



# Criminal Law Act 1977

## 1977 CHAPTER 45

An Act to amend the law of England and Wales with respect to criminal conspiracy; to make new provision in that law, in place of the provisions of the common law and the Statutes of Forcible Entry, for restricting the use or threat of violence for securing entry into any premises and for penalising unauthorised entry or remaining on premises in certain circumstances; otherwise to amend the criminal law, including the law with respect to the administration of criminal justice; to provide for the alteration of certain pecuniary and other limits; to amend section 9(4) of the Administration of Justice Act 1973, the Legal Aid Act 1974, the Rabies Act 1974 and the Diseases of Animals (Northern Ireland) Order 1975 and the law about juries and coroners' inquests; and for connected purposes. [29th July 1977]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### CONSPIRACY

#### **1 The offence of conspiracy**

- (1) Subject to the following provisions of this Part of this Act, if a person agrees with any other person or persons that a course of conduct shall be pursued which will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement if the agreement is carried out in accordance with their intentions, he is guilty of conspiracy to commit the offence or offences in question.
- (2) Where liability for any offence may be incurred without knowledge on the part of the person committing it of any particular fact or circumstance necessary for the commission of the offence, a person shall nevertheless not be guilty of conspiracy to

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commit that offence by virtue of subsection (1) above unless he and at least one other party to the agreement intend or know that that fact or circumstance shall or will exist at the time when the conduct constituting the offence is to take place.

- (3) Where in pursuance of any agreement the acts in question in relation to any offence are to be done in contemplation or furtherance of a trade dispute (within the meaning of the Trade Union and Labour Relations Act 1974) that offence shall be disregarded for the purposes of subsection (1) above provided that it is a summary offence which is not punishable with imprisonment.
- (4) In this Part of this Act " offence " means an offence triable in England and Wales, except that it includes murder notwithstanding that the murder in question would not be so triable if committed in accordance with the intentions of the parties to the agreement.

## **2 Exemptions from liability for conspiracy**

- (1) A person shall not by virtue of section 1 above be guilty of conspiracy to commit any offence if he is an intended victim of that offence.
- (2) A person shall not by virtue of section 1 above be guilty of conspiracy to commit any offence or offences if the only other person or persons with whom he agrees are (both initially and at all times during the currency of the agreement) persons of any one or more of the following descriptions, that is to say—
  - (a) his spouse;
  - (b) a person under the age of criminal responsibility ; and
  - (c) an intended victim of that offence or of each of those offences.
- (3) A person is under the age of criminal responsibility for the purposes of subsection (2) (b) above so long as it is conclusively presumed, by virtue of section 50 of the Children and Young Persons Act 1933, that he cannot be guilty of any offence.

## **3 Penalties for conspiracy**

- (1) A person guilty by virtue of section 1 above of conspiracy to commit any offence or offences shall be liable on conviction on indictment—
  - (a) in a case falling within subsection (2) or (3) below, to imprisonment for a term related in accordance with that subsection to the gravity of the offence or offences in question (referred to below in this section as the relevant offence or offences); and
  - (b) in any other case, to a fine.

Paragraph (b) above shall not be taken as prejudicing the application of section 30(1) of the Powers of Criminal Courts Act 1973 (general power of court to fine offender convicted on indictment) in a case falling within subsection (2) or (3) below.

- (2) Where the relevant offence or any of the relevant offences is an offence of any of the following descriptions, that is to say—
  - (a) murder, or any other offence the sentence for which is fixed by law;
  - (b) an offence for which a sentence extending to imprisonment for life is provided ; or
  - (c) an indictable offence punishable with imprisonment for which no maximum term of imprisonment is provided,

the person convicted shall be liable to imprisonment for life.

- (3) Where in a case other than one to which subsection (2) above applies the relevant offence or any of the relevant offences is punishable with imprisonment, the person convicted shall be liable to imprisonment for a term not exceeding the maximum term provided for that offence or (where more than one such offence is in question) for any one of those offences (taking the longer or the longest term as the limit for the purposes of this section where the terms provided differ).

In the case of an offence triable either way the references above in this subsection to the maximum term provided for that offence are references to the maximum term so provided on conviction on indictment.

#### **4 Restrictions on the institution of proceedings for conspiracy**

- (1) Subject to subsection (2) below proceedings under section 1 above for conspiracy to commit any offence or offences shall not be instituted against any person except by or with the consent of the Director of Public Prosecutions if the offence or (as the case may be) each of the offences in question is a summary offence.
- (2) In relation to the institution of proceedings under section 1 above for conspiracy to commit—
- (a) an offence which is subject to a prohibition by or under any enactment on the institution of proceedings otherwise than by, or on behalf or with the consent of, the Attorney General, or
  - (b) two or more offences of which at least one is subject to such a prohibition,
- subsection (1) above shall have effect with the substitution of a reference to the Attorney General for the reference to the Director of Public Prosecutions.
- (3) Any prohibition by or under any enactment on the institution of proceedings for any offence which is not a summary offence otherwise than by, or on behalf or with the consent of, the Director of Public Prosecutions or any other person shall apply also in relation to proceedings under section 1 above for conspiracy to commit that offence.
- (4) Where—
- (a) an offence has been committed in pursuance of any agreement; and
  - (b) proceedings may not be instituted for that offence because any time limit applicable to the institution of any such proceedings has expired,
- proceedings under section 1 above for conspiracy to commit that offence shall not be instituted against any person on the basis of that agreement.

#### **5 Abolitions, savings, transitional provisions, consequential amendment and repeals**

- (1) Subject to the following provisions of this section, the offence of conspiracy at common law is hereby abolished.
- (2) Subsection (1) above shall not affect the offence of conspiracy at common law so far as relates to conspiracy to defraud, and section 1 above shall not apply in any case where the agreement in question amounts to a conspiracy to defraud at common law.

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- (3) Subsection (1) above shall not affect the offence of conspiracy at common law if and in so far as it may be committed by entering into an agreement to engage in conduct which—
- (a) tends to corrupt public morals or outrages public decency; but
  - (b) would not amount to or involve the commission of an offence if carried out by a single person otherwise than in pursuance of an agreement.
- (4) Subsection (1) above shall not affect—
- (a) any proceedings commenced before the time when this Part of this Act comes into force;
  - (b) any proceedings commenced after that time against a person charged with the same conspiracy as that charged in any proceedings commenced before that time; or
  - (c) any proceedings commenced after that time in respect of a trespass committed before that time;
- but a person convicted of conspiracy to trespass in any proceedings brought by virtue of paragraph (c) above shall not in respect of that conviction be liable to imprisonment for a term exceeding six months.
- (5) Sections 1 and 2 above shall apply to things done before as well as to things done after the time when this Part of this Act comes into force, but in the application of section 3 above to a case where the agreement in question was entered into before that time—
- (a) subsection (2) shall be read without the reference to murder in paragraph (a); and
  - (b) any murder intended under the agreement shall be treated as an offence for which a maximum term of imprisonment of ten years is provided.
- (6) The rules laid down by sections 1 and 2 above shall apply for determining whether a person is guilty of an offence of conspiracy under any enactment other than section 1 above, but conduct which is an offence under any such other enactment shall not also be an offence under section 1 above.
- (7) Incitement and attempt to commit the offence of conspiracy (whether the conspiracy incited or attempted would be an offence at common law or under section 1 above or any other enactment) shall cease to be offences.
- (8) The fact that the person or persons who, so far as appears from the indictment on which any person has been convicted of conspiracy, were the only other parties to the agreement on which his conviction was based have been acquitted of conspiracy by reference to that agreement (whether after being tried with the person convicted or separately) shall not be a ground for quashing his conviction unless under all the circumstances of the case his conviction is inconsistent with the acquittal of the other person or persons in question.
- (9) Any rule of law or practice inconsistent with the provisions of subsection (8) above is hereby abolished.
- (10) In section 4 of the Offences against the Person Act 1861—
- (a) the words preceding "whosoever" shall cease to have effect; and
  - (b) for the words from "be kept" to "years" there shall be substituted the words "imprisonment for life".

- (11) Section 3 of the Conspiracy and Protection of Property Act 1875 shall cease to have effect.

## PART II

### OFFENCES RELATING TO ENTERING AND REMAINING ON PROPERTY

#### 6 Violence for securing entry

- (1) Subject to the following provisions of this section, any person who, without lawful authority, uses or threatens violence for the purpose of securing entry into any premises for himself or for any other person is guilty of an offence, provided that—
- (a) there is someone present on those premises at the time who is opposed to the entry which the violence is intended to secure ; and
  - (b) the person using or threatening the violence knows that that is the case.
- (2) The fact that a person has any interest in or right to possession or occupation of any premises shall not for the purposes of subsection (1) above constitute lawful authority for the use or threat of violence by him or anyone else for the purpose of securing his entry into those premises.
- (3) In any proceedings for an offence under this section it shall be a defence for the accused to prove—
- (a) that at the time of the alleged offence he or any other person on whose behalf he was acting was a displaced residential occupier of the premises in question; or
  - (b) that part of the premises in question constitutes premises of which he or any other person on whose behalf he was acting was a displaced residential occupier and that the part of the premises to which he was seeking to secure entry constitutes an access of which he or, as the case may be, that other person is also a displaced residential occupier.
- (4) It is immaterial for the purposes of this section—
- (a) whether the violence in question is directed against the person or against property ; and
  - (b) whether the entry which the violence is intended to secure is for the purpose of acquiring possession of the premises in question or for any other purpose.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both.
- (6) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.
- (7) Section 12 below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a displaced residential occupier of any premises or of any access to any premises.

## 7 **Adverse occupation of residential premises**

(1) Subject to the following provisions of this section, any person who is on any premises as a trespasser after having entered as such is guilty of an offence if he fails to leave those premises on being required to do so by or on behalf of—

- (a) a displaced residential occupier of the premises ; or
- (b) an individual who is a protected intending occupier of the premises by virtue of subsection (2) or subsection (4) below.

(2) For the purposes of this section an individual is a protected intending occupier of any premises at any time if at that time—

- (a) he has in those premises a freehold interest or a leasehold interest with not less than 21 years still to run and he acquired that interest as a purchaser for money or money's worth ; and
- (b) he requires the premises for his own occupation as a residence; and
- (c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser ; and
- (d) he or a person acting on his behalf holds a written statement—
  - (i) which specifies his interest in the premises ; and
  - (ii) which states that he requires the premises for occupation as a residence for himself; and
  - (iii) with respect to which the requirements in subsection (3) below are fulfilled.

(3) The requirements referred to in subsection (2)(d)(iii) above are—

- (a) that the statement is signed by the person whose interest is specified in it in the presence of a justice of the peace or commissioner for oaths ; and
- (b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signature ;

and a person is guilty of an offence if he makes a statement for the purposes of subsection (2)(d) above which he knows to be false in a material particular or if he recklessly makes such a statement which is false in a material particular.

(4) For the purposes of this section an individual is also a protected intending occupier of any premises at any time if at that time—

- (a) he has been authorised to occupy the premises as a residence by an authority to which this subsection applies ; and
- (b) he is excluded from occupation of the premises by a person who entered the premises, or any access to them, as a trespasser ; and
- (c) there has been issued to him by or on behalf of the authority referred to in paragraph (a) above a certificate stating that the authority is one to which this subsection applies, being of a description specified in the certificate, and that he has been authorised by the authority to occupy the premises concerned as a residence.

(5) Subsection (4) above applies to the following authorities:—

- (a) any body mentioned in section 14 of the Rent Act 1977 (landlord's interest belonging to local authority etc.);
- (b) the Housing Corporation ; and
- (c) a housing association, within the meaning of section 189(1) of the Housing Act 1957, which is for the time being either registered in the register of

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housing associations established under section 13 of the Housing Act 1974 or specified in an order made by the Secretary of State under paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975.

- (6) In any proceedings for an offence under subsection (1) above it shall be a defence for the accused to prove that he believed that the person requiring him to leave the premises was not a displaced residential occupier or protected intending occupier of the premises or a person acting on behalf of a displaced residential occupier or protected intending occupier.
- (7) In any proceedings for an offence under subsection (1) above it shall be a defence for the accused to prove—
- (a) that the premises in question are or form part of premises used mainly for non-residential purposes ; and
  - (b) that he was not on any part of the premises used wholly or mainly for residential purposes.
- (8) In any proceedings for an offence under subsection (1) above where the accused was requested to leave the premises by a person claiming to be or to act on behalf of a protected intending occupier of the premises—
- (a) it shall be a defence for the accused to prove that, although asked to do so by the accused at the time the accused was requested to leave, that person failed at that time to produce to the accused such a statement as is referred to in subsection (2)(d) above or such a certificate as is referred to in subsection (4)(c) above; and
  - (b) any document purporting to be a certificate under subsection (4)(c) above shall be received in evidence and, unless the contrary is proved, shall be deemed to have been issued by or on behalf of the authority stated in the certificate.
- (9) Any reference in the preceding provisions of this section other than subsections (2) to (4) above, to any premises includes a reference to any access to them, whether or not any such access itself constitutes premises, within the meaning of this Part of this Act; and a person who is a protected intending occupier of any premises shall be regarded for the purposes of this section as a protected intending occupier also of any access to those premises.
- (10) A person guilty of an offence under subsection (1) or (3) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both.
- (11) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under subsection (1) above.

## **8 Trespassing with a weapon of offence**

- (1) A person who is on any premises as a trespasser, after having entered as such, is guilty of an offence if, without lawful authority or reasonable excuse, he has with him on the premises any weapon of offence.
- (2) In subsection (1) above " weapon of offence " means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use.

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- (3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £1,000 or to both.
- (4) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an offence under this section.

## **9 Trespassing on premises of foreign missions, etc.**

- (1) Subject to subsection (3) below, a person who enters or is on any premises to which this section applies as a trespasser is guilty of an offence.
- (2) This section applies to any premises which are or form part of—
  - (a) the premises of a diplomatic mission within the meaning of the definition in Article 1(i) of the Vienna Convention on Diplomatic Relations signed in 1961 as that Article has effect in the United Kingdom by virtue of section 2 of and Schedule 1 to the Diplomatic Privileges Act 1964 ;
  - (b) consular premises within the meaning of the definition in paragraph 1(j) of Article 1 of the Vienna Convention on Consular Relations signed in 1963 as that Article has effect in the United Kingdom by virtue of section 1 of and Schedule 1 to the Consular Relations Act 1968;
  - (c) any other premises in respect of which any organisation or body is entitled to inviolability by or under any enactment; and
  - (d) any premises which are the private residence of a diplomatic agent (within the meaning of Article 1(e) of the Convention mentioned in paragraph (a) above) or of any other person who is entitled to inviolability of residence by or under any enactment.
- (3) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he believed that the premises in question were not premises to which this section applies.
- (4) In any proceedings for an offence under this section a certificate issued by or under the authority of the Secretary of State stating that any premises were or formed part of premises of any description mentioned in paragraphs (a) to (d) of subsection (2) above at the time of the alleged offence shall be conclusive evidence that the premises were or formed part of premises of that description at that time.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both.
- (6) Proceedings for an offence under this section shall not be instituted against any person except by or with the consent of the Attorney General.
- (7) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an offence under this section.

## **10 Obstruction of court officers executing process for possession against unauthorised occupiers**

- (1) Without prejudice to section 8(2) of the Sheriffs Act 1887 but subject to the following provisions of this section, a person is guilty of an offence if he resists or intentionally



obstructs any person who is in fact an officer of a court engaged in executing any process issued by the High Court or by any county court for the purpose of enforcing any judgment or order for the recovery of any premises or for the delivery of possession of any premises.

- (2) Subsection (1) above does not apply unless the judgment or order in question was given or made in proceedings brought under any provisions of rules of court applicable only in circumstances where the person claiming possession of any premises alleges that the premises in question are occupied solely by a person or persons (not being a tenant or tenants holding over after the termination of the tenancy) who entered into or remained in occupation of the premises without the licence or consent of the person claiming possession or any predecessor in title of his.
- (3) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he believed that the person he was resisting or obstructing was not an officer of a court.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both.
- (5) A constable in uniform or any officer of a court may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.
- (6) In this section " officer of a court " means—
  - (a) any sheriff, under sheriff, deputy sheriff, bailiff or officer of a sheriff; and
  - (b) any bailiff or other person who is an officer of a county court within the meaning of the County Courts Act 1959.

## **11 Power of entry for the purposes of this Part of this Act**

For the purpose of arresting a person under any power conferred by any provision of this Part of this Act other than section 9(7) above a constable in uniform may enter (if need be, by force) and search any premises where that person is or where the constable, with reasonable cause, suspects him to be.

## **12 Supplementary provisions**

- (1) In this Part of this Act—
  - (a) " premises " means any building, any part of a building under separate occupation, any land ancillary to a building, the site comprising any building or buildings together with any land ancillary thereto, and (for the purposes only of sections 10 and 11 above) any other place; and
  - (b) " access " means, in relation to any premises, any part of any site or building within which those premises are situated which constitutes an ordinary means of access to those premises (whether or not that is its sole or primary use).
- (2) References in this section to a building shall apply also to any structure other than a movable one, and to any movable structure, vehicle or vessel designed or adapted for use for residential purposes; and for the purposes of subsection (1) above—
  - (a) part of a building is under separate occupation if anyone is in occupation or entitled to occupation of that part as distinct from the whole; and

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- (b) land is ancillary to a building if it is adjacent to it and used (or intended for use) in connection with the occupation of that building or any part of it.
- (3) Subject to subsection (4) below, any person who was occupying any premises as a residence immediately before being excluded from occupation by anyone who entered those premises, or any access to those premises, as a trespasser is a displaced residential occupier of the premises for the purposes of this Part of this Act so long as he continues to be excluded from occupation of the premises by the original trespasser or by any subsequent trespasser.
- (4) A person who was himself occupying the premises in question as a trespasser immediately before being excluded from occupation shall not by virtue of subsection (3) above be a displaced residential occupier of the premises for the purposes of this Part of this Act.
- (5) A person who by virtue of subsection (3) above is a displaced residential occupier of any premises shall be regarded for the purposes of this Part of this Act as a displaced residential occupier also of any access to those premises.
- (6) Anyone who enters or is on or in occupation of any premises by virtue of—
  - (a) any title derived from a trespasser ; or
  - (b) any licence or consent given by a trespasser or by a person deriving title from a trespasser,
 shall himself be treated as a trespasser for the purposes of this Part of this Act (without prejudice to whether or not he would be a trespasser apart from this provision); and references in this Part of this Act to a person's entering or being on or occupying any premises as a trespasser shall be construed accordingly.
- (7) Anyone who is on any premises as a trespasser shall not cease to be a trespasser for the purposes of this Part of this Act by virtue of being allowed time to leave the premises, nor shall anyone cease to be a displaced residential occupier of any premises by virtue of any such allowance of time to a trespasser.
- (8) No rule of law ousting the jurisdiction of magistrates' courts to try offences where a dispute of title to property is involved shall preclude magistrates' courts from trying offences under this Part of this Act.

### **13 Abolitions and repeals**

- (1) The offence of forcible entry and any offence of forcible detainer at common law are hereby abolished for all purposes not relating to offences committed before the coming into force of this Part of this Act.
- (2) The following enactments shall cease to have effect—
  - (a) the Forcible Entry Act 1381;
  - (b) chapter 2 of 15 Ric.2 (1391);
  - (c) the Forcible Entry Act 1429 ;
  - (d) the Forcible Entry Act 1588 ; and
  - (e) the Forcible Entry Act 1623.

## PART III

### CRIMINAL PROCEDURE, PENALTIES, ETC.

#### *Preliminary*

#### **14 Preliminary**

The provisions of this Part of this Act down to the end of section 24 shall have effect for the purpose of securing that, as regards mode of trial, there are only three classes of offence, namely—

- (a) offences triable only on indictment;
- (b) offences triable only summarily ; and
- (c) offences triable either way,

for laying down a single procedure applicable to all cases where a person who has attained the age of seventeen appears or is brought before a magistrates' court on an information charging him with an offence which is triable either way, and for related purposes.

#### *Allocation of offences to classes as regards mode of trial*

#### **15 Offences which are to become triable only summarily**

- (1) The following offences shall be triable only summarily (instead of either way), namely—
  - (a) the offences mentioned (and broadly described) in column 1 of Schedule 1 to this Act; and
  - (b) any offence consisting in the incitement to commit a summary offence.
- (2) The provisions mentioned in subsection (3) below (which confer a right to claim trial by jury for certain offences triable summarily, thereby making triable either way such of those offences as would otherwise be triable only summarily) shall cease to have effect.
- (3) The said provisions are—
  - (a) section 25 of the Magistrates' Courts Act 1952 ;
  - (b) sections 9 and 19(1) and (2) of the Conspiracy and Protection of Property Act 1875 ;
  - (c) in the Cruelty to Animals Act 1876, section 15 and, in section 17, the words from "or if" to "Justiciary";
  - (d) in the Witnesses (Public Inquiries) Protection Act 1892, in section 3 the words from " provided that" onwards and, in section 6, paragraph (2).
- (4) The following offences under the Night Poaching Act 1828 shall be triable only summarily (instead of only on indictment), namely—
  - (a) offences under section 2 of that Act (assaults by persons committing offences under the Act);
  - (b) offences under section 9 of that Act (entering land, with others, armed and for the purpose of taking or destroying game or rabbits).

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- (5) Subsections (1) and (4) above are without prejudice to any other enactment by virtue of which any offence is triable only summarily.

**16 Offences which are to become triable either way**

- (1) The offences mentioned in Schedule 2 to this Act shall be triable either way (instead of only on indictment).
- (2) The offences which by virtue of section 19 of the Magistrates' Courts Act 1952 are triable either way (excluding offences under section 56 of the Post Office Act 1953 and any other offence which by virtue of section 15(1) above is triable only summarily) shall be triable either way by virtue of this subsection ; and the said section 19 shall cease to have effect.
- (3) The offences triable either way by virtue of subsections (1) and (2) above are, for convenience of reference, listed in Schedule 3 to this Act.
- (4) Subsections (1) and (2) above are without prejudice to any enactment by virtue of which any offence is (otherwise than under the said section 19) triable either way.

**17 Offence which is to become triable only on indictment**

Section 5 of the Newspaper Libel and Registration Act 1881 (which provides for the summary trial, with the consent of the accused, of charges against newspaper proprietors and others responsible for the publication of newspapers for libels published in them) shall cease to have effect.

*Limitation of time*

**18 Provisions as to time-limits on summary proceedings for indictable offences**

- (1) Nothing in—
- (a) section 104 of the Magistrates' Courts Act 1952 (limitation of time for trial of information); or
  - (b) subject to subsection (3) below, any other enactment (however framed or worded) which, as regards any offence to which it applies, would but for this section impose a time-limit on the power of a magistrates' court to try an information summarily or impose a limitation on the time for taking summary proceedings,
- shall apply in relation to any indictable offence.
- (2) Without prejudice to the generality of paragraph (b) of subsection (1) above, that paragraph includes enactments which impose a time-limit that applies only in certain circumstances (for example, where the proceedings are not instituted by or with the consent of the Director of Public Prosecutions or some other specified authority).
- (3) Where, as regards any indictable offence, there is imposed by any enactment (however framed or worded, and whether falling within subsection (1)(b) above or not) a limitation on the time for taking proceedings on indictment for that offence no summary proceedings for that offence shall be taken after the latest time for taking proceedings on indictment.

*Procedure for determining mode of trial of offences triable either way*

**19 Initial procedure on information for offence triable either way**

- (1) Sections 20 to 24 below shall have effect where a person who has attained the age of seventeen appears or is brought before a magistrates' court on an information charging him with an offence triable either way.
- (2) Without prejudice to section 15 of the Magistrates' Courts Act 1952 (non-appearance of accused for trial), everything that the court is required to do under sections 20 to 23 below must be done before any evidence is called and, subject to the following subsection and section 24 below, with the accused present in court.
- (3) The court may proceed in the absence of the accused in accordance with such of the provisions of sections 20 to 23 below as are applicable in the circumstances if they consider that by reason of his disorderly conduct before them it is not practicable for the proceedings to be conducted in his presence; and subsections (3) to (5) of section 24 below, so far as applicable, shall have effect in relation to proceedings conducted in the absence of the accused by virtue of this subsection (references in those subsections to the person representing the accused being for this purpose read as references to the person, if any, representing him).
- (4) A magistrates' court proceeding under sections 20 to 24 below may adjourn the proceedings at any time, and on doing so on any occasion when the accused is present may remand the accused, and shall remand him if—
  - (a) on the occasion on which he first appeared, or was brought, before the court to answer to the information he was in custody or, having been released on bail, surrendered to the custody of the court; or
  - (b) if he has been remanded at any time in the course of proceedings on the information ;and where the court remands the accused, the time fixed for the resumption of the proceedings shall be that at which he is required to appear or be brought before the court in pursuance of the remand.
- (5) The functions of a magistrates' court under sections 20 to 24 below may be discharged by a single justice, but the foregoing provision shall not be taken to authorise the summary trial of an information by a magistrates' court composed of less than two justices.

**20 Court to begin by considering which mode of trial appears more suitable**

- (1) The court shall consider whether, having regard to the matters mentioned in subsection (3) below and any representations made by the prosecutor or the accused, the offence appears to the court more suitable for summary trial or for trial on indictment.
- (2) Before so considering, the court—
  - (a) shall cause the charge to be written down, if this has not already been done, and read to the accused ; and
  - (b) shall afford first the prosecutor and then the accused an opportunity to make representations as to which mode of trial would be more suitable.
- (3) The matters to which the court is to have regard under subsection (1) above are the nature of the case; whether the circumstances make the offence one of serious

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character; whether the punishment which a magistrates' court would have power to inflict for it would be adequate ; and any other circumstances which appear to the court to make it more suitable for the offence to be tried in one way rather than the other.

- (4) If the prosecution is being carried on by the Attorney General, the Solicitor General or the Director of Public Prosecutions and he applies for the offence to be tried on indictment, the preceding provisions of this section and sections 21 and 22 below shall not apply, and the court shall proceed to inquire into the information as examining justices.

## **21 Procedure where summary trial appears more suitable**

- (1) If, where the court has considered as required by section 20(1) above, it appears to the court that the offence is more suitable for summary trial, the following provisions of this section shall apply (unless excluded by section 24 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, and that he can either consent to be so tried or, if he wishes, be tried by a jury; and
  - (b) that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 29 of the Magistrates' Courts Act 1952 if the convicting court, on obtaining information about his character and antecedents, is of opinion that they are such that greater punishment should be inflicted than the convicting court has power to inflict for the offence.
- (3) After explaining to the accused as provided by the preceding subsection the court shall ask him whether he consents to be tried summarily or wishes to be tried by a jury, and—
- (a) if he consents to be tried summarily, shall proceed to the summary trial of the information ;
  - (b) if he does not so consent, shall proceed to inquire into the information as examining justices.

## **22 Procedure where trial on indictment appears more suitable**

If, where the court has considered as required by section 20(1) above, it appears to the court that the offence is 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 for the offence by a jury, and shall proceed to inquire into the information as examining justices.

## **23 Certain offences triable either way to be tried summarily if value involved is small**

- (1) If the offence charged by the information is one of those mentioned in the first column of Schedule 4 to this Act (in this section referred to as " scheduled offences ") then, subject to subsection (7) below, the court shall, before proceeding in accordance with section 20 above, consider whether, having regard to any representations made by the prosecutor or the accused, the value involved (as defined in subsection (10) below) appears to the court to exceed the relevant sum.

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For the purposes of this section the relevant sum is £200.

- (2) If, where subsection (1) above applies, it appears to the court clear that, for the offence charged, the value involved does not exceed the relevant sum, the court shall proceed as if the offence were triable only summarily, and sections 20 to 22 above shall not apply.
- (3) If, where subsection (1) above applies, it appears to the court clear that, for the offence charged, the value involved exceeds the relevant sum, the court shall thereupon proceed in accordance with section 20 above in the ordinary way without further regard to the provisions of this section.
- (4) If, where subsection (1) above applies, it appears to the court for any reason not clear whether, for the offence charged, the value involved does or does not exceed the relevant sum, the provisions of subsections (5) and (6) below shall apply.
- (5) The court shall cause the charge to be written down, if this has not already been done, and read to the accused, and shall explain to him in ordinary language—
  - (a) that he can, if he wishes, consent to be tried summarily for the offence and that if he consents to be so tried, he will definitely be tried in that way; and
  - (b) that if he is tried summarily and is convicted by the court, his liability to imprisonment or a fine will be limited as provided in section 29 below.
- (6) After explaining to the accused as provided by the preceding subsection the court shall ask him whether he consents to be tried summarily and—
  - (a) if he so consents, shall proceed in accordance with subsection (2) above as if that subsection applied;
  - (b) if he does not so consent, shall proceed in accordance with subsection (3) above as if that subsection applied.
- (7) Subsection (1) above shall not apply where the offence charged—
  - (a) is one of two or more offences with which the accused is charged on the same occasion and which appear to the court to constitute or form part of a series of two or more offences of the same or a similar character; or
  - (b) consists in the incitement to commit two or more scheduled offences.
- (8) Where a person is convicted by a magistrates' court of a scheduled offence, it shall not be open to him to appeal to the Crown Court against the conviction on the ground that the convicting court's decision as to the value involved was mistaken; and where a person is convicted before the Crown Court of such an offence, it shall not be open to him to appeal to the Court of Appeal against the conviction on the ground that the decision of the court which committed him for trial as to the value involved was mistaken.
- (9) If, where subsection (1) above applies, the offence charged is one with which the accused is charged jointly with a person who has not attained the age of seventeen, the reference in that subsection to any representations made by the accused shall be read as including any representations made by the person under seventeen.
- (10) In this section " the value involved ", in relation to any scheduled offence, means the value indicated in the second column of Schedule 4 to this Act, measured as indicated in the third column of that Schedule; and in that Schedule " the material time " means the time of the alleged offence.

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**24 Power of court, with consent of legally represented accused, to proceed in his absence**

- (1) Where—
  - (a) the accused is represented by counsel or a solicitor who in his absence signifies to the court the accused's consent to the proceedings for determining how he is to be tried for the offence being conducted in his absence; and
  - (b) the court is satisfied that there is good reason for proceeding in the absence of the accused,the following provisions of this section shall apply.
- (2) Subject to the following provisions of this section, the court may proceed in the absence of the accused in accordance with such of the provisions of sections 20 to 23 above as are applicable in the circumstances.
- (3) If, in a case where subsection (1) of section 23 above applies, it appears to the court as mentioned in subsection (4) of that section, subsections (5) and (6) of that section shall not apply and the court—
  - (a) if the accused's consent to be tried summarily has been or is signified by the person representing him, shall proceed in accordance with subsection (2) of that section as if that subsection applied ; or
  - (b) if that consent has not been and is not so signified, shall proceed in accordance with subsection (3) of that section as if that subsection applied.
- (4) If, where the court has considered as required by section 20(1) above, it appears to the court that the offence is more suitable for summary trial then—
  - (a) if the accused's consent to be tried summarily has been or is signified by the person representing him, section 21 above shall not apply, and the court shall proceed to the summary trial of the information; or
  - (b) if that consent has not been and is not so signified, section 21 above shall not apply and the court shall proceed to inquire into the information as examining justices and may adjourn the hearing without remanding the accused.
- (5) If, where the court has considered as required by section 20(1) above, it appears to the court that the offence is more suitable for trial on indictment, section 22 above shall not apply, and the court shall proceed to inquire into the information as examining justices and may adjourn the hearing without remanding the accused.

**25 Power to change from summary trial to committal proceedings, and vice versa**

- (1) Subsections (2) to (4) below shall have effect where a person who has attained the age of seventeen appears or is brought before a magistrates' court on an information charging him with an offence triable either way.
- (2) Where the court has (otherwise than in pursuance of section 23(2) above) begun to try the information summarily, the court may, at any time before the conclusion of the evidence for the prosecution, discontinue the summary trial and proceed to inquire into the information as examining justices and, on doing so, may adjourn the hearing without remanding the accused.
- (3) Where the court has begun to inquire into the information as examining justices, then, if at any time during the inquiry it appears to the court, having regard to any representations made in the presence of the accused by the prosecutor, or made by the accused, and to the nature of the case, that the offence is after all more suitable



for summary trial, the court may, after doing as provided in subsection (4) below, ask the accused whether he consents to be tried summarily and, if he so consents, may proceed to try the information summarily:

Provided that, if the prosecution is being carried on by the Attorney General, the Solicitor General or the Director of Public Prosecutions, the court shall not act under this subsection without his consent.

- (4) Before asking the accused under subsection (3) above whether he consents to be tried summarily, the court shall in ordinary language—
  - (a) explain to him that it appears to the court more suitable for him to be tried summarily for the offence, but that this can only be done if he consents to be so tried; and
  - (b) unless it has already done so, explain to him, as provided in section 21(2)(b) above, about the court's power to commit to the Crown Court for sentence.
- (5) Where a person under the age of seventeen appears or is brought before a magistrates' court on an information charging him with an indictable offence other than homicide, and the court—
  - (a) has begun to try the information summarily on the footing that the case does not fall within paragraph (a) or (b) of section 6(1) of the Children and Young Persons Act 1969 and must therefore be tried summarily, as required by the said section 6(1); or
  - (b) has begun to inquire into the case as examining justices on the footing that the case does so fall,subsection (6) or (7) below, as the case may be, shall have effect.
- (6) If, in a case falling within subsection (5)(a) above, it appears to the court at any time before the conclusion of the evidence for the prosecution that the case is after all one which under the said section 6(1) ought not to be tried summarily, the court may discontinue the summary trial and proceed to inquire into the information as examining justices and, on doing so, may adjourn the hearing without remanding the accused.
- (7) If, in a case falling within subsection (5)(b) above, it appears to the court at any time during the inquiry that the case is after all one which under the said section 6(1) ought to be tried summarily, the court may proceed to try the information summarily.

## **26 Power to issue summons to accused in certain circumstances**

- (1) Where—
  - (a) in the circumstances mentioned in section 24(1)(a) above the court is not satisfied that there is good reason for proceeding in the absence of the accused; or
  - (b) subsection (4)(b) or (5) of section 24 or subsection (2) or (6) of section 25 above applies, and the court adjourns the hearing in pursuance of that subsection without remanding 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) If the accused is not present at the time and place appointed—
  - (a) in a case within subsection (1)(a) above, for the proceedings under section 20(1) or 23(1) above, as the case may be; or
  - (b) in a case within subsection (1)(b) above, for the resumption of the hearing,

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the court may issue a warrant for his arrest.

### *Penalties*

#### **27 General limit on power of magistrates' court to impose imprisonment,**

- (1) Without prejudice to section 108 of the Magistrates' Courts Act 1952 (consecutive terms of imprisonment), a magistrates' court shall not have power to impose imprisonment for more than six months in respect of any one offence.
- (2) Unless expressly excluded, subsection (1) above shall apply even if the offence in question is one for which a person would otherwise be liable on summary conviction to imprisonment for more than six months.
- (3) Any power of a magistrates' court to impose a term of imprisonment for non-payment of a fine, or for want of sufficient distress to satisfy a fine, shall not be limited by virtue of subsection (1) above.

#### **28 Penalties on summary conviction for offences triable either way**

- (1) On summary conviction of any of the offences triable either way listed in Schedule 3 to this Act a person shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding the prescribed sum or both:

Provided that—

- (a) a magistrates' court shall not have power to impose imprisonment for an offence so listed if the Crown Court would not have that power in the case of an adult convicted of it on indictment;
  - (b) on summary conviction of an offence consisting in the incitement to commit an offence triable either way a person shall not be liable to any greater penalty than he would be liable to on summary conviction of the last-mentioned offence; and
  - (c) on summary conviction of attempting to commit an offence triable either way a person shall not be liable to any greater penalty than he would be liable to on summary conviction of the completed offence.
- (2) For any offence triable either way which is not listed in Schedule 3 to this Act, being an offence under a relevant enactment, the maximum fine which may be imposed on summary conviction shall by virtue of this subsection be the prescribed sum unless the offence is one for which by virtue of an enactment other than this subsection a larger fine may be imposed on summary conviction.
  - (3) Where, by virtue of any relevant enactment, a person summarily convicted of an offence triable either way would, apart from this section, be liable to a maximum fine of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, subsection (2) above shall apply irrespective of whether the conviction is a first, second or subsequent one.
  - (4) Subsection (2) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.

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- (5) Where, as regards any offence triable either way, there is under any enactment (however framed or worded) a power by subordinate instrument to restrict the amount of the fine which on summary conviction can be imposed in respect of that offence—
- (a) subsection (2) above shall not affect that power or override any restriction imposed in exercise of that power ; and
  - (b) the amount to which that fine may be restricted in exercise of that power shall be any amount less than the maximum fine which could be imposed on summary conviction in respect of the offence apart from any restriction so imposed.
- (6) Where there is under any relevant enactment (however framed or worded) a power by subordinate instrument to impose penal provisions, being a power which allows the creation of offences triable either way—
- (a) the maximum fine which may in the exercise of that power be authorised on summary conviction in respect of an offence triable either way shall by virtue of this subsection be the prescribed sum unless some larger maximum fine can be authorised on summary conviction in respect of such an offence by virtue of an enactment other than this subsection ; and
  - (b) subsection (2) above shall not override any restriction imposed in the exercise of that power on the amount of the fine which on summary conviction can be imposed in respect of an offence triable either way created in the exercise of the power.
- (7) In this section—
- " the prescribed sum " means £1,000 or such sum as is for the time being substituted in this definition by an order in force under section 61(1) below ;
  - " relevant enactment " means an enactment contained in this Act or in any Act passed before, or in the same Session as, this Act.
- (8) Schedule 5 to this Act shall have effect for the purpose of altering the penalties available on summary conviction of certain offences triable either way not listed in Schedule 3 to this Act; and subsection (2) above shall not apply on summary conviction of any of the offences mentioned in paragraph 1(2) of the said Schedule 5.

## **29 Maximum penalties on summary conviction in pursuance of section 23**

Where in pursuance of subsection (2) of section 23 above a magistrates' court proceeds to the summary trial of an information, then, if the accused is summarily convicted of the offence—

- (a) the court shall not have power to impose on him in respect of that offence imprisonment for more than three months or a fine greater than £500; and
- (b) section 29 of the Magistrates' Courts Act 1952 (power of court to commit offender to Crown Court for sentence if of opinion that his character and antecedents are such that greater punishment should be inflicted than the convicting court has power to inflict) shall not apply as regards that offence.

## **30 Penalties (and mode of trial) for offences made triable only summarily**

- (1) The enactments specified in column 2 of Schedule 1 to this Act, which relate to the mode of trial of, and the maximum penalties for, the offences mentioned (and broadly described) in column 1 of that Schedule (being the offences which are by section 15(1)

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- (a) above made triable only summarily instead of either way) shall have effect subject to the amendments specified in column 3 of that Schedule.
- (2) The said amendments have the effect of altering the maximum penalties available on summary conviction of the offences so mentioned as well as making alterations consequential on their becoming triable only summarily ; and in that Schedule column 4 shows the present maximum penalties by way of fine or imprisonment on summary conviction and on conviction on indictment, and column 5 shows the new maximum penalties resulting from the amendments.
- (3) A person who (by virtue of section 15 above) is summarily convicted of an offence under section 2 (assaults by persons committing offences under the Act) or section 9 (entering land, with others, armed and for the purpose of taking or destroying game or rabbits) of the Night Poaching Act 1828 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding £500, or to both (instead of to a maximum penalty on conviction on indictment of seven years imprisonment or a fine or both for an offence under the said section 2, or of fourteen years imprisonment or a fine or both for an offence under the said section 9).
- (4) On conviction of an offence consisting in the incitement to commit a summary offence a person shall be liable to the same penalties as he would be liable to on conviction of the last-mentioned offence.

### **31 Increase of fines for certain summary offences**

- (1) The enactments specified in column 2 of Schedule 6 to this Act, which relate to the maximum fines for the offence's mentioned (and broadly described) in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed on summary conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule, so however that the preceding provision shall not alter the maximum daily fine, if any, provided for by any of those enactments.
- (2) This subsection applies to the following enactments (by virtue of which certain byelaws may make persons contravening the byelaws liable on summary conviction to a fine not exceeding £20), namely—
- (a) section 183 of the Public Health Act 1875 and section 237 of the Local Government Act 1972 (local authorities' byelaws) in their application to byelaws under any public general Act; and
  - (b) paragraph 5 of Schedule 6 to the Weights and Measures Act 1963 (byelaws about solid fuel), including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act.
- (3) In the enactments to which subsection (2) above applies for any reference to £20 there shall be substituted a reference to £50; and any provision in force at the coming into force of this subsection which—
- (a) is contained in any byelaw made under a public general Act by virtue of—
    - (i) any enactment to which subsection (2) above applies; or
    - (ii) section 251 of the Local Government Act 1933; and
  - (b) specifies £20 as the maximum fine which may be imposed on summary conviction in respect of a contravention of, or offence under, any byelaw mentioned in that provision,

shall have effect as if it specified £50 instead (but with no change by virtue of this subsection in the maximum daily fine, if any, for which it provides).

The preceding provisions of this subsection are without prejudice to subsection (4) below.

- (4) The following byelaws, namely—
- (a) byelaws under section 75 of the Public Health Act 1961 (byelaws as to pleasure fairs and roller skating rinks);
  - (b) byelaws under section 76 of that Act (byelaws as to seaside pleasure boats); and
  - (c) any byelaws relating to the burning of straw or stubble made by a local authority under section 235 of the Local Government Act 1972 (byelaws for good rule and government and suppression of nuisances),

may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding £200 and, in the case of a continuing offence, a further fine not exceeding £5 for each day during which the offence continues after the conviction thereof; and any such byelaw in force at the coming into force of this subsection which specifies £20 or any smaller sum as the maximum fine which may be imposed on summary conviction of an offence under any such byelaw shall have effect as if it specified £200 instead (but with no change by virtue of this subsection in the maximum daily fine, if any, for which it provides).

- (5) This subsection applies to any pre-1949 enactment (however framed or worded) which—
- (a) as regards any summary offence makes a person liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act); or
  - (b) confers power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act).
- (6) Every enactment to which subsection (5) above applies shall have effect as if for the specified amount less than £50 there mentioned there were substituted—
- (a) £25 if the specified amount is less than £20 ; or
  - (b) £50 if the specified amount is not less than £20.
- (7) Where, by virtue of any enactment to which subsection (5) above applies by virtue of paragraph (a) of that subsection, a person convicted of a summary offence would, apart from this section, be liable to a fine, or maximum fine, of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, subsection (6) above shall apply separately in relation to each specified amount less than £50, even if this produces the same instead of different amounts for different convictions.
- (8) Subsection (6) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.

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- (9) In subsection (5) above " pre-1949 enactment" means an enactment passed before 1st January 1949 or an enactment passed on or after that date which (whether directly or, through successive re-enactments, indirectly) re-enacts with or without modification an enactment passed before that date.
- (10) In section 67(6) of the Medicines Act 1968, for " £400 " (which gives the maximum fine on summary conviction which can be imposed by regulations under section 66 for contravention of the regulations) there shall be substituted " £1,000 ".
- (11) In this section "enactment" does not include an enactment contained in an order, regulation or other instrument made under an Act.

### **32 Other provisions as to maximum fines**

- (1) Where a person convicted on indictment of any offence (whether triable only on indictment or either way) would, apart from this subsection, be liable to a fine not exceeding a specified amount, he shall by virtue of this subsection be liable to a fine of any amount.
- (2) In section 27(3) of the Magistrates' Courts Act 1952 (power of a magistrates' court to fine an offender up to £100 where it would otherwise only have power to sentence him to imprisonment or other detention), for the words from " impose a fine " onwards there shall be substituted the words " impose a fine which—
  - (a) for an offence triable either way, shall not exceed the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 ; and
  - (b) for a summary offence, shall—
    - (i) not exceed £200 ; and
    - (ii) not be of such an amount as would subject the offender, in default of payment of the fine, to a longer term of imprisonment or detention than the term to which he is liable on conviction of the offence."
- (3) In paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972, for the words " £5 a day " (which give the maximum daily fine with which an offence created under the powers conferred by section 2(2) of that Act can under those powers be made punishable on summary conviction) there shall be substituted the words " £100 a day ".

### **33 Penalty for offences under section 3 of Explosive Substances Act 1883**

For an offence under section 3 of the Explosive Substances Act 1883 (attempt to cause explosion, or making or keeping explosive, with intent to endanger life or property in the United Kingdom or the Republic of Ireland) the maximum term of imprisonment which may be imposed by a court in Great Britain shall be increased from twenty years to life.

#### *Young offenders*

### **34 Power of magistrates' court to remit a person under 17 for trial to a juvenile court in certain circumstances**

- (1) Where—

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- (a) a person under the age of seventeen ("the juvenile") appears or is brought before a magistrates' court other than a juvenile court on an information jointly charging him and one or more other persons with an offence; and
- (b) that other person, or any of those other persons, has attained that age,

subsection (2) below shall have effect notwithstanding proviso (a) in section 46(1) of the Children and Young Persons Act 1933 (which would otherwise require the charge against the juvenile to be heard by a magistrates' court other than a juvenile court). In the following provisions of this section " the older accused " means such one or more of the accused as have attained the age of seventeen.

(2) If—

- (a) the court proceeds to the summary trial of the information in the case of both or all of the accused, and the older accused or each of the older accused pleads guilty; or
- (b) the court—
  - (i) in the case of the older accused or each of the older accused, proceeds to inquire into the information as examining justices and either commits him for trial or discharges him ; and
  - (ii) in the case of the juvenile, proceeds to the summary trial of the information,

then, if in either situation the juvenile pleads not guilty, the court may before any evidence is called in his case remit him for trial to a juvenile court acting for the same place as the remitting court or for the place where he habitually resides.

- (3) A person remitted to a juvenile court under subsection (2) above shall be brought before and tried by a juvenile court accordingly.
- (4) Where a person is so remitted to a juvenile court—
  - (a) he shall have no right of appeal against the order of remission; and
  - (b) the remitting court may give such directions as appear to be necessary with respect to his custody or for his release on bail until he can be brought before the juvenile court.
- (5) The preceding provisions of this section shall apply in relation to a corporation as if it were an individual who has attained the age of seventeen.

### **35 Power to commit a person under 17 for trial extended to related offences in certain cases**

In section 6 of the Children and Young Persons Act 1969 (summary trial of young persons), after subsection (1) there shall be inserted—

“(1A) Where, in a case falling within subsection (1)(b) above, a magistrates' court commits a person under the age of seventeen for trial for an offence with which he is charged jointly with a person who has attained that age, the court may also commit him for trial for any other indictable offence with which he is charged at the same time (whether jointly with the person who has attained that age or not) if that other offence arises out of circumstances which are the same as or connected with those giving rise to the first-mentioned offence.”

### **36 Enforcement of fines imposed on young offenders**

- (1) Paragraph 6 of Schedule 4 to the Children and Young Persons Act 1969 (which precludes the making of an attendance centre order in respect of a person under the age of seventeen in consequence of a default within the meaning of the Criminal Justice Act 1961) shall not apply in the case of a default consisting in failure to pay, or want of distress to satisfy, a sum adjudged to be paid by a conviction.
- (2) Where a magistrates' court would, but for the statutory restrictions upon the imprisonment of young offenders, have power to commit to prison a person under the age of seventeen for a default consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction, the court may, subject to the following provisions of this section, make—
  - (a) an order requiring the defaulter's parent or guardian to enter into a recognisance to ensure that the defaulter pays so much of that sum as remains unpaid ; or
  - (b) an order directing so much of that sum as remains unpaid to be paid by the defaulter's parent or guardian instead of by the defaulter.
- (3) An order under subsection (2) above shall not be made in respect of a defaulter—
  - (a) in pursuance of paragraph (a) of that subsection, unless the parent or guardian in question consents ;
  - (b) in pursuance of paragraph (b) of that subsection, unless the court is satisfied in all the circumstances that it is reasonable to make the order.
- (4) None of the following orders, namely—
  - (a) an order under section 19(1) of the Criminal Justice Act 1948 for attendance at an attendance centre; or
  - (b) any order under subsection (2) above,shall be made by a magistrates' court in consequence of a default of a person under the age of seventeen years consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction unless the court has since the conviction inquired into the defaulter's means in his presence on at least one occasion.
- (5) An order under subsection (2) above shall not be made by a magistrates' court unless the court is satisfied that the defaulter has, or has had since the date on which the sum in question was adjudged to be paid, the means to pay the sum or any instalment of it on which he has defaulted, and refuses or neglects or, as the case may be, has refused or neglected, to pay it.
- (6) An order under subsection (2) above may be made in pursuance of paragraph (b) of that subsection against a parent or guardian who, having been required to attend, has failed to do so; but, save as aforesaid, an order under that subsection shall not be made in pursuance of that paragraph without giving the parent or guardian an opportunity of being heard.
- (7) A parent or guardian may appeal to the Crown Court against an order under subsection (2) above made in pursuance of paragraph (b) of that subsection.
- (8) Any sum ordered under subsection (2)(b) above to be paid by a parent or guardian may be recovered from him in like manner as if the order had been made on the conviction of the parent or guardian of an offence.
- (9) In this section—



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" guardian ", in relation to a person under the age of seventeen, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;

" the statutory restrictions upon the imprisonment of young offenders " has the meaning given by section 39(1) of the Criminal Justice Act 1961 ;

" sum adjudged to be paid by a conviction " means any fine, costs, compensation or other sum adjudged to be paid by an order made on a finding of guilt, including an order made under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders) as applied by section 3(6) of the Children and Young Persons Act 1969.

### 37 Supervision orders

- (1) In section 12 of the Children and Young Persons Act 1969 (power to include requirements in supervision orders) there shall be inserted after subsection (3) the following subsections—

“(3A) This subsection applies to—

- (a) any supervision order made under section 7(7) of this Act in respect of a child or young person found guilty as there mentioned ; and
- (b) any supervision order made in respect of a person under section 21(2) of this Act by a court on discharging a care order made in respect of him under the said section 7(7).

(3B) Subject to the following subsection (but without prejudice to subsection (2) or (4) of this section) a supervision order to which subsection (3A) of this section applies may require the supervised person to do as mentioned in all or any one or more of paragraphs (a) to (c) of this subsection, that is to say—

- (a) to be of good behaviour ;
- (b) to comply, for as long as the order remains in force, or until the end of some shorter period specified in the order, with such requirements as may be so specified, being requirements which, having regard to the circumstances of the case, the court making the order considers appropriate for the purpose of preventing the commission of further offences by the supervised person;
- (c) if he is of compulsory school age, to comply, for as long as he is of that age and the order remains in force, with such arrangements for his education as may from time to time be made by his parent, being arrangements for the time being approved by the local education authority.

Expressions used in paragraph (c) of this subsection and in the Education Act 1944 have the same meaning there as in that Act.

(3C) A requirement to do as mentioned in paragraph (b) of the preceding subsection shall not be included in a supervision order to which subsection (3A) of this section applies unless the supervised person or, if he is a child, his parent or guardian consents to its inclusion ; and there shall not be included in such an order by virtue of the said paragraph (b)—

- (a) any requirement that would involve the cooperation of a person other than the supervisor and the supervised person unless that other person consents to its inclusion ; or

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- (b) any requirement requiring the specified person to reside with a specified individual or live at a specified place; or
  - (c) any such requirement as is mentioned in subsection (4) of this section.”.
- (2) In section 15 of the Children and Young Persons Act 1969 (variation and discharge of supervision orders), after subsection (2) there shall be inserted the following subsection—
- “(2A) If while a supervision order to which section 12 (3A) of this Act applies is in force in respect of a person who has not attained the age of eighteen it is proved to the satisfaction of a juvenile court, on the application of the supervisor, that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12 or section 18(2)(b) of this Act, the court may, whether or not it also makes an order under subsection (1) of this section—
- (a) order him to pay a fine of an amount not exceeding £50; or
  - (b) subject to section 16(10) of this Act, make an attendance centre order in respect of him.”.
- (3) The preceding provisions of this section, and any related amendment or repeal provided for in Schedule 12 or 13 to this Act, shall not apply in relation to supervision orders made before the coming into force of those provisions.

#### *Cross-border enforcement*

### **38 Execution throughout United Kingdom of warrants of arrest**

- (1) A warrant issued in Scotland or Northern Ireland for the arrest of a person charged with an offence may be executed in England or Wales by any constable acting within his police area ; and subsection (4) of section 102 of the Magistrates' Courts Act 1952 (execution without possession of the warrant) shall apply to the execution in England or Wales of any such warrant.
- (2) A warrant issued in England, Wales or Northern Ireland for the arrest of a person charged with an offence may be executed in Scotland by any constable appointed for a police area in like manner as any such warrant issued in Scotland.
- (3) A warrant issued in England, Wales or Scotland for the arrest of a person charged with an offence may be executed in Northern Ireland by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve; and subsections (4) and (5) of section 159 of the Magistrates' Courts Act (Northern Ireland) 1964 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such warrant.
- (4) A warrant may be executed by virtue of this section whether or not it has been endorsed under section 12, 14 or 15 of the Indictable Offences Act 1848 or under section 27, 28 or 29 of the Petty Sessions (Ireland) Act 1851.
- (5) Nothing in this section affects the execution in Scotland or Northern Ireland of a warrant to which section 123 of the Bankruptcy Act 1914 applies.

### **39 Service of summonses and citation throughout United Kingdom**

- (1) A summons requiring a person charged with an offence to appear before a court in England or Wales may, in such manner as may be prescribed by rules of court, be served on him in Scotland or Northern Ireland.
- (2) A summons requiring a person charged with an offence to appear before a court in Northern Ireland may, in such manner as may be prescribed by rules of court, be served on him in England, Wales or Scotland.
- (3) Citation of a person charged with a crime or offence to appear before a court in Scotland may be effected in any other part of the United Kingdom in like manner as it may be done in Scotland, and for this purpose the persons authorised to effect such citation shall include, in England and Wales and Northern Ireland, constables and prison officers serving in those parts of the United Kingdom.

### **40 Transfer of fine orders**

Schedule 7 to this Act (which confers powers on courts in Northern Ireland, and extends the existing powers of courts in England, Wales and Scotland, to make transfer of fine orders) shall have effect.

#### *Other provisions*

### **41 Transfer of remand hearings**

- (1) A magistrates' court adjourning a case under—
  - (a) section 6 of the Magistrates' Courts Act 1952 (committal proceedings), or
  - (b) section 14(1) of that Act (trial of information), or
  - (c) section 19(4) above,and remanding the accused in custody, may, if he has attained the age of seventeen, order that he be brought up for any subsequent remands before an alternate magistrates' court nearer to the prison where he is to be confined while on remand.
- (2) The order shall require the accused to be brought before the alternate court at the end of the period of remand or at such earlier time as the alternate court may require.
- (3) While the order is in force, the alternate court shall, to the exclusion of the court which made the order, have all the powers in relation to further remand (whether in custody or on bail) and the grant of legal aid which that court would have had but for the order.
- (4) The alternate court may, on remanding the accused in custody, require him to be brought before the court which made the order at the end of the period of remand or at such earlier time as that court may require; and, if the alternate court does so, or the accused is released on bail, the order under subsection (1) above shall cease to be in force.
- (5) Schedule 8 to this Act shall have effect to supplement this section.

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#### **42 Remand of accused already in custody**

- (1) When a magistrates' court remands an accused person in custody and he is already detained under a custodial sentence, the period for which he is remanded may be up to 28 clear days.
- (2) But the court shall enquire as to the expected date of his release from that detention; and if it appears that it will be before 28 clear days have expired, he shall not be remanded in custody for more than 8 clear days or (if longer) a period ending with that date.
- (3) So long as he is detained under a custodial sentence, an application for him to be further remanded in custody may be made and determined without his appearance in court, provided that he is represented by counsel or a solicitor who signifies the accused's consent to the application being heard in his absence.

#### **43 Peremptory challenge of jurors**

The provisions of section 12(1) of the Juries Act 1974 shall be amended so as to substitute in paragraph (a) thereof " three " for " seven ".

#### **44 Appeals against conviction**

In section 2 of the Criminal Appeal Act 1968 and in section 9 of the Criminal Appeal (Northern Ireland) Act 1968 (grounds for allowing appeals) in subsection (1)(a) (cases where the verdict of the jury is unsafe or unsatisfactory) for the words "verdict of the jury" there shall be substituted the word " conviction ".

#### **45 Cases where magistrates' court may remit offender to another such court for sentence**

- (1) Where a person who has attained the age of seventeen (" the offender") has been convicted by a magistrates' court (" the convicting court") of an offence to which this section applies (" the instant offence ") and—
  - (a) it appears to the convicting court that some other magistrates' court (" the other court") has convicted him of another such offence in respect of which the other court has neither passed sentence on him nor committed him to the Crown Court for sentence nor dealt with him in any other way ; and
  - (b) the other court consents to his being remitted under this section to the other court,the convicting court may remit him to the other court to be dealt with in respect of the instant offence by the other court instead of by the convicting court.
- (2) The offender, if remitted under this section, shall have no right of appeal against the order of remission.
- (3) Where the convicting court remits the offender to the other court under this section, it shall adjourn the trial of the information charging him with the instant offence, and—
  - (a) section 105 of the Magistrates' Courts Act 1952 (remand in custody or on bail) and all other enactments (whenever passed) relating to remand or the granting of bail in criminal proceedings shall have effect in relation to the convicting court's power or duty to remand the offender on that adjournment as if any reference to the court to or before which the person remanded is to

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be brought or appear after remand were a reference to the court to which he is being remitted; and

- (b) subject to subsection (4) below, the other court may deal with the case in any way in which it would have power to deal with it (including, where applicable, the remission of the offender under this section to another magistrates' court in respect of the instant offence) if all proceedings relating to that offence which took place before the convicting court had taken place before the other court.
- (4) Nothing in this section shall preclude the convicting court from making any order which it has power to make under section 28 of the Theft Act 1968 (orders for restitution) by virtue of the offender's conviction of the instant offence.
- (5) Where the convicting court has remitted the offender under this section to the other court, the other court may remit him back to the convicting court; and the provisions of subsection (3) above (so far as applicable) shall apply with the necessary modifications in relation to any remission under this subsection.
- (6) This section applies to—
- (a) any offence punishable with imprisonment; and
  - (b) any offence in respect of which the convicting court has a power or duty to order the offender to be disqualified under section 93 of the Road Traffic Act 1972 (disqualification for certain motoring offences);

and in this section " conviction " includes a finding under section 26(1) of the Magistrates' Courts Act 1952 (remand for medical examination) that the person in question did the act or made the omission charged, and " convicted " shall be construed accordingly.

#### **46 Committal for sentence for offences tried summarily**

For section 56(1) of the Criminal Justice Act 1967 (powers of magistrates' courts as regards committal for sentence in respect of offences tried summarily) there shall be substituted—

- “(1) Where a magistrates' court (' the committing court ') commits a person in custody or on bail to the Crown Court under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of an offence (' the relevant offence '), the committing court—
- (a) if the relevant offence is an offence triable either way, may also commit him, in custody or on bail as the case may require, to the Crown Court to be dealt with in respect of any other offence whatsoever in respect of which the committing court has power to deal with him (being an offence of which he has been convicted by that or any other court); or
  - (b) if the relevant offence is a summary offence, may commit him, as aforesaid, to the Crown Court to be dealt with in respect of—
    - (i) any other offence of which the committing court has convicted him, being either an offence punishable with imprisonment or an offence in respect of which the committing court has a power or duty to order him to be disqualified under section 93 of the Road Traffic Act 1972 (disqualification for certain motoring offences); or
    - (ii) any suspended sentence in respect of which the committing court has under section 24(1) of the Powers of Criminal Courts Act 1973 power to deal with him.”.

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#### **47 Prison sentence partly served and partly suspended**

- (1) Where a court passes on an adult a sentence of imprisonment for a term of not less than six months and not more than two years, it may order that, after he has served part of the sentence in prison, the remainder of it shall be held in suspense.
- (2) The part to be held in suspense shall be not more than three quarters and not less than one quarter of the whole term, and the offender shall not be required to serve that part unless it is restored under subsection (3) below; and this shall be explained to him by the court, using ordinary language and stating the substantial effect of that subsection.
- (3) If at any time after the making of the order he is convicted of an offence punishable with imprisonment and committed during the whole period of the original sentence, then (subject to subsection (4) below) a court which is competent under this subsection may restore the part of the sentence held in suspense and order him to serve it.
- (4) If a court, considering the offender's case with a view to exercising the powers of subsection (3) above, is of opinion that (in view of all the circumstances, including the facts of the subsequent offence) it would be unjust fully to restore the part of the sentence held in suspense, it shall either restore a lesser part or declare, with reasons given, its decision to make no order under the subsection.
- (5) Where a court exercises those powers, it may direct that the restored part of the original sentence is to take effect as a term to be served either immediately or on the expiration of another term of imprisonment passed on the offender by that or another court.
- (6) "Adult" in this section means a person who has attained the age of twenty-one; and "the whole period" of a sentence is the time which the offender would have had to serve in prison if the sentence had been passed without an order under subsection (1) above and he had no remission under section 25(1) of the Prison Act 1952 (industry and good conduct in prison).
- (7) Schedule 9 to this Act has effect with respect to procedural, sentencing and miscellaneous matters ancillary to those dealt with above in this section, including in particular the courts which are competent under subsection (3) above.
- (8) This section and paragraphs 1 to 6 of Schedule 9 to this Act and the Powers of Criminal Courts Act 1973 shall be construed and have effect as if this section and those paragraphs of the Schedule were contained in that Act.

#### **48 Power to make rules as to furnishing of information by prosecutor in criminal proceedings**

- (1) The power to make rules conferred by section 15 of the Justices of the Peace Act 1949 shall, without prejudice to the generality of subsection (1) of that section, include power to make, with respect to proceedings against any person for a prescribed offence or an offence of any prescribed class, provision—
  - (a) for requiring the prosecutor to do such things as may be prescribed for the purpose of securing that the accused or a person representing him is furnished with, or can obtain, advance information concerning all, or any prescribed class of, the facts and matters of which the prosecutor proposes to adduce evidence; and
  - (b) for requiring a magistrates' court, if satisfied that any requirement imposed by virtue of paragraph (a) above has not been complied with, to adjourn the proceedings pending compliance with that requirement unless the court is

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satisfied that the conduct of the case for the accused will not be substantially prejudiced by noncompliance with the requirement.

- (2) Rules made by virtue of subsection (1)(a) above—
- (a) may require the prosecutor to do as provided in the rules either—
    - (i) in all cases ; or
    - (ii) only if so requested by or on behalf of the accused;
  - (b) may exempt facts and matters of any prescribed description from any requirement imposed by the rules, and may make the opinion of the prosecutor material for the purposes of any such exemption ; and
  - (c) may make different provision with respect to different offences or offences of different classes.
- (3) It shall not be open to a person convicted of an offence to appeal against the conviction on the ground that a requirement imposed by virtue of subsection (1) above was not complied with by the prosecutor.

#### **49 Power to order search of persons before Crown Court**

After section 34 of the Powers of Criminal Courts Act 1973 there shall be inserted—

##### **“34A Power of Crown Court to order search of persons before it.**

- (1) Where—
- (a) the Crown Court imposes a fine on a person or forfeits his recognizance ;
  - (b) the Crown Court makes against a person any such order as is mentioned in paragraph 3, 4 or 9 of Schedule 9 to the Administration of Justice Act 1970 (orders for the payment of costs);
  - (c) the Crown Court makes against a person any such order as is mentioned in paragraph 12 of that Schedule (fines etc. payable by parents or guardians) other than an order under section 35 of this Act; or
  - (d) on the determination of an appeal brought by a person under section 83 of the Magistrates' Courts Act 1952 a sum is payable by him, whether by virtue of an order of the Crown Court or by virtue of a conviction or order of the magistrates' court against whose decision the appeal was brought,
- then, if that person is before it, the Crown Court may order him to be searched.
- (2) Any money found on a person in a search under this section may be applied, unless the court otherwise directs, towards payment of the fine or other sum payable by him; and the balance, if any, shall be returned to him.”.

## PART IV

### MISCELLANEOUS PROVISIONS

#### 50 Amendment of Road Traffic Act 1972

- (1) For sections 1 and 2 of the Road Traffic Act 1972 (causing death by reckless or dangerous driving, and reckless, and dangerous, driving generally) there shall be substituted—

**“1 Causing death by reckless driving.**

A person who causes the death of another person by driving a motor vehicle on a road recklessly shall be guilty of an offence. Reckless driving.

A person who drives a motor vehicle on a road recklessly shall be guilty of an offence.”.

- (2) For section 17 of that Act (reckless, and dangerous, cycling) there shall be substituted—

**“17 Reckless cycling.**

A person who rides a cycle, not being a motor vehicle, on a road recklessly shall be guilty of an offence. In this section ' road ' includes a bridleway.”.

- (3) Nothing in subsection (1) or (2) above or in any related repeal provided for in Schedule 13 to this Act shall apply in relation to an offence committed before the coming into force of that subsection.

#### 51 Bomb hoaxes

- (1) A person who—
- (a) places any article in any place whatever ; or
  - (b) dispatches any article by post, rail or any other means whatever of sending things from one place to another,

with the intention (in either case) of inducing in some other person a belief that it is likely to explode or ignite and thereby cause personal injury or damage to property is guilty of an offence.

In this subsection "article" includes substance.

- (2) A person who communicates any information which he knows or believes to be false to another person with the intention of inducing in him or any other person a false belief that a bomb or other thing liable to explode or ignite is present in any place or location whatever is guilty of an offence.
- (3) For a person to be guilty of an offence under subsection (1) or (2) above it is not necessary for him to have any particular person in mind as the person in whom he intends to induce the belief mentioned in that subsection.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £1,000, or both;



- (b) on conviction on indictment, to imprisonment for a term not exceeding five years.

## **52 Misuse of Drugs Act 1971: redefinition of cannabis**

In section 37(1) (interpretation) of the Misuse of Drugs Act 1971, for the definition of "cannabis" there shall be substituted—

“cannabis ' (except in the expression 'cannabis resin ') means any plant of the genus Cannabis or any part of any such plant (by whatever name designated) except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely—

- (a) mature stalk of any such plant,
- (b) fibre produced from mature stalk of any such plant, and
- (c) seed of any such plant;”.

## **53 Amendments of Obscene Publications Act 1959 with respect to cinematograph exhibitions**

- (1) In the proviso to section 1(3) of the Obscene Publications Act 1959 (which excludes from the scope of that Act anything done in the course of a cinematograph exhibition taking place otherwise than in a private house to which the public are not admitted and anything done in the course of television or sound broadcasting) the words from "a cinematograph exhibition " to " in the course of " shall be omitted.

- (2) In section 2 of that Act (prohibition of publication of obscene matter) at the end of subsection (3) there shall be inserted the following subsection:—

“(3A) Proceedings for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions in any case where the article in question is a moving picture film of a width of not less than sixteen millimetres and the relevant publication or the only other publication which followed or could reasonably have been expected to follow from the relevant publication took place or (as the case may be) was to take place in the course of a cinematograph exhibition; and in this subsection " the relevant publication " means—

- (a) in the case of any proceedings under this section for publishing an obscene article, the publication in respect of which the defendant would be charged if the proceedings were brought; and
- (b) in the case of any proceedings under this section for having an obscene article for publication for gain, the publication which, if the proceedings were brought, the defendant would be alleged to have had in contemplation.”

- (3) In section 2 of that Act after subsection (4) there shall be inserted the following subsection:—

“(4A) Without prejudice to subsection (4) above, a person shall not be proceeded against for an offence at common law—

- (a) in respect of a cinematograph exhibition or anything said or done in the course of a cinematograph exhibition, where it is of the essence of the common law offence that the exhibition or, as the case may be,

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what was said or done was obscene, indecent, offensive, disgusting or injurious to morality; or

- (b) in respect of an agreement to give a cinematograph exhibition or to cause anything to be said or done in the course of such an exhibition where the common law offence consists of conspiring to corrupt public morals or to do any act contrary to public morals or decency.”

- (4) At the end of section 2 of that Act there shall be added the following subsection:—

“(7) In this section " cinematograph exhibition " means an exhibition of moving pictures produced on a screen by means which include the projection of light.”

- (5) In section 3 of that Act (which among other things makes provision for the forfeiture of obscene articles kept for publication for gain) at the beginning of subsection (3) there shall be inserted the words " Subject to subsection (3A) of this section " and at the end of that subsection there shall be inserted the following subsection:—

“(3A) Without prejudice to the duty of a court to make an order for the forfeiture of an article where section 1(4) of the Obscene Publications Act 1964 applies (orders made on conviction), in a case where by virtue of subsection (3A) of section 2 of this Act proceedings under the said section 2 for having an article for publication for gain could not be instituted except by or with the consent of the Director of Public Prosecutions, no order for the forfeiture of the article shall be made under this section unless the warrant under which the article was seized was issued on an information laid by or on behalf of the Director of Public Prosecutions.”

- (6) In section 4 of that Act (defence of public good) at the beginning of subsection (1) there shall be inserted the words " Subject to subsection (1A) of this section " and at the end of that subsection there shall be inserted the following subsection :—

“(1A) Subsection (1) of this section shall not apply where the article in question is a moving picture film or soundtrack, but—

- (a) a person shall not be convicted of an offence against section 2 of this Act in relation to any such film or soundtrack, and  
 (b) an order for forfeiture of any such film or soundtrack shall not be made under section 3 of this Act,

if it is proved that publication of the film or soundtrack is justified as being for the public good on the ground that it is in the interests of drama, opera, ballet or any other art, or of literature or learning.”

- (7) At the end of section 4 of that Act there shall be added the following subsection:—

“(3) In this section " moving picture soundtrack " means any sound record designed for playing with a moving picture film, whether incorporated with the film or not.”

#### **54 Inciting girl under sixteen to have incestuous sexual intercourse**

- (1) It is an offence for a man to incite to have sexual intercourse with him a girl under the age of sixteen whom he knows to be his grand-daughter, daughter or sister.
- (2) In the preceding subsection " man " includes boy, " sister " includes half-sister, and for the purposes of that subsection any expression importing a relationship between

two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

- (3) The following provisions of section 1 of the Indecency with Children Act 1960, namely—
- subsection (2) (competence of spouse of accused to give evidence);
  - subsection (3) (references in Children and Young Persons Act 1933 to the offences mentioned in Schedule 1 to that Act to include offences under that section);
  - subsection (4) (offences under that section to be deemed offences against the person for the purpose of section 3 of the Visiting Forces Act 1952),
- shall apply in relation to offences under this section.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000, or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years.

## **55 Amendment of Rabies Act 1974 and Diseases of Animals (N.I.) Order 1975**

- (1) The Rabies Act 1974 shall be amended as provided in subsections (2) and (3) below.
- (2) After section 5 there shall be inserted the following sections:—

### **“5A Powers of arrest.**

- (1) Without prejudice to the powers of arrest conferred by section 71 of the principal Act or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this section applies.
- (2) The offences to which this section applies are offences against the principal Act consisting of—
- (a) the landing or attempted landing of any animal in contravention of an order made under that Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain; or
  - (b) the failure by the person having the charge or control of any vessel, boat or hovercraft to discharge any obligation imposed on him in that capacity by such an order; or
  - (c) the movement, in contravention of an order under section 10 or 11 of that Act, of any animal into, within or out of a place or area declared to be infected with rabies.
- (3) Section 73(1) of the principal Act (inspectors to have powers of constables) shall not have effect in relation to the powers conferred by this or the following section.

### **5B Powers of entry and search.**

- (1) For the purpose of arresting a person under the power conferred by section 5A above a constable may enter (if need be, by force) and search any vessel, boat,

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hovercraft, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.

(2) For the purpose of exercising any power to seize an animal or cause an animal to be seized which is conferred on constables by an order made under the principal Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain, a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.”.

(3) After section 6 there shall be inserted the following section:—

**“6A Increase of fines for rabies offences.**

(1) An order made under the principal Act and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Great Britain may direct that paragraph (a) of section 79(1) of that Act (punishment for offences) shall have effect in relation to any summary offence against that Act the existence of which is attributable to the provisions of that order as if for the words ' £400' (which were substituted by section 105(5)(a) of the Agriculture Act 1970) there were substituted the words ' £1,000 '.

(2) The said paragraph (a) shall have effect as aforesaid in relation to any summary offence the existence of which is attributable to the provisions of either of the following orders made under the principal Act, namely the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 and the Rabies (Control) Order 1974.”.

(4) The Diseases of Animals (Northern Ireland) Order 1975 shall be amended as follows.

(5) After Article 7 there shall be inserted the following Articles:—

*“Powers of arrest*

7A (1) Without prejudice to the powers of arrest conferred by section 39 of the principal Act or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this Article applies.

(2) The offences to which this Article applies are offences against the principal Act consisting of—

- (a) the landing or attempted landing of any animal in contravention of an order made under that Act and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland; or
- (b) the failure by the person having the charge or control of any vessel, boat or hovercraft to discharge any obligation imposed on him in that capacity by such an order; or
- (c) the movement, in contravention of an order under section 7 or 8 of that Act, of any animal into, within or out of a place or area declared to be infected with rabies.

- (3) Section 41(1) of the principal Act (inspectors to have powers of constables) shall not have effect in relation to the powers conferred by this or the following Article.

*Powers of entry and search*

- 7B (1) For the purpose of arresting a person under the power conferred by Article 7A a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.
- (2) For the purpose of exercising any power to seize an animal or cause an animal to be seized which is conferred on constables by an order made under the principal Act and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland, a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.”.
- (6) After Article 8 there shall be inserted the following Article:—

*“Increase of fines for rabies offences*

- 8A (1) An order made under the principal Act and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland may direct that paragraph (a) of section 46(1) of that Act (punishment for offences) shall have effect in relation to any summary offence against that Act the existence of which is attributable to the provisions of that order as if, for the words ' £500 ' (which were substituted by Article 10(1) (a) of the Diseases of Animals (Northern Ireland) Order 1975) there were substituted the words '£1,000 '.
- (2) The said paragraph (a) shall have effect as aforesaid in relation to any summary offence the existence of which is attributable to the provisions of any order made under the principal Act before the coming into operation of section 55(6) of the Criminal Law Act 1977 and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland.”.

**56 Coroners' inquests**

- (1) At a coroner's inquest touching the death of a person who came by his death by murder, manslaughter or infanticide, the purpose of the proceedings shall not include the finding of any person guilty of the murder, manslaughter or infanticide; and accordingly a coroner's inquisition shall in no case charge a person with any of those offences.
- (2) Without prejudice to the power of a coroner under subsection (2) of section 13 of the Coroners (Amendment) Act 1926 to summon a jury if it appears to him that there is any reason for doing so in a case in which he is not required by that subsection to do so, paragraphs (a) and (d) of that subsection (which require him to do so if it appears to him that the deceased came by his death by murder, manslaughter or infanticide, or

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that the death was caused by an accident arising out of the use of a vehicle in a street or public highway) shall cease to have effect.

- (3) The section set out in Schedule 10 to this Act shall be substituted for section 20 of the Coroners (Amendment) Act 1926 (which provides for the adjournment of inquests in cases of murder, manslaughter or infanticide, of causing death by reckless driving, or of aiding, abetting, counselling or procuring suicide).
- (4) The City of London Fire Inquests Act 1888 (which makes provision as to the functions and proceedings of the coroner for the City of London with regard to inquests upon fires within the City) shall cease to have effect.

**57 Probation and conditional discharge: power to vary statutory minimum or maximum period**

- (1) In section 2 of the Powers of Criminal Courts Act 1973 (probation) there shall be added after subsection (8) the following subsections—
  - “(9) The Secretary of State may by order direct that subsection (1) above shall be amended by substituting, for the minimum or maximum period specified in that subsection as originally enacted or as previously amended under this subsection, such period as may be specified in the order.
  - (10) An order under subsection (9) above may make in paragraph 3(2)(a) of Schedule 1 to this Act any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.”
- (2) In section 7 of the said Act of 1973 (absolute and conditional discharge) there shall be added after subsection (4) the following subsection—
  - “(5) The Secretary of State may by order direct that subsection (1) above shall be amended by substituting, for the maximum period specified in that subsection as originally enacted or as previously amended under this subsection, such period as may be specified in the order.”
- (3) In subsections (3) and (4) of section 54 of the said Act of 1973 (which require certain orders under that Act to be approved by a resolution of each House of Parliament, and provide for their revocation), before the word "14 ", wherever it occurs, there shall be inserted the words " 2 or 7 or ".

**58 Proceedings involving persons under 17: increase of certain pecuniary limits**

- (1) In section 8(3) of the Criminal Justice Act 1961 (under which the maximum fine that may be imposed on a young person tried summarily is £50) for the words " fifty pounds ", in both places where they occur, there shall be substituted the words " £200 ".
- (2) In section 2(13) of the Children and Young Persons Act 1969 (by virtue of which the maximum amount for which the parent or guardian of a child or young person can be required by an order under section 1 of that Act to enter into a recognisance to take proper care of and exercise proper control over him is £50), for the words " fifty pounds " there shall be substituted the words " £200 ".
- (3) In section 3(7) of the said Act of 1969 (under which the maximum amount for which a young person can in care proceedings be required by an order under that subsection

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to enter into a recognisance to keep the peace or to be of good behaviour is £25), for the words " twenty-five pounds" there shall be substituted the words " £50 ".

- (4) In subsection (3) of section 6 of the said Act of 1969 (under which the maximum fine which can be imposed on a young person tried summarily for an indictable offence in pursuance of subsection (1) of that section is £50), for the words "fifty pounds" there shall be substituted the words " £200 ".
- (5) In section 15(4) of the said Act of 1969 (powers of a magistrates' court other than a juvenile court in respect of failure by the supervised person to comply with certain requirements of a supervision order, if that person has attained the age of eighteen)—
- (a) in paragraph (a) (under which, if the court does not discharge the supervision order, the maximum fine which it can impose on the supervised person is £20), for the words " twenty pounds " there shall be substituted the words " £50 "; and
  - (b) for the words " four hundred pounds " (which specify the maximum fine which the court can impose if it discharges the supervision order in a case where the offence in consequence of which the order was made is of a kind which the court has no power to try or has no power to try without appropriate consents) there shall be substituted the words " £1,000 ".
- (6) In relation to a person under the age of fourteen section 8(3) of the Criminal Justice Act 1961 and section 6(3) of the Children and Young Persons Act 1969 shall have effect as if for the words " £200 ", wherever they occur by virtue of subsection (1) or (4) above, there were substituted the words " £50 " ; but this subsection shall cease to have effect on the coming into force of section 4 of the said Act of 1969 (which prohibits criminal proceedings against children).

**59 Alteration of maximum periods of imprisonment in default of payment of fines etc.**

For the Table in paragraph 1 of Schedule 3 to the Magistrates' Courts Act 1952 (maximum periods of imprisonment in default of payment of fines etc.) there shall be substituted the following Table:—

“TABLE

An amount not exceeding £25	7 days
An amount exceeding £25 but not exceeding £50	14 days
An amount exceeding £50 but not exceeding £200	30 days
An amount exceeding £200 but not exceeding £500	60 days
An amount exceeding £500 but not exceeding £1,000	90 days
An amount exceeding £1,000 but not exceeding £2,500	6 months
An amount exceeding £2,500 but not exceeding £5,000	9 months

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An amount exceeding £5,000 | 12 months.”

**60 Increase in maximum amount of compensation which may be ordered by magistrates' court**

- (1) In section 35(5) of the Powers of Criminal Courts Act 1973 (limit of £400 on compensation which can be made payable under a compensation order made by a magistrates' court) for the words "£400" there shall be substituted the words " £1,000 ".
- (2) Subsection (1) above shall not apply in relation to a compensation order made in respect of an offence committed before the coming into force of this section.

**61 Power to alter sums specified in certain provisions**

- (1) If it appears to the Secretary of State that there has been a change in the value of money since the last occasion when the sum or sums specified in a provision mentioned in subsection (2) below were fixed (whether by the coming into force of a provision of this Act or by order under this subsection), the Secretary of State may by order substitute for the sum or sums for the time being specified in that provision such other sum or sums as appear to him justified by the change.
- (2) The said provisions are—
  - (a) section 23(1) above ;
  - (b) the definition of " the prescribed sum " in section 28(7) above;
  - (c) paragraph (a) of section 29 above ;
  - (d) the Table in paragraph 1 of Schedule 3 to the Magistrates' Courts Act 1952 (maximum periods of imprisonment in default of payment of fines etc.)
  - (e) section 35(5) of the Powers of Criminal Courts Act 1973 (limit on compensation which can be made payable under a compensation order made by a magistrates' court).
- (3) Where it appears to the Secretary of State that the difference between a sum to which subsection (4) below applies and the prescribed sum (within the meaning of section 28 above) has been or would be altered or eliminated by an order made or proposed to be made under subsection (1) above, he may by order amend the enactment specifying the first-mentioned sum so as to substitute for that sum such other sum as appears to him to be justified by a change in the value of money appearing to him to have taken place between—
  - (a) the last occasion on which the sum in question was fixed; and
  - (b) the making of the order or proposed order under subsection (1) above.
- (4) This subsection applies to any sum specified in any enactment contained in this Act (except paragraph (a) of section 29) or in any Act passed before, or in the same Session as, this Act as—
  - (a) the maximum fine which may be imposed on summary conviction of an offence triable either way; or
  - (b) the maximum fine which, in the exercise of any power by subordinate instrument to impose penal provisions, may be authorised on summary conviction in respect of an offence triable either way.
- (5) An order under subsection (1) or (3) above—



- (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked by a subsequent order thereunder; and
- (b) without prejudice to Schedule 14 to this Act, shall not affect the punishment for an offence committed before that order comes into force.

## **62 Right to have someone informed when arrested**

Where any person has been arrested and is being held in custody in a police station or other premises, he shall be entitled to have intimation of his arrest and of the place where he is being held sent to one person reasonably named by him, without delay or, where some delay is necessary in the interest of the investigation or prevention of crime or the apprehension of offenders, with no more delay than is so necessary.

## **PART V**

### **PROVISIONS APPLYING TO SCOTLAND**

## **63 Provisions applying to Scotland**

- (1) The Criminal Procedure (Scotland) Act 1975 shall have effect subject to the amendments specified in Schedule 11 to this Act.
- (2) The following provisions of this Act shall have effect in relation to Scotland, namely—
  - section 15(2) to (4).
  - section 30(3);
  - section 31(10);
  - section 32(3);
  - section 33 ;
  - sections 38 to 40 and Schedule 7;
  - sections 50 to 52;
  - section 55(1) to (3);
  - section 65(1), (3) and (6) to (10) and Schedule 14 ;
  - section 65(4) and Schedule 12 so far as they relate to—
    - Night Poaching Act 1828,
    - Public Stores Act 1875,
    - Explosive Substances Act 1883,
    - Prison Act 1952 (in its application to persons for the time being in Scotland),
    - Adoption Act 1958,
    - sections 26, 28, 29 and 39(1) of the Criminal Justice Act 1961,
    - Housing (Scotland) Act 1966,
    - Road Traffic Regulation Act 1967,
    - sections 3 and 60 of the Criminal Justice Act 1967 and (in its application to persons for the time being in Scotland) section 63 of that Act,
    - Companies Act 1967,
    - Gaming Act 1968,
    - section 179 of the Road Traffic Act 1972,

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Health and Safety at Work etc. Act 1974,  
 Rehabilitation of Offenders Act 1974 ;  
 section 65(5) and Schedule 13 so far as they relate to—  
 Night Poaching Act 1828,  
 Truck Act 1831,  
 Public Stores Act 1875,  
 section 5, 7, 9 or 19 of the Conspiracy and Protection of Property Act 1875,  
 Cruelty to Animals Act 1876,  
 Truck Amendment Act 1887,  
 Witnesses (Public Inquiries) Protection Act 1892,  
 section 283 of the Customs and Excise Act 1952,  
 Protection of Animals (Amendment) Act 1954,  
 sections 26 and 28 of the Criminal Justice Act 1961,  
 Penalties for Drunkenness Act 1962,  
 Criminal Justice (Scotland) Act 1963,  
 sections 43(2) and 80 of the Road Traffic Regulation Act 1967,  
 sections 60, 92(8) and 106(2)(f) of and, in relation to enactments mentioned  
 therein which extend to Scotland, Part I of Schedule 3 to the Criminal  
 Justice Act 1967,  
 Firearms Act 1968,  
 Transport Act 1968,  
 section 59(5)(e) of and paragraph 48(a) of Schedule 8 to the Courts Act  
 1971,  
 Misuse of Drugs Act 1971,  
 Road Traffic Act 1972,  
 section 58(a) of the Powers of Criminal Courts Act 1973,  
 Road Traffic Act 1974,  
 District Courts (Scotland) Act 1975,  
 Criminal Procedure (Scotland) Act 1975,  
 Protection of Birds (Amendment) Act 1976 ;  
 Schedule 9, paragraph 3(3).

## PART VI

### SUPPLEMENTARY

#### 64 **Meaning of " indictable offence ", " summary offence " and " offence triable either way " in England and Wales**

- (1) In this Act and, unless the context otherwise requires, in any other enactment (including an enactment passed after this Act—
- (a) " indictable offence " means an offence which, if committed by an adult, is triable on indictment, whether it is exclusively so triable or triable either way;
  - (b) " summary offence " means an offence which, if committed by an adult, is triable only summarily;

(c) " offence triable either way " means an offence which, if committed by an adult, is triable either on indictment or summarily;  
and the terms "indictable", "summary" and "triable either way", in their application to offences, shall be construed accordingly.

(2) In the definitions in subsection (1) above references to the way or ways in which an offence is triable are to be construed without regard to the effect, if any, of section 23 above on the mode of trial.

## **65 Citation, etc.**

- (1) This Act may be cited as the Criminal Law Act 1977.
- (2) The provisions of sections 14 to 32 and 48 above, so far as they relate to proceedings before magistrates' courts, shall be construed as one with the Magistrates' Courts Act 1952, except that in those provisions " fine" shall include any pecuniary penalty.
- (3) Except where the context otherwise requires, any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as extended or applied, by or under any other enactment, including this Act.
- (4) The enactments specified in Schedule 12 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.
- (5) Subject to the transitional provisions contained in this Act, the enactments specified in Schedule 13 to this Act (which include certain spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (6) There shall be defrayed out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.
- (7) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different purposes.
- (8) Without prejudice to any other transitional provision contained in this Act, the transitional provisions contained in Schedule 14 to this Act shall have effect.
- (9) Without prejudice to Schedule 14 or any other transitional provision contained in this Act, an order under subsection (7) above may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force.
- (10) In this Act—
  - (a) Part V and, so far as there provided, the provisions mentioned in section 63(2) above extend to Scotland;
  - (b) the following provisions extend to Northern Ireland namely—
    - sections 38 to 40,
    - section 44,
    - section 52,
    - section 55(4) to (6),
    - subsections (1), (3) and (6) to (10) of this section,

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- Schedule 7,  
in Schedule 14, paragraph 5 ;
- (c) section 31 and Schedule 6, so far as they amend any enactment which extends to the Channel Islands or the Isle of Man, extend to the Channel Islands or the Isle of Man, as the case may be;
  - (d) subsections (4) and (5) above and Schedules 12 and 13, so far as they relate to—
    - (i) section 45 of the Prison Act 1952 (in its application to persons for the time being in Northern Ireland or in the Channel Islands or the Isle of Man);
    - (ii) Part III and section 39(1) of the Criminal Justice Act 1961; and
    - (iii) sections 60 and 63 of the Criminal Justice Act 1967 (in their application to persons for the time being in Northern Ireland or in the Channel Islands or the Isle of Man),extend to Northern Ireland, the Channel Islands and the Isle of Man (as well as, by virtue of paragraph (a) above, to Scotland);
  - (e) section 32(3) extends to all places (except Scotland) to which section 2 of the European Communities Act 1972 extends (as well as, by virtue of paragraph (a) above, to Scotland), and the provisions of section 28(6) and (7), in their operation in relation to the provision that may be made under section 2(2) of the said Act of 1972, extend to all such places (except Scotland);

but save as aforesaid, this Act extends to England and Wales only.

## SCHEDULES

## SCHEDULE 1

Sections 15 and 30.

## OFFENCES MADE TRIABLE ONLY SUMMARILY, AND RELATED AMENDMENTS

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
<b><i>NIGHT POACHING ACT 1828 (c. 69)</i></b>				
1. Offences under section 1 (taking or destroying game or rabbits by night or entering land for that purpose).	Section 1.	For the words from " such offender " onwards substitute " he shall be liable on summary conviction to a fine not exceeding £200 ".	(a) for a first offence, on summary conviction, 3 months or £100 and, in default of finding sureties of £10, a further 6 months; (b) for a second offence, on summary conviction, 6 months or £100 and, in default of finding sureties of £20, a further 12 months; (c) for a third offence, on conviction on indictment, 2 years or a fine or both.	£200.
<b><i>TRUCK ACT 1831 (c. 37)</i></b>				

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
2. Offences under section 9 (entering into illegal contracts or making illegal payments).	Section 9.	For the words from " for the first " onwards substitute " be liable on summary conviction to a fine not exceeding £200 ".	(a) for a first offence, £10; (b) for a second offence, £20; (c) for a third offence, £100.	£200.
<b><i>PUBLIC MEETING ACT 1908 (c. 66)</i></b>				
3. Offences under section 1(1) (endeavouring to break up a public meeting).	Section 1(1).	After " offence " add " and shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both ".	(a) on summary conviction 3 months or £100 or both; (b) on conviction on indictment 12 months or £500 or both.	6 months or £1,000 or both.
<b><i>CHILDREN AND YOUNG PERSONS ACT 1933 (c. 12)</i></b>				
4. Offences under section 3 (allowing persons under 16 to be in brothels).	Section 3.	For the words from " guilty " to "twenty-five pounds" substitute " liable on summary conviction to a fine not exceeding £50 ".	(a) on summary conviction 6 months or £25 or both; (b) on conviction on indictment 6 months or £25 or both.	6 months or £50 or both.
<b><i>PUBLIC ORDER ACT 1936 (1 Edw. 8 &amp; 1 Geo. 6.) (c. 6)</i></b>				
5. Offences under section 5 (conduct conducive to breaches of the peace).	Section 5 (as substituted by section 7 of the Race Relations Act 1965).	After " offence " add " and shall on summary conviction be liable to imprisonment for a term not exceeding	(a) on summary conviction 3 months or £100 or both; (b) on conviction	6 months or £1,000 or both.

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
		six months or to a fine not exceeding £1,000 or to both".	on indictment 12 months or £500 or both.	
<b><i>WATER ACT 1945 (c. 42)</i></b>				
6. Offences under section 7 (failure to comply with obligations in relation to the obtaining of information as to underground water).	Section 7(7).	After " Act" add " and shall on summary conviction be liable to a fine not exceeding £200 and, where the offence continues after conviction, to a further fine of £20 for every day during which it so continues ".	(a) on summary conviction £50 and, where the offence continues, a daily fine of £5; (b) on conviction on indictment £200 and, where the offence continues, a daily fine of £20.	£200 and, where the offence continues, a daily fine of £20.
7. Offences under section 34 (securing that water discharged under that section into a water-course is unpolluted).	Section 34(5).	After " Act" add " and shall on summary conviction be liable to a fine not exceeding £200 and, where the offence continues after conviction, to a further fine of £20 for every day during which it so continues ".	(a) on summary conviction £50 and, where the offence continues, a daily fine of £5; (b) on conviction on indictment £200 and, where the offence continues, a daily fine of £20.	£200 and, where the offence continues, a daily fine of £20.
8. Any offence consisting in a contravention of section 71	Section 71 of Schedule 3.	For the words from "fifty pounds " to " ten pounds	(a) on summary conviction £50 and,	£200 and, where the offence continues, a daily fine of £20.

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
of Schedule 3 (pollution from liquids resulting from manufacture of gas).		" substitute " £200 and to a further fine not exceeding £20 " .	where the offence continues, a daily fine of £10; (b) on conviction on indictment £200 and, where the offence continues, a daily fine of £20.	
<b><i>REPRESENTATION OF THE PEOPLE ACT 1949 (c. 68)</i></b>				
9. Offences under section 49 (offences in connection with service declarations).	Section 49(1).	For the words from "fifty" to " one hundred pounds " substitute " £500 " .	(a) on summary conviction £50 or 3 months or both; (b) on conviction on indictment £100 or 6 months or both.	£500 or 6 months or both.
<b><i>POST OFFICE ACT 1953 (c. 36)</i></b>				
10. Offences under section 56 (criminal diversion of letters from addressee).	Section 56(1).	For the words from " guilty" onwards substitute " liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both " .	£50 or 6 months.	£500 or 6 months or both.
<b><i>DENTISTS ACT 1957 (c. 28)</i></b>				
11. Offences under section 34	Section 34(1).	For paragraphs (a) and (b)	(a) on summary	£1,000.



1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
(prohibition on practice of dentistry by laymen).		substitute " on summary conviction to a fine not exceeding £1,000 ".	conviction £100; (b) on conviction on indictment £500.	
12. Offences under section 35 (prohibition on use of practitioners' titles by laymen).	Section 35(2).	For paragraphs (a) and (b) substitute " on summary conviction to a fine not exceeding £1,000 ".	(a) on summary conviction £100; (b) on conviction on indictment £500.	£1,000.
13. Offences under section 37 (restrictions on individuals).	Section 37(1).	For paragraphs (a) and (b) substitute " on summary conviction to a fine not exceeding £1,000 ".	(a) on summary conviction £100; (b) on conviction on indictment £500.	£1,000.
<b><i>OPTICIANS ACT 1958 (c. 32)</i></b>				
14. Offences under section 20 (restriction on testing of sight).	Section 20(5).	For the words from " one hundred pounds" onwards substitute " £500 ".	(a) on summary conviction £100; (b) on conviction on indictment £250.	£500.
15. Offences under section 21 (restriction on sale and supply of optical appliances).	Section 21(5).	For the words from " one hundred pounds" onwards substitute " £500 ".	(a) on summary conviction £100; (b) on conviction on indictment £250.	£500.
16. Offences under section 22 (penalty for	Section 22(1) and (2).	In each subsection, for the words	(a) on summary	£500.

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
pretending to be registered etc).		from " one hundred pounds " onwards substitute " £500 " .	conviction £100; (b) on conviction on indictment £250.	
<b>BETTING, GAMING AND LOTTERIES ACT 1963 (c. 2)</b>				
17. Offences under the following provisions— section 7 (restriction of betting on dog racecourses); section 10(5) (advertising licensed betting offices); section 11(6) (person holding bookmaker's or betting agency permit employing a person disqualified from holding such a permit); section 18(2) (making unauthorised charges to bookmakers on licensed track); section 19 (occupiers of licensed tracks not to have any interest	Section 52.	For paragraphs (a) and (b) of subsection (2) (penalties for certain offences) substitute " on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six months or to both " .	(a) on summary conviction £50 or, on a second or subsequent conviction, 2 months or £100 or both; (b) on conviction on indictment £300 or, on a second or subsequent conviction, 6 months or £500 or both.	£1,000 or 6 months or both.

1 <i>Offence</i>	2 <i>Enactment</i>	3 <i>Amendment</i>	4 <i>Old penalties</i>	5 <i>New penalties</i>
in book-making thereon); section 21 (betting with young persons); section 22 (betting circulars not to be sent to young persons).				
<b><i>POLICE ACT 1964 (c. 48)</i></b>				
18. Offences under section 51(1) (assaults on constables).	Section 51(1).	For paragraphs (a) and (b) substitute "on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both".	(a) on summary conviction 6 months, or in the case of a second or subsequent conviction 9 months, or £100 or both; (b) on conviction on indictment 2 years or a fine or both.	6 months or £1,000 or both.
<b><i>THEATRES ACT 1968 (c. 54)</i></b>				
19. Offences under section 6 (provocation of breach of the peace by means of public performance of play).	Section 6(2).	For paragraphs (a) and (b) substitute "on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six	(a) on summary conviction 3 months or £100 or both; (b) on conviction on indictment 12 months	6 months or £1,000 or both.

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
		months or to both ".	or £500 or both.	
<b><i>ROAD TRAFFIC ACT 1972 (c. 20)</i></b>				
20. Offences under the following provisions—	In Part I of Schedule 4 (as amended by Part IV of Schedule 5 to the Road Traffic Act 1974)—			
section 5(1) (driving or attempting to drive when unfit to drive through drink or drugs);	the entry relating to section 5(1);	For the words in column 3 substitute " Summarily " and for the words in column 4 substitute " 6 months or £1,000 or both ";	(a) on summary conviction £400 or 4 months; (b) on conviction on indictment 2 years or a fine or both;	6 months or £1,000 or both;
section 5(2) (being in charge of a motor vehicle when unfit to drive through drink or drugs);	the entry relating to section 5(2);	for the words in column 3 substitute " Summarily " and for the words in column 4 substitute " 3 months or £500 or both ";	(a) on summary conviction £200; (b) on conviction on indictment 12 months or a fine or both;	3 months or £500 or both;
section 6(1) (driving or attempting to drive with blood-alcohol concentration above the prescribed limit);	the entry relating to section 6(1);	for the words in column 3 substitute " Summarily " and for the words in column 4 substitute " 6 months or £1,000 or both ";	(a) on summary conviction £400 or 4 months; (b) on conviction on indictment 2 years or a fine or both;	6 months or £1,000 or both;
section 6(2) (being in	the entry relating to section 6(2);	for the words in column 3	(a) on summary	3 months or £500 or both;

1 <i>Offence</i>	2 <i>Enactment</i>	3 <i>Amendment</i>	4 <i>Old penalties</i>	5 <i>New penalties</i>
<p>charge of a motor vehicle with blood-alcohol concentration above the prescribed limit);</p> <p>section 9(3) (failing to provide a specimen of blood or urine for a laboratory test).</p>	<p>the entry relating to section 9(3).</p>	<p>substitute " Summarily " and for the words in column 4 substitute " 3 months or £500 or both ";</p> <p>for the words in column 3 substitute " Summarily " and in column 4, in paragraph (i) for the words " £400 " substitute " 6 months or £1,000 or both " and for the words from " £200 " in paragraph (ii) to the end of paragraph (iv) substitute " 3 months or £500 or both ".</p>	<p>conviction £200;</p> <p>(b) on conviction on indictment 12 months or a fine or both;</p> <p>(a) on summary conviction—</p> <p>(i) where it is shown that the offender was driving or attempting to drive, £400;</p> <p>(ii) where in any other case it is shown that the offender was in charge of a motor vehicle on a road or other public</p>	<p>(a) where it is shown that the offender was driving or attempting to drive, 6 months or £1,000 or both;</p> <p>(b) where in any other case it is shown that the offender was in charge of a motor vehicle on a road or other public place, 3 months or £500, or both.</p>

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
			<p>place, £200;</p> <p>(b) on conviction on indictment—</p> <p>(i) 2 years or a fine or both in the case of a conviction where it is shown as mentioned in paragraph (a)</p> <p>(i) above;</p> <p>(ii) 12 months or a fine or both in the case of a conviction where it is shown as mentioned in paragraph (a)</p>	

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
(ii) above.				
<b><i>HEALTH AND SAFETY AT WORK ETC. ACT 1974 (c. 37)</i></b>				
21. Offences under section 33(5) (continuing contravention of improvement notice, prohibition notice or court order).	Section 33(5).	For the words from " liable " to " £50" substitute " liable on summary conviction to a fine not exceeding £100 ".	£50 for each day on which the contravention continues.	£100 for each day on which the contravention continues.

SCHEDULE 2

Section 16.

OFFENCES TRIABLE EITHER WAY INSTEAD OF ONLY ON INDICTMENT

- 1 Offences at common law of public nuisance.
- 2 Offences under section 8 of the Disorderly Houses Act 1751 (appearing to be keeper of bawdy house etc.).
- 3 Offences consisting in contravention of section 13 of the Statutory Declarations Act 1835 (administration by a person of an oath etc. touching matters in which he has no jurisdiction).
- 4 Offences under section 36 of the Malicious Damage Act 1861 (obstructing engines or carriages on railways).
- 5 Offences under the following provisions of the Offences against the Person Act 1861—
  - (a) section 16 (threats to kill);
  - (b) section 26 (not providing apprentices or servants with food etc.);
  - (c) section 34 (doing or omitting to do anything so as to endanger railway passengers);
  - (d) section 36 (assaulting a clergyman at a place of worship etc.);
  - (e) section 38 (assault with intent to resist apprehension);
  - (f) section 57 (bigamy).
- 6 Offences under section 13 of the Debtors Act 1869 (transactions intended to defraud creditors).
- 7 Offences under section 5 of the Public Stores Act 1875 (obliteration of marks with intent to conceal).
- 8 Offences under section 12 of the Corn Returns Act 1882 (false returns).
- 9 Offences under section 22 of the Electric Lighting Act 1882 (injuring works with intent to cut off electricity supply).

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- 10 Offences under section 3 of the Submarine Telegraph Act 1885 (damaging submarine cables).
- 11 Offences under section 8(2) of the Cremation Act 1902 (making false representations etc. with a view to procuring the burning of any human remains).
- 12 All offences under the Perjury Act 1911 except offences under—
- (a) section 1 (perjury in judicial proceedings);
  - (b) section 3 (false statements etc. with reference to marriage);
  - (c) section 4 (false statements etc. as to births or deaths);
  - (d) section 5 (false statutory declarations and other false statements without oath) so far as it relates to statements in statutory declarations.
- 13 The following offences under the Forgery Act 1913—
- (a) offences under paragraph (a) of section 2(2) (forgery of valuable security etc.) in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of money or the value of the goods or chattels does not exceed £1,000 but does exceed £100 ;
  - (b) offences under paragraph (a) of section 7 (demanding property on forged documents), where the amount of the money or the value of the property in respect of which the offence is committed does not exceed £1,000 but does exceed £100.
- 14 Offences under section 17 of the Deeds of Arrangement Act 1914 (trustee making preferential payments).
- 15 Offences under section 3(4) of the Checkweighing in Various Industries Act 1919 (false statements).
- 16 Offences under section 8(2) of the Census Act 1920 (disclosing census information).
- 17 Offences under the following provisions of the Sexual Offences Act 1956—
- (a) section 6 (unlawful sexual intercourse with a girl under 16);
  - (b) section 26 (permitting a girl under 16 to use premises for sexual intercourse).
- 18 Offences under section 3(1) of the Shipping Contracts and Commercial Documents Act 1964 (offences), so far as it relates to the contravention of any direction under that Act.
- 19 The following offences under the Criminal Law Act 1967—
- (a) offences under section 4(1) (assisting offenders) ; and
  - (b) offences under section 5(1) (concealing arrestable offences and giving false information),
- where the offence to which they relate is triable either way otherwise than by virtue of section 16(2) above.
- 20 The following offences under the Theft Act 1968—
- (a) burglary in a dwelling where entry to the dwelling or part of it in which the burglary was committed, or to any building or part of a building containing the dwelling, was obtained by force or deception or by the use of any tool, key or appliance, except where any person in the dwelling was subjected to violence or the threat of violence ;



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- (b) handling stolen goods from an offence not committed in the United Kingdom.
- 21 Uttering any forged document the forgery of which is an offence mentioned in this Schedule.
- 22 Aiding, abetting, counselling or procuring the commission of any offence mentioned in the preceding paragraphs of this Schedule except paragraph 19.
- 23 Attempting to commit any offence mentioned in the preceding paragraphs of this Schedule except paragraphs 19 and 22.
- 24 Any offence consisting in the incitement to commit an offence mentioned in the preceding paragraphs of this Schedule except paragraphs 22 and 23.

### SCHEDULE 3

Sections 16 and 28.

#### OFFENCES TRIABLE EITHER WAY BY VIRTUE OF SECTION 16(1) OR (2)

- 1 Offences at common law of public nuisance.
- 2 Offences under section 8 of the Disorderly Houses Act 1751 (appearing to be keeper of bawdy house etc.).
- 3 Offences consisting in contravention of section 13 of the Statutory Declaration Act 1835 (administration by a person of an oath etc. touching matters in which he has no jurisdiction).
- 4 Offences under section 36 of the Malicious Damage Act 1861 (obstructing engines or carriages on railways).
- 5 Offences under the following provisions of the Offences against the Person Act 1861—
- (a) section 16 (threats to kill) ;
  - (b) section 20 (inflicting bodily injury, with or without a weapon) ;
  - (c) section 26 (not providing apprentices or servants with food etc.);
  - (d) section 27 (abandoning or exposing child) ;
  - (e) section 34 (doing or omitting to do anything so as to endanger railway passengers);
  - (f) section 36 (assaulting a clergyman at a place of worship etc.);
  - (g) section 38 (assault with intent to resist apprehension);
  - (h) section 47 (assault occasioning bodily harm—common assault);
  - (i) section 57 (bigamy);
  - (j) section 60 (concealing the birth of a child).
- 6 Offences under section 20 of the Telegraph Act 1868 (disclosing or intercepting messages).
- 7 Offences under section 13 of the Debtors Act 1869 (transactions intended to defraud creditors).
- 8 Offences under section 5 of the Public Stores Act 1875 (obliteration of marks with intent to conceal).
- 9 Offences under section 12 of the Corn Returns Act 1882 (false returns).

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*Status: This is the original version (as it was originally enacted).*

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- 10 Offences under section 22 of the Electric Lighting Act 1882 (injuring works with intent to cut off electricity supply).
- 11 Offences under section 3 of the Submarine Telegraph Act 1885 (damaging submarine cables).
- 12 Offences under section 13 of the Stamp Duties Management Act 1891 (offences in relation to dies and stamps).
- 13 Offences under section 8(2) of the Cremation Act 1902 (making false representations etc. with a view to procuring the burning of any human remains).
- 14 All offences under the Perjury Act 1911 except offences under—
- (a) section 1 (perjury in judicial proceedings);
  - (b) section 3 (false statements etc. with reference to marriage);
  - (c) section 4 (false statements etc. as to births or deaths).
- 15 The following offences under the Forgery Act 1913—
- (a) offences under paragraph (a) of section 2(2) (forgery of valuable security etc.) in relation to—
    - (i) any document being an accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal; or
    - (ii) any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of money or the value of the goods or chattels does not exceed £1,000 ;
  - (b) offences under section 4 (forgery of documents in general); and
  - (c) offences under paragraph (a) of section 7 (demanding property on forged documents), where the amount of the money or the value of the property in respect of which the offence is committed does not exceed £1,000.
- 16 Offences under section 17 of the Deeds of Arrangement Act 1914 (trustee making preferential payments).
- 17 Offences under section 3(4) of the Checkweighing in Various Industries Act 1919 (false statements).
- 18 Offences under section 8(2) of the Census Act 1920 (disclosing census information).
- 19 Offences under section 36 of the Criminal Justice Act 1925 (forgery of passports etc.).
- 20 Offences under section 11 of the Agricultural Credits Act 1928 (frauds by farmers).
- 21 Offences under the following provisions of the Coinage Offences Act 1936—
- (a) section 4(1) (defacing coins);
  - (b) section 5(1) (uttering counterfeit coin);
  - (c) section 5(2) (uttering counterfeit gold or silver coin);
  - (d) section 5(3) (possession of counterfeit gold or silver coin);
  - (e) section 5(4) (possession of counterfeit copper coin);
  - (f) section 5(6) (uttering coins etc. as gold or silver coins);
  - (g) section 7 (importing and exporting counterfeit coin);
  - (h) section 8 (making, possessing or selling medals resembling gold or silver coin).

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- 22 Offences under the following provisions of the Post Office Act 1953—
- (a) section 53 (unlawfully taking away or opening mail bag);
  - (b) section 55 (fraudulent retention of mail bag or postal packet);
  - (c) section 57 (stealing, embezzlement, destruction etc. by officer of Post Office of postal packet) ;
  - (d) section 58 (opening or delaying of postal packets by officers of the Post Office).
- 23 Offences under the following provisions of the Sexual Offences Act 1956—
- (a) section 6 (unlawful sexual intercourse with a girl under 16);
  - (b) section 13 (indecenty between men) ;
  - (c) section 26 (permitting a girl under 16 to use premises for sexual intercourse).
- 24 Offences under section 3(1) of the Shipping Contracts and Commercial Documents Act 1964 (offences), so far as it relates to the contravention of any direction under that Act.
- 25 Offences under section 24B(7) of the Housing Subsidies Act 1967 (failure to notify lender that residence condition not fulfilled or ceased to be fulfilled).
- 26 The following offences under the Criminal Law Act 1967—
- (a) offences under section 4(1) (assisting offenders); and
  - (b) offences under section 5(1) (concealing arrestable offences and giving false information),
- where the offence to which they relate is triable either way.
- 27 Offences under section 4(1) of the Sexual Offences Act 1967 (procuring others to commit homosexual acts).
- 28 All indictable offences under the Theft Act 1968 except:—
- (a) robbery, aggravated burglary, blackmail and assault with intent to rob;
  - (b) burglary comprising the commission of, or an intention to commit, an offence which is triable only on indictment;
  - (c) burglary in a dwelling if any person in the dwelling was subjected to violence or the threat of violence.
- 29 Offences under the following provisions of the Criminal Damage Act 1971—
- section 1(1) (destroying or damaging property);
  - section 1(1) and (3) (arson);
  - section 2 (threats to destroy or damage property);
  - section 3 (possessing anything with intent to destroy or damage property).
- 30 Offences in relation to stamps issued for the purpose of national insurance under the provisions of any enactments as applied to those stamps.
- 31 Uttering any forged document the forgery of which is an offence listed in this Schedule.
- 32 Committing an indecent assault upon a person whether male or female.
- 33 Aiding, abetting, counselling or procuring the commission of any offence listed in the preceding paragraphs of this Schedule except paragraph 26.
- 34 Attempting to commit an offence triable either way except an offence mentioned in paragraph 26 or 33 above.

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- 35 Any offence consisting in the incitement to commit an offence triable either way except an offence mentioned in paragraph 33 or 34 above.

SCHEDULE 4

Section 23.

OFFENCES FOR WHICH THE VALUE INVOLVED IS RELEVANT TO THE MODE OF TRIAL

<i>Offence</i>	<i>Value involved</i>	<i>How measured</i>
<p>1. Offences under section 1 of the Criminal Damage Act 1971* (destroying or damaging property), excluding any offence committed by destroying or damaging property by fire.</p>	<p>As regards property alleged to have been destroyed, its value.</p> <p>As regards property alleged to have been damaged, the value of the alleged damage.</p>	<p>What the property would probably have cost to buy in the open market at the material time.</p> <p>(a) If immediately after the material time the damage was capable of repair—</p> <p style="padding-left: 20px;">(i) what would probably then have been the market price for the repair of the damage, or</p> <p style="padding-left: 20px;">(ii) what the property alleged to have been damaged would probably have cost to buy in the open market at the material time,</p> <p style="padding-left: 20px;">whichever is the less; or</p> <p>(b) if immediately after the material time the damage was beyond repair, what the said property would probably have cost to buy in the open market at the material time.</p>
<p>2. The following offences, namely—</p> <p style="padding-left: 20px;">(a) aiding, abetting, counselling or procuring the commission of any offence mentioned in paragraph 1 above;</p>	<p>The value indicated in paragraph 1 above for the offence alleged to have been aided, abetted, counselled or procured, or attempted or incited.</p>	<p>As for the corresponding entry in paragraph 1 above.</p>

\* 1971 c. 48.

<i>Offence</i>	<i>Value involved</i>	<i>How measured</i>
(b) attempting to commit any offence so mentioned; and (c) inciting another to commit any offence so mentioned.		

\* 1971 c. 48.

## SCHEDULE 5

Section 28.

ALTERATION OF PENALTIES ON SUMMARY CONVICTION  
OF CERTAIN OFFENCES TRIABLE EITHER WAY

- 1 (1) The Misuse of Drugs Act 1971 shall be amended as follows—
- (a) in section 26(3) (which makes provision in relation to the penalties for certain offences under the Customs and Excise Act 1952 where a Class C drug is involved), for the words from " as if " onwards there shall be substituted " as if for the words from ' shall be liable ' to ' or to both' there were substituted the following words, that is to say—
- “ shall be liable—
- (a) on summary conviction, to a penalty of three times the value of the goods or £500, whichever is the greater, or to imprisonment for a term not exceeding 3 months, or to both ;
- (b) on conviction on indictment, to a pecuniary penalty of such amount as the court may determine, or to imprisonment for a term not exceeding five years, or to both',
- so however that nothing in this subsection shall be taken to affect the liability of any person to detention under the said section 45(1), 56(2) or 304.”;
- (b) in the entries in Schedule 4 showing the punishment that may be imposed on persons summarily convicted of offences mentioned in sub-paragraph (2)(b) below, for " 6 months or £200, or both" there shall be substituted " 3 months or £500 or both "; and
- (c) in the entry in Schedule 4 relating to section 5(2)—
- (i) for " 6 months or £400, or both " (being the maximum punishment on summary conviction of an offence under that section where a Class B drug was involved) there shall be substituted " 3 months or £500, or both "; and
- (ii) for " 6 months or £200, or both " (being the maximum punishment on summary conviction of such an offence where a Class C drug was involved) there shall be substituted " 3 months or £200, or both ".
- (2) The offences to which (as provided in section 28(8) above) section 28(2) above does not apply are—
- (a) offences under section 5(2) of the Misuse of Drugs Act 1971 (having possession of a controlled drug) where the controlled drug in relation to which the offence was committed was a Class B or Class C drug ;

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- (b) offences under the following provisions of that Act, where the controlled drug in relation to which the offence was committed was a Class C drug, namely—
- (i) section 4(2) (production, or being concerned in the production, of a controlled drug);
  - (ii) section 4(3) (supplying or offering a controlled drug or being concerned in the doing of either activity by another);
  - (iii) section 5(3) (having possession of a controlled drug with intent to supply it to another);
  - (iv) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there);
  - (v) section 12(6) (contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs); or
  - (vi) section 13(3) (contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs);
- (c) offences under the following provisions of the Customs and Excise Act 1952, where the controlled drug constituting the goods in respect of which the offence was committed was a Class C drug, namely—
- (i) section 45(1) (improper importation) ;
  - (ii) section 56(2) (improper exportation);
  - (iii) section 304 (fraudulent evasion of prohibition or restriction affecting goods).

(3) In this paragraph " controlled drug ", " Class B drug" and " Class C drug" have the same meaning as in the Misuse of Drugs Act 1971.

2 In Schedule 4 to the Road Traffic Act 1972 (prosecution and punishment of offences), in the entries relating to section 2 (reckless driving) and section 99(b) (driving while disqualified), for the punishment specified in column 4 in relation to an offence punishable summarily there shall in each case be substituted the words " 6 months or the prescribed sum (within the meaning of section 28 of the Criminal Law Act 1977 or, in Scotland, of section 289B of the Criminal Procedure (Scotland) Act 1975) or both. ".

## SCHEDULE 6

Section 31.

### INCREASE OF FINES FOR CERTAIN SUMMARY OFFENCES

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<b><i>METROPOLITAN POLICE ACT 1839 (c. 47)</i></b>			
Offences under section 54 (miscellaneous offences in thoroughfares,	Section 54 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£50.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
including furious driving, obstructing a thoroughfare and discharging firearms).			
<b><i>OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)</i></b>			
Offences under section 42 (common assault or battery).	Section 42 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£50.	£200.
Offences under section 43 (aggravated assault or battery).	Section 43 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£100.	£500.
<b><i>LICENSING ACT 1872 (c. 94)</i></b>			
Offences under the first paragraph of section 12 (being found drunk in a highway or other public place).	Section 12 (as amended by section 1 of the Penalties for Drunkenness Act 1962).	£5.	£25.
<b><i>MERCHANT SHIPPING ACT 1894 (c. 60)</i></b>			
Offences under the following provisions— section 287(1) (a) (attempting to board a steamer while drunk or disorderly); section 287(1) (b) (refusing to leave a steamer while drunk or disorderly).	Section 287 (as amended by section 1 of the Penalties for Drunkenness Act 1962).	£5.	£25.
<b><i>LICENSING ACT 1902 (c. 28)</i></b>			
Offences under section 2(1) (being drunk in a highway or other public place while in charge of a child).	Section 2(1) (as amended by section 1 of the Penalties for Drunkenness Act 1962).	£10.	£50.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<b><i>PROTECTION OF ANIMALS ACT 1911 (c. 27)</i></b>			
Offences under section 1(1) (inflicting of unnecessary suffering on, and cruelty to, animals).	Section 1(1) (as amended by section 3 of the Protection of Animals (Amendment) Act 1954).	£50.	£500.
<b><i>PROTECTION OF ANIMALS (SCOTLAND) ACT 1912 (c. 14)</i></b>			
Offences under section 1(1) (inflicting of unnecessary suffering on, and cruelty to, animals).	Section 1 (1) (as amended by section 3 of the Protection of Animals (Amendment) Act 1954.)	£50.	£500.
<b><i>CHILDREN AND YOUNG PERSONS ACT 1933 (c. 12)</i></b>			
Offences under section 39(2) (publication of matters identifying juveniles in court proceedings).	Section 39(2).	£50.	£500.
Offences under section 49 (newspaper reports of proceedings in juvenile courts).	Section 49(2).	£50.	£500.
<b><i>PROTECTION OF ANIMALS ACT 1934 (c. 21)</i></b>			
Offences under section 1(1) (prohibition of certain public contests, performances and exhibitions with horses or bulls).	Section 2.	£100.	£500.
<b><i>PUBLIC HEALTH ACT 1936 (c. 49)</i></b>			
Offences under section 60(1) (failure to provide means of escape from certain high buildings).	Section 60(3).	£5.	£500.
Offences under section 59(4) (failure to keep means of	Section 59(4).	£20.	£500.



*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
ingress and egress unobstructed).  Offences under section 290(6) (failure to execute works).	Section 290(6).	£5.	£500.
<b><i>PUBLIC ORDER ACT 1936 (1 Edw. 8. &amp; 1 Geo. 6.) (c. 6)</i></b>			
Offences under the following provisions— section 1(1) (wearing uniform signifying association with political organisation); section 3(4) (knowingly failing to comply with conditions as regards processions); section 4(1) (possession of offensive weapon at public meeting).	Section 7(2).	£50.	£500.
<b><i>CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937 (c. 37)</i></b>			
Offences under section 46(2) (publication of matters identifying juveniles in court proceedings).	Section 46(2).	£50.	£500.
<b><i>CINEMATOGRAPH FILMS (ANIMALS) ACT 1937 (c. 59)</i></b>			
Offences under section 1(1) (prohibition of films in production of which suffering has been caused to animals).	Section 1(3).	£100.	£200.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<b><i>ARCHITECTS REGISTRATION ACT 1938 (c. 54)</i></b>			
Offences under section 1 (unregistered persons using title of architect).	Section 3.	£50.	£500.
<b><i>NURSING HOMES REGISTRATION (SCOTLAND) ACT 1938 (c. 73)</i></b>			
Any offence under the Act for which no express penalty is provided, except an offence under section 1(4).	Section 8 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£500.
<b><i>EDUCATION ACT 1944 (c. 31)</i></b>			
Offences under the following provisions— section 37(5) (failure to comply with requirements of school attendance order); section 39(1) (failure by parents to ensure attendance of child at school where registered).	Section 40(1).	£10 for a first offence and £20 for a second or subsequent offence.	£200.
<b><i>WATER ACT 1945 (c. 42)</i></b>			
Offences under section 14(10) (allowing underground water to run to waste, abstracting from well etc. in excess of reasonable requirements).	Section 14(10).	£10.	£200.
Offences under section 16(3) (contravention	Section 16(3).	£5.	£200.

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1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
of prohibition or restriction on use of hosepipes).			
Any offence consisting in a contravention of section 64(1) of Schedule 3 (wasting water by non-repair of pipes etc.).	Section 64(1) of Schedule 3.	£5.	£200.
Any offence consisting in contravention of section 67 of Schedule 3 (interference with valve or apparatus).	Section 67 of Schedule 3.	£5.	£200.
<b><i>WATER (SCOTLAND) ACT 1946 (c. 42)</i></b>			
Offences under section 59(3) (contravention of prohibition or restriction on use of hosepipes).	Section 59(3).	£5.	£200.
Any offence consisting in a contravention of section 30(1) of Schedule 4 (wasting water by non-repair of pipes etc.).	Section 30(1) of Schedule 4.	£5.	£200.
Any offence consisting in a contravention of section 33 of Schedule 4 (causing the supply of water to be interfered with).	Section 33 of Schedule 4.	£5.	£200.
<b><i>FIRE SERVICES ACT 1947 (c. 41)</i></b>			
Offences under section 31(1) (giving false fire alarm).	Section 31(1) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£50.	£500.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<b><i>NATIONAL ASSISTANCE ACT 1948 (c. 29)</i></b>			
Offences under section 37(1) (non-registration of disabled persons' or old persons' homes).	Section 37(1).	£50.	£500.
Offences under section 40(3) (contravention of regulations as to the conduct of disabled persons' or old persons' homes).	Section 40(3) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£500.
Offences under section 55(2) (obstruction).	Section 55(2) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £20 for a second or subsequent offence.	£500.
<b><i>CHILDREN ACT 1948 (c. 43)</i></b>			
Offences under section 29(5) (carrying on an unregistered voluntary home).	Section 29(5).	£50.	£500.
Offences under section 31(2) (contravention of regulations as to conduct of voluntary homes).	Section 31(2).	£50.	£500.
<b><i>AGRICULTURE (SCOTLAND) ACT 1948 (c. 45)</i></b>			
Offences under section 50(1) (prohibition of night shooting and use of spring traps).	Section 50(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.
Offences under section 50A(1) (open trapping of hares and rabbits).	Section 50A(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.
<b><i>WIRELESS TELEGRAPHY ACT 1949 (c. 54)</i></b>			
Any offence under the Act where the	Section 14(1)(aa) (as inserted by section 11	£50 for a first offence and £100 for a	£200.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
offence is such as is mentioned in section 14(1)(aa) (un -licensed use of wireless telegraphy apparatus and other offences relating to the enforcement of the licensing system).	of the Wireless Telegraphy Act 1967).	second or subsequent offence.	
<b><i>DOCKING AND NICKING OF HORSES ACT 1949 (c. 70)</i></b>			
Offences under section 1(1) (prohibition of docking or nicking horses).	Section 1(3).	£25.	£200.
Offences under section 2(3) (offences in connection with importation of docked horses).	Section 2(3).	£25.	£200.
Offences under section 2(4) (making a false statement).	Section 2(4).	£25.	£200.
<b><i>MIDWIVES ACT 1951 (c. 53)</i></b>			
Offences under section 8 (falsely using title of, or implying certification as, midwife).	Section 8 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
Offences under section 9 (persons other than certified midwives attending women in child - birth without medical supervision).	Section 9.	£10.	£500.
Offences under section 10(3) (disqualified midwives attending women in childbirth in contravention of a prohibition).	Section 10(3).	£10.	£500.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
Offences under section 11(1) (unqualified persons acting as maternity nurses for gain).	Section 11(1).	£10.	£500.
<b><i>MIDWIVES (SCOTLAND) ACT 1951 (c. 54)</i></b>			
Offences under section 4(8) (contravention of prohibition from attending women in childbirth other than as midwife).	Section 4(8).	£10.	£500.
Offences under section 9 (falsely using title of, or implying certification as, midwife).	Section 9 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
Offences under section 10 (persons other than certified midwives attending women in child - birth without medical supervision).	Section 10.	£10.	£500.
Offences under section 11 (unqualified persons acting as maternity nurses for gain).	Section 11.	£10.	£500.
<b><i>NURSES (SCOTLAND) ACT 1951 (c. 55)</i></b>			
Offences under section 12(1), (2), (3) and (4) (unlawful use of titles, certificates, etc.)	Section 12.	£10 for a first offence and £50 for a second or subsequent offence.	£500.
<b><i>COCKFIGHTING ACT 1952 (c. 59)</i></b>			
Offences under section 1(1) (possession of appliances for use in fighting of domestic fowl).	Section 1(1).	£25.	£200.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<b><i>DOGS (PROTECTION OF LIVESTOCK) ACT 1953 (c. 28)</i></b>			
Offences under section 1(1) (owning or keeping a dog which worries livestock).	Section 1(6) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20 for a first offence and £50 for a second or subsequent offence in respect of the same dog.	£200.
<b><i>PROTECTION OF BIRDS ACT 1954 (c. 30)</i></b>			
Any offence under the Act to which section 12(2)(a) (offences under the Act for which offender liable to special penalty) applies.	Section 12(2)(a) (as amended by section 1 of the Protection of Birds (Amendment) Act 1976).	£100.	£500.
Any offence under the Act to which section 12(2)(b) (offences under the Act for which offender not liable to special penalty) applies.	Section 12(2)(b) (as amended by section 1 of the Protection of Birds (Amendment) Act 1976).	£20.	£50.
<b><i>PESTS ACT 1954 (c. 68)</i></b>			
Offences under section 8(1) (restrictions on unlawful spring traps).	Section 8(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.
Offences under section 9(1) (open trapping of hares and rabbits).	Section 9(2).	£20, or, if the offender has been previously convicted as mentioned in section 9(2), £50.	£200.
Offences under section 12 (spreading of myxomatosis).	Section 12.	£20 for a first offence and £50 for a second or subsequent offence.	£200.
<b><i>FOOD AND DRUGS ACT 1955 (4 &amp; 5 ELIZ. 2) (c. 16)</i></b>			
Offences under section 55(1) (selling specified articles near a market in	Section 55(1) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10.	£50.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
market hours without a hawker's licence).			
<b><i>NURSES ACT 1957 (c. 15)</i></b>			
Offences under section 27 (false assumption of title of registered or enrolled nurse etc.).	Section 27.	£10 for a first offence and £50 for a second or subsequent offence.	£500.
Offences under section 28(1) (restriction on use of title of nurse.).	Section 28(1).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
<b><i>HIGHWAYS ACT 1959 (c. 25)</i></b>			
Offences under section 119(4)(b) (failure to make good the surface of a public path after ploughing).	Section 119(4)(b) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£50.	£200.
<b><i>STREET OFFENCES ACT 1959 (c. 57)</i></b>			
Offences under section 1 (loitering or soliciting for purposes of prostitution).	Section 1(2).	£10 for a first offence and £25 for a second or subsequent offence.	£50 for a first offence and £200 for a second or subsequent offence.
<b><i>MENTAL HEALTH ACT 1959 (c. 72)</i></b>			
Offences under section 20(2) (breach of a condition of the registration of a residential home).	Section 20(2) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£500.
Offences under section 130 (obstruction).	Section 130(3).	£100.	£500.
<b><i>ANIMALS (CRUEL POISONS) ACT 1962 (c. 26)</i></b>			
Offences under section 1 (offences in connection with use of prohibited poison for destroying animals).	Section 1.	£50.	£200.
<b><i>EDUCATION (SCOTLAND) ACT 1962 (c. 47)</i></b>			



*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
Offences under the following provisions— section 35(1) (failure by parent to secure regular attendance by his child at a public school); section 41 (failure to comply with requirements of school attendance order); section 42(3) (refusal to allow medical officer of appropriate Health Board to examine child).	Section 43(1) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £20 for a second or subsequent offence.	£50.
<b><i>DEER ACT 1963 (c. 36)</i></b>			
Any offence under the Act.	Section 8.	£20 for a first offence and £50 for a second or subsequent offence.	£500.
<b><i>LICENSING ACT 1964 (c. 26)</i></b>			
Offences under section 169, except an offence under section 169(2) or (3) (selling intoxicating liquor to persons under 18).	Section 169(8).	£25 for a first offence and £50 for a second or subsequent offence.	£50.
Offences under section 169(2) (persons under 18 buying etc. intoxicating liquor).	Section 169(9).	£20.	£200.
Offences under section 169(3) (buying intoxicating	Section 169(8).	£25 for a first offence and £50 for a second or subsequent offence.	£200.

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*Status: This is the original version (as it was originally enacted).*

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1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
liquor for persons under 18). Offences under section 174(2) (refusal of person who is drunk etc. to leave licensed premises on request).	Section 174(2).	£5.	£25.
<b><i>POLICE ACT 1964 (c. 48)</i></b>			
Offences under section 51(3) (resisting or wilfully obstructing constable in execution of his duty).	Section 51(3).	£20.	£200.
<b><i>HOUSING ACT 1964 (c. 56)</i></b>			
Offences under section 65(1) (failure to comply with notice requiring execution of works) where committed in respect of a notice served under section 16 of the Housing Act 1961 (provision of means of escape from fire).	Section 65(1).	£100.	£500.
<b><i>HOUSING (SCOTLAND) ACT 1966 (c. 49)</i></b>			
Offences under section 110(1)(a) and (b) (failure to comply with notice requiring execution of works) where committed in respect of a notice served under section 107 (provision of means of escape from fire).	Section 110(1)(a) and (b).	£100.	£500.
<b><i>ROAD TRAFFIC REGULATION ACT 1967 (c. 76)</i></b>			
Offences under section 13(4) (contravention of	Section 13(4) (as amended by Part II of Schedule 5 to the	£100.	£500.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
provisions as to use of special roads).	Road Traffic Act 1974).		
<b><i>POLICE (SCOTLAND) ACT 1967 (c. 77)</i></b>			
Offences under section 41(1) (assaults on constables etc), where the offender has not, within the period of two years immediately preceding the offence, been convicted of an offence against the section.	Section 41(1).	£50.	£500.
<b><i>SEA FISHERIES (SHELLFISH) ACT 1967 (c. 83)</i></b>			
Offences under section 7(4) (using prohibited fishing implements etc. in an area of fishery or oyster bed to which section applies).	Section 7(4).	£2 for a first offence, £5 for a second offence and £ 10 for a third or subsequent offence.	£200.
<b><i>ABORTION ACT 1967 (c. 87)</i></b>			
Offences under section 2(3) (contravening or failing to comply with regulations as to notification).	Section 2(3).	£100.	£1,000.
<b><i>AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 (c. 34)</i></b>			
Offences under the following provisions— section 1(1) (prevention of unnecessary pain and distress to livestock); section 2(2) (breach of regulations with respect	Section 7(1).	£100 for a first offence and £200 for a second or subsequent offence.	£500.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
to welfare of livestock).			
<b><i>SOCIAL WORK (SCOTLAND) ACT 1968 (c. 49)</i></b>			
Offences under section 6(5) (obstructing officer in exercise of power under section 6).	Section 6(5).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
Offences under section 60(3) (failure to comply with regulation etc. in respect of the control of residential and other establishments).	Section 60(3).	£50.	£500.
Offences under section 61(3) (carrying on establishment without registration).	Section 61(3).	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 62(6) (failure to comply with a condition of the registration of an establishment).	Section 62(6).	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 65(4) (obstructing officer in exercise of power under section 65).	Section 65(4).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
<b><i>GAMING ACT 1968 (c. 65)</i></b>			
Offences under section 8(5) (gaming in a street or public place).	Section 8(5).	£50.	£500.
<b><i>HOUSING ACT 1969 (c. 33)</i></b>			
Offences under section 61 (failing after a previous conviction to comply with an obligation to execute works) where committed in respect	Section 61(2).	£100.	£500.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
of an obligation to execute works in pursuance of a notice under section 16 of the Housing Act 1961 (provision of means of escape from fire).			
<b><i>LATE NIGHT REFRESHMENT HOUSES ACT 1969 (c. 53)</i></b>			
Offences under section 9(4) (refusal of person who is drunk, etc. to leave licensed late night refreshment house on request).	Section 11(3).	£5.	£25.
<b><i>EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1969 (c. 57)</i></b>			
Offences under section 4(3) (offences in relation to certificates of insurance).	Section 4(3).	£50.	£200.
Offences under section 5 (employer failing to insure employee).	Section 5.	£200.	£500.
<b><i>CONSERVATION OF SEALS ACT 1970 (c. 30)</i></b>			
Any offence under the Act, except an offence under section 11(7).	Section 5(2).	£50 for a first offence and £100 for a second or subsequent offence.	£500.
<b><i>MISUSE OF DRUGS ACT 1971 (c. 38)</i></b>			
Offences under section 17(3) (failure to comply with notice requiring information relating to prescribing supplying etc. of drugs).	Schedule 4.	£100.	£200.
<b><i>ROAD TRAFFIC ACT 1972 (c. 20)</i></b>			
Offences under section 3 (careless, and inconsiderate, driving).	Part I of Schedule 4 (as amended by Part III of Schedule 5 to	£200.	£500.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
	the Road Traffic Act 1974).		
<b><i>POISONS ACT 1972 (c. 66)</i></b>			
Any offence under section 8(1) (contravention of provisions of sections 1 to 7, other than section 6(4), or of the Poisons Rules).	Section 8(1).	£50.	£500.
Offences under section 6(4) (using title etc. falsely to suggest entitlement to sell poison).	Section 6(4).	£20.	£50.
Offences under section 9(8) (obstructing an inspector etc.).	Section 9(8).	£5.	£50.
<b><i>HEALTH AND SAFETY AT WORK ETC. ACT 1974 (c. 37)</i></b>			
Offences under the following provisions— section 33(1)(d) (contravening requirement imposed by or under section 14 or obstructing any person in exercise of his powers under section 14); section 33(1)(e) (contravening requirement imposed by inspector) where the requirement contravened was imposed under section 20; section 33(1)(f) (preventing etc. any other person from	Section 33(2).	£400.	£1,000.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
appearing before inspector); section 33(1)(h) (intentionally obstructing an inspector); section 33(1)(n) (falsely pretending to be an inspector).			
<b><i>CONTROL OF POLLUTION ACT 1974 (c. 40)</i></b>			
Offences under section 78(1) (burning insulation from a cable).	Section 78(2) (as substituted by the Clean Air Enactments (Repeals and Modifications) Regulations 1974).	£400.	£1,000.
<b><i>CRIMINAL PROCEDURE (SCOTLAND) ACT 1975 (c. 21)</i></b>			
Offences under section 169(2) (publishing any matter in contravention of a direction by the court under section 169(1)).	Section 169(2).	£50.	£500.
Offences under section 365(2) (publishing any matter in contravention of a direction by the court under section 365(1)).	section 365(2)	£50.	£500.
Offences under section 374(4) (publishing any matter in contravention of section 374).	Section 374(4).	£50.	£500.
<b><i>NURSING HOMES ACT 1975 (c. 37)</i></b>			
Offences against regulations made under section 5 (conduct of homes)	Section 14.	£20.	£500.

*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
or 6 (supplementary regulations).			
Offences under section 8(3) (breach of registration conditions for mental nursing home).	Section 15.	£20.	£500.
Offences under section 9(5) or (6) (obstructing an inspector).	Section 16.	£100.	£500.
<b><i>CONSERVATION OF WILD CREATURES AND WILD PLANTS ACT 1975 (c. 48)</i></b>			
Any offence under the Act.	Section 11(1).	£100.	£200.
<b><i>SALMON AND FRESHWATER FISHERIES ACT 1975 (c. 51)</i></b>			
Offences against any provision of the Act not specified in the Table in Part I of Schedule 4.	Paragraph 1(2) of Schedule 4.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 1 (fishing with certain instruments for salmon, trout or freshwater fish and possessing certain instruments for fishing for such fish) if not acting with another.	The Table in Part I of Schedule 4.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 19(2) (fishing for salmon during the annual close season or weekly close time).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 19(4) (fishing for trout during the annual close season or weekly close time).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.



*Status: This is the original version (as it was originally enacted).*

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
Offences under section 19(6) (fishing for freshwater fish during the annual close season for freshwater fish and fishing for eels by means of a rod and line during that season).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 19(7) (fishing for rainbow trout during the annual close season for rainbow trout and fishing for eels by means of a rod and line during that season).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 21 (prohibition on use of certain devices at certain times).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 27 (fishing for fish otherwise than under the authority of a licence and possessing an unlicensed instrument with intent to use it for fishing) if not acting with another.	The said Table.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
<b><i>PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1976 (c. 8)</i></b>			
Offences under section 2(1) (display of support in public for a proscribed organisation).	Section 2(1).	£400.	£1,000.
Offences under paragraph 1(9) of Schedule 3 (contravention	Paragraph 1(9) of Schedule 3.	£200.	£500.

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*Status: This is the original version (as it was originally enacted).*

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1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
of order under section 13).			

## SCHEDULE 7

Section 40.

## TRANSFER OF FINE ORDERS

*England and Wales*

- 1 For sections 72A and 72B of the Magistrates' Courts Act 1952 there shall be substituted:—

**“72A Transfer of fines to Scotland or Northern Ireland.**

- (1) Where a magistrates' court has, or is treated by any enactment as having, adjudged a person by a conviction to pay a sum, and it appears to the court that he is residing—
- (a) within the jurisdiction of a court of summary jurisdiction in Scotland, or
  - (b) in any petty sessions district in Northern Ireland,
- the court may order that payment of the sum shall be enforceable by that court of summary jurisdiction or, as the case may be, in that petty sessions district.
- (2) An order under this section shall specify the court of summary jurisdiction by which or petty sessions district in which payment of the sum in question is to be enforceable ; and if—
- (a) that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and
  - (b) payment is to be enforceable in Scotland,
- the court to be so specified shall be the sheriff court.
- (3) Where an order is made under this section with respect to any sum, any functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order or by the clerk of that court shall cease to be so exercisable.

**72B Transfer of fines from Scotland or Northern Ireland.**

- (1) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 provides that payment of a sum shall be enforceable in a specified petty sessions area in England and Wales, a magistrates' court acting for that area, and the clerk of that court, shall, subject to the provisions of this section, have all the like functions under this Part of this Act in respect of the sum (including power to make an order under section 72 or

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*Status: This is the original version (as it was originally enacted).*

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section 72A of this Act) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1975 or, as the case may be, 1964 in respect of the sum before the making of the transfer of fine order had been made by that court.

- (2) For the purpose of determining the period of imprisonment which may be imposed under this Act in default of payment of a fine originally imposed by a court in Scotland, Schedule 3 to this Act shall have effect as if for the Table set out in paragraph 1 there were substituted the Table set out in section 407(1) of the Criminal Procedure (Scotland) Act 1975.
- (3) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 provides for the enforcement in a petty sessions area in England and Wales of a fine originally imposed by the Crown Court, a magistrates' court acting for that area shall have all the like functions under this Part of this Act, exercisable subject to the like restrictions, as if it were the magistrates' court by which payment of the fine fell to be enforced by virtue of section 32(1) of the Powers of Criminal Courts Act 1973, and as if any order made under the said Act of 1975 or, as the case may be, 1964 in respect of the fine before the making of the transfer of fine order had been made by that court.”.

#### *Scotland*

- 2 (1) Section 403 of the Criminal Procedure (Scotland) Act 1975 shall be amended as follows.
  - (2) In subsection (1)—
    - (a) at the end of paragraph (b) there shall be inserted the words—

“, or
    - (c) in any petty sessions district in Northern Ireland,”;
  - (b) the words " if no term of imprisonment has been fixed by the court in default of payment of the fine " shall be omitted ; and
  - (c) after " petty sessions area " there shall be inserted the words " or petty sessions district " .
- (3) In subsection (2) after the words " petty sessions area " there shall be inserted the words " or petty sessions district " .
- (4) In subsection (4)—
  - (a) for the words from " within " to " Magistrates' Courts Act 1952" there shall be substituted the words " under this section, section 72A of the Magistrates' Courts Act 1952 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 " ; and
  - (b) for the words " or the said Act of 1952 " there shall be substituted the words " , the said Act of 1952 or the said Act of 1964 " .
- (5) Subsection (5) shall cease to have effect.
- (6) In subsection (6) after the words " section 72A of the Magistrates' Courts Act 1952" there shall be inserted the words " section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 " .

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*Status: This is the original version (as it was originally enacted).*

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*Northern Ireland*

- 3 After section 104 of the Magistrates' Courts Act (Northern Ireland) 1964 there shall be inserted :—

**“104A Power to order transfer of fines.**

- (1) Where a magistrates' court has, or is treated by any statutory provision as having, adjudged a person by a conviction to pay a sum and it appears to the court that he is residing—
- (a) in any petty sessions area in England and Wales, or
  - (b) within the jurisdiction of a court of summary jurisdiction in Scotland,
- the court may order that payment of the sum shall be enforceable in that petty sessions area or, as the case may be, by that court of summary jurisdiction.
- (2) An order under this section shall specify the petty sessions area in which or the court by which payment of the sum in question is to be enforceable ; and if—
- (a) that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and
  - (b) payment is to be enforceable in Scotland,
- the court to be so specified shall be the sheriff court.
- (3) Where an order is made under this section with respect to any sum, any functions under any statutory provision relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order or by the clerk of that court shall cease to be so exercisable.

**104B Transfer of fines from elsewhere in United Kingdom.**

- (1) Where a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 or section 403 of the Criminal Procedure (Scotland) Act 1975 provides that payment of a sum shall be enforceable in a petty sessions district in Northern Ireland, a court of summary jurisdiction acting for that district and the clerk of that court shall, subject to subsection (2), have all the like functions under any statutory provision in respect of the sum (including power to make an order under section 104A) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1952 or, as the case may be, 1975 in respect of the sum before the making of the transfer of fine order had been made by that court.
- (2) Where a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 or section 403 of the Criminal Procedure (Scotland) Act 1975 provides for the enforcement of a fine originally imposed by the Crown Court, the term of imprisonment which may be imposed under this Act shall be—
- (a) the term fixed in pursuance of section 31 of the Powers of Criminal Courts Act 1973 by the Crown Court, or
  - (b) a term which bears the same proportion to the term so fixed as the amount of the fine remaining due bears to the amount imposed by that court,

notwithstanding that the term exceeds the period applicable to the case under Schedule 4.”.

## SCHEDULE 8

Section 41.

### TRANSFER OF REMAND HEARINGS

- 1 A court which, on adjourning a case, makes an order under section 41(1) above is not required at that time to fix the time and place at which the case is to be resumed but shall do so as soon as practicable after the order ceases to be in force.
- 2 Where an order under subsection (1) of section 41 above is made in the course of proceedings which, for the purposes of section 3 of the Criminal Justice Act 1967 (reporting restrictions and their removal), are committal proceedings, proceedings relating to the accused before the alternate court are also committal proceedings for those purposes.
- 3 A court making an order under subsection (1) of section 41 above or remanding the accused under subsection (4) shall at once notify the court before which the accused is to be brought as to the terms of the order or remand.
- 4 A person to whom an order under section 41(1) above applies shall, if released on bail, be bailed to appear before the court which made the order.
- 5 Section 41 above and this Schedule have effect notwithstanding anything in sections 6 and 14 of the Magistrates' Courts Act 1952 or section 19(4) above.

## SCHEDULE 9

Section 47.

### MATTERS ANCILLARY TO SECTION 47

#### *Probation orders*

- 1 Where a court makes an order under section 47 (1) above with respect to a sentence of imprisonment, it shall not make a probation order in the offender's case in respect of another offence of which he is convicted by or before that court, or for which he is dealt with by that court.

#### *Courts competent to restore sentence held in suspense*

- 2 (1) In relation to a sentence of imprisonment part of which is held in suspense, the courts competent under section 47(3) above are—
  - (a) the Crown Court; and
  - (b) where the sentence was passed by a magistrates' court, any magistrates' court before which the offender appears or is brought.
- (2) Where an offender is convicted by a magistrates' court of an offence punishable with imprisonment and the court is satisfied that the offence was committed during the whole period of a sentence passed by the Crown Court with an order under section 47(1) above—

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- (a) it may, if it thinks fit, commit him in custody or on bail to the Crown Court; and
  - (b) if it does not, it shall give written notice of the conviction to the appropriate officer of that court.
- (3) For the purposes of this and the next following paragraph, a sentence of imprisonment passed on an offender with an order under section 47(1) above shall be treated as having been passed (with such an order) by the court which originally sentenced him.

*Recall of offender on re-conviction*

- 3 (1) If it appears to the Crown Court, where that court has jurisdiction in accordance with sub-paragraph (2) below, or to a justice of the peace having jurisdiction in accordance with that sub-paragraph that an offender has been convicted in Great Britain of an offence punishable with imprisonment committed during the whole period of a sentence passed with an order under section 47(1) above and that he has not been dealt with in respect of the part of the sentence held in suspense, that court or justice may, subject to the following provisions of this paragraph, issue a summons requiring the offender to appear at the place and time specified therein, or a warrant for his arrest.
- (2) Jurisdiction for the purposes of sub-paragraph (1) above may be exercised—
- (a) if the sentence was passed by the Crown Court, by that court;
  - (b) if it was passed by a magistrates' court, by a justice acting for the area for which that court acted.
- (3) Where an offender is convicted by a court in Scotland of an offence punishable with imprisonment and the court is informed that the offence was committed during the whole period of a sentence passed in England and Wales with an order under section 47(1) above, the court shall give written notice of the conviction to the appropriate officer of the court by which the original sentence was passed.
- (4) Unless he is acting in consequence of a notice under sub-paragraph (3) above, a justice of the peace shall not issue a summons under this paragraph except on information and shall not issue a warrant under this paragraph except on information in writing and on oath.
- (5) A summons or warrant issued under this paragraph shall direct the offender to appear or to be brought before the court by which the original sentence of imprisonment was passed.

*Miscellaneous (procedural)*

- 4 Where the offender is before the Crown Court with a view to the exercise by that court of its powers under section 47(3) above, any question whether and, if so, when he has been convicted of an offence shall be determined by the court and not by the verdict of a jury.
- 5 Where the offender has been before a court with a view to its exercising those powers, the appropriate officer shall—
- (a) if the court decided not to exercise the powers, record that fact; and
  - (b) whether or not it exercised them, notify the appropriate officer of the court which passed the original sentence as to the manner in which the offender was dealt with.

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- 6 For the purposes of any enactment conferring rights of appeal in criminal cases, the restoration by a court under section 47(3) above of a part of a sentence held in suspense shall be treated as a sentence passed on the offender by that court for the original offence, that is to say the offence for which the original sentence was passed with an order under section 47(1) above.

*Miscellaneous (consequential)*

- 7 Where a sentence of imprisonment is passed with an order under section 47(1) above, it is still to be regarded for all purposes as a sentence of imprisonment for the term stated by the court, notwithstanding that part of it is held in suspense by virtue of the order; and, for the avoidance of doubt, a sentence of which part is held in suspense by virtue of such an order is not to be regarded as falling within the expression "suspended sentence" for the purposes of any legislation, instrument or document.
- 8 Where an offender is sentenced to imprisonment with an order under section 47 above and, having served part of the sentence in prison, is discharged under section 25(1) of the Prison Act 1952 (remission for industry and good conduct), the remainder of the sentence being held in suspense, the sentence is not to be regarded as expiring under that section.
- 9 In section 21 of the Firearms Act 1968 (prohibition on possession of firearms by persons previously convicted of crime), after subsection (2) there shall be inserted—
- “(2A) For the purposes of subsection (2) above, 'the date of his release', in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977, is the date on which he completes service of so much of the sentence as was by that order required to be served in prison”.
- 10 In section 67 of the Criminal Justice Act 1967 (computation of sentence where offender has been previously in custody), in subsection (1), after "arose, but" there shall be inserted "(a)", and at the end of that subsection there shall be inserted—
- “(b) in the case of a person sentenced to imprisonment with an order under section 47 of the Criminal Law Act 1977, this subsection operates to reduce the part of the sentence ordered to be served in prison, but not any part held in suspense and restored under subsection (3) of that section”.
- 11 In section 1 of the Rehabilitation of Offenders Act 1974 (general principle as to rehabilitation when conviction is spent), after 'subsection (2) there shall be inserted—
- “(2A) Where in respect of a conviction a person has been sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977, he is to be treated for the purposes of subsection (2) above as having served the sentence as soon as he completes service of so much of the sentence as was by that order required to be served in prison”.

SCHEDULE 10

Section 56.

NEW SECTION TO BE SUBSTITUTED FOR S.20 OF CORONERS (AMENDMENT) ACT 1926

**“20 Adjournment of inquest in cases of murder, manslaughter, infanticide or aiding etc. suicide, or at request of D.P.P.**

- (1) If on an inquest touching a death the coroner before the conclusion of the inquest—
- (a) is informed by the clerk of a magistrates' court in pursuance of subsection (8) below that some person has been charged before a magistrates' court with—
    - (i) the murder, manslaughter or infanticide of the deceased ; or
    - (ii) an offence under section 1 of the Road Traffic Act 1972 committed by causing the death of the deceased ; or
    - (iii) an offence under section 2(1) of the Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of the deceased ; or
  - (b) is informed by the Director of Public Prosecutions that some person has been charged before examining justices with an offence (whether or not involving the death of a person other than the deceased) alleged to have been committed in circumstances connected with the death of the deceased, not being an offence within paragraph (a)(1), (ii) or (iii) above, and is requested by the Director to adjourn the inquest,
- then, subject to subsection (2) below, the coroner shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the relevant criminal proceedings and, if a jury has been summoned, may, if he thinks fit, discharge them.
- (2) The coroner—
- (a) need not adjourn the inquest in a case within subsection (1)(a) above if, before he has done so, the Director of Public Prosecutions notifies him that adjournment is unnecessary ; and
  - (b) may in any case resume the adjourned inquest before the conclusion of the relevant criminal proceedings if notified by the Director that it is open to him to do so.
- (3) After the conclusion of the relevant criminal proceedings, or on being notified as mentioned in subsection (2)(b) above before their conclusion, the coroner may, subject to the following provisions of this section, resume the adjourned inquest if in his opinion there is sufficient cause to do so.
- (4) Where a coroner adjourns an inquest in compliance with subsection (1) above, he shall furnish the registrar of deaths with a certificate under his hand stating the particulars which under the Births and Deaths Registration Act 1953 are required to be registered concerning the death, so far as they have been ascertained at the date of the certificate; and the registrar shall enter the death and particulars in the form and manner prescribed by regulations under that Act.
- (5) Where a coroner does not resume an inquest which he has adjourned in compliance with subsection (1) above, he shall (without prejudice to subsection (4) above) furnish the registrar of deaths with a certificate under his hand stating the result of the relevant criminal proceedings.
- (6) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above and for that purpose summons a jury (but not where he resumes



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- without a jury, or with the same jury as before the adjournment), he shall proceed in all respects as if the inquest had not previously been begun, and, subject to subsection (7) below, the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on him to view the body.
- (7) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above—
- (a) the finding of the inquest as to the cause of death must not be inconsistent with the outcome of the relevant criminal proceedings ;
  - (b) the coroner shall, after the termination of the inquest, furnish the registrar of deaths with a certificate under his hand stating the result of the relevant criminal proceedings ; and
  - (c) the provisions of paragraph (3) of section 18 of the Coroners Act 1887 and section 23(1) of the Births and Deaths Registration Act 1953 (duty of coroner to send registrar certificate containing information as to death and finding of inquest) shall not apply in relation to that inquest.
- (8) Where a person is charged before a magistrates' court with murder, manslaughter or infanticide or an offence under section 1 of the Road Traffic Act 1972 (causing death by reckless driving) or an offence under section 2(1) of the Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of another, the clerk of the court shall inform the coroner who is responsible for holding an inquest upon the body of the making of the charge and of the result of the proceedings before that court.
- (9) Where a person charged with murder, manslaughter or infanticide or an offence under section 1 of the Road Traffic Act 1972 (causing death by reckless driving) or an offence under section 2(1) of the Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of another, is committed for trial to the Crown Court, the appropriate officer of the Crown Court at the place where the person charged is tried shall inform the coroner of the result of the proceedings before that court.
- (10) Where the Director of Public Prosecutions has in pursuance of paragraph (b) of subsection (1) above requested a coroner to adjourn an inquest, then, whether or not the inquest is adjourned as a result, the Director shall inform the coroner of the result of the proceedings before the magistrates' court in the case of the person charged as mentioned in that paragraph and, if that person is committed for trial to the Crown Court, shall inform the coroner of the result of the proceedings before that court
- (11) In this section " the relevant criminal proceedings " means the proceedings before examining justices and before any court to which the person charged is committed for trial."

## SCHEDULE 11

Section 63.

### AMENDMENTS OF CRIMINAL PROCEDURE (SCOTLAND) ACT 1975

1 There shall be inserted after section 193 a new section as follows—

**“193A Fines on conviction on indictment to be without limit.**

Where a person convicted on indictment of any offence (whether triable only on indictment or triable either on indictment or summarily) would, apart

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from this section, be liable to a fine not exceeding a specified amount, he shall by virtue of this section be liable to a fine of any amount.”.

2 There shall be inserted after section 283 a new section as follows—

**“283A Offences which are to become triable only summarily.**

(1) The provisions of this or any other enactment notwithstanding, the offences mentioned (and broadly described) in column 1 of Schedule 7A to this Act shall be triable only summarily.

(2) Subsection (1) above is without prejudice to any other provision by virtue of which any offence is triable only summarily.”.

3 (1) In section 284(b), for "£100" there shall be substituted " £200 ".

(2) In section 284(c), for " £100" there shall be substituted " £200 ".

4 (1) In section 289(a), for " £150 " there shall be substituted " the prescribed sum (within the meaning of section 289B below) ".

(2) In section 289(b) for " £150" there shall be substituted " the prescribed sum (within the meaning of section 289B below) ".

5 There shall be inserted after section 289 new sections as follows—

**“289A Amendments relating to penalties (and mode of trial) for offences made triable only summarily.**

(1) The enactments specified in column 2 of Schedule 7A to this Act (which relate to the modes of trial of, and the maximum penalties for, the offences which are by section 283A of this Act made triable only summarily) shall so far as they relate to Scotland have effect subject to the amendments specified in column 3 of that Schedule.

(2) The said amendments have the effect of altering the maximum penalties available on summary conviction of those offences as well as making alterations consequential on their becoming triable only summarily; and in that Schedule column 4 shows the present maximum penalties by way of fine or imprisonment on summary conviction and on conviction on indictment, and column 5 shows the new maximum penalties resulting from the amendments.

**289B Penalties on summary conviction for offences triable either summarily or on indictment.**

(1) Where any offence created by a relevant enactment may by virtue of that enactment be tried either on indictment or summarily, the maximum fine if it is tried summarily shall be the prescribed sum (unless the offence is one for which by virtue of some other enactment a larger fine may be imposed on summary conviction).

(2) Where, by virtue of a relevant enactment, a person summarily convicted of any offence to which subsection (1) above relates would, apart from this section, be liable to a maximum fine of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent

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conviction, subsection (1) above shall apply irrespective of whether the conviction is a first, second or subsequent one.

- (3) Subsection (1) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.
- (4) Where, as regards any offence to which subsection (1) above relates, there is under any enactment (in what-ever words) a power by subordinate instrument to restrict the amount of the fine which on summary conviction can be imposed in respect of that offence—
- (a) subsection (1) above shall not affect that power or override any restriction imposed in exercise of that power ; and
  - (b) the amount to which that fine may be restricted in exercise of that power shall be any amount less than the maximum fine which could be imposed on summary conviction in respect of the offence apart from any restriction so imposed.
- (5) Where there is under a relevant enactment (in whatever words) a power by subordinate instrument to create a criminal offence—
- (a) the maximum fine which may in the exercise of that power be authorised on summary conviction in respect of such an offence, when that offence may be tried either on indictment or summarily, shall by virtue of this subsection be the prescribed sum unless some larger maximum fine can be authorised on summary conviction in respect of such an offence by virtue of an enactment other than this subsection ; and
  - (b) subsection (1) above shall not override any restriction imposed in the exercise of that power on the amount of the fine which on summary conviction can be imposed in respect of an offence created in the exercise of the power.
- (6) In this section—
- ' the prescribed sum ' means £1,000 or such sum as is for the time being substituted in this definition by an order in force under section 289D(1) below;
  - ' relevant enactment ' means an enactment contained in the Criminal Law Act 1977 or in any Act (including this Act) passed before, or in the same Session as, that Act.
- (7) Schedule 7B to this Act shall have effect for the purpose of altering the penalties available on summary conviction of the offences therein mentioned ; and subsection (1) above shall not apply on summary conviction of any of the offences mentioned in paragraph 1(2) of the said Schedule 7B.

### **289C Increase of fines for certain summary offences.**

- (1) The enactments specified in column 2 of Schedule 7C to this Act, which relate to the maximum fines for the offences mentioned (and broadly described) in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed on summary conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of

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that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule, so however that the preceding provision shall not alter the maximum daily fine, if any, provided for by any of those enactments.

- (2) This subsection applies to the following enactments (by virtue of which certain byelaws may make persons contravening the byelaws liable on summary conviction to a fine not exceeding £20), namely—
- (a) section 203 of the Local Government (Scotland) Act 1973 (offences against byelaws) but (the provisions of section 462(11) of this Act notwithstanding) not that section as applied to byelaws made under any provision contained in a local or private Act other than by a local authority; and
  - (b) paragraph 5 of Schedule 6 to the Weights and Measures Act 1963 (byelaws about solid fuel), including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act.
- (3) In the enactments to which subsection (2) above applies for any reference to £20 there shall be substituted a reference to £50 ; and any provision in force at the coming into force of this subsection which—
- (a) is contained in any byelaw made by virtue of any enactment to which subsection (2) above applies ; and
  - (b) specifies £20 as the maximum fine which may be imposed on summary conviction in respect of a contravention of, or offence under, any byelaw mentioned in that provision,
- shall have effect as if it specified £50 instead (but with no change by virtue of this subsection in the maximum daily fine, if any, for which it provides).
- (4) This subsection applies to any pre-1949 enactment (however framed or worded) which—
- (a) as regards any summary offence makes a person liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act); or
  - (b) confers power by subordinate instrument to make a person as regards any summary offence (whether or not created by the instrument), liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act).
- (5) Every enactment to which subsection (4) above applies shall have effect as if for the specified amount less than £50 there mentioned there were substituted:—
- (a) £25 if the specified amount is less than £20; or
  - (b) £50 if the specified amount is not less than £20.
- (6) Where, by virtue of any enactment to which subsection (4) above applies by virtue of paragraph (a) of that subsection, a person convicted of a summary offence would, apart from this section, be liable to a fine, or maximum fine, of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, subsection (5) above shall apply separately in relation to each specified amount less than £50, even if this produces the same instead of different amounts for different convictions.

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- (7) Subsection (5) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.
- (8) In subsection (4) above 'pre-1949 enactment' means an enactment passed before 1st January 1949 or an enactment passed on or after that date which (whether directly or, through successive re-enactments, indirectly) re-enacts with or without modification an enactment passed before that date.
- (9) In this section 'enactment' does not include an enactment contained in an order, regulation or other instrument made under an Act.

### **289D Power to alter sums specified in certain provisions.**

- (1) If it appears to the Secretary of State that there has been a change in the value of money since the last occasion when the prescribed sum (within the meaning of section 289B above) was fixed (whether by the coming into force of a provision of this Act or by order under this subsection), the Secretary of State may by order substitute for that sum such other sum as appears to him justified by the change.
- (2) Where it appears to the Secretary of State that the difference between a sum to which subsection (3) below applies and the prescribed sum (within the meaning of section 289B above) has been or would be altered or eliminated by an order made or proposed to be made under subsection (1) above, he may by order amend the enactment specifying the first-mentioned sum so as to substitute for that sum such other sum as appears to him to be justified by a change in the value of money appearing to him to have taken place between—
  - (a) the last occasion on which the sum in question was fixed ; and
  - (b) the making of the order or proposed order under subsection (1) above.
- (3) This subsection applies to any sum specified in any enactment contained in the Criminal Law Act 1977 or in any Act (including this Act) passed before, or in the same Session as, that Act as—
  - (a) the maximum fine which may be imposed on summary conviction of an offence triable either summarily or on indictment;
  - (b) the maximum fine which, in the exercise of any power by subordinate instrument to impose penal provisions, may be authorised on summary conviction in respect of an offence triable either summarily or on indictment; or
  - (c) the maximum amount of caution which an accused may be ordained to find under section 284(c) above.
- (4) An order under subsection (1) or (2) above—
  - (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked by a subsequent order thereunder ; and
  - (b) without prejudice to Schedule 14 to the Criminal Law Act 1977, shall not affect the punishment for an offence committed before that order comes into force.”.

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- 6 In section 312(z) for " £10 " there shall be substituted " £25 ".
- 7 For section 394(b) there shall be substituted the following paragraph—  
 “(b) to substitute for imprisonment a fine which in the case of an offence triable either summarily or on indictment shall not exceed the prescribed sum (within the meaning of section 289B above), and in the case of an offence triable only summarily shall not exceed £200 (in either case, with or without caution for good behaviour, not exceeding the amount and the period competent under this Part of this Act):”.
- 8 In section 397(1) for the words " or under section 72A of the Magistrates' Courts Act 1952 " there shall be substituted the words " , under section 72A of the Magistrates' Courts Act 1952 or under section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 ".
- 9 In section 414(1) after the word " convicted " there shall be inserted the words " summarily by a sheriff or stipendiary magistrate ".
- 10 In section 462, in the interpretation of " fine " there shall be inserted after the word " includes " the words " (a) any pecuniary penalty, and (b) ".
- 11 There shall be inserted a new Schedule 7A, which shall be identical with Schedule 1 to this Act, except that—  
 (a) items 4, 6, 7, 8 and 18 shall be deleted ; and  
 (b) the items set out in the following table shall be inserted as there indicated ; and  
 (c) the items shall be renumbered accordingly.

Table After item 5:—

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
<b><i>WATER (SCOTLAND) ACT 1946 (c. 42)</i></b>				
Offences under section 4(7) (failure to comply with obligations in relation to the obtaining of information as to underground water).	Section 4(7).	After "Act" add " and shall on summary conviction be liable to a fine not exceeding £200 and, where the offence continues after conviction, to a further fine of £20 for every day during which it so continues ".	(a) on summary conviction £50 and, where the offence continues a daily fine of £5; (b) on conviction on indictment, £200 or 3 months imprisonment	£200 and, where the offence continues, a daily fine of £20.

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
			or both, and where the offence continues, a daily fine of £20.	

After item 21:—

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>

***SEXUAL OFFENCES (SCOTLAND) ACT 1976 (c. 67)***

Offences under section 14(1) (allowing child under 16 to be in brothel).	Section 14(1).	For the words from " liable " to "£25" substitute " liable on summary conviction to a fine not exceeding £50 ".	(a) on summary conviction 6 months or £25 or both; (b) on conviction on indictment 6 months or £25 or both.	6 months or £50 or both.
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12 There shall be inserted a new Schedule 7B which shall be identical with Schedule 5 to this Act except that—

- (a) the words " Triable Either Way " in the heading shall be omitted; and
- (b) in paragraph 1(2), for the words from the beginning to "does not apply" there shall be substituted the words " The offences to which (as provided in section 289B(7) above) section 289B(1) does not apply ".

13 There shall be inserted a new Schedule 7C which shall be identical with Schedule 6 to this Act except that the items relating to the following enactments shall be deleted—

- Metropolitan Police Act 1839
- Offences against the Person Act 1861
- Licensing Act 1872
- Licensing Act 1902
- Protection of Animals Act 1911
- Children and Young Persons Act 1933

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Public Health Act 1936  
 Education Act 1944  
 Water Act 1945  
 sections 37(1) and 40(3) of the National Assistance Act 1948  
 Children Act 1948  
 Midwives Act 1951  
 sections 8 and 9 of the Pests Act 1954  
 Food and Drugs Act 1955  
 Nurses Act 1957  
 Highways Act 1959  
 Street Offences Act 1959  
 Mental Health Act 1959  
 Deer Act 1963  
 Licensing Act 1964  
 Police Act 1964  
 Housing Act 1964  
 Housing Act 1969  
 Late Night Refreshment Houses Act 1969  
 Nursing Homes Act 1975.

## SCHEDULE 12

Section 65.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *NIGHT POACHING ACT 1828 (c. 69)*

- 1 In section 2 (assaults by persons committing offences under the Act), for the words from "whether it be" onwards substitute " be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500, or to both " .
- 2 In section 9 (entering land, with others, armed and for the purpose of taking or destroying game or rabbits), for the words from "at the discretion of the court" onwards substitute " on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500, or to both. ".

#### *METROPOLITAN POLICE COURTS ACT 1839 (c. 71)*

Section 24 (offence of possessing stolen goods without a satisfactory explanation) shall cease to have effect.

#### *ACCESSORIES AND ABETTORS ACT 1861 (c. 94)*

In section 8 (abettors in misdemeanors), for " any misdemeanor " substitute " any indictable offence ",  
 and for " a misdemeanor" substitute " an offence ".



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### *OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)*

For section 16 (sending letters threatening to murder) substitute—

#### **“16 Threats to kill.**

A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years.”.

### *PUBLIC STORES ACT 1875 (c. 25)*

Section 7 (offence of possessing, without a satisfactory explanation, public stores suspected of being stolen) and section 9 (offence, applicable to certain dealers and others, of possessing, without a satisfactory explanation, property reasonably believed to be public stores) shall cease to have effect.

### *EXPLOSIVE SUBSTANCES ACT 1883 (c. 3)*

In section 3(1) (attempt to cause explosion, or making or keeping explosive, with intent to endanger life or property in the United Kingdom or the Republic of Ireland), for " a term not exceeding twenty years " substitute " life ".

### *CORONERS ACT 1887 (c. 71)*

Section 4(2) (duty of coroner to take depositions in a case of murder or manslaughter) shall cease to have effect.

### *CHILDREN ACT 1948 (c. 43)*

In section 29(5) (carrying on an unregistered voluntary home) omit the words from " and to a further fine " onwards (which provide for a fine of £2 in respect of each day during which an offence under the subsection continues after conviction).

### *CRIMINAL JUSTICE ACT 1948 (c. 58)*

- 1 Section 19 (attendance at an attendance centre) shall be amended as follows.
- 2 In subsection (3) (power to discharge or vary an order for attendance at a centre)—
  - (a) for the words from the beginning to " acts " (which restrict jurisdiction under the subsection to the court which made the order or a justice acting for the same petty sessional division or place as that court) substitute " A magistrates' court acting for the petty sessions area in which the attendance centre specified in an order made under subsection (1) of this section is situated " ; and
  - (b) omit " or justice " .
- 3 In subsection (7) (power to deal with offender for failure to attend, or breach of rules while attending, at centre)—
  - (a) for "the petty sessional division or place for which the court which made the order acts" substitute " the petty sessions area in which the attendance centre specified in the order is situated " ; and

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- (b) for the words from " a court" to " the justice acts" substitute " a magistrates' court acting for that area ".

#### *REPRESENTATION OF THE PEOPLE ACT 1949 (c. 68)*

In section 149(9) (procedure where person prosecuted before an election court subsequently attends or is brought before a magistrates' court)—

- (a) in paragraph (b), for " hear " substitute " try "; and  
 (b) after that paragraph add " and sections 19 to 26 of the Criminal Law Act 1977 shall (in either case) not apply. ".

#### *PRISON ACT 1952 (c. 52)*

- 1 In section 45, as amended by Schedule 4 to the Criminal Justice Act 1961 (release of persons sentenced to Borstal training), substitute " one year "for " two years"—
- (a) in subsection (3) (where those words give the period of supervision after release);  
 (b) in the first place where they occur in subsection (4) (where they give the period of liability to recall) ; and  
 (c) wherever they occur in the proviso to subsection (4).
- 2 Paragraph 1 above shall not apply in relation to a person sentenced to Borstal training whose original release from a Borstal institution occurred before the coming into force of this paragraph.

#### *MAGISTRATES' COURTS ACT 1952 (c. 55)*

- 1 In section 2 (jurisdiction to deal with charges)—
- (a) in subsection (4) jurisdiction of magistrates' court to try an indictable offence summarily), for the words from the beginning to " indictable offence " substitute—
- “(4) Subject to sections 19 to 23 of the Criminal Law Act 1977 and any other enactment (in that Act or elsewhere) relating to the mode of trial of offences triable either way, a magistrates' court shall have jurisdiction to try summarily an offence triable either way”;
- (b) after subsection (4) insert—
- “(4A) A magistrates' court shall, in the exercise of its powers under section 6 of the Children and Young Persons Act 1969 (summary trial of young persons), have jurisdiction to try summarily an indictable offence in any case in which under subsection (3) above it would have jurisdiction as examining justices.”.
- 2 In section 14(4), for the words from " if" to " examining justices " (which state the circumstances in which a court adjourning the trial of an information is obliged to remand the accused) substitute “if the offence is triable either way and—
- (a) on the occasion on which the accused first appeared, or was brought, before the court to answer to the information he was in custody or, having been released on bail, surrendered to the custody of the court ;  
 or  
 (b) the accused has been remanded at any time in the course of proceedings on the information ;”.

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- 3 In section 22 (effect of dismissal of information for indictable offence), for the words from " that" to " only " substitute " triable either way " .
- 4 In section 23 (using in summary trial evidence given before examining justices), for " the preceding provisions of this Act" substitute " section 25(3) or (7) of the Criminal Law Act 1977 " .
- 5 In section 29 (committal for sentence for indictable offence tried summarily), for the words from the beginning to " indictable offence " substitute " Where on the summary trial of an offence triable either way (not being an offence as regards which this section is excluded by section 29 of the Criminal Law Act 1977) " .
- 6 In section 35 (aiders and abettors), before the words "A person " insert " (1) " and at the end add—
- “(2) Any offence consisting in aiding, abetting, counselling or procuring the commission of an offence triable either way (other than an offence listed in Schedule 3 to the Criminal Law Act 1977) shall by virtue of this subsection be triable either way.”.
- 7 (1) In section 87(2) (time-limit of fourteen days for applying to magistrates' court to state a case) for " fourteen days " substitute " twenty-one days " .
- (2) Sub-paragraph (1) above shall not apply in relation to a decision of a magistrates' court given before the coming into force of this paragraph.
- 8 In section 98(3)(b) (requirements as to place of sitting of magistrates' court exercising certain functions) for " an offence that is not indictable " substitute " a summary offence " .
- 9 In section 105(4) proviso (c) (power of magistrates' court to remand for more than eight days if not constituted or sitting in a place allowing it to proceed to summary trial of an offence triable either way), for the words from " on indictment " to " but" substitute " either way, then, if it falls to the court to try the case summarily but the court " .
- 10 In section 108(2) (power of a magistrates' court to impose consecutive terms of imprisonment for an indictable offence tried summarily subject to an overall limit of 12 months), for the words " an indictable offence tried summarily under section 19 of this Act" substitute " an offence triable either way which was tried summarily otherwise than in pursuance of section 23(2) of the Criminal Law Act 1977 " .
- 11 After section 130 insert—

**“130A Magistrates' court may sit on Sundays public holidays.**

It is hereby declared that a magistrates' court may sit on any day of the year, and in particular (if the court thinks fit) on Christmas Day, Good Friday or any Sunday.”.

- 12 In Schedule 2 (corporations)—
- (a) in paragraph 3, for sub-paragraph (b) (representative of corporation may consent or object to summary trial or claim trial by jury), substitute—
- “(b) consent to the corporation being tried summarily.”;
- (b) for paragraph 9 (corporation and individual jointly charged with corporation not to be tried summarily unless both consent or neither claims jury trial) substitute—

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- “9           Where a corporation and an individual who has attained the age of seventeen are jointly charged before a magistrates' court with an offence triable either way, the court shall not try either of the accused summarily unless each of them consents to be so tried.”.

*BIRTHS AND DEATHS REGISTRATION ACT 1953 (c.20)*

In section 29(4) (correction of error in register resulting from error in information given by a coroner's certificate), for the words preceding " the coroner, if satisfied ", substitute—

“(4) Where—

- (a) an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by a coroner's certificate concerning a dead body upon which or a death touching which he has held an inquest; or
- (b) such an error relating to the cause of death occurs in the information given by a coroner's certificate issued under section 20(4) of the Coroners (Amendment) Act 1926 in the case of an inquest which was adjourned in compliance with section 20(1) of that Act (adjournment in cases of murder etc. or at request of D.P.P.) but was subsequently resumed”.

*SEXUAL OFFENCES ACT 1956 (c. 69)*

1           A prosecution for an offence to which paragraph 14 or 15 (incest and attempts thereat) of Part II of Schedule 2 (table of offences with mode of prosecution) relates shall not be commenced except by or with the consent of the Director of Public Prosecutions ; and accordingly in sub-paragraph (a) and (b) of each of those paragraphs, in the second column, for the words from " without" to " behalf " substitute " except by or with the consent " .

2           In paragraphs 17 and 18 of the said Part II (indecent assault)—  
           (a) for sub-paragraph (ii) in the second column substitute—

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(ii) “summarily (by virtue of section 16(2) of the Criminal Law Act 1977).”;

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(b) in the third column, for the words from " As provided " to " or both)" substitute—

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“As provided by section 28(1) of that Act (that is to say, six months or the prescribed sum within the meaning of that section, or both).”

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*ADOPTION ACT 1958 (7 & 8 Eliz.2.c.5.)*

In section 50 (prohibition of certain payments), after subsection (3) insert—

“(3A) This section does not apply to—

- (a) any payment made by an adoption agency to a person who has applied or proposes to apply to a court for an adoption order or an order under section 53 of this Act (provisional adoption orders), being a payment of or towards any legal or medical expenses incurred or to be incurred by that person in connection with the application; or

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- (b) any payment made by an adoption agency to another adoption agency in consideration of the placing of a child in the actual custody of any person with a view to the child's adoption ; or
- (c) any payment made by an adoption agency to a voluntary organisation for the time being approved for the purposes of this paragraph by the Secretary of State as a fee for the services of that organisation in putting that adoption agency into contact with another adoption agency with a view to the making of arrangements between the adoption agencies for the adoption of a child,

and never has applied to payments of the kinds mentioned in paragraphs (a) and (b) of this subsection.

In paragraph (c) of this subsection "voluntary organisation" means a body, other than a public or local authority, the activities of which are not carried on for profit."

#### *OBSCENE PUBLICATIONS ACT 1959 (c. 66)*

In section 3(3) (powers of search and seizure) at end add—

“Provided also that this subsection does not apply in relation to any article seized under subsection (1) of this section which is returned to the occupier of the premises or, as the case may be, to the user of the stall or vehicle in or on which it was found.”.

#### *CRIMINAL JUSTICE ACT 1961 (c. 39)*

- 1 In section 12(1) (return to borstal institution on re-conviction) for paragraph (b) (which relates to the re-conviction of a person who has become unlawfully at large from such an institution and has not returned or been returned thereto) substitute—  
“(b) being detained or liable to be detained in a borstal institution.”.
- 2 (1) Section 26 (transfer of prisoner to serve sentence) shall be amended as follows.  
(2) In subsection (1) (power of responsible Minister to order transfer of prisoner from one part of the United Kingdom to another)—
  - (a) after " to another part of the United Kingdom " insert " or to any of the Channel Islands or the Isle of Man " ; and
  - (b) for " in that part of the United Kingdom " substitute " there ".  
(3) In subsection (4) (prisoner transferred to any part of the United Kingdom to be treated as if sentenced by a court there), after " any part of the United Kingdom " insert " or to any of the Channel Islands or the Isle of Man ", and for " in that part of the United Kingdom " substitute " there ".(4) In paragraphs (a) and (b) of subsection (6) (supervision on release otherwise than in place of sentence) after " United Kingdom " insert " or island " .
- 3 (1) Section 28 (transfer of prisoner for trial) shall be amended as follows.  
(2) In subsection (1) (power of responsible Minister to order transfer from one part of the United Kingdom to another)—
  - (a) after " to another part of the United Kingdom " insert " or to any of the Channel Islands or the Isle of Man "; and
  - (b) after " that other part" insert " or that island ".  
(3) After subsection (1) insert—

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- “(1A) If it appears to the Secretary of State that a person serving a sentence of imprisonment or detention in any of the Channel Islands or the Isle of Man should be transferred to a part of the United Kingdom for the purpose of attending criminal proceedings against him there, the Secretary of State may make an order for his transfer to that part and for his removal to a prison or other institution there.”.
- (4) In subsection (2) (treatment of transferred prisoner while he remains in the part of the United Kingdom to which he has been transferred under subsection (1)), omit " subsection (1) of " and after " United Kingdom " insert " or island ".
- (5) In subsection (3) (transfer back after trial)—
- (a) after " subsection (1)", wherever occurring, insert " or (1A) ";
  - (b) after " Minister " insert " (in the case of a person so transferred to any part of the United Kingdom) or the Secretary of State (in the case of a person so transferred to any of the Channel Islands or the Isle of Man) " ; and
  - (c) after " country ", wherever occurring, insert " or island ".
- 4 (1) Section 29 (removal of detained person in the interests of justice or for the purposes of a public inquiry) shall be amended as follows.
- (2) In subsection (1) (power of responsible Minister to direct removal from one place to another within the United Kingdom), after " other part of the United Kingdom " insert " or in any of the Channel Islands or the Isle of Man ".
- (3) After subsection (1) insert—
- “(1A) If the Secretary of State is satisfied, in the case of a person detained in any of the Channel Islands or the Isle of Man in a prison, remand centre or detention centre, that the attendance of that person at any place in the United Kingdom is desirable in the interests of justice or for the purposes of any public inquiry, the Secretary of State may direct that person to be taken to that place.”.
- (4) In subsection (2), for " responsible Minister" substitute " Minister by whom that direction is given ".
- 5 In section 39(1) (interpretation) in paragraph (b) of the definition of " responsible Minister" for " the Minister of Home Affairs for Northern Ireland " substitute " the Secretary of State ".

#### *LICENSING ACT 1964 (c. 26)*

- 1 In section 30(5), as inserted by paragraph 4 of Schedule 7 to the Finance Act 1967 (duty of clerk to licensing justices to send list to Collector of Customs and Excise within eight days of end of licensing sessions)—
- (a) for " eight days " substitute " fourteen days "; and
  - (b) omit the words from " and the clerk " onwards (under which the clerk gets a fee for delivering a list of more than 25 names and commits an offence if he fails to comply with the subsection).
- 2 In section 169 (serving or delivering intoxicating liquor to or for consumption by persons under 18)—
- (a) in subsection (1) (which prohibits, in licensed premises, the licence holder or his servant from knowingly selling intoxicating liquor to a person under 18 or allowing such a person to consume it in a bar, and the licence holder

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- from knowingly allowing any person to sell it to a person under 18), for " subsection (4)" substitute " subsections (4) and (10) "; and
- (b) after subsection (9) add—

“(10) Where, as regards any licensed premises, the holder of the licence is charged with an offence under subsection (1) of this section in a case in which it is proved or admitted that he did not personally have the knowledge required for the commission of the offence charged, he shall not be convicted of the offence on the basis of another's knowledge if he proves that he exercised all due diligence to avoid the commission of an offence under that subsection.”

#### *HOUSING ACT 1964 (c. 56)*

In section 65, after subsection (1) (penalty for failure to comply with notice requiring execution of works under Part II of Housing Act 1961) insert—

“(1A) In the case of an offence under subsection (1) above committed in respect of a notice served under section 16 of the Act of 1961, that subsection shall have effect with the substitution of the words ' £500' for the words ' one hundred pounds ' in paragraphs (a) and (b).”

#### *HOUSING (SCOTLAND) ACT 1966 (c. 49)*

In section 110, after subsection (1) (penalty for failure to comply with notice requiring execution of works) insert—

“(1A) In the case of an offence under subsection (1) above committed in respect of a notice served under section 107 of this Act, that subsection shall have effect with the substitution of the words ' £500' for the words ' one hundred pounds' in paragraphs (a) and (b).”

#### *CRIMINAL LAW ACT 1967 (c. 58)*

In section 2(1) (under which an offence carrying a sentence of five years imprisonment or more is an arrestable offence) after " five years" insert " (or might be so sentenced but for the restrictions imposed by section 29 of the Criminal Law Act 1977) " and at the end add—

“The said restrictions are those which apply where, in pursuance of subsection (2) of section 23 of the said Act of 1977 (certain offences to be tried summarily if value involved is small) a magistrates' court summarily convicts a person of a scheduled offence within the meaning of the said section 23.”

#### *ROAD TRAFFIC REGULATION ACT 1967 (c. 76)*

- 1 In section 43(2) (penalty for contravention of designation order having effect by virtue of section 39(1)(a)) the words from "in the case of" to " carriageway" (the consequential omission of which was inadvertently not provided for in column 5 of Part II of Schedule 5 to the Road Traffic Act 1974) shall be omitted.
- 2 In section 78A (exceeding a speed limit imposed by or under certain enactments), in subsection (3)—
- (a) in paragraph (a), after " Act" insert " , except section 13(4); "; and
- (b) in paragraph (c), after " 1960 " insert " (except section 13(4) of this Act).

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- 3 In subsection (5) of section 80 as amended by section 131(2) of the Transport Act 1968 (which provides for payment of a fixed penalty under section 80 to be made to such justices' clerk as may be prescribed)—
- (a) for " prescribed" substitute " specified in the notice under subsection (2) above relating to that penalty ";
  - (b) for " the prescribed justices' clerk " substitute " the justices' clerk so specified " ; and
  - (c) omit " by virtue of regulations made for the purposes of this subsection " .
- 4 In section 92, for " Summary Jurisdiction (Scotland) Act 1954 " substitute " Criminal Procedure (Scotland) Act 1975 " .

*CRIMINAL JUSTICE ACT 1967 (c. 80)*

- 1 Section 3 (restrictions on reports of committal proceedings) shall be amended as follows—
- (a) in subsection (1), for " subsections (2) and (3) " substitute " subsections (2), (3) and (8) " ;
  - (b) in subsection (3) (under which it is not unlawful to report, " as part of a report of a summary trial, so much of any committal proceedings as precedes a determination by the court to proceed to try the case summarily) for the words from " section 18 " to " 1969 " substitute " section 25(3) or (7) of the Criminal Law Act 1977 (power to change from committal proceedings to summary trial) " ;
  - (c) after subsection (7) add—
    - “(8) For the purposes of this section committal proceedings shall, in relation to an information charging an indictable offence, be deemed to include any proceedings in the magistrates' court before the court proceeds to inquire into the information as examining justices; but where a magistrates' court which has begun to try an information summarily discontinues the summary trial in pursuance of section 25(2) or (6) of the Criminal Law Act 1977 and proceeds to inquire into the information as examining justices, that circumstance shall not make it unlawful under this section for a report of any proceedings on the information which was published or broadcast before the court determined to proceed as aforesaid to have been so published or broadcast.”.
- 2 In section 22, as amended by paragraph 37 of Schedule 2 to the Bail Act 1976, (extension of power of High Court to grant, or vary conditions of, bail)—
- (a) in subsections (1) and (2) for " inferior court " substitute " magistrates' court " ; and
  - (b) in subsection (4) omit " ' inferior court' means a magistrates' court or a coroner and " .
- 3 In section 23(2) (requirements as to bringing before a justice of the peace or court a person arrested after admission to bail), after paragraph (b) insert—
- “In reckoning for the purposes of this subsection any period of twenty-four hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.”
- 4 (1) Section 24 (process for minor offences) shall be amended as follows.



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- (2) In subsection (3) (under which proceedings are void if the defendant makes a statutory declaration that he did not know of the proceedings until a date after the trial of the information was begun and that declaration is served on the clerk to the justices within fourteen days of that date) for " fourteen days " substitute " twenty-one days ".
- (3) After subsection (4) (service of statutory declaration) insert—
- “(4A) If, on the application of the defendant it appears to a magistrates' court (which for this purpose may be composed of a single justice) that it was not reasonable to expect the defendant to serve such a statutory declaration as is mentioned in subsection (3) above within the period allowed by that subsection, the court may accept service of such a declaration by the defendant after that period has expired ; and a statutory declaration accepted under this subsection shall be deemed to have been served as required by that subsection.”.
- (4) The preceding provisions of this paragraph shall not apply in relation to proceedings commenced before the coming into force of this paragraph.
- 5 In section 44(5) (restrictions on magistrates' court's power to issue a warrant of commitment for a default in paying a sum adjudged to be paid by a conviction), for paragraph (b) substitute—
- “(b) the court—
- (i) is satisfied that the default is due to the offender's wilful refusal or culpable neglect; and
- (ii) has considered or tried all other methods of enforcing payment of the sum and it appears to the court that they are inappropriate or unsuccessful. ”
- 6 After section 44 insert as section 44A—

**“44A Power of magistrates' court to fix day for appearance of offender at means inquiry etc.**

- (1) Where under section 63(1) of the Magistrates' Courts Act 1952 a magistrates' court allows time for payment of a sum adjudged to be paid by a conviction of the court (' the adjudged sum'), the court may on that or any subsequent occasion fix a day on which, if any part of that sum remains unpaid on that day, the offender must appear in person before the court for either or both of the following purposes, namely—
- (a) to enable an inquiry into his means to be made under section 44 of this Act;
- (b) to enable a hearing required by subsection (6) of the said section 44 to be held.
- (2) Except as provided in subsection (3) of this section, the power to fix a day under this section shall be exercisable only in the presence of the offender.
- (3) Where a day has been fixed under this section, the court may fix a later day in substitution for the day previously fixed, and may do so—
- (a) when composed of a single justice ; and
- (b) whether the offender is present or not.

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- (4) Subject to subsection (5) of this section, if on the day fixed under this section—
- (a) any part of the adjudged sum remains unpaid; and
  - (b) the offender fails to appear in person before the court,
- the court may issue a warrant to arrest him and bring him before the court; and subsections (4) and (5) of section 70 of the Magistrates' Courts Act 1952 (execution of warrant for securing appearance of offender at means inquiry) shall apply in relation to a warrant issued under this section.
- (5) Where under subsection (3) above a later day has in the absence of the offender been fixed in substitution for a day previously fixed under this section, the court shall not issue a warrant under this section unless it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that notice in writing of the substituted day was served on the offender not less than what appears to the court to be a reasonable time before that day.”.
- 7 (1) Section 60 (release on licence of persons serving determinate sentences) shall be amended as follows.
- (2) In subsection (3) (which by virtue of paragraph (b) provides for the release on licence of a person serving a sentence of imprisonment for a term of eighteen months or more who was under the age of twenty-one when the sentence was passed), at the end add—
- “Provided that in England and Wales a person within paragraph (b) of this subsection shall not be released on licence by virtue of this subsection after he has attained the age of twenty-two.”.
- (3) After subsection (5) insert—
- “(5A) A licence granted to any person under this section in England and Wales shall, unless previously revoked under section 62 of this Act, remain in force until a date specified in the licence, being—
- (a) in the case of a licence granted to a person in respect of whom an extended sentence certificate was issued when sentence was passed on him, the date of the expiration of the sentence ;
  - (b) in the case of a licence granted under subsection (1) of this section to a person who was under the age of twenty-one when sentence was passed on him and is released on licence before attaining the age of twenty-two—
    - (i) if the date on which he attains the age of twenty-two is earlier than the remission date, the remission date ;
    - (ii) if the date on which he attains the age of twenty-two is not earlier than the remission date, the date on which he attains the age of twenty-two or the date of the expiration of the sentence, whichever is the earlier ;
  - (c) in the case of a licence granted by virtue of subsection (3)(b) of this section to a person who was under the age of twenty-one when sentence was passed on him, the date on which he attains the age of twenty-two or the date of the expiration of the sentence, whichever is the earlier;

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- (d) in a case not within any of the preceding paragraphs, the remission date.

In this subsection 'the remission date', in relation to a person released on licence under this section, means the date on which he could have been discharged from prison on remission of part of his sentence under the prison rules, if, after the date of his release on licence, he had not forfeited remission of any part of the sentence under the rules."

- (4) In subsection (6) (duration of licence, after "this section" insert " in Scotland " and, in paragraph (a), omit the words from " to a person " where they first occur to " or " .
- (5) Omit subsection (8)(d).
- (6) The preceding provisions of this paragraph shall not apply in relation to a licence granted before the coming into force of this paragraph.
- 8 (1) Section 63 (supervision of young, short-term prisoners after release) shall be amended as follows.
- (2) In subsection (1), for " shall be subject after his release from prison " substitute " shall, if released from prison before he has attained the age of twenty-two, be subject after his release " .
- (3) After subsection (1) insert—
- “(1A) A person who is under supervision as aforesaid by virtue of subsection (1) above at the time when he attains the age of twenty-two shall cease to be under supervision at that time, and accordingly, in their application to a person by virtue of that subsection, the provisions of the said Schedule 1 shall apply with the further modification that references to the period of twelve months from the date of his release shall be read as references to that period or the period from the date of his release to the date on which he attains the age of twenty-two, whichever is the shorter.”.
- (4) In subsection (2), for " the foregoing subsection" substitute " subsection (1) of this section " .
- (5) The preceding provisions of this paragraph shall not apply in relation to a person whose period of supervision under Schedule 1 to the Criminal Justice Act 1961 began before the coming into force of this paragraph.
- 9 In section 91 (drunkenness in a public place) omit subsection (5).

#### *COMPANIES ACT 1967 (c.81)*

- 1 In section 49(1) (certain offences to be triable summarily), after " triable " insert " only " .
- 2 Paragraph 1 above shall be deemed to have had effect as from the passing of the Companies Act 1967.

#### *FIREARMS ACT 1968 (c. 27)*

For paragraph 3 of Part II of Schedule 6 (under which a person charged with an offence specified in Schedule 1 to the Magistrates' Courts Act 1952 and an offence under section 17(1) or (2) of the Firearms Act 1968 (using firearm to resist arrest, and possessing firearm while committing

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certain offences) may not be tried summarily for the former if he is sent for trial for the latter) substitute the following paragraph—

- “3 (1) Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates' court with an offence triable either way listed in Schedule 3 to the Criminal Law Act 1977 (' the listed offence') and is also charged before that court with an offence under section 17(1) or (2) of this Act, the following provisions of this paragraph shall apply.
- (2) Subject to the following sub-paragraph the court shall proceed as if the listed offence were triable only on indictment and sections 19 to 24 of the said Act of 1977 (procedure for determining mode of trial of offences triable either way) shall not apply in relation to that offence.
- (3) If the court determines not to commit the accused for trial in respect of the offence under section 17(1) or (2), or if proceedings before the court for that offence are otherwise discontinued, the preceding sub-paragraph shall cease to apply as from the time when this occurs and—
- (a) if at that time the court has not yet begun to inquire into the listed offence as examining justices, the court shall, in the case of the listed offence, proceed in the ordinary way in accordance with the said sections 19 to 24 ; but
- (b) if at that time the court has begun so to inquire into the listed offence, those sections shall continue not to apply and the court shall proceed with its inquiry into that offence as examining justices, but shall have power in accordance with section 25(3) and (4) of the said Act of 1977 to change to summary trial with the accused's consent.”.

#### *THEFT ACT 1968 (c. 60)*

In section 28(1) (orders for the restitution of stolen goods), after " on the conviction " insert " (whether or not the passing of sentence is in other respects deferred) ".

#### *GAMING ACT 1968 (c.65)*

In section 8(7) (offences) for " section 67" substitute " section 68 ".

#### *CHILDREN AND YOUNG PERSONS ACT 1969 (c. 54)*

- 1 (1) Section 12 (power to include requirements in supervision orders) shall be amended as follows.
- (2) In subsection (2) (directions which order may empower supervisor to give), omit paragraph (a) (directions to live for a single period at a place specified by the supervisor) and for " paragraph (a) or (b) or paragraph (a) and (b) " substitute " paragraph (b) ".
- (3) In subsection (3) (restrictions as to periods specified in supervisor's directions)—
- (a) for paragraph (a) substitute—
- “(a) the aggregate of the periods specified in directions given by virtue of that subsection shall not exceed ninety days or such shorter period, if any, as the order may specify for the purposes of this paragraph ;”;

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- (b) omit paragraphs (b), (c) and (d) and, in paragraph (e), the words from " and if " onwards.
- 2 In section 13(3) (selection of supervisor for person placed under supervision of probation officer), omit the words from " or if " to " place" (which provide for the selected officer to be changed at the instance of the case committee).
- 3 In section 15(1) (variation and discharge of supervision order where supervised person is under the age of eighteen) for the words from "twelve months" to "with that date" substitute " three months beginning with the date when the order was originally made ",  
and omit " in either case ".
- 4 In section 16(10) (meaning of "attendance centre order" etc. for purposes of section 15(4)(a))—  
(a) after " In ", where it first occurs, insert " paragraph (b) of subsection (2A) and ";  
(b) for " that paragraph" substitute " each of those paragraphs ";  
(c) for " section 15(4) " substitute " section 15(2A) or (4) ".
- 5 In paragraph 6 of Schedule 4 (restriction on power to make attendance centre order), at the end add " other than one consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction ".
- 6 Paragraphs 1 and 3 above, and any related repeal provided for in Schedule 13 to this Act, shall not apply in relation to supervision orders made before the coming into force of those paragraphs.

*ROAD TRAFFIC ACT 1972 (c. 20)*

- 1 In section 179 (restrictions on prosecutions for certain offences), in subsection (1) (offences to which section applies), after paragraph (a) insert—  
“(aa) any offence under subsection (4) of section 13 of the Road Traffic Regulation Act 1967 (traffic regulation on special roads) consisting of failure to observe a speed limit imposed by regulations under that section ; and”.
- 2 In Part I of Schedule 4 (prosecution and punishment of offences), in column 7 (additional provisions)—  
(a) in the entry relating to section 3, for " 4 " substitute " 3A, 4, 5 " ;  
(b) in the entry relating to section 18, after " paragraphs " insert " 3A ".
- 3 (1) Part IV of Schedule 4 (supplementary provisions as to prosecution, trial and punishment of offences) shall be amended as follows.  
(2) After paragraph 3 insert the following paragraph—  
“3A (1) Where on a person's trial on indictment in England or Wales for an offence under section 1, 2, or 17 the jury find him not guilty of the offence specifically charged in the indictment, they may (without prejudice to section 6(3) of the Criminal Law Act 1967) find him guilty—  
(a) if the offence so charged is an offence under section 1 or 2, of an offence under section 3 ; or

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- (b) if the offence so charged is an offence under section 17, of an offence under section 18.
- (2) The Crown Court shall have the like powers and duties in the case of a person who is by virtue of this paragraph convicted before it of an offence under section 3 or 18 as a magistrates' court would have had on convicting him of that offence.
- (3) In paragraph 5 (by virtue of which, on a prosecution on indictment for an offence to which section 179 does not apply, subsection (2) of that section does not prejudice any power of the jury to find him guilty of an offence under section 2)—
  - (a) (a) after " apply ", insert " or (if that section does not apply) as regards which the requirement of section 179(2) has been satisfied, or does not apply, ";
  - (b) after " section 2 ", add " or 3 ".

#### *FINANCE ACT 1972 (c. 41)*

Paragraph 9 of Schedule 6 (right of members of value added tax tribunals to refuse to serve on juries) shall cease to have effect as regards juries in England and Wales.

#### *CRIMINAL JUSTICE ACT 1972 (c. 71)*

- 1 In section 34(1) (power of constable to take drunken offender to a place approved by the Secretary of State as a medical treatment centre for alcoholics), omit " medical ".
- 2 In section 41(4) (time-limit of fourteen days for the exercise of power of magistrates' court to re-open a case to rectify mistakes etc.) for " fourteen days " substitute " twenty-eight days ".
- 3 Paragraph 2 above shall not apply in relation to sentences or other orders imposed or made, or findings of guilt pronounced, before the coming into force of this paragraph.

#### *ADMINISTRATION OF JUSTICE ACT 1973 (c. 15)*

- 1 In section 9(4) (abatement of salaries of holders of certain judicial offices, including the stipendiary magistrates mentioned in subsection (1)(e) and (f), by reference to pensions payable in respect of any public office in the United Kingdom or elsewhere), after " United Kingdom or " insert " , except as respects any holder of judicial office mentioned in subsection (1)(e) or (f) above, ".
- 2 Paragraph 1 above shall be deemed to have had effect as from the passing of the Administration of Justice Act 1973.

#### *POWERS OF CRIMINAL COURTS ACT 1973 (c. 62)*

- 1 (1) Section 1 (deferment of sentence) shall be amended as follows.
  - (2) In subsection (2) (under which passing sentence may not be deferred for more than six months after the date of the conviction), for " of the conviction " substitute " on which the deferment is announced by the court ".

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(3) After subsection (4) (power of deferring court to pass sentence on offender during period of deferment if he is convicted in Great Britain of another offence) insert—

“(4A) If an offender on whom a court has under this section deferred passing sentence in respect of one or more offences is during the period of deferment convicted in England or Wales of any offence ('the subsequent offence'), then, without prejudice to subsection (4) above, the court which (whether during that period or not) passes sentence on him for the subsequent offence may also, if this has not already been done, pass sentence on him for the first-mentioned offence or offences:

Provided that—

- (a) the power conferred by this subsection shall not be exercised by a magistrates' court if the court which deferred passing sentence was the Crown Court; and
- (b) the Crown Court, in exercising that power in a case in which the court which deferred passing sentence was a magistrates' court, shall not pass any sentence which could not have been passed by a magistrates' court in exercising it.”.

(4) In subsection (5) (summons to, or warrant for arrest of, offender where the passing of sentence has been deferred) for "it" substitute "or where the offender does not appear on the date so specified, the court".

(5) For subsection (6) (which, where the trial of an information is adjourned by way of deferment under the section, excludes the obligation to remand the offender which would in certain circumstances be imposed by section 14(4) of the Magistrates' Courts Act 1952) substitute—

“(6) It is hereby declared that in deferring the passing of sentence under this section a magistrates' court is to be regarded as exercising the power of adjourning the trial which is conferred by section 14(1) of the Magistrates' Courts Act 1952, and that accordingly section 15 of that Act (non-appearance of the accused) applies (without prejudice to subsection (5) above) if the offender does not appear on the date specified in pursuance of subsection (2) above.

(6A) Notwithstanding any enactment, a court which under this section defers passing sentence on an offender shall not on the same occasion remand him.”.

(6) After subsection (7) add—

“(8) The power of a court under this section to pass sentence on an offender in a case where the passing of sentence has been deferred thereunder does not extend to committing him to another court for sentence but, subject to that, includes power to deal with him in any way in which the court which deferred passing sentence could have dealt with him.”.

2 For section 2(5)(b) (which requires a probation order requiring residence in an institution to specify the name of the institution as well as the required period of residence, and imposes a limit of twelve months on that period) substitute—

“(b) where the order requires the offender to reside in an approved probation hostel or any other institution, the period for which he is so required to reside shall be specified in the order.”.

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- 3 In section 9(1) (breach of conditional discharge by young offenders)—
- (a) for the words from " not being" to " 1952" substitute " triable only on indictment in the case of an adult, " ;
  - (b) for the words from " such an offence " onwards substitute " an offence triable either way and had been tried summarily. " .
- 4 In section 15(2) (period within which work under a community service order is to be performed), at the end add " ; but, unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified in it. " .
- 5 In section 17(3) (power of Crown Court to revoke or vary community service orders), for the words from the beginning to "and it appears to the Crown Court" substitute—
- “(3) Where an offender in respect of whom such an order is in force—
- (a) is convicted of an offence before the Crown Court; or
  - (b) is committed by a magistrates' court to the Crown Court for sentence and is brought or appears before the Crown Court; or
  - (c) by virtue of subsection (2)(b) above is brought or appears before the Crown Court,
- and it appears to the Crown Court”.
- 6 In section 49—
- (a) in subsection (1), for "probation hostels and probation homes " substitute " and probation hostels " ;
  - (b) in subsection (2), for " approved probation hostels and approved probation homes" substitute " and approved probation hostels " .
- 7 Section 50 (inspection of approved bail hostels and of non-approved institutions for residence of probationers) shall be amended as follows—
- (a) in subsection (1) omit the words " Any approved bail hostel and " , and after " patient" insert " or in which a person is required to reside as a condition of bail granted to him " ;
  - (b) in subsection (2), after " apply to " insert " an approved bail hostel or " .
- 8 Section 51 (expenses and grants) shall be amended as follows—
- (a) in subsections (1)(a), (3)(e) and (4)(c), after " servants serving in " insert " approved bail hostels or " ;
  - (b) in subsection (3)(b), for "probation hostels and probation homes " substitute " and probation hostels " .
- 9 In section 57(1) (interpretation)—
- (a) in the paragraph beginning with the words " ' approved probation hostel ' ", for the words from the first " and " to "home approved" substitute " means a probation hostel approved " ; and
  - (b) in the paragraph beginning with the words "' probation hostel'", omit the words from " being persons who " onwards.
- 10 Paragraph 3(2)(b) of Schedule 1 (which precludes a supervising court from amending a probation order so as to require residence in an institution for more than twelve months in all) shall be omitted.
- 11 (1) Schedule 3 (the probation and after-care service and its functions) shall be amended as follows.



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- (2) In paragraph 3(1)(b) (remuneration, allowances and expenses of probation officers), for " prescribed " substitute " determined by the Secretary of State under paragraph 18A below ".
- (3) In paragraph 9 (selection of probation officer for probationer), omit the words from " or if " to "place" (which provide for the selected officer to be changed at the instance of the case committee).
- (4) In paragraph 18(1)(b) (power to make rules prescribing conditions of service etc. of probation officers and others) omit " conditions of service ".
- (5) At the end of paragraph 18 insert—

*“Conditions of service of probation officers*

18A       The conditions of service of probation officers and staff appointed under paragraph 10 above shall be such as the Secretary of State may from time to time determine.”.

- (6) Any provision as to the conditions of service of probation officers or staff appointed under paragraph 10 of Schedule 3 which is made by any rules in force under paragraph 18(1) of that Schedule at the coming into force of sub-paragraphs (4) and (5) above shall have effect as if made by a determination of the Secretary of State under paragraph 18A of that Schedule, and shall accordingly be liable to alteration or cancellation by him by subsequent determination under the said paragraph 18A.

*LEGAL AID ACT 1974 (c. 4)*

- 1 (1) Section 29 (circumstances in which legal aid may be ordered to be given) shall be amended as follows.
  - (2) In subsection (4) (which provides that before making a legal aid order for the giving of aid to any person, a court must require him to furnish a written statement of his means), at the end add " unless it appears to the court that he is by reason of his physical or mental condition incapable of doing so ".
  - (3) In subsection (5) (which modifies subsections (3) and (4) in their application to persons under the age of sixteen) for " for the word ' shall' in subsection (4) there were substituted the word ' may' " substitute " in subsection (4) for the word ' shall' there were substituted the word ' may' and the words from ' unless ' onwards were omitted ".
- (4) After subsection (5) insert—

“(5A) Where a court makes a legal aid order for the giving of aid to a person who has attained the age of sixteen and does so without first requiring him to furnish such a statement as is mentioned in subsection (4) above because it appears to the court that he is by reason of his physical or mental condition incapable of doing so, then, if it subsequently appears to any court having power to make a legal aid contribution order under section 32 below in connection with that legal aid order that he has become capable of furnishing such a statement, that court may require him to furnish such a statement.”.
- 2 In section 32 (power to order payment of contributions), after subsection (1) insert—

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“(1A) If a person to whom legal aid has been ordered to be given by a legal aid order made in the circumstances mentioned in subsection (5A) of section 29 above has failed to furnish a statement which he was subsequently required to furnish in pursuance of that subsection in connection with the legal aid order, he may for the purposes of any order proposed to be made under this section in connection with the legal aid order be treated as having resources and commitments which are such that he may reasonably be ordered to pay the whole amount of the relevant costs.”.

#### *JURIES ACT 1974 (c. 23)*

In Schedule 1, in Group B (which disqualifies from jury service persons concerned with the administration of justice) for " Civilians employed for police purposes by a police authority" substitute " Civilians employed for police purposes under section 10 of the Police Act 1964 ".

#### *HEALTH AND SAFETY AT WORK ETC. ACT 1974 (c. 37)*

In section 15(6)(d) (power to restrict punishments which can be imposed in respect of certain offences) after " punishments" insert " (other than the maximum fine on conviction on indictment) ".

#### *REHABILITATION OF OFFENDERS ACT 1974 (c. 53)*

In section 6(6)(a) (convictions in England and Wales which are to be disregarded for purposes of the provisions of section 6(4)(a) as to the extension of rehabilitation periods), for " an offence which is not triable on indictment" substitute " a summary offence or of a scheduled offence (within the meaning of section 23 of the Criminal Law Act 1977) tried summarily in pursuance of subsection (2) of that section (summary trial where value involved is small); ".

#### *ADOPTION ACT 1976 (c. 36)*

1 In section 28(8), for " subsection (6)" substitute " subsection (7) ".

2 In section 57 (prohibition of certain payments), after subsection (3) insert—

“(3A) This section does not apply to—

- (a) any payment made by an adoption agency to a person who has applied or proposes to apply to a court for an adoption order or an order under section 55 (adoption of children abroad), being a payment of or towards any legal or medical expenses incurred or to be incurred by that person in connection with the application; or
- (b) any payment made by an adoption agency to another adoption agency in consideration of the placing of a child in the actual custody of any person with a view to the child's adoption ; or
- (c) any payment made by an adoption agency to a voluntary organisation for the time being approved for the purposes of this paragraph by the Secretary of State as a fee for the services of that organisation in putting that adoption agency into contact with another adoption agency with a view to the making of arrangements between the adoption agencies for the adoption of a child.”

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In paragraph (c) 'voluntary organisation' means a body, other than a public or local authority, the activities of which are not carried on for profit.

*BAIL ACT 1976 (c. 63)*

- 1 In section 2(2), in the definition of "court", for "a justice of the peace or a coroner " substitute " or a justice of the peace " .
- 2 In section 3(8) (power of court granting bail to vary conditions of bail or impose conditions in respect of bail granted unconditionally)—
  - (a) for " it may " substitute " that court or, where that court has committed a person on bail to the Crown Court for trial or to be sentenced or otherwise dealt with, that court or the Crown Court may ";
  - (b) for " it was " substitute " bail was ";
  - (c) for " it has " substitute " has been ".
- 3 (1) Section 5 (supplementary provisions about bail) shall be amended as follows.
  - (2) After subsection (8) insert—
    - “(8A) An order under subsection (7) above shall, unless previously revoked, take effect at the end of twenty-one days beginning with the day on which it is made.
    - (8B) A court which has ordered the forfeiture of a security under subsection (7) above may, if satisfied on an application made by or on behalf of the person who gave it that he did after all have reasonable cause for his failure to surrender to custody, by order remit the forfeiture or declare that it extends to such amount less than the full value of the security as it dunks fit to order.
    - (8C) An application under subsection (8B) above may be made before or after the order for forfeiture has taken effect, but shall not be entertained unless the court is satisfied that the prosecution was given reasonable notice of the applicant's intention to make it.”
  - (3) After subsection (9) insert—
    - “(9A) Where an order is made under subsection (8B) above after the order for forfeiture of the security in question has taken effect, any money which would have fallen to be repaid or paid over to the person who gave the security if the order under subsection (8B) had been made before the order for forfeiture took effect shall be repaid or paid over to him.”
- 4 In section 7(4) (requirements as to bringing before a justice of the peace or court a person arrested after release on bail), after paragraph (b) insert—

“In reckoning for the purposes of this subsection any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.”

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## SCHEDULE 13

Section 65.

## REPEALS

Chapter	Short Title	Extent of Repeal
5 Ric. 2. Stat. 1. c. 7.	Forcible Entry Act 1381.	The whole Chapter.
15 Ric. 2. c. 2. (1391).	Statutes concerning forcible entries and riots confirmed.	The whole Chapter.
8 Hen. 6. c. 9.	Forcible Entry Act 1429.	The whole Chapter.
31 Eliz. 1.c. 11.	Forcible Entry Act 1588.	The whole Act.
21 Jac. 1. c. 15.	Forcible Entry Act 1623.	The whole Act.
9 Geo. 4. c. 69.	Night Poaching Act 1828.	Sections 4 and 11.
1 & 2 Will. 4. c. 37.	Truck Act 1831.	Section 10.
2 & 3 Vict. c. 71.	Metropolitan Police Courts Act 1839.	Section 24.
24 & 25 Vict. c. 100.	Offences Against the Person Act 1861.	In section 4, the words preceding " whosoever ".
38 & 39 Vict. c. 25.	Public Stores Act 1875.	Sections 7, 9 and 10.
38 & 39 Vict. c. 86.	Conspiracy and Protection of Property Act 1875.	Section 3. In sections 5 and 7, the words " or on indictment as hereinafter mentioned " . Section 9. Section 19(1) and (2).
39 & 40 Vict. c. 77.	Cruelty to Animals Act 1876.	Section 15. In section 17, the words from "or if" to "Justiciary".
42 & 43 Vict. c. 22.	Prosecution of Offences Act 1879.	In section 5, the words " or coroner" (wherever occurring) and the words " and coroner " and " inquisition " and the word " coroner" where it occurs before the words " or officer " .
44 & 45 Vict. c. 60.	Newspaper Libel and Registration Act 1881.	Section 5.
50 & 51 Vict. c. 46.	Truck Amendment Act 1887.	Section 13(1) and (3).
50 & 51 Vict. c. 71.	Coroners Act 1887.	In section 4, subsection (2) and, in subsection (3), the words from " and if " onwards.

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Chapter	Short Title	Extent of Repeal
		Section 5. Sections 9,10,16 and 20. In section 18, paragraphs (4) and (5).
51 & 52 Vict. c. xxxviii.	City of London Fire Inquests Act 1888.	The whole Act.
52 & 53 Vict. c. 63.	Interpretation Act 1889.	In section 27, the word "coroner".
55 & 56 Vict. c. 64.	Witnesses (Public Inquiries) Protection Act 1892.	In section 3, the words from "provided that" onwards. In section 6, paragraph (2).
5 & 6 Geo. 5. c. 90.	Indictments Act 1915.	In section 8(3), the words "inquisitions, and also to".
15 & 16 Geo. 5. c. 86.	Criminal Justice Act 1925.	Section 28(3).
16 & 17 Geo. 5. c. 59.	Coroners (Amendment) Act 1926.	Section 13(2)(a) and (d). Section 25.
8 & 9 Geo. 6. c. 42.	Water Act 1945.	In section 71(1) of Schedule 3, the second paragraph (b) and the word "or" preceding it.
10 & 11 Geo. 6. c. 14.	Exchange Control Act 1947.	In Part II of Schedule 5, paragraphs 2(3) and 3(1).
11 & 12 Geo. 6. c.43.	Children Act 1948.	In section 29(5), the words from "and to a further fine" onwards.
11 & 12 Geo. 6. c. 58.	Criminal Justice Act 1948.	In section 19(3), the words "or justice".
12, 13 & 14 Geo. 6. c. 101.	Justices of the Peace Act 1949.	Section 43(3).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	Customs and Excise Act 1952.	In section 283(2)(a), the words "or more". Section 285(1).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	Magistrates' Courts Act 1952.	Sections 18 and 19. Sections 24 and 25. Section 32. Section 102(3). In section 104, the proviso. Section 125. Section 127(2).

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Chapter	Short Title	Extent of Repeal
		Schedule 1.
2 & 3 Eliz. 2. c. 40.	Protection of Animals (Amendment) Act 1954.	In paragraph 8 of Schedule 2, the words " and the trial by jury of certain summary offences ". In Schedule 3, paragraph 3.
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	In section 3, the words from " subsection (1) of section one of the Protection of Animals Act 1911 " to " 1912" and the words from " respectively enactments" to 'animals and". In Part II of Schedule 2, the words in the fourth column of the entries relating to sections 30 to 32 and in the second column of the entries relating to sections 33 to 36 the words from " but subject " onwards in each entry. In Schedule 3, the entry relating to the Magistrates' Courts Act 1952.
5 & 6 Eliz. 2. c. 1.	Police, Fire and Probation Officers Remuneration Act 1956.	The whole Act, so far as unrepealed.
5 & 6 Eliz. 2. c. 29.	Magistrates' Courts Act 1957.	In section 1(1), paragraph (a).
6 & 7 Eliz. 2. c. 45.	Prevention of Fraud (Investments) Act 1958.	Section 13(2).
7 & 8 Eliz. 2. c. 66.	Obscene Publications Act 1959.	In the proviso to section 1(3), the words from " a cinematograph exhibition " to " in the course of ". In section 2, subsection (2) and, in subsection (3), the words " on indictment".
8 & 9 Eliz. 2. c. 57.	Films Act 1960.	Section 45(3).
9 & 10 Eliz. 2. c. 39.	Criminal Justice Act 1961.	Section 8(1). Section 11(2). In section 26(6), the proviso. In section 28(2), the words " subsection (1) of ".

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Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 60.	Suicide Act 1961.	In Schedule 1, the entry relating to the Coroners (Amendment) Act 1926.
10 & 11 Eliz. 2. c. 15.	Criminal Justice Administration Act 1962,	Sections 12(3) and 13. Schedule 3. In Part II of Schedule 4, the entry relating to the Magistrates' Courts Act 1952.
10 & 11 Eliz. 2. c. 52.	Penalties for Drunkenness Act 1962.	In section 1(2)(a) the words from " the first paragraph of section twelve " to " 1894 ". In section 1(2)(b) the words " section two of the Licensing Act 1902 ".
1963 c. 39.	Criminal Justice (Scotland) Act 1963.	Section 26. In section 53(1), the entries relating to section 26 and Schedule 3. In Schedule 3, Part II.
1963 c. 52.	Public Order Act 1963.	Section 1(1).
1964 c. 26.	Licensing Act 1964.	In section 30(5), the words from " and the clerk " onwards.
1966 c. 27.	Building Control Act 1966.	Section 1(8).
1966 c. 34.	Industrial Development Act 1966.	Section 8(10).
1966 c. 36.	Veterinary Surgeons Act 1966.	Section 19(2). Section 20(6).
1967 c. 1.	Land Commission Act 1967.	Section 82(5).
1967 c. 54.	Finance Act 1967.	In paragraph 4 of Schedule 7, the words from " and the clerk " onwards.
1967 c. 58.	Criminal Law Act 1967.	Section 4(5). Section 5(4).
1967 c. 60.	Sexual Offences Act 1967.	Section 4(2). Section 5(2). Section 7(2)(b). Section 9.

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Chapter	Short Title	Extent of Repeal
1967 c. 76.	Road Traffic Regulation Act 1967.	<p>In section 43(2), the words from " in the case of" to " carriageway ".</p> <p>In section 80, in subsection (5), the words " by virtue of regulations made for the purposes of this subsection", and, in subsection (11), the words from "and the" to "payable".</p>
1967 c. 80.	Criminal Justice Act 1967.	<p>Section 91.</p> <p>In section 22(4), the words " ' inferior court' means a magistrates' court or a coroner and".</p> <p>Section 27.</p> <p>Section 35.</p> <p>Section 43.</p> <p>In section 60, in subsection (6)(a), the words from " to a person " where they first occur to " or ", and subsection (8)(d).</p> <p>Section 91(5).</p> <p>Section 92(8).</p> <p>Section 93.</p> <p>In section 106(2)(f), the words " the Summary Jurisdiction (Scotland) Act 1954,".</p> <p>In Part I of Schedule 3, the entries relating to section 54 of the Metropolitan Police Act 1839, the Offences against the Person Act 1861, the Nursing Homes Registration (Scotland) Act 1938, the Fire Services Act 1947, the National Assistance Act 1948, section 8 of the Midwives Act 1951, section 9 of the Midwives (Scotland) Act 1951, the Dogs (Protection of Livestock)</p>



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Chapter	Short Title	Extent of Repeal
		Act 1953, section 55 of the Food and Drugs Act 1955, section 119(4)(b) of the Highways Act 1959, section 20(2) of the Mental Health Act 1959 and section 43(1) of the Education (Scotland) Act 1962.
		In Part II of Schedule 3, the entry relating to the Public Health Act 1875.
		In Schedule 6, paragraphs 14 to 16 and 21.
1968 c. 27.	Firearms Act 1968.	In section 57(4), the definition of " indictable offence ".
1968 c. 60.	Theft Act 1968.	Section 29(2).
		In Part III of Schedule 2, the entry relating to the Magistrates' Courts Act 1952.
1968 c. 73.	Transport Act 1968.	In section 131(2), the words "by virtue of regulations made for the purposes of this subsection ".
		In Schedule 8, paragraph 8.
1969 c. 19.	Decimal Currency Act 1969.	Paragraph 21 of Schedule 2.
1969 c. 51.	Development of Tourism Act 1969.	In paragraph 3 of Schedule 2, sub-paragraph (2) and, in sub-paragraph (4), the words " 2 and ", " the Director of Public Prosecutions or " and " as the case may be ".
1969 c. 54.	Children and Young Persons Act 1969.	In section 3, in subsection (1) (b) and in subsection (6), the words " within the meaning of the Magistrates' Courts Act 1952 ".
		In section 6, in subsection (1), the words " within the meaning of the Magistrates' Courts Act 1952 " and subsection (2).
		In section 12, subsection (2) (a) and, in subsection (3),

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Chapter	Short Title	Extent of Repeal
1969 c. 56.	Auctions (Bidding Agreements) Act 1969.	paragraphs (b) to (d) and, in paragraph (e), the words from " and if" onwards.
1970 c. 31.	Administration of Justice Act 1970.	In section 13(3), the words from " or if " to " place ".
		In section 15(1), the words " in either case ".
		Section 34(5).
		In Schedule 5, paragraph 56.
		In section 1, subsections (2) and (4).
		In section 41(6)(a), the words from " and in " to " Scotland) " and the words " in each case ".
		In section 51(1), the words from "In sections 2(4)" to " to the said section 6 ".
		In paragraph 4 of Part I of Schedule 9, the words " or inquisition ".
1971 c. 23.	Courts Act 1971.	Section 57(2).
		In section 59(5)(e), the words from " and " in the first place where it occurs to the end.
		In Schedule 8, paragraphs 15(1), 16 and 20, in paragraph 34(1) the words " 19(4), 25(5) ", paragraph 34(3) and in paragraph 48(a) the words " 14, 16, 21(c)".
1971 c. 38.	Misuse of Drugs Act 1971.	Section 26(4).
1972 c. 20.	Road Traffic Act 1972.	In Part I of Schedule 4, in the entry relating to section 1, in column 2, the words " or dangerous "; in the entry relating to section 2, in column 2, the words " and dangerous " and " generally "; in the entry relating to section 17, in column 2, the words " and dangerous ".

*Status: This is the original version (as it was originally enacted).*

Chapter	Short Title	Extent of Repeal
1972 c. 60.	Gas Act 1972.	In Part IV of Schedule 4, in paragraph 3, the words " 5, 6 or 9 ". Section 43(2)(b) and the word " or " preceding it.
1972 c. 63.	Industry Act 1972.	In paragraph 4 of Schedule 1, sub-paragraph (2) and, in sub-paragraph (5), the words " the Director of Public Prosecutions" where first occurring.
1972 c. 71.	Criminal Justice Act 1972.	In section 34(1), the word " medical". Section 47.
1973 c. 14.	Costs in Criminal Cases Act 1973.	Section 20(3).
1973 c. 43.	Hallmarking Act 1973.	In paragraph 2 of Schedule 3, sub-paragraph (2) and, in sub-paragraph (5), the words " (2) and ".
1973 c. 62.	Powers of Criminal Courts Act 1973.	In section 2(8)(a), the words " or approved probation home ". In section 30, in subsection (1), the words "limiting the amount of the fine that may be imposed or " and subsection (2) . Section 33. In section 49, in subsection (1), the words "and homes", " respectively " and " and approved probation homes ", and, in subsections (2) and (3), the words " or home ". In section 50, in subsection (1), the words "Any approved bail hostel and", in subsection (2), the words or home", and, in subsection (3) , the words " any approved bail hostel or " and " hostel or".

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*Status: This is the original version (as it was originally enacted).*

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Chapter	Short Title	Extent of Repeal
1974 c. 40.	Control of Pollution Act 1974.	<p>In section 51, the words "or homes" and "or home" wherever occurring.</p> <p>In section 57(1), in the paragraph beginning with the words "' probation hostel'", the words from " being persons who " onwards.</p> <p>In section 58(a), the word " 33 ".</p> <p>In Schedule 1, paragraph 3(2) (b).</p> <p>In Schedule 3:—  in paragraph 9, the words from "or if" to "place"; in paragraphs 11 and 12, the words "probation homes"; in paragraph 18(1)(b), the words "conditions of service".</p> <p>In Schedule 5, paragraphs 6 and 8.</p>
1974 c. 44.	Housing Act 1974.	<p>In section 87(3), the words from " section 3(2)" to " 18(2) of this Act or under ".</p>
1974 c. 50.	Road Traffic Act 1974.	<p>In Schedule 13, paragraph 2.</p> <p>In Part II of Schedule 5, the entry relating to section 13(4).</p> <p>In Part III of Schedule 5, the entry relating to section 3 and, in the entry relating to section 17, in the second column, the words " and dangerous ".</p> <p>In Part IV of Schedule 5, paragraph 4(1) to (3) and (4) (a).</p>
1974 c. 52.	Trade Union and Labour Relations Act 1974.	Section 29(7).
1975 c. 20.	District Courts (Scotland) Act 1975.	Section 3(3).

*Status: This is the original version (as it was originally enacted).*

Chapter	Short Title	Extent of Repeal
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	In section 27(1), the words " to the Magistrates' Courts Act 1952 and " In Schedule 1, paragraph 26. Section 17. Section 325. In section 403(1), the words from " if " to " of payment of the fine " In section 403(4), the words from " or that Table " to the end. Section 403(5). In section 463(1), in paragraph (a) the word " 17 ", in paragraph (b) the words " 325 " and in paragraph (d) sub-paragraphs (i) and (iii). In Schedule 9, paragraphs 15 and 35.
1976 c. 42.	Protection of Birds (Amendment) Act 1976.	The whole Act.
1976 c. 63.	Bail Act 1976.	In section 2(2), the definition of " coroner's rules " Section 10. In Schedule 2, paragraph 4, in paragraph 37(4) the word " and " where it first occurs, and in paragraph 38 the words " in paragraph (a)".

## SCHEDULE 14

Section 65.

### TRANSITIONAL PROVISIONS

- 1 A provision contained in any of sections 14 to 26, 34 and 35 above or in Schedule 11 to this Act, and any related amendment or repeal provided for in Schedule 12 or 13 to this Act, shall not apply in relation to proceedings commenced before the coming into force of that provision.
- 2 In its application to an offence committed before the coming into force of section 23 above, section 29 above shall have effect as if, in paragraph (a), for " £500" there were substituted " £400 ".

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*Status: This is the original version (as it was originally enacted).*

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- 3 (1) This paragraph applies to any provision of this Act which relates to the punishment by way of fine or imprisonment which may be imposed on summary conviction of offences mentioned in section 30(3) above, in Schedule 1 or 2 to this Act or in Schedule 7A to the Criminal Procedure (Scotland) Act 1975.
- (2) A provision to which this paragraph applies shall have effect in relation to an offence for which proceedings are commenced after the material time even if that offence was committed before that time; but in the case of an offence committed before the material time, such a provision shall not render a person liable on summary conviction to any punishment greater than that to which he would have been liable on conviction on indictment if at the time of his conviction that provision had not yet come into force.
- (3) In relation to a provision to which this paragraph applies " the material time" means the time when that provision comes into force.
- 4 Section 59 above and any related repeal provided for in Schedule 13 to this Act, shall not apply to a term of imprisonment to be served by a defaulter which has been fixed or imposed before the commencement of that section.
- 5 Except as provided in paragraph 3 above a provision of this Act (other than section 29 or any provision mentioned in paragraph 4 above) which relates to the punishment by way of fine or imprisonment for any offence shall not affect the punishment for an offence committed before that provision comes into force.