



Criminal Justice Act 1967

1967 CHAPTER 80

PART VI

MISCELLANEOUS AND GENERAL

Offences

89 False written statements tendered in evidence.

- (1) If any person in a written statement tendered in evidence in criminal proceedings by virtue of section 2 or 9 of this Act wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.
- (2) The Perjury Act 1911 shall have effect as if this section were contained in that Act.

90 False statements as to means.

- (1) If a person in furnishing any statement in pursuance of an order under section 44(8) or a requirement under section 75(4) of this Act makes a statement which he knows to be false in a material particular or recklessly furnishes a statement which is false in a material particular, or knowingly fails to disclose any material fact, he shall be liable on summary conviction to imprisonment for a term not exceeding four months or a fine not exceeding £100 or both.
- (2) Proceedings in respect of an offence under the foregoing subsection may, notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.
- (3) The last foregoing subsection shall not apply to Scotland, but notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, proceedings

for an offence under subsection (1) of this section relating to a statement furnished in pursuance of a requirement made under section 75(4) of this Act by the Courts-Martial Appeal Court when sitting in Scotland may be commenced at any time within two years from the date of the commission of the offence or within six months from the date when evidence sufficient in the opinion of the Lord Advocate to justify proceedings comes to his knowledge, whichever period expires the earlier; and for the purposes of this subsection a certificate by the Lord Advocate as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

- (4) In relation to a statement made in pursuance of a requirement made under section 75(4) of this Act by the Courts-Martial Appeal Court when sitting in Northern Ireland, for the reference to section 104 of the Magistrates' Courts Act 1952 there shall be substituted a reference to any corresponding provision of the law of Northern Ireland.

91 Drunkenness in a public place.

- (1) Any person who in any public place is guilty, while drunk, of disorderly behaviour may be arrested without warrant by any person and shall be liable on summary conviction to a fine not exceeding £50.
- (2) The foregoing subsection shall have effect instead of any corresponding provision contained in section 12 of the Licensing Act 1872, section 58 of the Metropolitan Police Act 1839, section 37 of the City of London Police Act 1839, and section 29 of the Town Police Clauses Act 1847 (being enactments which authorise the imposition of a short term of imprisonment or of a fine not exceeding £10 or both for the corresponding offence) and instead of any corresponding provision contained in any local Act.
- (3) The Secretary of State may by order repeal any provision of a local Act which appears to him to be a provision corresponding to subsection (1) of this section or to impose a liability to imprisonment for an offence of drunkenness or of being incapable while drunk.
- (4) In this section " public place " includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.
- (5) An order under section 106 of this Act appointing a day for the coming into force of the foregoing provisions of this section shall not be made unless the Secretary of State is satisfied that sufficient suitable accommodation is available for the care and treatment of persons convicted of being drunk and disorderly.

Increase of Fines, etc.

92 Increase of fines.

- (1) The enactments specified in column 1 of Part I of Schedule 3 to this Act, (being enactments creating the offences broadly described in column 2 of that Part of that Schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in that enactment were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine of, or not exceeding, the amount specified in column 3 of that Schedule.

- (2) The enactments specified in column 1 of Part II of the said Schedule 3 (being enactments which confer power to include in subordinate instruments a provision imposing a fine on summary conviction of any offence described in column 2 of that Part of that Schedule) shall each have effect as if the maximum amount of the fine which may be imposed by any provision contained in such an instrument and made under that enactment for any offence under the instrument were that specified in column 4 of that Schedule instead of that specified in column 3 of that Schedule.
- (3) Any subordinate provision in force immediately before the commencement of this Act under an enactment specified in the said Part II shall, if it provides that the maximum amount of the fine which may be imposed on summary conviction of an offence specified in the provision shall be the amount specified in column 3 of the said Part II, have effect as if the said maximum amount were the amount specified in column 4 of the said Part II.
- (4) The last foregoing subsection shall have effect subject to any subordinate provision made under any enactment specified in the said Part II after the commencement of this Act.
- (5) The foregoing provisions of this section shall not affect the power of a court to impose a penalty for a continuing offence under any enactment specified in Part I of the said Schedule 3 or any subordinate provision made under an enactment specified in Part II of that Schedule except where such a penalty is expressly mentioned in column 3 of that Schedule; nor shall they affect the power of a court to award imprisonment under any such enactment or provision.
- (6) In this section " subordinate provision " means a provision contained in an instrument made under an enactment.
- (7) Part III of the said Schedule 3 shall have effect for the purpose of amending section 24 of the Public Health (Scotland) Act 1897.
- (8) There shall be no limit on the amount of the fine which may be imposed on conviction on indictment of an offence under any of the following enactments:—
 - (a) section 2 of the Public Bodies Corrupt Practices Act 1889 (giving or receiving bribes in respect of a public servant's performance of his duties),
 - (b) section 1 of the Prevention of Corruption Act 1906 (giving or receiving bribes in respect of an agent's functions in relation to his principal's affairs, etc.),
 - (c) section 36 of the Criminal Justice Act 1925 (forgery of a passport and false statements in procuring a passport), and
 - (d) section 1(1) of the Prevention of Crime Act 1953 (carrying an offensive weapon in a public place without lawful authority or reasonable excuse).
- (9) Nothing in this section shall affect the amount of the fine which may be imposed on conviction of an offence committed before the commencement of this Act.

93 Alteration of maximum periods of imprisonment in default of payment of fines, etc.

- (1) 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:—

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

“TABLE

An amount not exceeding £2	seven days
An amount exceeding £2 but not exceeding £5	fourteen days
An amount exceeding £5 but not exceeding £20	thirty days
An amount exceeding £20 but not exceeding £50	sixty days
An amount exceeding £50	ninety days”

- (2) In paragraph 3 of the said Schedule 3 (maximum periods of imprisonment in default of payment of sums due on summary conviction of a revenue offence) for the references to £20 and £50 there shall be substituted references to £50 and £100 respectively and for the reference to three months there shall be substituted a reference to ninety days.
- (3) For the table in section 49(1) of the Summary Jurisdiction (Scotland) Act 1954 (maximum period of imprisonment in default of payment of fines, etc.) there shall be substituted the following table:—

<i>“Amount of sum imposed</i>	<i>Period of Imprisonment</i>
Not exceeding £2	seven days
Exceeding £2 but not exceeding £5	fourteen days
Exceeding £5 but not exceeding £20	thirty days
Exceeding £20 but not exceeding £50	sixty days
Exceeding £50	ninety days”

- (4) For the scale in section 285(1) of the Customs and Excise Act 1952 (maximum periods of imprisonment in default of payment of fines etc., or in default of sufficient distress to satisfy fines, etc., imposed on summary conviction under the customs or excise Acts) there shall be substituted the following scale:—

“Where the amount of the sum adjudged to be paid by the conviction—	The said period shall be a period not exceeding—
exceeds £50 but does not exceed £100	ninety days.
exceeds £100 but does not exceed £250	six months.
exceeds £250 but does not exceed £500	nine months.
exceeds £500	twelve months.”

Fees.

94 Abolition of fees in criminal proceedings in magistrates' courts

- (1) No fees shall be chargeable by a justice's clerk in respect of any criminal matter.

- (2) The foregoing subsection shall not prevent any such clerk from charging a fee for supplying, for use in connection with a matter which is not a criminal matter, a copy of a document prepared for use in connection with a criminal matter.

Administration of probation and after-care services

95 Probation and after-care areas and committees.

- (1) The designations " probation area " and " probation committee " are hereby changed to " probation and after-care area " and " probation and after-care committee " respectively and the new designations shall be substituted for the former designations in every enactment relating to any such area or committee.
- (2) Subject to the next following subsection, each probation and after-care committee constituted under paragraph 2 of Schedule 5 to the Criminal Justice Act 1948 and each case committee so constituted, which is not such a committee as aforesaid, shall co-opt a suitable number of persons (not being justices of the peace) having knowledge or experience of the after-care of discharged offenders, and if it appears to the Secretary of State that any such committee has failed to carry out the foregoing requirement, he may appoint to the committee such number of such persons as aforesaid as he thinks fit.
- (3) Without prejudice to the proviso to sub-paragraph (3) of the said paragraph 2 (limit on the number of co-opted members of any such committee), the number of persons who may be co-opted or appointed to any such committee under that sub-paragraph and the last foregoing subsection shall not exceed one-third of the number of members of the committee.
- (4) In sub-paragraph (1)(a) of the said paragraph 2 (qualification of justices holding any of the offices of chairman, deputy chairman, assistant chairman or recorder of quarter sessions for the area for appointment to a probation and after-care committee for an area comprising more than the petty sessions area) for the words from " additional " to " appointed " there shall be substituted the words " number of additional justices who are members of a court of quarter sessions having jurisdiction in the area as may be specified ".
- (5) Where a probation and after-care area is a borough having a separate court of quarter sessions, the recorder of the borough shall by virtue of his office be a member of the probation and after-care committee for that area.

96 Financial provisions.

- (1) For section 77(3)(e) of the Criminal Justice Act 1948 (Exchequer grants towards the expenditure of any society engaged in supervising or assisting persons released from a prison, borstal institution or detention centre) there shall be substituted the following paragraph:—
- “(e) towards the expenditure of any society or individual engaged in supervising or assisting persons convicted of offences with a view to their rehabilitation”.
- (2) In paragraph 5(1) of Schedule 5 to the Criminal Justice Act 1948, the proviso (which enables the Secretary of State to relieve the local authority of their liability under that sub-paragraph to defray the expenses of an inefficient probation committee) shall cease to have effect.

Criminal appeals

97 New provision as to appeal against sentence passed at assizes or quarter sessions.

- (1) This section has effect for providing rights of appeal against sentence when a person is dealt with by a court of assize or quarter sessions (otherwise than on appeal from a magistrates' court) for an offence of which he was not convicted on indictment.
- (2) The proceedings from which an appeal against sentence lies under this section are those where an offender convicted of an offence by a magistrates' court—
 - (a) is committed by the court to be dealt with for his offence at assizes or quarter sessions ; or
 - (b) having been made the subject of a probation order or an order for conditional discharge or given a suspended sentence, appears or is brought before a court of assize or quarter sessions to be further dealt with for his offence.
- (3) An offender who, after the commencement of this section, is dealt with for an offence at assizes or quarter sessions in a proceeding to which subsection (2) of this section applies may appeal against sentence in any of the following cases:—
 - (a) where, either for that offence alone or for that offence and other offences for which sentence is passed in the same proceeding, he is sentenced to imprisonment for a term of six months or more ; or
 - (b) where the sentence is one which the court convicting him had not power to pass; or
 - (c) where the court in dealing with him for the offence makes in respect of him—
 - (i) a recommendation for deportation; or
 - (ii) an order disqualifying him for holding or obtaining a licence to drive a motor vehicle under Part II of the Road Traffic Act 1960; or
 - (iii) an order under section 40 of this Act.
- (4) An appeal under this section lies to the criminal division of the Court of Appeal, but only with the leave of that court.
- (5) The following enactments, that is to say—
 - (a) sections 7(1), 9, 11, 14(2), 15(1) and 17 of the Criminal Appeal Act 1907 (being provisions as to procedure and other incidental matters arising on an appeal); and
 - (b) sections 5 (evidence) and 6 (computation of sentence) of the Criminal Appeal Act 1966 ;
 shall apply with the necessary modifications in relation to an appeal under this section as they apply in relation to an appeal against sentence passed on conviction on indictment.
- (6) Where a court of assize or quarter sessions, in dealing with an offender either on his conviction on indictment or in a proceeding to which subsection (2) of this section applies, has passed on him two or more sentences in the same proceeding, being sentences against which an appeal lies under section 3 of the Criminal Appeal Act 1907 or this section, an appeal or application for leave to appeal against any one of those sentences shall be treated as an appeal or application in respect of both or all of them ; and for the purposes of this section two or more sentences shall be treated as passed in the same proceeding if—
 - (a) they are passed on the same day; or

- (b) they are passed on different days, but the court in passing any one of them states that it is treating that one together with the other or others as substantially one sentence.
- (7) On an appeal against sentence under this section or section 3 of the Criminal Appeal Act 1907, the Court of Appeal, if it considers that the appellant should be sentenced differently for any offence for which he was dealt with by the court below, may—
 - (a) quash any sentence or order which is the subject of the appeal; and
 - (b) in place of it pass such sentence or make such order as it thinks appropriate for the case and as the court below had power to pass or make when dealing with him for the offence;but the court shall so exercise its powers under this subsection that, taking the case as a whole, the appellant is not more severely dealt with on appeal than he was dealt with by the court below.
- (8) The power of the Court of Appeal under the last foregoing subsection to pass a sentence which the court below had power to pass for an offence shall, notwithstanding that the court below made no order under section 40(1) of this Act in respect of a suspended sentence previously passed on the appellant for another offence, include power to deal with him in respect of that suspended sentence, where the court below—
 - (a) could have so dealt with him if it had not passed on him a sentence of borstal training quashed by the Court of Appeal under paragraph (a) of the last foregoing subsection; or
 - (b) did so deal with him in accordance with paragraph (d) of the said subsection (1) by making no order in respect of the suspended sentence.
- (9) The term of any sentence passed by the Court of Appeal under this section or under section 5 of the Criminal Appeal Act 1907 (special powers of Court on appeal against conviction) shall, unless the court otherwise directs, begin to run from the time when it would have begun to run if passed in the proceedings from which the appeal lies.
- (10) In this section " sentence " has the same meaning as in the Criminal Appeal Act 1907, and " recommendation for deportation " means a recommendation made by a court under Part II of the Commonwealth Immigrants Act 1962 or under an order made under the Aliens Restriction Act 1914.

98 Amendment of enactments relating to criminal appeals.

- (1) The following enactments in the Criminal Appeal Act 1907 (being enactments which are obsolete or not in use, or relate to matters which can be dealt with by rules of court) shall cease to have effect:—
 - (a) section 8 (judge's notes to be furnished to Court of Appeal);
 - (b) section 9(d) and (e) (power of Court of Appeal to order new evidence to be taken on commission and to appoint an assessor to sit with them); and
 - (c) section 15(3) (documents and exhibits to be retained in court of trial pending appeal).
- (2) Section 12 of the said Act of 1907 (duty of Director of Public Prosecutions) shall cease to have effect; but, without prejudice to section 2 of the Prosecution of Offences Act 1879 (general duty of Director), it shall be the duty of the Director of Public Prosecutions to appear for the Crown or the prosecutor, when directed by the court to do so, on any appeal under the Criminal Appeal Act 1907 or section 1 of the Administration of Justice Act 1960 or section 97 of this Act.

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In this subsection " the court " means, in the case of an appeal to or from the criminal division of the Court of Appeal, that division, and, in the case of an appeal from a divisional court of the Queen's Bench Division, the divisional court.

- (3) Section 18 of the said Act of 1907 (rules of court) shall cease to have effect; but rules made under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 may make provision with respect to any matter for which provision by rules of court is to be made under the said Act of 1907 or the enactments amending it, and may regulate generally the practice and procedure of the criminal division of the Court of Appeal; and, without prejudice to the generality of the foregoing, rules so made may require courts from which an appeal lies to that division to furnish the said division with any assistance or information which the division may require for the purpose of exercising its jurisdiction.
- (4) The Lord Chancellor may appoint two persons appearing to him to have special experience in criminal procedure, one being a practising barrister and one a practising solicitor, to be members of the Rule Committee of the Supreme Court (that is to say, the authority for the time being empowered to make rules under section 99 of the said Act of 1925) for the purpose of the Committee's power to make rules by virtue of subsection (3) of this section.
- (5) Section 29 of the said Act of 1925 (under which an appeal against conviction for obstruction of a highway, etc., lies to the civil, and not the criminal, division of the Court of Appeal) shall cease to have effect.
- (6) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments shown in that Schedule (being minor amendments to remove doubts and anomalies, and otherwise to facilitate the consolidation of the enactments relating to criminal appeals in England and Wales, the corresponding enactments applying to Northern Ireland and the enactments relating to appeals from courts-martial).
- (7) In the Criminal Appeal (Northern Ireland) Act 1930, sections 13A(5) and 17 of the Courts-Martial (Appeals) Act 1951, the Administration of Justice Act 1960 and Schedule 1 to the Criminal Appeal Act 1964 any reference to an enactment of the Parliament of Northern Ireland shall include a reference to an enactment corresponding thereto and for the time being in force in Northern Ireland.

Miscellaneous

99 Evidence with respect to offences punishable in Scotland.

For the purposes of this Act a certificate purporting to be signed by or on behalf of the Lord Advocate that an offence is punishable in Scotland with imprisonment or is punishable in Scotland on indictment with imprisonment for a term specified in the certificate shall be evidence of the matter so certified.

100 Regulations, rules and orders.

- (1) Any power conferred by this Act on a Minister of the Crown to make regulations, rules or orders other than orders under section 70(1) of this Act shall be exercisable by statutory instrument.

- (2) Any regulations or rules under this Act, except rules under section 82 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any order made under any provision of this Act by statutory instrument may be varied or revoked by a subsequent order made under that provision.

101 Expenses.

There shall be defrayed out of moneys provided by Parliament—

- (a) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment;
- (b) any sums required by the Secretary of State for making payments under section 81(1)(c) and (6) of this Act.

102 Transitional provisions and savings.

Schedule 5 to this Act shall have effect for the purpose of the transition to the provisions of this Act from the law in force before the commencement of those provisions and with respect to the application of this Act to things done before the commencement of those provisions.

103 Minor and consequential amendments and repeals.

- (1) The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.
- (2) The enactments specified in Schedule 7 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

104 General provisions as to interpretation.

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them; that is to say—
 - " the clerk of the court " means—
 - (a) in relation to a court of quarter sessions, the clerk of the peace ;
 - (b) in relation to a court of assize, the clerk of assize;
 - " court " does not include a court-martial;
 - " explosive " has the same meaning as in the Explosives Act 1875;
 - " extended sentence certificate " has the meaning assigned to it by section 37 of this Act;
 - " firearm " has the same meaning as in the Firearms Act 1937;
 - " imitation firearm " has the same meaning as in the Firearms Act 1965 ;
 - " offensive weapon " has the same meaning as in section 1 of the Prevention of Crime Act 1953 ;
 - " prison rules " means rules under section 47 of the Prison Act 1952;
 - " sentence of imprisonment " does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any

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sum of money, or for failure to do or abstain from doing anything required to be done or left undone ;

" suspended sentence " means a sentence to which an order under section 39(1) of this Act relates.

- (2) For the purposes of any reference in this Act, however expressed, to the term of imprisonment or other detention to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.
- (3) Any reference in this Act however expressed to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.
- (4) Any reference in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of offenders of his age.
- (5) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

105 Northern Ireland.

- (1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall apply in relation to legislation for purposes similar to the purposes of Part IV of this Act so as to preclude that Parliament from enacting a provision corresponding to some provision of that Part, other than a provision relating to courts-martial and appeals therefrom.
- (2) For the purposes of section 6 of the Government of Ireland Act 1920 this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.
- (3) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

106 Short title, extent and commencement.

- (1) This Act may be cited as the Criminal Justice Act 1967.
- (2) The following provisions of this Act shall extend to Scotland, that is to say—
 - (a) so much of this Act as relates to courts-martial and appeals therefrom;
 - (b) sections 3, 38(7), 42(3) and (6), 48, 54(6) to (8), 93(3) and (4) and 102 and paragraphs 7, 10 to 12 and 14 of Schedule 5;
 - (c) Part III (except sections 63, 65, 66, 67 and 71) and Schedule 2;
 - (d) Part V;
 - (e) section 92 and Schedule 3 so far as they amend any enactment which extends to Scotland ;

- (f) so much of section 103(1) and Schedule 6 as amends the Summary Jurisdiction (Scotland) Act 1954, the Geneva Conventions Act 1957, the Criminal Justice Act 1961 and the Criminal Justice (Scotland) Act 1963 ; and
 - (g) Part II of Schedule 7 and so much of section 103(2) as relates thereto;

but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Scotland.
- (3) The following provisions of this Act shall extend to Northern Ireland, that is to say—
 - (a) so much of this Act as relates to courts-martial and appeals therefrom;
 - (b) sections 38(7), 69 and 72;
 - (c) so much of section 92 and Parts I and II of Schedule 3 as is extended to Northern Ireland by Part IV of that Schedule;
 - (d) so much of section 98(6) and (7) and Schedule 4 as amends the Criminal Appeal (Northern Ireland) Act 1930, the Administration of Justice Act 1960, as it extends to Northern Ireland, sections 7 and 12(5) of the Criminal Appeal Act 1966 and section 16 of the Criminal Justice Act (Northern Ireland) 1966;
 - (e) so much of section 103(1) and Schedule 6 as amends the Geneva Conventions Act 1957 and the Criminal Justice Act 1961 ;
 - (f) section 105 ; and
 - (g) Part III of Schedule 7 and so much of section 103(2) as relates thereto;

but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Northern Ireland.
- (4) Sections 69(1) and 92 of, and Schedule 3 to, this Act, so far as they amend any enactment which extends to the Channel Islands or the Isle of Man, shall extend to the Channel Islands or the Isle of Man, as the case may be.
- (5) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different purposes of this Act, and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day so appointed for the coming into force of that provision, and any such reference to the commencement of a provision of this Act shall be construed as a reference to the day appointed for the coming into force of the provision referred to.
- (6) Without prejudice to Schedule 5 to this Act, any order under this section 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, including such adaptations of those provisions or any provisions of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).