 6 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I16** Sch. 3 para. 6 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I17** Sch. 3 para. 6 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 7 For section 21 (procedure where trial on indictment appears more suitable) there is substituted—

“21 Procedure where trial on indictment appears more suitable

If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment, the court shall tell the accused that the court has decided that it is more suitable for him to be tried on indictment, and shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

Commencement Information

- I18** Sch. 3 para. 7 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I19** Sch. 3 para. 7 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I20** Sch. 3 para. 7 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 8 (1) Section 23 (power of court, with consent of legally represented accused, to proceed in his absence) is amended as follows.

- (2) In subsection (4)—

- (a) for the words preceding paragraph (a) there is substituted “ If the court decides under section 19 above that the offence appears to it more suitable for [^{F5}summary trial] then— ”, and
- (b) in paragraph (b), for the words from “to inquire” to the end there is substituted “ in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998. ”.

- (3) For subsection (5) there is substituted—

“(5) If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment, section 21 above shall not apply and the court shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

Status: Point in time view as at 10/09/2024.

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Textual Amendments

- F5** Words in Sch. 3 para. 8(2)(a) substituted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 4](#)

Commencement Information

- I21** Sch. 3 para. 8 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I22** Sch. 3 para. 8 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I23** Sch. 3 para. 8 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 9 (1) Section 24 (summary trial of information against child or young persons for indictable offence), as amended by section 42 of this Act, is amended as follows.

- (2) For subsection (1) there is substituted—

“(1) Where a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an indictable offence he shall, subject to sections 51 and 51A of the Crime and Disorder Act 1998 and to sections 24A and 24B below, be tried summarily.”

- (3) Subsections (1A) [^{F6}, (1B)] and (2) are omitted.

- [^{F7}(4) In subsection (3) for “the said Act of 2000” substitute the Powers of Criminal Courts (Sentencing) Act 2000.]

Textual Amendments

- F6** Words in Sch. 3 para. 9(3) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 5\(2\)](#)
- F7** Sch. 3 para. 9(4) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 5\(3\)](#)

Commencement Information

- I24** Sch. 3 para. 9 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I25** Sch. 3 para. 9 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I26** Sch. 3 para. 9 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 10 After section 24 there is inserted—

“24A Child or young person to indicate intention as to plea in certain cases

- (1) This section applies where—

- (a) a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998 (“the 1998 Act”); and

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- (b) but for the application of the following provisions of this section, the court would be required at that stage, by virtue of section 51(7) or (8) or 51A(3)(b), (4) or (5) of the 1998 Act to determine, in relation to the offence, whether to send the person to the Crown Court for trial (or to determine any matter, the effect of which would be to determine whether he is sent to the Crown Court for trial).
- (2) Where this section applies, the court shall, before proceeding to make any such determination as is referred to in subsection (1)(b) above (the “relevant determination”), follow the procedure set out in this section.
- (3) Everything that the court is required to do under the following provisions of this section must be done with the accused person in court.
- (4) The court shall cause the charge to be written down, if this has not already been done, and to be read to the accused.
- (5) The court shall then explain to the accused in ordinary language that he may indicate whether (if the offence were to proceed to trial) he would plead guilty or not guilty, and that if he indicates that he would plead guilty—
 - (a) the court must proceed as mentioned in subsection (7) below; and
 - (b) (in cases where the offence is one mentioned in section 91(1) of the Powers of Criminal Courts (Sentencing) Act 2000) he may be sent to the Crown Court for sentencing under section 3B or (if applicable) 3C of that Act if the court is of such opinion as is mentioned in subsection (2) of the applicable section.
- (6) The court shall then ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (7) If the accused indicates that he would plead guilty, the court shall proceed as if—
 - (a) the proceedings constituted from the beginning the summary trial of the information; and
 - (b) section 9(1) above was complied with and he pleaded guilty under it, and, accordingly, the court shall not (and shall not be required to) proceed to make the relevant determination or to proceed further under section 51 or (as the case may be) section 51A of the 1998 Act in relation to the offence.
- (8) If the accused indicates that he would plead not guilty, the court shall proceed to make the relevant determination and this section shall cease to apply.
- (9) If the accused in fact fails to indicate how he would plead, for the purposes of this section he shall be taken to indicate that he would plead not guilty.
- (10) Subject to subsection (7) above, the following shall not for any purpose be taken to constitute the taking of a plea—
 - (a) asking the accused under this section whether (if the offence were to proceed to trial) he would plead guilty or not guilty;
 - (b) an indication by the accused under this section of how he would plead.

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24B Intention as to plea by child or young person: absence of accused

- (1) This section shall have effect where—
 - (a) a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998;
 - (b) but for the application of the following provisions of this section, the court would be required at that stage to make one of the determinations referred to in paragraph (b) of section 24A(1) above (“the relevant determination”);
 - (c) the accused is represented by a legal representative;
 - (d) the court considers that by reason of the accused’s disorderly conduct before the court it is not practicable for proceedings under section 24A above to be conducted in his presence; and
 - (e) the court considers that it should proceed in the absence of the accused.
- (2) In such a case—
 - (a) the court shall cause the charge to be written down, if this has not already been done, and to be read to the representative;
 - (b) the court shall ask the representative whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
 - (c) if the representative indicates that the accused would plead guilty the court shall proceed as if the proceedings constituted from the beginning the summary trial of the information, and as if section 9(1) above was complied with and the accused pleaded guilty under it;
 - (d) if the representative indicates that the accused would plead not guilty the court shall proceed to make the relevant determination and this section shall cease to apply.
- (3) If the representative in fact fails to indicate how the accused would plead, for the purposes of this section he shall be taken to indicate that the accused would plead not guilty.
- (4) Subject to subsection (2)(c) above, the following shall not for any purpose be taken to constitute the taking of a plea—
 - (a) asking the representative under this section whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
 - (b) an indication by the representative under this section of how the accused would plead.

24C Intention as to plea by child or young person: adjournment

- (1) A magistrates' court proceeding under section 24A or 24B above may adjourn the proceedings at any time, and on doing so on any occasion when the accused is present may remand the accused.
- (2) Where the court remands the accused, the time fixed for the resumption of proceedings shall be that at which he is required to appear or be brought

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before the court in pursuance of the remand or would be required to be brought before the court but for section 128(3A) below.

24D Functions under sections 24A to 24C capable of exercise by single justice

- (1) The functions of a magistrates' court under sections 24A to 24C above may be discharged by a single justice.
- (2) Subsection (1) above shall not be taken as authorising—
 - (a) the summary trial of an information (other than a summary trial by virtue of section 24A(7) or 24B(2)(c) above); or
 - (b) the imposition of a sentence,
by a magistrates' court composed of fewer than two justices.”

Commencement Information

- I27** Sch. 3 para. 10 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I28** Sch. 3 para. 10 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- I29** Sch. 3 para. 10 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

- 11 (1) Section 25 (power to change from summary trial to committal proceedings and vice versa), as amended by section 42 of this Act, is amended as follows.
- (2) In subsection (1), for “(2) to (4)” there is substituted “ (2) to (2D) ”.
 - (3) For subsection (2) there is substituted—

“(2) Where the court is required under section 20(9) above to proceed to the summary trial of the information, the prosecution may apply to the court for the offence to be tried on indictment instead.

(2A) An application under subsection (2) above—
 - (a) must be made before the summary trial begins; and
 - (b) must be dealt with by the court before any other application or issue in relation to the summary trial is dealt with.

(2B) The court may grant an application under subsection (2) above but only if it is satisfied that the sentence which a magistrates' court would have power to impose for the offence would be inadequate.

(2C) Where—
 - (a) the accused is charged on the same occasion with two or more offences; and
 - (b) it appears to the court that they constitute or form part of a series of two or more offences of the same or a similar character,subsection (2B) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

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(2D) Where the court grants an application under subsection (2) above, it shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

(4) Subsections (3) to (8) are omitted.

Commencement Information

- I30** Sch. 3 para. 11 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I31** Sch. 3 para. 11 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), **art. 2(1)(c)(2)(3)**, **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)
- I32** Sch. 3 para. 11 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with [arts. 3, 4](#))

12 For subsections (1) and (2) of section 26 (power to issue summons to accused in certain circumstances) there is substituted—

“(1) Where, in the circumstances mentioned in section 23(1)(a) above, the court is not satisfied that there is good reason for proceeding in the absence of the accused, the justice or any of the justices of which the court is composed may issue a summons directed to the accused requiring his presence before the court.

(2) In a case within subsection (1) above, if the accused is not present at the time and place appointed for the proceedings under section 19 or section 22(1) above, the court may issue a warrant for his arrest.”

Commencement Information

- I33** Sch. 3 para. 12 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I34** Sch. 3 para. 12 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), **art. 2(1)(c)(2)(3)**, **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)
- I35** Sch. 3 para. 12 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with [arts. 3, 4](#))

13

14 Section 42 (restriction on justices sitting after dealing with bail) shall cease to have effect.

Commencement Information

- I36** Sch. 3 para. 14 in force at 18.6.2012 by [S.I. 2012/1320](#), **art. 3(d)(ii)**

Crime and Disorder Act 1998 (c. 37)

15 The Crime and Disorder Act 1998 is amended as follows.

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I37 Sch. 3 para. 15 in force at 18.5.2012 by [S.I. 2012/1320](#), [art. 2\(b\)\(i\)](#) (with [art. 6\(1\)](#))

- 16 In section 50 (early administrative hearings), in subsection (1) (court may consist of single justice unless accused falls to be dealt with under section 51), the words “unless the accused falls to be dealt with under section 51 below” are omitted.

Commencement Information

I38 Sch. 3 para. 16 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

I39 Sch. 3 para. 16 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

I40 Sch. 3 para. 16 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 17 After section 50 there is inserted—

“50A Order of consideration for either-way offences

- (1) Where an adult appears or is brought before a magistrates' court charged with an either-way offence (the “relevant offence”), the court shall proceed in the manner described in this section.
- (2) If notice is given in respect of the relevant offence under section 51B or 51C below, the court shall deal with the offence as provided in section 51 below.
- (3) Otherwise—
 - (a) if the adult (or another adult with whom the adult is charged jointly with the relevant offence) is or has been sent to the Crown Court for trial for an offence under section 51(2)(a) or 51(2)(c) below—
 - (i) the court shall first consider the relevant offence under subsection (3), (4), (5) or, as the case may be, (6) of section 51 below and, where applicable, deal with it under that subsection;
 - (ii) if the adult is not sent to the Crown Court for trial for the relevant offence by virtue of sub-paragraph (i) above, the court shall then proceed to deal with the relevant offence in accordance with sections 17A to 23 of the 1980 Act;
 - (b) in all other cases—
 - (i) the court shall first consider the relevant offence under sections 17A to 20 (excluding subsections (8) and (9) of section 20) of the 1980 Act;
 - (ii) if, by virtue of sub-paragraph (i) above, the court would be required to proceed in relation to the offence as mentioned in section 17A(6), 17B(2)(c) or 20(7) of that Act (indication of guilty plea), it shall proceed as so required (and, accordingly, shall not consider the offence under section 51 or 51A below);
 - (iii) if sub-paragraph (ii) above does not apply—

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- (a) the court shall consider the relevant offence under sections 51 and 51A below and, where applicable, deal with it under the relevant section;
 - (b) if the adult is not sent to the Crown Court for trial for the relevant offence by virtue of paragraph (a) of this sub-paragraph, the court shall then proceed to deal with the relevant offence as contemplated by section 20(9) or, as the case may be, section 21 of the 1980 Act.
- (4) Subsection (3) above is subject to any requirement to proceed as mentioned in subsections (2) or (6)(a) of section 22 of the 1980 Act (certain offences where value involved is small).
- (5) Nothing in this section shall prevent the court from committing the adult to the Crown Court for sentence pursuant to any enactment, if he is convicted of the relevant offence.”

Commencement Information

- I41** Sch. 3 para. 17 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I42** Sch. 3 para. 17 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I43** Sch. 3 para. 17 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

18 For section 51 (no committal proceedings for indictable-only offences) there is substituted—

“51 Sending cases to the Crown Court: adults

- (1) Where an adult appears or is brought before a magistrates' court (“the court”) charged with an offence and any of the conditions mentioned in subsection (2) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.
- (2) Those conditions are—
- (a) that the offence is an offence triable only on indictment other than one in respect of which notice has been given under section 51B or 51C below;
 - (b) that the offence is an either-way offence and the court is required under section 20(9)(b), 21, 23(4)(b) or (5) or 25(2D) of the Magistrates' Courts Act 1980 to proceed in relation to the offence in accordance with subsection (1) above;
 - (c) that notice is given to the court under section 51B or 51C below in respect of the offence.
- (3) Where the court sends an adult for trial under subsection (1) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence mentioned in subsection (1) above; or

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- (b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (1) above or to the either-way offence, and which fulfils the requisite condition (as defined in subsection (11) below).
- (4) Where an adult who has been sent for trial under subsection (1) above subsequently appears or is brought before a magistrates' court charged with an either-way or summary offence which—
- (a) appears to the court to be related to the offence mentioned in subsection (1) above; and
- (b) (in the case of a summary offence) fulfils the requisite condition, the court may send him forthwith to the Crown Court for trial for the either-way or summary offence.
- (5) Where—
- (a) the court sends an adult (“A”) for trial under subsection (1) or (3) above;
- (b) another adult appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an either-way offence; and
- (c) that offence appears to the court to be related to an offence for which A was sent for trial under subsection (1) or (3) above,
- the court shall where it is the same occasion, and may where it is a subsequent occasion, send the other adult forthwith to the Crown Court for trial for the either-way offence.
- (6) Where the court sends an adult for trial under subsection (5) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence for which he is sent for trial; and
- (b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the either-way offence, and which fulfils the requisite condition.
- (7) Where—
- (a) the court sends an adult (“A”) for trial under subsection (1), (3) or (5) above; and
- (b) a child or young person appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an indictable offence for which A is sent for trial under subsection (1), (3) or (5) above, or an indictable offence which appears to the court to be related to that offence,
- the court shall, if it considers it necessary in the interests of justice to do so, send the child or young person forthwith to the Crown Court for trial for the indictable offence.
- (8) Where the court sends a child or young person for trial under subsection (7) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—
- (a) (if it is an indictable offence) appears to the court to be related to the offence for which he is sent for trial; and

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- (b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the indictable offence, and which fulfils the requisite condition.
- (9) Subsections (7) and (8) above are subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain cases involving children and young persons to be tried summarily).
- (10) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.
- (11) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.
- (12) In the case of an adult charged with an offence—
 - (a) if the offence satisfies paragraph (c) of subsection (2) above, the offence shall be dealt with under subsection (1) above and not under any other provision of this section or section 51A below;
 - (b) subject to paragraph (a) above, if the offence is one in respect of which the court is required to, or would decide to, send the adult to the Crown Court under—
 - (i) subsection (5) above; or
 - (ii) subsection (6) of section 51A below,
 the offence shall be dealt with under that subsection and not under any other provision of this section or section 51A below.
- (13) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.

51A Sending cases to the Crown Court: children and young persons

- (1) This section is subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain offences involving children or young persons to be tried summarily).
- (2) Where a child or young person appears or is brought before a magistrates' court ("the court") charged with an offence and any of the conditions mentioned in subsection (3) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.
- (3) Those conditions are—
 - (a) that the offence falls within subsection (12) below;
 - (b) that the offence is such as is mentioned in subsection (1) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (other than one mentioned in paragraph (d) below in relation to which it appears to the court as mentioned there) and the court considers that if he is found guilty of the offence it ought to be possible to sentence him in pursuance of subsection (3) of that section;
 - (c) that notice is given to the court under section 51B or 51C below in respect of the offence;

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- (d) that the offence is a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003) and it appears to the court that if he is found guilty of the offence the criteria for the imposition of a sentence under section 226(3) or 228(2) of that Act would be met.
- (4) Where the court sends a child or young person for trial under subsection (2) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—
- (a) (if it is an indictable offence) appears to the court to be related to the offence mentioned in subsection (2) above; or
- (b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (2) above or to the indictable offence, and which fulfils the requisite condition (as defined in subsection (9) below).
- (5) Where a child or young person who has been sent for trial under subsection (2) above subsequently appears or is brought before a magistrates' court charged with an indictable or summary offence which—
- (a) appears to the court to be related to the offence mentioned in subsection (2) above; and
- (b) (in the case of a summary offence) fulfils the requisite condition, the court may send him forthwith to the Crown Court for trial for the indictable or summary offence.
- (6) Where—
- (a) the court sends a child or young person (“C”) for trial under subsection (2) or (4) above; and
- (b) an adult appears or is brought before the court on the same or a subsequent occasion charged jointly with C with an either-way offence for which C is sent for trial under subsection (2) or (4) above, or an either-way offence which appears to the court to be related to that offence,
- the court shall where it is the same occasion, and may where it is a subsequent occasion, send the adult forthwith to the Crown Court for trial for the either-way offence.
- (7) Where the court sends an adult for trial under subsection (6) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence for which he was sent for trial; and
- (b) (if it is a summary offence) appears to the court to be related to the offence for which he was sent for trial or to the either-way offence, and which fulfils the requisite condition.
- (8) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.

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- (9) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.
- (10) In the case of a child or young person charged with an offence—
- (a) if the offence satisfies any of the conditions in subsection (3) above, the offence shall be dealt with under subsection (2) above and not under any other provision of this section or section 51 above;
 - (b) subject to paragraph (a) above, if the offence is one in respect of which the requirements of subsection (7) of section 51 above for sending the child or young person to the Crown Court are satisfied, the offence shall be dealt with under that subsection and not under any other provision of this section or section 51 above.
- (11) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.
- (12) An offence falls within this subsection if—
- (a) it is an offence of homicide; or
 - (b) each of the requirements of section 51A(1) of the Firearms Act 1968 would be satisfied with respect to—
 - (i) the offence; and
 - (ii) the person charged with it,if he were convicted of the offence.

51B Notices in serious or complex fraud cases

- (1) A notice may be given by a designated authority under this section in respect of an indictable offence if the authority is of the opinion that the evidence of the offence charged—
- (a) is sufficient for the person charged to be put on trial for the offence; and
 - (b) reveals a case of fraud of such seriousness or complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.
- (2) That opinion must be certified by the designated authority in the notice.
- (3) The notice must also specify the proposed place of trial, and in selecting that place the designated authority must have regard to the same matters as are specified in paragraphs (a) to (c) of section 51D(4) below.
- (4) A notice under this section must be given to the magistrates' court at which the person charged appears or before which he is brought.
- (5) Such a notice must be given to the magistrates' court before any summary trial begins.
- (6) The effect of such a notice is that the functions of the magistrates' court cease in relation to the case, except—
- (a) for the purposes of section 51D below;
 - (b) as provided by paragraph 2 of Schedule 3 to the Access to Justice Act 1999; and

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- (c) as provided by section 52 below.
- (7) The functions of a designated authority under this section may be exercised by an officer of the authority acting on behalf of the authority.
- (8) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).
- (9) In this section “designated authority” means—
 - (a) the Director of Public Prosecutions;
 - (b) the Director of the Serious Fraud Office;
 - (c) the Commissioners of the Inland Revenue;
 - (d) the Commissioners of Customs and Excise; or
 - (e) the Secretary of State.

51C Notices in certain cases involving children

- (1) A notice may be given by the Director of Public Prosecutions under this section in respect of an offence falling within subsection (3) below if he is of the opinion—
 - (a) that the evidence of the offence would be sufficient for the person charged to be put on trial for the offence;
 - (b) that a child would be called as a witness at the trial; and
 - (c) that, for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court.
- (2) That opinion must be certified by the Director of Public Prosecutions in the notice.
- (3) This subsection applies to an offence—
 - (a) which involves an assault on, or injury or a threat of injury to, a person;
 - (b) under section 1 of the Children and Young Persons Act 1933 (cruelty to persons under 16);
 - (c) under the Sexual Offences Act 1956, the Protection of Children Act 1978 or the Sexual Offences Act 2003;
 - (d) of kidnapping or false imprisonment, or an offence under section 1 or 2 of the Child Abduction Act 1984;
 - (e) which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a), (b), (c) or (d) above.
- (4) Subsections (4), (5) and (6) of section 51B above apply for the purposes of this section as they apply for the purposes of that.
- (5) The functions of the Director of Public Prosecutions under this section may be exercised by an officer acting on behalf of the Director.
- (6) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).
- (7) In this section “child” means—

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- (a) a person who is under the age of 17; or
- (b) any person of whom a video recording (as defined in section 63(1) of the Youth Justice and Criminal Evidence Act 1999) was made when he was under the age of 17 with a view to its admission as his evidence in chief in the trial referred to in subsection (1) above.

51D Notice of offence and place of trial

- (1) The court shall specify in a notice—
 - (a) the offence or offences for which a person is sent for trial under section 51 or 51A above; and
 - (b) the place at which he is to be tried (which, if a notice has been given under section 51B above, must be the place specified in that notice).
- (2) A copy of the notice shall be served on the accused and given to the Crown Court sitting at that place.
- (3) In a case where a person is sent for trial under section 51 or 51A above for more than one offence, the court shall specify in that notice, for each offence—
 - (a) the subsection under which the person is so sent; and
 - (b) if applicable, the offence to which that offence appears to the court to be related.
- (4) Where the court selects the place of trial for the purposes of subsection (1) above, it shall have regard to—
 - (a) the convenience of the defence, the prosecution and the witnesses;
 - (b) the desirability of expediting the trial; and
 - (c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 75(1) of the Supreme Court Act 1981.

51E Interpretation of sections 50A to 51D

For the purposes of sections 50A to 51D above—

- (a) “adult” means a person aged 18 or over, and references to an adult include a corporation;
- (b) “either-way offence” means an offence triable either way;
- (c) an either-way offence is related to an indictable offence if the charge for the either-way offence could be joined in the same indictment as the charge for the indictable offence;
- (d) a summary offence is related to an indictable offence if it arises out of circumstances which are the same as or connected with those giving rise to the indictable offence.”

Commencement Information

I44 Sch. 3 para. 18 partly in force; Sch. 3 para. 18 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 18 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 29](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 3 para. 18 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

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- I45** Sch. 3 para. 18 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- I46** Sch. 3 para. 18 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

19 (1) After section 52 there is inserted—

“52A Restrictions on reporting

- (1) Except as provided by this section, it shall not be lawful—
- (a) to publish in the United Kingdom a written report of any allocation or sending proceedings in England and Wales; or
 - (b) to include in a relevant programme for reception in the United Kingdom a report of any such proceedings,
- if (in either case) the report contains any matter other than that permitted by this section.
- (2) Subject to subsections (3) and (4) below, a magistrates' court may, with reference to any allocation or sending proceedings, order that subsection (1) above shall not apply to reports of those proceedings.
- (3) Where there is only one accused and he objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.
- (4) Where in the case of two or more accused one of them objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.
- (5) An order under subsection (2) above shall not apply to reports of proceedings under subsection (3) or (4) above, but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by subsection (6) below.
- (6) It shall not be unlawful under this section to publish or include in a relevant programme a report of allocation or sending proceedings containing any matter other than that permitted by subsection (7) below—
- (a) where, in relation to the accused (or all of them, if there are more than one), the magistrates' court is required to proceed as mentioned in section 20(7) of the 1980 Act, after the court is so required;
 - (b) where, in relation to the accused (or any of them, if there are more than one), the court proceeds other than as mentioned there, after conclusion of his trial or, as the case may be, the trial of the last to be tried.
- (7) The following matters may be contained in a report of allocation or sending proceedings published or included in a relevant programme without an order under subsection (2) above before the time authorised by subsection (6) above—
- (a) the identity of the court and the name of the justice or justices;
 - (b) the name, age, home address and occupation of the accused;

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- (c) in the case of an accused charged with an offence in respect of which notice has been given to the court under section 51B above, any relevant business information;
 - (d) the offence or offences, or a summary of them, with which the accused is or are charged;
 - (e) the names of counsel and solicitors engaged in the proceedings;
 - (f) where the proceedings are adjourned, the date and place to which they are adjourned;
 - (g) the arrangements as to bail;
 - (h) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.
- (8) The addresses that may be published or included in a relevant programme under subsection (7) above are addresses—
- (a) at any relevant time; and
 - (b) at the time of their publication or inclusion in a relevant programme.
- (9) The following is relevant business information for the purposes of subsection (7) above—
- (a) any address used by the accused for carrying on a business on his own account;
 - (b) the name of any business which he was carrying on on his own account at any relevant time;
 - (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
 - (d) the address of any such firm;
 - (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
 - (f) the address of the registered or principal office of any such company;
 - (g) any working address of the accused in his capacity as a person engaged by any such company;
- and here “engaged” means engaged under a contract of service or a contract for services.
- (10) Subsection (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports of court proceedings.
- (11) In this section—
- “allocation or sending proceedings” means, in relation to an information charging an indictable offence—
- (a) any proceedings in the magistrates' court at which matters are considered under any of the following provisions—
 - (i) sections 19 to 23 of the 1980 Act;
 - (ii) section 51, 51A or 52 above;
 - (b) any proceedings in the magistrates' court before the court proceeds to consider any matter mentioned in paragraph (a) above; and

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(c) any proceedings in the magistrates' court at which an application under section 25(2) of the 1980 Act is considered;

“publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

“relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990);

“relevant time” means a time when events giving rise to the charges to which the proceedings relate occurred.

52B Offences in connection with reporting

- (1) If a report is published or included in a relevant programme in contravention of section 52A above, each of the following persons is guilty of an offence—
 - (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of the editor of a newspaper.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) Proceedings for an offence under this section shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney General.
- (4) Proceedings for an offence under this section shall not, in Northern Ireland, be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.
- (5) Subsection (11) of section 52A above applies for the purposes of this section as it applies for the purposes of that section.”
- (2) In section 121 (short title, commencement and extent)—
 - (a) in subsection (6), after paragraph (b) there is inserted—

“(bb) sections 52A and 52B;”, and
 - (b) in subsection (8), after “(5) above,” there is inserted “ sections 52A and 52B above, ”.

Commencement Information

I47 Sch. 3 para. 19(1) in force at 18.6.2012 for specified purposes by [S.I. 2012/1320, art. 3\(d\)\(iii\)](#)

I48 Sch. 3 para. 19(2)(a) in force at 18.6.2012 by [S.I. 2012/1320, art. 3\(d\)\(iii\)](#)

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- 20 (1) Schedule 3 (procedure where persons are sent for trial under section 51 of the Crime and Disorder Act 1998) is amended as follows.
- (2) In paragraph 1(1)—
- (a) after “51” there is inserted “ or 51A ”, and
 - (b) in paragraph (b), for “subsection (7) of that section” there is substituted “ section 51D(1) of this Act ”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1)—
 - (i) after “51” there is inserted “ or 51A ”, and
 - (ii) for “subsection (7) of that section” there is substituted “ section 51D(1) of this Act ”, and
 - (b) sub-paragraphs (4) and (5) are omitted.
- (4) In paragraph 4, in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”.
- (5) In paragraph 5, in sub-paragraph (2), after “51” there is inserted “ or 51A ”.
- (6) Paragraph 6 is amended as follows—
- (a) in sub-paragraph (1), after “51” there is inserted “ or 51A ”,
 - (b) in sub-paragraph (2), for the words from the second “offence” to the end there is substituted “ indictable offence for which he was sent for trial or, as the case may be, any of the indictable offences for which he was so sent ”, and
 - (c) in sub-paragraph (9), for “indictable-only” there is substituted “ indictable ”.
- (7) In paragraph 7—
- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
 - (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence ”,
 - (c) in sub-paragraph (3), after “each” there is inserted “ remaining ”,
 - (d) in sub-paragraph (7), for “consider” there is substituted “ decide ”, and
 - (e) after sub-paragraph (8) there is inserted—

“(9) In this paragraph, a “main offence” is—

 - (a) an offence for which the person has been sent to the Crown Court for trial under section 51(1) of this Act; or
 - (b) an offence—
 - (i) for which the person has been sent to the Crown Court for trial under subsection (5) of section 51 or subsection (6) of section 51A of this Act (“the applicable subsection”); and
 - (ii) in respect of which the conditions for sending him to the Crown Court for trial under the applicable subsection (as set out in paragraphs (a) to (c) of section 51(5) or paragraphs (a) and (b) of section 51A(6)) continue to be satisfied.”
- (8) In paragraph 8—
- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,

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- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence (within the meaning of paragraph 7 above) ”,
- (c) in sub-paragraph (2)(a), after “each” there is inserted “ remaining ”, and
- (d) in sub-paragraph (2)(d), for “consider” there is substituted “ decide ”.

(9) In paragraph 9—

- (a) in sub-paragraph (1), for “consider” there is substituted “ decide ”, and
- (b) for sub-paragraphs (2) and (3), there is substituted—

“(2) Before deciding the question, the court—

- (a) shall give the prosecution an opportunity to inform the court of the accused’s previous convictions (if any); and
- (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.

(3) In deciding the question, the court shall consider—

- (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
- (b) any representations made by the prosecution or the accused under sub-paragraph (2)(b) above,

and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 170 of the Criminal Justice Act 2003.

(4) Where—

- (a) the accused is charged on the same occasion with two or more offences; and
- (b) it appears to the court that they constitute or form part of a series of two or more offences of the same or a similar character;

sub-paragraph (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

(5) In this paragraph any reference to a previous conviction is a reference to—

- (a) a previous conviction by a court in the United Kingdom, or
- (b) a previous finding of guilt in—
 - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), or
 - (ii) any proceedings before a Standing Civilian Court.”

(10) In paragraph 10—

- (a) for sub-paragraph (2), there is substituted—

“(2) The court shall explain to the accused in ordinary language—

Status: Point in time view as at 10/09/2024.

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- (a) that it appears to the court more suitable for him to be tried summarily for the offence;
 - (b) that he can either consent to be so tried or, if he wishes, be tried on indictment; and
 - (c) in the case of a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003), that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the committing court is of such opinion as is mentioned in subsection (2) of that section.”, and
- (b) in sub-paragraph (3), for “by a jury” there is substituted “ on indictment ”.
- (11) In paragraph 11, in sub-paragraph (a), for “by a jury” there is substituted “ on indictment ”.
- (12) Paragraph 12 shall cease to have effect.
- (13) In paragraph 13—
- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
 - (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence ”,
 - (c) in sub-paragraph (2), the words from “unless” to the end are omitted, and
 - (d) for sub-paragraph (3) there is substituted—
- “(3) In this paragraph, a “main offence” is—
- (a) an offence for which the child or young person has been sent to the Crown Court for trial under section 51A(2) of this Act; or
 - (b) an offence—
 - (i) for which the child or young person has been sent to the Crown Court for trial under subsection (7) of section 51 of this Act; and
 - (ii) in respect of which the conditions for sending him to the Crown Court for trial under that subsection (as set out in paragraphs (a) and (b) of that subsection) continue to be satisfied.”
- (14) In paragraph 15, in each of sub-paragraphs (3) and (4), for “considered” there is substituted “ decided ”.

Commencement Information

- I49** Sch. 3 para. 20(1) (2) in force at 18.5.2012 by [S.I. 2012/1320](#), [art. 2\(b\)\(ii\)](#) (with [art. 6\(1\)](#))
- I50** Sch. 3 para. 20(3)-(14) in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I51** Sch. 3 para. 20(3)-(14) in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I52** Sch. 3 para. 20(3)-(14) in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

F⁹21

Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

PROSPECTIVE

F⁹22

Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F⁹22A

Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F⁹23

Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F⁹24

Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F⁹25

Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F⁹26

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Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

F927

Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

F928

Textual Amendments

F9 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS

Territorial Waters Jurisdiction Act 1878 (c. 73)

29 In section 4 of the Territorial Waters Jurisdiction Act 1878 (provisions as to procedure), in the paragraph beginning “Proceedings before a justice of the peace”, for the words from the beginning to “his trial” there is substituted—

“Any stage of proceedings—

(a) before the summary trial of the offence; or

(b) before the offender has been sent for trial for the offence.”

Commencement Information

I53 Sch. 3 para. 29 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)

I54 Sch. 3 para. 29 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)

I55 Sch. 3 para. 29 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Bankers' Books Evidence Act 1879 (c. 11)

30 (1) The Bankers' Books Evidence Act 1879 is amended as follows.

(2) In section 4 (proof that book is a banker’s book), the paragraph beginning “Where the proceedings” is omitted.

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(3) In section 5 (verification of copy), the paragraph beginning “Where the proceedings” is omitted.

Commencement Information

- I56** Sch. 3 para. 30 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I57** Sch. 3 para. 30 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I58** Sch. 3 para. 30 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Explosive Substances Act 1883 (c. 3)

31 In section 6 of the Explosive Substances Act 1883 (inquiry by Attorney-General, and apprehension of absconding witnesses), subsection (3) is omitted.

Commencement Information

- I59** Sch. 3 para. 31 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I60** Sch. 3 para. 31 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I61** Sch. 3 para. 31 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Criminal Justice Act 1925 (c. 86)

32 In section 49 of the Criminal Justice Act 1925 (interpretation, etc), subsection (2) is omitted.

Commencement Information

- I62** Sch. 3 para. 32 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I63** Sch. 3 para. 32 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I64** Sch. 3 para. 32 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Children and Young Persons Act 1933 (c. 12)

33 In section 42 of the Children and Young Persons Act 1933 (extension of power to take deposition of child or young person), in subsection (2)(a), for “committed” in both places there is substituted “sent”.

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Commencement Information

- I65** Sch. 3 para. 33 partly in force; Sch. 3 para. 33 not in force at Royal Assent, see. s. 336(3); Sch. 3 para. 33 in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch. para. 1(1)(a); Sch. 3 para. 33 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I66** Sch. 3 para. 33 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I67** Sch. 3 para. 33 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

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

- 34 (1) Section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), for “committed” there is substituted “sent”;
 - (b) paragraphs (aa) to (ac) are omitted;
 - (c) for paragraph (i) there is substituted—
 - (i) where the person charged has been sent for trial, the bill of indictment against him may include, either in substitution for or in addition to any count charging an offence specified in the notice under section 57D(1) of the Crime and Disorder Act 1998, any counts founded on material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to that Act, was served on the person charged, being counts which may lawfully be joined in the same indictment;”;
 - (d) paragraphs (iA) and (iB) are omitted;
 - (e) in paragraph (ii), for “the committal” there is substituted “such notice”, and
 - (f) the words from “and in paragraph (iA)” to the end are omitted.
- (3) In subsection (3)(b), for “committed” there is substituted “sent”.

Commencement Information

- I68** Sch. 3 para. 34 partly in force; Sch. 3 para. 34 not in force at Royal Assent, see. s. 336(3); Sch. 3 para. 34(1)(2)(a)(c)(i)(e)(3) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch. paras. 1(1)(b), 2(a); Sch. 3 para. 34 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I69** Sch. 3 para. 34 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I70** Sch. 3 para. 34 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Criminal Justice Act 1948 (c. 58)

- 35 (1) The Criminal Justice Act 1948 is amended as follows.

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- (2) In section 27 (remand and committal of persons aged 17 to 20), in subsection (1), for “commits him for trial or” there is substituted “ sends him to the Crown Court for trial or commits him there for ”.
- (3) In section 41 (evidence by certificate), subsection (5A) is omitted.
- (4) In section 80 (interpretation), the definition of “Court of summary jurisdiction” is omitted.

Commencement Information

- I71** Sch. 3 para. 35 partly in force; Sch. 3 para. 35 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 35(1)(2) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(c\)](#); Sch. 3 para. 35 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I72** Sch. 3 para. 35 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I73** Sch. 3 para. 35 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Prison Act 1952 (c. 52)

- 36 Until their repeal by (respectively) section 59 of, and paragraph 10(a)(ii) of Schedule 7 to, the Criminal Justice and Court Services Act 2000, paragraph (a) of subsection (1), and paragraphs (b) and (c) of subsection (2), of section 43 of the Prison Act 1952 (remand centres, detention centres and youth custody centres) are to have effect as if references to being committed for trial were references to being sent for trial.

Commencement Information

- I74** Sch. 3 para. 36 partly in force; Sch. 3 para. 36 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 36 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(d\)](#); Sch. 3 para. 36 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I75** Sch. 3 para. 36 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I76** Sch. 3 para. 36 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Army Act 1955 (3 & 4 Eliz. 2 c. 18)

F1037

Textual Amendments

- F10** Sch. 3 para. 37 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

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Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)

F1138

Textual Amendments
F11 Sch. 3 para. 38 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Geneva Conventions Act 1957 (c. 52)

39 In section 5 of the Geneva Conventions Act 1957 (reduction of sentence and custody of protected persons)—
(a) in subsection (1), for “committal” there is substituted “ having been sent ”,
(b) in subsection (2), for “committal”, where it first appears, there is substituted “ having been sent ”.

Commencement Information
I77 Sch. 3 para. 39 partly in force; Sch. 3 para. 39 not in force at Royal Assent, see. s. 336(3); Sch. 3 para. 39 in force for certain purposes at 9.5.2005 by S.I. 2005/1267, [art. 2](#), [Sch. para. 1\(1\)\(e\)](#); Sch. 3 para. 39 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see S.I. 2012/2574, [art. 4\(2\)](#) and S.I. 2013/1103, [art. 4](#))
I78 Sch. 3 para. 39 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by S.I. 2012/2761, [art. 2](#)) (with S.I. 2013/1103, [art. 4](#))
I79 Sch. 3 para. 39 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Naval Discipline Act 1957 (c. 53)

F1240

Textual Amendments
F12 Sch. 3 para. 40 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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

41 In paragraph 4 of the Schedule to the Backing of Warrants (Republic of Ireland) Act 1965 (supplementary procedures as to proceedings under section 2)—
(a) the words “and section 2 of the Poor Prisoners Defence Act 1930 (legal aid before examining justices)” are omitted, and
(b) for “it had determined not to commit for trial” there is substituted “ the offence were to be dealt with summarily and the court had dismissed the information ”.

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Commencement Information

- I80** Sch. 3 para. 41 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I81** Sch. 3 para. 41 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)
- I82** Sch. 3 para. 41 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with [arts. 3, 4](#))

Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)

- 42 In section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (issue of witness summons on application to Crown Court)—
- (a) for subsection (4) there is substituted—
- “(4) Where a person has been sent for trial for any offence to which the proceedings concerned relate, an application must be made as soon as is reasonably practicable after service on that person, in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998, of the documents relevant to that offence.”, and
- (b) subsection (5) is omitted.

Commencement Information

- I83** Sch. 3 para. 42 partly in force; Sch. 3 para. 42 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 42 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), **art. 2**, **Sch. para. 2(b)**; Sch. 3 para. 42 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I84** Sch. 3 para. 42 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)
- I85** Sch. 3 para. 42 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with [arts. 3, 4](#))

Criminal Justice Act 1967 (c. 80)

- 43 (1) The Criminal Justice Act 1967 is amended as follows.
- (2) In section 9 (proof by written statement), in subsection (1), the words “, other than committal proceedings,” are omitted.
- (3) In section 36 (interpretation), in subsection (1), the definition of “committal proceedings” is omitted.

Commencement Information

- I86** Sch. 3 para. 43 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I87** Sch. 3 para. 43 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)

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- 188** Sch. 3 para. 43 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Criminal Appeal Act 1968 (c. 19)

- 44 (1) The Criminal Appeal Act 1968 is amended as follows.
- (2) In section 1 (right of appeal), in subsection (3), for “committed him” there is substituted “sent him to the Crown Court”.
- (3) In section 9 (appeal against sentence following conviction on indictment), in subsection (2), the words from “section 41” to “either way offence” are omitted.

Commencement Information

- 189** Sch. 3 para. 44 partly in force; Sch. 3 para. 44 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 44(1)(2) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(f\)](#); Sch. 3 para. 44 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- 190** Sch. 3 para. 44 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- 191** Sch. 3 para. 44 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Firearms Act 1968 (c. 27)

- 45 In Schedule 6 to the Firearms Act 1968 (prosecution and punishment of offences), in Part 2, paragraph 3 is omitted.

Commencement Information

- 192** Sch. 3 para. 45 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- 193** Sch. 3 para. 45 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- 194** Sch. 3 para. 45 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Theft Act 1968 (c. 60)

- 46 In section 27 of the Theft Act 1968 (evidence and procedure on charge of theft or handling stolen goods), subsection (4A) is omitted.

Commencement Information

- 195** Sch. 3 para. 46 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- 196** Sch. 3 para. 46 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

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- I97** Sch. 3 para. 46 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Criminal Justice Act 1972 (c. 71)

- 47 In section 46 of the Criminal Justice Act 1972 (admissibility of written statements outside England and Wales), subsections (1A) to (1C) are omitted.

Commencement Information

- I98** Sch. 3 para. 47 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I99** Sch. 3 para. 47 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I100** Sch. 3 para. 47 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Bail Act 1976 (c. 63)

- 48 (1) The Bail Act 1976 is amended as follows.
- (2) In section 3 (general provisions)—
- (a) in subsection (8)—
- (i) for “committed” there is substituted “ sent ”, and
- (ii) after “for trial or” there is inserted “ committed him on bail to the Crown Court ”, and
- (b) subsections (8A) and (8B), and the subsection (10) inserted by paragraph 12(b) of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33), are omitted.
- (3) In section 5 (supplementary provisions about decisions on bail)—
- (a) in subsection (6)(a), for “committing” there is substituted “ sending ”, and
- (b) in subsection (6A)(a)—
- (i) after “under” there is inserted “ section 52(5) of the Crime and Disorder Act 1998, ”,
- (ii) sub-paragraph (i) is omitted,
- (iii) after sub-paragraph (ii) there is inserted—
- “(iia) section 17C (intention as to plea: adjournment);”, and
- (iv) at the end of sub-paragraph (iii) there is inserted “or
- (iv) section 24C (intention as to plea by child or young person: adjournment)”.
- (4) In section 6 (offence of absconding by person released on bail), in subsection (6)(b), for “commits” there is substituted “ sends ”.
- (5) In section 9 (offence of agreeing to indemnify sureties in criminal proceedings), in subsection (3)(b), for “commits” there is substituted “ sends ”.

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Commencement Information

- I101** Sch. 3 para. 48 partly in force; Sch. 3 para. 48 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 48(1)(2)(a)(i)(3)(a)(b)(i)(4)(5) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. paras. 1\(1\)\(g\), 2\(c\)](#); Sch. 3 para. 48 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I102** Sch. 3 para. 48 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I103** Sch. 3 para. 48 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Interpretation Act 1978 (c. 30)

- 49 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined)—
- (a) in the definition of “Committed for trial”, paragraph (a) is omitted,
 - (b) after the entry for “Secretary of State” there is inserted—

““Sent for trial” means, in relation to England and Wales, sent by a magistrates' court to the Crown Court for trial pursuant to section 51 or 51A of the Crime and Disorder Act 1998.”

Commencement Information

- I104** Sch. 3 para. 49 partly in force; Sch. 3 para. 49 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 49 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(h\)](#); Sch. 3 para. 49 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I105** Sch. 3 para. 49 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I106** Sch. 3 para. 49 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Customs and Excise Management Act 1979 (c. 2)

- 50 In section 147 of the Customs and Excise Management Act 1979 (proceedings for offences), subsection (2) is omitted.

Commencement Information

- I107** Sch. 3 para. 50 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I108** Sch. 3 para. 50 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I109** Sch. 3 para. 50 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Magistrates' Courts Act 1980 (c. 43)

- 51 (1) The Magistrates' Courts Act 1980 is amended as follows.

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- (2) In section 2, as substituted by the Courts Act 2003 (trial of summary offences), in subsection (2), for “as examining justices over” there is substituted “ under sections 51 and 51A of the Crime and Disorder Act 1998 in respect of ”.
- (3) Sections 4 to 8 (which relate to committal proceedings) shall cease to have effect and the cross-heading preceding section 4 is omitted.
- (4) In section 8B, as inserted by the Courts Act 2003 (effect of rulings at pre-trial hearing), in subsection (6), the words “commits or” are omitted.
- (5) In section 29 (power of magistrates' court to remit a person under 17 for trial to a juvenile court in certain circumstances), in subsection (2)(b)(i), for the words from “proceeds” to the end there is substituted “ sends him to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998; and ”.
- (6) The following sections shall cease to have effect—
 - (a) section 97A (summons or warrant as to committal proceedings),
 - (b) section 103 (evidence of persons under 14 in committal proceedings for assault, sexual offences etc), and
 - (c) section 106 (false written statements tendered in evidence).
- (7) In section 128 (remand in custody or on bail)—
 - (a) in subsection (1)(b), the words “inquiring into or” are omitted,
 - (b) in subsection (1A)(a)—
 - (i) “5,” is omitted, and
 - (ii) for “or 18(4)” there is substituted “ , 18(4) or 24C ”,
 - (c) in subsection (3A)—
 - (i) “5,” is omitted, and
 - (ii) for “or 18(4)” there is substituted “ , 18(4) or 24C ”,
 - (d) in subsection (3C)(a)—
 - (i) “5,” is omitted, and
 - (ii) for “or 18(4)” there is substituted “ , 18(4) or 24C ”, and
 - (e) in subsection (3E)(a)—
 - (i) “5,” is omitted, and
 - (ii) for “or 18(4)” there is substituted “ , 18(4) or 24C ”.
- (8) In section 129 (further remand), in subsection (4)—
 - (a) for “commits a person” there is substituted “ sends a person to the Crown Court ”, and
 - (b) for “committed” there is substituted “ sent ”.
- (9) In section 130 (transfer of remand hearings), in subsection (1)—
 - (a) “5,” is omitted, and
 - (b) for “or 18(4)” there is substituted “ , 18(4) or 24C ”.
- (10) In section 145 (rules: supplementary provisions), in subsection (1), paragraph (f) is omitted.
- (11) In section 150 (interpretation of other terms), in subsection (1), the definition of “committal proceedings” is omitted.

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- (12) In section 155 (short title, extent and commencement), in subsection (2)(a), the words “8 (except subsection (9))” are omitted.
- (13) In Schedule 3 (corporations)—
- (a) in paragraph 2, sub-paragraph (a) is omitted,
 - (b) in paragraph 6, for “inquiry into, and trial of,” there is substituted “trial of”.
- (14) In Schedule 5 (transfer of remand hearings)—
- (a) paragraph 2 is omitted, and
 - (b) in paragraph 5, for “5, 10 or 18(4)” there is substituted “10, 17C, 18(4) or 24C”.

Commencement Information

- I110** Sch. 3 para. 51 partly in force; Sch. 3 para. 51 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 51(1)(2)(5)(8) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(1\)\(i\)](#); Sch. 3 para. 51 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I111** Sch. 3 para. 51 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I112** Sch. 3 para. 51 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Criminal Attempts Act 1981 (c. 47)

- 52 In section 2 of the Criminal Attempts Act 1981 (application of procedures and other provisions to offences under section 1), in subsection (2)(g), the words “or committed for trial” are omitted.

Commencement Information

- I113** Sch. 3 para. 52 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I114** Sch. 3 para. 52 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I115** Sch. 3 para. 52 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Contempt of Court Act 1981 (c. 49)

- 53 In section 4 of the Contempt of Court Act 1981 (contemporary reports of proceedings), in subsection (3), for paragraph (b) there is substituted—
- “(b) in the case of a report of allocation or sending proceedings of which publication is permitted by virtue only of subsection (6) of section 52A of the Crime and Disorder Act 1998 (“the 1998 Act”), if published as soon as practicable after publication is so permitted;
 - (c) in the case of a report of an application of which publication is permitted by virtue only of sub-paragraph (5) or (7) of paragraph 3 of Schedule 3 to the 1998 Act, if published as soon as practicable after publication is so permitted.”

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Commencement Information

I116 Sch. 3 para. 53 in force at 18.6.2012 by [S.I. 2012/1320](#), [art. 3\(d\)\(iv\)](#) (with [art. 6\(2\)](#))

Supreme Court Act 1981 (c. 54)

- 54 (1) The Supreme Court Act 1981 is amended as follows.
- (2) In section 76 (committal for trial: alteration of place of trial)—
- (a) in subsection (1), for the words from “varying” (where it first appears) to “to Crown Court)” there is substituted “ substituting some other place for the place specified in a notice under section 51D(1) of the Crime and Disorder Act 1998 (a “section 51D notice”) ”,
 - (b) in subsection (3), for the words “fixed by the magistrates' court, as specified in a notice under a relevant transfer provision” there is substituted “ specified in a section 51D notice ”,
 - (c) subsection (5) is omitted, and
 - (d) in the heading, for “**Committal**” there is substituted “ Sending ”.
- (3) In section 77 (committal for trial: date of trial)—
- (a) in subsection (1), for “committal for trial or the giving of a notice of transfer under a relevant transfer provision” there is substituted “ being sent for trial ”,
 - (b) in subsection (2), for “committed by a magistrates' court or in respect of whom a notice of transfer under a relevant transfer provision has been given” there is substituted “ sent for trial ”,
 - (c) in subsection (3), for “of committal for trial or of a notice of transfer” there is substituted “ when the defendant is sent for trial ”,
 - (d) subsection (4) is omitted, and
 - (e) in the heading, for “**Committal**” there is substituted “ **Sending** ”.
- (4) In section 80 (process to compel appearance), in subsection (2), for “committed” there is substituted “ sent ”.
- (5) In section 81—
- (a) in subsection (1)—
 - (i) in paragraph (a)—
 - (a) the words “who has been committed in custody for appearance before the Crown Court or in relation to whose case a notice of transfer has been given under a relevant transfer provision or” are omitted, and
 - (b) after “51” there is inserted “ or 51A ”,
 - (ii) in paragraph (g), sub-paragraph (i) is omitted, and
 - (b) subsection (7) is omitted.

Commencement Information

I117 Sch. 3 para. 54 partly in force; Sch. 3 para. 54 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 54(1)(3)(a)-(c)(4)(5)(a)(i)(b) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch.](#)

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- paras. 1(1)(j), 2(d); Sch. 3 para. 54 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I118** Sch. 3 para. 54 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I119** Sch. 3 para. 54 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Mental Health Act 1983 (c. 20)

- 55 (1) The Mental Health Act 1983 is amended as follows.
- (2) In section 43 (power of magistrates' court to commit for restriction order), for subsection (4) there is substituted—
- “(4) The powers of a magistrates' court under section 3 or 3B of the Powers of Criminal Courts (Sentencing) Act 2000 (which enable such a court to commit an offender to the Crown Court where the court is of the opinion, or it appears to the court, as mentioned in the section in question) shall also be exercisable by a magistrates' court where it is of that opinion (or it so appears to it) unless a hospital order is made in the offender's case with a restriction order.”
- (3) In section 52 (further provisions as to persons remanded by magistrates' courts)—
- (a) in subsection (2), for “committed” there is substituted “sent”,
 - (b) in subsection (5), for “committed” there is substituted “sent”,
 - (c) in subsection (6), for “committed” there is substituted “sent”, and
 - (d) in subsection (7), for the words from “inquire” to “1980” there is substituted “send him to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998”, and in paragraph (b) of that subsection, the words “where the court proceeds under subsection (1) of that section” are omitted.

Commencement Information

- I120** Sch. 3 para. 55 partly in force; Sch. 3 para. 55 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 55(1)(3) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch para. 1(1)(k); Sch. 3 para. 55 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I121** Sch. 3 para. 55 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I122** Sch. 3 para. 55 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Police and Criminal Evidence Act 1984 (c. 60)

- 56 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 62 (intimate samples), in subsection (10)—
- (a) sub-paragraph (i) of paragraph (a) is omitted, and
 - (b) in paragraph (aa), for sub-paragraphs (i) and (ii) there is substituted “paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal); and”.

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- (3) In section 71 (microfilm copies), the paragraph beginning “Where the proceedings” is omitted.
- (4) In section 76 (confessions), subsection (9) is omitted.
- (5) In section 78 (exclusion of unfair evidence), subsection (3) is omitted.

Commencement Information

- I123** Sch. 3 para. 56 partly in force; Sch. 3 para. 56 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 56(1)(2)(b) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch. para. 1(1)(I); Sch. 3 para. 56 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I124** Sch. 3 para. 56 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I125** Sch. 3 para. 56 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Prosecution of Offences Act 1985 (c. 23)

- 57 (1) The Prosecution of Offences Act 1985 is amended as follows.
- (2) In section 7A (powers of non-legal staff), for subsection (6) there is substituted—

“(6) This section applies to an offence if it is triable only on indictment or is an offence for which the accused has been sent for trial.”
 - (3) In section 16 (defence costs)—
 - (a) in subsection (1), paragraph (b) is omitted, and
 - (b) in subsection (2)—
 - (i) in paragraph (a), for “committed” there is substituted “sent”, and
 - (ii) paragraph (aa) is omitted, and
 - (c) subsection (12) is omitted.
 - (4) In section 21 (interpretation), in subsection (6)(b), for “committed” there is substituted “sent”.
 - (5) In section 22 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings), in subsection (11)—
 - (a) in paragraph (a) of the definition of “appropriate court”, for “committed for trial, sent for trial under section 51 of the Crime and Disorder Act 1998” there is substituted “sent for trial”,
 - (b) for the definition of “custody of the Crown Court” there is substituted—

““custody of the Crown Court” includes custody to which a person is committed in pursuance of—

 - (a) section 43A of the Magistrates' Courts Act 1980 (magistrates' court dealing with a person brought before it following his arrest in pursuance of a warrant issued by the Crown Court); or
 - (b) section 52 of the Crime and Disorder Act 1998 (provisions supplementing section 51);”.

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- (6) In section 23 (discontinuance of proceedings in magistrates' court), in subsection (2), for paragraphs (a) to (c) there is substituted—
- “(a) any stage of the proceedings after the court has begun to hear evidence for the prosecution at a summary trial of the offence; or
 - (b) any stage of the proceedings after the accused has been sent for trial for the offence.”
- (7) In section 23A (discontinuance of proceedings after accused has been sent for trial)—
- (a) in paragraph (b) of subsection (1), the words from “under” to “1998” are omitted, and
 - (b) in subsection (2), for “51(7)” there is substituted “ 51D(1) ”.

Commencement Information

- I126** Sch. 3 para. 57 partly in force; Sch. 3 para. 57 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 57(1)(2)(3)(b)(i)(4)(5)(a)(b)(6)(7)(a)(b) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. paras. 1\(1\)\(m\), 2\(e\)](#); Sch. 3 para. 57(1)(3)-(7) in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I127** Sch. 3 para. 57(1)(3)-(7) in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I128** Sch. 3 para. 57(1)(3)-(7) in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Criminal Justice Act 1987 (c. 38)

- 58 (1) The Criminal Justice Act 1987 is amended as follows.
- (2) Sections 4 to 6 (which relate to the transfer of cases to the Crown Court) shall cease to have effect.
- (3) In section 11 (restrictions on reporting)—
- (a) in subsection (2), paragraph (a) is omitted,
 - (b) subsection (3) is omitted,
 - (c) in subsection (7), “(3),” is omitted,
 - (d) in subsection (8), “(3),” is omitted,
 - (e) subsections (9) and (10) are omitted,
 - (f) in subsection (11), paragraphs (a) and (d) are omitted.

Commencement Information

- I129** Sch. 3 para. 58 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I130** Sch. 3 para. 58 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I131** Sch. 3 para. 58 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Coroners Act 1988 (c. 13)

- 59 (1) The Coroners Act 1988 is amended as follows.

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- (2) In section 16 (adjournment of inquest in event of criminal proceedings)—
- (a) in subsection (1)(b), for “charged before examining justices with” there is substituted “sent for trial for”, and
 - (b) for subsection (8) there is substituted—

“(8) In this section, the “relevant criminal proceedings” means the proceedings—

 - (a) before a magistrates' court to determine whether the person charged is to be sent to the Crown Court for trial; or
 - (b) before any court to which that person is sent for trial.”
- (3) In section 17 (provisions supplementary to section 16)—
- (a) in subsection (2), for “committed” there is substituted “sent”, and
 - (b) in subsection (3)(b), for “committed” there is substituted “sent”.

Commencement Information

- I132** Sch. 3 para. 59 partly in force; Sch. 3 para. 59 not in force at Royal Assent, see. s. 336(3); Sch. 3 para. 59 in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch. para. 1(1)(n); Sch. 3 para. 59 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I133** Sch. 3 para. 59 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I134** Sch. 3 para. 59 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Criminal Justice Act 1988 (c. 33)

- 60 (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 23 (first-hand hearsay), subsection (5) is omitted.
 - (3) In section 24 (business etc documents), subsection (5) is omitted.
 - (4) In section 26 (statements in certain documents), the paragraph beginning “This section shall not apply” is omitted.
 - (5) In section 27 (proof of statements contained in documents), the paragraph beginning “This section shall not apply” is omitted.
 - (6) In section 30 (expert reports), subsection (4A) is omitted.
 - (7) In section 40 (power to join in indictment count for common assault etc), in subsection (1)—
 - (a) the words “were disclosed to a magistrates' court inquiring into the offence as examining justices or” are omitted,
 - (b) after “51” there is inserted “ or 51A ”.
 - (8) Section 41 (power of Crown Court to deal with summary offence where person committed for either way offence) shall cease to have effect.

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Commencement Information

- I135** Sch. 3 para. 60 partly in force; Sch. 3 para. 60 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 60(1)(7)(b) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), **art. 2**, [Sch. para. 2\(f\)](#); Sch. 3 para. 60 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I136** Sch. 3 para. 60 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)
- I137** Sch. 3 para. 60 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with [arts. 3, 4](#))

Road Traffic Offenders Act 1988 (c. 53)

- 61 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 11 (evidence by certificate as to driver, user or owner), subsection (3A) is omitted.
- (3) In section 13 (admissibility of records as evidence), subsection (7) is omitted.
- (4) In section 16 (documentary evidence as to specimens), subsection (6A) is omitted.
- (5) In section 20 (speeding offences etc), subsection (8A) is omitted.

Commencement Information

- I138** Sch. 3 para. 61 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I139** Sch. 3 para. 61 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)
- I140** Sch. 3 para. 61 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with [arts. 3, 4](#))

Criminal Justice Act 1991 (c. 53)

- 62 (1) The Criminal Justice Act 1991 is amended as follows.
- (2) Section 53 (notices of transfer in certain cases involving children) shall cease to have effect.
- (3) Schedule 6 (notices of transfer: procedures in lieu of committal) shall cease to have effect.

Commencement Information

- I141** Sch. 3 para. 62 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I142** Sch. 3 para. 62 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)
- I143** Sch. 3 para. 62 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with [arts. 3, 4](#))

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- 63 In section 6 of the Sexual Offences (Amendment) Act 1992 (interpretation), in subsection (3)(c), for “commits him” there is substituted “ sends him to the Crown Court ”.

Commencement Information

- I144** Sch. 3 para. 63 partly in force; Sch. 3 para. 63 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 63 in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch. para. 1(1)(o); Sch. 3 para. 63 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I145** Sch. 3 para. 63 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I146** Sch. 3 para. 63 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Criminal Justice and Public Order Act 1994 (c. 33)

- 64 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 34 (effect of accused’s failure to mention facts when questioned or charged), in subsection (2)—
- paragraph (a) is omitted, and
 - in paragraph (b), for sub-paragraphs (i) and (ii), there is substituted “ paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 ”.
- (3) In section 36 (effect of accused’s failure or refusal to account for objects, substances or marks), in subsection (2)—
- paragraph (a) is omitted, and
 - in paragraph (b), for sub-paragraphs (i) and (ii), there is substituted “ paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 ”.
- (4) In section 37 (effect of accused’s failure or refusal to account for presence at a particular place), in subsection (2)—
- paragraph (a) is omitted, and
 - in paragraph (b), for sub-paragraphs (i) and (ii), there is substituted “ paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 ”.

Commencement Information

- I147** Sch. 3 para. 64 partly in force; Sch. 3 para. 64 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 64(1)(2)(b)(3)(b)(4)(b) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch. para. 1(1)(p); Sch. 3 para. 64 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I148** Sch. 3 para. 64 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I149** Sch. 3 para. 64 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

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Reserve Forces Act 1996 (c. 14)

F13 65

Textual Amendments

F13 Sch. 3 para. 65 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Criminal Procedure and Investigations Act 1996 (c. 25)

- 66 (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.
- (2) In section 1 (application of this Part), in subsection (2)—
- (a) paragraphs (a) to (c) are omitted, and
 - (b) in paragraph (cc), the words from “under” to the end are omitted.
- (3) In section 5 (compulsory disclosure by accused)—
- (a) in subsection (1), for “(2) to” there is substituted “ (3A) and ”,
 - (b) subsections (2) and (3) are omitted, and
 - (c) in subsection (3A), in paragraph (b), for “subsection (7) of section 51” there is substituted “ subsection (1) of section 51D ”.
- (4) In section 13 (time limits: transitional), in subsection (1), paragraphs (a) to (c) of the modified section 3(8) are omitted.
- (5) In section 21 (common law rules as to disclosure), in subsection (3), for paragraphs (b) and (c) there is substituted—
- “(b) the accused is sent for trial (where this Part applies by virtue of section 1(2)(cc)),”.
- (6) In section 28 (introduction to Part 3), in subsection (1)—
- (a) for paragraph (a) there is substituted—
- “(a) on or after the appointed day the accused is sent for trial for the offence concerned,”, and
- (b) paragraph (b) is omitted.
- (7) In section 39 (meaning of pre-trial hearing), in subsection (1), for paragraph (a) there is substituted—
- “(a) after the accused has been sent for trial for the offence, and”.
- (8) Section 68 (use of written statements and depositions at trial) and Schedule 2 (statements and depositions) shall cease to have effect.

Commencement Information

- I150** Sch. 3 para. 66 partly in force; Sch. 3 para. 66 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 66(1)(2)(b)(3)(c)(6)(a)(7) in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. paras. 1\(1\)\(q\), 2\(g\)](#); Sch. 3 para. 66 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I151** Sch. 3 para. 66 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

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I152 Sch. 3 para. 66 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Sexual Offences (Protected Material) Act 1997 (c. 39)

67 In section 9 of the Sexual Offences (Protected Material) Act 1997 (modification and amendment of certain enactments), subsection (1) is omitted.

Commencement Information

I153 Sch. 3 para. 67 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

I154 Sch. 3 para. 67 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

I155 Sch. 3 para. 67 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Crime and Disorder Act 1998 (c. 37)

68 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I156 Sch. 3 para. 68 partly in force; Sch. 3 para. 68 not in force at Royal Assent, see. s. 336(3); Sch. 3 para. 33 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 2\(h\)](#); Sch. 3 para. 68 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

I157 Sch. 3 para. 68 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

I158 Sch. 3 para. 68 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

69 In section 52 (provisions supplementing section 51)—

- (a) in subsection (1), after “51” there is inserted “ or 51A ”,
- (b) in subsection (3), after “51” there is inserted “ or 51A ”,
- (c) in subsection (5), after “51” there is inserted “ or 51A ”,
- (d) in subsection (6), after “51” there is inserted “ or 51A ”, and
- (e) in the heading, after “51” there is inserted “ and 51A ”.

Commencement Information

I159 Sch. 3 para. 69 partly in force; Sch. 3 para. 69 not in force at Royal Assent, see. s. 336(3); Sch. 3 para. 69 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 2\(h\)](#); Sch. 3 para. 69 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

I160 Sch. 3 para. 69 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

I161 Sch. 3 para. 69 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

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PROSPECTIVE

70 In section 121 (short title, commencement and extent), in subsection (8), before “paragraphs 7(1)” there is inserted “ paragraph 3 of Schedule 3 to this Act, section 52(6) above so far as relating to that paragraph, ”.

71 In paragraph 3 of Schedule 3 (reporting restrictions)—

(a) in each of paragraphs (a) and (b) of sub-paragraph (1), for “Great Britain” there is substituted “ the United Kingdom ”,

(b) in sub-paragraph (8), after paragraph (b) there is inserted—

“(bb) where the application made by the accused under paragraph 2(1) above relates to a charge for an offence in respect of which notice has been given to the court under section 51B of this Act, any relevant business information;”,

(c) after sub-paragraph (9) there is inserted—

“(9A) The following is relevant business information for the purposes of sub-paragraph (8) above—

(a) any address used by the accused for carrying on a business on his own account;

(b) the name of any business which he was carrying on on his own account at any relevant time;

(c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;

(d) the address of any such firm;

(e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;

(f) the address of the registered or principal office of any such company;

(g) any working address of the accused in his capacity as a person engaged by any such company;

and here “engaged” means engaged under a contract of service or a contract for services.”, and

(d) after sub-paragraph (11) there is inserted—

“(11A) Proceedings for an offence under this paragraph shall not, in Northern Ireland, be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.”

Commencement Information

I162 Sch. 3 para. 71(a)-(c) in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [28.5.2013](#) for specified purposes, [S.I. 2013/1103](#), [art. 2\(1\)\(c\),\(2\),\(3\)](#), [art. 3, 4](#))

I163 Sch. 3 para. 71(a)-(c) in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

I164 Sch. 3 para. 71(a)-(c) in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

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- 72 In paragraph 4 of Schedule 3 (power of justice to take depositions etc), in sub-paragraph (12), for the definition of “the relevant date” there is substituted—
- ““the relevant date” means the expiry of the period referred to in paragraph 1(1) above.”

Commencement Information

- I165** Sch. 3 para. 72 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I166** Sch. 3 para. 72 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- I167** Sch. 3 para. 72 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

Youth Justice and Criminal Evidence Act 1999 (c. 23)

- 73 (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In section 27 (video recorded evidence in chief), subsection (10) is omitted.
- (3) In section 42 (interpretation and application of section 41), in subsection (3)—
- (a) paragraphs (a) and (b) are omitted, and
- (b) in paragraph (c), after “51” there is inserted “ or 51A ”.

Commencement Information

- I168** Sch. 3 para. 73 partly in force; Sch. 3 para. 73 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 73(1)(3)(b) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, art. 2, Sch. para. 2(i); Sch. 3 para. 73 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I169** Sch. 3 para. 73 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- I170** Sch. 3 para. 73 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 74 (1) The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- ^{F14}(2)
- ^{F14}(3)
- (4) In section 140 (enforcement of fines etc), in subsection (1)(b)—
- (a) the words “was committed to the Crown Court to be tried or dealt with or by which he” are omitted, and
- (b) after “51” there is inserted “ or 51A ”.
- ^{F15}(5)
- (6) In Schedule 11, paragraph 9 is omitted.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

- F14** Sch. 3 para. 74(2)(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F15** Sch. 3 para. 74(5) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** Sch. 3 para. 74 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), ss. 1, 5(2)(3); S.I. 2012/1236, reg. 2

Commencement Information

- I171** Sch. 3 para. 74 partly in force; Sch. 3 para. 74 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 74(1)(2)(3)(b)(4)(b)(5) in force for certain purposes at 9.5.2005 by S.I. 2005/1267, **art. 2**, Sch. paras. 1(1)(r), 2(j); Sch. 3 para. 74 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I172** Sch. 3 para. 74 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I173** Sch. 3 para. 74 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Proceeds of Crime Act 2002 (c. 29)

- 75 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 6 (making of confiscation order), in subsection (2)(b), for “section 3, 4 or 6” there is substituted “ section 3, 3A, 3B, 3C, 4, 4A or 6 ”.
- ^{F16}(3)
- (4) In section 70 (committal by magistrates' court), in subsection (5), after “way)” there is inserted “ or under section 3B(2) of that Act (committal of child or young person) ”.

Textual Amendments

- F16** Sch. 3 para. 75(3) omitted (1.6.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 4 para. 67**; S.I. 2015/820, reg. 3(q)(viii)

Commencement Information

- I174** Sch. 3 para. 75 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I175** Sch. 3 para. 75 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)
- I176** Sch. 3 para. 75 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

Status: Point in time view as at 10/09/2024.

Changes to legislation: *Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)*

^{F17}SCHEDULE 3A

PROHIBITIONS AND LIMITATIONS ON USE OF LIVE LINKS

Textual Amendments

F17 Sch. 3A inserted (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 23 para. 8** (with ss. 88-90) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 para. 301(3) (with **Sch. 27**); [S.I. 2020/1236, reg. 2](#)) (which affecting provision is continued by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), regs. 1(2), **2**; but then repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 201(1), 208(5)**)

^{F17}*Conduct of proceedings wholly as audio proceedings*

^{F17}₁

^{F17}*Conduct of proceedings wholly as video proceedings*

^{F17}₂

Other use of live audio links in preliminary and incidental proceedings etc

^{F17}₃

^{F17}*Other use of live audio links in other eligible criminal proceedings*

^{F17}₄

^{F17}*Other limitations to apply also*

^{F17}₅

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PROSPECTIVE

SCHEDULE 4

Section 62

QUALIFYING OFFENCES FOR PURPOSES OF SECTION 62

PART 1

LIST OF OFFENCES

Offences Against the Person

Murder

1 Murder.

Attempted murder

2 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit murder.

Soliciting murder

3 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

Manslaughter

4 Manslaughter.

^{F18}Corporate manslaughter

Textual Amendments

F18 Sch. 4 para. 4A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, **Sch. 2 para. 2**; S.I. 2008/401, **art. 2**

4A An offence under section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007.]

Textual Amendments

F18 Sch. 4 para. 4A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, **Sch. 2 para. 2**; S.I. 2008/401, **art. 2**

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Wounding or causing grievous bodily harm with intent

5 An offence under section 18 of the Offences against the Person Act 1861 (c. 100).

Kidnapping

6 Kidnapping.

Sexual Offences

Rape

7 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) or section 1 of the Sexual Offences Act 2003 (c. 42).

Attempted rape

8 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit an offence under section 1 of the Sexual Offences Act 1956 or section 1 of the Sexual Offences Act 2003.

Intercourse with a girl under thirteen

9 An offence under section 5 of the Sexual Offences Act 1956.

Incest by a man with a girl under thirteen

10 An offence under section 10 of the Sexual Offences Act 1956 alleged to have been committed with a girl under thirteen.

Assault by penetration

11 An offence under section 2 of the Sexual Offences Act 2003.

Causing a person to engage in sexual activity without consent

12 An offence under section 4 of the Sexual Offences Act 2003 where it is alleged that the activity caused involved penetration within subsection (4)(a) to (d) of that section.

Rape of a child under thirteen

13 An offence under section 5 of the Sexual Offences Act 2003.

Attempted rape of a child under thirteen

14 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 5 of the Sexual Offences Act 2003.

Assault of a child under thirteen by penetration

15 An offence under section 6 of the Sexual Offences Act 2003.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Causing a child under thirteen to engage in sexual activity

- 16 An offence under section 8 of the Sexual Offences Act 2003 (c. 42) where it is alleged that an activity involving penetration within subsection (2)(a) to (d) of that section was caused.

Sexual activity with a person with a mental disorder impeding choice

- 17 An offence under section 30 of the Sexual Offences Act 2003 where it is alleged that the touching involved penetration within subsection (3)(a) to (d) of that section.

*Causing or inciting a person with a mental disorder
impeding choice to engage in sexual activity*

- 18 An offence under section 31 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

Drugs Offences

Unlawful importation of Class A drug

- 19 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Unlawful exportation of Class A drug

- 20 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Fraudulent evasion in respect of Class A drug

- 21 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Producing or being concerned in production of Class A drug

- 22 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

Supplying or offering to supply Class A drug

- 23 An offence under section 4(3) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Theft Offences

Robbery

- 24 An offence under section 8(1) of the Theft Act 1968 (c. 60) where it is alleged that, at some time during the commission of the offence, the defendant had in his possession a firearm or imitation firearm (as defined by section 57 of the Firearms Act 1968 (c. 27)).

Criminal Damage Offences

Arson endangering life

- 25 An offence under section 1(2) of the Criminal Damage Act 1971 (c. 48) alleged to have been committed by destroying or damaging property by fire.

Causing explosion likely to endanger life or property

- 26 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

Intent or conspiracy to cause explosion likely to endanger life or property

- 27 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

War Crimes and Terrorism

Genocide, crimes against humanity and war crimes

- 28 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

Grave breaches of the Geneva Conventions

- 29 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

Directing terrorist organisation

- 30 An offence under section 56 of the Terrorism Act 2000 (c. 11).

Hostage-taking

- 31 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

Hijacking and Other Offences Relating to Aviation, Maritime and Rail Security

Hijacking of aircraft

- 32 An offence under section 1 of the Aviation Security Act 1982 (c. 36).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Destroying, damaging or endangering the safety of an aircraft

33 An offence under section 2 of the Aviation Security Act 1982.

[^{F19}Hijacking of spacecraft

Textual Amendments

F19 Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 24](#); [S.I. 2021/817, reg. 2](#), [Sch. para. 117](#) (with [reg. 3](#))

33A An offence under paragraph 1 of Schedule 4 to the Space Industry Act 2018.

Textual Amendments

F19 Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 24](#); [S.I. 2021/817, reg. 2](#), [Sch. para. 117](#) (with [reg. 3](#))

Destroying, damaging or endangering the safety of spacecraft

33B An offence under paragraph 2 of Schedule 4 to the Space Industry Act 2018.]

Textual Amendments

F19 Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 24](#); [S.I. 2021/817, reg. 2](#), [Sch. para. 117](#) (with [reg. 3](#))

Hijacking of ships

34 An offence under section 9 of the Aviation and Maritime Security Act 1990 (c. 31).

Seizing or exercising control of fixed platforms

35 An offence under section 10 of the Aviation and Maritime Security Act 1990.

Destroying ships or fixed platforms or endangering their safety

36 An offence under section 11 of the Aviation and Maritime Security Act 1990.

Hijacking of Channel Tunnel trains

37 An offence under article 4 of the Channel Tunnel (Security) Order 1994 (S.I.1994/570).

Seizing or exercising control of the Channel Tunnel system

38 An offence under article 5 of the Channel Tunnel (Security) Order 1994 (S.I.1994/570).

Status: Point in time view as at 10/09/2024.

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Conspiracy

Conspiracy

- 39 An offence under section 1 of the Criminal Law Act 1977 (c. 45) of conspiracy to commit an offence listed in this Part of this Schedule.

PART 2

SUPPLEMENTARY

- 40 A reference in Part 1 of this Schedule to an offence includes a reference to an offence of aiding, abetting, counselling or procuring the commission of the offence.
- 41 A reference in Part 1 of this Schedule to an enactment includes a reference to the enactment as enacted and as amended from time to time.

SCHEDULE 5

Section 75

QUALIFYING OFFENCES FOR PURPOSES OF PART 10

PART 1

LIST OF OFFENCES FOR ENGLAND AND WALES

Offences Against the Person

Murder

- 1 Murder.

Commencement Information

I177 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Attempted murder

- 2 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit murder.

Commencement Information

I177 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Soliciting murder

3 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

Commencement Information

I177 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Manslaughter

4 Manslaughter.

Commencement Information

I177 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

^{F20}Corporate manslaughter

Textual Amendments

F20 Sch. 5 para. 4A and cross-heading inserted (6.4.2008) by **Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)**, ss. 26, 27, **Sch. 2 para. 3(2)**; S.I. 2008/401, **art. 2**

4A An offence under section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007.]

Textual Amendments

F20 Sch. 5 para. 4A and cross-heading inserted (6.4.2008) by **Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)**, ss. 26, 27, **Sch. 2 para. 3(2)**; S.I. 2008/401, **art. 2**

Kidnapping

5 Kidnapping.

Commencement Information

I177 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Sexual Offences

Rape

6 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) or section 1 of the Sexual Offences Act 2003 (c. 42).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Attempted rape

- 7 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 1 of the Sexual Offences Act 1956 or section 1 of the Sexual Offences Act 2003.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Intercourse with a girl under thirteen

- 8 An offence under section 5 of the Sexual Offences Act 1956.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Incest by a man with a girl under thirteen

- 9 An offence under section 10 of the Sexual Offences Act 1956 alleged to have been committed with a girl under thirteen.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Assault by penetration

- 10 An offence under section 2 of the Sexual Offences Act 2003 (c. 42).

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Status: Point in time view as at 10/09/2024.

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Causing a person to engage in sexual activity without consent

- 11 An offence under section 4 of the Sexual Offences Act 2003 where it is alleged that the activity caused involved penetration within subsection (4)(a) to (d) of that section.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Rape of a child under thirteen

- 12 An offence under section 5 of the Sexual Offences Act 2003.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Attempted rape of a child under thirteen

- 13 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit an offence under section 5 of the Sexual Offences Act 2003.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Assault of a child under thirteen by penetration

- 14 An offence under section 6 of the Sexual Offences Act 2003.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Causing a child under thirteen to engage in sexual activity

- 15 An offence under section 8 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (2)(a) to (d) of that section was caused.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status: Point in time view as at 10/09/2024.

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Sexual activity with a person with a mental disorder impeding choice

- 16 An offence under section 30 of the Sexual Offences Act 2003 where it is alleged that the touching involved penetration within subsection (3)(a) to (d) of that section.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Causing a person with a mental disorder impeding choice to engage in sexual activity

- 17 An offence under section 31 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

Commencement Information

I178 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Drugs Offences

Unlawful importation of Class A drug

- 18 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Commencement Information

I179 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Unlawful exportation of Class A drug

- 19 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Commencement Information

I179 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Fraudulent evasion in respect of Class A drug

- 20 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Commencement Information

I179 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Producing or being concerned in production of Class A drug

- 21 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

Commencement Information

I179 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Criminal Damage Offences

Arson endangering life

- 22 An offence under section 1(2) of the Criminal Damage Act 1971 (c. 48) alleged to have been committed by destroying or damaging property by fire.

Commencement Information

I180 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Causing explosion likely to endanger life or property

- 23 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

Commencement Information

I180 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Intent or conspiracy to cause explosion likely to endanger life or property

- 24 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I180 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

War Crimes and Terrorism

Genocide, crimes against humanity and war crimes

25 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

Commencement Information

I181 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

Grave breaches of the Geneva Conventions

26 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

Commencement Information

I181 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

Directing terrorist organisation

27 An offence under section 56 of the Terrorism Act 2000 (c. 11).

Commencement Information

I181 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

Hostage-taking

28 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

Commencement Information

I181 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Conspiracy

Conspiracy

- 29 An offence under section 1 of the Criminal Law Act 1977 (c. 45) of conspiracy to commit an offence listed in this Part of this Schedule.

Commencement Information

I182 Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

PART 2

LIST OF OFFENCES FOR NORTHERN IRELAND

Offences Against the Person

Murder

- 30 Murder.

Attempted murder

- 31 An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.

Soliciting murder

- 32 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

Manslaughter

- 33 Manslaughter.

[^{F21}Corporate manslaughter

Textual Amendments

F21 Sch. 5 para. 33A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 3\(3\)](#); S.I. 2008/401, [art. 2](#)

- 33A An offence under section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007.]

Textual Amendments

F21 Sch. 5 para. 33A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 3\(3\)](#); S.I. 2008/401, [art. 2](#)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Kidnapping

34 Kidnapping.

Sexual Offences

Rape

35 Rape.

[^{F22}35A An offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.]

Textual Amendments

F22 Sch. 5 Pt. 2 para. 35A inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(2)**; S.R. 2008/510, **art. 2**

Attempted rape

36 An offence under section 2 of the Attempted Rape, etc., Act (Northern Ireland) 1960.

[^{F23}36A An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.]

Textual Amendments

F23 Sch. 5 Pt. 2 para. 36A inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(3)**; S.R. 2008/510, **art. 2**

Intercourse with a girl under fourteen

37 An offence under section 4 of the Criminal Law Amendment Act 1885 (c. 69) of unlawfully and carnally knowing a girl under fourteen.

Incest by a man with a girl under fourteen

38 An offence under section 1(1) of the Punishment of Incest Act 1908 (c. 45) alleged to have been committed with a girl under fourteen.

[^{F24} *Assault by penetration*

Textual Amendments

F24 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

38A An offence under Article 6 of the Sexual Offences (Northern Ireland) Order 2008.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

F24 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Causing a person to engage in sexual activity without consent

38B An offence under Article 8 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the activity caused involved penetration within paragraph (4) (a) to (d) of that Article.

Textual Amendments

F24 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Rape of a child under thirteen

38C An offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

Textual Amendments

F24 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Attempted rape of a child under thirteen

38D An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

Textual Amendments

F24 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Assault of child under thirteen by penetration

38E An offence under Article 13 of the Sexual Offences (Northern Ireland) Order 2008.

Textual Amendments

F24 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Causing a child under thirteen to engage in sexual activity by penetration

- 38F An offence under Article 15 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (2)(a) to (d) of that Article was caused.

Textual Amendments

- F24** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Sexual activity with a person with a mental disorder impeding choice

- 38G An offence under Article 43 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the touching involved penetration within paragraph (3)(a) to (d) of that Article.

Textual Amendments

- F24** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Causing a person with a mental disorder impeding choice to engage in sexual activity

- 38H An offence under Article 44 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (3)(a) to (d) of that Article was caused.]

Textual Amendments

- F24** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Drugs Offences

Unlawful importation of Class A drug

- 39 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Unlawful exportation of Class A drug

- 40 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Fraudulent evasion in respect of Class A drug

- 41 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Producing or being concerned in production of Class A drug

- 42 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in respect of a Class A drug (as defined by section 2 of that Act).

Criminal Damage Offences

Arson endangering life

- 43 An offence under Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977 alleged to have been committed by destroying or damaging property by fire.

Causing explosion likely to endanger life or property

- 44 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

Intent or conspiracy to cause explosion likely to endanger life or property

- 45 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

War Crimes and Terrorism

Genocide, crimes against humanity and war crimes

- 46 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

Grave breaches of the Geneva Conventions

- 47 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

Directing terrorist organisation

- 48 An offence under section 56 of the Terrorism Act 2000 (c. 11).

Hostage-taking

- 49 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

Conspiracy

Conspiracy

- 50 An offence under Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of conspiracy to commit an offence listed in this Part of this Schedule.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PART 3

SUPPLEMENTARY

- 51 A reference in this Schedule to an offence includes a reference to an offence of aiding, abetting, counselling or procuring the commission of the offence.

Commencement Information

I183 Sch. 5 Pt. 3 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

- 52 A reference in this Schedule to an enactment includes a reference to the enactment as enacted and as amended from time to time.

Commencement Information

I184 Sch. 5 Pt. 3 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

SCHEDULE 6

Section 113

EVIDENCE OF BAD CHARACTER: ARMED FORCES

- 1 Sections 98 to 106, 109, 110 and 112, in so far as they are not applied in relation to proceedings before service courts by provision contained in or made under any other Act, have effect in relation to such proceedings (whether in the United Kingdom or elsewhere) as they have effect in relation to criminal proceedings.
- 2 Section 103, as it applies in relation to proceedings before service courts, has effect with the substitution in subsection (4)(a) of “charge sheet” for “written charge or indictment”.
- 3 (1) Section 107 has effect in relation to proceedings before [^{F25}the Court Martial](whether in the United Kingdom or elsewhere) with the following modifications.
- (2) In subsection (1)—
- (a) for [^{F26}a judge and jury] substitute “ [^{F27}the Court Martial] ”;
 - (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”;
 - (c) for the words after paragraph (b) substitute “ the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a retrial, [^{F28}discharge] the court. ”
- (3) In subsection (2)—
- (a) for “jury” substitute “ court ”;
 - (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”.
- (4) In subsection (3)—
- (a) for paragraph (a) substitute—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- “(a) a court is required to determine under section 115B(2) of the Army Act 1955, [^{F29}section 167 of the Armed Forces Act 2006] whether a person charged with an offence did the act or made the omission charged,”;
- (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”;
- (c) for the words after paragraph (c) substitute “the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a rehearing, the [^{F30}discharge]court.”
- (5) For subsection (4) substitute—
- “(4) This section does not prejudice any other power a judge advocate may have to direct a court to acquit a person of an offence or to [^{F31}discharge] a court.”

Textual Amendments

- F25** Words in Sch. 6 para. 3(1) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(2\)\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F26** Words in Sch. 6 para. 3(2)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(2\)\(b\)\(i\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F27** Words in Sch. 6 para. 3(2)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(2\)\(b\)\(ii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F28** Word in Sch. 6 para. 3(2)(c) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(2\)\(b\)\(iii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F29** Words in Sch. 6 para. 3(4)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(2\)\(c\)\(i\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F30** Word in Sch. 6 para. 3(4)(c) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(2\)\(c\)\(ii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F31** Word in Sch. 6 para. 3(5) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(2\)\(d\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

- 4 Section 110, as it applies in relation to proceedings before service courts, has effect with the substitution of the following for subsection (1)—

- “(1) Where the court makes a relevant ruling—
- (a) it must state in open court (but, in the case of a ruling by a judge advocate in proceedings before [^{F32}the Court Martial], in the absence of the other members of the court) its reasons for the ruling;
- (b) if it is [^{F33}the Summary Appeal Court or the Service Civilian Court], it must cause the ruling and the reasons for it to be entered in the note of the court’s proceedings.”

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

- F32** Words in Sch. 6 para. 4 substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(3\)\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F33** Words in Sch. 6 para. 4 substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(3\)\(b\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

- 5 Section 111 has effect as if [^{F34}the expression]“rules of court” included rules regulating the practice and procedure of service courts.

Textual Amendments

- F34** Words in Sch. 6 para. 5 substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), [art. 3](#), [Sch. para. 52](#) (with [art. 2\(2\)](#))

- [^{F35}6 In this Schedule “service court” means—
- (a) the Court Martial;
 - (b) the Summary Appeal Court;
 - (c) the Service Civilian Court; or
 - (d) the Court Martial Appeal Court.]

Textual Amendments

- F35** Sch. 6 para. 6 substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 234\(4\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

SCHEDULE 7

Section 135

HEARSAY EVIDENCE: ARMED FORCES

Application to proceedings before service courts

- 1 Sections 114 to 121, 123, 124, 126, 127 to 129 and 133 and 134, in so far as they are not applied in relation to proceedings before service courts by provision contained in or made under any other Act, have effect in relation to such proceedings (whether in the United Kingdom or elsewhere) as they have effect in relation to criminal proceedings.

Commencement Information

- I185** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 2 (1) In their application to such proceedings those sections have effect with the following modifications.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- [^{F36}(2) In section 116(2) for paragraph (c) substitute—
- “(c) that either of the following applies—
- (i) the court is sitting neither in the United Kingdom nor in a British overseas territory and it is not reasonably practicable to secure the attendance of the relevant person; or
- (ii) the court is sitting in the United Kingdom or a British overseas territory but the relevant person is outside the United Kingdom or outside that territory (as the case may be) and it is not reasonably practicable to secure his attendance.”]
- (3) In section 117 insert after subsection (7)—
- “(8) In subsection (4) [^{F37}the reference to criminal proceedings includes proceedings before an officer in respect of a service offence within the meaning of the Armed Forces Act 2006.”]
- (4) In section 123(4) for paragraph (a) substitute—
- “(a) in the case of proceedings before [^{F38}the Court Martial], proceedings held for the determination of the issue must take place before the judge advocate in the absence of the other members of the court;”.
- [^{F39}(5) In section 127—
- (a) in subsection (1)(c)—
- (i) for “the appropriate rules” substitute rules made under the Armed Forces Act 2006 or the Court Martial Appeals Act 1968;
- (ii) for “section 9 of the Criminal Justice Act 1967 (c. 80)” substitute such rules;
- (b) omit subsection (7).]
- [^{F40}(6) Section 132 has effect as if the expression “rules of court” included rules regulating the practice and procedure of service courts.]
- (7) In section 134 insert after subsection (1)—
- “(1A) In this Part “criminal investigation” includes any investigation which may lead
- (a) to proceedings before a court-martial or Standing Civilian Court, or
- (b) to summary proceedings under section 76B of the Army Act 1955, section 76B of the Air Force Act 1955 or section 52D of the Naval Discipline Act 1957.
- [^{F41}to proceedings before an officer, the Court Martial or the Service Civilian Court in respect of a service offence within the meaning of the Armed Forces Act 2006.”]

Textual Amendments

F36 Sch. 7 para. 2(2) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c.52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(2\)\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- F37** Words in Sch. 7 para. 2(3) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(2\)\(b\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F38** Words in Sch. 7 para. 2(4) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c.52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(2\)\(c\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F39** Sch. 7 para. 2(5) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c.52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(2\)\(d\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F40** Sch. 7 para. 2(6) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), [art. 3](#), [Sch. para. 53](#) (with [art. 2\(2\)](#))
- F41** Words in Sch. 7 para. 2(7) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) for Sch. 7 para. 2(7)(a)(b) by [Armed Forces Act 2006 \(c.52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(2\)\(e\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Modifications etc. (not altering text)

- C2** Sch. 7 para. 2 modified (24.4.2009 for certain purposes, otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 53\(3\)\(4\)](#)

Commencement Information

- I186** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 3 (1) Section 122 has effect in relation to proceedings before [^{F42}the Court Martial](whether in the United Kingdom or elsewhere) with the following modifications.
- (2) In subsection (1) for “ [^{F43}a judge and jury]” substitute “ [^{F44}the Court Martial] ”.
- (3) In subsection (2)—
- (a) for “jury when they retire to consider their” substitute “ court when it retires to consider its ”.
 - (b) for “the court” in paragraph (a) substitute “ the judge advocate ”;
 - (c) for “the jury” in paragraph (b) substitute “ the court ”.

Textual Amendments

- F42** Words in Sch 7 para. 3(1) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(3\)\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F43** Words in Sch. 7 para. 3(2) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(3\)\(b\)\(i\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F44** Words in Sch. 7 para. 3(2) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(3\)\(b\)\(ii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

- I187** Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status: Point in time view as at 10/09/2024.

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- 4 (1) Section 125 has effect in relation to proceedings before ^[F45]the Court Martial](whether in the United Kingdom or elsewhere) with the following modifications.
- (2) In subsection (1)—
- (a) for “^[F46]a judge and jury” substitute “^[F47]the Court Martial”;
 - (b) for “the court is satisfied” substitute “the judge advocate is satisfied”;
 - (c) for the words after paragraph (b) substitute “the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a retrial, the ^[F48]discharge] court.”
- (3) In subsection (2)—
- (a) for “jury” substitute “court”;
 - (b) for “the court is satisfied” substitute “the judge advocate is satisfied”.
- (4) In subsection (3)—
- (a) for paragraph (a) substitute—
 - “(a) a court is required to determine under section 115B(2) of the Army Act 1955, ^[F49]section 167 of the Armed Forces Act 2006] whether a person charged with an offence did the act or made the omission charged,”;
 - (b) for “the court is satisfied” substitute “the judge advocate is satisfied”;
 - (c) for the words after paragraph (b) substitute “the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a rehearing, ^[F50]discharge] the court.”
- (5) For subsection (4) substitute—
- “(4) This section does not prejudice any other power a judge advocate may have to direct a court to acquit a person of an offence or to ^[F51]discharge] a court.”

Textual Amendments

- F45** Words in Sch. 7 para. 4(1) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(4\)\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F46** Words in Sch. 7 para. 4(2)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(4\)\(b\)\(i\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F47** Words in Sch. 7 para. 4(2)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(4\)\(b\)\(ii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F48** Word in Sch. 7 para. 4(2)(c) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(4\)\(b\)\(iii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F49** Words in Sch. 7 para. 4(4)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(4\)\(c\)\(i\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F50** Word in Sch. 7 para. 4(4)(c) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(4\)\(c\)\(ii\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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F51 Word in Sch. 7 para. 4(5) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(4\)\(d\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I188 Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Amendments

5 **F52**

Textual Amendments

F52 Sch. 7 paras. 5-7 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Force Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 235\(5\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I189 Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

6 **F53**

Textual Amendments

F53 Sch. 7 paras. 5-7 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Force Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 235\(5\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I190 Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

7 **F54**

Textual Amendments

F54 Sch. 7 paras. 5-7 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Force Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 235\(5\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I191 Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Interpretation

[^{F55}8 In this Schedule, and in any provision of this Part as applied by this Schedule, “service court” means—

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- (a) the Court Martial;
- (b) the Summary Appeal Court;
- (c) the Service Civilian Court; or
- (d) the Court Martial Appeal Court.]

Textual Amendments

F55 Sch. 7 para. 8 substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 235\(6\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I192 Sch. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 31](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

F56 SCHEDULE 8

Section 179

Textual Amendments

F56 Sch. 8 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

F57 SCHEDULE 9

Section 180

Textual Amendments

F57 Sch. 9 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

F58 SCHEDULE 10

Textual Amendments

F58 Sch. 10 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 89\(1\)\(b\)](#), 151(1); S.I. 2012/2906, [art. 2\(a\)](#)

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

SCHEDULE 11

TRANSFER OF CUSTODY PLUS ORDERS AND INTERMITTENT CUSTODY ORDERS TO SCOTLAND OR NORTHERN IRELAND

F59

Textual Amendments

F59 Sch. 11 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 89\(1\)\(b\)](#), [151\(1\)](#); [S.I. 2012/2906](#), art. 2(a)

F60 SCHEDULE 12

Section 193

Textual Amendments

F60 Sch. 12 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F61 SCHEDULE 13

Section 194

Textual Amendments

F61 Sch. 13 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F62 SCHEDULE 14

Section 219

PERSONS TO WHOM COPIES OF REQUIREMENTS TO BE PROVIDED IN PARTICULAR CASES

Textual Amendments

F62 Sch. 14 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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SCHEDULE 15

[^{F65}[^{F66}Sections 244ZA and] 327(3)(a)]

SPECIFIED OFFENCES FOR PURPOSES OF [^{F63}[^{F64}SECTIONS 244ZA AND] 325]

Textual Amendments

- F63** Words in Sch. 15 heading substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 245(3)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F64** Words in Sch. 15 heading substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 130(8)(a), 208(5)(m)**
- F65** Sch. 15 shoulder reference substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 245(2)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F66** Words in Sch. 15 shoulder reference substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 130(8)(b), 208(5)(m)**

PART 1

SPECIFIED VIOLENT OFFENCES

1 Manslaughter.

Commencement Information

- I193** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

2 Kidnapping.

Commencement Information

- I194** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

3 False imprisonment.

Commencement Information

- I195** Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

4 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I196 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

5 An offence under section 16 of that Act (threats to kill).

Commencement Information

I197 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

6 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).

Commencement Information

I198 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

7 An offence under section 20 of that Act (malicious wounding).

Commencement Information

I199 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

8 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).

Commencement Information

I200 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

9 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).

Commencement Information

I201 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

10 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).

Commencement Information

I202 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

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11 An offence under section 27 of that Act (abandoning children).

Commencement Information

I203 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

12 An offence under section 28 of that Act (causing bodily injury by explosives).

Commencement Information

I204 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

13 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).

Commencement Information

I205 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

14 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).

Commencement Information

I206 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

15 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).

Commencement Information

I207 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

16 An offence under section 32 of that Act (endangering the safety of railway passengers).

Commencement Information

I208 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

17 An offence under section 35 of that Act (injuring persons by furious driving).

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Commencement Information

I209 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

18 An offence under section 37 of that Act (assaulting officer preserving wreck).

Commencement Information

I210 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

19 An offence under section 38 of that Act (assault with intent to resist arrest).

Commencement Information

I211 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

20 An offence under section 47 of that Act (assault occasioning actual bodily harm).

Commencement Information

I212 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

21 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).

Commencement Information

I213 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

22 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).

Commencement Information

I214 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

[^{F67}22A An offence under section 4 of that Act (making or possession of explosive under suspicious circumstances).]

Textual Amendments

F67 Sch. 15 para. 22A inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 2\(2\), 95\(1\)](#) (with [s. 2\(8\)\(10\)](#)); [S.I. 2015/778, art. 3, Sch. 1 para. 2](#)

Status: Point in time view as at 10/09/2024.

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- 23 An offence under section 1 of the Infant Life (Preservation) Act 1929 (c. 34) (child destruction).

Commencement Information

I215 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 24 An offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to children).

Commencement Information

I216 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 25 An offence under section 1 of the Infanticide Act 1938 (c. 36) (infanticide).

Commencement Information

I217 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 26 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).

Commencement Information

I218 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 27 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).

Commencement Information

I219 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 28 An offence under section 17(1) of that Act (use of firearm to resist arrest).

Commencement Information

I220 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 29 An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I221 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

30 An offence under section 18 of that Act (carrying a firearm with criminal intent).

Commencement Information

I222 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

31 An offence under section 8 of the Theft Act 1968 (c. 60) (robbery or assault with intent to rob).

Commencement Information

I223 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

32 An offence under section 9 of that Act of burglary with intent to—
(a) inflict grievous bodily harm on a person, or
(b) do unlawful damage to a building or anything in it.

Commencement Information

I224 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

33 An offence under section 10 of that Act (aggravated burglary).

Commencement Information

I225 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

34 An offence under section 12A of that Act (aggravated vehicle-taking) involving an accident which caused the death of any person.

Commencement Information

I226 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

35 An offence of arson under section 1 of the Criminal Damage Act 1971 (c. 48).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I227 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

36 An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.

Commencement Information

I228 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

37 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).

Commencement Information

I229 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

38 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).

Commencement Information

I230 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

39 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).

Commencement Information

I231 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

40 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).

Commencement Information

I232 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

41 An offence under section 4 of that Act (offences in relation to certain dangerous articles).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I233 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

42 An offence under section 127 of the Mental Health Act 1983 (c. 20) (ill-treatment of patients).

Commencement Information

I234 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

43 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).

Commencement Information

I235 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

44 An offence under section 1 of the Public Order Act 1986 (c. 64) (riot).

Commencement Information

I236 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

45 An offence under section 2 of that Act (violent disorder).

Commencement Information

I237 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

46 An offence under section 3 of that Act (affray).

Commencement Information

I238 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

47 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).

Commencement Information

I239 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- 48 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).

Commencement Information

I240 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

- [^{F68}48A An offence under section 3ZC of that Act (causing death by driving: disqualified drivers).]

Textual Amendments

F68 Sch. 15 para. 48A inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 6 para. 11](#) (with [s. 29\(5\)](#)); [S.I. 2015/778, art. 3, Sch. 1 para. 75](#)

- 49 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).

Commencement Information

I241 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

- 50 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).

Commencement Information

I242 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

- 51 An offence under section 9 of that Act (hijacking of ships).

Commencement Information

I243 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

- 52 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).

Commencement Information

I244 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

- 53 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I245 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

54 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).

Commencement Information

I246 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

55 An offence under section 13 of that Act (offences involving threats).

Commencement Information

I247 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

56 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Commencement Information

I248 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

57 An offence under section 4 [^{F69}or 4A] of the Protection from Harassment Act 1997 (c. 40) (putting people in fear of violence [^{F70}and stalking involving fear of violence or serious alarm or distress]).

Textual Amendments

F69 Words in Sch. 15 para. 57 inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 147\(a\)](#); [S.I. 2012/2075](#), art. 5(d)

F70 Words in Sch. 15 para. 57 inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 147\(b\)](#); [S.I. 2012/2075](#), art. 5(d)

Commencement Information

I249 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

58 An offence under section 29 of the Crime and Disorder Act 1998 (c. 37) (racially or religiously aggravated assaults).

Commencement Information

I250 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

59 An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986 (c. 64)).

Commencement Information

I251 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

^{F71}59A

Textual Amendments

F71 Sch. 15 para. 59A omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 9\(2\)\(a\)](#) (with s. 25(3)(4))

^{F72}59B

Textual Amendments

F72 Sch. 15 para. 59B omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 9\(2\)\(b\)](#) (with s. 25(3)(4))

^{F73}59C

Textual Amendments

F73 Sch. 15 para. 59C omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 9\(2\)\(c\)](#) (with s. 25(3)(4))

^{F74}59D

Textual Amendments

F74 Sch. 15 para. 59D omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 9\(2\)\(d\)](#) (with s. 25(3)(4))

60 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

Commencement Information

I252 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

[^{F75}60A An offence under section 47 of the Anti-Terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

F75 Sch. 15 paras. 60A, 60B inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 147(1)(a), 208(5)(p)

60B An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).]

Textual Amendments

F75 Sch. 15 paras. 60A, 60B inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 147(1)(a), 208(5)(p)

^{F76}60A

Textual Amendments

F76 Sch. 15 para. 60A omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 9\(2\)\(e\)](#) (with s. 25(3)(4))

^{F77}60B

Textual Amendments

F77 Sch. 15 para. 60B omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 9\(2\)\(f\)](#) (with s. 25(3)(4))

^{F78}60C

Textual Amendments

F78 Sch. 15 para. 60C omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 9\(2\)\(g\)](#) (with s. 25(3)(4))

61 An offence under section 1 of the Female Genital Mutilation Act 2003 (c. 31) (female genital mutilation).

Commencement Information

I253 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

62 An offence under section 2 of that Act (assisting a girl to mutilate her own genitalia).

Commencement Information

I254 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

63 An offence under section 3 of that Act (assisting a non-UK person to mutilate overseas a girl’s genitalia).

Commencement Information

I255 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

[^{F79}63A An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing [^{F80}a child or vulnerable adult to die or suffer serious physical harm]).]

Textual Amendments

F79 Sch. 15 para. 63A inserted (21.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 65**; S.I. 2005/579, **art. 2(b)(c)**

F80 Words in Sch. 15 para. 63A substituted (2.7.2012) by Domestic Violence, Crime and Victims (Amendment) Act 2012 (c. 4), s. 4(2), **Sch. para. 6**; S.I. 2012/1432, art. 2

^{F81}63B

Textual Amendments

F81 Sch. 15 para. 63B omitted (12.4.2019) by virtue of Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 9(2)(h)** (with s. 25(3)(4))

^{F82}63C

Textual Amendments

F82 Sch. 15 para. 63C omitted (12.4.2019) by virtue of Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 9(2)(i)** (with s. 25(3)(4))

^{F83}63D

Textual Amendments

F83 Sch. 15 para. 63D omitted (12.4.2019) by virtue of Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 9(2)(j)** (with s. 25(3)(4))

^{F84}63E

Textual Amendments

F84 Sch. 15 para. 63E omitted (12.4.2019) by virtue of Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 9(2)(k)** (with s. 25(3)(4))

^{F85}63F

Status: Point in time view as at 10/09/2024.

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Textual Amendments

F85 Sch. 15 para. 63F omitted (12.4.2019) by virtue of [Counter-Terrorism and Border Security Act 2019](#) (c. 3), s. 27(3), [Sch. 4 para. 9\(2\)\(I\)](#) (with s. 25(3)(4))

[^{F86}63FA An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).]

Textual Amendments

F86 Sch. 15 para. 63FA inserted (7.6.2022) by [Domestic Abuse Act 2021](#) (c. 17), s. 90(6), [Sch. 2 para. 7](#); S.I. 2022/553, regs. 1(2), 3(b)

[^{F87}63G An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).

Textual Amendments

F87 Sch. 15 paras. 63G, 63H inserted (31.7.2015) by [Modern Slavery Act 2015](#) (c. 30), [ss. 6\(2\)](#), 61(1); S.I. 2015/1476, reg. 2(a)

63H An offence under section 2 of that Act (human trafficking) which is not within Part 2 of this Schedule.]

Textual Amendments

F87 Sch. 15 paras. 63G, 63H inserted (31.7.2015) by [Modern Slavery Act 2015](#) (c. 30), [ss. 6\(2\)](#), 61(1); S.I. 2015/1476, reg. 2(a)

[^{F88}63I An offence under paragraph 1 of Schedule 4 to the Space Industry Act 2018 (hijacking of spacecraft).

Textual Amendments

F88 Sch. 15 paras. 63I-63M inserted (29.7.2021) by [Space Industry Act 2018](#) (c. 5), s. 70(1), [Sch. 12 para. 25](#); S.I. 2021/817, reg. 2, [Sch. para. 117](#) (with reg. 3)

63J An offence under paragraph 2 of that Schedule (destroying, damaging or endangering the safety of spacecraft).

Textual Amendments

F88 Sch. 15 paras. 63I-63M inserted (29.7.2021) by [Space Industry Act 2018](#) (c. 5), s. 70(1), [Sch. 12 para. 25](#); S.I. 2021/817, reg. 2, [Sch. para. 117](#) (with reg. 3)

63K An offence under paragraph 3 of that Schedule (other acts endangering or likely to endanger safety of spacecraft).

Status: Point in time view as at 10/09/2024.

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Textual Amendments

F88 Sch. 15 paras. 63I-63M inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), **Sch. 12 para. 25**; S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)

63L An offence under paragraph 4 of that Schedule (endangering safety at spaceports).

Textual Amendments

F88 Sch. 15 paras. 63I-63M inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), **Sch. 12 para. 25**; S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)

63M An offence under paragraph 5 of that Schedule (offences in relation to certain dangerous articles).]

Textual Amendments

F88 Sch. 15 paras. 63I-63M inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), **Sch. 12 para. 25**; S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)

[^{F89}64 (1) Aiding, abetting, counselling or procuring the commission of an offence specified in the preceding paragraphs of this Part of this Schedule.

(2) An attempt to commit such an offence.

(3) Conspiracy to commit such an offence.

(4) Incitement to commit such an offence.

(5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which an offence specified in the preceding paragraphs of this Part of this Schedule is the offence (or one of the offences) which the person intended or believed would be committed.]

Textual Amendments

F89 Sch. 15 para. 64 substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 2(3)**, 95(1) (with s. 2(8)); S.I. 2015/778, art. 3, Sch. 1 para. 2

[^{F90}65 (1) An attempt to commit murder.

(2) Conspiracy to commit murder.

(3) Incitement to commit murder.

(4) An offence under Part 2 of the Serious Crime Act 2007 in relation to which murder is the offence (or one of the offences) which the person intended or believed would be committed.]

Textual Amendments

F90 Sch. 15 para. 65 substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 2(4)**, 95(1) (with s. 2(8)(10)); S.I. 2015/778, art. 3, Sch. 1 para. 2

Status: Point in time view as at 10/09/2024.

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Commencement Information

I256 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

PART 2

SPECIFIED SEXUAL OFFENCES

66 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) (rape).

Commencement Information

I257 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

67 An offence under section 2 of that Act (procurement of woman by threats).

Commencement Information

I258 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

68 An offence under section 3 of that Act (procurement of woman by false pretences).

Commencement Information

I259 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

69 An offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse).

Commencement Information

I260 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

70 An offence under section 5 of that Act (intercourse with girl under thirteen).

Commencement Information

I261 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

71 An offence under section 6 of that Act (intercourse with girl under 16).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I262 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

72 An offence under section 7 of that Act (intercourse with a defective).

Commencement Information

I263 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

73 An offence under section 9 of that Act (procurement of a defective).

Commencement Information

I264 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

74 An offence under section 10 of that Act (incest by a man).

Commencement Information

I265 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

75 An offence under section 11 of that Act (incest by a woman).

Commencement Information

I266 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

76 An offence under section 14 of that Act (indecent assault on a woman).

Commencement Information

I267 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

77 An offence under section 15 of that Act (indecent assault on a man).

Commencement Information

I268 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

78 An offence under section 16 of that Act (assault with intent to commit buggery).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I269 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

79 An offence under section 17 of that Act (abduction of woman by force or for the sake of her property).

Commencement Information

I270 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

80 An offence under section 19 of that Act (abduction of unmarried girl under eighteen from parent or guardian).

Commencement Information

I271 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

81 An offence under section 20 of that Act (abduction of unmarried girl under sixteen from parent or guardian).

Commencement Information

I272 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

82 An offence under section 21 of that Act (abduction of defective from parent or guardian).

Commencement Information

I273 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

83 An offence under section 22 of that Act (causing prostitution of women).

Commencement Information

I274 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

84 An offence under section 23 of that Act (procurement of girl under twenty-one).

Commencement Information

I275 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

85 An offence under section 24 of that Act (detention of woman in brothel).

Commencement Information

I276 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

86 An offence under section 25 of that Act (permitting girl under thirteen to use premises for intercourse).

Commencement Information

I277 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

87 An offence under section 26 of that Act (permitting girl under sixteen to use premises for intercourse).

Commencement Information

I278 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

88 An offence under section 27 of that Act (permitting defective to use premises for intercourse).

Commencement Information

I279 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

89 An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under sixteen).

Commencement Information

I280 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

90 An offence under section 29 of that Act (causing or encouraging prostitution of defective).

Commencement Information

I281 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

91 An offence under section 32 of that Act (soliciting by men).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I282 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

^{F91}92

Textual Amendments

F91 Sch. 15 para. 92 omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), **ss. 2(5)**, 95(1) (with s. 2(8)); S.I. 2015/778, **art. 3**, Sch. 1 para. 2

[^{F92}92A An offence under section 33A of that Act (keeping a brothel used for prostitution).]

Textual Amendments

F92 Sch. 15 para. 92A inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 2(6)**, 95(1) (with s. 2(8)); S.I. 2015/778, **art. 3**, Sch. 1 para. 2

93 An offence under section 128 of the Mental Health Act 1959 (c. 72) (sexual intercourse with patients).

Commencement Information

I283 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

94 An offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecent conduct towards young child).

Commencement Information

I284 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

95 An offence under section 4 of the Sexual Offences Act 1967 (c. 60) (procuring others to commit homosexual acts).

Commencement Information

I285 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

96 An offence under section 5 of that Act (living on earnings of male prostitution).

Commencement Information

I286 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 37 (subject to **art. 2(2)**, Sch. 2)

Status: Point in time view as at 10/09/2024.

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- 97 An offence under section 9 of the Theft Act 1968 (c. 60) of burglary with intent to commit rape.

Commencement Information

I287 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 98 An offence under section 54 of the Criminal Law Act 1977 (c. 45) (inciting girl under sixteen to have incestuous sexual intercourse).

Commencement Information

I288 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 99 An offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children).

Commencement Information

I289 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 100 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles).

Commencement Information

I290 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 101 An offence under section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of a child).

Commencement Information

I291 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 102 An offence under section 1 of the Sexual Offences Act 2003 (c. 42) (rape).

Commencement Information

I292 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 103 An offence under section 2 of that Act (assault by penetration).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I293 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

104 An offence under section 3 of that Act (sexual assault).

Commencement Information

I294 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

105 An offence under section 4 of that Act (causing a person to engage in sexual activity without consent).

Commencement Information

I295 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

106 An offence under section 5 of that Act (rape of a child under 13).

Commencement Information

I296 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

107 An offence under section 6 of that Act (assault of a child under 13 by penetration).

Commencement Information

I297 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

108 An offence under section 7 of that Act (sexual assault of a child under 13).

Commencement Information

I298 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

109 An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).

Commencement Information

I299 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

110 An offence under section 9 of that Act (sexual activity with a child).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I300 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

111 An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).

Commencement Information

I301 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

112 An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).

Commencement Information

I302 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

113 An offence under section 12 of that Act (causing a child to watch a sexual act).

Commencement Information

I303 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

114 An offence under section 13 of that Act (child sex offences committed by children or young persons).

Commencement Information

I304 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

115 An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).

Commencement Information

I305 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

116 An offence under section 15 of that Act (meeting a child following sexual grooming etc.).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I306 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

[^{F93}116A An offence under section 15A of that Act (sexual communication with a child).]

Textual Amendments

F93 Sch. 15 para. 116A inserted (3.4.2017) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 68\(2\)](#); [S.I. 2017/511](#), [reg. 2\(b\)\(iii\)](#)

117 An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child).

Commencement Information

I307 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

118 An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to engage in sexual activity).

Commencement Information

I308 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

119 An offence under section 18 of that Act (abuse of position of trust: sexual activity in the presence of a child).

Commencement Information

I309 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

120 An offence under section 19 of that Act (abuse of position of trust: causing a child to watch a sexual act).

Commencement Information

I310 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

121 An offence under section 25 of that Act (sexual activity with a child family member).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I311 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

122 An offence under section 26 of that Act (inciting a child family member to engage in sexual activity).

Commencement Information

I312 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

123 An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice).

Commencement Information

I313 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

124 An offence under section 31 of that Act (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity).

Commencement Information

I314 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

125 An offence under section 32 of that Act (engaging in sexual activity in the presence of a person with a mental disorder impeding choice).

Commencement Information

I315 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

126 An offence under section 33 of that Act (causing a person with a mental disorder impeding choice to watch a sexual act).

Commencement Information

I316 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

127 An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I317 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

128 An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception).

Commencement Information

I318 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

129 An offence under section 36 of that Act (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder).

Commencement Information

I319 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

130 An offence under section 37 of that Act (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception).

Commencement Information

I320 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

131 An offence under section 38 of that Act (care workers: sexual activity with a person with a mental disorder).

Commencement Information

I321 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

132 An offence under section 39 of that Act (care workers: causing or inciting sexual activity).

Commencement Information

I322 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

133 An offence under section 40 of that Act (care workers: sexual activity in the presence of a person with a mental disorder).

Status: Point in time view as at 10/09/2024.

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Commencement Information

I323 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

134 An offence under section 41 of that Act (care workers: causing a person with a mental disorder to watch a sexual act).

Commencement Information

I324 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

135 An offence under section 47 of that Act (paying for sexual services of a child).

Commencement Information

I325 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

136 An offence under section 48 of that Act (causing or inciting [^{F94}sexual exploitation of a child]).

Textual Amendments

F94 Words in Sch. 15 para. 136 substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 4 para. 68\(3\)](#); [S.I. 2015/820, reg. 2\(r\)\(ix\)](#)

Commencement Information

I326 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

137 An offence under section 49 of that Act (controlling a child [^{F95}in relation to sexual exploitation]).

Textual Amendments

F95 Words in Sch. 15 para. 137 substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 4 para. 68\(4\)](#); [S.I. 2015/820, reg. 2\(r\)\(ix\)](#)

Commencement Information

I327 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 37](#) (subject to [art. 2\(2\), Sch. 2](#))

138 An offence under section 50 of that Act (arranging or facilitating [^{F96}sexual exploitation of a child]).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

F96 Words in Sch. 15 para. 138 substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 68\(5\)](#); [S.I. 2015/820](#), reg. 2(r)(ix)

Commencement Information

I328 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

139 An offence under section 52 of that Act (causing or inciting prostitution for gain).

Commencement Information

I329 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

140 An offence under section 53 of that Act (controlling prostitution for gain).

Commencement Information

I330 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

141 An offence under section 57 of that Act (trafficking into the UK for sexual exploitation).

Commencement Information

I331 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

142 An offence under section 58 of that Act (trafficking within the UK for sexual exploitation).

Commencement Information

I332 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

143 An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation).

Commencement Information

I333 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 37](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

[^{F97}143A An offence under section 59A of that Act (trafficking for sexual exploitation).]

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

F97 Sch. 15 para. 143A inserted (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 139** (with s. 97); [S.I. 2013/470](#), art. 2(d) (with arts. 5-8)

144 An offence under section 61 of that Act (administering a substance with intent).

Commencement Information

I334 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

145 An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence).

Commencement Information

I335 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

146 An offence under section 63 of that Act (trespass with intent to commit a sexual offence).

Commencement Information

I336 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

147 An offence under section 64 of that Act (sex with an adult relative: penetration).

Commencement Information

I337 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

148 An offence under section 65 of that Act (sex with an adult relative: consenting to penetration).

Commencement Information

I338 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

149 An offence under section 66 of that Act (exposure).

Commencement Information

I339 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

[^{F98}149A An offence under section 66A of that Act (sending etc photograph or film of genitals).

Textual Amendments

F98 Sch. 15 paras. 149A, 149B inserted (31.1.2024) by Online Safety Act 2023 (c. 50), s. 240(1), Sch. 14 para. 17(2); S.I. 2024/31, reg. 2

149B An offence under section 66B(2) or (3) of that Act (sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification).]

Textual Amendments

F98 Sch. 15 paras. 149A, 149B inserted (31.1.2024) by Online Safety Act 2023 (c. 50), s. 240(1), Sch. 14 para. 17(2); S.I. 2024/31, reg. 2

150 An offence under section 67 of that Act (voyeurism).

Commencement Information

I340 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

151 An offence under section 69 of that Act (intercourse with an animal).

Commencement Information

I341 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

152 An offence under section 70 of that Act (sexual penetration of a corpse).

Commencement Information

I342 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 37 (subject to art. 2(2), Sch. 2)

[^{F99}152A An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).]

Textual Amendments

F99 Sch. 15 para. 152A inserted (31.7.2015) by Modern Slavery Act 2015 (c. 30), ss. 6(3), 61(1); S.I. 2015/1476, reg. 2(a)

[^{F100}15§1) Aiding, abetting, counselling or procuring the commission of an offence specified in this Part of this Schedule.

(2) An attempt to commit such an offence.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- (3) Conspiracy to commit such an offence.
- (4) Incitement to commit such an offence.
- (5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which an offence specified in this Part of this Schedule is the offence (or one of the offences) which the person intended or believed would be committed.]

Textual Amendments

F100 Sch. 15 para. 153 substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 2(7)**, 95(1) (with s. 2(8)); [S.I. 2015/778](#), **art. 3**, Sch. 1 para. 2

Commencement Information

I343 Sch. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, Sch. 1 para. 37 (subject to [art. 2\(2\)](#), Sch. 2)

[^{F101}PART 3

SPECIFIED TERRORISM OFFENCES

Textual Amendments

F101 Sch. 15 Pt. 3 inserted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), **ss. 9(5)**, 27(3) (with s. 25(3)(4))

- 154 An offence under section 11 of the Terrorism Act 2000 (membership of a proscribed organisation).
- 155 An offence under section 12 of that Act (inviting support for a proscribed organisation).
- 156 An offence under section 54 of that Act (weapons training).
- 157 An offence under section 56 of that Act (directing a terrorist organisation).
- 158 An offence under section 57 of that Act (possession of article for terrorist purposes).
- 159 An offence under section 58 of that Act (collection of information likely to be of use to a terrorist).
- 160 An offence under section 58A of that Act (publishing information about members of the armed forces etc).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

161 An offence under section 58B of that Act (entering or remaining in a designated area).

162 An offence under section 59 of that Act (inciting terrorism overseas).

F102 163

Textual Amendments

F102 Sch. 15 para. 163 omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 147(1)(b), 208(5)(p)

F103 164

Textual Amendments

F103 Sch. 15 para. 164 omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 147(1)(b), 208(5)(p)

165 An offence under section 113 of [F104 the Anti-Terrorism, Crime and Security Act 2001] (use of noxious substance or thing to cause harm or intimidate).

Textual Amendments

F104 Words in Sch. 15 para. 165 substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 147(1)(c), 208(5)(p)

166 An offence under section 1 of the Terrorism Act 2006 (encouragement of terrorism).

167 An offence under section 2 of that Act (dissemination of terrorist publications).

168 An offence under section 5 of that Act (preparation of terrorist acts).

169 An offence under section 6 of that Act (training for terrorism).

170 An offence under section 8 of that Act (attendance at a place used for terrorist training).

171 An offence under section 9 of that Act (making or possession of radioactive device or material).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- 172 An offence under section 10 of that Act (misuse of radioactive device or material for terrorist purposes etc).
- 173 An offence under section 11 of that Act (terrorist threats relating to radioactive devices etc).
- 174 (1) Aiding, abetting, counselling or procuring the commission of an offence specified in the preceding paragraphs of this Part of this Schedule.
- (2) An attempt to commit such an offence.
- (3) Conspiracy to commit such an offence.
- (4) Incitement to commit such an offence.
- (5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which an offence specified in the preceding paragraphs of this Part of this Schedule is the offence (or one of the offences) which the person intended or believed would be committed.]

F105 SCHEDULE 15A

Textual Amendments

F105 Sch. 15A omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 21 para. 31](#); S.I. 2012/2906, art. 2(s)

F106 SCHEDULE 15B

[F108 Section 246A]

Textual Amendments

F106 Sch. 15B repealed (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F107 Words in Sch. 15B heading substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 24 para. 246\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

F108 Sch. 15B section reference substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 24 para. 246\(2\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

F111 F111 SCHEDULE 16

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

F111 Sch. 16 repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 17(5), 149, 153, [Sch. 28 Pt. 2](#); S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 paras. 8, 50(2)(c) (subject to [art. 2\(3\)](#), Sch. 2)

F112SCHEDULE 17

Textual Amendments

F112 Sch. 17 repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 17(5), 149, 153, [Sch. 28 Pt. 2](#); S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 paras. 8, 50(2)(c) (subject to [art. 2\(3\)](#), Sch. 2)

SCHEDULE 18

Section 230

RELEASE OF PRISONERS SERVING SENTENCES OF
IMPRISONMENT OR DETENTION FOR PUBLIC PROTECTION

Release on licence

- 1 (1) Section 31 of the Crime (Sentences) Act 1997 (c. 43) (duration and conditions of licences for life prisoners), is amended as follows.
- (2) In subsection (1) (licence to remain in force until death), after “life prisoner” there is inserted “, other than a prisoner to whom section 31A below applies,/text ”.
- (3) After that subsection there is inserted—
- “(1A) Where a prisoner to whom section 31A below applies is released on licence, the licence shall remain in force until his death unless—
- (a) it is previously revoked under section 32(1) or (2) below; or
- (b) it ceases to have effect in accordance with an order made by the Secretary of State under section 31A below.”

Commencement Information

I476 Sch. 18 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 40](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 2 After that section there is inserted—

“31A Imprisonment or detention for public protection: termination of licences

- (1) This section applies to a prisoner who—
- (a) is serving one or more preventive sentences, and
- (b) is not serving any other life sentence.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- (2) Where—
- (a) the prisoner has been released on licence under this Chapter; and
 - (b) the qualifying period has expired,
- the Secretary of State shall, if directed to do so by the Parole Board, order that the licence is to cease to have effect.
- (3) Where—
- (a) the prisoner has been released on licence under this Chapter;
 - (b) the qualifying period has expired; and
 - (c) if he has made a previous application under this subsection, a period of at least twelve months has expired since the disposal of that application,
- the prisoner may make an application to the Parole Board under this subsection.
- (4) Where an application is made under subsection (3) above, the Parole Board—
- (a) shall, if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;
 - (b) shall otherwise dismiss the application.
- (5) In this section—
- “preventive sentence” means a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or a sentence of detention for public protection under section 226 of that Act;
- “the qualifying period”, in relation to a prisoner who has been released on licence, means the period of ten years beginning with the date of his release.”

Commencement Information

I477 Sch. 18 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 40](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 3 In section 34(2) of that Act (meaning of “life sentence”), after paragraph (c) there is inserted—
- “(d) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, and
 - (e) a sentence of detention for public protection under section 226 of that Act.”

Commencement Information

I478 Sch. 18 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 40](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Determination of tariffs

F120⁴

Textual Amendments

F120 Sch. 18 para. 4 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 35\(a\)](#); S.I. 2012/2906, art. 2(s)

F121 SCHEDULE 18A

Section 236A

Textual Amendments

F121 Sch. 18A repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

SCHEDULE 19

Section 239(7)

THE PAROLE BOARD: SUPPLEMENTARY PROVISIONS

Status and Capacity

- 1 (1) The Board is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board's property is not to be regarded as property of, or held on behalf of, the Crown.
- (2) It is within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental to or conducive to the discharge of—
 - (a) its functions under Chapter 6 of Part 12 in respect of fixed-term prisoners, and
 - (b) its functions under Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (c. 43) in relation to life prisoners within the meaning of that Chapter.

Commencement Information

I479 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 41](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Membership

- 2 (1) The Board is to consist of a chairman and not less than four other members appointed by the Secretary of State.
- (2) The Board must include among its members—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- (a) a person who holds or has held judicial office;
 - (b) a registered medical practitioner who is a psychiatrist;
 - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or after-care of discharged prisoners; and
 - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.
- (3) A member of the Board—
- (a) holds and vacates office in accordance with the terms of his appointment;
 - (b) may resign his office by notice in writing addressed to the Secretary of State;
- and a person who ceases to hold office as a member of the Board is eligible for re-appointment.

Commencement Information

I480 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 41](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Payments to members

- 3
- (1) The Board may pay to each member such remuneration and allowances as the Secretary of State may determine.
 - (2) The Board may pay or make provision for paying to or in respect of any member such sums by way of pension, allowances or gratuities as the Secretary of State may determine.
 - (3) If a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances that make it right that he should receive compensation, the Secretary of State may direct the Board to make to that person a payment of such amount as the Secretary of State may determine.
 - (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

Commencement Information

I481 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 41](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Proceedings

- 4
- (1) Subject to the provisions of section 239(5), the arrangements relating to meetings of the Board are to be such as the Board may determine.
 - (2) The arrangements may provide for the discharge, under the general direction of the Board, of any of the Board's functions by a committee or by one or more of the members or employees of the Board.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- (3) The validity of the proceedings of the Board are not to be affected by any vacancy among the members or by any defect in the appointment of a member.

Commencement Information

I482 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

Staff

- 5
- (1) The Board may appoint such number of employees as it may determine.
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph are to be determined by the Board.
- (3) Any determination under sub-paragraph (1) or (2) requires the approval of the Secretary of State given with the consent of the Treasury.
- (4) The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) shall not require insurance to be effected by the Board.

Commencement Information

I483 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

- 6
- (1) Employment with the Board shall continue to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of Other Bodies there shall continue to be inserted— “ Parole Board. ”.
- (2) The Board shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to this paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.

Commencement Information

I484 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

Financial provisions

- 7
- (1) The Secretary of State shall pay to the Board—
- (a) any expenses incurred or to be incurred by the Board by virtue of paragraph 3 or 5; and

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

(b) with the consent of the Treasury, such sums as he thinks fit for enabling the Board to meet other expenses.

(2) Any sums required by the Secretary of State for making payments under subparagraph (1) are to be paid out of money provided by Parliament.

Commencement Information

I485 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 41](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Authentication of Board's seal

8 The application of the seal of the Board is to be authenticated by the signature of the Chairman or some other person authorised for the purpose.

Commencement Information

I486 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 41](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Presumption of authenticity of documents issued by Board

9 Any document purporting to be an instrument issued by the Board and to be duly executed under the seal of the Board or to be signed on behalf of the Board shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

Commencement Information

I487 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 41](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Accounts and audit

10 (1) It is the duty of the Board—

- (a) to keep proper accounts and proper records in relation to the accounts;
- (b) to prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
- (c) to send copies of each such statement to the Secretary of State and the Comptroller and Auditor General not later than 31st August next following the end of the financial year to which the statement relates.

(2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Board and shall lay a copy of every such statement and of his report before each House of Parliament.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

(3) In this paragraph and paragraph 11 “financial year” means a period of 12 months ending with 31st March.

Commencement Information

I488 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

Reports

11 The Board must as soon as practicable after the end of each financial year make to the Secretary of State a report on the performance of its functions during the year; and the Secretary of State must lay a copy of the report before each House of Parliament.

Commencement Information

I489 Sch. 19 wholly in force at 4.4.2005; Sch. 19 not in force at Royal Assent, see s. 336(3); Sch. 19 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2, Sch.](#); Sch. 19 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\), Sch. 1 para. 41](#) (subject to [art. 2\(2\), Sch. 2](#))

[^{F122}SCHEDULE 19ZA

Section 247A

OFFENCES CARRYING RESTRICTED ELIGIBILITY OF TERRORIST PRISONERS FOR RELEASE ON LICENCE

Textual Amendments

F122 Sch. 19ZA substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(2\)\(n\), Sch. 9](#)

PART 1

TERRORISM OFFENCES PUNISHABLE WITH IMPRISONMENT FOR LIFE

- 1 An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 54 (weapons training);
 - (b) section 56 (directing a terrorist organisation);
 - (c) section 59 (inciting terrorism overseas: England and Wales), other than an offence which is an offence by virtue of subsection (2)(c) of that section;
 - (d) section 60 (inciting terrorism overseas: Northern Ireland), other than an offence which is an offence by virtue of subsection (2)(c) of that section;
 - (e) section 61 (inciting terrorism overseas: Scotland).
- 2 An offence under any of the following provisions of the Terrorism Act 2006—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- (a) section 5 (preparation of terrorist acts);
 - (b) section 6 (training for terrorism);
 - (c) section 9 (making or possession of radioactive device or material);
 - (d) section 10 (misuse of radioactive device or material for terrorist purposes etc);
 - (e) section 11 (terrorist threats relating to radioactive devices etc).
- 3 (1) An attempt to commit an offence specified in a preceding paragraph of this Part of this Schedule (“a listed offence”).
- (2) Conspiracy to commit a listed offence.
- (3) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence is the offence (or one of the offences) which the person intended or believed would be committed.
- (4) Incitement to commit a listed offence.
- (5) Aiding, abetting, counselling or procuring the commission of a listed offence.
- 4 An offence that—
- (a) was abolished before the coming into force of this Schedule, and
 - (b) if committed on the day on which this Schedule came into force, would have constituted an offence specified in any of the preceding paragraphs of this Part of this Schedule.

PART 2

TERRORISM OFFENCES PUNISHABLE WITH IMPRISONMENT FOR MORE THAN TWO YEARS (BUT NOT LIFE)

- 5 An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 11 (membership of a proscribed organisation);
 - (b) section 12 (inviting or expressing support for a proscribed organisation);
 - (c) section 15 (fund-raising);
 - (d) section 16 (use of money or property for terrorist purposes);
 - (e) section 17 (involvement in terrorist funding arrangements);
 - (f) section 17A (insuring payments made in response to terrorist threats);
 - (g) section 18 (laundering of terrorist property);
 - (h) section 19 (failure to disclose professional belief or suspicion about terrorist offences);
 - (i) section 21A (failure in regulated sectors to disclose knowledge or suspicion about terrorist offences);
 - (j) section 38B (failure to disclose information about acts of terrorism);
 - (k) section 39 (disclosure of information prejudicial to a terrorist investigation etc);
 - (l) section 57 (possession of article for terrorist purposes);
 - (m) section 58 (collection of information likely to be of use to a terrorist);
 - (n) section 58A (publishing information about members of the armed forces etc);
 - (o) section 58B (entering or remaining in a designated area);

Status: Point in time view as at 10/09/2024.

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- (p) section 59 (inciting terrorism overseas: England and Wales), in the case of an offence which is an offence by virtue of the reference in subsection (2)(c) of that section to an offence under section 23 of the Offences against the Person Act 1861;
- (q) section 60 (inciting terrorism overseas: Northern Ireland), in the case of an offence which is an offence by virtue of the reference in subsection (2)(c) of that section to an offence under section 23 of the Offences against the Person Act 1861.
- 6 An offence under section 113 of the Anti-terrorism, Crime and Security Act 2001 (use of noxious substances to harm or intimidate).
- 7 An offence under any of the following provisions of the Terrorism Act 2006—
- (a) section 1 (encouragement of terrorism);
 - (b) section 2 (dissemination of terrorist publications);
 - (c) section 8 (attendance at a place used for terrorist training).
- 8 An offence under section 54 of the Counter-Terrorism Act 2008 (breach of police notification requirements etc).
- 9 An offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011 (breach of notices imposing terrorism prevention and investigation measures).
- 10 An offence under section 10 of the Counter-Terrorism and Security Act 2015 (breach of temporary exclusion order).
- 11 (1) An attempt to commit an offence specified in a preceding paragraph of this Part of this Schedule (“a listed offence”).
- (2) Conspiracy to commit a listed offence.
- (3) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence is the offence (or one of the offences) which the person intended or believed would be committed.
- (4) Incitement to commit a listed offence.
- (5) Aiding, abetting, counselling or procuring the commission of a listed offence.
- 12 An offence that—
- (a) was abolished before the coming into force of this Schedule, and
 - (b) if committed on the day on which this Schedule came into force, would have constituted an offence specified in any of the preceding paragraphs of this Part of this Schedule.

PART 3

OTHER OFFENCES PUNISHABLE WITH IMPRISONMENT FOR LIFE

- 13 Manslaughter.
- 14 Culprable homicide (under the law of Scotland).
- 15 Kidnapping.
- 16 False imprisonment.

Status: Point in time view as at 10/09/2024.

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- 17 Abduction (under the law of Scotland).
- 18 Assault by explosive device (under the law of Scotland).
- 19 Assault to severe injury (under the law of Scotland).
- 20 Assault and poisoning (under the law of Scotland).
- 21 Poisoning (under the law of Scotland).
- 22 Robbery (under the law of Scotland).
- 23 Assault with intent to rob (under the law of Scotland).
- 24 Wilful fire-raising (under the law of Scotland).
- 25 Malicious mischief (under the law of Scotland).
- 26 Riot (under the law of Northern Ireland).
- 27 Affray (under the law of Northern Ireland).
- 28 An offence under any of the following provisions of the Offences against the Person Act 1861—
- (a) section 4 (soliciting murder);
 - (b) section 18 (wounding with intent to cause grievous bodily harm);
 - (c) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in the committing of an indictable offence);
 - (d) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence);
 - (e) section 28 (causing bodily injury by explosives);
 - (f) section 29 (using explosives etc with intent to do grievous bodily harm);
 - (g) section 32 (endangering the safety of railway passengers).
- 29 An offence under any of the following provisions of the Explosive Substances Act 1883—
- (a) section 2 (causing explosion likely to endanger life or property);
 - (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);
 - (c) section 4 (making or possession of explosive under suspicious circumstances);
 - (d) section 5 (punishment of accessories to offences of causing or attempting to cause explosions or making or possessing explosives).
- 30 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).
- 31 An offence under section 1 of the Infanticide Act 1938 (infanticide).
- 32 An offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (c. 5 (N.I.)) (infanticide).
- 33 An offence under section 25 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) (child destruction).
- 34 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 16 (possession of firearm with intent to endanger life);
 - (b) section 17(1) (use of firearm to resist arrest);

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- (c) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act);
 - (d) section 18 (carrying a firearm with criminal intent).
- 35 An offence under either of the following provisions of the Theft Act 1968—
 - (a) section 8 (robbery or assault with intent to rob);
 - (b) section 10 (aggravated burglary).
- 36 An offence under either of the following provisions of the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))—
 - (a) section 8 (robbery);
 - (b) section 10 (aggravated burglary).
- 37 (1) An offence of arson under section 1 of the Criminal Damage Act 1971.
 - (2) An offence under section 1(2) of that Act (destruction or damage of property with intent or recklessness as to endangerment of life) other than an offence of arson.
- 38 An offence under section 1 of the Biological Weapons Act 1974 (developing certain biological agents and toxins or biological weapons).
- 39 (1) An offence of arson under Article 3 of the Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4)).
 - (2) An offence under Article 3(2) of that Order (destruction or damage of property with intent or recklessness as to endangerment of life) other than an offence of arson.
- 40 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).
- 41 An offence under any of the following provisions of the Aviation Security Act 1982—
 - (a) section 1 (hijacking);
 - (b) section 2 (destroying, damaging or endangering safety of aircraft);
 - (c) section 3 (other acts endangering or likely to endanger safety of aircraft);
 - (d) section 6(2) (inducing or assisting the commission of offences relating to safety of aircraft).
- 42 An offence under either of the following provisions of the Nuclear Material (Offences) Act 1983—
 - (a) section 1B (offences relating to damage to the environment);
 - (b) section 2 (preparatory acts and threats).
- 43 An offence under section 134 of the Criminal Justice Act 1988 (torture).
- 44 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—
 - (a) section 1 (endangering safety at aerodromes);
 - (b) section 9 (hijacking of ships);
 - (c) section 10 (seizing or exercising control of fixed platforms);
 - (d) section 11 (destroying ships or fixed platforms or endangering their safety);
 - (e) section 12 (other acts endangering or likely to endanger safe navigation);
 - (f) section 13 (offences involving threats);
 - (g) section 14(4) (inducing or assisting the commission of offences relating to hijacking of ships, or destroying ships or fixed platforms or endangering their safety).

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- 45 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
- 46 An offence under either of the following provisions of the Chemical Weapons Act 1996—
- (a) section 2 (use etc of chemical weapons);
 - (b) section 11 (premises or equipment used for producing chemical weapons).
- 47 An offence under any of the following provisions of the International Criminal Court Act 2001, other than an offence involving murder—
- (a) section 51 (genocide, crimes against humanity and war crimes: England and Wales);
 - (b) section 52 (conduct ancillary to genocide etc: England and Wales);
 - (c) section 58 (genocide, crimes against humanity and war crimes: Northern Ireland);
 - (d) section 59 (conduct ancillary to genocide etc: Northern Ireland).
- 48 An offence under either of the following provisions of the Anti-Terrorism, Crime and Security Act 2001—
- (a) section 47 (use etc of nuclear weapons);
 - (b) section 50 (assisting or inducing certain weapons-related acts overseas).
- 49 An offence under section 1 or 2 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.
- 50 An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))—
- (a) Article 58(1) (possession of firearm with intent to endanger life etc);
 - (b) Article 59(1) (use of firearm to resist arrest);
 - (c) Article 59(2) (possession of firearm while committing other offence);
 - (d) Article 60 (carrying a firearm with criminal intent).
- 51 An offence under either of the following provisions of the Modern Slavery Act 2015—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
 - (b) section 2 (human trafficking).
- 52 An offence under either of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)—
- (a) section 1 (human trafficking);
 - (b) section 4 (slavery, servitude and forced or compulsory labour).
- 53 An offence under either of the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.))—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
 - (b) section 2 (human trafficking).
- 54 An offence under any of the following provisions of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
 - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);

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- (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
 - (d) paragraph 4 (endangering safety at spaceports).
- 55 (1) An attempt to commit an offence specified in a preceding paragraph of this Part of this Schedule (“a listed offence”).
- (2) Conspiracy to commit a listed offence.
 - (3) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence is the offence (or one of the offences) which the person intended or believed would be committed.
 - (4) Incitement to commit a listed offence.
 - (5) Aiding, abetting, counselling or procuring the commission of a listed offence.
- 56 (1) An attempt to commit murder.
- (2) Conspiracy to commit murder.
 - (3) An offence under Part 2 of the Serious Crime Act 2007 in relation to which murder is the offence (or one of the offences) which the person intended or believed would be committed.
 - (4) Incitement to commit murder.
 - (5) Aiding, abetting, counselling or procuring murder.
- 57 An offence that—
- (a) was abolished before the coming into force of this Schedule, and
 - (b) if committed on the day on which this Schedule came into force, would have constituted an offence specified in any of the preceding paragraphs of this Part of this Schedule.]

[^{F123}SCHEDULE 19A

SUPERVISION DEFAULT ORDERS

Textual Amendments

- F123** Sch. 19A inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 2** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), **art. 2(t)**

Modifications etc. (not altering text)

- C5** Sch. 19A applied (with modifications) by [1997 c. 43](#), Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 3\(2\)\(3\)\(5\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), **art. 2(u)**)
- C6** Sch. 19A applied (with modifications) by [2006 c. 43](#), **s. 106B(2)-(7)** (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), ss. 6(4), 22(1) (with **Sch. 7 para. 2**); [S.I. 2015/40](#), **art. 2(f)**)
- C7** Sch. 19A applied (with modifications) (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **ss. 247(2)(c)(3)(4)**, **416(1)** (with **ss. 2, 398(1), 406**, [Sch. 27](#)); [S.I. 2020/1236](#), **reg. 2**

Status: Point in time view as at 10/09/2024.

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[^{F124}PART 1

REQUIREMENTS ETC

Textual Amendments

F124 Sch. 19A Pt. 1 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 248\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Application of provisions of the Sentencing Code

- 1 The provisions of the Sentencing Code listed in paragraph 2 apply in relation to a supervision default order as they apply in relation to a community order but with the modifications listed in paragraph 3.
- 2 Those provisions are—
 - (a) sections 208(13) and 214(4) (requirement to avoid conflict with religious beliefs);
 - (b) section 210 (local justice area to be specified in order);
 - (c) section 212(2)(a) and (b) and (3) (provision of copies);
 - (d) section 220(1)(b), (2) and (3) (completion of unpaid work requirement);
 - (e) section 395 (data from electronic monitoring: code of practice);
 - (f) paragraphs 1(1), 2(1) and 3 of Schedule 9 (unpaid work requirement);
 - (g) paragraph 34(1) and (2) of that Schedule (availability of arrangements in local area);
 - (h) paragraphs [^{F125}9(1) to (4A)] and 10(1) and (2) of that Schedule (curfew requirement);
 - (i) paragraphs 29(1) and 31 to 33 of that Schedule (electronic monitoring requirement).

Textual Amendments

F125 Words in [Sch. 19A para. 2\(h\)](#) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(8\)\(a\)](#), [208\(5\)\(q\)](#)

- 3 (1) The modifications mentioned in paragraph 1 are as follows.
 - (2) Section 212(2)(b) applies as if the reference to the responsible officer were to the supervisor.
 - (3) Section 214(4) applies as if the reference to the responsible officer were to the supervisor.
 - (4) Paragraph 1(1) of Schedule 9 applies—
 - (a) as if the reference to the responsible officer were to the supervisor, and
 - (b) as if, in paragraph (b), for “during a period of 12 months” there were substituted “before the end of the supervision period.”
 - (5) Paragraph 2(1) of that Schedule applies as if for sub-paragraphs (i) and (ii) of paragraph (b) (limit on number of hours of unpaid work) there were substituted—

“(i) not less than 20 hours, and

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(ii) not more than 60 hours.”

(6) Paragraph 9 of that Schedule applies as if for sub-paragraph (4) there were substituted—

“(4) The order—

- (a) may not specify periods which amount to less than 2 hours or more than [^{F126}the relevant number of hours] in any day,
- (b) may not specify periods which fall outside the supervision period, and
- (c) must require the person to remain at the specified place or places on at least 20 days.”

[^{F127}(6A) Paragraph 9(4A) of that Schedule applies as if references to an offence of which the offender was convicted before, on or after a day were references to a failure by a person to comply with a requirement that occurred before, on or after that day.]

(7) Paragraph 29(1) of that Schedule applies as if paragraph (b) were omitted.

(8) Paragraph 32 of that Schedule applies as if the references to the responsible officer were to the supervisor.

Textual Amendments

F126 Words in Sch. 19A para. 3(6) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(8\)\(b\)\(i\)](#), 208(5)(q)

F127 Sch. 19A para. 3(6A) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(8\)\(b\)\(ii\)](#), 208(5)(q)

Powers of Secretary of State in relation to provisions of the Sentencing Code

- 4 The Secretary of State's power to make regulations under subsection (4) of section 214 of the Sentencing Code (requirement to avoid conflict with religious beliefs etc) includes power to provide for that subsection, as applied by this Schedule, to have effect with additional restrictions specified in the regulations.
- 5 (1) The Secretary of State's power to make rules under section 394 of the Sentencing Code (rules regulating the supervision of persons subject to community orders etc) may be exercised in relation to persons subject to supervision default orders.
- (2) For the purpose of sub-paragraph (1), section 394(1)(b) of the Sentencing Code has effect as if the reference to responsible officers were to supervisors.
- 6 The Secretary of State may by regulations amend paragraph 3(5) or (6) by changing the number of hours or days for the time being specified there.]

PART 2

BREACH, REVOCATION OR AMENDMENT

Proceedings for breach

- 7 (1) If the supervisor in relation to a person subject to supervision requirements under section 256AA—

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- (a) is satisfied that the person has failed without reasonable excuse to comply with a requirement imposed by a supervision default order, and
 - (b) considers that the failure should be dealt with by a court,
- the supervisor must refer the matter to an enforcement officer.
- (2) Where a matter is referred to an enforcement officer under this paragraph, it is the duty of the enforcement officer—
- (a) to consider the case, and
 - (b) where appropriate, to cause an information to be laid before a justice of the peace in respect of the person's failure to comply with the requirement.
- (3) In this paragraph “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.
- (4) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.
- (5) In sub-paragraph (4) “public sector provider” means—
- (a) a probation trust or other public body, or
 - (b) the Secretary of State.

Issue of summons or warrant by justice of the peace

- 8 (1) If at any time while a supervision default order is in force it appears on information to a justice of the peace that the person subject to the order has failed to comply with a requirement imposed by the order, the justice may—
- (a) issue a summons requiring the person to appear at the place and time specified in it, or
 - (b) if the information is in writing and on oath, issue a warrant for the person's arrest.
- (2) A summons or warrant issued under this paragraph must direct the person to appear or be brought before—
- (a) a magistrates' court acting for the local justice area in which the person resides, or
 - (b) if it is not known where the person resides, before a magistrates' court acting for the local justice area specified in the supervision default order.

Powers of magistrates' court to deal with breach

- 9 (1) This paragraph applies if it is proved to the satisfaction of a magistrates' court before which a person appears or is brought under paragraph 8 that the person has failed without reasonable excuse to comply with a requirement imposed by the supervision default order.
- (2) The court may revoke the order and deal with the person for the failure in any of the ways listed in section 256AC(4)(a) to (c) (and section 256AC(5) and (7) to (9) apply accordingly).
- (3) In dealing with a person under this paragraph, a magistrates' court must take into account the extent to which the person has complied with the supervision default order.

Status: Point in time view as at 10/09/2024.

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- (4) A person dealt with under this paragraph may appeal to the Crown Court against the order made by the court.

Amendment or revocation of order by magistrates' court

- 10 (1) Where a person is subject to a supervision default order, the appropriate magistrates' court may on the application of the person or an officer of a provider of probation services—
- (a) revoke the order,
 - (b) amend the order, or
 - (c) revoke the order and deal with the person under section 256AC(4) in any way in which it could deal with the person if the order had never been made.
- (2) A magistrates' court acting under sub-paragraph (1)(b)—
- (a) may not increase the number of hours or days specified in the order;
 - (b) may reduce the number of hours or days so specified, but not so as to reduce them below the minimum specified in [F128 paragraph 2(1) or 9(4) of Schedule 9 to the Sentencing Code] (as modified by paragraph 3).
- (3) In exercising its powers under sub-paragraph (1), a magistrates' court must take into account the extent to which the person has complied with the supervision default order.
- (4) Where a court exercises its powers under sub-paragraph (1)(b) or (c), the person may appeal to the Crown Court against the order made by the court.
- (5) Where a magistrates' court proposes to exercise its powers under this paragraph on an application of an officer of a provider of probation services, the court—
- (a) must summon the person subject to the supervision default order to appear before the court, and
 - (b) if the person does not appear in answer to the summons, may issue a warrant for the person's arrest.
- (6) Sub-paragraph (5) does not apply where the court proposes only to amend the order to reduce the number of hours or days specified in it.
- (7) Where an application under this paragraph is made by a person subject to a supervision default order, the magistrates' court may not hear the application unless satisfied that adequate notice has been given to any officer of a provider of probation services who the court thinks has an interest in the application.
- (8) No application may be made under this paragraph while an appeal against the supervision default order is pending.
- (9) In this paragraph “the appropriate magistrates' court” means a magistrates' court acting in the local justice area specified in the supervision default order.

Textual Amendments

F128 Words in Sch. 19A para. 10(2)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 248\(3\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 10/09/2024.

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Amendment of local justice area specified in order

- 11 (1) This paragraph applies where, at any time while a supervision default order is in force in respect of a person, the appropriate magistrates' court is satisfied that the person proposes to change, or has changed, residence from the local justice area specified in the order to another local justice area (“the new local justice area”).
- (2) The appropriate magistrates' court may amend the order to specify the new local justice area.
- (3) In this paragraph “the appropriate magistrates' court” has the same meaning as in paragraph 10.

Revocation of order on imposition of further sentence

- 12 (1) This paragraph applies where—
- (a) the Crown Court or a magistrates' court is sentencing a person for an offence, and
- (b) a supervision default order is in force in respect of the person.
- (2) If the court imposes a sentence of imprisonment or detention (other than a suspended sentence) it must revoke the supervision default order.
- (3) If the court makes a community order or suspended sentence order it may revoke the supervision default order and deal with the person under section 256AC(4) in any way in which the person could be dealt with under section 256AC(4) if the supervision default order had never been made.
- 13 Where—
- (a) the Crown Court or a magistrates' court orders that a suspended sentence or any part of it is to take effect in relation to a person, and
- (b) a supervision default order is in force in respect of the person,
- the court must revoke the supervision default order.]

[^{F129}SCHEDULE 19B

Section 261

PRISONERS RETURNING TO THE UK: MODIFICATIONS OF CHAPTER 6 OF PART 12

Textual Amendments

F129 Sch. 19B inserted (28.6.2022 for E.W.) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), [Sch. 8](#); [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 24](#) (with [Sch. 2 para. 9](#))

Modification of dates for referral to the Board

- 1 Paragraph 2 applies where section 244ZC(2), 244A(2) or 246A(4) (when read with section 260(4A)) would require the Secretary of State to refer a person’s case to the Board on a day falling before the end of the period of 28 days beginning with the day on which the person is returned to custody.

Status: Point in time view as at 10/09/2024.

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- 2 The applicable provision is to be read as requiring the Secretary of State to refer the person's case to the Board at any time up to the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 3 For the purposes of paragraphs 1 and 2, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

Person removed after Board had directed release but before being released

- 4 Paragraphs 5 and 6 apply where, before a person's removal from the United Kingdom—
- (a) the Board had directed their release under section 244ZC, 244A or 246A, but
 - (b) they had not been released on licence.
- 5 The direction of the Board is to be treated as having no effect.
- 6 The person is to be treated as if—
- (a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and
 - (b) they were not suitable for automatic release (see section 255A).

Person removed after referral to the Board but before disposal of the reference

- 7 Paragraph 8 applies where—
- (a) before a person's removal from prison their case had been referred to the Board under section 244ZB(3), 244ZC(2), 244A(2) or 246A(4), and
 - (b) the reference lapsed under section 260(4B) because the person was removed from the United Kingdom before the Board had disposed of the reference.
- 8 Section 244ZC(2), 244A(2) or 246A(4) (as applicable) is to be read as requiring the Secretary of State to refer the person's case to the Board before the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 9 For the purposes of paragraph 8, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

Person removed after having been recalled to prison

- 10 Paragraphs 11 and 12 apply where, at the time of a person's removal from prison under section 260, the person was in prison following recall under section 254.
- 11 Any direction of the Board made in relation to the person under section 255C or 256A before their return to the United Kingdom is to be treated as having no effect.
- 12 The person is to be treated as if—
- (a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and
 - (b) they were not suitable for automatic release (see section 255A).]

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

F130 SCHEDULE 20

Textual Amendments

F130 Sch. 20 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 16](#); S.I. 2012/2906, art. 2(n)

F131 SCHEDULE 20A

Section 267A

APPLICATION OF CHAPTER 6 OF PART 12 TO PRE-4 APRIL 2005 CASES

Textual Amendments

F131 Sch. 20A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 3](#); S.I. 2012/2906, art. 2(n)

Modifications etc. (not altering text)

- C8** Schs. 20A, 20B applied by 1997 c. 43, Sch. 1 para. 8(2)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 3\(2\)\(b\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))
- C9** Schs. 20A, 20B applied by 1997 c. 43, Sch. 1 para. 9(4)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 3\(3\)\(b\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))
- C10** Schs. 20A, 20B applied by 1997 c. 43, Sch. 1 para. 9(2)(a)(4)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(2\)\(3\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))

1 In this Schedule—

“the 1991 Act” means the Criminal Justice Act 1991;

“the commencement date” means the date on which section 121 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force.

2 Paragraphs 3 to 9 apply in relation to any person serving a sentence for an offence committed before 4 April 2005, whenever that sentence was imposed (see section 121(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012).

3 (1) Any relevant period is to be treated, for the purposes of section 240ZA, as if it were a period for which the offender was remanded in custody in connection with the offence.

(2) “Relevant period” means any period which would (but for the repeal of section 67 of the Criminal Justice Act 1967) be a relevant period within the meaning of that section (reduction of sentences by period spent in custody etc).

4 [F133 Section 246(4) applies as if—]

^{F132}(1) (a) the reference in paragraph (a) to section 227 or 228 were a reference to section 85 of the Sentencing Act;

Status: Point in time view as at 10/09/2024.

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(b) the reference in paragraph (d) to paragraph 9(1)(b) or (c) or 10(1)(b) or (c) of Schedule 8 were a reference to paragraph 4(1)(d) or 5(1)(d) of Schedule 3 to the Sentencing Act;

^{F134}(c)

(d) the references in paragraph (h) to sections 248 and 254 included references to, respectively, sections 36 and 39(1) or (2) of the 1991 Act; and

(e) in paragraph (i), the words from “in the case of” to “relates” were omitted.

[Section 246(6) applies as if, in the definition of “term of imprisonment”, the reference ^{F135}(2) to section 227 or 228 included a reference to section 85 of the Sentencing Act.]

Textual Amendments

F132 Sch. 20A para. 4 renumbered as Sch. 20A para. 4(1) (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 15\(7\)\(a\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 11](#)

F133 Words in Sch. 20A para. 4(1) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 15\(7\)\(b\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 11](#)

F134 Sch. 20A para. 4(1)(c) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 15\(7\)\(c\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 11](#)

F135 Sch. 20A para. 4(2) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 15\(7\)\(d\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 11](#)

5 (1) Where the person has been released on licence under Part 2 of the 1991 Act or under section 60 of the Criminal Justice Act 1967 before the commencement date, the person is to be treated as if the release had been under this Chapter.

(2) In particular, the following provisions apply.

(3) A licence under section 34A of the 1991 Act is to be treated as if it were a licence under section 246.

(4) A licence under section 36 of the 1991 Act is to be treated as if it were a licence under section 248.

(5) Any condition of a licence specified under section 37 of the 1991 Act is to have effect as if it were included under section 250 (whether or not the condition is of a kind which could otherwise be included under that section).

(6) Where the licence is, on the commencement date, subject to a suspension under section 38(2) of the 1991 Act, the suspension continues to have effect for the period specified by the court despite the repeal of that section.

(7) A licence under section 40A of the 1991 Act is to be treated as if it were a licence under this Chapter, except that in respect of any failure (before or after the commencement date) to comply with the conditions of the licence, the person is liable to be dealt with in accordance with section 40A(4) to (6) (despite the repeal of that section) and is not liable to be dealt with in any other way.

(8) Sub-paragraph (1) does not affect the duration of the licence.

6 (1) Where a person has been recalled under Part 2 of the 1991 Act before the commencement date, the person is to be treated as if the recall had been under section 254.

(2) In particular, the following provisions apply.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

(3) If the Secretary of State has not referred the person's case to the Board under section 39(4) or 44A of the 1991 Act, the Secretary of State must refer the case under section 255C(4).

(4) If the Secretary of State has referred the person's case to the Board under section 39(4) or 44A of the 1991 Act, that reference is to be treated as if it had been made under section 255C(4).

^{F136}(5)

(6) If the person is released on licence, the duration of that licence is determined in accordance with section 249 (subject to paragraphs 17, 19 and 26 of Schedule 20B).

Textual Amendments
F136 Sch. 20A para. 6(5) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 136\(7\), 208\(1\)](#); S.I. 2022/520, reg. 5(p)

7 Rules made by virtue of section 42 of the 1991 Act have effect as if made by virtue of section 257.

8 (1) A person removed from prison under section 46A of the 1991 Act before the commencement date is to be treated as having been removed from prison under section 260.

^{F137}(2)

Textual Amendments
F137 Sch. 20A para. 8(2) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015](#) (c. 2), [ss. 14\(6\)\(a\), 95\(1\)](#) (with s. 14(7)); S.I. 2015/778, art. 3, Sch. 1 para. 10

[^{F138}8A Section 268(1A) (definition of “the requisite custodial period”) has effect as if it provided that, in relation to a person serving an extended sentence under section 85 of the Sentencing Act, the requisite custodial period means one-half of the custodial term determined under that section (subject to sections 263 and 264).]

Textual Amendments
F138 Sch. 20A para. 8A inserted (13.4.2015) by [Criminal Justice and Courts Act 2015](#) (c. 2), [ss. 14\(6\)\(b\), 95\(1\)](#) (with s. 14(7)); S.I. 2015/778, art. 3, Sch. 1 para. 10

9 An order made under section 47 of the 1991 Act is to have effect as if it were an order made under section 243.

10 Section 264 applies as if the definition of “custodial period” in subsection (6) included, in relation to an extended sentence imposed under section 85 of the Sentencing Act, one-half of the custodial term determined under that section.]

Status: Point in time view as at 10/09/2024.

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^{F139}SCHEDULE 20B

Section 267B

MODIFICATIONS OF CHAPTER 6 OF PART 12 IN CERTAIN TRANSITIONAL CASES

Textual Amendments

F139 Sch. 20B inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 17 para. 10](#); S.I. 2012/2906, art. 2(o)

PART 1

INTRODUCTORY

Interpretation

- 1 (1) The following provisions apply for the purposes of this Schedule.
- (2) “The commencement date” means the date on which section 121 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force.
- (3) “The 1967 Act” means the Criminal Justice Act 1967.
- (4) “The 1991 Act” means the Criminal Justice Act 1991.
- (5) A “section 85 extended sentence” means an extended sentence under section 85 of the Sentencing Act and includes (in accordance with paragraph 1(3) of Schedule 11 to that Act) a sentence under section 58 of the Crime and Disorder Act 1998.
- (6) In relation to a section 85 extended sentence, “the custodial term” and “the extension period” have the meaning given by that section.
- (7) References to section 86 of the Sentencing Act include (in accordance with paragraph 1(3) of Schedule 11 to that Act) section 44 of the 1991 Act as originally enacted.
- (8) A “1967 Act sentence” is a sentence imposed before 1 October 1992.
- (9) A “1991 Act sentence” is a sentence which is—
 - (a) imposed on or after 1 October 1992 but before 4 April 2005, or
 - (b) imposed on or after 4 April 2005 but before the commencement date and is either—
 - (i) imposed in respect of an offence committed before 4 April 2005, or
 - (ii) for a term of less than 12 months.
- (10) A “2003 Act sentence” is a sentence which is—
 - (a) imposed on or after the commencement date, or
 - (b) imposed on or after 4 April 2005 but before the commencement date and is both—
 - (i) imposed in respect of an offence committed on or after 4 April 2005, and
 - (ii) for a term of 12 months or more.

Status: Point in time view as at 10/09/2024.

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- (11) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it is to be taken for the purposes of this Schedule to have been committed on the last of those days.

Explanation of dates

- 2 The following dates (which are mentioned in this Schedule) are dates on which changes to the law relating to the release and recall of prisoners came into force—
- 1 October 1992 is the date on which Part 2 of the 1991 Act came into force;
 - 30 September 1998 is the date on which certain provisions of the Crime and Disorder Act 1998 came into force;
 - 4 April 2005 is the date on which this Chapter came into force;
 - 9 June 2008 is the date on which section 26 of the Criminal Justice and Immigration Act 2008 came into force;
 - 14 July 2008 is the date on which certain other provisions of that Act came into force;
 - 2 August 2010 is the date on which section 145 of the Coroners and Justice Act 2009 came into force.

PART 2

PRISONERS SERVING 1991 ACT SENTENCES ETC

- 3 (1) This Part applies to certain persons serving a 1991 Act sentence.
- (2) This Part also applies to a person serving a 2003 Act sentence which is—
- ^{F140}(a)
 - (b) an extended sentence imposed under section 227 or 228 before 14 July 2008.
- (3) But this Part does not apply to a person who—
- (a) has been released on licence under Part 2 of the 1991 Act,
 - (b) has been recalled to prison, and
 - (c) (whether or not having returned to custody in consequence of that recall) is unlawfully at large on the commencement date.

Textual Amendments

F140 Sch. 20B para. 3(2)(a) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. [15\(8\)](#), [95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 11

Duty to release on licence at two-thirds of sentence

- 4 (1) This paragraph applies to a person in relation to whom—
- (a) all the conditions in sub-paragraph (2) are met, and
 - (b) the condition in any one or more of sub-paragraphs (3) to (5) is met.
- (2) The conditions in this sub-paragraph are that—
- (a) the person has been convicted of an offence committed before 4 April 2005,

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- (b) the person is serving a sentence of imprisonment imposed in respect of that offence on or after 1 October 1992 but before the commencement date,
 - (c) the sentence or (in the case of a section 85 extended sentence) the custodial term is for a term of 4 years or more, and
 - (d) the person has not previously been released from prison on licence in respect of that sentence.
- (3) The condition in this sub-paragraph is that the offence (or one of the offences) in respect of which the sentence was imposed is—
- (a) an offence specified in Schedule 15 (specified violent offences and specified sexual offences) as it had effect on 4 April 2005,
 - (b) an offence under any of sections 11, 12, 15 to 18, 54 and 56 to 63 of the Terrorism Act 2000,
 - (c) an offence under any of sections 47, 50 and 113 of the Anti-terrorism, Crime and Security Act 2001,
 - (d) an offence under section 12 of the Sexual Offences Act 1956,
 - (e) an offence of aiding, abetting counselling, procuring or inciting the commission of an offence listed in any of paragraphs (b) to (d), or
 - (f) an offence of conspiring or attempting to commit an offence listed in any of paragraphs (b) to (d).
- (4) The condition in this sub-paragraph is that the person has served one-half of the sentence or (in the case of a section 85 extended sentence) of the custodial term before 9 June 2008.
- (5) The condition in this sub-paragraph is that—
- (a) the person is serving the sentence by virtue of having been transferred to the United Kingdom in pursuance of a warrant under section 1 of the Repatriation of Prisoners Act 1984,
 - (b) the warrant was issued before 9 June 2008, and
 - (c) the offence (or one of the offences) for which the person is serving the sentence corresponds to murder or to any offence specified in Schedule 15 as it had effect on 4 April 2005.
- 5 (1) As soon as a person to whom paragraph 4 applies [^{F141}(but to whom section 247A does not apply)] has served two-thirds of the sentence, it is the duty of the Secretary of State to release the person on licence under this paragraph.
- (2) If the person is serving a section 85 extended sentence, the reference in sub-paragraph (1) to two-thirds of the sentence is a reference to two-thirds of the custodial term.
- (3) Sub-paragraphs (1) and (2) apply in place of section 244 (release on licence of prisoners serving 12 months or more).
- [Where section 247A applies to a person—
- ^{F142}(4) (a) to whom paragraph 4 also applies, and
- (b) who is serving a section 85 extended sentence,
- it does so with the modifications set out in sub-paragraphs (5) and (6).
- (5) Section 247A(7) applies to the person (despite subsection (6) of that section).
- (6) References in section 247A to—

Status: Point in time view as at 10/09/2024.

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- (a) the “appropriate custodial term” are to be read as references to the custodial term;
- (b) the “requisite custodial period” are to be read as references to two-thirds of the custodial term.]

Textual Amendments

F141 Words in Sch. 20B para. 5(1) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 6\(2\)\(a\), 10\(4\)](#)

F142 Sch. 20B para. 5(4)-(6) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 6\(2\)\(b\), 10\(4\)](#)

Duty to release on direction of Parole Board

- 6 (1) After a person to whom paragraph 4 applies [^{F143}(but to whom section 247A does not apply)] has served one-half of the sentence, the Secretary of State must, if directed to do so by the Board, release the person on licence under this paragraph.
- (2) The Board must not give a direction under sub-paragraph (1) unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined.
- (3) If the person is serving a section 85 extended sentence, the reference in sub-paragraph (1) to one-half of the sentence is a reference to one-half of the custodial term.
- (4) Sub-paragraphs (1) to (3) apply in place of section 244 (release on licence of prisoners serving 12 months or more).

[Paragraphs 38 and 39 contain provision that relates to the Board's function of giving ^{F144}(5) directions under sub-paragraph (2) for the release of a person.]

Textual Amendments

F143 Words in Sch. 20B para. 6(1) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 6\(3\), 10\(4\)](#)

F144 Sch. 20B para. 6(5) inserted (E.W.) (4.1.2021) by [Prisoners \(Disclosure of Information About Victims\) Act 2020 \(c. 19\), ss. 2\(5\)\(a\), 3\(2\); S.I. 2020/1537, reg. 2](#)

Release on licence at one-half of sentence: section 85 extended sentence prisoners

- 7 (1) This paragraph applies to a person if—
- (a) the person has been convicted of an offence committed on or after 30 September 1998 but before 4 April 2005,
 - (b) the person is serving a section 85 extended sentence in respect of that offence,
 - (c) the person has not previously been released from prison on licence in respect of that sentence, and
 - (d) paragraph 4 does not apply to the person.

Status: Point in time view as at 10/09/2024.

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- 8 (1) As soon as a person to whom paragraph 7 applies has served one-half of the custodial term, it is the duty of the Secretary of State to release the person on licence under this paragraph.
- (2) Sub-paragraph (1) applies in place of section 243A or 244, as the case may be (release of prisoners serving less than 12 months, or serving 12 months or more).

Duty to release unconditionally at three-quarters of sentence

- 9 (1) This paragraph applies to a person if—
- (a) the person has been convicted of an offence committed before 30 September 1998,
 - (b) the person is serving a sentence of imprisonment imposed in respect of that offence on or after 1 October 1992,
 - (c) the sentence is for a term of 12 months or more,
 - (d) the person has been released on licence under Part 2 of the 1991 Act, and
 - (e) the person has been recalled before 14 July 2008 (and has not been recalled after that date).
- (2) But this paragraph does not apply if the court by which the person was sentenced ordered that section 86 of the Sentencing Act (extension of periods in custody and on licence in the case of certain sexual offences) should apply.
- 10 As soon as a person to whom paragraph 9 applies would (but for the earlier release) have served three-quarters of the sentence, it is the duty of the Secretary of State to release the person unconditionally.

Duty to release on licence at three-quarters of sentence

- 11 (1) This paragraph applies to a person who—
- (a) has been convicted of an offence committed on or after 30 September 1998 but before 4 April 2005,
 - (b) is serving a sentence of imprisonment for a term of 12 months or more imposed in respect of that offence,
 - (c) has been released on licence under Part 2 of the 1991 Act, and
 - (d) has been recalled before 14 July 2008 (and has not been recalled after that date).
- (2) But this paragraph does not apply if the person has been released and recalled more than once.
- (3) Nor does this paragraph apply if the sentence is a section 85 extended sentence (paragraph 13 applying to such a case instead).
- 12 As soon as a person to whom paragraph 11 applies would (but for the earlier release) have served three-quarters of the sentence, it is the duty of the Secretary of State to release the person on licence.

Release on licence: re-release of section 85 extended sentence prisoners

- 13 (1) This paragraph applies to a person who—
- (a) has been convicted of an offence committed on or after 30 September 1998 but before 4 April 2005,

Status: Point in time view as at 10/09/2024.

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- (b) is serving a section 85 extended sentence imposed in respect of that offence,
 - (c) has been released on licence under Part 2 of the 1991 Act, and
 - (d) has been recalled before 14 July 2008 (and has not been recalled after that date).
- (2) But this paragraph does not apply if the person has been released and recalled more than once.
- 14 (1) If a person to whom paragraph 13 applies is serving a sentence with a custodial term of less than 12 months, it is the duty of the Secretary of State to release the person on licence as soon as the person would (but for the earlier release) have served the period found by adding—
- (a) one-half of the custodial term, and
 - (b) the extension period.
- (2) If a person to whom paragraph 13 applies is serving a sentence with a custodial term of 12 months or more, it is the duty of the Secretary of State to release the person on licence as soon as the person would (but for the earlier release) have served the period found by adding—
- (a) three-quarters of the custodial term, and
 - (b) the extension period.

Release of section 227 or 228 extended sentence prisoners: Parole Board direction

- 15 (1) This paragraph applies to a person (“P”) who is serving an extended sentence imposed under section 227 or 228 before 14 July 2008.
- (2) ^{F145}[If section 247 (release of prisoner on licence) applies to P, it applies] with the following modifications.
- (3) The Secretary of State must not release P under subsection (2) of that section unless the Board has directed P’s release under that subsection.
- (4) The Board must not give a direction under sub-paragraph (3) unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined.
- (5) As soon as P has served the appropriate custodial term, the Secretary of State must release P on licence, unless P has previously been recalled under section 254.
- [Paragraphs 38 and 39 contain provision that relates to the Board’s function of giving ^{F146}(6) directions under sub-paragraph (4) for the release of a person.]

Textual Amendments

F145 Words in Sch. 20B para. 15(2) substituted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 6\(4\), 10\(4\)](#)

F146 Sch. 20B para. 15(6) inserted (E.W.) (4.1.2021) by [Prisoners \(Disclosure of Information About Victims\) Act 2020 \(c. 19\), ss. 2\(5\)\(b\), 3\(2\); S.I. 2020/1537, reg. 2](#)

Licence to remain in force to three-quarters of sentence

- 16 (1) This paragraph applies to a person to whom paragraph 4 applies.

Status: Point in time view as at 10/09/2024.

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- (2) This paragraph also applies to a person if—
- (a) the person has been convicted of an offence committed before 4 April 2005,
 - (b) the person is serving a sentence of imprisonment imposed in respect of that offence on or after 1 October 1992 but before the commencement date,
 - (c) that sentence is for a term of 12 months or more but less than 4 years, and
 - (d) the person has not previously been released from prison on licence in respect of that sentence.
- (3) This paragraph also applies to a person if—
- (a) the person has been convicted of an offence committed before 4 April 2005,
 - (b) the person is serving a sentence of imprisonment imposed in respect of that offence on or after 1 October 1992,
 - (c) that sentence is for a term of 12 months or more,
 - (d) the person has been released on licence under Part 2 of the 1991 Act, and
 - (e) the person has been recalled before 14 July 2008 (and has not been recalled after that date).
- (4) But this paragraph does not apply if the person has been released and recalled more than once.
- (5) Nor does this paragraph apply if—
- (a) the person is serving a section 85 extended sentence, or
 - (b) the court by which the person was sentenced ordered that section 86 of the Sentencing Act (extension of periods in custody and on licence in the case of certain sexual offences) should apply.
- (6) If a person has been—
- (a) released under section 34A of the 1991 Act or section 246 (home detention curfew), and
 - (b) recalled under section 38A(1)(b) of the 1991 Act or section 255(1)(b) (no longer possible to monitor curfew),
- the release and recall are to be disregarded for the purposes of this paragraph.
- 17 (1) Where a person to whom paragraph 16 applies is released on licence under section 244^[F147], 247A] or paragraph 5 or 6, the licence shall remain in force until the date on which the person would (but for the release) have served three-quarters of the sentence.
- [But if section 247A would (disregarding this sub-paragraph) require the release on
- ^{F148}(1A) licence of a person to whom paragraph 16 applies at any time after the end of the period referred to in sub-paragraph (1)—
- (a) that requirement does not apply, and
 - (b) it is instead the duty of the Secretary of State to release the person unconditionally.]
- (2) Sub-paragraph (1) is subject to any revocation under section 254.
- (3) Sub-paragraphs [^{F149}(1) to (2)] apply in place of section 249 (duration of licence).

Status: Point in time view as at 10/09/2024.

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Textual Amendments

- F147** Word in Sch. 20B para. 17(1) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\)](#), **ss. 6(5)(a)**, 10(4)
- F148** Sch. 20B para. 17(1A) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\)](#), **ss. 6(5)(b)**, 10(4)
- F149** Words in Sch. 20B para. 17(3) substituted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\)](#), **ss. 6(5)(c)**, 10(4)

Period for which licence to remain in force: section 85 extended sentence prisoners

- 18 This paragraph applies to a person who—
- (a) has been convicted of an offence committed on or after 30 September 1998 but before 4 April 2005,
 - (b) is serving a section 85 extended sentence imposed in respect of that offence, and
 - (c) has not previously been released from prison on licence in respect of that sentence.
- 19 (1) Where a person to whom paragraph 18 applies is released on licence and the custodial term is less than 12 months, the licence shall remain in force until the end of the period found by adding—
- (a) one-half of the custodial term, and
 - (b) the extension period.
- (2) Where a person to whom paragraph 18 applies is released on licence and the custodial term is 12 months or more, the licence shall remain in force until the end of [^{F150}the relevant period].
- (3) Sub-paragraphs (1) and (2) are subject to any revocation under section 254.
- (4) Sub-paragraphs (1) to (3) apply in place of section 249 (duration of licence).
- [In sub-paragraph (2), “the relevant period”—
- ^{F151}(5) (a) in relation to a person released on licence under section 247A at any time after the end of the period of three-quarters of the custodial term, means the period found by adding—
- (i) the proportion of the custodial term served before release, and
 - (ii) the extension period;
- (b) in relation to any other case, means the period found by adding—
- (i) three-quarters of the custodial term, and
 - (ii) the extension period.]

Textual Amendments

- F150** Words in Sch. 20B para. 19(2) substituted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\)](#), **ss. 6(6)(a)**, 10(4)
- F151** Sch. 20B para. 19(5) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\)](#), **ss. 6(6)(b)**, 10(4)

Status: Point in time view as at 10/09/2024.

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Concurrent or consecutive terms

- 20 Paragraphs 21 and 22 apply where a person (“P”) is serving two or more sentences of imprisonment imposed on or after 1 October 1992 and—
- (a) the sentences were passed on the same occasion, or
 - (b) where they were passed on different occasions, the person has not been released under Part 2 of the 1991 Act or under this Chapter at any time during the period beginning with the first and ending with the last of those occasions.
- 21 (1) This paragraph applies if each of the sentences is a 1991 Act sentence.
- (2) Sections 263 and 264 (consecutive and concurrent terms) do not apply in relation to the sentences.
- (3) For the purposes of any reference in this Chapter, however expressed, to the term of imprisonment to which P has been sentenced or which, or part of which, P has served, the terms are to be treated as a single term.
- (4) If one or more of the sentences is a section 85 extended sentence—
- (a) for the purpose of determining the single term mentioned in sub-paragraph (3), the extension period or periods is or are to be disregarded, and
 - (b) the period for which P is to be on licence in respect of the single term is to be increased in accordance with sub-paragraph (5).
- (5) That period is to be increased—
- (a) if only one of the sentences is a section 85 extended sentence, by the extension period;
 - (b) if there is more than one such sentence and they are wholly or partly concurrent, by the longest of the extension periods;
 - (c) if there is more than one such sentence and they are consecutive, by the aggregate of the extension periods.
- 22 (1) This paragraph applies where two or more sentences are to be served consecutively on each other and—
- (a) one or more of those sentences is a 1991 Act sentence, and
 - (b) one or more of them is a 2003 Act sentence.
- (2) Section 264 does not affect the length of the period which P must serve in prison in respect of the 1991 Act sentence or sentences.
- (3) Nothing in this Chapter requires the Secretary of State to release P until P has served a period equal in length to the aggregate of the length of the periods which P must serve in relation to each of the sentences mentioned in sub-paragraph (1).
- [If P is subject to supervision requirements under section 256AA (by virtue of ^{F152}(3A) section 264(3C)(b)), section 256AA(4)(b) (end of supervision period) applies in relation to P as if the reference to the requisite custodial period were to the period described in sub-paragraph (3) of this paragraph.]
- (4) If P is also serving one or more 1967 Act sentences, paragraphs 32 and 33 apply instead of this paragraph.

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Textual Amendments

F152 Sch. 20B para. 22(3A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 5\(7\), 22\(1\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(e\)](#)

PART 3

PRISONERS SERVING 1967 ACT SENTENCES

- 23 (1) This Part applies to certain persons serving a 1967 Act sentence.
- (2) But this Part does not apply to a person who—
- (a) has been released on licence,
 - (b) has been recalled to prison, and
 - (c) (whether or not having returned to custody in consequence of that recall) is unlawfully at large on the commencement date.
- (3) In this Part, references to release under Part 2 of the 1991 Act include release under section 60 of the 1967 Act.

Sentence of more than 12 months imposed before 1 October 1992

- 24 (1) This paragraph applies to a person if—
- (a) the person is serving a sentence of imprisonment imposed before 1 October 1992,
 - (b) the sentence is for a term of more than 12 months, and
 - (c) the person has not previously been released from prison on licence in respect of that sentence.
- (2) This paragraph also applies to a person if—
- (a) the person is serving a sentence of imprisonment imposed before 1 October 1992,
 - (b) the sentence is for a term of more than 12 months,
 - (c) the person has been released on licence under Part 2 of the 1991 Act, and
 - (d) the person has been recalled before 14 July 2008 (and has not been recalled after that date).
- (3) But this paragraph does not apply if, on the passing of the sentence, an extended sentence certificate was issued (see paragraph 27).
- (4) If a person has been—
- (a) released under section 34A of the 1991 Act or section 246 (home detention curfew), and
 - (b) recalled under section 38A(1)(b) of the 1991 Act or section 255(1)(b) (no longer possible to monitor curfew),
- the release and recall are to be disregarded for the purposes of this paragraph.
- 25 (1) It is the duty of the Secretary of State to release a person to whom paragraph 24 applies unconditionally under this paragraph—
- (a) in the case of a person falling within paragraph 24(1), as soon as the person has served two-thirds of the sentence;

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- (b) in the case of a person falling within paragraph 24(2), as soon as the person would (but for the earlier release) have served two-thirds of the sentence.
 - (2) After a person falling within paragraph 24(1) has served one-third of the sentence or six months, whichever is longer, the Secretary of State must, if directed to do so by the Board, release the person on licence under this paragraph.
 - (3) The Board must not give a direction under sub-paragraph (2) unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined.
 - (4) Sub-paragraphs (1) to (3) apply in place of section 244 (release on licence of prisoners serving 12 months or more).
- [Paragraphs 38 and 39 contain provision that relates to the Board's function of giving ^{F153}(5) directions under sub-paragraph (3) for the release of a person.]

Textual Amendments

F153 Sch. 20B para. 25(5) inserted (E.W.) (4.1.2021) by [Prisoners \(Disclosure of Information About Victims\) Act 2020 \(c. 19\)](#), **ss. 2(5)(c), 3(2)**; S.I. 2020/1537, reg. 2

- 26 (1) Where a person to whom paragraph 24 applies is released on licence under paragraph 25(2), the licence shall remain in force until the date on which the person would (but for the release) have served two-thirds of the sentence.
- (2) Sub-paragraph (1) is subject to any revocation under section 254.
 - (3) Sub-paragraphs (1) and (2) apply in place of section 249 (duration of licence).

Extended sentence of more than 12 months imposed before 1 October 1992

- 27 (1) This paragraph applies to a person if—
- (a) the person is serving a sentence of imprisonment imposed before 1 October 1992,
 - (b) the sentence is for a term of more than 12 months,
 - (c) on the passing of the sentence an extended sentence certificate was issued, and
 - (d) the person has not previously been released from prison on licence in respect of that sentence.
- (2) This paragraph also applies to a person if—
- (a) the person is serving a sentence of imprisonment imposed before 1 October 1992,
 - (b) the sentence is for a term of more than 12 months,
 - (c) on the passing of the sentence an extended sentence certificate was issued,
 - (d) the person has been released on licence under Part 2 of the 1991 Act, and
 - (e) the person has been recalled before 14 July 2008 (and has not been recalled after that date).
- (3) In this paragraph “extended sentence certificate” means a certificate was issued under section 28 of the Powers of Criminal Courts Act 1973 (punishment of persistent

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offenders) stating that an extended term of imprisonment was imposed on the person under that section.

- 28 (1) It is the duty of the Secretary of State to release a person to whom paragraph 27 applies on licence under this paragraph—
- (a) in the case of a person falling within paragraph 27(1), as soon as the person has served two-thirds of the sentence;
 - (b) in the case of a person falling within paragraph 27(2), as soon as the person would (but for the earlier release) have served two-thirds of the sentence.
- (2) After a person falling within paragraph 27(1) has served one-third of the sentence or six months, whichever is longer, the Secretary of State must, if directed to do so by the Board, release the person on licence under this paragraph.
- (3) The Board must not give a direction under sub-paragraph (2) unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined.
- (4) Sub-paragraphs (1) to (3) apply in place of section 244 (release on licence of prisoners serving twelve months or more).

Additional days

- 29 (1) Prison rules made by virtue of section 257 may include provision for applying any provisions of this Chapter, in relation to any person falling within sub-paragraph (2), as if the person had been awarded such number of additional days as may be determined by or under the rules.
- (2) A person falls within this sub-paragraph if—
- (a) the person was released on licence under section 60 of the 1967 Act before 1 October 1992 and the licence was in force on that date, or
 - (b) the person was, on that date, serving a custodial sentence,
- and (in either case) the person has forfeited any remission of the sentence.

Concurrent or consecutive terms

- 30 Paragraphs 31 to 33 apply where a person (“P”) is serving two or more sentences of imprisonment and—
- (a) the sentences were passed on the same occasion, or
 - (b) where they were passed on different occasions, the person has not been released under Part 2 of the 1991 Act or under this Chapter at any time during the period beginning with the first and ending with the last of those occasions.
- 31 (1) This paragraph applies where each of the sentences is a 1967 Act sentence.
- (2) Sections 263 and 264 (consecutive and concurrent terms) do not apply in relation to the sentences.
- (3) For the purposes of any reference in this Chapter, however expressed, to the term of imprisonment to which P has been sentenced or which, or part of which, P has served, the terms are to be treated as a single term.
- 32 (1) This paragraph applies where—
- (a) one or more of the sentences is a 1967 Act sentence, and

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- (b) one or more of them is a 1991 Act sentence.
- (2) Sections 263 and 264 (consecutive and concurrent terms) do not apply in relation to the sentences mentioned in sub-paragraph (1).
- (3) For the purposes of any reference in this Chapter, however expressed, to the term of imprisonment to which P has been sentenced or which, or part of which, P has served—
- (a) the terms mentioned in sub-paragraph (1) are to be treated as a single term, and
- (b) that single term is to be treated as if it were a 1967 Act sentence.
- (4) If one or more of the sentences is a section 85 extended sentence—
- (a) for the purpose of determining the single term mentioned in sub-paragraph (3), the extension period or periods is or are to be disregarded, and
- (b) the period for which P is to be on licence in respect of the single term is to be increased in accordance with sub-paragraph (5).
- (5) That period is to be increased—
- (a) if only one of the sentences is a section 85 extended sentence, by the extension period;
- (b) if there is more than one such sentence and they are wholly or partly concurrent, by the longest of the extension periods;
- (c) if there is more than one such sentence and they are consecutive, by the aggregate of the extension periods.
- (6) If P is also serving a 2003 Act sentence, sub-paragraph (3) is to be applied before the period mentioned in section 263(2)(c) (concurrent terms) or paragraph 33(3) (consecutive terms) is calculated.
- 33 (1) This paragraph applies where two or more sentences are to be served consecutively on each other and—
- (a) one or more of those sentences is a 1967 Act sentence, and
- (b) one or more of them is a 2003 Act sentence.
- (2) Section 264 does not affect the length of the period which P must serve in prison in respect of the 1967 Act sentence or sentences.
- (3) Nothing in this Chapter requires the Secretary of State to release P until P has served a period equal in length to the aggregate of the length of the periods which P must serve in relation to each of the sentences mentioned in sub-paragraph (1).
- [If P is subject to supervision requirements under section 256AA (by virtue of ^{F154}(4) section 264(3C)(b)), section 256AA(4)(b) (end of supervision period) applies in relation to P as if the reference to the requisite custodial period were to the period described in sub-paragraph (3) of this paragraph.]

Textual Amendments

F154 Sch. 20B para. 33(4) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 5(8), 22(1)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(e)

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PART 4

PROVISIONS APPLYING GENERALLY

Licence conditions

- 34 (1) This paragraph applies to any licence (a “Parole Board licence”) which falls within sub-paragraph (2) or (3) [^{F155}and which was granted to a person serving—
- (a) a 1967 Act sentence,
 - (b) a 1991 Act sentence, or
 - (c) a 2003 Act sentence which is an extended sentence imposed under section 227 or 228 before 14 July 2008.]
- (2) A licence falls within this sub-paragraph if—
- (a) it is or was granted to a person (“P”) on P’s release (at any time) on the recommendation or direction of the Board, and
 - (b) P has not been released otherwise than on such a recommendation or direction.
- (3) A licence falls within this sub-paragraph if—
- (a) it is or was granted to a person (“P”) on P’s release (at any time), and
 - (b) condition A or condition B is met.
- (4) Condition A is that, before 2 August 2010, the Board exercised the function under section 37(5) of the 1991 Act of making recommendations as to any condition to be included or inserted as a condition in a licence granted to P (including by making a recommendation that no condition should be included in such a licence).
- (5) Condition B is that, before 2 August 2010—
- (a) P was released on licence under section 33(2), (3) or (3A) or 35(1) of the 1991 Act, and
 - (b) the Board exercised the function under section 37(5) of that Act of—
 - (i) making recommendations as to the inclusion or insertion of a condition in a licence granted to P (including by making a recommendation that no condition should be included in such a licence), or
 - (ii) making recommendations as to the variation or cancellation of any such condition (including a recommendation that the condition should not be varied or cancelled).
- (6) The Secretary of State must not—
- (a) include on release, or subsequently insert, a condition [^{F156}referred to in section 250(4)(b)(ii)] in a Parole Board licence, or
 - (b) vary or cancel any such condition,
- except in accordance with directions of the Board.

Textual Amendments

F155 Words in Sch. 20B para. 34(1) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 15\(9\)\(a\)](#), [95\(1\)](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 11](#)

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F156 Words in Sch. 20B para. 34(6)(a) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 15\(9\)\(b\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 11

Fine defaulters and contemnors

- 35 (1) This paragraph applies to any person if—
- (a) the person has been committed to prison or to be detained under section 108 of the Sentencing Act—
 - (i) in default of payment of a sum adjudged to be paid by a conviction, or
 - (ii) for contempt of court or any kindred offence,
 - (b) the person was so committed or detained before 4 April 2005, and
 - (c) the term for which the person was committed or detained is 12 months or more.
- (2) As soon as a person to whom this paragraph applies has served two-thirds of the term, it is the duty of the Secretary of State to release the person unconditionally.
- (3) Sub-paragraph (2) applies in place of section 258(2) (early release of fine defaulters and contemnors).

Early removal of prisoners liable to removal from UK

- 36 (1) This paragraph applies to any person who—
- (a) has served one-half of a sentence of imprisonment, and
 - (b) has not been released on licence under this Chapter.
- (2) The reference in sub-paragraph (1)(a) to one-half of a sentence is—
- (a) in the case of a section 85 extended sentence, a reference to one-half of the custodial term;
 - (b) in the case of an extended sentence imposed under section 227 or 228, a reference to one-half of the appropriate custodial term.
- 37 (1) If a person to whom paragraph 36 applies—
- (a) is liable to removal from the United Kingdom, and
 - (b) has not been removed from prison under section 260 during the period mentioned in subsection (1) of that section,
- the Secretary of State may remove the person from prison under that section at any time after the end of that period.
- (2) Sub-paragraph (1) applies whether or not the Board has directed the person's release under paragraph 6, 15, 25 or 28.]

[^{F157} Manslaughter: prisoner's non disclosure of information

Textual Amendments

F157 Sch. 20B paras. 38, 39 and cross-headings inserted (E.W.) (4.1.2021) by [Prisoners \(Disclosure of Information About Victims\) Act 2020 \(c. 19\)](#), [ss. 2\(4\), 3\(2\)](#); S.I. 2020/1537, reg. 2

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- 38 (1) The Board must comply with this paragraph when making a public protection decision about a prisoner if—
- (a) the prisoner's sentence was passed for manslaughter;
 - (b) the Board does not know where and how the victim's remains were disposed of; and
 - (c) the Board believes that the prisoner has information about where, or how, the victim's remains were disposed of (whether the information relates to the actions of the prisoner or any other individual) which the prisoner has not disclosed to the Board (“the prisoner's non-disclosure”).
- (2) When making the public protection decision about the prisoner, the Board must take into account—
- (a) the prisoner's non-disclosure; and
 - (b) the reasons, in the Board's view, for the prisoner's non-disclosure.
- (3) This paragraph does not limit the matters which the Board must or may take into account when making a public protection decision.
- (4) In this paragraph, in relation to a prisoner—
- “public protection decision” means the decision made—
- (a) under paragraph 6(2) for the purposes of paragraph 6(1),
 - (b) under paragraph 15(4) for the purposes of paragraph 15(3), or
 - (c) under paragraph 25(3) for the purposes of paragraph 25(2),
- as to whether the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined;
- “victim” means the victim of the offence for which the prisoner's sentence was passed;
- and a reference to the victim's remains being disposed of includes the remains being left at the location where the victim died.

Indecent images: prisoner's non-disclosure of information

- 39 (1) The Board must comply with this paragraph when making a public protection decision about a prisoner if—
- (a) the prisoner's sentence was passed for—
 - (i) an offence of taking an indecent photograph of a child, or
 - (ii) a relevant offence of making an indecent pseudo-photograph of a child;
 - (b) the Board does not know the identity of the child who is the subject of the relevant indecent image; and
 - (c) the Board believes that the prisoner has information about the identity of the child who is the subject of the relevant indecent image which the prisoner has not disclosed to the Board (“the prisoner's non-disclosure”).
- (2) When making the public protection decision about the prisoner, the Board must take into account—
- (a) the prisoner's non-disclosure; and
 - (b) the reasons, in the Board's view, for the prisoner's non-disclosure.
- (3) This paragraph does not limit the matters which the Board must or may take into account when making a public protection decision.

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- (4) For the purposes of this paragraph an offence is—
- (a) an “offence of taking an indecent photograph of a child” if it is an offence under section 1(1)(a) of the Protection of Children Act 1978 of taking an indecent photograph of a child;
 - (b) a “relevant offence of making an indecent pseudo-photograph of a child” if—
 - (i) it is an offence under section 1(1)(a) of the Protection of Children Act 1978 of making an indecent pseudo-photograph of a child, and
 - (ii) the Board believes that an image of a real child was or may have been used in the making of the pseudo-photograph;
- and, in the application of this section to an offence of making an indecent pseudo-photograph of a child, the references in sub-paragraph (1)(b) and (c) to the child who is the subject of the relevant indecent image are references to the actual child.

- (5) In this paragraph—
- “public protection decision”, in relation to a prisoner, means the decision made—
- (a) under paragraph 6(2) for the purposes of paragraph 6(1),
 - (b) under paragraph 15(4) for the purposes of paragraph 15(3), or
 - (c) under paragraph 25(3) for the purposes of paragraph 25(2),
- as to whether the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined;
- “relevant indecent image” means—
- (a) the photograph to which an offence of taking an indecent photograph of a child relates, or
 - (b) the pseudo-photograph to which a relevant offence of making an indecent pseudo-photograph of a child relates.]

F158 SCHEDULE 21

Section 269(5)

Textual Amendments

F158 Sch. 21 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

SCHEDULE 22

Section 276

MANDATORY LIFE SENTENCES: TRANSITIONAL CASES

Interpretation

1 In this Schedule—

Status: Point in time view as at 10/09/2024.

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“the commencement date” means the day on which section 269 comes into force;

“the early release provisions” means the provisions of section 28(5) to (8) of the Crime (Sentences) Act 1997 (c. 43);

“existing prisoner” means a person serving one or more mandatory life sentences passed before the commencement date (whether or not he is also serving any other sentence);

“life sentence” means a sentence of imprisonment for life or custody for life passed in England and Wales or by a court-martial outside England and Wales;

“mandatory life sentence” means a life sentence passed in circumstances where the sentence was fixed by law.

Existing prisoners notified by Secretary of State

- 2 Paragraph 3 applies in relation to any existing prisoner who, in respect of any mandatory life sentence, has before the commencement date been notified in writing by the Secretary of State (otherwise than in a notice that is expressed to be provisional) either—
- (a) of a minimum period which in the view of the Secretary of State should be served before the prisoner’s release on licence, or
 - (b) that the Secretary of State does not intend that the prisoner should ever be released on licence.
- 3 (1) On the application of the existing prisoner, the High Court must, in relation to the mandatory life sentence, either—
- (a) order that the early release provisions are to apply to him as soon as he has served the part of the sentence which is specified in the order, which in a case falling within paragraph 2(a) must not be greater than the notified minimum term, or
 - (b) in a case falling within paragraph 2(b), order that the early release provisions are not to apply to the offender.
- (2) In a case falling within paragraph 2(a), no application may be made under this paragraph after the end of the notified minimum term.
- (3) Where no application under this paragraph is made in a case falling within paragraph 2(a), the early release provisions apply to the prisoner in respect of the sentence as soon as he has served the notified minimum term (or, if he has served that term before the commencement date but has not been released, from the commencement date).
- (4) In this paragraph “the notified minimum term” means the minimum period notified as mentioned in paragraph 2(a), or where the prisoner has been so notified on more than one occasion, the period most recently so notified.
- 4 (1) In dealing with an application under paragraph 3, the High Court must have regard to—
- (a) the seriousness of the offence, or of the combination of the offence and one or more offences associated with it,
 - (b) where the court is satisfied that, if the prisoner had been sentenced to a term of imprisonment, the length of his sentence would have been treated by section 67 of the Criminal Justice Act 1967 (c. 80) as being reduced by

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- a particular period, the effect which that section would have had if he had been sentenced to a term of imprisonment, and
- (c) the length of the notified minimum term or, where a notification falling within paragraph 2(b) has been given to the prisoner, to the fact that such a notification has been given.
- (2) In considering under sub-paragraph (1) the seriousness of the offence, or of the combination of the offence and one or more offences associated with it, the High Court must have regard to—
- (a) the general principles set out in Schedule 21, and
- (b) any recommendation made to the Secretary of State by the trial judge or the Lord Chief Justice as to the minimum term to be served by the offender before release on licence.
- (3) In this paragraph “the notified minimum term” has the same meaning as in paragraph 3.

Existing prisoners not notified by Secretary of State

- 5 Paragraph 6 applies in relation to any existing prisoner who, in respect of any mandatory life sentence, has not before the commencement date been notified as mentioned in paragraph 2(a) or (b) by the Secretary of State.
- 6 The Secretary of State must refer the prisoner’s case to the High Court for the making by the High Court of an order under subsection (2) or (4) of section 269 in relation to the mandatory life sentence.
- 7 In considering under subsection (3) or (4) of section 269 the seriousness of an offence (or the combination of an offence and one or more offences associated with it) in a case referred to the High Court under paragraph 6, the High Court must have regard not only to the matters mentioned in subsection (5) of that section but also to any recommendation made to the Secretary of State by the trial judge or the Lord Chief Justice as to the minimum term to be served by the offender before release on licence.
- 8 In dealing with a reference under paragraph 6, the High Court—
- (a) may not make an order under subsection (2) of section 269 specifying a part of the sentence which in the opinion of the court is greater than that which, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to notify as mentioned in paragraph 2(a), and
- (b) may not make an order under subsection (4) of section 269 unless the court is of the opinion that, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to give the prisoner a notification falling within paragraph 2(b).

*Sentences passed on or after commencement date
in respect of offences committed before that date*

Status: Point in time view as at 10/09/2024.

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Textual Amendments

F159 Sch. 22 para. 9 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F160 10

Textual Amendments

F160 Sch. 22 para. 10 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Proceedings in High Court

- 11 (1) An application under paragraph 3 or a reference under paragraph 6 is to be determined by a single judge of the High Court without an oral hearing.
- (2) In relation to such an application or reference, any reference to “the court” in section 269(2) to (5) and Schedule 21 is to be read as a reference to the High Court.

Giving of reasons

- 12 (1) Where the High Court makes an order under paragraph 3(1)(a) or (b), it must state in open court, in ordinary language, its reasons for deciding on the order made.
- (2) Where the order is an order under paragraph 3(1)(a) specifying a part of the sentence shorter than the notified minimum term the High Court must, in particular, state its reasons for departing from the notified minimum term.
- 13 Where the High Court makes an order under subsection (2) or (4) of section 269 on a reference under paragraph 6, subsection (2) of section 270 does not apply.

Right of appeal

- 14 (1) A person who has made an application under paragraph 3 or in respect of whom a reference has been made under paragraph 6 may with the leave of the Court of Appeal appeal to the Court of Appeal against the decision of the High Court on the application or reference.
- (2) Section 1(1) of the Administration of Justice Act 1960 (c. 65) (appeal to ^{F161}Supreme Court] from decision of High Court in a criminal cause or matter) and section 18(1) (a) of the Supreme Court Act 1981 (c. 54) (exclusion of appeal from High Court to Court of Appeal in a criminal cause or matter) do not apply in relation to a decision to which sub-paragraph (1) applies.
- (3) The jurisdiction conferred on the Court of Appeal by this paragraph is to be exercised by the criminal division of that court.
- (4) Section 33(3) of the Criminal Appeal Act 1968 (c. 19) (limitation on appeal from criminal division of Court of Appeal) does not prevent an appeal to the ^{F161}Supreme Court] under this paragraph.

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- (5) In relation to appeals to the Court of Appeal or the [^{F161}Supreme Court] under this paragraph, the Secretary of State may make an order containing provision corresponding to any provision in the Criminal Appeal Act 1968 (subject to any specified modifications).

Textual Amendments

F161 Words in Sch. 22 para. 14(2)(4)(5) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 148, [Sch. 9 para. 82\(6\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

Review of minimum term on reference by Attorney General

- 15 Section 36 of the Criminal Justice Act 1988 (c. 33) applies in relation to an order made by the High Court under paragraph 3(1)(a) as it applies in relation to an order made by the Crown Court under section 269(2).

Modification of early release provisions

- 16 (1) In relation to an existing prisoner, section 28 of the Crime (Sentences) Act 1997 (c. 43) has effect subject to the following modifications.
- (2) Any reference to a life prisoner in respect of whom a minimum term order has been made includes a reference to—
- (a) an existing prisoner in respect of whom an order under paragraph 3(1)(a) has been made, and
 - (b) an existing prisoner serving a sentence in respect of which paragraph 3(3) applies.
- (3) Any reference to the relevant part of the sentence is to be read—
- (a) in relation to a sentence in respect of which an order under paragraph 3(1)(a) has been made, as a reference to the part specified in the order, and
 - (b) in relation to a sentence in respect of which paragraph 3(3) applies, as a reference to the notified minimum term as defined by paragraph 3(4).
- (4) In subsection (1B) (life prisoner serving two or more sentences), paragraph (a) is to be read as if it referred to each of the sentences being one—
- (a) in respect of which a minimum term order or an order under paragraph 3(1)(a) has been made, or
 - (b) in respect of which paragraph 3(3) applies.
- 17 In section 34(1) of the Crime (Sentences) Act 1997 (c. 43) (interpretation of Chapter 2 of that Act), in the definition of “life prisoner”, the reference to a transferred prisoner as defined by section 273 of this Act includes a reference to an existing prisoner who immediately before the commencement date is a transferred life prisoner for the purposes of section 33 of that Act.

Transferred life prisoners

- 18 In relation to an existing prisoner who immediately before the commencement date is a transferred life prisoner for the purposes of section 33 of the Crime (Sentences) Act 1997, this Schedule is to be read as if—

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- (a) any certificate under subsection (2) of that section were a notification falling within paragraph 2(a) of this Schedule, and
- (b) references to any recommendation of the trial judge or the Lord Chief Justice were omitted.

^{F162}SCHEDULE 23

Section 278

Textual Amendments

F162 Sch. 23 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, **reg. 2**

^{F163}^{F163}SCHEDULE 24

Textual Amendments

F163 Sch. 24 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 149, 153, Sch. 4 para. 97, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(xv)(u)(xxxi)**

SCHEDULE 25

Section 280(1)

SUMMARY OFFENCES NO LONGER PUNISHABLE WITH IMPRISONMENT

PROSPECTIVE

Vagrancy Act 1824 (c. 83)

- 1 The offence under section 3 of the Vagrancy Act 1824 (idle and disorderly persons) of causing or procuring or encouraging any child or children to wander abroad, or place himself or herself in any public place, street, highway, court, or passage, to beg or gather alms.
- 2 The following offences under section 4 of that Act (rogues and vagabonds)—
 - (a) the offence of going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence,
 - (b) the offence of being found in or upon any dwelling house, warehouse, coach-house, stable, or outhouse, or in any inclosed yard, garden, or area, for any unlawful purpose, and

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- (c) the offence of being apprehended as an idle and disorderly person, and violently resisting any constable, or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended.

PROSPECTIVE

Railway Regulation Act 1842 (c. 55)

- 3 An offence under section 17 of the Railway Regulation Act 1842 (punishment of railway employees guilty of misconduct).

PROSPECTIVE

London Hackney Carriages Act 1843 (c. 86)

- 4 An offence under section 28 of the London Hackney Carriages Act 1843 (punishment for furious driving etc.).

PROSPECTIVE

Town Police Clauses Act 1847 (c. 89)

- 5 An offence under section 26 of the Town Police Clauses Act 1847 (unlawful release of impounded stray cattle).
- 6 An offence under section 28 of that Act (offences relating to obstructions and nuisances).
- 7 An offence under section 29 of that Act (drunken persons, etc. guilty of violent or indecent behaviour).
- 8 An offence under section 36 of that Act (keeping places for bear-baiting, cock-fighting etc.).

PROSPECTIVE

Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)

- 9 An offence under section 2 of the Ecclesiastical Courts Jurisdiction Act 1860 (making a disturbance in churches, chapels, churchyards, etc.).

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PROSPECTIVE

Town Gardens Protection Act 1863 (c. 13)

10 An offence under section 5 of the Town Gardens Protection Act 1863 (injuring gardens).

PROSPECTIVE

Public Stores Act 1875 (c. 25)

11 An offence under section 8 of the Public Stores Act 1875 (sweeping, etc., near dockyards, artillery ranges, etc.).

PROSPECTIVE

North Sea Fisheries Act 1893 (c. 17)

12 F164

Textual Amendments
F164 Sch. 25 para. 12 repealed (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 321, 324, [Sch. 22 Pt. 5\(C\)](#); S.I. 2010/298, [arts. 2\(2\)](#), 3, Sch. para. 12

13 F165

Textual Amendments
F165 Sch. 25 para. 13 repealed (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 321, 324, [Sch. 22 Pt. 5\(C\)](#); S.I. 2010/298, [arts. 2\(2\)](#), 3, Sch. para. 12

PROSPECTIVE

Seamen’s and Soldiers’ False Characters Act 1906 (c. 5)

14 F166

Textual Amendments
F166 Sch. 25 para. 14 repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 4}

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Aliens Restriction (Amendment) Act 1919 (c. 92)

- 15 An offence under section 3(2) of the Aliens Restriction (Amendment) Act 1919 (promoting industrial unrest).

PROSPECTIVE

Children and Young Persons Act 1933 (c. 12)

- 16 An offence under section 4 of the Children and Young Persons Act 1933 (causing or allowing persons under sixteen to be used for begging).

PROSPECTIVE

Protection of Animals Act 1934 (c. 21)

- 17 An offence under section 2 of the Protection of Animals Act 1934 (offences relating to the prohibition of certain public contests, performances, and exhibitions with animals).

PROSPECTIVE

Public Health Act 1936 (c. 49)

- 18 An offence under section 287 of the Public Health Act 1936 (power to enter premises).

PROSPECTIVE

Essential Commodities Reserves Act 1938 (c. 51)

- 19 An offence under section 4(2) of the Essential Commodities Reserves Act 1938 (enforcement).

PROSPECTIVE

London Building Acts (Amendment) Act 1939 (c. xcvi)

- 20 An offence under section 142 of the London Building Acts (Amendment) Act 1939 (power of Council and others to enter buildings etc).

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PROSPECTIVE

Cancer Act 1939 (c. 13)

- 21 An offence under section 4 of the Cancer Act 1939 (prohibition of certain advertisements).

PROSPECTIVE

Civil Defence Act 1939 (c. 31)

- 22 An offence under section 77 of the Civil Defence Act 1939 (penalty for false statements).

PROSPECTIVE

Hill Farming Act 1946 (c. 73)

- 23 An offence under section 19(2) or (3) of the Hill Farming Act 1946 (offences in relation to the control of rams).

PROSPECTIVE

Polish Resettlement Act 1947 (c. 19)

- 24 An offence under paragraph 7 of the Schedule to the Polish Resettlement Act 1947 (false representation or making a false statement).

PROSPECTIVE

Agriculture Act 1947 (c. 48)

- 25 An offence under section 14(7) of the Agriculture Act 1947, as remaining in force for the purposes of section 95 of that Act, (directions to secure good estate management and good husbandry).
- 26 An offence under section 95 of that Act (failure to comply with a direction to secure production).

PROSPECTIVE

Civil Defence Act 1948 (c. 5)

- 27 An offence under section 4 of the Civil Defence Act 1948 (powers as to land).

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PROSPECTIVE

Agricultural Wages Act 1948 (c. 47)

28 [^{F167}An offence under section 12 of the Agricultural Wages Act 1948 (hindering investigation of complaints etc.).]

Textual Amendments

F167 Sch. 25 para. 28 repealed (1.10.2013 for E.) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 20 para. 2](#); S.I. 2013/1455, art. 3(b), [Sch. 2](#) (with art. 4(2)(4)) (as amended (7.9.2013) by S.I. 2013/2271, art. 2)

PROSPECTIVE

Wireless Telegraphy Act 1949 (c. 54)

29 ^{F168}

Textual Amendments

F168 Sch. 25 para. 29 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 125(1), 126, [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

PROSPECTIVE

Prevention of Damage by Pests Act 1949 (c. 55)

30 An offence under section 22(5) of the Prevention of Damage by Pests Act 1949 (wrongful disclosure of information).

PROSPECTIVE

Coast Protection Act 1949 (c. 74)

31 An offence under section 25(9) of the Coast Protection Act 1949 (powers of entry and inspection).

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Pet Animals Act 1951 (c. 35)

32 An offence under the Pet Animals Act 1951 (offences relating to licensing of pet shops and the sale of pets), other than one under section 4 of that Act.

PROSPECTIVE

Cockfighting Act 1952 (c. 59)

33 An offence under section 1 of the Cockfighting Act 1952 (possession of appliances for use in fighting of domestic fowl).

PROSPECTIVE

Agricultural Land (Removal of Surface Soil) Act 1953 (c. 10)

34 An offence under the Agricultural Land (Removal of Surface Soil) Act 1953 (removal of surface soil without planning permission).

PROSPECTIVE

Accommodation Agencies Act 1953 (c. 23)

35 An offence under section 1 of the Accommodation Agencies Act 1953 (illegal commissions and advertisements).

PROSPECTIVE

Army Act 1955 (3 & 4 Eliz. 2 c. 18)

36 F169

Textual Amendments
F169 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

37 F170

Status: Point in time view as at 10/09/2024.

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Textual Amendments

F170 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

38 **F171**

Textual Amendments

F171 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

39 **F172**

Textual Amendments

F172 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

40 **F173**

Textual Amendments

F173 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

41 **F174**

Textual Amendments

F174 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

42 **F175**

Textual Amendments

F175 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)

43 F176

Textual Amendments

F176 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

44 F177

Textual Amendments

F177 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

45 F178

Textual Amendments

F178 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

46 F179

Textual Amendments

F179 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

47 F180

Textual Amendments

F180 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#)

48 F181

Textual Amendments

F181 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

49 F182

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Textual Amendments

F182 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Naval Discipline Act 1957 (c. 53)

50 **F183**

Textual Amendments

F183 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

51 **F184**

Textual Amendments

F184 Sch. 25 paras. 36-51 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

PROSPECTIVE

Agricultural Marketing Act 1958 (c. 47)

52 An offence under section 45 of the Agricultural Marketing Act 1958 (failure to comply with demand for information or knowingly making any false statement in reply thereto).

PROSPECTIVE

Rivers (Prevention of Pollution) Act 1961 (c. 50)

53 An offence under section 12(1) of the Rivers (Prevention of Pollution) Act 1961 (restriction of disclosure of information).

PROSPECTIVE

Betting, Gaming and Lotteries Act 1963 (c. 2)

54 **F185**

Status: Point in time view as at 10/09/2024.

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Textual Amendments

F185 Sch. 25 para. 54 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 356(4), 358, [Sch. 17](#) (with ss. 352, 354); S.I. 2006/3272, [art. 2\(4\)](#) (with art. 6, Sch. 4)

PROSPECTIVE

Children and Young Persons Act 1963 (c. 37)

55 An offence under section 40 of the Children and Young Persons Act 1963 (offences relating to persons under 16 taking part in public performances etc.).

PROSPECTIVE

Animal Boarding Establishments Act 1963 (c. 43)

56 An offence under the Animal Boarding Establishments Act 1963 (offences in connection with the licensing and inspection of boarding establishments for animals), other than an offence under section 2 of that Act.

PROSPECTIVE

Agriculture and Horticulture Act 1964 (c. 28)

57 An offence under Part 3 of the Agriculture and Horticulture Act 1964 (offences relating to the grading and transport of fresh horticultural produce), other than an offence under section 15(1) of that Act.

PROSPECTIVE

Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60)

58 An offence under paragraph 1(3) or 2(4) of Schedule 1 to the Emergency Laws (Re-enactments and Repeals) Act 1964 (offences relating to the production of documents).

PROSPECTIVE

Riding Establishments Act 1964 (c. 70)

59 An offence under the Riding Establishments Act 1964 (offences relating to the keeping of riding establishments), other than an offence under section 2(4) of that Act.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Industrial and Provident Societies Act 1965 (c. 12)

F186 60

Textual Amendments

F186 Sch. 25 para. 60 repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 7](#) (with [Sch. 5](#))

F187 61

Textual Amendments

F187 Sch. 25 para. 61 repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 7](#) (with [Sch. 5](#))

PROSPECTIVE

Cereals Marketing Act 1965 (c. 14)

62 An offence under section 17(1) of the Cereals Marketing Act 1965 (failure to comply with a requirement of a scheme).

PROSPECTIVE

Gas Act 1965 (c. 36)

63 An offence under paragraph 9 of Schedule 6 to the Gas Act 1965 (wrongful disclosure of information).

PROSPECTIVE

Armed Forces Act 1966 (c. 45)

64 An offence under section 8 of the Armed Forces Act 1966 (false statements on entry into Royal Navy).

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Agriculture Act 1967 (c. 22)

- 65 An offence under section 6(9) of the Agriculture Act 1967 (compulsory use of systems of classification of carcasses).
- 66 An offence under section 14(2) of that Act (levy schemes: requirements in relation to registration, returns and records).
- 67 An offence under section 69 of that Act (false statements to obtain grants etc).

PROSPECTIVE

Sea Fisheries (Shellfish) Act 1967 (c. 83)

- 68 An offence under section 14(2) of the Sea Fisheries (Shellfish) Act 1967 (offences relating to the deposit and importation of shellfish).

PROSPECTIVE

Theatres Act 1968 (c. 54)

- 69 An offence under section 13(1) or (2) of the Theatres Act 1968 (offences relating to licensing of premises for public performances of plays).

PROSPECTIVE

Theft Act 1968 (c. 60)

- 70 ^{F188}

Textual Amendments
F188 Sch. 15 para. 70 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 321, 324, [Sch. 22 Pt. 5\(B\)](#); S.I. 2009/3345, [art. 2](#), Sch. para. 27

PROSPECTIVE

Agriculture Act 1970 (c. 40)

- 71 An offence under section 106(8) of the Agriculture Act 1970 (eradication of brucellosis: obstructing or impeding an officer in the exercise of powers to obtain information).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PROSPECTIVE

Breeding of Dogs Act 1973 (c. 60)

F189 72

Textual Amendments

F189 Sch. 25 para. 72 omitted (1.10.2018) by virtue of [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 \(S.I. 2018/486\)](#), reg. 1(1)(b), **Sch. 9 para. 14** (with reg. 27)

PROSPECTIVE

Slaughterhouses Act 1974 (c. 3)

73 An offence under section 4(5) of the Slaughterhouses Act 1974 (knacker's yard licences and applications for such licences).

PROSPECTIVE

National Health Service Act 1977 (c. 49)

74 F190

Textual Amendments

F190 Sch. 25 para. 74 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 4-6, 8, **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

PROSPECTIVE

Magistrates' Courts Act 1980 (c. 43)

75 An offence under section 84(3) of the Magistrates' Courts Act 1980 (making of false statement as to means).

PROSPECTIVE

Animal Health Act 1981 (c. 22)

76 An offence under paragraph 6 of Schedule 1 to the Animal Health Act 1981 (offences relating to the manufacture of veterinary therapeutic substances).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PROSPECTIVE

Fisheries Act 1981 (c. 29)

77 An offence under section 5(4) of the Fisheries Act 1981 (alteration of records or furnishing false information).

PROSPECTIVE

Civil Aviation Act 1982 (c. 16)

78 An offence under section 82 of the Civil Aviation Act 1982 (using an aircraft for advertising, etc.).

PROSPECTIVE

Mental Health Act 1983 (c. 20)

79 An offence under section 103 of the Mental Health Act 1983 (wrongful disclosure of a report made by a Visitor).

80 An offence under section 129 of that Act (obstruction).

PROSPECTIVE

Building Act 1984 (c. 55)

81 An offence under section 96(3) of the Building Act 1984 (wrongful disclosure of information).

PROSPECTIVE

Surrogacy Arrangements Act 1985 (c. 49)

82 An offence under section 2 of the Surrogacy Arrangements Act 1985 (negotiating surrogacy arrangements on a commercial basis, etc.).

PROSPECTIVE

Animals (Scientific Procedures) Act 1986 (c. 14)

83 An offence under section 22(3), 23 or 25(3) of the Animals (Scientific Procedures) Act 1986 (false statements and offences in relation to powers of entry).

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Motor Cycle Noise Act 1987 (c. 34)

84 An offence under paragraph 1 of Schedule 1 to the Motor Cycle Noise Act 1987 (supply of exhaust systems etc. not complying with prescribed requirements).

PROSPECTIVE

Human Organ Transplants Act 1989 (c. 31)

85 An offence under section 2 of the Human Organ Transplants Act 1989 (restrictions on organ transplants).

PROSPECTIVE

Town and Country Planning Act 1990 (c. 8)

86 An offence under paragraph 14(4) of Schedule 15 to the Town and Country Planning Act 1990 (wrongful disclosure of information).

PROSPECTIVE

Environmental Protection Act 1990 (c. 43)

87 An offence under section 118(1)(g), (h) or (i) of the Environmental Protection Act 1990 (offences relating to inspection of genetically modified organisms).

PROSPECTIVE

Criminal Justice Act 1991 (c. 53)

88 An offence under section 20A of the Criminal Justice Act 1991 (false statements as to financial circumstances).

PROSPECTIVE

Deer Act 1991 (c. 54)

89 An offence under section 10(3) of the Deer Act 1991 (offences relating to sale and purchase etc. of venison).

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Water Industry Act 1991 (c. 56)

- 90 An offence under section 206(2) of the Water Industry Act 1991 (wrongful disclosure of information).
- 91 An offence that falls within paragraph 5(5) of Schedule 6 to that Act (wrongful disclosure of information).

PROSPECTIVE

Social Security Administration Act 1992 (c. 5)

- 92 An offence under section 105 of the Social Security Administration Act 1992 (failure of person to maintain himself or another).
- 93 An offence under section 182 of that Act (illegal possession of documents).

PROSPECTIVE

Local Government Finance Act 1992 (c. 14)

- 94 An offence under section 27(5) of the Local Government Finance Act 1992 (false statements in relation to properties).

PROSPECTIVE

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 95 An offence under section 240 of the Trade Union and Labour Relations (Consolidation) Act 1992 (breach of contract involving injury to persons or property).

PROSPECTIVE

Merchant Shipping Act 1995 (c. 21)

- 96 An offence under section 57 of the Merchant Shipping Act 1995 (offences relating to merchant navy uniforms).

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Reserve Forces Act 1996 (c. 14)

- 97 An offence under section 75(5) of the Reserve Forces Act 1996 (making false statements).
- 98 An offence under section 82(1) of that Act (offences in connection with regulations under sections 78 and 79 of that Act).
- 99 An offence under section 87(1) of that Act (offences in connection with claims for payment).
- 100 An offence under section 99 of that Act (false pretence of illegal absence).
- 101 An offence under paragraph 5(1) of Schedule 1 to that Act (false answers in attestation papers).

PROSPECTIVE

Housing Act 1996 (c. 52)

- 102 An offence under paragraph 23 or 24 of Schedule 1 to the Housing Act 1996 (contravening order not to part with money etc. held on behalf of a social landlord).

PROSPECTIVE

Broadcasting Act 1996 (c. 55)

- 103 An offence under section 144 of the Broadcasting Act 1996 (providing false information in connection with licences).

PROSPECTIVE

Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)

- 104 An offence under section 8 or 9(6) of the Breeding and Sale of Dogs (Welfare) Act 1999 (offences relating to the sale of dogs and connected matters).

PROSPECTIVE

Transport Act 2000 (c. 38)

- 105 An offence under section 82(2) of the Transport Act 2000 (wrongful disclosure of information).

Status: Point in time view as at 10/09/2024.

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SCHEDULE 26

Section 280(2)

INCREASE IN MAXIMUM TERM FOR CERTAIN SUMMARY OFFENCES

PROSPECTIVE

Railway Regulation Act 1840 (c. 97)

- 1 In section 16 of the Railway Regulation Act 1840 (obstructing officers or trespassing upon railway), for “one month”, there is substituted “51 weeks”.

PROSPECTIVE

Licensing Act 1872 (c. 94)

- 2 In section 12 of the Licensing Act 1872 (penalty for being found drunk), for “one month” there is substituted “51 weeks”.

PROSPECTIVE

Regulation of Railways Act 1889 (c. 57)

- 3 In section 5 of the Regulation of Railways Act 1889 (avoiding payment of fares, etc.), in subsection (3), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Witnesses (Public Inquiries) Protection Act 1892 (c. 64)

- 4 In section 2 of the Witnesses (Public Inquiries) Protection Act 1892 (persons obstructing or intimidating witnesses), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Licensing Act 1902 (c. 28)

- 5 In section 2 of the Licensing Act 1902 (penalty for being drunk while in charge of a child), in subsection (1), for “one month” there is substituted “51 weeks”.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Emergency Powers Act 1920 (c. 55)

- 6 In section 2 of the Emergency Powers Act 1920 (emergency regulations), in subsection (3), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Judicial Proceedings (Regulation of Reports) Act 1926 (c. 61)

- 7 In section 1 of the Judicial Proceedings (Regulation of Reports) Act 1926 (restriction on publication of reports of judicial proceedings), in subsection (2), for “four months” there is substituted “51 weeks “.

PROSPECTIVE

Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)

- 8 In section 7 of the Public Order Act 1936 (enforcement), in subsection (2), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Cinematograph Films (Animals) Act 1937 (c. 59)

- 9 In section 1 of the Cinematograph Films (Animals) Act 1937 (prohibition of films involving cruelty to animals), in subsection (3), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

House to House Collections Act 1939 (c. 44)

- 10 In section 8 of the House to House Collections Act 1939, in subsection (2), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Fire Services Act 1947 (c. 41)

- 11 In section 31 of the Fire Services Act 1947 (false alarms of fire), in subsection (1), for “three months” there is substituted “51 weeks “.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

National Assistance Act 1948 (c. 29)

- 12 (1) The National Assistance Act 1948 is amended as follows.
- (2) In section 51 (failure to maintain), in subsection (3)(a) ^{F191} . . . , for “three months” there is substituted “51 weeks”.
- (3) In section 52 (false statements), in subsection (1), for “three months” there is substituted “51 weeks”.

Textual Amendments

F191 Words in Sch. 26 para. 12(2) repealed (6.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 166, 170, [Sch. 15 Pt. 5](#) (subject to transitional provisions in [Sch. 13](#)); [S.I. 2009/462](#), [art. 4\(c\)](#); [S.I. 2009/631](#), [art. 2\(c\)](#)

PROSPECTIVE

Docking and Nicking of Horses Act 1949 (c. 70)

- 13 (1) The Docking and Nicking of Horses Act 1949 is amended as follows.
- (2) In section 1 (prohibition of docking and nicking except in certain cases), in subsection (3), for “three months” there is substituted “51 weeks”.
- (3) In section 2 (restriction on landing docked horses)—
- (a) in subsection (3), and
- (b) in subsection (4),
- for “3 months” there is substituted “51 weeks”.

PROSPECTIVE

Protection of Animals (Amendment) Act 1954 (c. 40)

- 14 In section 2 of the Protection of Animals (Amendment) Act 1954 (breach of disqualification order), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Children and Young Persons (Harmful Publications) Act 1955 (c. 28)

- 15 In section 2 of the Children and Young Persons (Harmful Publications) Act 1955 (penalty for publishing certain works etc.), in subsection (1), for “four months” there is substituted “51 weeks”.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Agriculture Act 1957 (c. 57)

- 16 In section 7 of the Agriculture Act 1957 (penalties)—
- (a) in subsection (1), for “three months” there is substituted “51 weeks “, and
 - (b) in subsection (2), for “one month” there is substituted “51 weeks “.

PROSPECTIVE

Animals (Cruel Poisons) Act 1962 (c. 26)

- 17 In section 1 of the Animals (Cruel Poisons) Act 1962 (offences and penalties under regulations), in paragraph (b), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Plant Varieties and Seeds Act 1964 (c. 14)

- 18 In section 27 of the Plant Varieties and Seeds Act 1964 (tampering with samples), in subsection (1), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Agriculture Act 1967 (c. 22)

- 19 ^{F192}

Textual Amendments

F192 Sch. 26 para. 19 repealed (1.4.2008) by [The Agriculture and Horticulture Development Board Order 2008 \(S.I. 2008/576\)](#), arts. 1(3), 18, **Sch. 5 para. 7** (with Sch. 4 para. 10)

PROSPECTIVE

Firearms Act 1968 (c. 27)

- 20 (1) Part 1 of Schedule 6 to the Firearms Act 1968 (prosecution and punishment of offences) is amended as follows.
- (2) In the entry relating to section 3(6) of that Act (business and other transactions with firearms and ammunition), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”

Status: Point in time view as at 10/09/2024.

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- (3) In the entry relating to section 6(3) of that Act (power to prohibit movement of arms and ammunition), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (4) In the entry relating to section 20(2) of that Act (trespassing with firearm), in the fourth column, for “3 months” there is substituted “51 weeks. “.
- (5) In the entry relating to section 22(1A) of that Act (acquisition and possession of firearms by minors), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (6) In the entry relating to section 25 of that Act (supplying firearm to person drunk or insane), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (7) In the entry relating to section 32C(6) of that Act (variation endorsement etc. of European documents), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (8) In the entry relating to section 42A of that Act (information as to transactions under visitors' permits), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (9) In the entry relating to section 47(2) of that Act (powers of constables to stop and search), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”
- (10) In the entry relating to section 49(3) of that Act (police powers in relation to arms traffic), in the fourth column, for “3 months” there is substituted “ 51 weeks. ”

PROSPECTIVE

Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)

- 21 In section 7 of the Agriculture (Miscellaneous Provisions) Act 1968 (punishment of offences under Part 1), in subsection (1), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Agriculture Act 1970 (c. 40)

- 22 (1) The Agriculture Act 1970 is amended as follows.
- (2) In section 68 (duty to give statutory statement), in subsection (4), for “three months” there is substituted “51 weeks “.
 - (3) In section 69 (marking of material prepared for sale), in subsection (4), for “three months” there is substituted “51 weeks “.
 - (4) In section 70 (use of names or expressions with prescribed meanings), in subsection (2), for “three months” there is substituted “51 weeks “.
 - (5) In section 71 (particulars to be given of attributes if claimed to be present), in subsection (2), for “three months” there is substituted “51 weeks “.

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- (6) In section 73 (deleterious ingredients in feeding stuff), in subsection (4), for “three months” there is substituted “51 weeks”.
- (7) In section 73A (unwholesome feeding stuff), in subsection (4), for “three months” there is substituted “51 weeks”.
- (8) In section 74A (regulations controlling the contents of feeding stuff), in subsection (3), for “three months” there is substituted “51 weeks”.
- (9) In section 79 (supplementary provision relating to samples and analysis), in subsection (10), for “three months” there is substituted “51 weeks”.
- (10) In section 83 (exercise of powers by inspectors), in subsection (3), for “three months” there is substituted “51 weeks”.
- (11) In section 106 (eradication of brucellosis), in subsection (7), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Slaughterhouses Act 1974 (c. 3)

- 23
- (1) The Slaughterhouses Act 1974 is amended as follows.
 - (2) In section 20 (wrongful disclosure of information), in subsection (4), for “three months” there is substituted “51 weeks”.
 - (3) In section 21 (obstruction), in subsection (1), for “one month” there is substituted “51 weeks”.
 - (4) In section 23 (prosecution and punishment of offences), in subsection (2)(a), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Criminal Law Act 1977 (c. 45)

- 24
- In section 8 of the Criminal Law Act 1977 (trespassing with a weapon of offence), in subsection (3), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Refuse Disposal (Amenity) Act 1978 (c. 3)

- 25
- In section 2 of the Refuse Disposal (Amenity) Act 1978 (penalty for unauthorised dumping), in subsection (1), for “three months” there is substituted “51 weeks”.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Customs and Excise Management Act 1979 (c. 2)

- 26 (1) The Customs and Excise Management Act 1979 is amended as follows.
- (2) In section 21 (control of movement of aircraft), in subsection (6), for “3 months” there is substituted “51 weeks “.
- (3) In section 33 (power to inspect aircraft etc.), in subsection (4), for “3 months” there is substituted “51 weeks “.
- (4) In section 34 (power to prevent flight of aircraft)—
- (a) in subsection (2), and
- (b) in subsection (3),
- for “3 months” there is substituted “51 weeks “.

PROSPECTIVE

Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)

- 27 In section 2 of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (penalty for non-compliance with an exclusion order), in subsection (1), for “one month” there is substituted “ 51 weeks ”.

PROSPECTIVE

Criminal Attempts Act 1981 (c. 47)

- 28 In section 9 of the Criminal Attempts Act 1981 (interference with vehicles), in subsection (3), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

British Nationality Act 1981 (c. 61)

- 29 In section 46 of the British Nationality Act 1981 (offences and proceedings), in subsection (1) for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Civil Aviation Act 1982 (c. 16)

- 30 (1) The Civil Aviation Act 1982 is amended as follows.
- (2) In section 44 (offences relating to the power to obtain rights over land), in subsection (10), for “three months” there is substituted “ 51 weeks ”

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(3) In section 75 (investigation of accidents), in subsection (5), for “three months” there is substituted “51 weeks”

PROSPECTIVE

Anatomy Act 1984 (c. 14)

31 In section 11 of the Anatomy Act 1984 (offences), in subsection (6), for “3 months” there is substituted “51 weeks”.

PROSPECTIVE

Public Health (Control of Disease) Act 1984 (c. 22)

- 32 (1) The Public Health (Control of Disease) Act 1984 is amended as follows.
- (2) In section 29 (letting of house after recent case of notifiable disease), in subsection (1), for “one month” there is substituted “51 weeks”.
- (3) In section 30 (duty on ceasing to occupy house after recent case of notifiable disease), in subsection (1), for “one month” there is substituted “51 weeks”.
- (4) In section 62 (powers of entry), in subsection (3), for “3 months” there is substituted “51 weeks”.

PROSPECTIVE

County Courts Act 1984 (c. 28)

- 33 (1) The County Courts Act 1984 is amended as follows.
- (2) In section 14 (penalty for assaulting officers), in subsection (1)(a), for “3 months” there is substituted “51 weeks”.
- (3) In section 92 (penalty for rescuing goods seized), in subsection (1)(a), for “one month” there is substituted “51 weeks”.

PROSPECTIVE

Animal Health and Welfare Act 1984 (c. 40)

34 In section 10 of the Animal Health and Welfare Act 1984 (artificial breeding of livestock), in subsection (6), for “three months” there is substituted “51 weeks”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PROSPECTIVE

Police and Criminal Evidence Act 1984 (c. 60)

- 35 In section 63C of the Police and Criminal Evidence Act 1984 (testing for presence of drugs), in subsection (1), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)

- 36 In section 8 of the Sporting Events (Control of Alcohol etc.) Act 1985 (penalties for offences), in paragraph (b), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Public Order Act 1986 (c. 64)

- 37 (1) The Public Order Act 1986 is amended as follows.
- (2) In section 12 (imposing conditions on public processions)—
- (a) in subsection (8), and
 - (b) in subsection (10),
- for “3 months” there is substituted “51 weeks “.
- (3) In section 13 (prohibiting public processions)—
- (a) in subsection (11), and
 - (b) in subsection (13),
- for “3 months” there is substituted “51 weeks “.
- (4) In section 14 (imposing conditions on public assemblies)—
- (a) in subsection (8), and
 - (b) in subsection (10),
- for “3 months” there is substituted “51 weeks “.
- (5) In section 14B (offences in connection with trespassory assemblies and arrest therefor)—
- (a) in subsection (5), and
 - (b) in subsection (7),
- for “3 months” there is substituted “51 weeks “.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Road Traffic Offenders Act 1988 (c. 53)

- 38 (1) Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offenders) is amended as follows.
- (2) In the entry relating to section 4(2) of the Road Traffic Act 1988 (driving, or being in charge, when under the influence of drink or drugs), in column 4, for “3 months” there is substituted “51 weeks”.
- (3) In the entry relating to section 5(1)(b) of that Act (driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit), in column 4, for “3 months” there is substituted “51 weeks”.
- (4) In the entry relating to section 7 of that Act (provision of specimens for analysis), in column 4, for “3 months” there is substituted “51 weeks”.
- (5) In the entry relating to section 7A of that Act (failing to allow specimen to be subjected to analysis), in column 4, for “3 months” there is substituted “51 weeks”.

PROSPECTIVE

Official Secrets Act 1989 (c. 6)

- 39 In section 10 of the Official Secrets Act 1989 (penalties), in subsection (2), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Human Organ Transplants Act 1989 (c. 31)

- 40 In section 1 of the Human Organ Transplants Act 1989 (prohibition of commercial dealings in human organs), in subsection (5), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Football Spectators Act 1989 (c. 37)

- 41 ^{F193}

Textual Amendments

F193 Sch. 26 para. 41 repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 65, 66(2), [Sch. 5](#); [S.I. 2007/858](#), [art. 2\(m\)\(n\)\(xvii\)](#)

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Food Safety Act 1990 (c. 16)

- 42 In section 35 of the Food Safety Act 1990 (punishment of offences), in subsection (1), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Deer Act 1991 (c. 54)

- 43 In section 9 of the Deer Act 1991 (penalties for offences relating to deer), in subsection (1), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Social Security Administration Act 1992 (c. 5)

- 44 In section 112 of the Social Security Administration Act 1992 (false representations for obtaining benefit etc.), in subsection (2), for “3 months” there is substituted “51 weeks”.

PROSPECTIVE

Criminal Justice and Public Order Act 1994 (c. 33)

- 45 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 60 (failing to stop), in subsection (8), for “one month” there is substituted “51 weeks”.
- (3) In section 60AA (powers to require removal of disguises), in subsection (7), for “one month” there is substituted “51 weeks”.
- (4) In section 61 (power to remove trespasser on land), in subsection (4), for “three months” there is substituted “51 weeks”.
- (5) In section 62B (failure to comply with direction under section 62A: offences), in subsection (3), for “3 months” there is substituted “51 weeks”.
- (6) In section 63 (powers to remove persons attending or preparing for a rave), in subsections (6) and (7B), for “three months” there is substituted “51 weeks”.
- (7) In section 68 (offence of aggravated trespass), in subsection (3), for “three months” there is substituted “51 weeks”.
- (8) In section 69 (powers to remove persons committing or participating in aggravated trespass), in subsection (3), for “three months” there is substituted “51 weeks”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PROSPECTIVE

London Local Authorities Act 1995 (c. x)

46 In section 24 of the London Local Authorities Act 1995 (enforcement), in subsection (1), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Police Act 1996 (c. 16)

47 In section 89 of the Police Act 1996 (assaults on constables etc.), in subsection (2), for “one month” there is substituted “51 weeks”.

PROSPECTIVE

Treasure Act 1996 (c. 24)

48 In section 8 of the Treasure Act 1996 (duty of finder of treasure to notify coroner), in subsection (3)(a), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Education Act 1996 (c. 56)

49 (1) The Education Act 1996 is amended as follows.
(2) In section 444 (failure to secure regular attendance at school), in subsection (8A)(b), for “three months” there is substituted “51 weeks”.
(3) In section 559 (prohibition or restriction on employment of children), in subsection (4)(b), for “one month” there is substituted “51 weeks”.

PROSPECTIVE

Government of Wales Act 1998 (c. 38)

50 ^{F194}

Textual Amendments

F194 Sch. 26 para. 50 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified

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purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

PROSPECTIVE

Access to Justice Act 1999 (c. 22)

F195 51

Textual Amendments

F195 Sch. 26 para. 51 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

PROSPECTIVE

Greater London Authority Act 1999 (c. 29)

52 In section 64 of the Greater London Authority Act 1999 (failure to attend proceedings etc), in subsection (2)(b), for “three months” there is substituted “51 weeks”.

PROSPECTIVE

Immigration and Asylum Act 1999 (c. 33)

53 (1) The Immigration and Asylum Act 1999 is amended as follows.

(2) In section 105 (false representation), in subsection (2), for “three months” there is substituted “51 weeks”.

(3) In section 108 (failure of sponsor to maintain), in subsection (2), for “3 months” there is substituted “51 weeks”.

PROSPECTIVE

Financial Services and Markets Act 2000 (c. 8)

54 (1) The Financial Services and Markets Act 2000 is amended as follows.

(2) In section 177 (offences), in subsection (6), for “three months” there is substituted “51 weeks”.

(3) In section 352 (offences), in subsection (5), for “three months” there is substituted “51 weeks”.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Terrorism Act 2000 (c. 11)

- 55 (1) The Terrorism Act 2000 is amended as follows.
- (2) In section 36 (police powers), in subsection (4)(a), for “three months” there is substituted “51 weeks “.
- (3) In section 51 (offences in relation to parking), in subsection (6)(a), for “three months” there is substituted “51 weeks “.
- (4) In Schedule 5 (terrorist investigations: information)—
- (a) in paragraph 3(8)(a), and
- (b) in paragraph 15(5)(a),
- for “three months” there is substituted “51 weeks “.
- (5) In Schedule 7 (ports and border controls), in paragraph 18(2)(a), for “three months” there is substituted “51 weeks “.

PROSPECTIVE

Criminal Justice and Police Act 2001 (c. 16)

- 56 (1) The Criminal Justice and Police Act 2001 is amended as follows.
- (2) In section 25 (enforcement of closure orders)—
- (a) in subsection (3)(a), for “one month” there is substituted “ 51 weeks ”, and
- (b) in subsections (4) and (5), for “three months” there is substituted “ 51 weeks ”.
- (3) In section 42 (prevention of intimidation), in subsection (7), for “three months” there is substituted “ 51 weeks ”.

PROSPECTIVE

Police Reform Act 2002 (c. 30)

- 57 In section 46 of the Police Reform Act 2002 (offences against designated and accredited persons etc.), in subsection (2), for “one month” there is substituted “51 weeks “.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

Nationality, Immigration and Asylum Act 2002 (c. 41)

58

In section 137 of the Nationality, Immigration and Asylum Act 2002 (offences relating to the disclosure of information), in subsection (2)(a), for “three months” there is substituted “ 51 weeks ”.

PROSPECTIVE

Anti-social Behaviour Act 2003 (c. 38)

F19659

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Textual Amendments

F196 Sch. 26 para. 59 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(cc)(viii) (as renumbered (20.10.2014) by [S.I. 2014/2754](#), arts. 1, 3(b))

SCHEDULE 27

Section 283

ENABLING POWERS: ALTERATION OF MAXIMUM PENALTIES ETC.

PROSPECTIVE

Plant Health Act 1967 (c. 8)

1

- (1) Section 3 of the Plant Health Act 1967 (control of spread of pests in Great Britain) is amended as follows.
- (2) In subsection (4A), for “three months” there is substituted “ the prescribed term ”.
- (3) After that subsection there is inserted—
 - “(4B) In subsection (4A) above, “the prescribed term” means—
 - (a) in relation to England and Wales, 51 weeks;
 - (b) in relation to Scotland, three months.”

PROSPECTIVE

Agriculture Act 1967 (c. 22)

2

F197

Status: Point in time view as at 10/09/2024.

Changes to legislation: *Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)*

Textual Amendments

F197 Sch. 27 para. 2 repealed (1.4.2008) by [The Agriculture and Horticulture Development Board Order 2008 \(S.I. 2008/576\)](#), arts. 1(3), 18, **Sch. 5 para. 7** (with Sch. 4 para. 10)

PROSPECTIVE

F198
...

Textual Amendments

F198 Sch. 27 para. 3 and cross-heading repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), reg. 1(3), **Sch.** (with reg. 9(2))

F198
3

PROSPECTIVE

Slaughterhouses Act 1974 (c. 3)

4 In section 38(5) of the Slaughterhouses Act 1974 (maximum penalties to be prescribed by regulations), the words “or imprisonment for a term of three months or both” are omitted.

PROSPECTIVE

Anatomy Act 1984 (c. 14)

- 5 (1) Section 11 of the Anatomy Act 1984 (offences) is amended as follows.
- (2) In subsection (7), for “3 months” there is substituted “ the prescribed term ”.
- (3) After that subsection there is inserted—
- “(7A) In subsection (7), “the prescribed term” means—
- (a) in relation to England and Wales, 51 weeks;
 - (b) in relation to Scotland, 3 months.”

Environmental Protection Act 1990 (c. 43)

- 6 (1) Section 141 of the Environmental Protection Act 1990 (power to prohibit or restrict the importation or exportation of waste) is amended as follows.
- (2) In paragraph (g) of subsection (5), for “six months” there is substituted “ the prescribed term ”.

Status: Point in time view as at 10/09/2024.

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(3) After that subsection there is inserted—

“(5A) In subsection (5)(g), “the prescribed term” means—

- (a) in relation to England and Wales, where the offence is a summary offence, 51 weeks;
- (b) in relation to England and Wales, where the offence is triable either way, twelve months;
- (c) in relation to Scotland and Northern Ireland, six months.”

Commencement Information

I493 Sch. 27 para. 6 in force at 2.5.2022 by S.I. 2022/500, reg. 3(b)(ii)

Scotland Act 1998 (c. 46)

7 (1) Section 113 of the Scotland Act 1998 (subordinate legislation: scope of powers) is amended as follows.

(2) In paragraph (a) of subsection (10), for “three months” there is substituted “ the prescribed term ”.

(3) After that subsection there is inserted—

“(10A) In subsection (10)(a), “the prescribed term” means—

- (a) in relation to England and Wales, where the offence is a summary offence, 51 weeks;
- (b) in relation to England and Wales, where the offence is triable either way, twelve months;
- (c) in relation to ^{F199} ... Northern Ireland, three months.”

Textual Amendments

F199 Words in Sch. 27 para. 7(3) omitted (31.10.2012) by virtue of [Scotland Act 2012 \(c. 11\)](#), ss. 39(5), 44(5); S.I. 2012/2516, art. 2(e)

Commencement Information

I494 Sch. 27 para. 7 in force at 2.5.2022 by S.I. 2022/500, reg. 3(b)(ii)

PROSPECTIVE

Regulatory Reform Act 2001 (c. 6)

8

F200

Textual Amendments

F200 Sch. 27 para. 8 repealed (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), ss. 30(1), 33, Sch. (with s. 30(2)-(5))

Status: Point in time view as at 10/09/2024.

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SCHEDULE 28

Section 284

INCREASE IN PENALTIES FOR DRUG-RELATED OFFENCES

Misuse of Drugs Act 1971 (c. 38)

- 1 (1) Schedule 4 to the Misuse of Drugs Act 1971 (prosecution and punishment of offences) is amended as follows.
- (2) In column 6 of that Schedule (punishments for offences under that Act committed in relation to Class C drugs), in each of the following entries, for “5 years” there is substituted “ 14 years ”.
- (3) Those entries are the entries relating to the punishment, on conviction on indictment, of offences under the following provisions of that Act—
- (a) section 4(2) (production, or being concerned in the production, of a controlled drug),
 - (b) section 4(3) (supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another),
 - (c) section 5(3) (having possession of a controlled drug with intent to supply it to another),
 - (d) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there),
 - (e) section 12(6) (contravention of direction prohibiting practitioner etc from possessing, supplying etc controlled drugs), and
 - (f) section 13(3) (contravention of direction prohibiting practitioner etc from prescribing, supplying etc controlled drugs).

Customs and Excise Management Act 1979 (c. 2)

- 2 In Schedule 1 to the Customs and Excise Management Act 1979 (controlled drugs: variation of punishments for certain offences under that Act), in paragraph 2(c) (punishment on conviction on indictment of offences under that Act committed in relation to Class C drugs), for “5 years” there is substituted “ 14 years ”.

Criminal Justice (International Co-operation) Act 1990 (c. 5)

- 3 In section 19 of the Criminal Justice (International Co-operation) Act 1990 (ships used for illicit traffic), in subsection (4)(c)(ii) (punishment on conviction on indictment of offences under that section committed in relation to Class C drugs), for “five years” there is substituted “ fourteen years ”.

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Textual Amendments

F201 Sch. 29 repealed (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(2), [Sch. 8](#) (with art. 81); S.R. 2005/4, [art. 3](#) (with arts. 4-7)

F202 SCHEDULE 30

Section 299

DISQUALIFICATION FROM WORKING WITH CHILDREN

Textual Amendments

F202 Sch. 30 repealed (prosp.) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), ss. 63(2), 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5))

- 1 The Criminal Justice and Court Services Act 2000 (c. 43) is amended as follows.
2 After section 29 there is inserted—

“29A Disqualification at discretion of court: adults and juveniles

- (1) This section applies where—
- (a) an individual is convicted of an offence against a child (whether or not committed when he was aged 18 or over),
 - (b) the individual is sentenced by a senior court, and
 - (c) no qualifying sentence is imposed in respect of the conviction.
- (2) If the court is satisfied, having regard to all the circumstances, that it is likely that the individual will commit a further offence against a child, it may order the individual to be disqualified from working with children.
- (3) If the court makes an order under this section, it must state its reasons for doing so and cause those reasons to be included in the record of the proceedings.

29B Subsequent application for order under section 28 or 29

- (1) Where—
- (a) section 28 applies but the court has neither made an order under that section nor complied with subsection (6) of that section, or
 - (b) section 29 applies but the court has not made an order under that section, and it appears to the prosecutor that the court has not considered the making of an order under that section,
- the prosecutor may at any time apply to that court for an order under section 28 or 29.
- (2) Subject to subsection (3), on an application under subsection (1)—
- (a) in a case falling within subsection (1)(a), the court—
 - (i) must make an order under section 28 unless it is satisfied as mentioned in subsection (5) of that section, and

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- (ii) if it does not make an order under that section, must comply with subsection (6) of that section,
 - (b) in a case falling within subsection (1)(b), the court—
 - (i) must make an order under section 29 if it is satisfied as mentioned in subsection (4) of that section, and
 - (ii) if it does so, must comply with subsection (5) of that section.
 - (3) Subsection (2) does not enable or require an order under section 28 or 29 to be made where the court is satisfied that it had considered the making of an order under that section at the time when it imposed the qualifying sentence or made the relevant order.”
- 3 (1) Section 30 (supplemental provisions) is amended as follows.
 - (2) In the heading for “and 29” there is substituted “ to 29B ”.
 - (3) In subsection (1)—
 - (a) for “and 29” there is substituted “ to 29B ”, and
 - (b) in the definition of “qualifying sentence”, after paragraph (d) there is inserted—
 - “(dd) a sentence of detention under section 226 or 228 of the Criminal Justice Act 2003,”.
 - (4) In subsection (5)—
 - (a) in paragraph (a), for “or 29” there is substituted “ , 29 or 29A ”,
 - (b) after paragraph (b) there is inserted—
 - “(c) in relation to an individual to whom section 29A applies and on whom a sentence has been passed, references to his sentence are to that sentence.”
- 4 In section 31 (appeals), in subsection (1), after paragraph (b) there is inserted—
 - “(c) where an order is made under section 29A, as if the order were a sentence passed on him for the offence of which he has been convicted.”
- 5 (1) Section 33 (conditions for application under section 32) is amended as follows.
 - (2) In subsection (6), after paragraph (d) there is inserted—
 - “(e) in relation to an individual not falling within any of paragraphs (a) to (d), the day on which the disqualification order is made.”.
 - (3) For subsection (8) there is substituted—
 - “(8) In subsection (7) “detention” means detention (or detention and training)—
 - (a) under any sentence or order falling within paragraphs (b) to (f) of the definition of “qualifying sentence” in section 30(1), or
 - (b) under any sentence or order which would fall within those paragraphs if it were for a term or period of 12 months or more.”.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

SCHEDULE 31

Section 300

DEFAULT ORDERS: MODIFICATION OF PROVISIONS RELATING TO COMMUNITY ORDERS

General

- 1 Any reference to the offender is, in relation to a default order, to be read as a reference to the person in default.

Unpaid work requirement

- 2 (1) In its application to a default order, [F203 paragraph 2 of Schedule 9 to the Sentencing Code] (unpaid work requirement) is modified as follows.
- (2) [F204 In sub-paragraph (1)(b), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) not less than 20 hours, and
- (ii) in the case] of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

Amount	Number of Hours
An amount not exceeding £200	40 hours
An amount exceeding £200 but not exceeding £500	60 hours
An amount exceeding £500	100 hours”;

[F205 (3) Sub-paragraphs (3) and (4) are omitted.]

Textual Amendments

F203 Words in Sch. 31 para. 2(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(2\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F204 Words in Sch. 31 para. 2(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(2\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F205 Sch. 31 para. 2(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(2\)\(c\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Curfew requirement

- 3 (1) In its application to a default order, [F206 paragraph 9 of Schedule 9 to the Sentencing Code] (curfew requirement) is modified as follows.

Status: Point in time view as at 10/09/2024.

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[^{F207}(1A) Any reference to an offence of which the offender was convicted before, on or after a day is to be read as a reference to a default made by a person before, on or after that day.]

(2) After [^{F208}sub-paragraph (4A)] there is inserted—

[^{F209}(4B)] In the case of an amount in default which is specified in the first column of the following Table, the number of days on which the person in default is subject to the curfew requirement must not exceed the number of days set out opposite that amount in the second column.

TABLE

Amount	Number of days
An amount not exceeding £200	20 days
An amount exceeding £200 but not exceeding £500	30 days
An amount exceeding £500 but not exceeding £1,000	60 days
An amount exceeding £1,000 but not exceeding £2,500	90 days
An amount exceeding £2,500	180 days”

Textual Amendments

- F206** Words in Sch. 31 para. 3(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(3\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F207** [Sch. 31 para. 3\(1A\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(a\)](#), 208(5)(q)
- F208** Words in [Sch. 31 para. 3\(2\)](#) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(b\)\(i\)](#), 208(5)(q)
- F209** Word in [Sch. 31 para. 3\(2\)](#) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(b\)\(ii\)](#), 208(5)(q)

[^{F210}Attendance centre requirement

Textual Amendments

- F210** [Sch. 31 para. 3A](#) and preceding heading inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 148](#), 153, [Sch. 26 para. 2\(4\)](#) (with [Sch. 27 para. 13\(2\)](#)); S.I. 2008/1586, [art. 2\(1\)](#), [Sch. 1 para. 48\(a\)](#)

3A [^{F211}In its application to a default order, paragraph 27(3) of Schedule 9 to the Sentencing Code (attendance centre requirement) is modified by the substitution for the words after “must” of “be—]
(a) not less than 12, and

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- (b) in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £200	18 hours
An amount exceeding £200 but not exceeding £500	21 hours
An amount exceeding £500 but not exceeding £1,000	24 hours
An amount exceeding £1,000 but not exceeding £2,500	30 hours
An amount exceeding £2,500	36 hours

.]

Textual Amendments

F211 Words in Sch. 31 para. 3A substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(4\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

[^{F212}Change of residence

Textual Amendments

F212 Sch. 31 paras. 3B, 3C and cross-heading inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 18\(10\), 22\(1\)](#) (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(p)

- 3B (1) In its application to a default order, [^{F213}section 215 of the Sentencing Code] (duty of offender to keep in touch with responsible officer) is modified as follows.

[^{F214}(2) At the end of subsection (2) there is inserted “, and must notify the responsible officer of any change of address.”]

Textual Amendments

F213 Words in Sch. 31 para. 3B(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(5\)\(a\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

F214 Sch. 31 para. 3B(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 249\(5\)\(b\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

- 3C [^{F215}Section 216 of the Sentencing Code] (duty to obtain permission before changing residence) does not apply in relation to a default order.]

Status: Point in time view as at 10/09/2024.

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Textual Amendments

F215 Words in Sch. 31 para. 3C substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(6\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Enforcement, revocation and amendment of default order

- 4 (1) In its application to a default order,^[F216]Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order)]is modified as follows.
- (2) Any reference to the offence in respect of which the community order was made is to be taken to be a reference to the default in respect of which the default order was made.
- (3) Any power of the court to revoke the community order^[F217]and re-sentence the offender]for the offence is to be taken to be a power to revoke the default order and deal with him in any way in which the court which made the default order could deal with him for his default in paying the sum in question.
- (4) In^[F218]paragraph 5]the reference to the Crown Court is to be taken as a reference to a magistrates' court.

^[F219](4A) For^[F220]paragraphs 16 and 17]there is substituted—

- “16 (1) This paragraph applies where, at any time while a default order is in force in respect of a person, the appropriate court is satisfied that the person proposes to change, or has changed, residence from the local justice area concerned to another local justice area (“the new local justice area”).
- (2) The appropriate court may amend the default order to specify the new local justice area.
- (3) In this paragraph “the appropriate court” means a magistrates’ court acting in the local justice area specified in the order.”]

^[F221](5) The following provisions are omitted—

- (a) paragraph 10(5)(d) (in relation to any time after the coming into force of paragraph 21(2) of Schedule 22 to the Sentencing Act 2020);
- (b) paragraph 10(11);
- (c) paragraph 14(8);
- (d) paragraph 16(3) (in relation to any time after the coming into force of paragraph 23 of Schedule 22 to that Act);
- (e) paragraph 23(6);
- (f) paragraph 25(2)(b).]

Textual Amendments

F216 Words in Sch. 31 para. 4(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F217 Words in Sch. 31 para. 4(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F218 Words in Sch. 31 para. 4(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(c\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Status: Point in time view as at 10/09/2024.

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F219 Sch. 31 para. 4(4A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), ss. 18(11), 22(1) (with Sch. 7 para. 7); S.I. 2015/40, [art. 2\(p\)](#)

F220 Words in Sch. 31 para. 4(4A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(d\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F221 Sch. 31 para. 4(5) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(e\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Power to alter amount of money or number of hours or days

- 5 The Secretary of State may by order amend paragraph 2 [^{F222} 3 or 3A] by substituting for any reference to an amount of money or a number of hours or days there specified a reference to such other amount or number as may be specified in the order.

Textual Amendments

F222 Words in Sch. 31 para. 5 substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 148, 153, [Sch. 26 para. 2\(6\)](#); S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 48(a) (with Sch. 27 para. 13(2))

Transfer of default orders to Scotland or Northern Ireland

- 6 In its application to a default order, [^{F223} Schedule 11 to the Sentencing Code] (transfer of community orders to Scotland or Northern Ireland) is modified as follows.

Textual Amendments

F223 Words in Sch. 31 para. 6 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(8\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

- [^{F224}7 After paragraph 20 there is inserted—

“20A Nothing in paragraph 20 affects the application of section 300(7) of the Criminal Justice Act 2003 to a default order made or amended in accordance with Part 1 or 2.”]

Textual Amendments

F224 Sch. 31 para. 7 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(9\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

- [^{F225}8 In paragraph 21, after sub-paragraph (5) there is inserted—

“(5A) The home court may not impose a fine on the offender.”]

Textual Amendments

F225 Sch. 31 para. 8 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(10\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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SCHEDULE 32

Section 304

AMENDMENTS RELATING TO SENTENCING

PART 1

GENERAL

Piracy Act 1837 (c. 88)

- 1 Section 3 of the Piracy Act 1837 (punishment for offence under certain repealed Acts relating to piracy) shall cease to have effect.

Commencement Information

I495 Sch. 32 para. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 42\(2\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Children and Young Persons Act 1933 (c. 12)

- 2 (1) Section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which young persons are concerned) is amended as follows.
- (2) ^{F226}
- (3) In subsection (11)—
- (a) in the definition of “sexual offence”, for “has the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “means an offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003”, and
- (b) in the definition of “violent offence”, for “has the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “means an offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003”.

Textual Amendments

F226 Sch. 32 para. 2(2) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); [S.I. 2009/3074, art. 2\(u\)\(xxxi\)](#)

Commencement Information

I496 Sch. 32 para. 2 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 42\(3\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Prison Act 1952 (c. 52)

- 3 In section 53 of the Prison Act 1952 (interpretation), for “section 62 of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “section 221 of the Criminal Justice Act 2003”.

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Commencement Information

I497 Sch. 32 para. 3 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(4) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Criminal Justice Act 1967 (c. 80)

4 The Criminal Justice Act 1967 is amended as follows.

Commencement Information

I498 Sch. 32 para. 4 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(5) (subject to [art. 2\(2\)](#), [Sch. 2](#))

5 In section 32 (amendments of Costs in Criminal Cases Act 1952), in subsection (3) (a), for “make an order under paragraph 5 of Schedule 2 to the Powers of Criminal Courts (Sentencing) Act 2000 (probation orders requiring treatment for mental condition) or” there is substituted “ include in a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) a mental health requirement under section 207 of that Act or make an order under ”.

Commencement Information

I499 Sch. 32 para. 5 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(5) (subject to [art. 2\(2\)](#), [Sch. 2](#))

6 In section 104 (general provisions as to interpretation) —
 (a) in subsection (1), the definition of “suspended sentence” is omitted, and
 (b) subsection (2) is omitted.

Commencement Information

I500 Sch. 32 para. 6 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(5) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Criminal Appeal Act 1968 (c. 19)

7 The Criminal Appeal Act 1968 is amended as follows.

Commencement Information

I501 Sch. 32 para. 7 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(6) (subject to [art. 2\(2\)](#), [Sch. 2](#))

8 (1) Section 10 (appeal against sentence in cases dealt with by Crown Court otherwise than on conviction on indictment) is amended as follows.

(2) In subsection (2) —

(a) in paragraph (b), for “or a community order within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “ a youth

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community order within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000 or a community order within the meaning of Part 12 of the Criminal Justice Act 2003”, and

(b) paragraph (c) and the word “or” immediately preceding it are omitted.

Commencement Information

I502 Sch. 32 para. 8 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

9 In section 11 (supplementary provisions as to appeal against sentence), subsection (4) is omitted.

Commencement Information

I503 Sch. 32 para. 9 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

10 In Schedule 2 (procedural and other provisions applicable on order for retrial), in paragraph 2(4), for the words from the beginning to “apply” there is substituted “Section 240 of the Criminal Justice Act 2003 (crediting of periods of remand in custody: terms of imprisonment and detention) shall apply”.

Commencement Information

I504 Sch. 32 para. 10 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(6\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Firearms Act 1968 (c. 27)

11 The Firearms Act 1968 is amended as follows.

Commencement Information

I505 Sch. 32 para. 11 partly in force; Sch. 32 para. 11 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 11 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

12 (1) Section 21 (possession of firearms by persons previously convicted of crime) is amended as follows.

^{F227}(2)

^{F227}(3)

(4) In subsection (3)(b), for “probation order” there is substituted “community order”.

(5) After subsection (3) there is inserted—

“(3ZA) In subsection (3)(b) above, “community order” means—

- (a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 made in England and Wales, or
- (b) a probation order made in Scotland.”

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F228 (6)

Textual Amendments

F227 Sch. 32 para. 12(2) (3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 39**; S.I. 2012/2906, art. 2(h)

F228 Sch. 32 para. 12(6) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 39**; S.I. 2012/2906, art. 2(h)

Commencement Information

I506 Sch. 32 para. 12 wholly in force at 4.4.2005; Sch. 32 para. 12 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 12(1)-(3)(6) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, Sch.; Sch. 32 para. 12 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(7) (subject to **art. 2(2)**, Sch. 2)

- 13 (1) Section 52 (forfeiture and disposal of firearms; cancellation of certificate by convicting court) is amended as follows.
- (2) In subsection (1)(c), for “probation order” there is substituted “community order”.
- (3) After subsection (1) there is inserted —
- “(1A) In subsection (1)(c) “community order” means—
- (a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 made in England and Wales, or
- (b) a probation order made in Scotland.”

Commencement Information

I507 Sch. 32 para. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(7) (subject to **art. 2(2)**, Sch. 2)

Social Work (Scotland) Act 1968 (c. 49)

14 F229

Textual Amendments

F229 Sch. 32 para. 14 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I508 Sch. 32 para. 14 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(8) (subject to **art. 2(2)**, Sch. 2)

Children and Young Persons Act 1969 (c. 54)

F230 15

Status: Point in time view as at 10/09/2024.

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Textual Amendments

F230 Sch. 32 para. 15 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 52](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Commencement Information

I509 Sch. 32 para. 15 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(9\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Immigration Act 1971 (c. 77)

- 16 In section 7 of the Immigration Act 1971 (exemption from deportation for certain existing residents), in subsection (4), for “section 67 of the Criminal Justice Act 1967” there is substituted “ section 240 of the Criminal Justice Act 2003 ”.

Commencement Information

I510 Sch. 32 para. 16 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(10\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

PROSPECTIVE

Thames Barrier and Flood Prevention Act 1972 (c. xiv)

- 17 In section 56 of the Thames Barrier and Flood Prevention Act 1972 (orders for carrying out certain defence works), in subsection (3)(a)(ii), for “six months” there is substituted “ 12 months ”.

Rehabilitation of Offenders Act 1974 (c. 53)

- 18 (1) Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular offences) is amended as follows.
- (2) In subsection (1)—
- (a) at the end of paragraph (e), there is inserted “ and ”, and
 - (b) after that paragraph, there is inserted the following paragraph—
 - “(f) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, a sentence of detention for public protection under section 226 of that Act or an extended sentence under section 227 or 228 of that Act”

F231(3)

Textual Amendments

F231 Sch. 32 para. 18(3) repealed (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 25 Pt. 2](#) (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

Status: Point in time view as at 10/09/2024.

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Commencement Information

I511 Sch. 32 para. 18 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(11) (subject to **art. 2(2)**, Sch. 2)

Armed Forces Act 1976 (c. 52)

19 **F232**

Textual Amendments

F232 Sch. 32 para. 19 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52)**, ss. 378(2), 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Bail Act 1976 (c. 63)

20 The Bail Act 1976 is amended as follows.

Commencement Information

I512 Sch. 32 para. 20 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(12) (subject to **art. 2(2)**, Sch. 2)

21 (1) Section 2 (other definitions) is amended as follows.

(2) In subsection (1)(d)—

- (a) the words “placing the offender on probation or” are omitted, and
- (b) for “him” there is substituted “ the offender ”.

F233 (3)

Textual Amendments

F233 Sch. 32 para. 21(3) repealed (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 28** (with s. 413(4)(5), Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information

I513 Sch. 32 para. 21 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(12) (subject to **art. 2(2)**, Sch. 2)

22 In section 4 (general right to bail of accused persons and others), in subsection (3), for the words from “to be dealt with” onwards there is substituted “or the Crown Court to be dealt with under—

- (a) Part 2 of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach of certain youth community orders), or
- (b) Part 2 of Schedule 8 to the Criminal Justice Act 2003 (breach of requirement of community order).”

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Commencement Information

I514 Sch. 32 para. 22 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(12) (subject to **art. 2(2)**, Sch. 2)

23 In Part 3 of Schedule 1 (interpretation), in the definition of “default” in paragraph 4, for the words from “Part II” onwards there is substituted “ Part 2 of Schedule 8 to the Criminal Justice Act 2003 (breach of requirement of order) ”.

Commencement Information

I515 Sch. 32 para. 23 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(12) (subject to **art. 2(2)**, Sch. 2)

Criminal Law Act 1977 (c. 45)

F234²⁴

Textual Amendments

F234 Sch. 32 para. 24 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Magistrates' Courts Act 1980 (c. 43)

25 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

I516 Sch. 32 para. 25 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(14) (subject to **art. 2(2)**, Sch. 2)

F235²⁶

Textual Amendments

F235 Sch. 32 para. 26 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with s. 413(4)(5), Sch. 27); S.I. 2020/1236, reg. 2

PROSPECTIVE

27 In section 33 (maximum penalties on summary conviction in pursuance of section 22), in subsection (1)(a), for “3 months” there is substituted “ 51 weeks ”.

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

- 28 In section 85 (power to remit fine), in subsection (2A), for “section 35(2)(a) or (b) of the Crime (Sentences) Act 1997” there is substituted “ section 300(2) of the Criminal Justice Act 2003 ”.

F236²⁹

Textual Amendments

F236 Sch. 32 para. 29 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 39](#); S.I. 2012/2906, art. 2(h)

Commencement Information

I517 Sch. 32 para. 29 partly in force; Sch. 32 para. 29 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 29 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

- 30 In section 133 (consecutive terms of imprisonment), in subsection (1), for “Subject to section 84 of the Powers of Criminal Courts (Sentencing) Act 2000,” there is substituted “ Subject to section 265 of the Criminal Justice Act 2003, ”.

Commencement Information

I518 Sch. 32 para. 30 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(14\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 31 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (ineligibility for and disqualification and excusal from jury service), in Part 2, in paragraph (bb), for sub-paragraph (v) there is substituted—
- “(v) a community order within the meaning of section 177 of the Criminal Justice Act 2003;
- (va) a youth community order as defined by section 33 of the Powers of Criminal Courts (Sentencing) Act 2000;”.

Commencement Information

I519 Sch. 32 para. 31 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(15\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Public Passenger Vehicles Act 1981 (c. 14)

- 32 (1) In Schedule 3 to the Public Passenger Vehicles Act 1981 (supplementary provisions as to qualifications for PSV operators licence), paragraph 1 is amended as follows.
- (2) In sub-paragraph (4)(a), for “a community service order for more than sixty hours” there is substituted “ a community order requiring the offender to perform unpaid work for more than sixty hours ”.

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- (3) In sub-paragraph (6), for the words from “ “a community” onwards there is substituted “ “a community order” means an order under section 177 of the Criminal Justice Act 2003, a community punishment order made before the commencement of that section or a community service order under the Community Service by Offenders (Scotland) Act 1978”.

Commencement Information

I520 Sch. 32 para. 32 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(16) (subject to **art. 2(2)**, Sch. 2)

PROSPECTIVE

Criminal Attempts Act 1981 (c. 47)

F237 33

Textual Amendments

F237 Sch. 32 para. 33 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Criminal Justice Act 1982 (c. 48)

34 The Criminal Justice Act 1982 is amended as follows.

Commencement Information

I521 Sch. 32 para. 34 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(17) (subject to **art. 2(2)**, Sch. 2)

- 35 In section 32 (early release of prisoners), in subsection (1)(a), after “life” there is inserted “, imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or an extended sentence under section 227 of that Act”.

Commencement Information

I522 Sch. 32 para. 35 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(17) (subject to **art. 2(2)**, Sch. 2)

- 36 (1) Part 3 of Schedule 13 (reciprocal arrangements (Northern Ireland): persons residing in England and Wales or Scotland) is amended as follows.

(2) In paragraph 7—

- (a) in sub-paragraph (2)(b), for “such orders” there is substituted “ an unpaid work requirement of a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”, and

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- (b) in sub-paragraph (3)(b), for the words from “community service orders” onwards there is substituted “community orders within the meaning of Part 12 of the Criminal Justice Act 2003 conferred on responsible officers by that Part of that Act.”
- (3) For paragraph 9(3) there is substituted—
- “(3) Subject to the following provisions of this paragraph—
- (a) a community service order made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a community order made in England and Wales under section 177 of the Criminal Justice Act 2003 and the provisions of Part 12 of that Act (so far as relating to such orders) shall apply accordingly; and
- (b) a community service order made or amended in the circumstances specified in paragraph 8 above shall be treated as if it were a community service order made in Scotland and the legislation relating to community service orders in Scotland shall apply accordingly.”
- (4) In paragraph 9(4)(a), after “community service orders” there is inserted “or, as the case may be, community orders (within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (5) In paragraph 9(5), after “a community service order” there is inserted “or, as the case may be, a community order (within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (6) In paragraph 9(6)—
- (a) after “community service orders”, where first occurring, there is inserted “or, as the case may be, community orders (within the meaning of Part 12 of the Criminal Justice Act 2003)”, and
- (b) in paragraph (b)(i), for “the Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “Part 12 of the Criminal Justice Act 2003”.

Commencement Information

I523 Sch. 32 para. 36 wholly in force at 4.4.2005, see s. 336(3) and *S.I. 2005/950*, **art. 2(1)**, *Sch. 1 para. 42(17)* (subject to **art. 2(2)**, *Sch. 2*)

Mental Health Act 1983 (c. 20)

37 The Mental Health Act 1983 is amended as follows.

Commencement Information

I524 Sch. 32 para. 37 wholly in force at 4.4.2005, see s. 336(3) and *S.I. 2005/950*, **art. 2(1)**, *Sch. 1 para. 42(18)* (subject to **art. 2(2)**, *Sch. 2*)

- 38 In section 37 (powers of courts to order hospital admission or guardianship)—
- (a) in subsection (1), the words “or falls to be imposed under section 109(2) of the Powers of Criminal Courts (Sentencing) Act 2000” are omitted,
- (b) for subsections (1A) and (1B) there is substituted —

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“(1A) In the case of an offence the sentence for which would otherwise fall to be imposed—

- (a) under section 51A(2) of the Firearms Act 1968,
- (b) under section 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000, or
- (c) under any of sections 225 to 228 of the Criminal Justice Act 2003,

nothing in those provisions shall prevent a court from making an order under subsection (1) above for the admission of the offender to a hospital.

(1B) References in subsection (1A) above to a sentence falling to be imposed under any of the provisions mentioned in that subsection are to be read in accordance with section 305(4) of the Criminal Justice Act 2003.”

(c) in subsection (8), for “probation order” there is substituted “community order (within the meaning of Part 12 of the Criminal Justice Act 2003)”.

Commencement Information

I525 Sch. 32 para. 38 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(18\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

39 In section 45A (powers of higher courts to direct hospital admission), in subsection (1)(b), the words from “except” to “1997” are omitted.

Commencement Information

I526 Sch. 32 para. 39 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(18\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Repatriation of Prisoners Act 1984 (c. 47)

40 The Repatriation of Prisoners Act 1984 is amended as follows.

Commencement Information

I527 Sch. 32 para. 40 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(19\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

41 In section 2 (transfer out of the United Kingdom), in subsection (4)(b), for subparagraph (i) there is substituted—

“(i) released on licence under section 28(5) of the Crime (Sentences) Act 1997 or under section 244 or 246 of the Criminal Justice Act 2003; or”.

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Commencement Information

I528 Sch. 32 para. 41 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(19) (subject to **art. 2(2)**, Sch. 2)

- 42 In section 3 (transfer into the United Kingdom), subsection (9) is omitted.
- 43 (1) The Schedule (operation of certain enactments in relation to the prisoner) is amended as follows in relation to prisoners repatriated to England and Wales.
- (2) In paragraph 2, for sub-paragraphs (1A) and (2) there is substituted—
- “(2) If the warrant specifies a period to be taken into account for the purposes of this paragraph, the amount of time the prisoner has served shall, so far only as the question whether he has served a particular part of a life sentence is concerned, be deemed to be increased by that period.
- (3) Where the prisoner’s sentence is for a term of less than twelve months, Chapter 6 of Part 12 of the Criminal Justice Act 2003 shall apply as if the sentence were for a term of twelve months or more.
- (4) In this paragraph—
- “the enactments relating to release on licence” means section 28(5) and (7) of the Crime (Sentences) Act 1997 and Chapter 6 of Part 12 of the Criminal Justice Act 2003;
- “sentence”, means the provision included in the warrant which is equivalent to sentence.”.
- (3) Paragraph 3 is omitted.

Commencement Information

I529 Sch. 32 para. 43 wholly in force at 4.4.2005; Sch. 32 para. 43(3) in force at 18.12.2003, see s. 336(2); Sch. 32 para. 43 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(19) (subject to **art. 2(2)**, Sch. 2)

Police and Criminal Evidence Act 1984 (c. 60)

- 44 In section 38 of the Police and Criminal Evidence Act 1984 (duties of custody officer after charge), for the definitions of “sexual offence” and “violent offence” in subsection (6A) there is substituted—
- ““sexual offence” means an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003;
- “violent offence” means murder or an offence specified in Part 1 of that Schedule;”.

Commencement Information

I530 Sch. 32 para. 44 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(20) (subject to **art. 2(2)**, Sch. 2)

Status: Point in time view as at 10/09/2024.

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Criminal Justice Act 1988 (c. 33)

45 The Criminal Justice Act 1988 is amended as follows.

Commencement Information

I531 Sch. 32 para. 45 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 42\(21\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

46 In section 36 (reviews of sentencing), in subsection (2), for the words from “erred in law” onwards there is substituted—

- “(a) erred in law as to his powers of sentencing; or
- (b) failed to impose a sentence required by—
 - (i) section 51A(2) of the Firearms Act 1968;
 - (ii) section 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000; or
 - (iii) any of sections 225 to 228 of the Criminal Justice Act 2003.”

Commencement Information

I532 Sch. 32 para. 46 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 42\(21\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

47 In section 50 (suspended and partly suspended sentences on certain civilians in courts-martial and Standing Civilian Courts), in subsection (3)(b)(i), for “Powers of Criminal Courts (Sentencing) Act 2000” there is substituted “Criminal Justice Act 2003”.

Commencement Information

I533 Sch. 32 para. 47 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 42\(21\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Firearms (Amendment) Act 1988 (c. 45)

48 The Firearms (Amendment) Act 1988 is amended as follows.

49 In section 1 (prohibited weapons and ammunition), in subsection (4A) after paragraph (b) there is inserted—

- “(bb) may amend subsection (1A)(a) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences: power to detain for specified period) so as to include a reference to any provision added by the order to section 5(1) of the principal Act,
- (bc) may amend section 50(5A)(a), 68(4A)(a) or 170(4A)(a) of the Customs and Excise Management Act 1979 (offences relating to improper importation or exportation) so as to include a reference to anything added by the order to section 5(1) of the principal Act.”

50 In section 27(4) (which relates to Northern Ireland), after “Except for” there is inserted “section 1, so far as enabling provision to be made amending the Customs and Excise Management Act 1979, and”.

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PROSPECTIVE

Road Traffic Act 1988 (c. 52)

- 51 In section 164 of the Road Traffic Act 1988 (power of constables to require production of driving licence and in certain cases statement of date of birth), in subsection (5), for “section 40 of the Crime (Sentences) Act 1997” there is substituted “ section 301 of the Criminal Justice Act 2003 ”.

Road Traffic Offenders Act 1988 (c. 53)

- 52 The Road Traffic Offenders Act 1988 is amended as follows.

Commencement Information

I534 Sch. 32 para. 52 partly in force; Sch. 32 para. 52 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 52 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(22\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

PROSPECTIVE

- 53 In section 27 (production of licence), in subsection (3), for “section 40 of the Crime (Sentences) Act 1997” there is substituted “ section 301 of the Criminal Justice Act 2003 ”.

^{F238}54

Textual Amendments

F238 Sch. 32 para. 54 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Football Spectators Act 1989 (c. 37)

- 55 The Football Spectators Act 1989 is amended as follows.

Commencement Information

I535 Sch. 32 para. 55 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(23\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 56 In section 7 (disqualification for membership of scheme), subsection (9) is omitted.

Commencement Information

I536 Sch. 32 para. 56 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(23\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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F239 57

Textual Amendments

F239 Sch. 32 para. 57 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 39](#); S.I. 2012/2906, art. 2(h)

Commencement Information

I537 Sch. 32 para. 57 partly in force; Sch. 32 para. 57 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 57 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

F240 58

Textual Amendments

F240 Sch. 32 para. 58 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 39](#); S.I. 2012/2906, art. 2(h)

Commencement Information

I538 Sch. 32 para. 58 partly in force; Sch. 32 para. 58 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 58 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

Children Act 1989 (c. 41)

59 The Children Act 1989 is amended as follows.

Commencement Information

I539 Sch. 32 para. 59 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(24\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 60 (1) Section 68 (persons disqualified from being foster parents) is amended as follows.
- (2) In subsection (2)(d), the words “a probation order has been made in respect of him or he has been” are omitted.
- (3) After subsection (2) there is inserted—
- “(2A) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of subsection (2)(d).”

Commencement Information

I540 Sch. 32 para. 60 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(24\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 61 (1) In Schedule 9A (child minding and day care for young children), paragraph 4 is amended as follows.
- (2) In sub-paragraph (2)(g), the words “placed on probation or” are omitted.

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(3) At the end there is inserted—

“(7) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of this paragraph.”

Commencement Information

I541 Sch. 32 para. 61 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(24\)](#) (subject to [art. 2\(2\), Sch. 2](#))

Criminal Justice Act 1991 (c. 53)

62 The Criminal Justice Act 1991 is amended as follows.

Commencement Information

I542 Sch. 32 para. 62 partly in force; Sch. 32 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 62 in force for certain purposes at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(25\)](#) (subject to [art. 2\(2\), Sch. 2](#))

PROSPECTIVE

63 Section 65 (supervision of young offenders after release) is omitted.

- 64 (1) Schedule 3 (reciprocal enforcement of certain orders) is amended as follows.
- (2) In paragraph 10(3)(d), for the words from “paragraph 3 of Schedule 2” onwards there is substituted “ section 201 of the Criminal Justice Act 2003 ”.
- (3) In paragraph 11(2) —
- (a) in paragraph (a)—
- (i) for “probation order” there is substituted “ community order ”, and
- (ii) ^{F241}
- (b) for paragraph (b) there is substituted—
- “(b) the provisions of Part 12 of that Act (so far as relating to such orders) shall apply accordingly.”.
- (4) In paragraph 11(3), for paragraphs (a) and (b) there is substituted—
- “(a) the requirements of Part 12 of the Criminal Justice Act 2003 relating to community orders (within the meaning of that Part);
- (b) the powers of the home court under Schedule 8 to that Act, as modified by this paragraph; and”.
- (5) In paragraph 11(4), for the words from “probation order made by a court” onwards there is substituted “ community order made by a court in England and Wales under section 177 of the Criminal Justice Act 2003, except a power conferred by paragraph 9(1)(b) or (c) or 13(2) of Schedule 8 to that Act ”.

^{F242}(6)

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Textual Amendments

- F241** Sch. 32 para. 64(3)(a)(ii) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)
- F242** Sch. 32 para. 64(6) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with s. 413(4)(5), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

Commencement Information

- I543** Sch. 32 para. 64 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(25\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Aggravated Vehicle-Taking Act 1992 (c. 11)

F243 65

Textual Amendments

- F243** Sch. 32 para. 65 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

66 In section 10 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (life prisoners transferred to Scotland)—

- (a) in subsection (1)—
- (i) in paragraph (a), sub-paragraph (i), and the succeeding “or”, are omitted, and
- (ii) after paragraph (a)(ii) there is inserted “or
- (iii) subsections (5) to (8) of section 28 (early release of life prisoners to whom that section applies) of the Crime (Sentences) Act 1997 (c. 43) (in this section, the “1997 Act”) apply by virtue of an order made under section 28(2)(b) of that Act (while that provision was in force) or an order made under section 269(2) of, or paragraph 3(1)(a) of Schedule 22 to, the Criminal Justice Act 2003;”, and
- (iii) for “28(2)(b) or 82A(2) or paragraph” there is substituted “82A(2), 28(2)(b) or 269(2) or paragraph 3(1)(a) or”;

(b) after subsection (1) there is inserted—

“(1AA) This Part of this Act, except section 2(9), applies also to a transferred life prisoner—

- (a) who is transferred from England and Wales on or after the date on which section 269 of the Criminal Justice Act 2003 comes into force,
- (b) in relation to whom paragraph 3 of Schedule 22 to that Act applies by virtue of paragraph 2(a) of that Schedule, but

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- (c) in respect of whom, under the paragraph so applying, no order has been made,
as if the prisoner were a life prisoner within the meaning of section 2 of this Act and the punishment part of his sentence within the meaning of that section were the notified minimum term defined by paragraph 3(4) of that Schedule.”; and
- (c) in subsection (5)(b)—
- (i) for “the Crime (Sentences) Act 1997” there is substituted “ the 1997 Act ”, and
- (ii) after the words “Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)” there is inserted “ section 269(2) of, or paragraph 3(1)(a) of Schedule 22 to, the Criminal Justice Act 2003, ”.

Criminal Justice and Public Order Act 1994 (c. 33)

- 67 In section 25 of the Criminal Justice and Public Order Act 1994 (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences), in paragraph (c) of the definition of “conviction” in subsection (5)
-
- (a) the words “placing the offender on probation or” are omitted, and
- (b) for “him” there is substituted “ the offender ”.

Commencement Information

I544 Sch. 32 para. 67 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(27\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)

- 68 (1) In Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995 (qualifications for standard licence), paragraph 3 is amended as follows.
- ^{F244}(2)
- (3) In sub-paragraph (2)(c), for “community service order” there is substituted “ community order ”.
- (4) For sub-paragraph (3)(b), there is substituted—
- “(b) “community order” means a community order under section 177 of the Criminal Justice Act 2003, a community punishment order made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community service order under the Community Service by Offenders (Scotland) Act 1978.”.

Textual Amendments

F244 Sch. 32 para. 68(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 39](#); [S.I. 2012/2906](#), [art. 2\(h\)](#)

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Commencement Information

I545 Sch. 32 para. 68 partly in force; Sch. 32 para. 68 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 68(1)(3)(4) in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(28) (subject to **art. 2(2)**, Sch. 2)

Criminal Procedure (Scotland) Act 1995 (c. 46)

69 **F245**

Textual Amendments

F245 Sch. 32 para. 69 repealed (S.) (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206, **Sch. 2 para. 49**; S.S.I. 2010/413, **art. 2(1)**, Sch. (with art. 3(1))

70 **F246**

Textual Amendments

F246 Sch. 32 para. 70 repealed (S.) (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206, **Sch. 2 para. 49**; S.S.I. 2010/413, **art. 2(1)**, Sch. (with art. 3(1))

71 **F247**

Textual Amendments

F247 Sch. 32 para. 71 repealed (S.) (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206, **Sch. 2 para. 49**; S.S.I. 2010/413, **art. 2(1)**, Sch. (with art. 3(1))

72 **F248**

Textual Amendments

F248 Sch. 32 para. 72 repealed (S.) (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206, **Sch. 2 para. 49**; S.S.I. 2010/413, **art. 2(1)**, Sch. (with art. 3(1))

Education Act 1996 (c. 56)

73 **F249**

Textual Amendments

F249 Sch. 32 para. 73 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I546 Sch. 32 para. 73 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(30) (subject to **art. 2(2)**, Sch. 2)

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Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I.24))

74 The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

Commencement Information

I547 Sch. 32 para. 74 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(31\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

75 In Article 2 (interpretation) after paragraph (8) there is inserted—

“(9) For the purposes of this Order, a sentence falls to be imposed under paragraph (2) of Article 52A of the Firearms (Northern Ireland) Order 1981 if it is required by that paragraph and the court is not of the opinion there mentioned.”

Commencement Information

I548 Sch. 32 para. 75 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(31\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

76 In Article 4 (absolute and conditional discharge), in paragraph (1), for “(not being an offence for which the sentence is fixed by law)” there is substituted “ (not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981) ”.

Commencement Information

I549 Sch. 32 para. 76 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(31\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

77 In Article 10 (probation orders), in paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “ (not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981) ”.

Commencement Information

I550 Sch. 32 para. 77 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(31\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

78 (1) Article 13 (community service orders) is amended as follows.

(2) In paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “ (not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981) ”.

(3) In paragraph (4)(b) as it has effect pursuant to paragraph 7(1) of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements), for “such orders” there is substituted “ an unpaid work requirement of a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) ”.

Status: Point in time view as at 10/09/2024.

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Commencement Information

I551 Sch. 32 para. 78 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

79 In Article 15 (orders combining probation and community service), in paragraph (1) for “(not being an offence for which the sentence is fixed by law)” there is substituted “(not being an offence for which the sentence is fixed by law or falls to be imposed under Article 52A(2) of the Firearms (Northern Ireland) Order 1981)”.

Commencement Information

I552 Sch. 32 para. 79 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

80 **F250**

Textual Amendments

F250 Sch. 32 para. 80 repealed (1.4.2009) by *The Criminal Justice (Northern Ireland) Order 2008* (S.I. 2008/1216 (N.I. 1)), **art. 102**, **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 para. 19(e) (subject to Sch. 2)

Commencement Information

I553 Sch. 32 para. 80 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

81 **F251**

Textual Amendments

F251 Sch. 32 para. 81 repealed (1.4.2009) by *The Criminal Justice (Northern Ireland) Order 2008* (S.I. 2008/1216 (N.I. 1)), **art. 102**, **Sch. 6 Pt. 1**; S.R. 2009/120, **art. 2**, Sch. 1 para. 19(e) (subject to Sch. 2)

Commencement Information

I554 Sch. 32 para. 81 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(31) (subject to **art. 2(2)**, Sch. 2)

Crime (Sentences) Act 1997 (c. 43)

82 The Crime (Sentences) Act 1997 is amended as follows.

Commencement Information

I555 Sch. 32 para. 82 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(32) (subject to **art. 2(2)**, Sch. 2)

83 (1) Section 31 (duration and conditions of licences) is amended as follows.
(2) In subsection (3), for the words from “except” onwards there is substituted “except in accordance with recommendations of the Parole Board”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

(3) Subsection (4) is omitted.

(4) In subsection (6), for “section 46(3) of the 1991 Act” there is substituted “ section 259 of the Criminal Justice Act 2003 ”.

Commencement Information

I556 Sch. 32 para. 83 wholly in force at 4.4.2005; Sch. 32 para. 83(1)-(3) in force at 18.12.2003, see s. 336(2); Sch. 32 para. 83(4) in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(32\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

84 In section 32 (recall of life prisoners while on licence) for subsection (5) there is substituted—

“(5) Where on a reference under subsection (4) above the Parole Board directs the immediate release on licence under this section of the life prisoner, the Secretary of State shall give effect to the direction.”

85 (1) Schedule 1 (transfers of prisoners within the British Islands) is amended as follows.

(2) In paragraph 6, after sub-paragraph (3) there is inserted—

“(4) In this Part of this Schedule—

“the 2003 Act” means the Criminal Justice Act 2003;

“custody plus order” has the meaning given by section 181(4) of that Act;

“intermittent custody order” has the meaning given by section 183(2) of that Act.”

(3) In paragraph 8 (restricted transfers from England and Wales to Scotland)—

(a) for sub-paragraph (2)(a) there is substituted—

“(a) sections 241, 244, 247 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Scotland;

(aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Scotland;

(ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall also apply to him (subject to Schedule 11 to that Act); and”

(b) for sub-paragraph (4)(a) there is substituted—

“(a) sections 241, 249 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 103 and 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Scotland;

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- (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Scotland;
- (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall also apply to him (subject to Schedule 11 to that Act); and”, and
- (c) for sub-paragraphs (5) to (7) there is substituted—

“(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c) there were substituted the words “a relevant officer of such local authority as may be specified in the licence”.

(“) Any provision of sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if—

- (a) any reference to secure accommodation were a reference to secure accommodation within the meaning of Part 2 of the Children (Scotland) Act 1995 or a young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989,
- (b) except in section 103(2), any reference to the Secretary of State were a reference to the Scottish Ministers,
- (c) any reference to an officer of a local probation board were a reference to a relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993,
- (d) any reference to a youth court were a reference to a sheriff court,
- (e) in section 103, any reference to a [^{F252}local justice area] were a reference to a local government area within the meaning of the Local Government etc. (Scotland) Act 1994,
- (f) in section 103(3), for paragraphs (b) and (c) there were substituted a reference to an officer of a local authority constituted under that Act for the local government area in which the offender resides for the time being,
- (g) section 103(5) were omitted,
- (h) in section 104, for subsection (1) there were substituted—

“(1) Where a detention and training order is in force in respect of an offender and it appears on information to a sheriff court having jurisdiction in the locality in which the offender resides that the offender has failed to comply with requirements under section 103(6)(b), the court may—

- (a) issue a citation requiring the offender to appear before it at the time specified in the citation, or
- (b) issue a warrant for the offender’s arrest.”,

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- (i) section 104(2) were omitted, and
 - (j) in section 104(6), the reference to the Crown Court were a reference to the High Court of Justiciary.”
- (4) In paragraph 9 (restricted transfers from England and Wales to Northern Ireland)—
- (a) for sub-paragraph (2)(a) there is substituted—
 - “(a) sections 241, 244, 247 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 102 to 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
 - (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
 - (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall apply to him (subject to Schedule 11 to that Act); and”
 - (b) for sub-paragraph (4)(a) there is substituted—
 - “(a) sections 241, 249 to 252 and 254 to 264 of the 2003 Act (fixed-term prisoners) or, as the case may require, sections 103 and 104 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders) or sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
 - (aa) sections 62 and 64 of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
 - (ab) where a custody plus order or intermittent custody order has effect in relation to him, the provisions of Chapters 3 and 4 of Part 12 of the 2003 Act relating to such orders shall apply to him (subject to Schedule 11 to that Act); and”
 - (c) for sub-paragraphs (5) to (7) there is substituted—
 - “(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c) there were substituted the words “a probation appointed for or assigned to the petty sessions district within which the prisoner for the time being resides”.”
- (5) In paragraph 15 (unrestricted transfers: general provisions), sub-paragraph (5) is omitted.

Textual Amendments

F252 Words in Sch. 32 para. 85(3)(c) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 112\(a\)](#)

Status: Point in time view as at 10/09/2024.

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Commencement Information

I557 Sch. 32 para. 85 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(32) (subject to **art. 2(2)**, Sch. 2)

86 In Schedule 2 (repatriation of prisoners to the British Islands) paragraphs 2 and 3 are omitted.

Commencement Information

I558 Sch. 32 para. 86 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(32) (subject to **art. 2(2)**, Sch. 2)

Crime and Disorder Act 1998 (c. 37)

87 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I559 Sch. 32 para. 87 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(33) (subject to **art. 2(2)**, Sch. 2)

F253⁸⁸

Textual Amendments

F253 Sch. 32 para. 88 repealed (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

- 89 (1) Section 38 (local provision of youth justice services) is amended as follows.
- (2) F254
- (3) In subsection (4)(i), after “1997 Act”)” there is inserted “ or by virtue of conditions imposed under section 250 of the Criminal Justice Act 2003 ”.

Textual Amendments

F254 Sch. 32 para. 89(2) repealed (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I560 Sch. 32 para. 89 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(33) (subject to **art. 2(2)**, Sch. 2)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

F255⁹⁰

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Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

F255 Sch. 32 paras. 90-94 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F25591

Textual Amendments

F255 Sch. 32 paras. 90-94 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F25592

Textual Amendments

F255 Sch. 32 paras. 90-94 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F25593

Textual Amendments

F255 Sch. 32 paras. 90-94 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F25594

Textual Amendments

F255 Sch. 32 paras. 90-94 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

95 [F256 For section 33 there is substituted—

“Meaning of “youth community order” and “community sentence”

(1) In this Act “youth community order” means any of the following orders—

- (a) a curfew order;
- (b) an exclusion order;
- (c) an attendance centre order;
- (d) a supervision order;
- (e) an action plan order.

(2) In this Act “community sentence” means a sentence which consists of or includes—

- (a) a community order under section 177 of the Criminal Justice Act 2003, or

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(b) one or more youth community orders.”]

Textual Amendments

F256 Sch. 32 para. 95 repealed (30.11.2009 for specified purposes and otherwise prosp.) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I561 Sch. 32 para. 95 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

- 96 (1) Section 36B (electronic monitoring of requirements in community orders) is amended as follows.
- (2) In the heading for “**community orders**” there is substituted “**youth community orders**”, and
- (3) In subsection (1)—
- (a) for “to (4)” there is substituted “and (3)”, and
- (b) for “community order” there is substituted “youth community order”.
- (4) In subsection (2) and (6)(a), for “community order” there is substituted “youth community order”.

Commencement Information

I562 Sch. 32 para. 96 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

97 **F257**

Textual Amendments

F257 Sch. 32 para. 97 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I563 Sch. 32 para. 97 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

98 **F258**

Textual Amendments

F258 Sch. 32 para. 98 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I564 Sch. 32 para. 98 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

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99 F259

Textual Amendments

F259 Sch. 32 para. 99 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

100 F260

Textual Amendments

F260 Sch. 32 para. 100 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I565 Sch. 32 para. 100 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

101 F261

Textual Amendments

F261 Sch. 32 para. 101 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I566 Sch. 32 para. 101 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 42(34) (subject to [art. 2\(2\)](#), Sch. 2)

102 (1) Section 60 (attendance centre orders) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), for “sections 34 to 36 above” there is substituted “ sections 148, 150 and 156 of the Criminal Justice Act 2003 ” and for “21” there is substituted “ 16 ”, and
- (b) in paragraph (b), for “[^{F262}18]” there is substituted “ 16 ”, and
- (c) paragraph (c) and the word “or” immediately preceding it are omitted.

(3) In subsection (4), for paragraphs (a) and (b) there is substituted “ shall not exceed 24 ”.

(4) In subsection (7), for “community order” there is substituted “ youth community order ”.

Textual Amendments

F262 Word in [Sch. 32 para. 102\(2\)\(b\)](#) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 13 para. 7](#); S.I. 2022/520, reg. 5(q) (as amended by S.I. 2022/680, reg. 2(c))

Status: Point in time view as at 10/09/2024.

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Commencement Information

I567 Sch. 32 para. 102 partly in force; Sch. 32 para. 102 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 102(1)(2)(a)(4) in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

103 **F263**

Textual Amendments

F263 Sch. 32 para. 103 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I568 Sch. 32 para. 103 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

104 **F264**

Textual Amendments

F264 Sch. 32 para. 104 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I569 Sch. 32 para. 104 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

105 **F265**

Textual Amendments

F265 Sch. 32 para. 105 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I570 Sch. 32 para. 105 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

F266106

Textual Amendments

F266 Sch. 32 para. 106 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

107 In section 74 (requirements and provisions of reparation order, and obligations of person subject to it), in subsection (3)(a), after “community order” there is inserted “or any youth community order”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I571 Sch. 32 para. 107 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

F267 108

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F267 109

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F267 110

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F267 111

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F267 112

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F267 113

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F267 114

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Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F267 115

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F267 116

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F267 117

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F267 118

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F267 119

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F267 120

Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F267 121

Status: Point in time view as at 10/09/2024.

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Textual Amendments

F267 Sch. 32 paras. 108-121 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

122 **F268**

Textual Amendments

F268 Sch. 32 para. 122 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

- 123 (1) Section 163 (interpretation) is amended as follows.
- (2) In the definition of “attendance centre” for “section 62(2) above” there is substituted “section 221(2) of the Criminal Justice Act 2003”.
- (3) In the definition of “attendance centre order” for the words from “by virtue of” to “Schedule 3” there is substituted “by virtue of paragraph 4(2)(b) or 5(2)(b) of Schedule 3”.

F269(4)

(5) **F270**

F271(6)

F271(7)

(8) At the end there is inserted—

““youth community order” has the meaning given by section 33(1) above.”.

Textual Amendments

F269 Sch. 32 para. 123(4) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

F270 Sch. 32 para. 123(5) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

F271 Sch. 32 para. 123(6)(7) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

C11 Sch. 32 para. 123 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

Commencement Information

I572 Sch. 32 para. 123 partly in force; Sch. 32 para. 123 not in force at Royal Assent, see s. 336(3); Sch. 32 para. 123(5) in force for certain purposes and Sch. 32 para. 123(1)(2)(4)(6)-(8) in force at 4.4.2005 by S.I. 2005/950, **arts. 2, Sch. 1 para. 42(34)** (subject to **art. 2(2), Sch. 2**)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

F272 124

Textual Amendments

F272 Sch. 32 para. 124-126 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F272 125

Textual Amendments

F272 Sch. 32 para. 124-126 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F272 126

Textual Amendments

F272 Sch. 32 para. 124-126 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

127 F273

Textual Amendments

F273 Sch. 32 para. 127 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I573 Sch. 32 para. 127 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, [Sch. 2](#))

128 F274

Textual Amendments

F274 Sch. 32 para. 128 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Commencement Information

I574 Sch. 32 para. 128 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, [Sch. 2](#))

129 F275

Textual Amendments

F275 Sch. 32 para. 129 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, **Sch. 28 Pt. 1**; S.I. 2009/3074, **art. 2(u)(xxxi)**

Status: Point in time view as at 10/09/2024.

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Commencement Information

I575 Sch. 32 para. 129 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(34) (subject to **art. 2(2)**, Sch. 2)

Child Support, Pensions and Social Security Act 2000 (c. 19)

130 **F276**

Textual Amendments

F276 Sch. 32 paras. 130-132 repealed (22.3.2010) by Welfare Reform Act 2009 (c. 24), ss. 58, 61, **Sch. 7 Pt. 3**; S.I. 2010/293, **art. 2(3)(b)(vi)**

131 **F277**

Textual Amendments

F277 Sch. 32 paras. 130-132 repealed (22.3.2010) by Welfare Reform Act 2009 (c. 24), ss. 58, 61, **Sch. 7 Pt. 3**; S.I. 2010/293, **art. 2(3)(b)(vi)**

132 **F278**

Textual Amendments

F278 Sch. 32 paras. 130-132 repealed (22.3.2010) by Welfare Reform Act 2009 (c. 24), ss. 58, 61, **Sch. 7 Pt. 3**; S.I. 2010/293, **art. 2(3)(b)(vi)**

Criminal Justice and Court Services Act 2000 (c. 43)

133 The Criminal Justice and Court Services Act 2000 is amended as follows.

Commencement Information

I576 Sch. 32 para. 133 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(36) (subject to **art. 2(2)**, Sch. 2)

134 In section 1 (purposes of Chapter 1 of Part 1 of the Act), in subsection (2)—
 (a) in paragraph (a), after “community orders” there is inserted “ (as defined by section 177 of the Criminal Justice Act 2003) ”, and
 (b) after paragraph (c) there is inserted—
 “(d) giving effect to suspended sentence orders (as defined by section 189 of the Criminal Justice Act 2003).”

Commencement Information

I577 Sch. 32 para. 134 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(36) (subject to **art. 2(2)**, Sch. 2)

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- 135 In section 42 (interpretation of Part 2), in subsection (2)(a), for “section 119 of the Powers of Criminal Court (Sentencing) Act 2000” there is substituted “ paragraph 8(2)(a) or (b) of Schedule 12 of the Criminal Justice Act 2003 ”.

Commencement Information

I578 Sch. 32 para. 135 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 136 (1) Section 62 (release on licence etc: conditions as to monitoring) is amended as follows.

(2) For subsection (3) there is substituted—

“(3) In relation to a prisoner released under section 246 of the Criminal Justice Act 2003 (power to release prisoners on licence before required to do so), the monitoring referred to in subsection (2)(a) does not include the monitoring of his compliance with conditions imposed under section 253 of that Act (curfew condition).”

(3) In subsection (5) after paragraph (e) there is inserted “, and

(f) a sentence of detention under section 226 or 228 of the Criminal Justice Act 2003”.

Commencement Information

I579 Sch. 32 para. 136 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 137 In section 69 (duties of local probation boards in connection with victims of certain offences), in subsection (8), for paragraph (a) there is substituted—

“(a) murder or an offence specified in Schedule 15 to the Criminal Justice Act 2003,”.

Commencement Information

I580 Sch. 32 para. 137 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 138 **F279**

Textual Amendments

F279 Sch. 32 para. 138 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); S.I. 2009/3074, [art. 2\(u\)\(xxxi\)](#)

Commencement Information

I581 Sch. 32 para. 138 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(36\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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International Criminal Court Act 2001 (c. 17)

- 139 (1) Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), is amended as follows.
- (2) In paragraph 2(1), for paragraph (d) there is substituted—
- “(d) section 240 of the Criminal Justice Act 2003 (crediting of periods of remand in custody).”
- (3) In paragraph 3(1), for “Part 2 of the Criminal Justice Act 1991” there is substituted “sections 244 to 264 of the Criminal Justice Act 2003”.

Commencement Information

I582 Sch. 32 para. 139 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(37\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Armed Forces Act 2001 (c. 19)

140 **F280**

Textual Amendments

F280 Sch. 32 para. 140 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Proceeds of Crime Act 2002 (c. 29)

F281 141

Textual Amendments

F281 Sch. 32 para. 141 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Sexual Offences Act 2003 (c. 42)

142 The Sexual Offences Act 2003 is amended as follows.

Commencement Information

I583 Sch. 32 para. 142 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(39\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 143 In section 131 (application of Part 2 to young offenders), after paragraph (j) there is inserted—
- “(k) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003,
- (l) an extended sentence under section 228 of that Act.”.

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Commencement Information

I584 Sch. 32 para. 143 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(39) (subject to **art. 2(2)**, Sch. 2)

- 144 In section 133 (general interpretation), at the end of paragraph (a) of the definition of “community order” there is inserted “ (as that Act had effect before the passing of the Criminal Justice Act 2003) ”.

Commencement Information

I585 Sch. 32 para. 144 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(39) (subject to **art. 2(2)**, Sch. 2)

PART 2

OFFENCES: ABOLITION OF IMPRISONMENT AND CONVERSION TO SUMMARY OFFENCE

PROSPECTIVE

Vagrancy Act 1824 (c. 83)

- 145 In section 3 of the Vagrancy Act 1824 (idle and disorderly persons), for the words from “subject to” to the end there is substituted “ it shall be lawful for any justice of the peace to impose on such person (being thereof convicted before him by his own view, or by the confession of such person, or by the evidence on oath of one or more credible witnesses) a fine not exceeding level 3 on the standard scale ”.
- 146 (1) Section 4 of that Act (rogues and vagabonds) is amended as follows.
- (2) In that section, for the words from “shall be” to the end there is substituted “ commits an offence under this section ”.
- (3) At the end of that section (which becomes subsection (1)) there is inserted—
- “(2) It shall be lawful for any justice of the peace to impose on any person who commits an offence under this section (being thereof convicted before him by the confession of such person, or by the evidence on oath of one or more credible witnesses)—
- (a) in the case of a person convicted of the offence of wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, and not giving a good account of himself, a fine not exceeding level 1 on the standard scale, and
- (b) in the case of a person convicted of any other offence under this section, a fine not exceeding level 3 on the standard scale.”

Status: Point in time view as at 10/09/2024.

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PROSPECTIVE

London Hackney Carriages Act 1843 (c. 86)

- 147 In section 28 of the London Hackney Carriages Act 1843, after “for every such offence”, there is inserted “ of which he is convicted before the justice ”.

PROSPECTIVE

Town Police Clauses Act 1847 (c. 89)

- 148 In section 26 of the Town Police Clauses Act 1847, for the words from “committed by them” to the end, there is substituted “ liable to a fine not exceeding level 3 on the standard scale ”.
- 149 In section 28 of that Act, after “for each offence”, there is inserted “ of which he is convicted before the justice ”.
- 150 In section 29 of that Act, after “for every such offence”, there is inserted “ of which he is convicted before the justice ”.
- 151 In section 36 of that Act, after “liable”, there is inserted “ on conviction before the justices ”.

PROSPECTIVE

Seamen’s and Soldiers’ False Characters Act 1906 (c. 5)

- 152 ^{F282}

Textual Amendments

F282 Sch. 32 para. 152 repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), s. 1(1), {Sch. 1 P1. 1 Group 4}

PROSPECTIVE

Aliens Restriction (Amendment) Act 1919 (c. 92)

- 153 In section 3(2) of the Aliens Restriction (Amendment) Act 1919, for “imprisonment for a term not exceeding three months” there is substituted “ a fine not exceeding level 3 on the standard scale ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PROSPECTIVE

Polish Resettlement Act 1947 (c. 19)

- 154 In the Schedule to the Polish Resettlement Act 1947, in paragraph 7, for “imprisonment for a term not exceeding three months” there is substituted “a fine not exceeding level 1 on the standard scale”.

Army Act 1955 (3 & 4 Eliz. 2 c. 18)

- 155 F283

Textual Amendments

F283 Sch. 32 paras. 155-157 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)

- 156 F284

Textual Amendments

F284 Sch. 32 paras. 155-157 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Naval Discipline Act 1957 (c. 53)

- 157 F285

Textual Amendments

F285 Sch. 32 paras. 155-157 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

PROSPECTIVE

Slaughterhouses Act 1974 (c. 3)

- 158 In section 4 of the Slaughterhouses Act 1974, after subsection (5) there is inserted—
“(5A) A person guilty of an offence under subsection (5) above shall be liable to a fine not exceeding level 3 on the standard scale.”

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PROSPECTIVE

Water Industry Act 1991 (c. 56)

- 159 In Schedule 6 to the Water Industry Act 1991, in paragraph 5(4), for paragraphs (a) and (b) there is substituted “, on summary conviction, to a fine not exceeding level 5 on the standard scale”.

PROSPECTIVE

Water Resources Act 1991 (c. 57)

- 160 In section 205(6) of the Water Resources Act 1991, for paragraphs (a) and (b) there is substituted “on summary conviction to a fine not exceeding level 5 on the standard scale”.

PROSPECTIVE

Transport Act 2000 (c. 38)

- 161 In section 82(4) of the Transport Act 2000, after “subsection (1)” there is inserted “or (2)”.

Reserve Forces Act 1996 (c. 14)

- 162 ^{F286}

Textual Amendments

F286 Sch. 32 para. 162 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

SCHEDULE 33

Section 321

JURY SERVICE

- 1 The Juries Act 1974 (c. 23) is amended as follows.

Commencement Information

I586 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

- 2 For section 1 (qualification for jury service) there is substituted—

Status: Point in time view as at 10/09/2024.

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“1 Qualification for jury service

- (1) Subject to the provisions of this Act, every person shall be qualified to serve as a juror in the Crown Court, the High Court and county courts and be liable accordingly to attend for jury service when summoned under this Act if—
 - (a) he is for the time being registered as a parliamentary or local government elector and is not less than eighteen nor more than seventy years of age;
 - (b) he has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for any period of at least five years since attaining the age of thirteen;
 - (c) he is not a mentally disordered person; and
 - (d) he is not disqualified for jury service.
- (2) In subsection (1) above “mentally disordered person” means any person listed in Part 1 of Schedule 1 to this Act.
- (3) The persons who are disqualified for jury service are those listed in Part 2 of that Schedule.”

Commencement Information

I587 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

- 3 Section 9(1) (certain persons entitled to be excused from jury service) shall cease to have effect.

Commencement Information

I588 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

- 4 In section 9(2) (discretionary excusal) after “may” there is inserted “, subject to section 9A(1A) of this Act, ”.

Commencement Information

I589 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

- 5 After section 9(2) (discretionary excusal) there is inserted—
- “(2A) Without prejudice to subsection (2) above, the appropriate officer shall excuse a full-time serving member of Her Majesty’s naval, military or air forces from attending in pursuance of a summons if—
- (a) that member’s commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty, and
 - (b) subsection (2A) or (2B) of section 9A of this Act applies.
- (2B) Subsection (2A) above does not affect the application of subsection (2) above to a full-time serving member of Her Majesty’s naval, military or air forces in a case where he is not entitled to be excused under subsection (2A).”

Status: Point in time view as at 10/09/2024.

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Commencement Information

I590 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

- 6 In section 9(3) (discretionary excusal) after “above” there is inserted “ or any failure by the appropriate officer to excuse him as required by subsection (2A) above ”.

Commencement Information

I591 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

- 7 In section 9A(1) (discretionary deferral) after “may” there is inserted “ , subject to subsection (2) below, ”.

Commencement Information

I592 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

- 8 After section 9A(1) (discretionary deferral) there is inserted—
- “(1A) Without prejudice to subsection (1) above and subject to subsection (2) below, the appropriate officer—
- (a) shall defer the attendance of a full-time serving member of Her Majesty’s naval, military or air forces in pursuance of a summons if subsection (1B) below applies, and
 - (b) for this purpose, shall vary the dates upon which that member is summoned to attend and the summons shall have effect accordingly.
- (1B) This subsection applies if that member’s commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty.
- (1C) Nothing in subsection (1A) or (1B) above shall affect the application of subsection (1) above to a full-time serving member of Her Majesty’s naval, military or air forces in a case where subsection (1B) does not apply.”

Commencement Information

I593 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

- 9 For section 9A(2) (discretionary deferral) there is substituted—
- “(2) The attendance of a person in pursuance of a summons shall not be deferred under subsection (1) or (1A) above if subsection (2A) or (2B) below applies.”

Commencement Information

I594 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

- 10 After section 9A(2) (discretionary deferral) there is inserted—

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“(2A) This subsection applies where a deferral of the attendance of the person in pursuance of the summons has previously been made or refused under subsection (1) above or has previously been made under subsection (1A) above.

(2B) This subsection applies where—

- (a) the person is a full-time serving member of Her Majesty’s naval, military or air forces, and
- (b) in addition to certifying to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty, that member’s commanding officer certifies that this position is likely to remain for any period specified for the purpose of this subsection in guidance issued under section 9AA of this Act.”

Commencement Information

I595 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

11 In section 9A(3) (discretionary deferral) after “above” there is inserted “ or any failure by the appropriate officer to defer his attendance as required by subsection (1A) above ”.

Commencement Information

I596 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

12 After section 9A (discretionary deferral) there is inserted—

“9AA Requirement to issue guidance

- (1) The Lord Chancellor shall issue guidance as to the manner in which the functions of the appropriate officer under sections 9 and 9A of this Act are to be exercised.
- (2) The Lord Chancellor shall—
 - (a) lay before each House of Parliament the guidance, and any revised guidance, issued under this section, and
 - (b) arrange for the guidance, or revised guidance, to be published in a manner which he considers appropriate.”

Commencement Information

I597 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

13 In section 19 (payment for jury service), after subsection (1) there is inserted—

“(1A) The reference in subsection (1) above to payments by way of allowance for subsistence includes a reference to vouchers and other benefits which may be used to pay for subsistence, whether or not their use is subject to any limitations.”

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Commencement Information

I598 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

- 14 In section 20 (offences), for subsection (5)(d) there is substituted—
 “(d) knowing that he is disqualified under Part 2 of Schedule 1 to this Act, serves on a jury;”

Commencement Information

I599 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

- 15 For Schedule 1 (ineligibility and disqualification for and excusal from jury service) there is substituted—

“SCHEDULE 1

MENTALLY DISORDERED PERSONS AND PERSONS DISQUALIFIED FOR JURY SERVICE

PART 1

MENTALLY DISORDERED PERSONS

- 1 A person who suffers or has suffered from mental illness, psychopathic disorder, mental handicap or severe mental handicap and on account of that condition either—
 - (a) is resident in a hospital or similar institution; or
 - (b) regularly attends for treatment by a medical practitioner.
 - 2 A person for the time being under guardianship under section 7 of the Mental Health Act 1983.
 - 3 A person who, under Part 7 of that Act, has been determined by a judge to be incapable, by reason of mental disorder, of managing and administering his property and affairs.
 - 4 (1) In this Part of this Schedule—
 - (a) “mental handicap” means a state of arrested or incomplete development of mind (not amounting to severe mental handicap) which includes significant impairment of intelligence and social functioning;
 - (b) “severe mental handicap” means a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning;
 - (c) other expressions are to be construed in accordance with the Mental Health Act 1983.
- (2) For the purposes of this Part a person is to be treated as being under guardianship under section 7 of the Mental Health Act 1983 at any time while he is subject to guardianship pursuant to an order under section 116A(2)(b) of the Army Act 1955, section 116A(2)(b) of the Air Force Act 1955 or section 63A(2)(b) of the Naval Discipline Act 1957.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

PART 2

PERSONS DISQUALIFIED

- 5 A person who is on bail in criminal proceedings (within the meaning of the Bail Act 1976).
- 6 A person who has at any time been sentenced in the United Kingdom, the Channel Islands or the Isle of Man—
 - (a) to imprisonment for life, detention for life or custody for life,
 - (b) to detention during her Majesty’s pleasure or during the pleasure of the Secretary of State,
 - (c) to imprisonment for public protection or detention for public protection,
 - (d) to an extended sentence under section 227 or 228 of the Criminal Justice Act 2003 or section 210A of the Criminal Procedure (Scotland) Act 1995, or
 - (e) to a term of imprisonment of five years or more or a term of detention of five years or more.
- 7 A person who at any time in the last ten years has—
 - (a) in the United Kingdom, the Channel Islands or the Isle of Man—
 - (i) served any part of a sentence of imprisonment or a sentence of detention, or
 - (ii) had passed on him a suspended sentence of imprisonment or had made in respect of him a suspended order for detention,
 - (b) in England and Wales, had made in respect of him a community order under section 177 of the Criminal Justice Act 2003, a community rehabilitation order, a community punishment order, a community punishment and rehabilitation order, a drug treatment and testing order or a drug abstinence order, or
 - (c) had made in respect of him any corresponding order under the law of Scotland, Northern Ireland, the Isle of Man or any of the Channel Islands.
- 8 For the purposes of this Part of this Schedule—
 - (a) a sentence passed by a court-martial is to be treated as having been passed in the United Kingdom, and
 - (b) a person is sentenced to a term of detention if, but only if—
 - (i) a court passes on him, or makes in respect of him on conviction, any sentence or order which requires him to be detained in custody for any period, and
 - (ii) the sentence or order is available only in respect of offenders below a certain age,and any reference to serving a sentence of detention is to be construed accordingly.”

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I600 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

^{F287}SCHEDULE 34

Section 324

Textual Amendments

F287 Sch. 34 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F288}SCHEDULE 34A

CHILD SEX OFFENCES FOR PURPOSES OF SECTION 327A

Textual Amendments

F288 Sch. 34A inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 140, 153, **Sch. 24**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 43

Offences under provisions repealed by Sexual Offences Act 2003

- 1 An offence under—
 - (a) section 5 or 6 of the Sexual Offences Act 1956 (intercourse with girl under 13 or 16), or
 - (b) section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16).
- 2 An offence under any of—
 - (a) section 1 of that Act (rape),
 - (b) section 10 of that Act (incest by a man), and
 - (c) sections 12 to 16 of that Act (buggery, indecency between men, indecent assault and assault with intent to commit buggery),
 where the victim or (as the case may be) the other party was under 18 at the time of the offence.
- 3 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards child under 14).
- 4 An offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape where the intended offence was an offence against a person under 18.
- 5 An offence under section 54 of the Criminal Law Act 1977 (incitement of child under 16 to commit incest).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- 6 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust).

Other offences

- 7 An offence under any of—
- (a) sections 5 to 8 of the Sexual Offences Act 2003 (rape and other offences against children under 13),
 - (b) sections 9 to [F289]15A] of that Act (child sex offences),
 - (c) sections 16 to 19 of that Act (abuse of position of trust),
 - (d) sections 25 and 26 of that Act (familial child sex offences), and
 - (e) sections 47 to 50 of that Act ([F290]sexual exploitation of children)).

Textual Amendments

F289 Word in Sch. 34A para. 7(b) substituted (3.4.2017) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 70\(2\)](#); S.I. 2017/511, reg. 2(b)(iv)

F290 Words in Sch. 34A para. 7(e) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 70\(3\)](#); S.I. 2015/820, reg. 2(r)(xi)

- 8 An offence under any of—
- (a) sections 1 to 4 of that Act (rape, assault and causing sexual activity without consent),
 - (b) sections 30 to 41 of that Act (persons with a mental disorder impeding choice, inducements etc to persons with a mental disorder, and care workers for persons with a mental disorder), and
 - (c) section 61 of that Act (administering a substance with intent),
- where the victim of the offence was under 18 at the time of the offence.
- 9 An offence under section 62 or 63 of that Act (committing an offence with intent to commit a sexual offence and trespass with intent to commit a sexual offence) where the intended offence was an offence against a person under 18.
- 10 An offence under section 66 [F291, 66A, 66B(2) or (3)][F292, 67 or 67A] of that Act (exposure [F293, sending etc photograph or film of genitals, sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification] and voyeurism) where the victim or intended victim of the offence was under 18 at the time of the offence.

Textual Amendments

F291 Words in Sch. 34A para. 10 inserted (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), s. 240(1), [Sch. 14 para. 17\(3\)\(a\)](#); S.I. 2024/31, reg. 2

F292 Words in Sch. 34A para. 10 substituted (12.4.2019) by [Voyeurism \(Offences\) Act 2019 \(c. 2\)](#), [ss. 1\(6\), 2\(2\)](#)

F293 Words in Sch. 34A para. 10 inserted (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), s. 240(1), [Sch. 14 para. 17\(3\)\(b\)](#); S.I. 2024/31, reg. 2

- 11 An offence under—
- (a) section 1 of the Protection of Children Act 1978 (indecent photographs of children), or

Status: Point in time view as at 10/09/2024.

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- (b) section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child).
- 12 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles) where the prohibited goods included any indecent photograph showing a person under 18.
- 13 An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) in relation to an image showing a person under 18.
- [^{F294}13A An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).]

Textual Amendments

F294 Sch. 34A para. 13A inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177, 182, [Sch. 21 para. 63](#) (with s. 180, [Sch. 22](#)); [S.I. 2010/816](#), [art. 2](#), [Sch. paras. 14\(a\), 20\(a\)](#)

- [^{F295}13B An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual).]

Textual Amendments

F295 [Sch. 34A para. 13B](#) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 70\(4\)](#); [S.I. 2015/820](#), [reg. 2\(r\)\(xi\)](#)

General

- 14 A reference in this Schedule to an offence (“offence A”) includes—
- (a) a reference to an attempt to commit offence A,
 - (b) a reference to a conspiracy to commit offence A,
 - (c) a reference to incitement to commit offence A,
 - (d) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed, and
 - (e) a reference to aiding and abetting, counselling or procuring the commission of offence A.
- 15 A reference in this Schedule to an offence (“offence A”) includes—
- (a) a reference to an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning given by the section in question) is offence A, and
 - (b) a reference to an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is offence A;
- and section 48 of that Act (attempts etc. outside England and Wales) applies for the purposes of paragraph (b) as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to that paragraph.]

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

SCHEDULE 35

Section 328

CRIMINAL RECORD CERTIFICATES: AMENDMENTS OF PART 5 OF POLICE ACT 1997

Extent Information

- E1** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

1 The Police Act 1997 (c. 50) is amended as follows.

Extent Information

- E2** Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

Commencement Information

- I601** Sch. 35 para. 1 wholly in force at 3.12.2007; Sch. 35 para. 1 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 1 in force for E.W. at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(i)** and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

2 **F296**

Textual Amendments

- F296** Sch. 35 para. 2 repealed (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 112, 116**, **Sch. 8 Pt. 8**; [S.I. 2010/125](#), **art. 2(q)(u)**

3 ^{F297}(1) Section 113 (criminal record certificates) is amended as follows.

(2) In subsection (1)—

- (a) at the beginning there is inserted “ Subject to subsection (4A) ”,
- (b) in paragraph (a), after “prescribed” there is inserted “ manner and ”, and
- (c) in paragraph (b), after “pays” there is inserted “ in the prescribed manner ”.

(3) After subsection (4) there is inserted—

“(4A) The Secretary of State may treat an application under this section as an application under section 115 if—

- (a) in his opinion the certificate is required for a purpose prescribed under subsection (2) of that section,
- (b) the registered person provides him with the statement required by subsection (2) of that section, and
- (c) the applicant consents and pays to the Secretary of State the amount (if any) by which the fee payable in relation to an application under section 115 exceeds the fee paid in relation to the application under this section.”.]

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Extent Information

E3 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

Textual Amendments

F297 Sch. 35 para. 3 repealed (6.4.2006 for E.W., otherwise prosp.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 174, 178, Sch. 17 Pt. 2**; S.I. 2006/378, **art. 7(f)(ix)**

Commencement Information

I602 Sch. 35 para. 3 partly in force; Sch. 35 para. 3 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 3(1)(2)(b)(c) in force at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(i)**

⁴ [F²⁹⁸(1) Section 115 (enhanced criminal record certificates) is amended as follows.

(2) In subsection (1)—

- (a) at the beginning there is inserted “ Subject to subsection (9A), ”,
- (b) in paragraph (a), after “prescribed” there is inserted “ manner and ”, and
- (c) in paragraph (b), after “pays” there is inserted “ in the prescribed manner ”.

(3) In subsection (2), for paragraphs (a) to (c) there is substituted “ for such purposes as may be prescribed under this subsection ”.

(4) Subsections (3) to (5) and subsections (6C) to (6E) are omitted.

(5) After subsection (9) there is inserted—

“(9A) The Secretary of State may treat an application under this section as an application under section 113 if in his opinion the certificate is not required for a purpose prescribed under subsection (2).

(9B) Where by virtue of subsection (9A) the Secretary of State treats an application under this section as an application under section 113, he must refund to the applicant the amount (if any) by which the fee paid in relation to the application under this section exceeds the fee payable in relation to an application under section 113.”]

Extent Information

E4 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

Textual Amendments

F298 Sch. 35 para. 4 repealed (6.4.2006 for E.W., otherwise prosp.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 174, 178, Sch. 17 Pt. 2**; S.I. 2006/378, **art. 7(f)(ix)**

Commencement Information

I603 Sch. 35 para. 4 partly in force; Sch. 35 para. 4 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 4(1)(2)(b)(c) in force at 29.1.2004 and Sch. 35 para. 4(3) in force for certain purposes at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(i)(ii)**

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- 5 In section 116 (enhanced criminal record certificates: judicial appointments and Crown employment), in subsection (2)(b), for the words from “to which” onwards there is substituted “of such description as may be prescribed”.

Extent Information

E5 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

Commencement Information

I604 Sch. 35 para. 5 wholly in force at 1.4.2008; Sch. 35 para. 5 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 5 in force for certain purposes at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(ii)**; Sch. 35 para. 5 in force for E.W. at 6.4.2006 in so far as it is not already in force by [S.I. 2006/751](#), **art. 2** and in force for N.I. at 1.4.2008 by [S.I. 2008/694](#), **art. 2**

- 6 (1) Section 120 (registered persons) is amended as follows.

- (2) For subsection (2) there is substituted—

“(2) Subject to regulations under section 120ZA and 120AA and to section 120A the Secretary of State shall include in the register any person who—

- (a) applies to him in writing to be registered,
- (b) satisfies the conditions in subsections (4) to (6), and
- (c) has not in the period of two years ending with the date of the application been removed from the register under section 120A or 120AA.”

- (3) Subsection (3) is omitted.

Extent Information

E6 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, 178(1)(a)

Commencement Information

I605 Sch. 35 para. 6 wholly in force at 3.12.2007; Sch. 35 para. 6 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 6 in force for E.W. at 6.4.2006 by [S.I. 2006/751](#), **art. 2** and Sch. 35 para. 6(1)(2)(3) in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

- 7 After section 120 there is inserted—

“120ZA Regulations about registration

- (1) The Secretary of State may by regulations make further provision about registration.
- (2) Regulations under this section may in particular make provision for—
 - (a) the payment of fees,
 - (b) the information to be included in the register,
 - (c) the registration of any person to be subject to conditions,
 - (d) the nomination by—
 - (i) a body corporate or unincorporate, or

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- (ii) a person appointed to an office by virtue of any enactment, of the individuals authorised to act for it or, as the case may be, him in relation to the countersigning of applications under this Part, and
 - (e) the refusal by the Secretary of State, on such grounds as may be specified in or determined under the regulations, to accept or to continue to accept the nomination of a person as so authorised.
- (3) The provision which may be made by virtue of subsection (2)(c) includes provision—
- (a) for the registration or continued registration of any person to be subject to prescribed conditions or, if the regulations so provide, such conditions as the Secretary of State thinks fit, and
 - (b) for the Secretary of State to vary or revoke those conditions.
- (4) The conditions imposed by virtue of subsection (2)(c) may in particular include conditions—
- (a) requiring a registered person, before he countersigns an application at an individual's request, to verify the identity of that individual in the prescribed manner,
 - (b) requiring an application under section 113 or 115 to be transmitted by electronic means to the Secretary of State by the registered person who countersigns it, and
 - (c) requiring a registered person to comply with any code of practice for the time being in force under section 122.”

Extent Information

E7 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, **178(1)(a)**

Commencement Information

I606 Sch. 35 para. 7 wholly in force at 3.12.2007; Sch. 35 para. 7 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 7 in force for E.W. at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(i)** and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

- 8 At the end of the sidenote to section 120A (refusal and cancellation of registration) there is inserted “ on grounds related to disclosure ”.

Extent Information

E8 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, **178(1)(a)**

Commencement Information

I607 Sch. 35 para. 8 wholly in force at 3.12.2007; Sch. 35 para. 8 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 8 in force for E.W. at 6.4.2006 by [S.I. 2006/751](#), **art. 2** and Sch. 35 para. 8 in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

- 9 After section 120A there is inserted—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

“120AA Refusal, cancellation or suspension of registration on other grounds

- (1) Regulations may make provision enabling the Secretary of State in prescribed cases to refuse to register a person who, in the opinion of the Secretary of State, is likely to countersign fewer applications under this Part in any period of twelve months than a prescribed minimum number.
- (2) Subsection (3) applies where a registered person—
 - (a) is, in the opinion of the Secretary of State, no longer likely to wish to countersign applications under this Part,
 - (b) has, in any period of twelve months during which he was registered, countersigned fewer applications under this Part than the minimum number specified in respect of him by regulations under subsection (1), or
 - (c) has failed to comply with any condition of his registration.
- (3) Subject to section 120AB, the Secretary of State may—
 - (a) suspend that person’s registration for such period not exceeding 6 months as the Secretary of State thinks fit, or
 - (b) remove that person from the register.

120AB Procedure for cancellation or suspension under section 120AA

- (1) Before cancelling or suspending a person’s registration by virtue of section 120AA, the Secretary of State must send him written notice of his intention to do so.
- (2) Every such notice must—
 - (a) give the Secretary of State’s reasons for proposing to cancel or suspend the registration, and
 - (b) inform the person concerned of his right under subsection (3) to make representations.
- (3) A person who receives such a notice may, within 21 days of service, make representations in writing to the Secretary of State as to why the registration should not be cancelled or suspended.
- (4) After considering such representations, the Secretary of State must give the registered person written notice—
 - (a) that at the end of a further period of six weeks beginning with the date of service, the person’s registration will be cancelled or suspended, or
 - (b) that he does not propose to take any further action.
- (5) If no representations are received within the period mentioned in subsection (3) the Secretary of State may cancel or suspend the person’s registration at the end of the period mentioned in that subsection.
- (6) Subsection (1) does not prevent the Secretary of State from imposing on the registered person a lesser sanction than that specified in the notice under that subsection.

Status: Point in time view as at 10/09/2024.

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- (7) Any notice under this section that is required to be given in writing may be given by being transmitted electronically.
- (8) This section does not apply where—
- (a) the Secretary of State is satisfied, in the case of a registered person other than a body, that the person has died or is incapable, by reason of physical or mental impairment, of countersigning applications under this Part, or
 - (b) the registered person has requested to be removed from the register.
- (9) The Secretary of State may by regulations amend subsection (4)(a) by substituting for the period there specified, such other period as may be specified in the regulations.”

Extent Information

E9 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 167\(a\)](#), [178\(1\)\(a\)](#)

Commencement Information

I608 Sch. 35 para. 9 wholly in force at 3.12.2007; Sch. 35 para. 9 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 9 in force for E.W. at 6.4.2006 by [S.I. 2006/751](#), [art. 2](#) and Sch. 35 para. 9 in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), [art. 2\(b\)](#)

10 After section 122 there is inserted—

“122A Delegation of functions of Secretary of State

- (1) The Secretary of State may, to such extent and subject to such conditions as he thinks fit, delegate any relevant function of his under this Part to such person as he may determine.
- (2) A function is relevant for the purposes of subsection (1) if it does not consist of a power—
 - (a) to make regulations, or
 - (b) to publish or revise a code of practice or to lay any such code before Parliament.
- (3) A delegation under subsection (1) may be varied or revoked at any time.”

Extent Information

E10 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 167\(a\)](#), [178\(1\)\(a\)](#)

Commencement Information

I609 Sch. 35 para. 10 wholly in force at 3.12.2007; Sch. 35 para. 10 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 10 in force for E.W. at 29.1.2004 by [S.I. 2004/81](#), [art. 4\(2\)\(o\)\(i\)](#) and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), [art. 2\(b\)](#)

11 After section 124 (offences: disclosure) there is inserted—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

“124A Further offences: disclosure of information obtained in connection with delegated function

- (1) Any person who is engaged in the discharge of functions conferred by this Part on the Secretary of State commits an offence if he discloses information which has been obtained by him in connection with those functions and which relates to a particular person unless he discloses the information, in the course of his duties,—
 - (a) to another person engaged in the discharge of those functions,
 - (b) to the chief officer of a police force in connection with a request under this Part to provide information to the Secretary of State, or
 - (c) to an applicant or registered person who is entitled under this Part to the information disclosed to him.
- (2) Where information is disclosed to a person and the disclosure—
 - (a) is an offence under subsection (1), or
 - (b) would be an offence under subsection (1) but for subsection (3)(a), (d) or (e),the person to whom the information is disclosed commits an offence if he discloses it to any other person.
- (3) Subsection (1) does not apply to a disclosure of information which is made—
 - (a) with the written consent of the person to whom the information relates,
 - (b) to a government department,
 - (c) to a person appointed to an office by virtue of any enactment,
 - (d) in accordance with an obligation to provide information under or by virtue of any enactment, or
 - (e) for some other purpose specified in regulations made by the Secretary of State.
- (4) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 3 on the standard scale, or to both.
- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (4) to 51 weeks is to be read as a reference to 6 months.”

Extent Information

E11 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, **178(1)(a)**

Commencement Information

I610 Sch. 35 para. 11 wholly in force at 3.12.2007; Sch. 35 para. 11 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 11 in force for E.W. at 29.1.2004 by [S.I. 2004/81](#), **art. 4(2)(o)(i)** and in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

- 12 In section 125 (regulations)—
- (a) subsection (3) is omitted, and

Status: Point in time view as at 10/09/2024.

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- (b) in subsection (4), the words “to which subsection (3) does not apply” are omitted.

Extent Information

E12 Sch. 35: extent widened (7.4.2005) from E.W. to E.W.N.I. as a result of the amendment to s. 337(5) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 167(a)**, **178(1)(a)**

Commencement Information

I611 Sch. 35 para. 12 wholly in force at 3.12.2007; Sch. 35 para. 12 not in force at Royal Assent, see s. 336(3); Sch. 35 para. 12 in force for E.W. at 6.4.2006 by [S.I. 2006/751](#), **art. 2** and Sch. 35 para. 12(a)(b) in force for N.I. at 3.12.2007 by [S.I. 2007/3340](#), **art. 2(b)**

SCHEDULE 36

Section 331

FURTHER MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

BAIL

Bail Act 1976 (c. 63)

- 1 The Bail Act 1976 is amended as follows.

Commencement Information

I612 Sch. 36 para. 1 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), **art. 2(1)(2)** (subject to [art. 2\(3\)-\(6\)](#))

PROSPECTIVE

- 2 (1) Section 5(6A)(a) (supplementary provisions about decisions on bail) is amended as follows.
- (2) After “examination” there is inserted “, section 52(5) of the Crime and Disorder Act 1998 (adjournment of proceedings under section 51 etc) ”.
- (3) After sub-paragraph (ii) there is inserted—
“(ia) section 17C (intention as to plea: adjournment), or”.
- (4) After sub-paragraph (iii) there is inserted “or
(iiia) section 24C (intention as to plea by child or young person: adjournment),”.
- 3 In Part 3 of Schedule 1 (interpretation) for paragraph 2 there is substituted—
“2 References in this Schedule to previous grants of bail include—

Status: Point in time view as at 10/09/2024.

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- (a) bail granted before the coming into force of this Act;
- (b) as respects the reference in paragraph 2A of Part 1 of this Schedule (as substituted by section 14(1) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph;
- (c) as respects the references in paragraph 6 of Part 1 of this Schedule (as substituted by section 15(1) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph;
- (d) as respects the references in paragraph 9AA of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
- (e) as respects the references in paragraph 9AB of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
- (f) as respects the reference in paragraph 5 of Part 2 of this Schedule (as substituted by section 13(4) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph.”

Commencement Information

I613 Sch. 36 para. 3 wholly in force at 1.1.2007, see s. 336(3) and [S.I. 2006/3217](#), [art. 2](#) (subject to [art. 3](#))

Supreme Court Act 1981 (c. 54)

- 4 (1) Section 81 of the Supreme Court Act 1981 (bail) is amended as follows.
- (2) In subsection (1)(g) after “examination” there is inserted “, section 52(5) of the Crime and Disorder Act 1998 (adjournment of proceedings under section 51 etc)”.
 - (3) In subsection (1)(g) the word “or” at the end of sub-paragraph (ii) is omitted and after that sub-paragraph there is inserted—
“(ia) section 17C (intention as to plea: adjournment);”.
 - (4) In subsection (1)(g) after sub-paragraph (iii) there is inserted “or
(iia) section 24C (intention as to plea by child or young person: adjournment);”.

Commencement Information

I614 Sch. 36 para. 4 in force at 18.6.2012 by [S.I. 2012/1320](#), [art. 3\(e\)](#)

Police and Criminal Evidence Act 1984 (c. 60)

- 5 In section 38(2A) of the Police and Criminal Evidence Act 1984 (bail granted by custody officer after charge)—
- (a) for “2” there is substituted “2(1)”, and
 - (b) after “1976” there is inserted “ (disregarding paragraph 2(2) of that Part) ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I615 Sch. 36 para. 5 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

PART 2

CHARGING ETC

Criminal Law Act 1977 (c. 45)

6 In section 39 of the Criminal Law Act 1977 (service of summons and citation throughout United Kingdom) for subsection (1) there is substituted—

“(1) The following documents, namely—

- (a) a summons requiring a person charged with an offence to appear before a court in England or Wales,
- (b) a written charge (within the meaning of section 29 of the Criminal Justice Act 2003) charging a person with an offence,
- (c) a requisition (within the meaning of that section) requiring a person charged with an offence to appear before a court in England or Wales, and
- (d) any other document which, by virtue of any enactment, may or must be served on a person with, or at the same time as, a document mentioned in paragraph (a), (b) or (c) above,

may, in such manner as may be prescribed by rules of court, be served on him in Scotland or Northern Ireland.”

PROSPECTIVE

Magistrates' Courts Act 1980 (c. 43)

7 The Magistrates' Courts Act 1980 is amended as follows.

8 (1) Section 1 (issue of summons to accused or warrant for his arrest) is amended as follows.

(2) In subsection (3) after “section” there is inserted “ upon an information being laid ”.

(3) In subsection (4) after “summons” there is inserted “ , or a written charge and requisition, ”.

(4) In subsection (6) after “has” there is inserted “ , or a written charge and requisition have, ”.

(5) After subsection (6) there is inserted—

“(6A) Where the offence charged is an indictable offence and a written charge and requisition have previously been issued, a warrant may be issued under this section by a justice of the peace upon a copy of the written charge (rather than an information) being laid before the justice by a public prosecutor.”

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

(6) After subsection (7) there is inserted—

“(7A) For the purposes of subsection (6A) above, a copy of a written charge may be laid before, and a warrant under this section may be issued by, a single justice of the peace.”

9 In section 150(1) (interpretation of other terms) after the definition of “prescribed” there is inserted—

““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.

Prosecution of Offences Act 1985 (c. 23)

10 (1) Section 15 of the Prosecution of Offences Act 1985 (interpretation) is amended as follows.

(2) In subsection (1) after the definition of “public authority” there is inserted—

““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.

(3) In subsection (2), after paragraph (b) there is inserted—

“(ba) where a public prosecutor issues a written charge and requisition for the offence, when the written charge and requisition are issued;”.

PROSPECTIVE

Criminal Justice and Public Order Act 1994 (c. 33)

11 (1) Section 51 of the Criminal Justice and Public Order Act 1994 (intimidation, etc, of witnesses, jurors and others) is amended as follows.

(2) In subsection (9), for the word “and” at the end of the definition of “potential” there is substituted—

““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”

(3) In subsection (10)(a), after sub-paragraph (i) there is inserted—

“(ia) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

PROSPECTIVE

Drug Trafficking Act 1994 (c. 37)

12 (1) Section 60 of the Drug Trafficking Act 1994 (prosecution by order of Commissioners of Customs and Excise) is amended as follows.

(2) In subsection (6) for the word “and” at the end of the definition of “officer” there is substituted—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.

(3) In subsection (6A), after paragraph (a) there is inserted—

“(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

PROSPECTIVE

Merchant Shipping Act 1995 (c. 21)

13 (1) Section 145 of the Merchant Shipping Act 1995 (interpretation of section 144) is amended as follows.

(2) In subsection (2)(a), after sub-paragraph (i) there is inserted—

“(ia) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

(3) After subsection (2) there is inserted—

“(2A) In subsection (2) above “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

PROSPECTIVE

Terrorism Act 2000 (c. 11)

14 (1) Paragraph 11 of Schedule 4 to the Terrorism Act 2000 (proceedings for an offence: timing) is amended as follows.

(2) In sub-paragraph (1), after paragraph (a) there is inserted—

“(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

(3) After sub-paragraph (2) there is inserted—

“(2A) In sub-paragraph (1) “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

Proceeds of Crime Act 2002 (c. 29)

15 (1) Section 85 of the Proceeds of Crime Act 2002 (proceedings) is amended as follows.

(2) In subsection (1), after paragraph (a) there is inserted—

“(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

(3) After subsection (8) there is inserted—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

“(9) In this section “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

PROSPECTIVE

Crime (International Co-operation) Act 2003 (c. 32)

16 After section 4 of the Crime (International Co-operation) Act 2003 there is inserted—

“4A General requirements for service of written charge or requisition

- (1) This section applies to the following documents issued for the purposes of criminal proceedings in England and Wales by a prosecutor—
 - (a) a written charge (within the meaning of section 29 of the Criminal Justice Act 2003),
 - (b) a requisition (within the meaning of that section).
- (2) The written charge or requisition may be issued in spite of the fact that the person on whom it is to be served is outside the United Kingdom.
- (3) Where the written charge or requisition is to be served outside the United Kingdom and the prosecutor believes that the person on whom it is to be served does not understand English, the written charge or requisition must be accompanied by a translation of it in an appropriate language.
- (4) A written charge or requisition served outside the United Kingdom must be accompanied by a notice giving any information required to be given by rules of court.
- (5) If a requisition is served outside the United Kingdom, no obligation under the law of England and Wales to comply with the requisition is imposed by virtue of the service.
- (6) Accordingly, failure to comply with the requisition is not a ground for issuing a warrant to secure the attendance of the person in question.
- (7) But the requisition may subsequently be served on the person in question in the United Kingdom (with the usual consequences for non-compliance).

4B Service of written charge or requisition otherwise than by post

- (1) A written charge or requisition to which section 4A applies may, instead of being served by post, be served on a person outside the United Kingdom in accordance with arrangements made by the Secretary of State.
- (2) But where the person is in a participating country, the written charge or requisition may be served in accordance with those arrangements only if one of the following conditions is met.
- (3) The conditions are—
 - (a) that the correct address of the person is unknown,

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- (b) that it has not been possible to serve the written charge or requisition by post,
- (c) that there are good reasons for thinking that service by post will not be effective or is inappropriate.”

PART 3

DISCLOSURE

Prosecution of Offences Act 1985 (c. 23)

- 17 In section 22B of the Prosecution of Offences Act 1985 (re-institution of proceedings stayed under section 22(4) or 22A(5)), in subsection (5)(a) for “section 3, 4, 7 or 9” there is substituted “ section 3, 4 or 7A ”.

Commencement Information

I616 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 43(a) (subject to art. 2(2), Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, art. 2(1)(2) (subject to art. 2(3))

Criminal Justice Act 1987 (c. 38)

- 18 In section 9 of the Criminal Justice Act 1987 (preparatory hearings in serious fraud cases etc.), paragraphs (i) and (iii) of subsection (5) are omitted.

Commencement Information

I617 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 43(a) (subject to art. 2(2), Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, art. 2(1)(2) (subject to art. 2(3))

Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))

- 19 In Article 8 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (preparatory hearings in serious fraud cases etc.), sub-paragraphs (i) and (iii) of paragraph (5) are omitted.

Commencement Information

I618 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 43(a) (subject to art. 2(2), Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, art. 2(1)(2) (subject to art. 2(3))

Criminal Procedure and Investigations Act 1996 (c. 25)

- 20 The Criminal Procedure and Investigations Act 1996 is amended as follows.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I619 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 21 In section 3 (primary disclosure by prosecutor), for the heading there is substituted “**Initial duty of prosecutor to disclose**”.

Commencement Information

I620 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 22 In section 4 (primary disclosure: further provisions), in the heading for “**Primary disclosure**” there is substituted “**Initial duty to disclose**”.

Commencement Information

I621 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 23 In section 5 (compulsory disclosure by accused), subsections (6) to (9) are omitted.

Commencement Information

I622 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 24 In section 6 (voluntary disclosure by accused), subsection (3) is omitted.

Commencement Information

I623 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 25 Section 7 (secondary disclosure by prosecutor) shall cease to have effect.

Commencement Information

I624 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 26 Section 9 (continuing duty of prosecutor to disclose) shall cease to have effect.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I625 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

27 In section 10 (prosecutor’s failure to observe time limits), in subsection (1), for paragraph (b) there is substituted—

“(b) purports to act under section 7A(5) after the end of the period which, by virtue of section 12, is the relevant period for section 7A.”

Commencement Information

I626 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

28 In section 12 (time limits)—

(a) in subsection (1), for “and 7” there is substituted “, 6B, 6C and 7A(5) ”;

(b) in subsection (5), for “7” there is substituted “ 7A(5) ”.

Commencement Information

I627 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

29 In section 13 (time limits: transitional), for subsection (2) there is substituted—

“(2) As regards a case in relation to which no regulations under section 12 have come into force for the purposes of section 7A, section 7A(5) shall have effect as if—

(a) in paragraph (a) for the words from “during the period” to the end, and

(b) in paragraph (b) for “during that period”,

there were substituted “ as soon as is reasonably practicable after the accused gives the statement in question ”.”

Commencement Information

I628 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

30 In section 14 (public interest: review for summary trials), in subsection (2)(a), for “7(5), 8(5) or 9(8)” there is substituted “ 7A(8) or 8(5) ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I629 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 31 In section 15 (public interest: review in other cases), in subsection (2)(a), for “7(5), 8(5) or 9(8)” there is substituted “ 7A(8) or 8(5) ”.

Commencement Information

I630 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 32 In section 16 (applications: opportunity to be heard), in paragraph (a) and in the words after paragraph (c), for “7(5), 8(5), 9(8)” there is substituted “ 7A(8), 8(5) ”.

Commencement Information

I631 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 33 In section 17 (confidentiality of disclosed information), in subsection (1)(a), for “7, 9” there is substituted “ 7A ”.

Commencement Information

I632 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 34 In section 19 (rules of court) in subsection (2)(b) and (d), for “7(5), 8(2) or (5), 9(8)” there is substituted “ 5(5B), 6B(6), 6E(5), 7A(8), 8(2) or (5) ”.

Commencement Information

I633 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 35 In section 20 (other statutory rules as to disclosure)—
(a) subsection (2) is omitted, and
(b) in subsection (5)(a), for “sections 3 to 9” there is substituted “ sections 3 to 8 ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I634 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 36 In section 31 (preparatory hearings in complex cases etc.), paragraphs (a) and (c) of subsection (6) are omitted.

Commencement Information

I635 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 37 (1) Section 77 (orders and regulations) is amended as follows.
- (2) In subsection (5)—
- (a) after “No” there is inserted “ regulations or ”, and
- (b) after “section” there is inserted “ 6A or ”.
- (3) In subsection (6)(b) after “regulations” there is inserted “ (other than regulations under section 6A) ”.

Commencement Information

I636 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 38 In Schedule 4 (modifications for Northern Ireland), in paragraph 7, for “3(6), 7(5), 8(5) or 9(8)” there is substituted “ 3(6), 7A(8) or 8(5) ”.

Commencement Information

I637 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

Sexual Offences (Protected Material) Act 1997 (c. 39)

- 39 In section 9(4) of the Sexual Offences (Protected Material) Act 1997 (which, when in force, will add a subsection (6) to section 1 of the Criminal Procedure and Investigations Act 1996), for “section 3, 7 or 9” there is substituted “ section 3 or 7A ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I638 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(a) (subject to **art. 2(2)**, Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

PART 4

TRIALS ON INDICTMENT WITHOUT A JURY

Indictments Act 1915 (c. 90)

- 40 (1) Section 5 of the Indictments Act 1915 (orders for amendment of indictment, separate trial and postponement of trial) is amended as follows.
- (2) In subsection (5)(a) for “are to” there is substituted “ (if there is one) ”.
- (3) In subsection (5)(b) after “discharged” there is inserted “ under paragraph (a) ”.

Commencement Information

I639 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

Criminal Law Act 1967 (c. 58)

- 41 In section 6(4) of the Criminal Law Act 1967 (trial of offences) after “jury” there is inserted “ or otherwise act ”.

Commencement Information

I640 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

Criminal Justice Act 1967 (c. 80)

- 42 In section 17 of the Criminal Justice Act 1967 (entry of verdict of not guilty by order of a judge)—
- (a) for “the defendant being given in charge to a jury” there is substituted “ any further steps being taken in the proceedings ”, and
- (b) after “verdict of a jury” there is inserted “ or a court ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I641 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

Criminal Law Act (Northern Ireland) 1967 (c. 18)

- 43 In section 6(3) of the Criminal Law Act (Northern Ireland) 1967 (trial of offences) after “jury” there is inserted “ or otherwise act ”.

Commencement Information

I642 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

Criminal Appeal Act 1968 (c. 19)

- 44 In section 7(2)(c) of the Criminal Appeal Act 1968 (power to order retrial)—
- (a) for “the jury were discharged from giving a verdict” there is substituted “ no verdict was given ”, and
 - (b) for “convicting him” there is substituted “ his being convicted ”.

Commencement Information

I643 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

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

- 45 (1) Section 48 of the Judicature (Northern Ireland) Act 1978 (committal for trial on indictment) is amended as follows.
- (2) In subsection (6A) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After subsection (6A) there is inserted—
- “(6B) The reference in subsection (6A) to the time when the jury are sworn includes the time when the jury would be sworn but for—
- (a) the making of an order under Part 7 of the Criminal Justice Act 2003, or
 - (b) the application of [F299] section 5 of the Justice and Security (Northern Ireland) Act 2007].”

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

F299 Words in Sch. 36 para. 45(3) substituted (1.8.2007 and shall expire (1.8.2009) in accordance with s. 9(1) of the amending Act) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 8, 53, Sch. 1 para. 4](#); [S.I. 2007/2045, art. 2\(2\)\(3\)\(h\)\(q\)](#) (with [art. 3](#)); with saving (N.I.) (at the end of 31.7.2007) by [The Terrorism \(Northern Ireland\) Act 2006 \(Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2259\), art. 2](#)

Commencement Information

I644 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835, art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422, art. 2](#)

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

- 46 In section 6(3)(c) of the Criminal Appeal (Northern Ireland) Act 1980 (power to order retrial) for “the jury were discharged from giving a verdict” there is substituted “no verdict was given”.

Commencement Information

I645 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835, art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422, art. 2](#)

Supreme Court Act 1981 (c. 54)

- 47 (1) Section 76 of the Supreme Court Act 1981 (committal for trial: alteration of place of trial) is amended as follows.
- (2) In subsection (2A) for “the jury are sworn” there is substituted “the time when the jury are sworn”
- (3) After subsection (2A) there is inserted—
- “(2B) The reference in subsection (2A) to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

Commencement Information

I646 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835, art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422, art. 2](#)

Police and Criminal Evidence Act 1984 (c. 60)

- 48 (1) Section 77 of the Police and Criminal Evidence Act 1984 (confessions of mentally handicapped persons) is amended as follows.
- (2) In subsection (1) after “indictment” there is inserted “with a jury”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

(3) In subsection (2) after “indictment” there is inserted “ with a jury ”.

(4) After subsection (2) there is inserted—

“(2A) In any case where at the trial on indictment without a jury of a person for an offence it appears to the court that a warning under subsection (1) above would be required if the trial were with a jury, the court shall treat the case as one in which there is a special need for caution before convicting the accused on his confession.”

Commencement Information

I647 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Prosecution of Offences Act 1985 (c. 23)

49 The Prosecution of Offences Act 1985 is amended as follows.

Commencement Information

I648 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

50 In section 7A(6)(a) (powers of non-legal staff) for “by a jury” there is substituted “ on indictment ”.

Commencement Information

I649 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

51 (1) Section 22 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings) is amended as follows.

(2) In subsection (11A)—

- (a) for “when a jury is sworn” there is substituted “ at the time when a jury is sworn ”,
- (b) for “a jury is sworn” there is substituted “ the time when a jury is sworn ”.

(3) After that subsection there is inserted—

“(11AA) The references in subsection (11A) above to the time when a jury is sworn include the time when that jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I650 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

Criminal Justice Act 1987 (c. 38)

52 The Criminal Justice Act 1987 is amended as follows.

Commencement Information

I651 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

- 53 (1) Section 7 (power to order preparatory hearing) is amended as follows.
- (2) In subsection (1) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After subsection (2) there is inserted—
- “(2A) The reference in subsection (1) above to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

Commencement Information

I652 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

- 54 (1) Section 9 (the preparatory hearing) is amended as follows.
- (2) In subsection (4)(b) for “the jury” there is substituted “ a jury ”.
- (3) In subsection (13) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

Commencement Information

I653 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

- 55 (1) Section 10 (later stages of trial) is amended as follows.
- (2) In subsection (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In subsection (3) for “deciding whether to give leave” there is substituted “ doing anything under subsection (2) above or in deciding whether to do anything under it ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- (4) In subsection (4) for “Except as provided by this section” there is substituted “ Except as provided by this section, in the case of a trial with a jury ”.

Commencement Information

I654 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))

- 56 The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 is amended as follows.

Commencement Information

I655 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 57 (1) Article 6 (power to order preparatory hearing) is amended as follows.
- (2) In paragraph (1) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After paragraph (2) there is inserted—
- “(2A) The reference in paragraph (1) to the time when the jury are sworn includes the time when the jury would be sworn but for—
- (a) the making of an order under Part 7 of the Criminal Justice Act 2003,
or
- (b) the application of section 75 of the Terrorism Act 2000.”

Commencement Information

I656 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 58 (1) Article 8 (the preparatory hearing) is amended as follows.
- (2) In paragraph (4)(b) for “the jury” there is substituted “ a jury ”.
- (3) In paragraph (12) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

Commencement Information

I657 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- 59 (1) Article 9 (later stages of trial) (as originally enacted) is amended as follows.
- (2) In paragraph (1) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In paragraph (2) for “deciding whether to give leave” there is substituted “ doing anything under paragraph (1) or in deciding whether to do anything under it ”.
- (4) In paragraph (3) for “Except as provided by this Article” there is substituted “ Except as provided by this Article, in the case of a trial with a jury ”.

Commencement Information

I658 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 60 (1) Article 9 (later stages of trial) (as substituted by paragraph 6 of Schedule 3 to the Criminal Procedure and Investigations Act 1996 (c. 25)) is amended as follows.
- (2) In paragraph (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In paragraph (3) for “deciding whether to give leave” there is substituted “ doing anything under paragraph (2) or in deciding whether to do anything under it ”.
- (4) In paragraph (4) for “Except as provided by this Article” there is substituted “ Except as provided by this Article, in the case of a trial with a jury ”.

Commencement Information

I659 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 61 (1) Article 75 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (confessions of mentally handicapped persons) is amended as follows.
- (2) In paragraph (1) after “indictment” there is inserted “ with a jury ”.
- (3) In paragraph (2) after “indictment” there is inserted “ with a jury ”.
- (4) After paragraph (2) there is inserted—
- “(2A) In any case where at the trial on indictment without a jury of a person for an offence it appears to the court that a warning under paragraph (1) would be required if the trial were with a jury, the court shall treat the case as one in which there is a special need for caution before convicting the accused on his confession.”

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I660 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Criminal Justice and Public Order Act 1994 (c. 33)

62 The Criminal Justice and Public Order Act 1994 is amended as follows.

Commencement Information

I661 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

63 In section 35(2) (effect of accused’s silence at trial) after “indictment” there is inserted “ with a jury ”.

Commencement Information

I662 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

64 In section 51(10)(b) (intimidation of witnesses, jurors and others) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

Commencement Information

I663 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Criminal Procedure and Investigations Act 1996 (c. 25)

65 The Criminal Procedure and Investigations Act 1996 is amended as follows.

Commencement Information

I664 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

66 (1) Section 29 (power to order preparatory hearing) is amended as follows.

(2) In subsection (1)(a) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

(3) After subsection (4) there is inserted—

“(5) The reference in subsection (1)(a) to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

Commencement Information

I665 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

67 In section 31(4)(b) (the preparatory hearing) for “the jury” there is substituted “ a jury ”.

Commencement Information

I666 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 68 (1) Section 34 (later stages of trial) is amended as follows.
- (2) In subsection (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In subsection (3) for “deciding whether to give leave” there is substituted “ doing anything under subsection (2) or in deciding whether to do anything under it ”.
- (4) In subsection (4) for “Except as provided by this section” there is substituted “ Except as provided by this section, in the case of a trial with a jury ”.

Commencement Information

I667 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

69 In section 35(2) (appeals to Court of Appeal) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

Commencement Information

I668 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

70 In section 36(2) (appeals to House of Lords) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I669 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 71 (1) Section 39 (meaning of pre-trial hearing) is amended as follows.
- (2) In subsection (3)—
- (a) for “when a jury is sworn” there is substituted “ at the time when a jury is sworn ”,
- (b) for “a jury is sworn” there is substituted “ the time when a jury is sworn ”.
- (3) After that subsection there is inserted—
- “(4) The references in subsection (3) to the time when a jury is sworn include the time when that jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

Commencement Information

I670 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 72 (1) Schedule 4 (modifications for Northern Ireland) is amended as follows.
- (2) In paragraph 15 after the substituted version of section 39(2) there is inserted—
- “(2A) But, for the purposes of this Part, a hearing of the kind mentioned in section 45(2)(b) of the Criminal Justice Act 2003 is not a pre-trial hearing.”
- (3) In paragraph 15 in paragraph (b) of the substituted version of section 39(3)—
- (a) for “when a jury is sworn” there is substituted “ at the time when a jury is sworn ”, and
- (b) for “a jury is sworn” there is substituted “ the time when a jury is sworn ”.
- (4) After paragraph 15 there is inserted—
- “15A In section 39(4) for “(3)” substitute “ (3)(b) ”.”

Commencement Information

I671 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Crime and Disorder Act 1998 (c. 37)

- 73 In paragraph 2(2) of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal) for “a jury properly to convict him” there is substituted “ him to be properly convicted ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I672 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Youth Justice and Criminal Evidence Act 1999 (c. 23)

74 The Youth Justice and Criminal Evidence Act 1999 is amended as follows.

Commencement Information

I673 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

75 In section 32 (warning to jury) after “indictment” there is inserted “ with a jury ”.

Commencement Information

I674 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

76 In section 39(1) (warning to jury) after “indictment” there is inserted “ with a jury ”.

Commencement Information

I675 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Anti-terrorism, Crime and Security Act 2001 (c. 24)

77 In paragraph 19(6)(c) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (general interpretation) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

Commencement Information

I676 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

Proceeds of Crime Act 2002 (c. 29)

78 In section 316(9)(c) of the Proceeds of Crime Act 2002 (general interpretation) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I677 Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

PART 5

EVIDENCE

Criminal Procedure Act 1865 (c. 18)

- 79 In section 6 of the Criminal Procedure Act 1865 (witness’s conviction for offence may be proved if not admitted)—
- (a) for “A witness may be” there is substituted “ If, upon a witness being lawfully ”;
 - (b) the words “and upon being so questioned, if” are omitted.

Criminal Evidence Act 1898 (c. 36)

- 80 In section 1 of the Criminal Evidence Act 1898 (defendant as witness)—
- (a) at the beginning of subsection (2) there is inserted “ Subject to section 101 of the Criminal Justice Act 2003 (admissibility of evidence of defendant’s bad character), ”;
 - (b) subsection (3) is omitted.

Army Act 1955 (c. 18)

- 81 **F300**

Textual Amendments

F300 Sch. 36 paras. 81-84 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), 378(2), 383, {Sch. 17}; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

I678 Sch. 36 para. 81 wholly in force at 4.4.2005; Sch. 36 para. 81 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 81 in force for certain purposes at 1.1.2005 by [S.I. 2004/3033](#), [art. 4](#); Sch. 36 para. 81 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Air Force Act 1955 (c. 19)

- 82 **F301**

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Textual Amendments

F301 Sch. 36 paras. 81-84 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), 378(2), 383, {Sch. 17}; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

I679 Sch. 36 para. 82 wholly in force at 4.4.2005; Sch. 36 para. 82 not in force at Royal Assent, see s. 336(3); Sch. 39 para. 82 in force for certain purposes at 1.1.2005 by [S.I. 2004/3033](#), [art. 4](#); Sch. 36 para. 82 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Naval Discipline Act 1957 (c. 53)

83

F302

Textual Amendments

F302 Sch. 36 paras. 81-84 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), 378(2), 383, {Sch. 17}; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

I680 Sch. 36 para. 83 wholly in force at 4.4.2005; Sch. 36 para. 83 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 83 in force for certain purposes at 1.1.2005 by [S.I. 2004/3033](#), [art. 4](#); Sch. 36 para. 83 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Armed Forces Act 1976 (c. 52)

84

F303

Textual Amendments

F303 Sch. 36 paras. 81-84 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), 378(2), 383, {Sch. 17}; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

I681 Sch. 36 para. 84 wholly in force at 4.4.2005; Sch. 36 para. 84 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 84 in force for certain purposes at 1.1.2005 by [S.I. 2005/3033](#), [art. 4](#); Sch. 36 para. 84 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Police and Criminal Evidence Act 1984 (c. 60)

85

(1) Section 74 of the Police and Criminal Evidence Act 1984 (conviction as evidence of commission of offence) is amended as follows.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- (2) In subsection (1) (commission of offence by non-defendant) for the words from “, where to do so” to “committed that offence” there is substituted “ that that person committed that offence, where evidence of his having done so is admissible ”.
- (3) In subsection (3) (commission of offence by defendant) the words from “in so far” to “he is charged,” are omitted.

PART 6

MISCELLANEOUS

Criminal Appeal Act 1968 (c. 19)

86 The Criminal Appeal Act 1968 is amended as follows.

Commencement Information

I682 Sch. 36 para. 86 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), [art. 3\(1\)\(2\)](#) (subject to [art. 3\(3\)\(4\)](#))

87 In section 31(1) (powers of Court of Appeal exercisable by single judge) after paragraph (a) there is inserted—
“(aa) the power to give leave under section 14(4B) of the Criminal Appeal Act 1995;”.

Commencement Information

I683 Sch. 36 para. 87 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

88 In section 31A (powers of Court of Appeal exercisable by registrar) after subsection (4) there is inserted—
“(5) In this section “respondent” includes a person who will be a respondent if leave to appeal is granted.”

Commencement Information

I684 Sch. 36 para. 88 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

89 In section 45 (construction of references to Court of Appeal)—
(a) in subsection (1), for “section 44A” there is substituted “ sections 44A and 51 ”,
(b) in subsection (2) after “sections” there is inserted “ 23A, ”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Commencement Information

I685 Sch. 36 para. 89 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), [art. 3\(1\)\(2\)](#) (subject to [art. 3\(3\)\(4\)](#))

- 90 (1) Section 51 (interpretation) is amended as follows.
- (2) In subsection (1) the definition of “the defendant” is omitted.
- (3) After that subsection there is inserted—
- “(1A) In Part 2 of this Act “the defendant”—
- (a) in relation to an appeal under section 33(1) of this Act against a decision of the Court of Appeal on an appeal under Part 1 of this Act, means the person who was the appellant before the Court of Appeal,
 - (b) in relation to an appeal under section 33(1) of this Act against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court of Appeal, and
 - (c) in relation to an appeal under section 33(1B) of this Act, shall be construed in accordance with section 33(4) of this Act;
- and, subject to section 33(1A) of this Act, “prosecutor” shall be construed accordingly.”

Commencement Information

I686 Sch. 36 para. 90 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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

- 91 The Criminal Appeal (Northern Ireland) Act 1980 is amended as follows.

Commencement Information

I687 Sch. 36 para. 91 wholly in force at 8.1.2007; Sch. 36 para. 91 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 91 in force for certain purposes at 4.4.2005 and 18.5.2005 by [S.I. 2005/950](#), [arts. 2\(1\), 3](#), [Sch. 1 para. 43\(c\)](#); Sch. 36 para. 91 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 92 (1) Section 19 (legal aid) is amended as follows.
- (2) In subsection (1) after “an appeal” there is inserted “ under this Part of this Act ”.
- (3) In subsection (1A) for “for the purpose” there is substituted “ in respect ”.
- (4) In subsection (1A)(a)—
- (a) the words “application for leave to” are omitted, and
 - (b) after “hearings” there is inserted “ or section 47 of the Criminal Justice Act 2003 ”.
- (5) For subsection (1A)(b) there is substituted—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

- “(b) any other appeal to the Court of Appeal under any Northern Ireland legislation (whenever passed or made) from proceedings before the Crown Court; or
- (c) an application for leave to appeal in relation to an appeal mentioned in paragraph (a) or (b) above.”

(6) After subsection (1A) there is inserted—

“(1B) The Crown Court or the Court of Appeal may order that an acquitted person shall be given legal aid in respect of an application made in relation to him under section 76 of the Criminal Justice Act 2003.”

(7) In subsection (3) for “an appellant” there is substituted “ a person ”.

Commencement Information

I688 Sch. 36 para. 91 wholly in force at 8.1.2007; Sch. 36 para. 91 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 90(6) in force at 18.4.2005 by [S.I. 2005/950](#), [art. 3](#); Sch. 36 para. 91(1)-(5)(7) in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

93 (1) Section 28 (costs) is amended as follows.

(2) In subsection (2)(a) for “this Part” there is substituted “ section 19(1) ”.

(3) After subsection (2) there is inserted—

“(2AA) The expenses of any solicitor or counsel assigned to a person pursuant to a grant of legal aid under section 19(1A) or (1B) of this Act shall, up to an amount allowed by the Master (Taxing Office), be defrayed by the Lord Chancellor.”

(4) In subsection (2A) after “(2)(a)” there is inserted “ or (2AA) ”.

(5) In subsection (2G)—

- (a) after “(2)(a)” there is inserted “ or (2AA) ”, and
- (b) for “subsection (2)” there is substituted “ subsections (2) and (2AA) ”.

94 For section 31(3) (definition of defendant and prosecutor) there is substituted—

“(3) In this Part of this Act “the defendant”—

- (a) in relation to an appeal under subsection (1) above against a decision of the Court on an appeal under Part 1 of this Act, means the person who was the appellant before the Court;
- (b) in relation to an appeal under subsection (1) above against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court;
- (c) in relation to an appeal under subsection (1B) above, shall be construed in accordance with subsection (4) below;

and, subject to subsection (1A) above, “prosecutor” shall be construed accordingly.”

95 In section 45 (powers of Court of Appeal exercisable by single judge) after subsection (3B) there is inserted—

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

“(3C) Subject to section 44(4) above, the power of the Court of Appeal to give leave under section 14(4B) of the Criminal Appeal Act 1995 may be exercised by a single judge of the Court.”

Commencement Information

I689 Sch. 36 para. 95 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Criminal Justice Act 1988 (c. 33)

- 96 In section 36 of the Criminal Justice Act 1988 (reviews of sentencing)—
- (a) in subsection (3), for “10” there is substituted “ 11 ”,
 - (b) in subsection (9)(b), for “10 and 35(1)” there is substituted “ 11 and 35(1) ”.

Commencement Information

I690 Sch. 36 para. 96 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Criminal Appeal Act 1995 (c. 35)

- 97 In section 15(2)(a) of the Criminal Appeal Act 1995 (investigations by Criminal Cases Review Commission for Court of Appeal) for “case”, in both places where it occurs, there is substituted “ appeal or application for leave to appeal ”.

Commencement Information

I691 Sch. 36 para. 97 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), [art. 3\(1\)\(2\)](#) (subject to [art. 3\(3\)\(4\)](#))

PROSPECTIVE

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

F304⁹⁸

Textual Amendments

F304 Sch. 36 para. 98 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

SCHEDULE 37

Section 332

REPEALS

PART 1

REPEALS RELATING TO AMENDMENTS OF POLICE AND CRIMINAL EVIDENCE ACT 1984

Commencement Information

I692 Sch. 37 Pt. 1 partly in force; Sch. 37 Pt. 1 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 1 in force for certain purposes at 20.1.2004 by [S.I. 2004/81](#), [art. 2](#); Sch. 37 Pt. 1 in force for certain purposes at 5.4.2004 by [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

Short title and chapter	Extent of repeal
Police and Criminal Evidence Act 1984 (c. 60)	In section 1(8), the word “and” at the end of paragraph (c). In section 54(1), the words “and record or cause to be recorded”. In section 63(3)(a), the words “is in police detention or”. In section 67— (a) the word “such” in subsections (9), (10) (a), (b) and (c) and in both places where it occurs in subsection (11), and (b) the words “of practice to which this section applies” in subsection (9A). In section 113— (a) in subsection (4), the words “issued under that subsection”, (b) in subsection (8), the words “of practice issued under this section”, and (c) in subsection (10), the word “such” in both places where it occurs.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 29(3).
Armed Forces Act 2001 (c. 19)	In section 2(9), the word “and” at the end of paragraph (c).
Police Reform Act 2002 (c. 30)	In Schedule 7, paragraph 9(1) and (6).

PART 2

BAIL

Commencement Information

I693 Sch. 37 Pt. 2 in force at 18.6.2012 for specified purposes for E.W.S. by [S.I. 2012/1320](#), [art. 3\(f\)\(i\)](#)

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

I694 Sch. 37 Pt. 2 partly in force; Sch. 37 Pt. 2 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 2 in force for certain purposes at 5.4.2004 by S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**) and in force for N.I. at 3.12.2007 by S.I. 2007/3340, **art. 2(c)**

Short title and chapter	Extent of repeal
Criminal Justice Act 1967 (c. 80)	In section 22, in subsection (1) the words “subject to section 25 of the Criminal Justice and Public Order Act 1994” and in subsection (3) the words from “except that” to the end.
Courts Act 1971 (c. 23)	In Schedule 8, in paragraph 48(b), the word “22(3)”.
Bail Act 1976 (c. 63)	In section 3(6), the words “to secure that”. In section 3A(5), the words “for the purpose of preventing that person from”. In section 5, in subsection (3), the words from “with a view” to “another court”, and in subsection (6), in paragraph (a) the words “to the High Court or” and paragraph (b). In section 5A(2), in the substituted version of section 5(3), the words from “with a view” to “vary the conditions”.
Supreme Court Act 1981 (c. 54)	In section 81(1)(g), the word “or” at the end of sub-paragraph (ii).
Criminal Justice Act 1991 (c. 53)	In Schedule 11, in paragraph 22(2), the words “and the words” onwards.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 26. In Schedule 10, paragraphs 15 and 34.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 87(b).

PART 3

DISCLOSURE

Commencement Information

I695 Sch. 37 Pt. 3 wholly in force at 15.7.2005; Sch. 37 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 3 in force for E.W. at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, **Sch. 1 para. 44(2)** (subject to **art. 2(2)**, **Sch. 2**); Sch. 37 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

Short title and chapter	Extent of repeal
Criminal Justice Act 1987 (c. 38)	In section 9(5)(i) and (iii).

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))	Article 8(5)(i) and (iii).
Criminal Procedure and Investigations Act 1996 (c. 25)	Section 5(6) to (9). Section 6(3). Section 7. Section 9. Section 20(2). Section 31(6)(a) and (c).

PART 4

ALLOCATION AND SENDING OF OFFENCES

Commencement Information

- I696** Sch. 37 Pt. 4 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(d\)\(2\)\(3\)](#) (with [arts. 3, 4](#))
- I697** Sch. 37 Pt. 4 partly in force; Sch. 37 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 4 in force for certain purposes at 9.5.2005 by [S.I. 2005/1267](#), [art. 2](#), [Sch. para. 1\(2\)](#); Sch. 37 Pt. 4 in force at 18.6.2012 for specified purposes for E.W.S. by [S.I. 2012/1320](#), [arts. 3\(f\)\(ii\)](#), [4\(1\)\(d\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

Short title and chapter	Extent of repeal
Bankers' Books Evidence Act 1879 (c. 11)	In section 4, the paragraph beginning “Where the proceedings”. In section 5, the paragraph beginning “Where the proceedings”.
Explosive Substances Act 1883 (c. 3)	Section 6(3).
Criminal Justice Act 1925 (c. 86)	Section 49(2).
Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)	In section 2(2), paragraphs (aa) to (ac), paragraphs (iA) and (iB), and the words from “and in paragraph (iA)” to the end.
Criminal Justice Act 1948 (c. 58)	Section 41(5A). In section 80, the definition of “Court of summary jurisdiction”.
Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)	In the Schedule, in paragraph 4, the words “and section 2 of the Poor Prisoners Defence Act 1930 (legal aid before examining justices)”.
Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)	Section 2(5).
Criminal Justice Act 1967 (c. 80)	In section 9(1), the words “, other than committal proceedings”.

Status: Point in time view as at 10/09/2024.

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	In section 36(1), the definition of “committal proceedings”.
Criminal Appeal Act 1968 (c. 19)	In section 9(2), the words from “section 41” to “either way offence”.
Firearms Act 1968 (c. 27)	In Schedule 6, in Part 2, paragraph 3.
Theft Act 1968 (c. 60)	Section 27(4A).
Criminal Justice Act 1972 (c. 71)	In section 46, subsections (1A) to (1C).
Bail Act 1976 (c. 63)	In section 3, subsections (8A) and (8B), and the subsection (10) inserted by paragraph 12(b) of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33). Section 5(6A)(a)(i).
Criminal Law Act 1977 (c. 45)	In Schedule 12, the entry relating to the Firearms Act 1968 (c. 27).
Interpretation Act 1978 (c. 30)	In Schedule 1, in the definition of “Committed for trial”, paragraph (a).
Customs and Excise Management Act 1979 (c. 2)	Section 147(2).
Magistrates' Courts Act 1980 (c. 43)	Sections 4 to 8, and the cross-heading preceding section 4. In section 8B(6)(a), the words “commits or”. Section 24(1A) and (2). In section 25, subsections (3) to (8). F305 ... Section 42. Section 97A. Section 103. Section 106. In section 128, in subsection (1)(b), the words “inquiring into or”, and in each of subsections (1A)(a), (3A), (3C)(a) and (3E)(a), the word “5,”. In section 130(1), the word “5,”. Section 145(1)(f). In section 150(1), the definition of “committal proceedings”. In section 155(2)(a), the words “8 (except subsection (9))”. In Schedule 3, paragraph 2(a). In Schedule 5, paragraph 2. In Schedule 7, paragraph 73.
Criminal Justice (Amendment) Act 1981 (c. 27)	The whole Act.
Criminal Attempts Act 1981 (c. 47)	In section 2(2)(g), the words “or committed for trial”.
Contempt of Court Act 1981 (c. 49)	Section 4(4).

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Supreme Court Act 1981 (c. 54)	Section 76(5). Section 77(4). In section 81— (a) in subsection (1)(a), the words “who has been committed in custody for appearance before the Crown Court or in relation to whose case a notice of transfer has been given under a relevant transfer provision or”, (b) subsection (1)(g)(i), (c) subsection (7).
Criminal Justice Act 1982 (c. 48)	Section 61. In Schedule 9, paragraph 1(a).
Mental Health Act 1983 (c. 20)	In section 52(7)(b), the words “where the court proceeds under subsection (1) of that section,”.
Police and Criminal Evidence Act 1984 (c. 60)	Section 62(10)(a)(i). In section 71, the paragraph beginning “Where the proceedings”. Section 76(9). Section 78(3).
Prosecution of Offences Act 1985 (c. 23)	In section 16, subsections (1)(b), (2)(aa) and (12). In section 23A(1)(b), the words from “under” to “1998”. In Schedule 1, paragraphs 2 and 3.
Criminal Justice Act 1987 (c. 38)	Sections 4 to 6. In section 11— (a) subsection (2)(a), (b) subsection (3), (c) in subsection (7), the word “(3),”, (d) in subsection (8), the word “(3),”, (e) subsections (9) and (10), (f) in subsection (11), paragraphs (a) and (d). In Schedule 2, paragraphs 1, 9 and 14.
Criminal Justice Act 1988 (c. 33)	Section 23(5). Section 24(5). In section 26, the paragraph beginning “This section shall not apply”. In section 27, the paragraph beginning “This section shall not apply”. Section 30(4A). Section 33. In section 40(1), the words “were disclosed to a magistrates' court inquiring into the offence as examining justices or”. Section 41. Section 144.

Status: Point in time view as at 10/09/2024.

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	In Schedule 15, paragraphs 10, 66 and 104.
Road Traffic Offenders Act 1988 (c. 53)	Section 11(3A). Section 13(7). Section 16(6A). Section 20(8A).
Courts and Legal Services Act 1990 (c. 41)	In Schedule 18, paragraph 25(5).
Broadcasting Act 1990 (c. 42)	In Schedule 20, paragraph 29(1).
Criminal Justice Act 1991 (c. 53)	Section 53. Section 55(1). Schedule 6. In Schedule 11, paragraph 25.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 34(2)(a). Section 36(2)(a). Section 37(2)(a). In Schedule 9, paragraphs 12, 17(c), 18(d), 25, 27, 29 and 49. In Schedule 10, paragraphs 40 and 71.
Criminal Procedure and Investigations Act 1996 (c. 25)	In section 1(2), paragraphs (a) to (c) and, in paragraph (cc), the words from “under” to the end. In section 5, subsections (2) and (3). In section 13(1), paragraphs (a) to (c) of the modified section 3(8). Section 28(1)(b). Section 44(3). Section 45. Section 49(4). Section 68. In Schedule 1, paragraphs 2 to 5, 8, 10, 12, 13, 15 to 19, 22(3), 24 to 26, 28 to 32, and 34 to 38. Schedule 2.
Sexual Offences (Protected Material) Act 1997 (c. 39)	Section 9(1).
Crime and Disorder Act 1998 (c. 37)	Section 47(6). In section 50(1), the words “unless the accused falls to be dealt with under section 51 below”. In Schedule 3, in paragraph 2, subparagraphs (4) and (5), paragraph 12, and in paragraph 13(2), the words from “unless” to the end. In Schedule 8, paragraphs 8, 37, 40, 65 and 93.
Access to Justice Act 1999 (c. 22)	Section 67(3). In Schedule 4, paragraphs 16, 39 and 47. In Schedule 13, paragraphs 96, 111 and 137.

Status: Point in time view as at 10/09/2024.

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Youth Justice and Criminal Evidence Act 1999 (c. 23)	Section 27(10). In section 42(3), paragraphs (a) and (b).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 89(2)(b), the words “trial or”. In section 140(1)(b), the words “was committed to the Crown Court to be tried or dealt with or by which he”. In Schedule 9, paragraphs 62, 63, 64(2), 65, 91 and 201. In Schedule 11, paragraph 9.

Textual Amendments

F305 Words in Sch. 37 Pt. 4 repealed (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 148, 149, 153(1)(a), Sch. 26 para. 77, **Sch. 28 Pt. 4**

PART 5

EVIDENCE OF BAD CHARACTER

Short title and chapter	Extent of repeal
Criminal Procedure Act 1865 (c. 18)	In section 6, the words “and upon being so questioned, if”.
Criminal Evidence Act 1898 (c. 36)	Section 1(3).
Children and Young Persons Act 1963 (c. 37)	Section 16(2) and (3).
Criminal Evidence Act 1979 (c. 16)	In section 1, the words from “each of the following” to “1898, and”.
Police and Criminal Evidence Act 1984 (c. 60)	In section 74(3), the words from “in so far” to “he is charged,”.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 31.
Crime (Sentences) Act 1997 (c. 43)	In Schedule 4, paragraph 4.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In Schedule 4, paragraph 1(5).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 23.

Status: Point in time view as at 10/09/2024.

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PART 6

HEARSAY EVIDENCE

Commencement Information

I698 Sch. 37 Pt. 6 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 44\(3\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Short title and chapter	Extent of repeal
Registered Designs Act 1949 (c. 88)	In section 17, in subsection (8) the words “Subject to subsection (11) below,” and in subsection (10) the words “, subject to subsection (11) below,”.
Patents Act 1977 (c. 37)	In section 32, in subsection (9) the words “Subject to subsection (12) below,” and in subsection (11) the words “, subject to subsection (12) below,”.
Criminal Justice Act 1988 (c. 33)	Part 2. Schedule 2. In Schedule 13, paragraphs 2 to 5. In Schedule 15, paragraph 32. In Schedule 4, paragraph 6(2).
Finance Act 1994 (c. 9)	Section 22(2)(b). In Schedule 7, paragraph 1(6)(b).
Value Added Tax Act 1994 (c. 23)	In Schedule 11, paragraph 6(6)(b).
Criminal Justice and Public Order Act 1994 (c. 33)	In Schedule 9, paragraph 31.
Civil Evidence Act 1995 (c. 38)	In Schedule 1, paragraph 12.
Finance Act 1996 (c. 8)	In Schedule 5, paragraph 2(6)(a).
Criminal Procedure and Investigations Act 1996 (c. 25)	In Schedule 1, paragraphs 28 to 31.
Crime and Disorder Act 1998 (c. 37)	In Schedule 3, paragraph 5(4).
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In Schedule 4, paragraph 16.
Finance Act 2000 (c. 17)	In Schedule 6, paragraph 126(2)(a).
Finance Act 2001 (c. 9)	In Schedule 7, paragraph 3(2)(a).
Crime (International Co-operation) Act 2003 (c. 32)	In section 9(4), the words “section 25 of the Criminal Justice Act 1988 or”.

Status: Point in time view as at 10/09/2024.

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PART 7

SENTENCING: GENERAL

Commencement Information

- I699** Sch. 37 Pt. 7 in force for certain purposes at 27.2.2004 by [S.I. 2004/81, art. 5](#); Sch. 37 Pt. 7 in force for certain purposes at 5.4.2004 by [S.I. 2004/829, art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#)); Sch. 37 Pt. 7 in force for certain purposes at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 44\(4\)](#) (subject to [art. 2\(2\), Sch. 2](#) (as amended (3.12.2012) by [S.I. 2012/2905, art. 4\(1\)\(a\)\(2\)](#))); Sch. 37 Pt. 7 in force at 3.12.2012 for specified purposes by [S.I. 2012/2905, art. 3\(1\)\(a\)](#) (2) (4) (with art. 3(3))
- I700** Sch. 37 Pt. 7 in force at 1.5.2013 for specified purposes by [S.I. 2012/2905, art. 3\(1\)\(b\)](#)
- I701** [Sch. 37 Pt. 7](#) in force at 14.7.2022 for specified purposes by [S.I. 2022/816, regs. 1\(2\), 2\(b\)](#)

Short title and chapter	Extent of repeal
Piracy Act 1837 (c. 88)	Section 3.
Children and Young Persons Act 1933 (c. 12)	In section 16(3), the words “mandatory and”.
Criminal Justice Act 1967 (c. 80)	In section 104, in subsection (1) the definition of “suspended sentence” and subsection (2).
Criminal Appeal Act 1968 (c. 19)	In section 10 subsection (2)(c) and the word “or” immediately preceding it. Section 11(4).
Social Work (Scotland) Act 1968 (c. 49)	In section 94(1), the definition of “community rehabilitation order”.
Bail Act 1976 (c. 63)	In section 2(1)(d), the words “placing the offender on probation or”.
Magistrates' Courts Act 1980 (c. 43)	In section 82(4A), paragraph (e) and the word “or” immediately preceding it. Section 133(2). In Schedule 6A, the entry relating to section 123(3) of the Powers of Criminal Courts (Sentencing) Act 2000.
Forgery and Counterfeiting Act 1981 (c. 45)	Section 23(1)(b), (2)(b) and (3)(b).
Mental Health Act 1983 (c. 20)	In section 37(1B), the words “109(2),”. In section 45A(1)(b), the words from “except” to “1997”.
Road Traffic Offenders Act 1988 (c. 53)	In section 46(1), paragraph (a) and the word “or” following it.
Football Spectators Act 1989 (c. 37)	In section 7, subsection (9) and in subsection (10)(b) the words from “(or” to the end.
Children Act 1989 (c. 41)	In section 68(2)(d), the words “a probation order has been made in respect of him or he has been”.

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	In Schedule 9A, in paragraph 4(2)(g), the words “placed on probation or”.
Criminal Justice Act 1991 (c. 53)	Sections 32 to 51. Section 65. Schedule 5. In Schedule 12— (a) in paragraph 8(8), paragraph (d), and (b) in paragraph 9(3), paragraph (c).
Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)	In section 10(1)(a), sub-paragraph (i) and the succeeding “or”.
Criminal Justice Act 1993 (c. 36)	Section 67(1).
Criminal Justice and Public Order Act 1994 (c. 33)	In section 25(3)(c), the words “placing the offender on probation or”.
Criminal Procedure (Scotland) Act 1995 (c. 46)	In section 234— (a) in subsection (1), the words after paragraph (b), (b) in subsection (3), the words from “or to vary” to “one hundred”, and (c) subsection (11).
Crime (Sentences) Act 1997 (c. 43)	Sections 35 and 40. In Schedule 1, paragraph 15(5). In Schedule 2, paragraphs 2 and 3. In Schedule 4, paragraphs 6(2), 7, 10(1), 12(1), 13 and 15(10).
Crime and Disorder Act 1998 (c. 37)	In section 18, subsection (2). In section 38(4)(i), the words “section 37(4A) or 65 of the 1991 Act or”. Sections 59 and 60. Sections 80 and 81. Sections 99 and 100. Sections 101(1). Sections 103 to 105. In section 121(12), the words from the beginning to “paragraphs 56 to 60 of Schedule 8 to this Act;”. In Schedule 7, paragraph 50. In Schedule 8, paragraphs 11, 13(2), 56, 58, 59, 79 to 84, 86 to 91, 94, 97, 132 and 135(3) and (4).
Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))	In Schedule 5, paragraph 28(b).
Access to Justice Act 1999 (c. 22)	Section 58(5).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	Section 6(4)(d). Section 12(4). Sections 34 to 36A. In section 36B, subsections (4) and (8) and, in subsection (9), the words from “a

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community punishment order” to “a drug abstinence order”.

In section 37, in subsection (9) the words “who on conviction is under 16” and subsection (10).

In section 40A, subsection (4), in subsection (9) the words “who on conviction is under 16” and subsection (10).

Sections 41 to 59.

In section 60, in subsection (1), paragraph (c) and the word “or” immediately preceding it.

Section 62.

Section 69(11).

Section 73(7).

Sections 78 to 82.

Section 84.

Section 85.

Sections 87 and 88.

Section 91(2).

Section 100(4).

Section 106(2) and (3).

Section 109.

Section 110(3).

Section 111(3).

In section 112(1)(a), the words “109,”.

In section 113, in subsection (1)(a), the words “a serious offence or” and in subsection (3), the words ““serious offence,”” and “109,”.

In section 114(1)(b), the words “a serious offence,”.

In section 115, the word “109,”.

Sections 116 and 117.

Sections 118 to 125.

Sections 126 to 129.

Sections 151 to 153.

Sections 156 to 158.

In section 159, the words “, 121(1) or 123(1)” and “paragraph 6(6) of Schedule 4 to this Act,”.

In section 160—

- (a) in subsection (2), in paragraph (a) the words from “42(2E)” to “Schedule 2” and in paragraph (b) the words from “122(7)” to the end,
- (b) in subsection (3), in paragraph (a) the words “45, 50, 58, 58A(4), 85(7)”, paragraph (b) and the word “or” immediately preceding it,
- (c) subsection (4), and
- (d) in subsection (5), in paragraph (a) the words from “or paragraph 7” to the end, and in paragraph (b) the words from “42(2E)” to the end.

Status: Point in time view as at 10/09/2024.

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	Section 161(2) to (4).
	Section 162.
	In section 163, in the definition of “affected person”, paragraphs (b) and (c), the definitions of “the appropriate officer of the court”, “community punishment and rehabilitation order”, “community rehabilitation order”, “community rehabilitation period”, “community punishment order”, the definitions of “drug abstinence order”, “drug treatment and testing order”, “falling to be imposed under section 109(2), 110(2) or 11(2)”, “pre-sentence report”, “protecting the public from serious harm”, in the definition of “responsible officer”, paragraphs (b) to (ee) and the words from “except that” to “that section;”, the definitions of “review hearing”, “sexual offence”, “specified Class A drug”, “suspended sentence supervision order”, “the testing requirement”, “the treatment provider”, “the treatment requirement”, “the treatment and testing period”, “trigger offence” and “violent offence”.
	In section 168—
	(a) in subsection (1), the words “to subsection (2) below and”, and
	(b) subsections (2) and (3).
	Schedule 2.
	Schedule 4.
	In Schedule 7, paragraph 3(4).
	In Schedule 8, paragraph 3(4).
	In Schedule 9, paragraphs 7, 24(a), 26(2), 28, 29, 52, 54(3), 55, 61, 76, 81, 82, 89(2), 90(2), 94, 102, 137 to 145, 147(2) and (3)(a) to (d) and (e)(i), 151, 174, 176(2) to (5) and (7), 177(2) and (3), 184, 185, 186(3) and (4), 187(2), (3) and (5), 196 and 202.
Terrorism Act 2000 (c. 11)	In Schedule 15, paragraph 20.
Child Support, Pensions and Social Security Act 2000 (c. 19)	Section 62(10).
Criminal Justice and Court Services Act 2000 (c. 43)	Section 47 to 51. Sections 53 to 55. Section 63. Section 64(5)(e). In section 78(1), the definition of “community order”. In Schedule 7, paragraphs 1 to 3, 104 to 107, 111(b), 123(a) and (c) to (f), 124(a) and (b), 133, 139, 140, 161, 162, 165 to 172, 177,

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	179, 189, 196(c)(ii) and (iii), 197(c) and (g) (ii), 198 to 200 and 206(a).
Anti-terrorism, Crime and Security Act 2001 (c. 24)	Section 39(7).
Proceeds of Crime Act 2002 (c. 29)	In Schedule 11, paragraph 32.

PART 8

LIFE SENTENCES

Short title and chapter	Extent of repeal
Murder (Abolition of Death Penalty) Act 1965 (c. 71)	Section 1(2).
Repatriation of Prisoners Act 1984 (c. 47)	In section 2(4)(b)(i), the words “or 29(1)”. Section 3(9). Paragraph 3 of the Schedule.
Crime (Sentences) Act 1997 (c. 43)	Section 29. Section 31(4). Section 33. In section 34(3), the words from the beginning to “advocate; and”.
Crime and Punishment (Scotland) Act 1997 (c. 48)	In Schedule 1, paragraph 10(3).
Crime and Disorder Act 1998 (c. 37)	In Schedule 8, paragraphs 57 and 60.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 82A, in subsection (4) the words “subject to subsection (5) below”, and subsections (5) and (6).

PART 9

ALTERATION OF PENALTIES FOR SUMMARY OFFENCES

Commencement Information

I702 Sch. 37 Pt. 9 partly in force; Sch. 37 Pt. 9 in force for certain purposes at Royal Assent see [s. 336\(1\)](#)

Short title and chapter	Extent of repeal
Vagrancy Act 1824 (c. 83)	Section 5. Section 10.
Railway Regulation Act 1842 (c. 55)	In section 17, the words from “be imprisoned” (where first occurring) to “discretion of such justice, shall”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

London Hackney Carriages Act 1843 (c. 86)	In section 28, the words from “; or it shall be lawful” to the end.
Town Police Clauses Act 1847 (c. 89)	In section 28, the words from “, or, in the discretion” to “fourteen days”. In section 29, the words from “, or, in the discretion” to the end. In section 36, the words from “, or, in the discretion” to “one month”.
Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)	In section 2, the words from “, or may, if the justices” to the end.
Town Gardens Protection Act 1863 (c. 13)	In section 5, the words “, or to imprisonment for any period not exceeding fourteen days”.
Public Stores Act 1875 (c. 25)	In section 8, the words from “, or, in the discretion” to the end.
North Sea Fisheries Act 1893 (c. 17)	In section 2— (a) in paragraph (a), the words from “, or, in the discretion” to the end, and (b) in paragraph (b), the words from “, or in the discretion” to the end. In section 3(a), the words from “, or, in the discretion” to the end.
Children and Young Persons Act 1933 (c. 12)	In section 4(1), the words from “, or alternatively” to the end.
Protection of Animals Act 1934 (c. 21)	In section 2, the words from “, or, alternatively” to the end.
Public Health Act 1936 (c. 49)	In section 287(5), the words from “or to imprisonment” to the end.
Essential Commodities Reserves Act 1938 (c. 51)	In section 4(2), the words from “or to imprisonment” to the end.
London Building Acts (Amendment) Act 1939 (c. xcvi)	In section 142(5), the words from “or to imprisonment” to the end.
Cancer Act 1939 (c. 13)	In section 4(2), the words from “or to imprisonment” to the end.
Civil Defence Act 1939 (c. 31)	In section 77, the words from “or to imprisonment” to the end.
Hill Farming Act 1946 (c. 73)	In section 19— (a) in subsection (2), the words from “, or to imprisonment” to the end, and (b) in subsection (3), the words from “or to imprisonment” to the end.
Agriculture Act 1947 (c. 48)	In section 14(7) (as remaining in force for the purposes of section 95), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both such imprisonment and such fine”.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

	In section 95(3), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both such imprisonment and such fine”.
Civil Defence Act 1948 (c. 5)	In section 4(4), the words from “or to imprisonment” to the end.
Agricultural Wages Act 1948 (c. 47)	In section 12(7), the words from “or to imprisonment” to the end.
Wireless Telegraphy Act 1949 (c. 54)	In section 14(1B), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “, or both”.
Prevention of Damage by Pests Act 1949 (c. 55)	In section 22(5), the words from “or to imprisonment” to the end.
Coast Protection Act 1949 (c. 74)	In section 25(9), the words from “or to imprisonment” to the end.
Pet Animals Act 1951 (c. 35)	In section 5— (a) in subsection (1), the words “other than the last foregoing section” and the words from “or to imprisonment” to the end, and (b) subsection (2).
Cockfighting Act 1952 (c. 59)	In section 1(1), the words— (a) “to imprisonment for a term not exceeding three months, or”, and (b) “, or to both such imprisonment and such fine”.
Agricultural Land (Removal of Surface Soil) Act 1953 (c. 10)	In section 2(1)— (a) paragraph (a) of the proviso, (b) the word “; or” immediately preceding paragraph (b) of the proviso, and (c) the words “or to both”.
Accommodation Agencies Act 1953 (c. 23)	In section 1(5), the words from “or to imprisonment” to the end.
Army Act 1955 (3 & 4 Eliz. 2 c. 18)	In section 19(1), the words “to imprisonment for a term not exceeding three months or”. In section 161, the words from “, or to imprisonment” to the end. In section 171(1), the words from “, or to imprisonment” to the end. In section 191, the words from “or to imprisonment” to the end. In section 193, the words from “or to imprisonment” to the end. In section 196(3), the words from “or to imprisonment” to the end.

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	In section 197(3), the words from “or to imprisonment” to the end.
Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)	In section 19(1), the words “to imprisonment for a term not exceeding three months or”. In section 161, the words from “, or to imprisonment” to the end. In section 171(1), the words from “, or to imprisonment” to the end. In section 191, the words from “or to imprisonment” to the end. In sections 193, the words from “or to imprisonment” to the end. In section 196(3), the words from “or to imprisonment” to the end. In section 197(3), the words from “or to imprisonment” to the end.
Naval Discipline Act 1957 (c. 53)	In section 96, the words from “or to imprisonment” to the end. In section 99(3), the words from “or to imprisonment” to the end.
Agricultural Marketing Act 1958 (c. 47)	In section 45(6), the words— (a) “to imprisonment for a term not exceeding one month, or”, and (b) “, or to both such imprisonment and such fine”.
Rivers (Prevention of Pollution) Act 1961 (c. 50)	In section 12(2), the words from “or to imprisonment” to the end.
Betting, Gaming and Lotteries Act 1963 (c. 2)	In section 8(1), the words— (a) “or to imprisonment for a term not exceeding three months, or to both”, and (b) “in any case”.
Children and Young Persons Act 1963 (c. 37)	In section 40— (a) in subsection (1), the words from “or imprisonment” to the end, and (b) in subsection (2), the words from “or imprisonment” to the end.
Animal Boarding Establishments Act 1963 (c. 43)	In section 3— (a) in subsection (1), the words “other than the last foregoing section” and the words from “or to imprisonment” to the end, and (b) subsection (2).
Agriculture and Horticulture Act 1964 (c. 28)	In section 20(2), the words from “or to imprisonment” to the end.
Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60)	In Schedule 1—

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	<ul style="list-style-type: none"> (a) in paragraph 1(3), the words “to imprisonment for a term not exceeding three months or” and “, or to both”, and (b) in paragraph 2(4), the words “to imprisonment for a term not exceeding three months or” and “, or to both”.
Riding Establishments Act 1964 (c. 70)	In section 4(1), the words from “or to imprisonment” to the end.
Industrial and Provident Societies Act 1965 (c. 12)	In section 16(5), the words from “or to imprisonment” to the end. In section 48(2), the words from “or to imprisonment” to the end.
Cereals Marketing Act 1965 (c. 14)	In section 17(1), the words from “or to imprisonment” to the end.
Gas Act 1965 (c. 36)	In Schedule 6, in paragraph 9, the words from “or to imprisonment” to the end.
Armed Forces Act 1966 (c. 45)	In section 8, the words “to imprisonment for a term not exceeding three months or”.
Agriculture Act 1967 (c. 22)	In section 6(9), the words from “or to imprisonment” to the end. In section 14(2), the words from “or to imprisonment” to the end. In section 69, the words from “or imprisonment” to the end.
Criminal Justice Act 1967 (c. 80)	Section 20.
Sea Fisheries (Shellfish) Act 1967 (c. 83)	In section 14(2), the words from “or to imprisonment” to the end.
Theatres Act 1968 (c. 54)	In section 13(3), the words from “or to imprisonment” to the end.
F306	F306
Agriculture Act 1970 (c. 40)	In section 106(8), the words from “or imprisonment” to the end.
Breeding of Dogs Act 1973 (c. 60)	In section 3(1)— <ul style="list-style-type: none"> (a) paragraph (a), (b) the word “; or” immediately preceding paragraph (b), and (c) the words “or to both”.
Slaughterhouses Act 1974 (c. 3)	In section 38(5), the words “or imprisonment for a term of three months or both”.
National Health Service Act 1977 (c. 49)	In Schedule 11— <ul style="list-style-type: none"> (a) in paragraph 8(3), the words “to imprisonment for a term not exceeding three months or” and “, or to both”, and

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	(b) in paragraph 9(4), the words “to imprisonment for a term not exceeding three months or” and “, or to both”.
Magistrates' Courts Act 1980 (c. 43)	In section 84(3), the words— (a) “imprisonment for a term not exceeding 4 months or”, and (b) “to both”.
Animal Health Act 1981 (c. 22)	In paragraph 6 of Schedule 1, the words— (a) “or to imprisonment for a term not exceeding 2 months,”, and (b) “in either case”.
Fisheries Act 1981 (c. 29)	In section 5(4), the words from “or to imprisonment” to the end.
Civil Aviation Act 1982 (c. 16)	In section 82(2), the words from “or to imprisonment” to the end.
Criminal Justice Act 1982 (c. 48)	Section 70.
Mental Health Act 1983 (c. 20)	Section 43(5). In section 103(9), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or both”. In section 129(3), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”.
Building Act 1984 (c. 55)	In section 96(3), the words “or to imprisonment for a term not exceeding three months”.
Surrogacy Arrangements Act 1985 (c. 49)	In section 4(1)— (a) paragraph (a), and (b) in paragraph (b), the words “in the case of an offence under section 3”.
Animals (Scientific Procedures) Act 1986 (c. 14)	In section 22(3), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”. In section 23(2), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”. In section 25(3), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”.
Motor Cycle Noise Act 1987 (c. 34)	In the Schedule, in paragraph 1(1), the words “to imprisonment for a term not exceeding three months or”.

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Human Organ Transplants Act 1989 (c. 31)	In section 2(5), the words— (a) “imprisonment for a term not exceeding three months or”, and (b) “or both”.
Town and Country Planning Act 1990 (c. 8)	In Schedule 15, in paragraph 14(4), the words from “or to imprisonment” to the end.
Environmental Protection Act 1990 (c. 43)	In section 118(7), the words from “or to imprisonment” to the end.
Criminal Justice Act 1991 (c. 53)	Section 26(5).
Deer Act 1991 (c. 54)	In section 10(3), the words from “or to imprisonment” to the end.
Water Industry Act 1991 (c. 56)	In section 206(9), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”. In Schedule 6, in paragraph 5(5), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or to both”.
Social Security Administration Act 1992 (c. 5)	In section 105(1), the words— (a) “to imprisonment for a term not exceeding 3 months or”, and (b) “or to both”. In section 182(3), the words— (a) “to imprisonment for a term not exceeding 3 months or”, and (b) “or to both”.
Local Government Finance Act 1992 (c. 14)	In section 27(5), the words— (a) “imprisonment for a term not exceeding three months or”, and (b) “or both”.
Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)	In section 240(3), the words— (a) “to imprisonment for a term not exceeding three months or”, and (b) “or both”.
Merchant Shipping Act 1995 (c. 21)	In section 57(2)— (a) in paragraph (a), the words “except in a case falling within paragraph (b) below,”, and (b) paragraph (b).
Reserve Forces Act 1996 (c. 14)	In section 75(5), the words— (a) “imprisonment for a term not exceeding 3 months or”, and (b) “(or both)”. In section 82(1), the words— (a) “imprisonment for a term not exceeding 3 months”, and

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	(b) “(or both)”.
	In section 87(1), the words—
	(a) “imprisonment for a term not exceeding 3 months or”, and
	(b) “(or both)”.
	In section 99, the words—
	(a) “imprisonment for a term not exceeding 3 months”, and
	(b) “(or both)”.
	In Schedule 1, in paragraph 5(2), the words—
	(a) “imprisonment for a term not exceeding 3 months or”, and
	(b) “(or both)”.
Housing Act 1996 (c. 52)	In Schedule 1—
	(a) in paragraph 23(6), the words from “or imprisonment” to “or both”, and
	(b) in paragraph 24(6), the words from “or imprisonment” to “or both”.
Broadcasting Act 1996 (c. 55)	In section 144(4), the words—
	(a) “to imprisonment for a term not exceeding three months or”, and
	(b) “or to both”.
Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)	In section 9—
	(a) in subsection (1), paragraph (a), the word “, or” immediately preceding paragraph (b) and the words “or to both”, and
	(b) in subsection (7), paragraph (a), the word “, or” immediately preceding paragraph (b) and the words “or to both”.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 6(4), paragraph (a).
Countryside and Rights of Way Act 2000 (c. 37)	In section 81, subsections (2) and (3).
Transport Act 2000 (c. 38)	In section 82, subsection (5).

Textual Amendments

F306 Sch. 37 Pt. 9: entry repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 321, 324, [Sch. 22 Pt. 5\(B\)](#); S.I. 2009/3345, art. 2, Sch. para. 27

Status: Point in time view as at 10/09/2024.

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PART 10

JURY SERVICE

Commencement Information

I703 Sch. 37 Pt. 10 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

Short title and chapter	Extent of repeal
Juries Act 1974 (c. 23).	In section 2(5)(a), the word “9(1),”. In section 9, subsection (1) and in subsection (2) the words from “and” to the end.
Criminal Law Act 1977 (c. 45).	In Schedule 12, the entry relating to the Juries Act 1974.
Criminal Justice Act 1982 (c. 48).	In Schedule 14, paragraph 35.
Mental Health (Amendment) Act 1982 (c. 51).	In Schedule 3, paragraph 48.
Mental Health Act 1983 (c. 20).	In Schedule 4, paragraph 37.
Juries (Disqualification) Act 1984 (c. 34).	The whole Act.
Coroners Act 1988 (c. 13).	Section 9(2).
Criminal Justice Act 1988 (c. 33).	Section 119. In Schedule 8, paragraph 8.
Courts and Legal Services Act 1990 (c. 41).	In Schedule 17, paragraph 7. In Schedule 18, paragraph 5.
Criminal Justice Act 1991 (c. 53).	In Schedule 11, paragraph 18.
Probation Service Act 1993 (c. 47).	In Schedule 3, paragraph 5.
Police and Magistrates' Courts Act 1994 (c. 29).	In Schedule 8, paragraph 28.
Criminal Justice and Public Order Act 1994 (c. 33).	Section 40. Section 42. In Schedule 10, paragraph 29.
Criminal Appeal Act 1995 (c. 35).	In Schedule 2, paragraph 8.
Police Act 1996 (c. 16).	In Schedule 7, paragraph 23.
Police Act 1997 (c. 50).	In Schedule 9, paragraph 27.
Government of Wales Act 1998 (c. 38).	In Schedule 12, paragraph 18.
Scotland Act 1998 (c. 46).	Section 85(1).
Access to Justice Act 1999 (c. 22).	In Schedule 11, paragraph 22.
Criminal Justice and Court Services Act 2000 (c. 43).	In Schedule 7, paragraph 47.

Status: Point in time view as at 10/09/2024.

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European Parliamentary Elections Act 2002 In Schedule 3, paragraph 2.
(c. 24).

PART 11

REPEALS RELATING TO AMENDMENTS OF PART 5 OF POLICE ACT 1997

Commencement Information

I704 Sch. 37 Pt. 11 partly in force; Sch. 37 Pt. 11 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 11 in force for certain purposes at 29.1.2004 by [S.I. 2004/81](#), [art. 4](#); Sch. 37 Pt. 11 in force for E.W. for certain purposes at 6.4.2006 by [S.I. 2006/751](#), [art. 2](#)

Short title and chapter	Extent of repeal
Police Act 1997 (c. 50)	In section 115, subsections (3) to (5) and subsections (6C) to (6E). Section 120(3). In section 125, subsection (3) and, in subsection (4), the words “to which subsection (3) does not apply”.
Care Standards Act 2000 (c. 14)	Section 104(3)(a). In Schedule 4, paragraph 25(2)(a).
Private Security Industry Act 2001 (c. 12)	Section 21. Section 26(3)(a).
Health and Social Care Act 2001 (c. 15)	Section 19.
Criminal Justice and Police Act 2001 (c. 16)	Section 134(3) and (4).
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	Section 42(7). In Schedule 2, paragraph 64.
Education Act 2002 (c. 32)	In Schedule 12, paragraph 15(2). In Schedule 13, paragraph 8(2).
Licensing Act 2003 (c. 17)	In Schedule 6, paragraph 116.

PART 12

MISCELLANEOUS

Commencement Information

I705 Sch. 37 Pt. 12 partly in force; Sch. 37 Pt. 12 not in force at Royal Assent, see s. 336(3); Sch. 37 Pt. 12 in force for certain purposes at 5.4.2004 by [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#)); Sch. 37 Pt. 12 in force for certain purposes at 15.12.2004 by [S.I. 2004/3033](#), [art. 3](#); Sch. 37 Pt. 12 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#) Sch. 1 para. 44(5) (subject to [art. 2\(2\)](#), Sch. 2)

Short title and chapter	Extent of repeal
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Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

Criminal Appeal Act 1968 (c. 19)	Section 10(4). In section 11(2), the words from “(which expression” to “purposes of section 10)”. In section 51(1), the definition of “the defendant”.
Bail Act 1976 (c. 63)	In section 5(1)(c), the words “a court or officer of a court appoints”.
Magistrates' Courts Act 1980 (c. 43)	In section 1(3), the words “and substantiated on oath”. Section 12(1)(a)(i). In section 13(3)(a), the words “the information has been substantiated on oath and”.
Criminal Appeal (Northern Ireland) Act 1980 (c. 47)	In section 19(1A)(a), the words “application for leave to”.
Criminal Procedure and Investigations Act 1996 (c. 25)	In Schedule 4, paragraph 16.
Crime and Disorder Act 1998 (c. 37)	In section 8(2), the words from “and to section 19(5)” to “2000”.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In Schedule 4, paragraphs 26 and 27.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 19(5), paragraph (c) and the word “or” immediately preceding it. In Schedule 9, paragraphs 194 and 195.
Criminal Justice and Court Services Act 2000 (c. 43)	Sections 67 and 68.

SCHEDULE 38

Section 333(6)

TRANSITORY, TRANSITIONAL AND SAVING PROVISIONS

Sentencing of offenders aged 18 but under 21

- 1 If any provision of Part 12 (“the relevant provision”) is to come into force before the day on which section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution, custody for life, etc.) comes into force (or fully into force) the provision that may be made by order under section 333(1) includes provision modifying the relevant provision with respect to sentences passed, or other things done, at any time before section 61 of that Act comes into force (or fully into force).

Status: Point in time view as at 10/09/2024.

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F307 . . .

Textual Amendments

F307 Cross-heading repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180, Sch. 22); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)(iv)

2 **F308**

Textual Amendments

F308 Sch. 38 para. 2 repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 178, 182, **Sch. 23 Pt. 4** (with s. 180, Sch. 22); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)(iv)

3 **F309**

Textual Amendments

F309 Sch. 38 para. 3 repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 177, 178, 182, Sch. 21 para. 88, **Sch. 23 Pt. 4** (with s. 180, Sch. 22); S.I. 2010/816, **art. 2**, Sch. paras. 15, 22(b)(iv)

PROSPECTIVE

Drug treatment and testing orders

4 A drug treatment and testing order made under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000 before the repeal of that section by this Act is in force (or fully in force) need not include the provision referred to in subsection (6) of section 54 of that Act (periodic review by court) if the treatment and testing period (as defined by section 52(1) of that Act) is less than 12 months.

PROSPECTIVE

Drug testing as part of supervision of young offenders after release

5 (1) Until the coming into force of the repeal by this Act of section 65 of the Criminal Justice Act 1991 (c. 53) (supervision of young offenders after release), that section has effect subject to the following modifications.

(2) In subsection (5B)—

- (a) in paragraph (a), for “18 years” there is substituted “ 14 years ”,
- (b) for paragraph (b) there is substituted—

“(b) a responsible officer is of the opinion—

- (i) that the offender has a propensity to misuse specified Class A drugs, and
- (ii) that the misuse by the offender of any specified Class A drug caused or contributed to any offence of which he has been convicted, or is likely to cause

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or contribute to the commission by him of further offences; and”.

(3) After subsection (5D) there is inserted—

“(5E) A person under the age of 17 years may not be required by virtue of subsection (5A) to provide a sample otherwise than in the presence of an appropriate adult.”

(4) For subsection (10) there is substituted—

“(10) In this section—

“appropriate adult”, in relation to a person aged under 17, means—

- (a) his parent or guardian or, if he is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,
- (b) a social worker of a local authority ^{F310} . . . , or
- (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed by the police;

“responsible officer” means—

- (a) in relation to an offender aged under 18, an officer of a local probation board or a member of a youth offending team;
- (b) in relation to an offender aged 18 or over, an officer of a local probation board;

“specified Class A drug” has the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000 (c. 43).”

Textual Amendments

F310 Words in Sch. 38 para. 5(4) repealed (1.4.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), ss. 64, 67, [Sch. 5 Pt. 4](#); [S.I. 2005/394](#), [art. 2\(2\)\(g\)](#); [S.I. 2006/885](#), [art. 2\(2\)\(h\)](#)

Intermittent custody

- 6 If section 183 (intermittent custody) is to come into force for any purpose before the commencement of the repeal by this Act of section 78 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (which imposes a general limit on the power of a magistrates' court to impose imprisonment), the provision that may be made by order under section 333(1) includes provision modifying any period or number of days specified in section 183 with respect to sentences passed by magistrates' courts before the commencement of that repeal.

Transfer to Scotland of community orders and suspended sentence orders

- 7 (1) Until the coming into force of the repeal by the Mental Health (Care and Treatment) (Scotland) Act 2003 of the Mental Health (Scotland) Act 1984 (c. 36), in the provisions mentioned in sub-paragraph (2) the reference to the Mental Health (Care and Treatment) (Scotland) Act 2003 has effect as a reference to the Mental Health (Scotland) Act 1984.

Status: Point in time view as at 10/09/2024.

Changes to legislation: Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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)

(2) Those provisions are—

- (a) paragraph 2(4) of Schedule 9 (transfer of community orders to Scotland or Northern Ireland), and
- (b) paragraph 4 of Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland).

Commencement Information

I706 Sch. 38 para. 7 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 45 (subject to **art. 2(2)**, Sch. 2)

Status:

Point in time view as at 10/09/2024.

Changes to legislation:

Criminal Justice Act 2003 is up to date with all changes known to be in force on or before 30 September 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.