

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{XI}SCHEDULE 12

Section 65.

MINOR AND CONSEQUENTIAL AMENDMENTS

Editorial Information

- X1** The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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 a fine not exceeding £500, or 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”.

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.”

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PUBLIC STORES ACT 1875 (C. 25)

Section 7 (offences 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 1877 (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).

..... F1

Textual Amendments
F1 Entries relating to [Criminal Justice Act 1948 \(c. 58\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

..... F2

Textual Amendments
F2 Entry relating to [Representation of the People Act 1949](#) repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 9](#)

..... F3

Textual Amendments
F3 Entries relating to [Prison Act 1952 \(c. 52\)](#), repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

..... F4

Textual Amendments

- F4** Entries relating to Magistrates' Courts Act 1952 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

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—
“(ii) summarily (by virtue of section 16(2) of the Criminal Law Act 1977).”;
- (b) in the third column, for the words "As provided" to "or both" substitute—
“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).”.

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

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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,

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 F5

Textual Amendments

F5 Paras. 1, 2(3)(4) of the entries relating to [Criminal Justice Act 1961 \(c.39\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

- 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) F6

Textual Amendments

F6 Paras. 1, 2(3)(4) of the entries relating to [Criminal Justice Act 1961 \(c.39\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

- 3 (1) Section 28 (transfer of prisoner for trial) shall be amended as follows.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In subsection (1) (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—

“(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)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F7 Para. 1 of the entries relating to the Licensing Act 1964 repealed by [Finance Act 1983 \(c. 28, SIF 40:1\)](#), [Sch. 10](#)

2

F8

Textual Amendments

F8 Para. 2 of the entries relating to the Licensing Act 1964 repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

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 ^{M1}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).”.

Marginal Citations

M1 1961 c.65

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.”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F9

Textual Amendments

F9 Entries relating to Road Traffic Regulation Act 1967 repealed (E.W.S.) by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), ss. 143, 144, 146, **Sch. 14**, and repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), **Sch. 3**

CRIMINAL JUSTICE ACT 1967 (C. 80)

1

F10

Textual Amendments

F10 Entries relating to ss. 3, 24, 44(5), 44A of the Criminal Justice Act 1967 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

2

In section 22, as amended by paragraph 37 of Schedule 2 to the ^{M2}Bail Act 1976, (extension of power of High Court to grant, or vary conditions of, bail)—

- (a) in subsection (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”.

Marginal Citations

M2 1976 c. 63.

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

F11

Textual Amendments

F11 Entries relating to ss. 3, 24, 44(5), 44A of the Criminal Justice Act 1967 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

5

F12

Textual Amendments

F12 Entries relating to ss. 3, 24, 44(5), 44A of the Criminal Justice Act 1967 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

6

F13

Textual Amendments

F13 Entries relating to ss. 3, 24, 44(5), 44A of the Criminal Justice Act 1967 repealed by [Magistrates' Court Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

7

(1) Section 60 (release on licence of persons serving determinate sentences) shall be amended as follows—

(2) F14

(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;
- (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 on any part of the sentence under the rules.”.

(4) In subsection (6) (duration of a 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.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F14 Paras. 7(2), 8 of the entries relating to the [Criminal Justice Act 1967 \(c. 80\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

8 **F15**

Textual Amendments

F15 Paras. 7(2), 8 of the entries relating to the [Criminal Justice Act 1967 \(c. 80\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

9 in subsection 91 (drunkenness in a public place) omit subsection (5).

COMPANIES ACT 1967 (c. 81)

1 In subsection 49(1) (certain offences to be triable summarily), after “triable” insert “only”.

2 Paragraph 1 above shall be deemed to have had an effect as from the passing of the ^{M3}Companies Act 1967.

Marginal Citations

M3 1967 c. 81.

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 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—

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) 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)

F16¹

Textual Amendments

F16 Sch. 3: para. 1 in the entry relating to the [Children and Young Persons Act 1969 \(c. 54\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 78, **Sch. 16**.

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 ”;

F17(b)

F17(c)

Textual Amendments

F17 Sch. 3: para. 4(b)(c) in the entry relating to the [Children and Young Persons Act 1969 \(c. 54\)](#) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(2), **Sch. 16**.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 5 In 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.

..... F18

Textual Amendments

F18 Entries relating to Road Traffic Act 1972 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 3, **Sch. 1 Pt. I**

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.

..... F19

Textual Amendments

F19 Entries relating to Criminal Justice Act 1972 (c. 71) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

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”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) After subsection (4) (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 sub-section (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 ^{M4} 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) F20

<p>Textual Amendments</p> <p>F20 Para. 1(6) of the entry relating to Powers of Criminal Courts Act 1973 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16</p> <hr/> <p>Marginal Citations</p> <p>M4 1952 c. 55.</p>
--

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 2 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.”.
- 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 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)(bb), for “probation hostels and probation homes” substitute “and probation hostels”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 9 In 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.
 - (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 . . . ^{F21} which is made by any rules in force under paragraph 18(1) of that Schedule at the coming into force of sub-paragraph (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.

.....

Textual Amendments

F21 Words repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

..... ^{F22}

.....

Textual Amendments

F22 Entries relating to [Legal Aid Act 1974](#) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 ^{M5}Police Act 1964.”

Marginal Citations

M5 1964 c. 48

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 the Criminal Law Act 1977) tried summarily in pursuance of subsection (2) of that section (summary trial where value involved is small);”

F23

Textual Amendments

F23 Sch. 12: para. 1 of the entries relating to the Adoption Act 1976 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [Sch. 10](#)

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 the 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—

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(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 was 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 thinks 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 8(B) 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 by over to the person who gave the security if the order under subsection (8B) has 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.”

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Criminal Law Act 1977, SCHEDULE 12 is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.