



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART V

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

##### *Fines and other pecuniary penalties—miscellaneous*

#### **63 Fixed penalty notices**

In section 28 of the Transport Act 1982 (fixed penalty notices given at a police station)

- (a) in subsection (1), the words “or an authorised person” shall be inserted after the words “a constable”, in the second place where they occur;
- (b) in subsection (2)—
  - (i) the words “or an authorised person” shall be inserted after the words “a constable”; and
  - (ii) the words “or authorised person” shall be inserted after the word “constable”, in the second, third and fourth places where it occurs; and
- (c) the following subsection shall be inserted after subsection (4)—

“(5) In this section “authorised person” means a person authorised for the purposes of this section by or on behalf of the chief officer of police for the area in which the police station is situated.”.

#### **64 Increase of maximum fine under s.32 of the Game Act 1831**

- (1) In section 32 of the Game Act 1831 (persons found armed using violence etc.) for “level 1” there shall be substituted “level 4”.
- (2) Nothing in this section shall affect the punishment for an offence committed before this section comes into force.

## **65 Powers of civilian fine enforcement officers**

- (1) The following paragraph shall be inserted after the first paragraph of subsection (2) of section 125 (warrants) of the Magistrates' Courts Act 1980—

“A warrant of arrest, warrant of commitment or warrant of distress which is issued by a justice of the peace for the enforcement of a fine may also be executed by a person who—

- (a) is employed by an authority of a prescribed class;
  - (b) is authorised in the prescribed manner to execute such warrants; and
  - (c) is acting within the area for which the authority that employs him performs its functions.”.
- (2) In section 136(2)(a) of that Act (by virtue of which a warrant for the detention of a fine defaulter overnight in a police station may be executed by any police constable) after the word “constable” there shall be inserted the words “or any person who—
- (a) is employed by an authority of a prescribed class;
  - (b) is authorised in the prescribed manner to execute such warrants; and
  - (c) is acting within the area for which the authority that employs him performs its functions.”.

## **66 Fisheries offences on River Tweed**

- (1) Section 38 of the Fisheries Act 1981 (which applied certain enactments to so much of the River Tweed as is situated outwith Scotland as if it were situated in Scotland) shall be deemed not to have been excluded from the operation of section 38(1) of the Criminal Justice Act 1982 (general increase of fines for summary offences) by paragraph (c) of that subsection (exclusion of offences where fine or maximum fine altered since 29th July 1977).
- (2) Nothing in this section shall affect the punishment for an offence committed before this section comes into force.

## **67 Fines imposed and recognizances forfeited by coroners**

- (1) A fine imposed by a coroner, including a fine so imposed before this section comes into force, shall be treated for the purpose of its collection, enforcement and remission as having been imposed by the magistrates' court for the area in which the coroner's court was held, and the coroner shall as soon as practicable after imposing the fine give particulars of the fine to the clerk of that court.
- (2) A coroner shall proceed in the like manner under subsection (1) above in relation to a recognizance forfeited at an inquest held before him, including a recognizance so forfeited before this section comes into force, as if he had imposed a fine upon the person forfeiting that recognizance, and subsection (1) above shall apply accordingly.

## **68 Causing death by reckless driving— increased minimum disqualification period**

- (1) In section 93 of the Road Traffic Act 1972 the following subsection shall be inserted after subsection (3)—

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

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“(3A) Where a person is convicted of an offence under section 1, subsection (1) above shall apply in relation to him with the substitution of two years for twelve months.”.

(2) Nothing in this section shall have effect in relation to an offence committed before this section comes into force.