



Criminal Law Act 1977

CHAPTER 45

CRIMINAL LAW ACT 1977

PART I

CONSPIRACY

- 1 The offence of conspiracy
- 2 Exemptions from liability for conspiracy
- 3 Penalties for conspiracy
- 4 Restrictions on the institution of proceedings for conspiracy
- 5 Abolitions, savings, transitional provisions, consequential amendment and repeals

PART II

OFFENCES RELATING TO ENTERING AND REMAINING ON PROPERTY

- 6 Violence for securing entry
- 7 Adverse occupation of residential premises
- 8 Trespassing with a weapon of offence
- 9 Trespassing on premises of foreign missions, etc.
- 10 Obstruction of court officers executing process for possession against unauthorised occupiers
- 11 Power of entry for the purposes of this Part of this Act
- 12 Supplementary provisions
- 13 Abolitions and repeals

PART III

CRIMINAL PROCEDURE, PENALTIES, ETC.

Status: This is the original version (as it was originally enacted).

Preliminary

14 Preliminary

Allocation of offences to classes as regards mode of trial

- 15 Offences which are to become triable only summarily
- 16 Offences which are to become triable either way
- 17 Offence which is to become triable only on indictment

Limitation of time

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

Procedure for determining mode of trial of offences triable either way

- 19 Initial procedure on information for offence triable either way
- 20 Court to begin by considering which mode of trial appears more suitable
- 21 Procedure where summary trial appears more suitable
- 22 Procedure where trial on indictment appears more suitable
- 23 Certain offences triable either way to be tried summarily if value involved is small
- 24 Power of court, with consent of legally represented accused, to proceed in his absence
- 25 Power to change from summary trial to committal proceedings, and vice versa
- 26 Power to issue summons to accused in certain circumstances

Penalties

- 27 General limit on power of magistrates' court to impose imprisonment,
- 28 Penalties on summary conviction for offences triable either way
- 29 Maximum penalties on summary conviction in pursuance of section 23
- 30 Penalties (and mode of trial) for offences made triable only summarily
- 31 Increase of fines for certain summary offences
- 32 Other provisions as to maximum fines
- 33 Penalty for offences under section 3 of Explosive Substances Act 1883

Young offenders

- 34 Power of magistrates' court to remit a person under 17 for trial to a juvenile court in certain circumstances
- 35 Power to commit a person under 17 for trial extended to related offences in certain cases
- 36 Enforcement of fines imposed on young offenders
- 37 Supervision orders

Cross-border enforcement

- 38 Execution throughout United Kingdom of warrants of arrest
- 39 Service of summonses and citation throughout United Kingdom
- 40 Transfer of fine orders

Other provisions

- 41 Transfer of remand hearings

- 42 Remand of accused already in custody
- 43 Peremptory challenge of jurors
- 44 Appeals against conviction
- 45 Cases where magistrates' court may remit offender to another such court for sentence
- 46 Committal for sentence for offences tried summarily
- 47 Prison sentence partly served and partly suspended
- 48 Power to make rules as to furnishing of information by prosecutor in criminal proceedings
- 49 Power to order search of persons before Crown Court

PART IV

MISCELLANEOUS PROVISIONS

- 50 Amendment of Road Traffic Act 1972
- 51 Bomb hoaxes
- 52 Misuse of Drugs Act 1971: redefinition of cannabis
- 53 Amendments of Obscene Publications Act 1959 with respect to cinematograph exhibitions
- 54 Inciting girl under sixteen to have incestuous sexual intercourse
- 55 Amendment of Rabies Act 1974 and Diseases of Animals (N.I.) Order 1975
- 56 Coroners' inquests
- 57 Probation and conditional discharge: power to vary statutory minimum or maximum period
- 58 Proceedings involving persons under 17: increase of certain pecuniary limits
- 59 Alteration of maximum periods of imprisonment in default of payment of fines etc.
- 60 Increase in maximum amount of compensation which may be ordered by magistrates' court
- 61 Power to alter sums specified in certain provisions
- 62 Right to have someone informed when arrested

PART V

PROVISIONS APPLYING TO SCOTLAND

- 63 Provisions applying to Scotland

PART VI

SUPPLEMENTARY

- 64 Meaning of " indictable offence ", " summary offence " and " offence triable either way " in England and Wales
- 65 Citation, etc.

SCHEDULES

SCHEDULE 1 — Offences Made Triable Only Summarily, and Related Amendments

SCHEDULE 2 — Offences Triable Either Way Instead of Only on Indictment

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

- 1 Offences at common law of public nuisance.
- 2 Offences under section 8 of the Disorderly Houses Act 1751...
- 3 Offences consisting in contravention of section 13 of the Statutory...
- 4 Offences under section 36 of the Malicious Damage Act 1861...
- 5 Offences under the following provisions of the Offences against the...
- 6 Offences under section 13 of the Debtors Act 1869 (transactions...
- 7 Offences under section 5 of the Public Stores Act 1875...
- 8 Offences under section 12 of the Corn Returns Act 1882...
- 9 Offences under section 22 of the Electric Lighting Act 1882...
- 10 Offences under section 3 of the Submarine Telegraph Act 1885...
- 11 Offences under section 8(2) of the Cremation Act 1902 (making...
- 12 All offences under the Perjury Act 1911 except offences under—...
- 13 The following offences under the Forgery Act 1913—
- 14 Offences under section 17 of the Deeds of Arrangement Act...
- 15 Offences under section 3(4) of the Checkweighing in Various Industries...
- 16 Offences under section 8(2) of the Census Act 1920 (disclosing...
- 17 Offences under the following provisions of the Sexual Offences Act...
- 18 Offences under section 3(1) of the Shipping Contracts and Commercial...
- 19 The following offences under the Criminal Law Act 1967—
- 20 The following offences under the Theft Act 1968—
- 21 Uttering any forged document the forgery of which is an...
- 22 Aiding, abetting, counselling or procuring the commission of any offence...
- 23 Attempting to commit any offence mentioned in the preceding paragraphs...
- 24 Any offence consisting in the incitement to commit an offence...

SCHEDULE 3 — 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...
- 3 Offences consisting in contravention of section 13 of the Statutory...
- 4 Offences under section 36 of the Malicious Damage Act 1861...
- 5 Offences under the following provisions of the Offences against the...
- 6 Offences under section 20 of the Telegraph Act 1868 (disclosing...
- 7 Offences under section 13 of the Debtors Act 1869 (transactions...
- 8 Offences under section 5 of the Public Stores Act 1875...
- 9 Offences under section 12 of the Corn Returns Act 1882...
- 10 Offences under section 22 of the Electric Lighting Act 1882...
- 11 Offences under section 3 of the Submarine Telegraph Act 1885...
- 12 Offences under section 13 of the Stamp Duties Management Act...
- 13 Offences under section 8(2) of the Cremation Act 1902 (making...
- 14 All offences under the Perjury Act 1911 except offences under—...
- 15 The following offences under the Forgery Act 1913—
- 16 Offences under section 17 of the Deeds of Arrangement Act...
- 17 Offences under section 3(4) of the Checkweighing in Various Industries...
- 18 Offences under section 8(2) of the Census Act 1920 (disclosing...
- 19 Offences under section 36 of the Criminal Justice Act 1925...
- 20 Offences under section 11 of the Agricultural Credits Act 1928...
- 21 Offences under the following provisions of the Coinage Offences Act...
- 22 Offences under the following provisions of the Post Office Act...

- 23 Offences under the following provisions of the Sexual Offences Act...
- 24 Offences under section 3(1) of the Shipping Contracts and Commercial...
- 25 Offences under section 24B(7) of the Housing Subsidies Act 1967...
- 26 The following offences under the Criminal Law Act 1967—
- 27 Offences under section 4(1) of the Sexual Offences Act 1967...
- 28 All indictable offences under the Theft Act 1968 except:—
- 29 Offences under the following provisions of the Criminal Damage Act...
- 30 Offences in relation to stamps issued for the purpose of...
- 31 Uttering any forged document the forgery of which is an...
- 32 Committing an indecent assault upon a person whether male or...
- 33 Aiding, abetting, counselling or procuring the commission of any offence...
- 34 Attempting to commit an offence triable either way except an...
- 35 Any offence consisting in the incitement to commit an offence...

SCHEDULE 4 — Offences for which the value involved is relevant to the mode of trial

SCHEDULE 5 — Alteration of Penalties on Summary Conviction of Certain Offences Triable Either Way

- 1 (1) The Misuse of Drugs Act 1971 shall be amended...
- 2 In Schedule 4 to the Road Traffic Act 1972 (prosecution...

SCHEDULE 6 — Increase of fines for certain summary offences

SCHEDULE 7 — Transfer of fine Orders

England and Wales

- 1 For sections 72A and 72B of the Magistrates' Courts Act...

Scotland

- 2 (1) Section 403 of the Criminal Procedure (Scotland) Act 1975...

Northern Ireland

- 3 After section 104 of the Magistrates' Courts Act (Northern Ireland)...

SCHEDULE 8 — Transfer of Remand Hearings

- 1 A court which, on adjourning a case, makes an order...
- 2 Where an order under subsection (1) of section 41 above...
- 3 A court making an order under subsection (1) of section...
- 4 A person to whom an order under section 41(1) above...
- 5 Section 41 above and this Schedule have effect notwithstanding anything...

SCHEDULE 9 — Matters ancillary to Section 47

Probation orders

- 1 Where a court makes an order under section 47 (1)...

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

Courts competent to restore sentence held in suspense

- 2 (1) In relation to a sentence of imprisonment part of...

Recall of offender on re-conviction

- 3 (1) If it appears to the Crown Court, where that...

Miscellaneous (procedural)

- 4 Where the offender is before the Crown Court with a...
5 Where the offender has been before a court with a...
6 For the purposes of any enactment conferring rights of appeal...

Miscellaneous (consequential)

- 7 Where a sentence of imprisonment is passed with an order...
8 Where an offender is sentenced to imprisonment with an order...
9 In section 21 of the Firearms Act 1968 (prohibition on...
10 In section 67 of the Criminal Justice Act 1967 (computation...
11 In section 1 of the Rehabilitation of Offenders Act 1974...

SCHEDULE 10 — New Section to be Substituted for s.20 of Coroners (Amendment) Act 1926

SCHEDULE 11 — Amendments of Criminal Procedure (Scotland) Act 1975

- 1 There shall be inserted after section 193 a new section...
2 There shall be inserted after section 283 a new section...
3 (1) In section 284(b), for "£100" there shall be substituted...
4 (1) In section 289(a), for " £150 " there shall...
5 There shall be inserted after section 289 new sections as...
6 In section 312(z) for " £10 " there shall be...
7 For section 394(b) there shall be substituted the following paragraph
—...
8 In section 397(1) for the words " or under section...
9 In section 414(1) after the word " convicted " there...
10 In section 462, in the interpretation of " fine "...
11 There shall be inserted a new Schedule 7A, which shall...
12 There shall be inserted a new Schedule 7B which shall...
13 There shall be inserted a new Schedule 7C which shall...

SCHEDULE 12 — Minor and Consequential Amendments

NIGHT POACHING ACT 1828 (c. 69)

- 1 In section 2 (assaults by persons committing offences under the...
2 In section 9 (entering land, with others, armed and for...

METROPOLITAN POLICE COURTS ACT 1839 (c. 71)

ACCESSORIES AND ABETTORS ACT 1861 (c. 94)

OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)

PUBLIC STORES ACT 1875 (c. 25)

EXPLOSIVE SUBSTANCES ACT 1883 (c. 3)

CORONERS ACT 1887 (c. 71)

CHILDREN ACT 1948 (c. 43)

CRIMINAL JUSTICE ACT 1948 (c. 58)

- 1 Section 19 (attendance at an attendance centre) shall be amended...
- 2 In subsection (3) (power to discharge or vary an order...
- 3 In subsection (7) (power to deal with offender for failure...

REPRESENTATION OF THE PEOPLE ACT 1949 (c. 68)

PRISON ACT 1952 (c. 52)

- 1 In section 45, as amended by Schedule 4 to the...
- 2 Paragraph 1 above shall not apply in relation to a...

MAGISTRATES' COURTS ACT 1952 (c. 55)

- 1 In section 2 (jurisdiction to deal with charges)—
- 2 In section 14(4), for the words from " if" to...
- 3 In section 22 (effect of dismissal of information for indictable...
- 4 In section 23 (using in summary trial evidence given before...
- 5 In section 29 (committal for sentence for indictable offence tried...
- 6 In section 35 (aiders and abettors), before the words "A...
- 7 (1) In section 87(2) (time-limit of fourteen days for applying...
- 8 In section 98(3)(b) (requirements as to place of sitting of...
- 9 In section 105(4) proviso (c) (power of magistrates' court to...
- 10 In section 108(2) (power of a magistrates' court to impose...
- 11 After section 130 insert— Magistrates' court may sit on Sundays...
- 12 In Schedule 2 (corporations)— (a) in paragraph 3, for sub-paragraph...

BIRTHS AND DEATHS REGISTRATION ACT 1953 (c.20)

SEXUAL OFFENCES ACT 1956 (c. 69)

- 1 A prosecution for an offence to which paragraph 14 or...
- 2 In paragraphs 17 and 18 of the said Part II...

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

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

OBSCENE PUBLICATIONS ACT 1959 (c.66)

CRIMINAL JUSTICE ACT 1961 (c. 39)

- 1 In section 12(1) (return to borstal institution on re-conviction) for...
- 2 (1) Section 26 (transfer of prisoner to serve sentence) shall...
- 3 (1) Section 28 (transfer of prisoner for trial) shall be...
- 4 (1) Section 29 (removal of detained person in the interests...
- 5 In section 39(1) (interpretation) in paragraph (b) of the definition...

LICENSING ACT 1964 (c. 26)

- 1 In section 30(5), as inserted by paragraph 4 of Schedule...
- 2 In section 169 (serving or delivering intoxicating liquor to or...

HOUSING ACT 1964 (c. 56)

HOUSING (SCOTLAND) ACT 1966 (c. 49)

CRIMINAL LAW ACT 1967 (c. 58)

ROAD TRAFFIC REGULATION ACT 1967 (c. 76)

- 1 In section 43(2) (penalty for contravention of designation order having...
- 2 In section 78A (exceeding a speed limit imposed by or...
- 3 In subsection (5) of section 80 as amended by section...
- 4 In section 92, for " Summary Jurisdiction (Scotland) Act 1954...

CRIMINAL JUSTICE ACT 1967 (c. 80)

- 1 Section 3 (restrictions on reports of committal proceedings) shall be...
- 2 In section 22, as amended by paragraph 37 of Schedule...
- 3 In section 23(2) (requirements as to bringing before a justice...
- 4 (1) Section 24 (process for minor offences) shall be amended...
- 5 In section 44(5) (restrictions on magistrates' court's power to issue...
- 6 After section 44 insert as section 44A— Power of magistrates'...
- 7 (1) Section 60 (release on licence of persons serving determinate...
- 8 (1) Section 63 (supervision of young, short-term prisoners after release)...
- 9 In section 91 (drunkenness in a public place) omit subsection...

COMPANIES ACT 1967 (c.81)

- 1 In section 49(1) (certain offences to be triable summarily), after...
- 2 Paragraph 1 above shall be deemed to have had effect...

FIREARMS ACT 1968 (c. 27)

THEFT ACT 1968 (c. 60)

GAMING ACT 1968 (c.65)

CHILDREN AND YOUNG PERSONS ACT 1969 (c. 54)

- 1 (1) Section 12 (power to include requirements in supervision orders)...
- 2 In section 13(3) (selection of supervisor for person placed under...
- 3 In section 15(1) (variation and discharge of supervision order where...
- 4 In section 16(10) (meaning of "attendance centre order" etc. for...
- 5 In paragraph 6 of Schedule 4 (restriction on power to...
- 6 Paragraphs 1 and 3 above, and any related repeal provided...

ROAD TRAFFIC ACT 1972 (c. 20)

- 1 In section 179 (restrictions on prosecutions for certain offences), in...
- 2 In Part I of Schedule 4 (prosecution and punishment of...
- 3 (1) Part IV of Schedule 4 (supplementary provisions as to...

FINANCE ACT 1972 (c. 41)

CRIMINAL JUSTICE ACT 1972 (c. 71)

- 1 In section 34(1) (power of constable to take drunken offender...
- 2 In section 41(4) (time-limit of fourteen days for the exercise...
- 3 Paragraph 2 above shall not apply in relation to sentences...

ADMINISTRATION OF JUSTICE ACT 1973 (c. 15)

- 1 In section 9(4) (abatement of salaries of holders of certain...
- 2 Paragraph 1 above shall be deemed to have had effect...

POWERS OF CRIMINAL COURTS ACT 1973 (c. 62)

- 1 (1) Section 1 (deferment of sentence) shall be amended as...
- 2 For section 2(5)(b) (which requires a probation order requiring residence...
- 3 In section 9(1) (breach of conditional discharge by young offenders)—...
- 4 In section 15(2) (period within which work under a community...
- 5 In section 17(3) (power of Crown Court to revoke or...
- 6 In section 49— (a) in subsection (1), for "probation hostels...
- 7 Section 50 (inspection of approved bail hostels and of non-approved...
- 8 Section 51 (expenses and grants) shall be amended as follows—...
- 9 In section 57(1) (interpretation)— (a) in the paragraph beginning with...
- 10 Paragraph 3(2)(b) of Schedule 1 (which precludes a supervising court...
- 11 (1) Schedule 3 (the probation and after-care service and its...

LEGAL AID ACT 1974 (c. 4)

- 1 (1) Section 29 (circumstances in which legal aid may be...
- 2 In section 32 (power to order payment of contributions), after...

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JURIES ACT 1974 (c. 23)

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

REHABILITATION OF OFFENDERS ACT 1974 (c. 53)

ADOPTION ACT 1976 (c. 36)

- 1 In section 28(8), for " subsection (6)" substitute " subsection...
- 2 In section 57 (prohibition of certain payments), after subsection (3)...

BAIL ACT 1976 (c. 63)

- 1 In section 2(2), in the definition of "court", for "a...
- 2 In section 3(8) (power of court granting bail to vary...
- 3 (1) Section 5 (supplementary provisions about bail) shall be amended...
- 4 In section 7(4) (requirements as to bringing before a justice...

SCHEDULE 13 — Repeals

SCHEDULE 14 — Transitional Provisions

- 1 A provision contained in any of sections 14 to 26,...
- 2 In its application to an offence committed before the coming...
- 3 (1) This paragraph applies to any provision of this Act...
- 4 Section 59 above and any related repeal provided for in...
- 5 Except as provided in paragraph 3 above a provision of...