Criminal Justice Act 1982

1982 CHAPTER 48

An Act to make further provision as to the sentencing and treatment of offenders (including provision as to the enforcement of fines and the standardisation of fines and of certain other sums specified in enactments relating to the powers of criminal courts); to make provision for the prescribing of criteria for the placing and keeping of children in different descriptions of accommodation in community homes; to amend the law of Scotland relating to the mode of trial of certain offences and the recall of witnesses; to amend the law of England and Wales relating to the remand in custody of accused persons and to the grant of bail to persons convicted or sentenced in the Crown Court; to abolish (subject to savings) the right of a person accused in criminal proceedings under the law of England and Wales to make an unsworn statement; and for connected purposes. [28th October 1982]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

E1 Act extends to England and Wales only but for exceptions to this see s. 81(2)-(13)

Modifications etc. (not altering text)

C1 By Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), **Sch. 12 para. 23**; S.I. 1991/2208, art. 2(1), **Sch. 1** it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1991 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

PART I

TREATMENT OF YOUNG OFFENDERS

Modifications etc. (not altering text)

C2 Pt. I (ss. 1–28) modified by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(6), Sch. 8 paras. 11, **16**

Custody and detention of persons under 21

1 General restriction on custodial sentences.

(1) Subject to subsection (2) below, no court shall pass a sentence of imprisonment on a person under 21 years of age or commit such a person to prison for any reason.

(2) Nothing in subsection (1) above shall prevent the committal to prison of a person under 21 years of age who is remanded in custody or committed in custody for trial or sentence.

[F1](3) . . . . . .

[[F2](5) No court shall commit a person under 21 years of age to be detained under section 9 below unless it is of the opinion that no other method of dealing with him is appropriate; and in forming any such opinion, the court—

(a) shall take into account all such information about the circumstances of the default or contempt (including any aggravating or mitigating factors) as is available to it; and

(b) may take into account any information about that person which is before it.

(5A) Where a magistrates' court commits a person under 21 years of age to be detained under section 9 below, it shall—

(a) state in open court the reason for its opinion that no other method of dealing with him is appropriate; and

(b) cause that reason to be specified in the warrant of commitment and to be entered in the register.**]**

(6) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State his age shall be deemed to be that which it appears to the court or the Secretary of State (as the case may be) to be after considering any available evidence.

Textual Amendments

F1 S. 1(3)-(4A) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

F2 S. 1(5)(5A) substituted (1.10.1992) for s. 1(5) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para.30**; S.I. 1992/333, art. 2(2), **Sch. 2**

Status: *Point in time view as at 01/03/1998.*
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[F3 1A Detention in a young offender institution.

(1) Subject to section 8 below and to section 53 of the Children and Young Persons Act M1 1933, where—

(a) [F4 an offender under 21 but not less than 15 years of age] is convicted of an offence which is punishable with imprisonment in the case of a person aged 21 or over; and

F5 [(b) the court is of the opinion that either or both of paragraphs (a) and (b) of subsection (2) of section 1 of the Criminal Justice Act 1991 apply or the case falls within subsection (3) of that section,]

the sentence that the court is to pass is a sentence of detention in a young offender institution.

(2) Subject to [F6 section 1B(2)] below, the maximum term of detention in a young offender institution that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for that offence.

(3) Subject to subsection (4) below [F7 . . .], a court shall not pass a sentence for an offender's detention in a young offender institution for less than [F8 the minimum period applicable to the offender under subsection (4A) below] .

(4) A court may pass a sentence of detention in a young offender institution for less than [F9 the minimum period applicable] for an offence under [F10 section 65(6) of the Criminal Justice Act 1991].

F11 [(4A) For the purposes of subsections (3) and (4) above, the minimum period of detention applicable to an offender is—

(a) in the case of an offender under 21 but not less than 18 years of age, the period of 21 days; and

(b) in the case of an offender under 18 years of age, the period of two months.]

(5) Subject to section 1B(4) below, where—

(a) an offender is convicted of more than one offence for which he is liable to a sentence of detention in a young offender institution; or

(b) an offender who is serving a sentence of detention in a young offender institution is convicted of one or more further offences for which he is liable to such a sentence.

the court shall have the same power to pass consecutive sentences of detention in a young offender institution as if they were sentences of imprisonment.

(6) Where an offender who—

(a) is serving a sentence of detention in a young offender institution, and

(b) is aged over 21 years.

is convicted of one or more further offences for which he is liable to imprisonment, the court shall have the power to pass one or more sentences of imprisonment to run consecutively upon the sentence of detention in a young offender institution.]

Textual Amendments

F3 Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**

F4 Words in s. 1A(1)(a) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(2)(a)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

F5 S. 1A(1)(b) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 31(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**

F6 Words in s. 1A(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(2)(b)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

F7 Words in s. 1A(3) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 63(2)(c), 101(2), **Sch. 13** (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

F8 Words in s. 1A(3) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(2)(c)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

F9 Words in s. 1A(4) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(2)(d)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

F10 Words in s. 1A(4) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 31(2)**; S.I. 1992/333, art. 2(2), **Sch.2**

F11 S. 1A(4A) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(2)(e)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

Marginal Citations

M1 1933 c.12**(20).**

[F12 1B Special provision for offenders under 17.

F13(1) . . . . . .

(2) In the case of an offender**[**F14aged 15, 16 or 17**]** the maximum term of detention in a young offender institution that a court may impose is whichever is the lesser of—

(a) the maximum term of imprisonment the court may impose for the offence; and

(b) **[**F15**]**24 months**]**.

F13(3) . . . . . .

F16(4) **[** A court shall not pass on an offender aged 15, 16 or 17 a sentence of detention in a young offender institution whose effect would be that the offender would be sentenced to a total term which exceeds **[**F15**]**24 months**]]**.

(5) Where the total term of detention in a young offender institution to which an offender aged 15, 16 or 17 is sentenced exceeds **[**F15**]**24 months**]**, so much of the term as exceeds **[**F15**]**24 months**]** shall be treated as remitted.

(6) In this section "total term" means—

(a) in the case of an offender sentenced (whether or not on the same occasion) to two or more terms of detention in a young offender institution which are consecutive or wholly or partly concurrent, the aggregate of those terms;

(b) in the case of any other offender, the term of the sentence of detention in a young offender institution in question.**]**

Textual Amendments

F12 Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**

F13 S. 1B(1)(3) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 63(3)(a), 101(2), **Sch. 13** (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch. 2**

F14 Words in s. 1B(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(3)(b)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch. 2**

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F15 Words in s. 1B(2)(b)(4)(5) substituted (3.2.1995) by 1994 c. 33, **s. 17(2)(3)(4)**; S.I. 1995/127, art. 2(1)(2), **Schs. 1**,2

F16 S. 1B(4)(5) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(3)(c)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

C3 S. 1B amended (1.8.1998) by 1998 c. 37, **s. 116(4)**; S.I. 1998/1883, **art. 2(d)**

[F17 1C Accommodation of offenders sentenced to detention in a young offender institution.

(1) Subject to section 22(2)(b) of the Prison Act M2 1952 (removal to hospital etc.), an offender sentenced to detention in a young offender institution **[**F18 or to custody for life**]** shall be detained in **[**F19 a young offender institution**]** unless a direction under this section is in force in relation to him.

(2) The Secretary of State may from time to time direct that an offender sentenced to detention in a young offender institution **[**F18 or to custody for life**]** shall be detained in a prison or remand centre instead of a young offender institution, but if he is **[**F20 under 18**]** at the time of the direction, only for a temporary purpose.**]**

Textual Amendments

F17 Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**

F18 Words in s. 1C(1)(2) inserted (3.2.1995) by 1994 c. 33, **s. 18(1)**; S.I. 1995/127, art. 2(1)(2), **Schs. 1**,2

F19 Words in s. 1C(1) substituted (3.2.1995) by 1994 c. 33, **s. 18(1)(a)**; S.I. 1995/127, art. 2(1)(2), **Schs. 1**,2

F20 Words in s. 1C(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(4)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch. 2**

Marginal Citations

M2 1952 c.52**(39:1)**.

F21 2 . . . . . .

Textual Amendments

F21 S. 2 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

3 Restriction on imposing custodial sentences on persons under 21 not legally represented.

(1) A magistrates' court on summary conviction or the Crown Court on committal for sentence or on conviction on indictment shall not—

[F22 (a) pass a sentence of detention in a young offender institution under section 1A above;**]**

(c) pass a sentence of custody for life under section 8(2) below; or

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(d) make an order for detention under section 53(2) of the [M3]Children and Young Persons Act 1933 **[**[F23]or

(e) make a secure training order,**]**

in respect of or on a person who is not legally represented in that court, unless either—

(i) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or

(ii) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.

(2) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced, and in subsection (1)(i) and (ii) above "legal aid" means legal aid for the purposes of proceedings in that court, whether the whole proceedings or the proceedings on or in relation to sentence; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.

Textual Amendments

F22 S. 3(1)(a) substituted (1.10.1992) for s. 3(1)(a)(b) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 32**; S.I. 1992/333, art. 2(2), **Sch. 2**

F23 S. 3(1)(e) and the word "or" immediately preceding it inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para.49**; S.I. 1998/277, **art. 3(2)**

Marginal Citations

M3 1933 c. 12.

4—7. . . . . . [F24]

Textual Amendments

F24 Ss. 4–7 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

8 Custody for life.

(1) Where a person under the age of 21 is convicted of murder or any other offence the sentence for which is fixed by law as imprisonment for life, the court shall sentence him to custody for life unless he is liable to be detained under section 53(1) of the [M4]Children and Young Persons Act 1933 (detention of persons under 18 convicted of murder).

(2) Where a person aged**[**[F25]18 years**]** or over but under the age of 21 is convicted of any other offence for which a person aged 21 years or over would be liable to imprisonment for life, the court shall, if it considers that a custodial sentence for life would be appropriate, sentence him to custody for life.

Status: *Point in time view as at 01/03/1998.*
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Textual Amendments

F25 Words in s. 8(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(5)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

Modifications etc. (not altering text)

C4 S. 8(2) modified (1.10.1997) by 1997 c. 43, **s. 2(2)(b)**; S.I. 1997/2200, **art. 2(1)(b)**

Marginal Citations

M4 1933 c. 12.

9 Detention of persons aged 17 to 20 for default or contempt.

(1) In any case where, but for section 1(1) above, a court would have power—

(a) to commit a person under 21 but not less than **[**[F26]18 years**]** of age to prison for default in payment of a fine or any other sum of money; or

(b) to make an order fixing a term of imprisonment in the event of such a default by such a person; or

(c) to commit such a person to prison for contempt of court or any kindred offence,

the court shall have power, subject to section 1(5) above, to commit him to be detained under this section or, as the case may be, to make an order fixing a term of detention under this section in the event of default, for a term not exceeding the term of imprisonment.

(2) For the purposes of subsection (1) above, the power of a court to order a person to be imprisoned under section 23 of the [M5]Attachment of Earnings Act 1971 shall be taken to be a power to commit him to prison.

Textual Amendments

F26 Words in s. 9(1)(a) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 63(5)**, (with Sch. 12 para. 17); S.I. 1992/333, art. 2(2), **Sch.2**

Modifications etc. (not altering text)

C5 S. 9 restricted by Drug Trafficking Offences Act 1986 (c. 32, SIF 39:1). s. 6(2)(*b*)(6)

C6 S. 9 modified by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 75(3), **Sch. 8 para. 16**

C7 S. 9 modified (3.2.1995) by 1994 c. 37, **ss. 9(2)(3)(6)**, 69(2) (with s. 66(2)).

Marginal Citations

M5 1971 c. 32.

10 Computation of custodial sentences for young offenders.

The following subsections shall be added at the end of section 67 of the [M6]Criminal Justice Act 1967 (reduction of custodial sentence by period already spent in custody)—

"(5) This section applies—

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(a) to orders made under section 4 of the Criminal Justice Act 1982 (detention centre orders); and

(b) to sentences passed by virtue of section 6 of the Criminal Justice Act 1982 (youth custody sentences),

as it applies to sentences of imprisonment.

(6) The reference in subsection (1) above to an offender being committed to custody by an order of a court includes a reference to his being committed to a remand centre or to prison under section 23 of the Children and Young Persons Act 1969 or section 37 of the Magistrates' Courts Act 1980 but does not include a reference to his being committed to the care of a local authority under the said section 23.".

Marginal Citations

M6 1967 c. 80.

Accommodation of young offenders

11 Provision of premises for young offenders etc.

The following section shall be substituted for section 43 of the [M7]Prison Act 1952—

"**43 Remand centres, detention centres and youth custody centres.**

(1) The Secretary of State may provide—

(a) remand centres, that is to say places for the detention of persons not less than 14 but under 21 years of age who are remanded or committed in custody for trial or sentence;

(b) detention centres, that is to say places in which male offenders not less than 14 but under 21 years of age who are ordered to be detained in such centres under the Criminal Justice Act 1982 may be kept for short periods under discipline suitable to persons of their age and description; and

(c) youth custody centres, that is to say places in which offenders not less than 15 but under 21 years of age may be detained and given training, instruction and work and prepared for their release.

(2) The Secretary of State may from time to time direct—

(a) that a woman aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default shall be detained in a remand centre or a youth custody centre instead of a prison;

(b) that a woman aged 21 years or over who is remanded in custody or committed in custody for trial or sentence shall be detained in a remand centre instead of a prison;

(c) that a person under 21 but not less than 17 years of age who is remanded in custody or committed in custody for trial or sentence shall be detained in a prison instead of a remand centre or a remand centre instead of a prison, notwithstanding anything in section 27 of the

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Criminal Justice Act 1948 or section 23(3) of the Children and Young Persons Act 1969.

(3) Notwithstanding subsection (1) above, any person required to be detained in an institution to which this Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre.

(4) Sections 5A, 6(2) and (3), 16, 22, 25 and 36 of this Act shall apply to remand centres, detention centres and youth custody centres and to persons detained in them as they apply to prisons and prisoners.

(5) The other provisions of this Act preceding this section, except sections 28 and 37(2) above, shall apply to such centres and to persons detained in them as they apply to prisons and prisoners, but subject to such adaptations and modifications as may be specified in rules made by the Secretary of State.

(6) References in the preceding provisions of this Act to imprisonment shall, so far as those provisions apply to institutions provided under this section, be construed as including references to detention in those institutions.

(7) Nothing in this section shall be taken to prejudice the operation of section 12 of the Criminal Justice Act 1982.”.

Marginal Citations

M7 1952 c. 52.

12 Accommodation of young offenders and defaulters etc.

(1) . . . . . [F27]

[F28](6) . . . . . .

[F28](7) . . . . . .

(8) . . . . . [F29]

(10) A person in respect of whom an order had been made under section 9 above is to be detained—

(a) in a remand centre;

(b) in a detention centre;

(c) in a youth custody centre; or

(d) in any place in which a person aged 21 years or over could be imprisoned or detained for default in payment of a fine or any other sum of money,

as the Secretary of State may from time to time direct.

(11) This section is without prejudice—

(a) to section 22(2)(b) of the [M8]Prison Act 1952 (removal to hospital etc.); [F30]. . .

(b) to section 43(3) of that Act (detention in remand centre for a temporary purpose or for the purpose of providing maintenance and domestic services).

Status: *Point in time view as at 01/03/1998.*
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Textual Amendments

F27 S. 12(1)–(5) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

F28 S. 12(6)(7) repealed (3.2.1995) by 1994 c. 33, ss. 18(2), 168(3), **Sch.11**; S.I. 1995/127, art. 2(1)(2), **Sch. 1** Appendix C, Sch.2

F29 S. 12(8)(9) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

F30 S. 12(11)(b) and the word "and" repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/127, art. 2(1)(2), **Sch. 1** Appendix C, Sch.2

Marginal Citations

M8 1952 c. 52.

Provisions supplementary to sections 1 to 12

13 Conversion of sentence of youth custody to sentence of imprisonment.

(1) Subject to subsection (3) below, where—

(a) an offender has been sentenced to a term of youth custody; and

(b) either—

(i) he has attained the age of 21 years; or

(ii) the conditions specified in subsection (2) below are satisfied in relation to him,

the Secretary of State may direct that he shall be treated as if he had been sentenced to imprisonment for the same term.

(2) The conditions mentioned in subsection (1) above are—

(a) that the offender has attained the age of 18 years; and

(b) that he has been reported to the Secretary of State by the board of visitors of the institution in which he is detained as exercising a bad influence on the other inmates of the institution or as behaving in a disruptive manner to the detriment of those inmates.

(3) An offender who by virtue of this section falls to be treated as if he had been sentenced to imprisonment instead of youth custody is not to be so treated for the purposes of section 15 below.

(4) Where the Secretary of State gives a direction under subsection (1) above in relation to an offender, the portion of the term of youth custody imposed by the youth custody sentence which he has already served shall be deemed to have been a portion of a term of imprisonment.

(5) Rules under section 47 of the [M9]Prison Act 1952 may provide that any award for an offence against discipline made in respect of an offender serving a youth custody sentence shall continue to have effect after a direction under subsection (1) above has been given in relation to him.

[[F31](6) This section applies to a person who is serving a sentence of custody for life under section 8(2) above, or is detained under section 53 of the Children and Young Persons Act 1933, as it applies to a person serving a sentence of detention in a young offender institution.**]**

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Textual Amendments

F31 S. 13(6) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para.33**; S.I. 1992/333, art. 2(2), **Sch.2**

Marginal Citations

M9 1952 c. 52.

14 . . . . . [F32]

Textual Amendments

F32 S. 14 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

[F33]**15** . . . . . .

Textual Amendments

F33 S. 15 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

Attendance centres

16 Provision, regulation and management of attendance centres.

(1) The Secretary of State may continue to provide attendance centres.

(2) in this Act "attendance centre" means a place at which offenders under 21 years of age may be required to attend and be given under supervision appropriate occupation or instruction, in pursuance of orders made—

(a) by the Crown Court or magistrates' courts under section 17 below;

(b) by**[**[F34]youth courts**]** or other magistrates' courts under section 15(2A) or (4) of the [M10]Children and Young Persons Act 1969 (attendance centre orders made on breach of requirements in supervision orders); or

(c) by magistrates' courts under section 6(3)(c) of the [M11]Powers of Criminal Courts Act 1973 (attendance centre orders made on breach of requirements in probation orders).

(3) The Secretary of State may by statutory instrument make rules for the regulation and management of attendance centres.

(4) For the purpose of providing attendance centres the Secretary of State may make arrangements with any local authority or police authority for the use of premises of that authority.

(5) A draft of any statutory instrument containing rules under this section shall be laid before Parliament.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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

F34 Words in s. 16(2)(b) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para.40(2)(o)**; S.I. 1992/333, art. 2(2), **Sch.2**

Marginal Citations

M10 1969 c. 54.
M11 1973 c. 62.

17 Attendance centre orders.

(1) Subject to subsections (3) and (4) below, where a court—

(a) would have power, but for section 1 above, to pass a sentence of imprisonment on a person who is under 21 years of age or to commit such a person to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone; or

(b) has power to deal with any such person under**[**[F35]Part II of Schedule 2 to the Criminal Justice Act 1991**]** for failure to comply with any of the requirements of a probation order, **[**[F36]or

(c) has power to commit to prison for default in payment of any sum of money a person who is under 25 but is not less than 21 years of age,**]**

the court may, if it has been notified by the Secretary of state that an attendance centre is available for the reception of persons of his description, order him to attend at such a centre, to be specified in the order, for such number of hours as may be so specified.

(2) An order under this section is referred to in this Act as an “attendance centre order".

[F37](3) . . . . . .

(4) The aggregate number of hours for which an attendance centre order may require an offender to attend at an attendance centre shall not be less than 12 except where he is under 14 years of age and the court is of opinion that 12 hours would be excessive, having regard to his age or any other circumstances.

(5) The aggregate number of hours shall not exceed 12 except where the court is of opinion, having regard to all the circumstances, that 12 hours would be inadequate, and in that case shall not exceed 24 where the offender is under**[**[F38]16 years**]** of age, or 36 hours where the offender is under 21 **[**[F39]or, as the case may be, 25**]** but not less than**[**[F38]16 years**]** of age.

(6) A court may make an attendance centre order in respect of an offender before a previous attendance centre order made in respect of him has ceased to have effect, and may determine the number of hours to be specified in the order without regard—

(a) to the number specified in the previous order; or

(b) to the fact that that order is still in effect.

(7) An attendance centre order shall not be made unless the court is satisfied that the attendance centre to be specified in it is reasonably accessible to the person concerned, having regard to his age, the means of access available to him and any other circumstances.

Status: *Point in time view as at 01/03/1998.*
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(8) The times at which an offender is required to attend at an attendance centre shall be such as to avoid interference, so far as practicable, with his school hours or working hours.

(9) The first such time shall be a time at which the centre is available for the attendance of the offender in accordance with the notification of the Secretary of State and shall be specified in the order.

(10) The subsequent times shall be fixed by the officer in charge of the centre, having regard to the offender's circumstances.

(11) An offender shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.

(12) Where a court makes an attendance centre order, the clerk of the court shall deliver or send a copy of the order to the officer in charge of the attendance centre specified in it, and shall also deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode.

(13) Where an offender has been ordered to attend at an attendance centre in default of the payment of any sum of money—

(a) on payment of the whole sum to any person authorised to receive it, the attendance centre order shall cease to have effect;

(b) on payment of a part of the sum to any such person, the total number of hours for which the offender is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part bears to the said sum.

Textual Amendments

F35 Words in s. 17(1) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 34**; S.I. 1992/333, art. 2(2), **Sch. 2**

F36 Words in s. 17(1) inserted (1.10.1997) by 1997 c. 43, **s. 36(1)**; S.I. 1997/2200, **art. 2(1)(f)**

F37 S. 17(3) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 67(1)(a), 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

F38 Words in s. 17(5) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 67(1)(b)**, S.I. 1992/333, art. 2(2), Sch. 2

F39 Words in s. 17(5) inserted (1.10.1997) by 1997 c. 43, **s. 36(2)**; S.I. 1997/2200, **art. 2(1)(f)**

Modifications etc. (not altering text)

C8 S. 17 applied with modifications by Children and Young Persons Act 1969 (c. 54, SIF 20), **s. 16A** (as added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 8 para. 16, **Sch. 10 Pt. IV**)

18 Discharge and variation of attendance centre orders.

(1) An attendance centre order may be discharged on an application made by the offender or the officer in charge of the relevant attendance centre.

(2) An application under subsection (1) above shall be made to one of the courts specified in subsection (3) below or to the Crown Court under subsection (4) below, and the discharge of such an order shall be by order of the court.

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(3) Subject to subsection (4) below, the power to discharge an attendance centre order shall be exercised—

(a) by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated; or

(b) by the court which made the order.

(4) Where the court which made the order is the Crown Court and there is included in the order a direction that the power to discharge the order is reserved to that court, the power shall be exercised by that court.

[[F40](4A) The power to discharge an attendance centre order includes power to deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.**]**

(5) An attendance centre order may, on the application of the offender or of the officer in charge of the relevant attendance centre, be varied by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated; and an attendance centre order made by a magistrates' court may also be varied, on such an application, by that court.

(6) The power to vary an attendance centre order is a power by order—

(a) to vary the day or hour specified in the order for the offender's first attendance at the relevant attendance centre; or

(b) **[**[F41]. . .**]**, to substitute for the relevant attendance centre an attendance centre which the court is satisfied is reasonably accessible to the offender, having regard to his age, the means of access available to him and any other circumstances.

(7) Where an application is made under this section by the officer in charge of an attendance centre, the court may deal with it without summoning the offender.

(8) It shall be the duty of the clerk to a court which makes an order under this section—

(a) to deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode; and

(b) to deliver or send a copy—

(i) if the order is made by virtue of subsection (1) or (6)(a) above, to the officer in charge of the relevant attendance centre; and

(ii) if it is made by virtue of subsection (6)(b) above, to the officer in charge of the attendance centre which the order as varied will require the offender to attend.

(9) In this section "the relevant attendance centre", in relation to an attendance centre order, means the attendance centre specified in the order or substituted for the attendance centre so specified by an order made by virtue of subsection (6)(b) above.

Textual Amendments

F40 S. 18(4A) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 67(2)**, (with Sch. 12 para. 21(1)); S.I. 1992/333, art. 2(2), **Sch.2**

F41 Words in s. 18(6)(b) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 67(3), 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

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Modifications etc. (not altering text)

C9 Ss. 18, 19 applied with modifications by Children and Young Persons Act 1969 (c. 54, SIF 20), **s. 16A** (as added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 8 para. 16, **Sch. 10 Pt. IV**)

19 Breaches of attendance centre orders or attendance centre rules.

(1) Where an attendance centre order has been made and it appears on information to a justice acting for a relevant petty sessions area that the offender—

(a) has failed to attend in accordance with the order; or

(b) while attending has committed a breach of rules made under section 16(3) above which cannot be adequately dealt with under those rules,

the justice may issue a summons requiring the offender to appear at the place and time specified in the summons before a magistrates' court acting for the area or, if the information is in writing and on oath, may issue a warrant for the offender's arrest requiring him to be brought before such a court.

(2) for the purposes of this section a petty sessions area is a relevant petty sessions area in relation to an attendance centre order—

(a) if the attendance centre which the offender is required to attend by an order made by virtue of section 17(1) or 18(6)(b) above is situated in it; or

(b) if the order was made by a magistrates' court acting for it.

(3) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought under this section that he has failed without reasonable excuse to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court**[**[F42]may, without prejudice to the continuation of the order, impose on him a fine not exceeding £1,000 or**]**—

(a) if the attendance centre order was made by a magistrates' court, may revoke it and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;

(b) if the order was made by the Crown Court, may commit him in custody or release him on bail until he can be brought or appear before the Crown Court.

[[F43](3A) A fine imposed under subsection (3) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.**]**

(4) A magistrates' court which deals with an offender's case under subsection (3)(b) above shall send to the Crown Court a certificate signed by a justice of the peace giving particulars of the offender's failure to attend or, as the case may be, the breach of the rules which he has committed, together with such other particulars of the case as may be desirable; and a certificate purporting to be so signed shall be admissible as evidence of the failure or the breach before the Crown Court.

(5) Where by virtue of subsection (3)(b) above the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court may revoke the attendance centre order and deal with him, for the offence in respect of which the order was made, in any manner in which it could have dealt with him for that offence if it had not made the order.

Status: *Point in time view as at 01/03/1998.*
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[[F44](5A) In dealing with an offender under subsection (3)(a) or (5) above, the court concerned—

(a) shall take into account the extent to which the offender has complied with the requirements of the attendance centre order; and

(b) may assume, in the case of an offender who has wilfully and persistently failed to comply with those requirements, that he has refused to give his consent to a community sentence which has been proposed by the court and requires that consent.**]**

(6) A person sentenced under subsection (3)(a) above for an offence may appeal to the Crown Court against the sentence.

(7) In proceedings before the Crown Court under this section, any question whether there has been a failure to attend or a breach of the rules shall be determined by the court and not by the verdict of a jury.

Textual Amendments

F42 Words in s. 19(3) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 67(4), 101(1), **Sch. 12 para. 21(2)**; S.I. 1992/333, art. 2(2), **Sch. 2**

F43 S. 19(3A) substituted (3.2.1995) by virtue of 1994 c. 33, s. 168(1), **Sch. 9 para.21**; S.I. 1995/127, art. 2(1)(2), **Sch. 1** Appendix A, Sch.2

F44 S. 19(5A) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 67(6)**; S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

C10 Ss. 18, 19 applied with modifications by Children and Young Persons Act 1969 (c. 54, SIF 20), **s. 16A** (as added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 8 para. 16, **Sch. 10 Pt. IV**)

C11 S. 19(3) power to amend conferred (1.10.1992) by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 6A** (as inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4**, Pt. IV; S.I. 1992/333, art. 2(2), **Sch. 2**)

Supervision orders

20 Requirements in supervision orders.

(1) . . . . . [F45]

(2) The following subsection shall be substituted for section 18(4) of the [M12]Children and Young Persons Act 1969 (expenditure incurred by supervisor for purposes of directions under section 12(2) to be defrayed by local authority)—

"(4) Where a supervision order—

(a) requires compliance with directions given by virtue of section 12(2) of this Act; or

(b) includes by virtue of section 12(3C) of this Act a requirement which involves the use of facilities for the time being specified in a scheme in force under section 19 of this Act for an area in which the supervised person resides or will reside,

any expenditure incurred by the supervisor for the purposes of the directions or requirements shall be defrayed by the local authority whose area is named in the order in pursuance of subsection (2) of this section.".

Status: *Point in time view as at 01/03/1998.*
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Textual Amendments

F45 S. 20(1) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

Marginal Citations

M12 1969 c. 54.

21 Provision of supervision facilities.

(1) The following section shall be substituted for section 19 of the Children and Young Persons Act 1969—

"19 Facilities for the carrying out of supervisors' directions and requirements included in supervision orders by virtue of section 12(3C).

(1) It shall be the duty of a local authority, acting either individually or in association with other local authorities, to make arrangements with such persons as appear to them to be appropriate, for the provision by those persons of facilities for enabling—

(a) directions given by virtue of section 12(2) of this Act to persons resident in their area; and

(b) requirements that may only be included in a supervision order by virtue of section 12(3C) of this Act if they are for the time being specified in a scheme,

to be carried out effectively.

(2) The authority or authorities making any arrangements in accordance with subsection (1) of this section shall consult each relevant probation committee as to the arrangements.

(3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.

(4) A scheme shall come into force on a date to be specified in it.

(5) The authority or authorities making a scheme shall send copies of it to the clerk to the justices for each petty sessions area of which any part is included in the area to which the scheme relates.

(6) A copy of a scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at all reasonable hours, and any such authority shall on demand by any person furnish him with a copy of the scheme free of charge.

(7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.

(8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.

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(9) The powers conferred by subsection (7) of this section shall not be exercisable by an authority or authorities unless they have first consulted each relevant probation committee.

(10) The authority or authorities who made a scheme shall send to the clerk to the justices for each petty sessions area of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) of this section, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements, and the new or altered arrangements shall come into force on that date.

(11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.

(12) A supervision order shall not require compliance with directions given by virtue of section 12(2) of this Act unless the court making it is satisfied that a scheme under this section is in force for the area where the supervised person resides or will reside; and no such directions may involve the use of facilities which are not for the time being specified in a scheme in force under this section for that area.

(13) Subject to subsection (14) of this section, a supervision order may not include by virtue of subsection 12(3C) of this Act—

(a) any requirement that would involve the supervised person in absence from home—

(i) for more than 2 consecutive nights; or

(ii) for more than 2 nights in any one week; or

(b) if the supervised person is of compulsory school age, any requirement to participate in activities during normal school hours,

unless the court making the order is satisfied that the facilities whose use would be involved are for the time being specified in a scheme in force under this section for the area in which the supervised person resides or will reside.

(14) Subsection (13)(b) of this section does not apply to activities carried out in accordance with arrangements made or approved by the local education authority in whose area the supervised person resides or will reside.

(15) It shall be the duty of every local authority to ensure that a scheme made by them in accordance with this section, either individually or in association with any other local authority, comes into force for their area not later than 30th April 1983 or such later date as the Secretary of State may allow.

(16) In this section "relevant probation committee" means a probation committee for an area of which any part is included in the area to which a scheme under this section relates.

(17) Expressions used in this section and in the Education Act 1944 have the same meanings in this section as in that Act.".

(2) A scheme under section 19 of the [M13]Children and Young Persons Act 1969, as originally enacted, which is in force for an area at the commencement of this section

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shall continue in force thereafter until the coming into force of the first scheme for that area made under the section substituted for that section by subsection (1) above.

Marginal Citations

M13 1969 c. 54.

Offences by person subject to care order owing to previous offence

[F46]22 . . . . . .

Textual Amendments

F46 S. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Care orders and children in care

[F47]23 . . . . . .

Textual Amendments

F47 S. 23 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F48]24 . . . . . .

Textual Amendments

F48 S. 24 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F49]25 . . . . . .

Textual Amendments

F49 S. 25 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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Sanctions against parents and guardians

26 Payment of fines by parents and guardians.

The following section shall be substituted for section 55 of the [M14]Children and Young Persons Act 1933—

"**55 Power to order parent or guardian to pay fine etc.**

(1) Where—

(a) a child or young person is convicted or found guilty of any offence for the commission of which a fine or costs may be imposed or a compensation order may be made under section 35 of the powers of Criminal Courts Act 1973; and

(b) the court is of opinion that the case would best be met by the imposition of a fine or costs or the making of such an order, whether with or without any other punishment,

it shall be the duty of the court to order that the fine, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person himself, unless the court is satisfied—

(i) that the parent or guardian cannot be found; or

(ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) A parent or guardian may appeal to the Crown Court against an order under this section made by a magistrates' court.

(4) A parent or guardian may appeal to the Court of Appeal against an order made under this section by the Crown Court, as if he had been convicted on indictment and the order were a sentence passed on his conviction.".

Marginal Citations

M14 1933 c. 12.

[F50]27 . . . . . .

Textual Amendments

F50 S. 27 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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28 Increase of limit on amount of recognisance to be taken from parents and guardians.

In section 2(13) of the Children and Young Persons Act 1969 (by virtue of which the maximum amount for which the parent or guardian of a child or a young person can be required by an order under section 1 of that Act to enter into a recognisance to take proper care of and exercise proper control over him is £200), for "£200" there shall be substituted "£500".

PART II

PARTIAL SUSPENSION OF SENTENCES, EARLY RELEASE, RELEASE ON LICENCE OR BAIL ETC.

Bail

29 Power of Crown Court to grant bail pending appeal.

(1) In section 81 of the [M15]Supreme Court Act 1981—

(a) in subsection (1) (which lists cases in which the Crown Court may grant bail) at the end of paragraph (e) there shall be added—

"or

(f) to whom the Crown Court has granted a certificate under section 1(2) or 11(1A) of the Criminal Appeal Act 1968 or under subsection (1B) below;";

(b) the following subsections shall be inserted after that subsection—

"(1A) The power conferred by subsection (1)(f) does not extend to a case to which section 12 or 15 of the Criminal Appeal Act 1968 (appeal against verdict of not guilty by reason of insanity or against finding of disability) applies.

(1B) A certificate under this subsection is a certificate that a case is fit for appeal on a ground which involves a question of law alone.

(1C) The power conferred by subsection (1)(f) is to be exercised—

(a) where the appeal is under section 1 or 9 of the Criminal Appeal Act 1968, by the judge who tried the case; and

(b) where it is under section 10 of that Act, by the judge who passed the sentence.

(1D) The power may only be exercised within twenty-eight days from the date of the conviction appealed against, or in the case of appeal against sentence, from the date on which sentence was passed or, in the case of an order made or treated as made on conviction, from the date of the making of the order.

(1E) The power may not be exercised if the appellant has made an application to the Court of Appeal for bail in respect of the offence or offences to which the appeal relates.

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(1F) It shall be a condition of bail granted in the exercise of the power that, unless a notice of appeal has previously been lodged in accordance with subsection (1) of section 18 of the Criminal Appeal Act 1968—

(a) such a notice shall be so lodged within the period specified in subsection (2) of that section; and

(b) not later than 14 days from the end of that period, the appellant shall lodge with the Crown Court a certificate from the registrar of criminal appeals that a notice of appeal was given within that period.

(1G) If the Crown Court grants bail to a person in the exercise of the power, it may direct him to appear—

(a) if a notice of appeal is lodged within the period specified in section 18(2) of the Criminal Appeal Act 1968 at such time and place as the Court of Appeal may require; and

(b) if no such notice is lodged within that period, at such time and place as the Crown Court may require.”.

(2) In the [M16]Criminal Appeal Act 1968—

(a) in section 11—

(i) in subsection (1), for the word “An" there shall be substituted the words “Subject to subsection (1A) below, an"; and

(ii) the following subsection shall be inserted after that subsection—

“(1A) If the judge who passed the sentence grants a certificate that the case is fit for appeal under section 9 or 10 of this Act, an appeal lies under this section without the leave of the Court of Appeal.”;

(b) the following section shall be substituted for section 19—

“**19 Bail.**

(1) The Court of Appeal may, if they think fit,—

(a) grant an appellant bail pending the determination of his appeal; or

(b) revoke bail granted to an appellant by the Crown Court under paragraph (f) of section 81(1) of the Supreme Court Act 1981; or

(c) vary the conditions of bail granted to an appellant in the exercise of the power conferred by that paragraph.

(2) The powers conferred by subsection (1) above may be exercised—

(a) on the application of an appellant; or

(b) if it appears to the registrar of criminal appeals of the Court of Appeal (hereafter referred to as “the registrar”) that any of them ought to be exercised, on a reference to the court by him.”;

(c) the following paragraph shall be substituted for section 31(2)(e)—

“(e) to exercise the powers conferred by section 19 of this Act;”.

(3) . . . . . [F51]

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Textual Amendments

F51 S. 29(3) repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 6**

Marginal Citations

M15 1981 c. 54.

M16 1968 c. 19.

Suspended sentences

30 Prison sentence partly served and partly suspended.

(1) Section 47 of the [M17]Criminal Law Act 1977 (which gives a court sentencing an offender to imprisonment for not less than six months and not more than two years power to suspend part of the sentence) shall have effect subject to the following amendments.

(2) In subsection (1), for the word “Where" there shall be substituted the words “Subject to subsection (1A) below, where".

(3) In the said subsection (1), for the word “six" there shall be substituted the word “three".

(4) The following subsections shall be inserted after that subsection—

“(1A) A court shall not make an order under this section unless the case appears to the court to be one in which an order under section 22 of the Powers of Criminal Courts Act 1973 (sentences wholly suspended) would be inappropriate.

(1B) Subsection (1A) above is without prejudice to section 20 of the Powers of Criminal Courts Act 1973 (restriction on imposing sentences of imprisonment on persons who have not previously served prison sentences).”.

(5) In subsection (2), for the words from the beginning to “that", there shall be substituted the words “The part of the sentence to be served in prison shall be not less than twenty-eight days and the part to be held in suspense shall be not less than one-quarter of the whole term, and the offender shall not be required to serve the latter".

(6) In subsection (3), for the words “subsection (4)", there shall be substituted the words “subsections (4) and (4A)".

(7) The following subsection shall be inserted after subsection (4)—

“(4A) If an order restoring part of a sentence has been made under subsection (3) above, no order restoring any further part of it may be made.”.

(8) The following subsections shall be added after subsection (8)—

“(9) The Secretary of State may by order made by statutory instrument vary—

(a) the minimum term of imprisonment for the time being specified in subsection (1) above;

(b) the minimum part of the sentence to be served in prison for the time being specified in subsection (2) above.

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(10) An order made by virtue of subsection (9)(b) above may provide that the minimum part of the sentence to be served in prison shall be a specified length of time or a specified fraction of the whole sentence.

(11) An order shall not be made under subsection (9) above unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.".

Marginal Citations
M17 1977 c. 45.

31 Activation of suspended sentence.

In section 23(1) of the [M18]Powers of Criminal Courts Act 1973, the words "which have arisen since the suspended sentence was passed" shall be omitted.

Marginal Citations
M18 1973 c. 62.

Early release

32 Early release of prisoners.

(1) The Secretary of State may order that persons of any class specified in the order who are serving a sentence of imprisonment, other than—
- (a) imprisonment for life; or
- (b) imprisonment to which they were sentenced—
  - (i) for an excluded offence;
  - (ii) for attempting to commit such an offence;
  - (iii) for conspiracy to commit such an offence; or
  - (iv) for aiding or abetting, counselling, procuring or inciting the commission of such an offence,

shall be released from prison at such time earlier (but not more than six months earlier) than they would otherwise be so released as may be fixed by the order; but the Secretary of State shall not make an order under this section unless he is satisfied that it is necessary to do so in order to make the best use of the places available for detention.

(2) In this section "excluded offence" means—
- (a) an offence (whether at common law or under any enactment) specified in Part I of Schedule 1 to this Act; and
- (b) an offence under an enactment specified in Part II of that Schedule; and
- (c) an offence specified in Part III of that Schedule.

(3) No person may be released under this section if—
- (a) he is subject to more than one sentence of imprisonment; and
- (b) at least one of the terms that he has to serve is for an offence mentioned in subsection (1)(b)(i), (ii), (iii) or (iv) above.

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(4) An order under this section—
- (a) may define a class of persons in any way;
- (b) may relate to one or more specified prisons, or to prisons of a specified class (however defined), or to prisons generally; and
- (c) may make the time at which a person of any specified class is to be released depend on any circumstances whatever.

(5) Where a person who is to be released from prison in pursuance of an order under this section is a person serving a sentence of imprisonment in respect of whom an extended sentence certificate (within the meaning of the [M19]Powers of Criminal Courts Act 1973) was issued when the sentence was passed, his release shall be a release on licence under section 60 of the [M20]Criminal Justice Act 1967, irrespective of whether at the time of his release he could have been released on licence under that section by virtue of subsection (3) thereof.

(6) Where a person not within subsection (5) above is released from prison in pursuance of an order under this section, his sentence shall expire on his release.

(7) Subsections (1), (4) and (6) above shall apply in relation to any institution to which the [M21]Prison Act 1952 applies and to persons detained in any such institutions other than persons serving sentences of custody for life, as they apply in relation to prisons and persons serving such sentences of imprisonment as are mentioned in subsection (1) above.

[[F52](7A) Subsections (1) and (4) above shall apply in relation to secure training centres and persons detained in such centres as they apply, by virtue of section 43(5) of the Prison Act 1952, to young offenders institutions and to persons detained in such institutions.**]**

(8) An order under this section shall be made by statutory instrument.

(9) No order under this section shall be made unless—
- (a) a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament; or
- (b) the expedited procedure conditions are satisfied.

(10) The expedited procedure conditions are satisfied if—
- (a) the order does not provide for the release of any persons before one month earlier than they would otherwise be released; and
- (b) it is declared in the order that it appears to the Secretary of q State that by reason of urgency it is necessary to make the order without a draft having been so approved.

(11) Every such order (except such an order of which a draft has been so approved)—
- (a) shall be laid before Parliament; and
- (b) shall cease to have effect at the expiry of a period of 40 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order.

(12) In reckoning for the purposes of subsection (11) above any period of 40 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

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(13) An order under this section shall not remain in force after the expiration of 6 months beginning with the date on which it is made, but without prejudice to the power of the Secretary of State to revoke it or to make a further order under this section.

(14) Section 5 of the [M22]Imprisonment (Temporary Provisions) Act 1980 (which is superseded by this section) shall cease to have effect.

Textual Amendments

F52 S. 32(7A) inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para.50**; S.I. 1998/277, **art. 3(2)**

Modifications etc. (not altering text)

C12 S. 32 excluded (1.9.2001) by 2001 c. 17, s. 42, **Sch. 7 para. 3(1)**; S.I. 2001/2161, **art. 2** (with art. 3)

Marginal Citations

M19 1973 c. 62.
M20 1967 c. 80.
M21 1952 c. 52.
M22 1980 c. 57.

Release on licence

[F53]33 . . . . . .

Textual Amendments

F53 S. 33 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

Computation of sentences

34 . . . . . [F54]

Textual Amendments

F54 S. 34 repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

PART III

FINES ETC.

Abolition of enhanced penalties

35 Abolition of enhanced penalties on subsequent conviction of summary offences under Acts of Parliament.

(1) Subject to subsection (3) below, this section applies where under an Act a person convicted of a summary offence—

(a) is liable to a fine or maximum fine of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction; or

(b) is liable to imprisonment for a longer term in the case of a second or subsequent conviction; or

(c) is only liable to imprisonment in the case of a second or subsequent conviction.

(2) Where this section applies, a person guilty of such an offence shall be liable on summary conviction—

(a) to a fine or, as the case may be, a maximum fine of an amount not exceeding the greatest amount;

(b) to imprisonment for a term not exceeding the longest or only term,

to which he would have been liable before this section came into force if his conviction had satisfied the conditions required for the imposition of a fine or maximum fine of that amount or imprisonment for that term.

(3) This section does not apply to offences under—

(a) section 33 to 36 of the [M23]Sexual Offences Act 1956 (brothel-keeping and prostitution); or

(b) section 1(2) of the [M24]Street Offences Act 1959 (loitering and soliciting for the purpose of prostitution).

Marginal Citations

M23 1956 c. 69.

M24 1959 c. 57.

36 Abolition of enhanced penalties under subordinate instruments.

(1) This section applies where an Act (however framed or worded) confers power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction—

(a) to a fine or maximum fine of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction; or

(b) to imprisonment for a longer term in the case of a second or subsequent conviction; or

(c) to imprisonment only in the case of a second or subsequent conviction.

Status: *Point in time view as at 01/03/1998.*
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(2) Any such Act shall have effect as if it conferred power by subordinate instrument to make a person liable—

(a) to a fine or, as the case may be, a maximum fine of an amount not exceeding the greatest amount;

(b) to imprisonment for a term not exceeding the longest or only term,

to which he would have been liable before this section came into force if his conviction had satisfied the conditions required for the imposition of a fine or maximum fine of that amount or imprisonment for that term.

Modifications etc. (not altering text)

C13 S. 36 amended by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 55(6), **Sch. 8 para. 16**

Introduction of standard scale of fines

37 The standard scale of fines for summary offences.

(1) There shall be a standard scale of fines for summary offences, which shall be known as "the standard scale".

[[F55](2) The standard scale is shown below—

Level on the scale	*Amount of fine*
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000**]**

(3) Where any enactment (whether contained in an Act passed before or after this Act) provides—

(a) that a person convicted of a summary offence shall be liable on conviction to a fine or a maximum fine by reference to a specified level on the standard scale; or

(b) confers power by subordinate instrument to make a person liable on conviction of a summary offence (whether or not created by the instrument) to a fine or maximum fine by reference to a specified level on the standard scale,

it is to be construed as referring to the standard scale for which this section provides as that standard scale has effect from time to time by virtue either of this section or of an order under section 143 of the [M25]Magistrates' Courts Act 1980.

Textual Amendments

F55 S. 37(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 17(1), 101(1), **Sch. 12 para. 6**; S.I. 1992/333, art. 2(2), **Sch.2**

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Modifications etc. (not altering text)

C14 S. 37 extended (N.I.) by Wireless Telegraphy Act 1949 (c. 54, SIF 96), **s. 14(9)** and Finance Act 1983 (c. 28), **Sch. 9 para. 1(1)**, by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), **s. 171(2A)**(*a*) (as inserted by Finance Act 1984 (c. 43, SIF 40:1), s. 9, **Sch. 5 para. 3**), by Car Tax Act 1983 (c. 53, SIF 40:2), **Sch. 1 para. 8(7)**, by Medical Act 1983 (c. 54, SIF 83:1), **ss. 49(1)(2)**, 54, by Telecommunications Act 1984 (c. 12, SIF 96), **ss. 75**, 106(3)(*a*), Sch. 3 para. 2, and by Dentists Act 1984 (c. 24, SIF 83:1), **s. 53(4)**(*a*)

C15 S. 37 amended by S.I. 1984/703 (N.I. 3), **art. 5(3)**

C16 S. 37 extended (with modifications) (1.12.1992) to the Isle of Man by S.I. 1992/2670, **art. 2(a)**

C17 S. 37 extended (with modifications) (1.2.1993) to Guernsey by S.I. 1992/3202, **art. 2(a)**

Marginal Citations

M25 1980 c. 43.

Increase of fines

38 General increase of fines for summary offences under Acts of Parliament.

(1) Subject to subsection (5) below and to section 39(1) below, this section applies to any enactment contained in an Act passed before this Act (however framed or worded) which, as regards any summary offence created not later than 29th July 1977 (the date of the passing of the [M26]Criminal Law Act 1977), makes a person liable on conviction to a fine or maximum fine which—

(a) is less than £1,000; and

(b) was not altered by section 30 or 31 of the Criminal Law Act 1977; and

(c) has not been altered since 29th July 1977 or has only been altered since that date by section 35 above.

(2) Subject to subsection (7) below, where an enactment to which this section applies provides on conviction of a summary offence for a fine or maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine shall be treated for the purposes of this section as being the fine or maximum fine for the offence.

(3) Where an enactment to which this section applies provides for different fines or maximum fines in relation to different circumstances or persons of different descriptions, they are to be treated separately for the purposes of this section.

(4) An enactment in which section 31(6) and (7) of the Criminal Law Act 1977 (pre-1949 enactments) produced the same fine or maximum fine for different convictions shall be treated for the purposes of this section as if there were omitted from it so much of it as before 29th July 1977 had the effect that a person guilty of an offence under it was liable on summary conviction to a fine or maximum fine less than the highest fine or maximum fine to which he would have been liable if his conviction had satisfied the conditions required for the imposition of the highest fine or maximum fine.

(5) This section shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.

(6) The fine or maximum fine for an offence under an enactment to which this section applies shall be increased to the amount at the appropriate level on the standard scale

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unless it is an enactment in relation to which section 39(2) below provides for some other increase.

(7) Where an enactment to which this section applies provides on conviction of a summary offence for a fine or maximum fine in respect of a specified quantity or a specified number of things but also specifies an alternative fine or maximum fine, subsection (6) above shall have effect to increase—

(a) the alternative fine; and

(b) any amount that the enactment specifies as the maximum which a fine under it may not exceed,

as well as the fine or maximum fine which it has effect to increase by virtue of subsection (2) above.

(8) Subject to subsection (9) below, the appropriate level on the standard scale for the purposes of subsection (6) and (7) above is the level on that scale next above the amount of the fine or maximum fine that falls to be increased.

(9) If the amount of the fine or maximum fine that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.

(10) Where section 35 above applies, the amount of the fine or maximum fine that falls to be increased is to be taken to be the fine or maximum fine to which a person is liable by virtue of that section.

Modifications etc. (not altering text)

C18 S. 38 extended (N.I.) by Finance Act 1983 (c. 28), **Sch. 9 para. 1(1)**

Marginal Citations

M26 1977 c. 45.

39 Special cases.

(1) Section 38 above does not apply—

(a) to any enactment specified in Schedule 2 to this Act; or

(b) to the following enactments—

(i) . . . . . [F56]

(ii) any enactment specified in the Schedule to the [M27]London Transport Act 1977 or in Schedule 1 to the [M28]British Railways Act 1977 to the extent that the enactment was amended by section 12(1) of the former Act or section 13(1) of the latter;

(iii) any enactment specified in Part I of Schedule 2 to the [M29]City of London (Various Powers) Act 1977.

(2) The enactments specified in column 2 of Schedule 3 to this Act, which relate to the maximum fines for the offences mentioned (and broadly described) in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed on conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3.

(3) The enactments specified in column 2 of Schedule 4 to this Act, which relate to certain maximum fines that may be imposed on a person otherwise than on conviction of an

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offence, their broad effect being described in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3.

Textual Amendments

F56 S. 39(1)(*b*)(i) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), **ss. 3** 5, Sch. 4 paras. 1, 2

Modifications etc. (not altering text)

C19 S. 39(1)(*b*)(ii) extended by London Regional Transport Act 1984 (c. 32, SIF 126), **s. 71(3)**(*a*), Sch. 6 para. 27

Marginal Citations

M27 1977 c. xii.
M28 1977 c. xvii.
M29 1977 c. xv.

40 General increase of fines under subordinate instruments.

(1) Subject to subsection (4) below, this section applies to any enactment contained in an Act passed before this Act (however framed or worded) which confers a power, created not later than 29th July 1977, by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction to a fine or maximum fine which—

(a) is less than £1,000; and

(b) was not altered by section 31 of the [M30]Criminal Law Act 1977,

if the fine or maximum fine to which a person may be made liable by virtue of the enactment has not been altered since 29th July 1977 or has only been altered since that date by section 36 above.

(2) Subject to subsection (7) below, where an enactment to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine or maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine shall be treated for the purposes of this section as being the fine or maximum fine to which a person may be made liable by virtue of the enactment.

(3) Where an enactment to which this section applies confers a power to provide for different fines or maximum fines in relation to different circumstances or persons of different descriptions, the amounts specified as those fines or maximum fines are to be treated separately for the purposes of this section.

(4) This section shall not affect so much of any enactment as (in whatever words) confers power by subordinate instrument to make a person liable on conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.

(5) Subject to subsection (6) below, the fine or maximum fine to which a person may be made liable by virtue of an enactment to which this section applies shall be increased to the amount at the appropriate level on the standard scale.

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(6) Subsection (5) above does not apply—

(a) to section 67(3) of the [M31]Transport Act 1962 (byelaws for railways and railway shipping services);

(b) to section 25(2) of the [M32]London Transport Act 1969 (byelaws for road transport premises);

(c) to the enactments specified in Part II of Schedule 2 to the [M33]City of London (Various Powers) Act 1977; or

(d) to the enactments specified in Schedule 2 to the [M34]British Railways Act 1977.

(7) Where an enactment to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine or maximum fine in respect of a specified quantity or a specified number of things but also confers a power by subordinate instrument to make a person, as regards such an offence, liable on conviction to an alternative fine or maximum fine, subsection (5) above shall have effect to increase—

(a) the alternative fine; and

(b) any amount that the enactment specifies as the maximum fine for which a subordinate instrument made in the exercise of the power conferred by it may provide,

as well as the fine or maximum fine which it has effect to increase by virtue of subsection (2) above.

(8) Subject to subsection (9) below, the appropriate level on the standard scale for the purposes of subsections (5) and (7) above is the level on that scale next above the amount that falls to be increased.

(9) If the amount that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.

(10) Where section 36 above applies, the amount that falls to be increased is the fine or maximum fine to which a person may be made liable by virtue of that section.

Marginal Citations

M30 1977 c. 45.
M31 1962 c. 46.
M32 1969 c. 1.
M33 1977 c. xv.
M34 1977 c. xvii.

41 Emergency regulations.

In section 2(3) of the [M35]Emergency Powers Act 1920 for “of one hundred pounds" there shall be substituted “not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or not exceeding a lesser amount".

Marginal Citations

M35 1920 c. 55.

Status: *Point in time view as at 01/03/1998.*
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42 Orders relating to spread of pests.

The following subsections shall be substituted for section 3(4) of the [M36]Plant Health Act 1967 (control of spread of pests in Great Britain)—

"(4) An order made by a competent authority under this section may provide that a person guilty of an offence against the order shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or not exceeding a lesser amount.

(4A) An order so made for preventing the spread in Great Britain of the Colorado beetle (*Leptinotarsa decemlineata* (Say)) may provide that a person guilty of an offence against the order relating to the keeping of living specimens of the beetle (in any stage of existence), or to the distribution in any manner of such specimens, shall be liable on summary conviction to imprisonment for not more than three months, as well as, or as an alternative to, a fine under subsection (4) above.".

Marginal Citations

M36 1967 c. 8.

[F57]43 . . . . . .

Textual Amendments

F57 S. 43 repealed (18.2.1993) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1)(2), Sch. 15 para. 21, **Sch. 16 Pt. IX**; S.I. 1993/274, **art. 2(1)**.

44 . . . . . [F58]

Textual Amendments

F58 S. 44 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

45 . . . . . [F59]

Textual Amendments

F59 S. 45 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. II**

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

Application of standard scale to existing enactments

46 Conversion of references to amounts to references to levels on scale.

(1) Where—

(a) either—

(i) a relevant enactment makes a person liable to a fine or maximum fine on conviction of a summary offence; or

(ii) a relevant enactment confers power by subordinate instrument to make a person liable to a fine or maximum fine on conviction of a summary offence (whether or not created by the instrument); and

(b) the amount of the fine or maximum fine for the offence is, whether by virtue of this Part of this Act or not, an amount shown in the second column of the standard scale,

a reference to the level in the first column of the standard scale corresponding to that amount shall be substituted for the reference in the enactment to the amount of the fine or maximum fine.

(2) Where a relevant enactment confers a power such as is mentioned in subsection (1)(a)(ii) above, the power shall be construed as a power to make a person liable to a fine or, as the case may be, a maximum fine not exceeding the amount corresponding to the level on the standard scale to which the enactment refers by virtue of subsection (1) above or not exceeding a lesser amount.

(3) If an order under section 143 of the [M37]Magistrates' Courts Act 1980 alters the sums specified in section 37(2) above, the second reference to the standard scale in subsection (1) above is to be construed as a reference to that scale as it has effect by virtue of the order.

(4) In this section "relevant enactment" means—

(a) any enactment contained in an Act passed before this Act . . . [F60];

(b) any enactment contained in this Act;

(c) any enactment contained in an Act passed on the same day as this Act; and

(d) any enactment contained in an Act passed after this Act but in the same Session as this Act.

(5) This section shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a maximum fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

Textual Amendments

F60 Words repealed by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), ss. 21, 23, 29, 31(8), **Sch. 1**

Modifications etc. (not altering text)

C20 S. 46 extended (N.I.) by Finance Act 1983 (c. 28), s. 47, **Sch. 9 para. 1(1)**

Marginal Citations

M37 1980 c. 43.

Status: *Point in time view as at 01/03/1998.*
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47 Provisions supplementary to sections 35 to 46.

(1) In sections 35 to 40 and 46 above "fine" includes a pecuniary penalty but does not include a pecuniary forfeiture or pecuniary compensation.

(2) Nothing in any provision contained in sections 35 to 46 above shall affect the punishment for an offence committed before that provision comes into force.

Modifications etc. (not altering text)
C21 S. 47 extended (N.I.) by Finance Act 1983 (c. 28), s. 47, **Sch. 9 para. 1(1)**

Power to alter maximum fines etc.

48 Power to alter sums.

(1) In section 143 of the [M38]Magistrates' Courts Act 1980 (power to alter sums specified in certain provisions)—

(a) the following subsection shall be substituted for subsection (1)—

"(1) If it appears to the Secretary of State that there has been a change in the value of money since the relevant date, he may by order substitute for the sum or sums for the time being specified in any provision mentioned in subsection (2) below such other sum or sums as appear to him justified by the change.";

(b) in subsection (2)—

(i) the following paragraph shall be inserted after paragraph (a)—

"(aa) section 24(3) and (4) above;";

(ii) the following paragraphs shall be inserted after paragraph (c)—

"(ca) section 34(3)(b) above;

(cb) section 36 above;"; and

(iii) the following paragraphs shall be added after paragraph (e)—

"(f) any provision mentioned in Schedule 6A to this Act;

(g) paragraph 11(2) of Schedule 5A to the Army Act 1955 and to the Air Force Act 1955 (compensation orders);

(h) paragraph 14(1) of that Schedule and paragraph 14(1) of Schedule 4A to the Naval Discipline Act 1957 (recognizance from parents and guardians);

(i) section 2(13) of the Children and Young Persons Act 1969 (recognizance from parents and guardians);

(j) the Table in section 31(3A) of the Powers of Criminal Courts Act 1973;

(k) section 8(1)(b) of the Armed Forces Act 1976 (maximum fine awarded by Standing Civilian Courts);

(l) paragraph 22(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (various offences relating to sex establishments);

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

(m) paragraph 23(2) of that Schedule (permitting persons under 18 to enter sex establishments and employing persons known to be under that age in the business of sex establishments);

(n) section 7(4)(a) of the Cinematograph (Amendment) Act 1982 (using premises without licence);

(o) section 37(2) of the Criminal Justice Act 1982.";

[F61](c) . . . . . .

; and

(d) in subsection (5), for the words "Criminal Law Act 1977" there shall be substituted the words "Criminal Justice Act 1982".

[F61](2) . . . . . .

Textual Amendments

F61 S. 48(1)(c)(2) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

Marginal Citations

M38 1980 c. 43.

Shipping and oil pollution

[F62]49 . . . . . .

Textual Amendments

F62 S. 49 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

50 Fines for offences against regulations relating to wireless telegraphy apparatus on foreign ships and aircraft.

(1) In section 6 of the [M39]Wireless Telegraphy Act 1949—

(a) in subsection (2), for the words "such", in the second place where it occurs, to "regulations", in the fourth place where it occurs, there shall be substituted the words "a maximum fine for each offence of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or of a lesser amount"; and

(b) . . . . . [F63]

(2) Nothing in this section shall affect the punishment for an offence committed before this section comes into operation.

Textual Amendments

F63 S. 50(1)(*b*) repealed by S.I. 1984/703 (N.I. 3), art. 19(2), **Sch. 7**

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

Marginal Citations
M39 1949 c. 54.

Fine enforcement

51 Variation of instalments and means inquiries.

(1) The following section shall be inserted after section 85 of the [M40]Magistrates' Courts Act 1980—

"**85A Variation of instalments of sum adjudged to be paid by conviction.**

Where under section 75 above a magistrates' court orders that a sum adjudged to be paid by a conviction shall be paid by instalments, the court, on an application made by the person liable to pay that sum, shall have power to vary that order by varying the number of instalments payable, the amount of any instalment payable, and the date on which any instalment becomes payable.".

(2) In section 86 of that Act (power of magistrates' court to fix day for appearance of offender at means inquiry etc.)—

(a) the following subsections shall be substituted for subsection (1)—

"(1) A magistrates' court which has exercised in relation to a sum adjudged to be paid by a conviction either of the powers conferred by section 75(1) above shall have power, either then or later, to fix a day on which, if the relevant condition is satisfied, the offender must appear in person before the court for either or both of the following purposes, namely—

(a) to enable an inquiry into his means to be made under section 82 above;

(b) to enable a hearing required by subsection (5) of the said section 82 to be held.

(1A) Where the power which the court has exercised is the power to allow time for payment of a sum ("the adjudged sum"), the relevant condition is satisfied if any part of that sum remains unpaid on the day fixed by the court.

(1B) Where the power which the court has exercised is the power to order payment by instalments, the relevant condition is satisfied if an instalment which has fallen due remains unpaid on the day fixed by the court."; and

(b) the following paragraph shall be substituted for subsection (4)(a)—

"(a) the relevant condition is satisfied; and".

Marginal Citations
M40 1980 c. 43.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

52 Reciprocal execution in England and Wales and Northern Ireland of warrants of commitment for non-payment of sum adjudged to be paid by conviction.

After section 38A of the [M41]Criminal Law Act 1977 there shall be inserted the following section—

"**38B Further provision for execution of warrants of commitment for nonpayment of sum adjudged to be paid by conviction in England and Wales or Northern Ireland.**

(1) Subject to subsection (6) below, a person against whom there has been issued in England and Wales a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Northern Ireland by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in Northern Ireland; and Article 158(4) and (5) of the Magistrates' Courts (Northern Ireland) Order 1981 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such warrant which has been issued in England and Wales as they apply in relation to the execution of a warrant for arrest.

(2) Subject to subsection (6) below, a person against whom there has been issued in Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in England and Wales by any constable acting within his police area in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in England and Wales.

(3) A person arrested by virtue of subsection (1) or (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested; and while so detained he shall be treated for all purposes as if he were detained under a warrant of commitment issued in that part of the United Kingdom.

(4) A warrant of commitment issued by a court in Northern Ireland may be executed in England and Wales by virtue of this section whether or not it has been endorsed under section 27 of the Petty Sessions (Ireland) Act 1851.

(5) In this section—

"part of the United Kingdom" means England and Wales or Northern Ireland;

"prison" means—

(a) in the case of a person who is under the age of 21 years arrested in England and Wales, any place in which he could be detained under section 12(10) of the Criminal Justice Act 1982; and

(b) in the case of a person under that age arrested in Northern Ireland, a young offenders centre; and

"sum adjudged to be paid by a conviction" has the meaning given by section 150(3) of the Magistrates' Courts Act 1980 or, in Northern Ireland, Article 2(5) of the Magistrates' Courts (Northern Ireland) Order 1981.

(6) This section shall not apply to the arrest of persons under the age of 17 years.".

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

Marginal Citations

M41 1977 c. 45.

[F64]PART IV

Textual Amendments

F64 Pt. IV (ss. 53-56) repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras. 1, 3, 6, 16, 17)

PART V

MISCELLANEOUS

The Chief Inspectors of Prisons

57 Her Majesty's Chief Inspectors of Prisons.

(1) The following shall be inserted after section 5 of the [M53]Prison Act 1952—

"**5A Appointment and functions of Her Majesty's Chief Inspector of Prisons.**

(1) Her Majesty may appoint a person to be Chief Inspector of Prisons.

(2) It shall be the duty of the Chief Inspector to inspect or arrange for the inspection of prisons in England and Wales and to report to the Secretary of State on them.

(3) The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions in prisons.

(4) The Secretary of State may refer specific matters connected with prisons in England and Wales and prisoners in them to the Chief Inspector and direct him to report on them.

(5) The Chief Inspector shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament.

(6) The Chief Inspector shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.".

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(2) . . . . . [F65]

Textual Amendments

F65 S. 57(2) repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

Marginal Citations

M53 1952 c. 52.

Courts-martial etc.

58 Courts-martial and Standing Civilian Courts.

Schedule 8 shall have effect in relation to offenders who come before courts-martial and Standing Civilian Courts.

Persons remanded in custody

59 Remand in custody in absence of accused.

(1) The [M54]Magistrates' Courts Act 1980 shall have effect subject to the amendments specified in Schedule 9 to this Act, being amendments to modify the requirement that a person may not be remanded in custody without being brought before the court.

(2) Nothing in this section shall affect the operation of section 2 of the [M55]Imprisonment (Temporary Provisions)Act 1980.

Marginal Citations

M54 1980 c. 43.
M55 1980 c. 57.

60 Applications to Crown Court for bail by persons remanded in custody.

(1) In section 81 of the [M56]Supreme Court Act 1981—

(a) in subsection (1) (which lists cases in which the Crown Court may grant bail) at the end of paragraph (f) there shall be added "or

(g) who has been remanded in custody by a magistrates' court on adjourning a case under—

(i) section 5 (adjournment of inquiry into offence);

(ii) section 10 (adjournment of trial);

(iii) section 18 (initial procedure on information agaist adult for offence triable either way); or

(iv) section 30 (remand for medical examination),

of the Magistrates'Courts Act 1980;";

(b) the following subsections shall be inserted after that subsection—

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"(1H) Where the Crown Court grants a person bail under subsection (1)(g) it may direct him to appear at time and place which the magistrates' court could have directed and the recognizance of any surety shall be conditioned accordingly.

(1J) The Crown Court may only grant bail to a person under subsection (1)(g) if the magistrates' court which remanded him in custody has certified under section 5(6A) of the Bail Act 1976 that it heard full argument on his application for bail before it refused the application.".

(2) In subsection (6)(a) of section 5 of the Bail Act 1976 (supplementary provisions about decisions on bail) after the word "Court", in the first place where it occurs, there shall be inserted the words "or if it issues a certificate under subsection (6A) below".

(3) The following subsections shall be inserted after that subsection—

"(6A) Where in criminal proceedings—

(a) a magistrates' court remands a person in custody under any of the following provisions of the Magistrates' Courts Act 1980—

(i) section 5 (adjournment of inquiry into offence);

(ii) section 10 (adjournment of trial);

(iii) section 18 (initial procedure on information against adult for offence triable either way); or

(iv) section 30 (remand for medical examination),

after hearing full argument on an application for bail from him; and

(b) either—

(i) it has not previously heard such argument on an application for bail from him in those proceedings; or

(ii) it has previously heard full argument from him on such an application but it is satisfied that there has been a change in his circumstances or that new considerations have been placed before it,

it shall be the duty of the court to issue a certificate in the prescribed form that they heard full argument on his application for bail before they refused the application.

(6B) Where the court issues a certificate under subsection (6A) above in a case to which paragraph (b)(ii) of that subsection applies, it shall state in the certificate the nature of the change of circumstances or the new considerations which caused it to hear a further fully argued bail application.

(6C) Where a court issues a certificate under subsection (6A) above it shall cause the person to whom it refuses bail to be given a copy of the certificate.".

(4) **F66**

Textual Amendments

F66 S. 60(4) repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 6**

Marginal Citations

M56 1981 c. 54

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

Committal on written statements

61 Legal representation in case of committal on written statements.

In section 6(2)(a) of the [M57]Magistrates' Courts Act 1980 for the words "is not represented by counsel or a solicitor" there shall be substituted the words "has no solicitor acting for him in the case (whether present in court or not)".

Marginal Citations

M57 1980 c. 43.

Requirement of social inquiry reports

[F67]62 . . . . . .

Textual Amendments

F67 S. 62 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

Deferment of sentence

63 Deferment of sentence.

Section 1 of the [M58]Powers of Criminal Courts Act 1973 (which gives a court sentencing an offender the power to defer passing sentence on him) shall have effect subject to the following amendments—

(a) in subsection (1), for the words from "to have" to "sentence" there shall be substituted the words "or any other court to which it falls to deal with him to have regard, in dealing with him";

(b) the words ", subject to subsection (8A) below," shall be inserted after the word "and" in subsection (2);

(c) the words "deal with" shall be substituted—

(i) for the words "pass sentence on" in subsection (4);

(ii) for the words "pass sentence on" in subsection (4A); and

(iii) for the word "sentence" in the second place where it occurs in subsection (5); and

(d) the following subsections shall be substituted for subsection (8)—

"(8) The power of a court under this section to deal with an offender in a case where the passing of sentence has been deferred thereunder—

(a) includes power to deal with him in any way in which the court which deferred passing sentence could have dealt with him; and

(b) without prejudice to the generality of the foregoing, in the case of a magistrates' court, includes the power conferred

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by section 37 or 38 of the Magistrates' Courts Act 1980 to commit him to the Crown Court for sentence.

(8A) Where, in a case where the passing of sentence on an offender in respect of one or more offences has been deferred under this section, a magistrates' court deals with him by committing him to the Crown Court under section 37 or 38 of the Act of 1980, the power of the Crown Court to deal with him includes the same power to defer passing sentence on him as if he had just been convicted of the offence or offences on indictment before the court.".

Marginal Citations
M58 1973 c. 62.

Persons recommended for deportation

64 Persons recommended by courts for deportation.

Schedule 3 to the [M59]Immigration Act 1971 shall be amended in accordance with Schedule 10 to this Act.

Marginal Citations
M59 1971 c. 77.

Probation and after-care.

[F68]65 . . . . . .

Textual Amendments
F68 S. 65 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**.

66 Right of appeal of probationer etc.

(1) The following subsection shall be inserted after subsection (1) of section 50 of the [M60]Criminal Appeal Act 1968 (meaning of "sentence")—

"(1A) Section 13 of the Powers of Criminal Courts Act 1973 (under which a conviction of an offence for which a probation order or an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this Act, whether against conviction or otherwise.".

(2) The following subsection shall be inserted after subsection (1) of section 108 of the [M61]Magistrates' Courts Act 1980 (right of appeal to the Crown Court)—

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"(1A) Section 13 of the Powers of Criminal Courts Act 1973 (under which a conviction of an offence for which a probation order or an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this section, whether against conviction or otherwise.".

(3) In the [M62]Powers of Criminal Courts Act 1973—

(a) the following subsection shall be inserted after subsection (1) of section 11 (substitution of conditional discharge for probation)—

"(1A) No application may be made under subsection (1) above while an appeal against the probation order is pending."; and

(b) in Schedule 1 (discharge and amendment of probation orders)—

(i) the following sub-paragraph shall be inserted after paragraphs 1(1) and 3(1)—

"(1A) No application may be made under sub-paragraph (1) above while an appeal against the probation order is pending.";

(ii) the following sub-paragraph shall be inserted after paragraph 2(1)—

"(1A) No order may be made under sub-paragraph (1) above while an appeal against the probation order is pending.";

(iii) in paragraph 4, for the word "Where" there shall be substituted the words "Subject to paragraph 4A below, where"; and

(iv) the following paragraph shall be inserted after that paragraph—

"4A No application may be made under paragraph 4 above while an appeal against the probation order is pending.".

Marginal Citations

M60 1968 c. 19.
M61 1980 c. 43.
M62 1973 c. 62.

Compensation

67 Compensation orders.

In section 35 of the [M63]Powers of Criminal Courts Act 1973 (which gives a court power to make a compensation order in addition to dealing with an offender in any other way)—

(a) the following subsections shall be substituted for subsection (1)—

"(1) Subject to the provisions of this Part of this Act and to section 40 of the Magistrates' Courts Act 1980 (which imposes a monetary limit on the powers of a magistrates' court under this section), a court by or before which a person is convicted of an offence, instead of or in addition to dealing with him in any other way, may, on application or otherwise, make an order (in this Act referred to as "a compensation

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order") requiring him to pay compensation for any personal injury, loss or damage resulting from that offence or any other offence which is taken into consideration by the court in determining sentence.

(1A) Compensation under subsection (1) above shall be of such amount as the court considers appropriate, having regard to any evidence and to any representations that are made by or on behalf of the accused or the prosecutor."; and

(b) the following subsection shall be inserted after subsection (4)—

"(4A) Where the court considers—

(a) that it would be appropriate both to impose a fine and to make a compensation order; but

(b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation,

the court shall give preference to compensation (though it may impose a fine as well).".

Marginal Citations

M63 1973 c. 62.

Community service

68 Community service orders.

(1) Schedule 12 to this Act shall have effect with respect—

(a) to the powers of courts in England and Wales in relation to community service orders; and

(b) to arrangements for persons in England and Wales to perform work under such orders.

(2) Schedule 13 to this Act shall have effect for the purpose of the enforcement in one part of the United Kingdom of community service orders made in another part.

Imprisonment for fine defaulters etc.

69 Maximum periods of imprisonment for defaulting on fines etc.

(1) In section 31 of the [M64]Powers of Criminal Courts Act 1973—

(a) the following subsections shall be substituted for subsections (2) to (4)—

"(2) Subject to the provisions of this section, if the Crown Court imposes a fine on any person or forfeits his recognizance, the court shall make an order fixing a term of imprisonment or of detention under section 9 of the Criminal Justice Act 1982 (detention of persons aged 17 to 20 for default) which he is to undergo if any sum which he is liable to pay is not duly paid or recovered.

(3) No person shall on the occasion when a fine is imposed on him or his recognizance is forfeited by the Crown Court be committed to

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prison or detained in pursuance of an order under subsection (2) above unless—

(a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith;

(b) it appears to the court that he is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods; or

(c) on the ocasion when the order is made the court sentences him to immediate imprisonment, custody for life, youth custody or detention in a detention centre for that or another offence, or sentences him as aforesaid for an offence in addition to forfeiting his recognizance, or he is already serving a sentence of custody for life or a term—

(i) of imprisonment;

(ii) of youth custody;

(iii) of detention in a detention centre; or

(iv) of detention under section 9 of the Criminal Justice Act 1982.

(3A) Subject to subsections (3B) and (3C) below, the periods set out in the second column of the following Table shall be the maximum periods of imprisonment or detention under subsection (2) above applicable respectively to the amounts set out opposite thereto.

TABLE

An amount not exceeding £25	7 days
An amount exceeding £25 but not exceeding £50	14 days
An amount exceeding £50 but not exceeding £200	30 days
An amount exceeding £200 but not exceeding £500	60 days
An amount exceeding £500 but not exceeding £1,000	90 days
An amount exceeding £1,000 but not exceeding £2,500	6 months
An amount exceeding £2,500 but not exceeding £5,000	9 months
An amount exceeding £5,000	12 months

(3B) Where the amount due at the time imprisonment or detention is imposed is so much of a fine or forfeited recognizance as remains due after part payment, then, subject to subsection (3C) below, the maximum period applicable to the amount shall be the period applicable to the whole sum reduced by such number of days as bears

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to the total number of days therein the same proportion as the part paid bears to the total sum.

(3C) In calculating the reduction required under subsection (3B) above any fraction of a day shall be left out of account and the maximum period shall not be reduced to less than five days.

(4) Where any person liable for the payment of a fine or a sum due under a recognizance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment or youth custody or a term of detention under section 4 or 9 of the Criminal Justice Act 1982, the court may order that any term of imprisonment or detention fixed under subsection (2) above shall not begin to run until after the end of the first-mentioned term.”; and

(b) the following subsections shall be substituted for subsections (7) and (8)—

“(7) Any term fixed under subsection (2) above as respects a fine imposed in pursuance of such an enactment, that is to say a fine which the magistrates’ court could have imposed, shall not exceed the period applicable to that fine (if imposed by the magistrates’ court) under section 149(1) of the Customs and Excise Management Act 1979.

(8) This section shall not apply to a fine imposed by the Crown Court on appeal against a decision of a magistrates’ court, but subsections (2) to (3C) above shall apply in relation to a fine imposed or recognizance forfeited by the criminal division of the Court of Appeal, or by the House of Lords on appeal from that division, as they apply in relation to a fine imposed or recognizance forfeited by the Crown Court, and the references to the Crown Court in subsections (2) and (3) above shall be construed accordingly.”.

(2) . . . . . [F69]

Textual Amendments

F69 S. 69(2) repealed by Armed Forces Act 1986 (c. 21, SIF 7:1), s. 16(2), **Sch. 2**

Marginal Citations

M64 1973 c. 62.

Vagrancy

70 Vagrancy offences.

(1) Where a person is convicted—

(a) under section 3 or 4 of the [M65]Vagrancy Act 1824, of wandering abroad, or placing himself in any public place, street, highway, court, or passage, to beg or gather alms; or

(b) under section 4 of that Act—

(i) of wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building,or in the open air, or under a tent, or in any cart or waggon, and not giving a good account of himself; or

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(ii) of wandering abroad, and endeavouring by the exposure of wounds and deformities to obtain or gather alms,

the court shall not have power to sentence him to imprisonment but shall have the same power to fine him as if this section had not been enacted.

(2) If a person deemed a rogue and vagabond by virtue of section 4 of the Vagrancy Act 1824 is thereafter guilty of an offence mentioned in subsection (1) above, he shall be convicted of that offence under section 4 of that Act and accordingly—

(a) shall not be deemed an incorrigible rogue; and

(b) shall not be committed to the Crown Court,

by reason only of that conviction.

(3) This section applies to offences committed before as well as after it comes into effect.

Modifications etc. (not altering text)

C22 S. 70(1) amended (31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 26(5)**; S.I. 1991/2208, art. 2(4), **Sch.3**.

Marginal Citations

M65 1824 c. 83.

Loitering and soliciting

71 Abolition of imprisonment for loitering and soliciting for purposes of prostitution.

(1) The following subsection shall be substituted for section 1(2) of the [M66]Street Offences Act 1959—

"(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine of an amount not exceeding level 2 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or, for an offence committed after a previous conviction, to a fine of an amount not exceeding level 3 on that scale.".

(2) The subsection substituted by subsection (1) above for section 1(2) of the Street Offences Act 1959 shall have effect in relation to offences committed before as well as after this section comes into force.

Marginal Citations

M66 1959 c. 57.

Unsworn statements

72 Abolition of right of accused to make unsworn statement.

(1) Subject to subsections (2) and (3) below, in any criminal proceedings the accused shall not be entitled to make a statement without being sworn, and accordingly, if he gives

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evidence, he shall do so on oath and be liable to cross-examination; but this section shall not affect the right of the accused, if not represented by counsel or a solicitor, to address the court or jury otherwise than on oath on any matter on which, if he were so represented, counsel or a solicitor could address the court or jury on his behalf.

(2) Nothing in subsection (1) above shall prevent the accused making a statement without being sworn—

(a) if it is one which he is required by law to make personally; or

(b) if he makes it by way of mitigation before the court passes sentence upon him.

(3) Nothing in this section applies—

(a) to a trial; or

(b) to proceedings before a magistrates' court acting as examining justices,

which began before the commencement of this section.

Recall of witnesses

73 Recall of witnesses.

(1) After section 148 of the [M67]Criminal Procedure (Scotland) Act 1975 there shall be inserted the following new section—

"**148A Recall of witnesses.**

In any trial, on the motion of either party, the presiding judge may permit a witness who has been examined to be recalled.".

(2) After section 349 of the said Act of 1975 there shall be inserted the following new section—

"**349A Recall of witnesses.**

In any trial, on the motion of either party, the presiding judge may permit a witness who has been examined to be recalled.".

Marginal Citations

M67 1975 c. 21.

Interpretation

74, 75. Construction of references to "statutory maximum".

. . . . . [F70]

Textual Amendments

F70 Ss. 74, 75 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

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Supplementary

76 Financial provision.

There shall be defrayed out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.

77 Minor and consequential amendments.

The enactments specified in Schedules 14 and 15 to this Act shall have effect subject to the amendments there specified (being minor amendments and amendments consequential on the foregoing provisions of this Act).

78 Repeals.

The enactments specified in Schedule 16 to this Act (which include enactments already obsolete or unnecessary) are repealed to the extent specified in the third column of that Schedule.

79 Transitional.

The transitional provisions in Schedule 17 to this Act shall have effect.

80 Commencement.

(1) The following provisions of this Act shall come into force on the day this Act is passed, namely—

section 32;

section 33;

section 57;

. . . [F71]

. . . [F71]

section 76;

section 77, so far as it relates to paragraph 20 of Schedule 14;

section 78, so far as it relates to the [M68]Imprisonment (Temporary Provisions) Act 1980;

section 79, so far as it relates to paragraph 15 of schedule 17;

this section; and

section 81.

(2) Subject to subsection (1) above, this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes.

Textual Amendments

F71 Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

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Modifications etc. (not altering text)

C23 S. 80(2): power of appointment partly exercised by (E.W.) S.I. 1982/1857, 1983/182 and by (S.) S.I. 1983/24, 1983/758 (Act now wholly in force so far as relating to E.W. and S. with the exception of the repeal in Sch. 16 of s. 38(5)(c)(d) of Criminal Justice Act 1961 (c. 39) which relate principally to sentences in the Channel Islands and the Isle of Man

Marginal Citations

M68 1980 c. 57.

81 Citation and extent.

(1) This Act may be cited as the Criminal Justice Act 1982.

(2) Subject to the following provisions of this section, this Act extends to England and Wales only.

(3) The following provisions of this Act extend to England and Wales and Scotland—

section 33;
section 41;
section 42;
. . . [F72]
. . . [F73]

(4) The following provisions of this Act extend to Scotland only—

Part IV (including Schedules 6 and 7);
section 57(2);
section 73;
section 74(2).

[[F74](4A) Section 74(3) above extends to Northern Ireland only**]**

(5) The following provisions of this Act extend to England and Wales, Scotland and Northern Ireland—

. . . [F75]
section 47(2);
section 49;
section 50;
section 64 (including Schedule 10);
section 68(2) (including Schedule 13);
[[F76]section 75;**]**
section 76;
section 80;
this section.

(6) Section 52 above extends to England and Wales and Northern Ireland.

(7) Sections 77 and 78 above extend to any part of the United Kingdom in so far as they amend or repeal any enactment which extends to that Part, except that—

(a) section 78, so far as it relates to the [M69]Animal Health Act 1981, extends to England and Wales only; and

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(b) the following provisions—

(i) section 77, so far as it relates to paragraph 2 of Schedule 15; and

(ii) section 78, so far as it relates to the [M70]Electric Lighting (Clauses) Act 1899,

extend to Scotland only.

(8) Section 79 above extends to Scotland only, so far as it relates to paragraph 18 of Schedule 17.

(9) Section 58 above (including Schedule 8), so far as it relates to any enactment, extends to any place to which that enactment extends.

(10) Section 78 above, so far as it relates to any enactment contained in—

(a) the [M71]Army Act 1955;

(b) the [M72]Air Force Act 1955;

(c) the [M73]Naval Discipline Act 1957; or

(d) the [M74]Armed Forces Act 1976,

extends to any place to which that enactment extends.

(11) Her Majesty may by Order in Council direct that all or any of the enactments specified in subsection (12) below shall extend, subject to such modifications as may be specified in the Order, to the Isle of Man or any of the Channel Islands.

(12) The enactments mentioned in subsection (11) above are—

(a) section 32(1) of the [M75]Criminal Law Act 1977;

(b) sections 32 and 143 of the [M76]Magistrates' Courts Act 1980, and

(c) in this Act—

(i) sections 35 to 38;

(ii) section 39 (including Schedules 2 and 3);

(iii) section 40;

(iv) sections 46 and 47;

(v) section 50;

(vi) section 64 (including Schedule 10);

(vii) section 74(1); and

(viii) section 75.

[F77](13) . . . . . .

(14) Section 77 above extends to the Isle of Man and the Channel Islands, so far as it relates to paragraphs 11 to 16 of Schedule 14.

(15) Section 78 above extends to the Isle of Man and the Channel Islands, so far as it relates to section 32(2)(a), (c) and (e) of the [M77]Criminal Justice Act 1961.

Subordinate Legislation Made

P1 S. 81: power previously exercised by S.I. 1983/1897, 1983/1898, 1984/1690, 1986/1884

Textual Amendments

F72 Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

F73 Words repealed by S.I. 1984/703 (N.I. 3), art. 19(1)(2), **Sch. 6 para. 29**(*a*), Sch. 1

F74 S. 81(4A) inserted by S.I. 1984/703 (N.I. 3), art. 19(1), **Sch. 6 para. 29**(*b*)

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F75 Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6**

F76 Words inserted by S.I. 1984/703 (N.I. 3), art. 19(1), **Sch. 6 para. 29**(*c*)

F77 S. 81(13) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

Marginal Citations

M69 1981 c. 22.

M70 1899 c. 19.

M71 1955 c. 18.

M72 1955 c. 19.

M73 1957 c. 53.

M74 1976 c. 52.

M75 1977 c. 45.

M76 1980 c. 43.

M77 1961 c. 39.

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SCHEDULES

SCHEDULE 1

Section 32.

OFFENCES EXCLUDED FROM SECTION 32

PART I

OFFENCES MENTIONED IN SECTION 32(2)(A)

1. Manslaughter.

2. Rape.

3. Kidnapping.

4. Assault (of any description).

[F78]5. ...

Textual Amendments

F78 Sch. 1 Pt. I: entries relating to riot and affray repealed by Public Order Act 1986 (c. 64, SIF 39:2), s. 40(3), **Sch. 3**

[F78]6. ...

PART II

OFFENCES MENTIONED IN SECTION 32(2)(B)

MALICIOUS DAMAGE ACT 1861 (c. 97)

1. Sections 35, 47 and 48 (criminal damage).

OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)

2. Section 16 (making threats to kill).

3. Section 18 (wounding with intent to do grievious bodily harm or to resist apprehension).

4. Section 20 (wounding or inflicting grievous bodily harm).

5. Section 21 (garotting).

6. Section 23 (endangering life or causing harm by administering poison).

7. Section 28 (burning, maiming, etc by explosion).

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8. Section 29 (causing explosions or casting corrosive fluids with intent to do grievous bodily harm).

EXPLOSIVE SUBSTANCES ACT 1883 (c. 3)

9. Section 2 (causing explosion likely to endanger life or property).

INFANT LIFE (PRESERVATION) ACT 1929 (c. 34)

10. Section 1 (child destruction).

INFANTICIDE ACT 1938 (c. 36)

11. Section 1(1) (infanticide).

SEXUAL OFFENCES ACT 1956 (c. 69)

12. Section 12 (buggery with a male under the age of 16).

13. Section 12 (buggery with a male over 16 without consent).

14. Section 17 (abduction of female by force).

FIREARMS ACT 1968 (c. 27)

15. Section 17(1) (use of firearms and imitation firearms to resist arrest).

THEFT ACT 1968 (c. 60)

16. Section 8 (robbery).

17. Section 10 (aggravated burglary).

MISUSE OF DRUGS ACT 1971 (c. 38)

18. Section 4 (production or supply of a controlled drug).

19. Section 5(3) (possession of a controlled drug with intent to supply it to another).

20. Section 20 (assisting in, or inducing the commission outside the United Kingdom of, an offence relating to drugs punishable under a corresponding law, as defined in section 36(1)).

CRIMINAL DAMAGE ACT 1971 (c. 48)

21. Section 1(2)(b) (criminal damage, including arson, endangering life).

ROAD TRAFFIC ACT 1972 (c. 20)

22. Section 1 (causing death by reckless driving).

CUSTOMS AND EXCISE MANAGEMENT ACT 1979 (c. 2)

23. Section 85(2) (shooting at naval or revenue vessels).

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AVIATION SECURITY ACT 1982 (c. 36)

24. Section 1 (hijacking).

25. Sections 2, 3 and 6 (other offences relating to aircraft).

[F79 DRUG TRAFFICKING OFFENCES ACT 1986 (c. 32)

Textual Amendments

F79 Sch. 1 Pt. 2 para. 26 and heading inserted by Drug Trafficking Offences Act 1986 (c. 32, SIF 39:1), **s. 24(6)**

[F80 25A. Section 23A (acquisition, possession or use of proceeds of drug trafficking).**]**

Textual Amendments

F80 Sch. 1 Pt. 2 para. 25A inserted (15.2.1994) by 1993 c. 36, **s. 74(2)**; S.I. 1994/71, art. 2, **Sch.**

26. Section 24 (assisting another to retain the benefit of drug trafficking).**]**

[F81 PUBLIC ORDER ACT 1986

Textual Amendments

F81 Sch. 1 Pt. 2 paras. 27-29 inserted as provided by Public Order Act 1986 (c. 64, SIF 39:2), 40(2), Sch. 2 para. 4

27. Section 1 (riot).

28. Section 2 (violent disorder).

29. Section 3 (affray).**]**

[F82 CRIMINAL JUSTICE ACT 1988 (c.33)

Textual Amendments

F82 Sch. 1 Pt. 2 para. 30 and heading added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, **Sch. 15 para. 91** (with Sch. 8 para. 16)

[F83 29A. Section 93A (assisting another to retain the benefit of criminal conduct).

Textual Amendments

F83 Sch. 1 Pt. 2 paras. 29A-29C inserted (15.2.1994) by 1993 c. 36, **s. 74(3)**; S.I. 1994/71, art. 2, **Sch.**

29B. Section 93B (acquisition, possession or use of proceeds of criminal conduct).

29C. Section 93C (concealing or transferring proceeds of criminal conduct).**]**

Status: *Point in time view as at 01/03/1998.*
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30. Section 134 (torture).**]**

[F84 THE ROAD TRAFFIC ACT 1988 (c.52)

Textual Amendments

F84 Sch. 1 Pt. 2: entry added by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 24**

Section 1 (causing death by **[**F85dangerous**]** driving).**]**

Textual Amendments

F85 Word in Sch. 1 Pt. 2 in entry relating to Road Traffic Act 1988 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 17(a)**; S.I. 1992/1286, art. 2, **Sch.**

[F86Section 3A (causing death by careless driving when under the influence of drink or drugs).**]**

Textual Amendments

F86 Words in Sch. 1 Pt. 2 in entry relating to Road Traffic Act 1988 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 17(b)**; S.I. 1992/1286, **art. 2**,Sch.

[F87 CRIMINAL JUSTICE (INTERNATIONAL COOPERATION) ACT 1990 (c. 31)

Textual Amendments

F87 Sch. 1 Pt. 2: entry inserted (1.7.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), s. 31(1), **Sch. 4 para. 3**; S.I. 1991/1072, art. 2(b), **Sch. Pt. II**

Section 14 (concealing or transferring proceeds of drug trafficking).**]**

[F88 AVIATION AND MARITIME SECURITY ACT 1990 (c. 31)

Textual Amendments

F88 Sch. 1 Pt. 2: entries inserted by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2), s. 53(1), **Sch. 3 para. 7**

Section 1 (endangering safety at aerodromes).

Section 9 (hijacking of ships).

Section 10 (seizing or exercising control of fixed platforms).

Sections 11, 12, 13 and 14 (other offences relating to ships and fixed platforms).**]**

Status: *Point in time view as at 01/03/1998.*
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[F89 CHANNEL TUNNEL (SECURITY) ORDER 1994 No.570

Textual Amendments

F89 Sch. 1 Pt. 2: entries inserted (5.3.1994) by S.I. 1994/570, art. 38, **Sch. 3 para. 3**

Article 4 (hijacking of Channel Tunnel trains)

Article 5 (seizing or exercising control of the tunnel system)

Articles 6, 7 and 8 (other offences relating to Channel Tunnel trains or the tunnel system).**]**

[F90 DRUG TRAFFICKING ACT 1994

Textual Amendments

F90 Sch. 1 Pt. 2: entries added (3.2.1995) by 1994 c. 37, ss. 65, 69(2), **Sch. 1 para. 7**

Section 49 (concealing or transferring the proceeds of drug trafficking).

Section 50 (assisting another person to retain the benefit of drug trafficking).

Section 51 (acquisition, possession or use of proceeds of drug trafficking).**]**

PART III

OFFENCES MENTIONED IN SECTION 32(2)(C)

Offences under sections 50(2) and (3), 68(2) and 170 of the Customs and Excise Management Act 1979 in connection with a prohibition or restriction on importation or exportation of a controlled drug which has effect by virtue of section 3 of the Misuse of Drugs Act 1971.

SCHEDULE 2

Section 39.

FINES TO REMAIN AT THEIR PRESENT LEVEL

Enactment creating offence 1	Penalty enactment 2	Present maximum fine 3
TRANSPORT (LONDON) ACT 1969 (c. 35)Offences under section 23(5) (providing a bus service without the agreement of the London Transport Executive).	Section 23(5)	£200
. . . **F91**	. . . **F91**	. . . **F91**
PATENTS ACT 1977 (c. 37)Offences under	Section 110(1)	£200

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section 110(1) (unauthorised claim of patent rights).		
Offences under section 111(1) (unauthorised claim that patent has been applied for).	Section 111(1)	£200
Offences under section 112 (misuse of title “Patent Office").	Section 112	£500
WEST MIDLANDS COUNTY COUNCIL ACT 1977 (c. xiv)Offences under section 6(2) (contravention of byelaws as to operation of aircraft at airports).	Section 6(2)	£500
CITY OF LONDON (VARIOUS POWERS) ACT 1977 (c. xv)Offences under section 7(6) (contravention of notice prohibiting access to forest).	Section 7(6)	£50
Offences under section 24(6) (contravention of order under section 24)	Section 24(6)	£200
KENSINGTON AND CHELSEA CORPORATION ACT 1977 (c xix)Offences under section 5(2) (causing refuse to be deposited).	Section 5(3)	
NORTH WEST WATER AUTHORITY ACT 1977 (c. xx)Offences under section 6(2) (failure to comply with notice and furnishing false information).	Section 6(2)	£200
PUBLIC PASSENGER VEHICLES ACT 1981 (c. 14)Offences under section 26(2) (contravention of regulations relating to passengers).	Section 26(2)	£50
Offences under section 67 (contravention of regulations generally).	Section 67	£50

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Textual Amendments

F91 Entry repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras. 1, **2**

SCHEDULE 3

Section 39.

SPECIAL INCREASES

Enactment creating offence 1	Penalty enactment 2	Present maximum fine 3	New maximum fine 4
HIGHWAY ACT 1835 (c. 50)			
Offences under section 72 (riding etc. on footpaths).	Section 72	£10	£50
TOWN POLICE CLAUSES ACT 1847 (c. 89)			
Offences under section 21 and 28 (obstruction etc.).	Sections 21, 28	£20	£200
Offences under section 45 (plying for hire without a licence).	Section 45	£20	£500
Offences under section 53 (driver refusing compellable hiring).	Section 53	£10	£50
Offences under section 55 (exacting more than the legal fare).	Section 55	£25	£200
Offences under section 58 (demanding as a fare more than the prescribed amount).	Section 58	£10	£200
LONDON HACKNEY CARRIAGE ACT 1853 (c. 33)			
Offences under section 17 (demanding or taking more than the legal fare etc.).	Section 17	£10	£200
METROPOLITAN PUBLIC CARRIAGE ACT 1869 (c. 115)			

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Offences under section 7 (use of unlicensed carriage).	Section 7	£20	£500
MILITARY LANDS ACT 1892 (c. 43)			
Offences under section 17(2) (offences against byelaws).	Section 17(2)	£20	£50
PROTECTION OF ANIMALS ACT 1911 (c. 27)			
Offences under section 8 (selling poisoned grain or placing on any land any matter rendered poisonous).	Section 8	£25	£500
CHILDREN AND YOUNG PERSONS ACT 1933 (c. 12)			
Offences under section 39(2) (newspaper reports identifying juveniles in court proceedings).	Section 39(2)	£500	£1,000
Offences under section 49(2) (newspaper reports identifying juveniles in **[**[F92]youth courts**]**).	Section 49(2)	£500	£1,000
PUBLIC HEALTH ACT 1936 (c. 49)			
Offences under section 143(5) (offences against regulations concerning prevention, etc. of infectious diseases).	Section 143(5)	£100	£1,000
F93	F93	F93	F93
...	...	...	...
FIRE SERVICES ACT 1947 (c. 41)			
OFFENCES UNDER SECTION 14(5) (IMPROPER USE OF FIRE HYDRANT).	Section 14(5)	£25	£50
OFFENCES UNDER SECTION 30(2) (OBSTRUCTING A MEMBER OF A FIRE BRIGADE).	Section 30(2)	£50	£200

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RADIOACTIVE SUBSTANCES ACT 1948 (c. 37)			
OFFENCES UNDER SECTION 7(4) (OBSTRUCTION OF INSPECTORS)	Section 8(1)	£100	£500
Other summary offences under Act	Section 8(3)	£100	£500
F94	**F94**	**F94**	**F94**
…	…	…	…
F95	**F95**	**F95**	**F95**
…	…	…	…
F96	**F96**	**F96**	**F96**
…	…	…	…
BETTING, GAMING AND LOTTERIES ACT 1963 (c. 2)			
Offences under section 28(10) (disclosing information about bookmaker's business).	Section 28(10)	£100	£500
PLANT VARIETIES AND SEEDS ACT 1964 (c. 14)			
Offences under section 25(9) (obstructing an authorised person).	Section 25(9)	£20	£200
Offences under section 27(1) (tampering with samples).	Section 27(1)	£100	£1,000
AGRICULTURE AND HORTICULTURE ACT 1964 (c. 28)			
Offences under section 15(1) (obstruction)	Section 20(1)	£20	£200
Offences under Part III (other than section 15(1)) (offences relating to grading of produce).	Section 20(2)	£100	£1,000
F97	**F97**	**F97**	**F97**
…	…	…	…
INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1965 (c. 12)			
Offences under section 61 (general offences)	Section 61	£10	£200

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FORESTRY ACT 1967 (c. 10)			
Offences under section 24(4) (failing to comply with felling licence).	Section 24(4)	£50	£1,000
Offences under section 46(5) (offences against byelaws).	Section 46(5)	£20	£50
Offences under section 48(3) (obstruction of Forestry Commission officers).	Section 48(3)	£20	£200
F98	**F98**	**F98**	**F98**
...	...	...	...
AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 (c. 34)			
Offences under section 6(7) (obstructing an officer duly authorised to carry out welfare inspections).	Section 7(2)	£20	£200
TRANSPORT ACT 1968 (c. 73)			
Offences under section 97(1) (tachograph offences).	Section 97(1)	£200	£500
Offences under section 97A(1) (tachograph offences relating to record sheets and notices).	Section 97A(1)	£200	£500
Offences under section 97A(2) (employers' failure to secure return of record sheet).	Section 97A(2)	£200	£500
F99	**F99**	**F99**	**F99**
...	...	...	...
ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (c. 27)			
Offences under section 3(1) (disobeying a	Section 3(1)	£200	£1,000

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prohibition on a goods vehicle).			
RENT (AGRICULTURE) ACT 1976 (c. 80)			
Offences under section 25(3) (failure to comply with notice).	Section 25(3)	£5	£500
RENT ACT 1977 (c. 42)			
Offences under section 151(4) (failure of agent to comply with notice requiring information about landlord).	Section 151(4)	£25	£500
PROTECTION FROM EVICTION ACT 1977 (c. 43)			
Offences under section 7 (failure to comply with notice).	Section 7	£25	£500
F100	**F100**	**F100**	**F100**
…	…	…	…

Textual Amendments

F92 Words in Sch. 3 in entry relating to s. 49(2) of 1933 Act substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(o)**; S.I. 1992/333, art. 2(2), **Sch. 2**

F93 Entries in Sch. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39 paras. 5, 6, 8, 30, 36, 39)

F94 Entry repealed by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 11**

F95 Entries repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F96 Entries repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F97 Entry in Sch. 3 repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 9 Pt. I**

F98 Entries repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), ss. 143, 144, 146, **Sch. 14**

F99 Entries repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras. 1, **2**

F100 Entries repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

SCHEDULE 4

Section 39.

FINES IMPOSED OTHERWISE THAN ON CONVICTION

Description of conduct	Enactment	Present maximum fine	New maximum fine
. . .	. . .	. . .	. . .
F101	**F101**	**F101**	**F101**

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

Failure to comply with attachment of earnings order etc.	Attachment of Earnings Act 1971 section 23(3)	£25	£50
Failure to comply with probation order	Powers of Criminal Courts Act 1973 section 6(3)(a) and (6)(a)	£50	£200
Failure to comply with community service order	Section 16(3) and (5)	£50	£200
Failure to comply with suspended sentence supervision order.	Section 27(3)	£50	£200

Textual Amendments

F101 Entry repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**

SCHEDULE 5

F102 . . .

Textual Amendments

F102 Schedule 5 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

F103 . . . . . .

Textual Amendments

F103 Schedule 5 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

Textual Amendments

F103 Schedule 5 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

[F104]SCHEDULE 6

Textual Amendments

F104 Sch. 6 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (Sch. 3 paras. 1, 3, 6, 16, 17)

[F105]SCHEDULE 7

Textual Amendments

F105 Sch. 7 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras. 1, 3, 6, 16, 17)

SCHEDULE 8

Section 58.

COURTS-MARTIAL ETC.

1 (1) The following subsection shall be inserted after section 57(2) of the [M78]Army Act 1955 and of the [M79]Air Force Act 1955—

"(2A) If the offender has attained seventeen years of age but is under twenty-one years of age, subsection (2) above shall have effect in relation to him as if the power to impose a sentence of imprisonment were a power to make an order under section 71AA below.".

(2) The subsection inserted by sub-paragraph (1) above in section 57 of the Army Act 1955 and the Air Force Act 1955 shall also be inserted after subsection (3) of section 38 of the [M80]Naval Discipline Act 1957, as subsection (3A) of that section, but with the substitution of "43AA" for "71AA".

Marginal Citations

M78 1955 c. 18.
M79 1955 c. 19.
M80 1957 c. 53.

2 Section 71A of the Army Act 1955 and of the Air Force Act 1955 and section 43A of the Naval Discipline Act 1957 (powers of courts in relation to juveniles) shall have effect subject to the following amendments—

(a) in subsection (1), for "17" there shall be substituted "21";

(b) the following subsections shall be inserted after that subsection—

"(1A) Where a person under 21 years of age is convicted of murder or any other civil offence the sentence for which is fixed by law as imprisonment for life, the court shall sentence him to custody for life unless he is liable to be detained under subsection (3) below.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

(1B) Where a person aged 17 years or over but under 21 years of age is convicted of any other offence for which a person aged 21 years or over would be liable to imprisonment for life, the court shall sentence him to custody for life if—

(a) it is of the opinion that no other method of dealing with him is appropriate; and

(b) it considers that a custodial sentence for life would be appropriate.

(1C) For the purpose of determining whether any method of dealing with a person to whom subsection (1B) of this section applies, other than sentencing him to custody for life, is appropriate, the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.”;

(c) subsection (2) shall be omitted; and

(d) in subsection (5)—

(i) after the word “of", in the first place where it occurs, there shall be inserted the words “custody for life or"; and

(ii) after the word “detention", in the second place where it occurs, there shall be inserted the words “and to a sentence of custody for life".

3 In section 71AA of the [M81]Army Act 1955 and the [M82]Air Force Act 1955 and in section 43AA of the [M83]Naval Discipline Act 1957 (custodial orders)—

(a) in subsection (1)—

(i) For the words “instead of so punishing him" there shall be substituted the words “subject to subsection (1A) below"; and

(ii) for the words from “maximum" to the end there shall be substituted the words “period to be specified in the order not exceeding the maximum period for which he could have been sentenced to imprisonment if he had attained the age of twenty-one years.";

(b) the following subsections shall be inserted after that subsection—

“(1A) The court shall not make a custodial order in respect of a person unless it is of the opinion that no other method of dealing with him is appropriate.

(1B) For the purposes of determining whether there is any appropriate method of dealing with a person other than making a custodial order in respect of him the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.”;

(c) . . . . . [F106]

(d) the following subsection shall be inserted after that subsection—

“(6A) Section 15 of the Criminal Justice Act 1982 (release of young offenders) shall apply to persons released from a term of detention under a custodial order as it applies to persons released from a term of detention under a detention centre order or a term of youth custody.”.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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

F106 Sch. 8 paras. 3(*c*), 7(*d*) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), Sch. 8 para. 16, **Sch. 16**

Marginal Citations

M81 1955 c. 18.
M82 1955 c. 19.
M83 1957 c. 53.

4 (1) In section 71B of the Army Act 1955 and section 71B of the Air Force Act 1955 (power to impose imprisonment for default in payment of fines)—

(a) at the end of paragraph (b) of subsection (1) there shall be inserted "or

(c) in respect of whom the court makes an order under section 71AA above on the same occasion for the same or another offence, or

(d) who is already serving or otherwise liable to serve a period of detention under such an order,";

(b) the words "or detention" shall be inserted after the word "imprisonment"—

(i) in the third place where it occurs in that subsection; and

(ii) in subsection (4); and

(c) the following subsection shall be inserted after subsection (5)—

"(5A) An order imposing a term of detention under this section shall be given effect as if it were a custodial order under section 71AA above.".

(2) The amendments made by sub-paragraph (1) above shall also be made in section 43B of the [M84]Naval Discipline Act 1957 but with the substitution of "43AA" for "71AA", in both places where it occurs.

Marginal Citations

M84 1957 c. 53.

5 In section 85 of the [M85]Army Act 1955 and the [M86]Air Force Act 1955 (powers of different descriptions of courts-martial)—

(a) the words "or make an order committing a person to be detained under section 71AA of this Act for a period exceeding two years" shall be inserted at the end of subsection (2); and

(b) the words "or detention under section 71AA of this Act for a period of two years" shall be inserted at the end of subsection (3).

Marginal Citations

M85 1955 c. 18.
M86 1955 c. 19.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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 In section 145(1)(b) of those Acts (forfeiture of pay for absence from duty), for the words “Borstal institution" there shall be substituted the words “youth custody centre".

7 Paragraph 10 of Schedule 5A to the Army Act 1955 and to the Air Force Act 1955 and Schedule 4A to the Naval Discipline Act 1957 (custodial orders) shall have effect subject to the following amendments—

(a) in sub-paragraph (1)—

(i) for the words “instead of so punishing him" there shall be substituted the words “subject to subsection (1A) below"; and

(ii) for the words from “for" to the end there shall be substituted the words—

“(a) if the order is made by court-martial, for a period to be specified in the order not exceeding the maximum period for which he could have been sentenced to imprisonment if he had attained the age of 21; or

(b) if it is made by a Standing Civilian Court, for a period of not more than six months.”;

(b) the following sub-paragraphs shall be inserted after that sub-paragraph—

“(1A) The court shall not make a custodial order in respect of an offender unless it is of the opinion that no other method of dealing with him is appropriate.

(1B) For the purposes of determining whether there is any appropriate method of dealing with an offender other than making a custodial order in respect of him the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his mental and physical contidion.”;

(c) the following sub-paragraphs shall be inserted after sub-paragraph (3)—

“(3A) Where a Standing Civilian Court makes a custodial order in respect of an offender, it shall state in open court the reason for its opinion that no other method of dealing with him is appropriate.

(3B) A Standing Civilian Court shall cause a reason stated under sub-paragraph (3A) above to be specified in the custodial order and to be recorded in the proceedings.”;

(d) F107

(e) the following sub-paragraph shall be inserted after that sub-paragraph—

“(6A) Section 15 of the Criminal Justice Act 1982 (release of young offenders) shall apply to persons released from a term of detention under a custodial order as it applies to persons released from a term of detention under a detention centre order or a term of youth custody.”.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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

F107 Sch. 8 paras. 3(*c*), 7(*d*) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), Sch. 8 para. 16, **Sch. 16**

8 (1) In paragraph 11(2) of Schedule 5A to the [M87]Army Act 1955 and to the [M88]Air Force Act 1955 (compensation orders) for "£400" there shall be substituted "£1,000".

(2) Sub-paragraph (1) above has effect only in relation to offences committed after this paragraph comes into force.

Marginal Citations

M87 1955 c. 18.

M88 1955 c. 19.

9 The following sub-paragraph shall be substituted for sub-paragraphs (1) and (2) of paragraph 13 of those Schedules (imposition of fines on and making of compensation orders against parent or guardian)—

"(1) Where—

(a) a civilian under 17 years of age is found guilty of any offence for the commission of which a fine may be imposed or a compensation order may be made under paragraph 11 above; and

(b) the court is of the opinion that the case would best be met by the imposition of a fine or the making of such an order, whether with or without any other punishment,

it shall be the duty of the court to order that the fine or compensation awarded be paid by any parent or guardian of his who is a service parent or guardian, instead of by the person himself, unless the court is satisfied—

(i) that the parent or guardian cannot be found; or

(ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.

(2) An order under this paragraph may be made against the parent or guardian if—

(a) he has been required to attend in the manner prescribed by Rules of Procedure under section 103 above or, as the case may be, by an order under paragraph 12 of Schedule 3 to the Armed Forces Act 1976 to attend the court, and

(b) he has failed to do so,

but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.".

10 (1) In paragraph 14(1) of those Schedules (recognisances from parents and guardians) for "£50" there shall be substituted "£500".

(2) Sub-paragraph (1) above has effect only in relation to offences committed after this paragraph comes into force.

11 In paragraph 15(3) of those Schedules (scale of punishments and orders)—

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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) in the Table, in paragraph 3, in the second column, for the word "imprisonment" there shall be substituted the words "custody for life"; and

(b) in paragraph (i) of the Note following that Table for the word "imprisonment" there shall be substituted the words "custody for life".

12 (1) In section 8(1)(b) of the Armed Forces Act 1976 (powers of Standing Civilian Court to fine and sentence) for "£400" there shall be substituted "£1,000".

(2) Sub-paragraph (1) above has effect only in relation to offences committed after this paragraph comes into force.

SCHEDULE 9

Section 59.

AMENDMENTS OF MAGISTRATES' [M89]COURTS ACT 1980 RELATING TO REMANDS IN CUSTODY

Marginal Citations

M89 1980 c. 43

1 The words "or would be required to be brought before the court but for section 128(3A) below" shall be added at the end—

(a) of subsection (2) of section 5 (adjournment of inquiry into offence);

(b) of subsection (4) of section 10 (adjournment of trial); and

(c) of subsection (4) of section 18 (initial procedure on information against adult for offence triable either way).

2 In paragraph (a) of subsection (1) of section 128 (remand in custody or on bail) after the word "court", in the first place where it occurs, there shall be inserted the words ", subject to subsection (3A) below,".

3 The following subsections shall be inserted after the said subsection (1)—

"(1A) Where—

(a) on adjourning a case under section 5, 10(1) or 18(4)above the court proposes to remand or further remand a person in custody; and

(b) he is before the court; and

(c) he has attained the age of 17; and

(d) he is legally represented in that court,

it shall be the duty of the court—

(i) to explain the effect of subsections (3A) and (3B) below to him in ordinary language; and

(ii) to inform him in ordinary language that, notwithstanding the procedure for a remand without his being brought before a court, he would be brought before a court for the hearing and determination of at least every fourth application for his remand, and of every application for his remand heard at a time when it appeared to the court that he had no solicitor acting for him in the case.

(1B) For the purposes of subsection (1A) above a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

(1C) After explaining to an accused as provided by sub-section (1A) above the court shall ask him whether he consents to the hearing and determination of such applications in his absence.".

4 The following subsections shall be inserted after subsection (3) of that section—

"(3A) Subject to subsection (3B) below, where a person has been remanded in custody, the court may further remand him on an adjournment under section 5, 10(1) or 18(4) above without his being brought before it if it is satisfied—

(a) that he gave his consent, either in response to a question under subsection (1C) above or otherwise, to the hearing and determination in his absence of any application for his remand on an adjournment of the case under any of those provisions; and

(b) that he has not by virtue of this subsection been remanded without being brought before the court on more than two such applications immediately preceeding the application which the court is hearing; and

(c) that he had attained the age of 17 years when he gave his consent to the hearing and determination of such applications in his absence; and

(d) that he has not withdrawn his consent to their being so heard and determined.

(3B) The court may not exercise the power conferred by sub-section (3A) above if it appears to the court, on an application for a further remand being made to it, that the person to whom the application relates has no solicitor acting for him in the case (whether present in court or not).

(3C) Where—

(a) a person has been remanded in custody on an adjournment of a case under section 5, 10(1) or 18(4) above; and

(b) an application is subsequently made for his further remand on such an adjournment; and

(c) he is not brought before the court which hears and determines the application; and

(d) that court is not satisfied as mentioned in subsection (3A) above,

the court shall adjourn the case and remand him in custody for the period for which it stands adjourned.

(3D) An adjournment under subsection (3C) above shall be for the shortest period that appears to the court to make it possible for the accused to be brought before it.

(3E) Where—

(a) on an adjournment of a case under section 5, 10(1) or 18(4) above a person has been remanded; in custody without being brought before the court; and

(b) it subsequently appears—

(i) to the court which remanded him in custody; or

(ii) to an alternate magistrates' court to which he is remanded under section 130 below,

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

that he ought not to have been remanded in custody in his absence, the court shall require him to be brought before it at the earliest time that appears to the court to be possible.”.

5 The following subsection shall be inserted after subsection (4) of section 130 (transfer of remand hearings)—

“(4A) Where a magistrates’ court is satisfied as mentioned in section 128(3A) above—

(a) subsection (1) above shall have effect as if for the words “he be brought up for any subsequent remands before" there were substituted the words “applications for any subsequent remands be made to";

(b) subsection (2) above shall have effect as if for the words “the accused to be brought before" there were substituted the words “an application for a further remand to be made to"; and

(c) subsection (4) above shall have effect as if for the words “him to be brought before" there were substituted the words “an application for a further remand to be made to".”.

6 Section 131(3) (by virtue of which so long as an accused person is detained under a custodial sentence an application for a further remand in custody may be made and determined without his appearance in court, provided that he is represented by counsel or a solicitor who signifies consent to the application being so heard) shall cease to have effect.

7 In paragraph 3 of Schedule 5 (transfer of remand hearings) for the words from “the court" onwards there shall be substituted the words “the terms of the order or remand to the court before which the accused is to be brought for the hearing on any application for a subsequent remand or, as the case may be, before which any such application is to be made without his being brought before it".

SCHEDULE 10

Section 64.

AMENDMENTS OF SCHEDULE 3 TO [M90]IMMIGRATION ACT 1971

Marginal Citations
M90 1971 c. 77.

1 In paragraph 2—

(a) in sub-paragraph (1), after the word “directs", in the first place where it occurs, there shall be inserted the words “or a direction is given under sub-paragraph (1A) below,";

(b) the following sub-paragraph shall be inserted after that sub-paragraph—

“(1A) Where—

(a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him; and

(b) he appeals against his conviction or against that recommendation,

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation."; and

(c) the following sub-paragraphs shall be substituted for sub-paragraph (5)—

"(5) A person to whom this sub-paragraph applies shall be subject to such restrictions as to residence and as to reporting to the police as may from time to time be notified to him in writing by the Secretary of State.

(6) The persons to whom sub-paragraph (5) above applies are—

(a) a person liable to be detained under sub-paragraph (1) above, while by virtue of a direction of the Secretary of State he is not so detained; and

(b) a person liable to be detained under sub-paragraph (2) or (3) above, while he is not so detained.".

2 The following shall be added after paragraph 3—

" Powers of courts pending deportation

4 Where the release of a person recommended for deportation is directed by a court, he shall be subject to such restrictions as to residence and as to reporting to the police as the court may direct.

5 (1) On an application made—

(a) by or on behalf of a person recommended for deportation whose release was so directed; or

(b) by a constable; or

(c) by an immigration officer,

the appropriate court shall have the powers specified in sub-paragraph (2) below.

(2) The powers mentioned in sub-paragraph (1) above are—

(a) if the person to whom the application relates is not subject to any such restrictions imposed by a court as are mentioned in paragraph 4 above, to order that he shall be subject to any such restrictions as the court may direct; and

(b) if he is subject to such restrictions imposed by a court by virtue of that paragraph or this paragraph—

(i) to direct that any of them shall be varied or shall cease to have effect; or

(ii) to give further directions as to his residence and reporting.

6 (1) In this Schedule "the appropriate court" means, except in a case to which sub-paragraph (2) below applies, the court which directed release.

(2) This sub-paragraph applies where the court which directed release was—

(a) the Crown Court;

(b) the Court of Appeal;

(c) the High Court of Justiciary;

(d) the Crown Court in Northern Ireland; or

(e) the Court of Appeal in Northern Ireland.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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) Where the Crown Court or the Crown Court in Northern Ireland directed release, the appropriate court is—
  (a) the court that directed release; or
  (b) a magistrates' court acting for the commission area or county court division where the person to whom the application relates resides.

(4) Where the Court of Appeal or the Court of Appeal in Northern Ireland gave the direction, the appropriate court is the Crown Court or the Crown Court in Northern Ireland, as the case may be.

(5) Where the High Court of Justiciary directed release, the appropriate court is—
  (a) that court; or
  (b) in a case where release was directed by that court on appeal, the court from which the appeal was made.

7 (1) A constable or immigration officer may arrest without warrant any person who is subject to restrictions imposed by a court under this Schedule and who at the time of arrest is in the relevant part of the United Kingdom—
  (a) if he has reasonable grounds to suspect that that person is contravening or has contravened any of those restrictions; or
  (b) if he has reasonable grounds for believing that that person is likely to contravene any of them.

(2) In sub-paragraph (1) above "the relevant part of the United Kingdom" means—
  (a) England and Wales, in a case where a court with jurisdiction in England or Wales imposed the restrictions;
  (b) Scotland, in a case where a court with jurisdiction in Scotland imposed them; and
  (c) Northern Ireland, in a case where a court in Northern Ireland imposed them.

8 (1) A person arrested in England or Wales or Northern Ireland in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area or district in which he was arrested.

(2) In reckoning for the purposes of this paragraph any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

9 (1) A person arrested in Scotland in pursuance of paragraph 7 above shall wherever practicable be brought before the appropriate court not later than in the course of the first day after his arrest, such day not being a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the Bail etc. (Scotland) Act 1980.

(2) Nothing in this paragraph shall prevent a person arrested in Scotland being brought before a court on a Saturday, a Sunday or such court holiday as is mentioned in sub-paragraph (1) above where the court is, in pursuance of section 10 of the said Act of 1980, sitting on such day for the disposal of criminal business.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

10 Any justice of the peace or court before whom a person is brought by virtue of paragraph 8 or 9 above—

(a) if of the opinion that that person is contravening, has contravened or is likely to contravene any restriction imposed on him by a court under this Schedule, may direct—

(i) that he be detained; or

(ii) that he be released subject to such restrictions as to his residence and reporting to the police as the court may direct; and

(b) if not of that opinion, shall release him without altering the restrictions as to his residence and his reporting to the police.”.

[F108]SCHEDULE 11

. . . . . .

Textual Amendments

F108 Sch. 11 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**.

SCHEDULE 12

Section 68.

COMMUNITY SERVICE ORDERS—ENGLAND AND WALES

1 In section 14 of the [M93]Powers of Criminal Courts Act 1973 (community service orders in respect of convicted persons)—

(a) In subsection (1)—

(i) for the word “seventeen" there shall be substituted the word “sixteen"; and

(ii) the words from “for such" to “in the order" shall cease to have effect;

(b) the following subsection shall be inserted after that sub-section—

“(1A) The number of hours which a person may be required to work under a community service order shall be specified in the order and shall be in the aggregate—

(a) not less than 40; and

(b) not more—

(i) in the case of an offender aged sixteen, than 120; and

(ii) in other cases, than 240.”;

(c) the following subsections shall be substituted for subsection (2)—

“(2) A court shall not make a community service order in respect of any offender unless the offender consents and after considering

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a report by a probation officer or by a social worker of a local authority social services department about the offender and his circumstances and, if the court thinks it necessary, hearing a probation officer or a social worker of a local authority social services department, the court is satisfied that the offender is a suitable person to perform work under such an order.

(2A) Subject to sections 17A and 17B below,—

(a) a court shall not make a community service order in respect of any offender who is of or over seventeen years of age unless the court is satisfied that provision for him to perform work under such an order can be made under the arrangements for persons to perform work under such orders which exist in the petty sessions area in which he resides or will reside; and

(b) a court shall not make a community service order in respect of an offender who is under seventeen years of age unless—

(i) it has been notified by the Secretary of State that arrangements exist for persons of the offender's age who reside in the petty sessions area in which the offender resides or will reside to perform work under such orders; and

(ii) it is satisfied that provision can be made under the arrangements for him to do so."; and

(d) in subsection (3), for the words "in subsection (1) above" there shall be substituted the words "specified in paragraph (b)(i) or (ii) of subsection (1A) above."; and

(e) in subsection (7), for the words from "subsection (1)" to "this subsection" there shall be substituted the words "subsection (1A) above shall be amended by substituting for the maximum number of hours for the time being specified in paragraph (b)(i) or (ii) of that subsection".

Marginal Citations

M93 1973 c. 62.

2 In section 17 of that Act (amendment and revocation of community service orders)—

(a) the following subsections shall be inserted after subsection (4)—

"(4A) Where—

(a) an offender in respect of whom a community service order is in force is convicted of an offence before a magistrates' court other than a magistrates' court acting for the petty sessions area for the time being specified in the order; and

(b) the court imposes a custodial sentence on him; and

(c) it appears to the court, on the application of the offender or the relevant officer, that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made,

Status: *Point in time view as at 01/03/1998.*
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the court may—

(i) if the order was made by a magistrates' court, revoke it; and

(ii) if the order was made by the Crown Court, commit him in custody or release him on bail until he can be brought or appear before the Crown Court;

and where the court deals with his case under sub-paragraph (ii) above, it shall send to the Crown Court such particulars of the case as may be desirable.

(4B) Where by virtue of subsection (4A)(c)(ii) above the offender is brought or appears before the Crown Court and it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may revoke the order."; and

(b) the following subsections shall be substituted for subsection (5)—

"(5) If—

(a) a magistrates' court acting for the petty sessions area for the time being specified in a community service order is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area; and

(b) the conditions specified in subsection (5A) below are satisfied,

the court may, and on the application of the relevant officer shall, amend the order by substituting the other petty sessions area for the area specified in the order.

(5A) The conditions referred to in subsection (5) above are—

(a) if the offender is of or over 17 years of age, that it appears to the court that provision can be made for him to perform work under the community service order under the arrangements which exist for persons who reside in the other petty sessions area to perform work under such orders; and

(b) if the offender is under 17 years of age—

(i) that the court has been notified by the Secretary of State that arrangements exist for persons of his age who reside in the other petty sessions area to perform work under such orders; and

(ii) it appears to the court that provision can be made under the arrangements for him to do so.".

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

SCHEDULE 13

Section 68.

COMMUNITY SERVICE ORDERS—RECIPROCAL ARRANGEMENTS

[F110]PART I

. . .

Textual Amendments

F110 Sch. 13 Part I repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

[F111]1 . . . . . .

Textual Amendments

F111 Sch. 13 Part I repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

[F112]2 . . . . . .

Textual Amendments

F112 Sch. 13 Part I repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

PART II

RECIPROCAL ARRANGEMENTS (SCOTLAND)—PERSONS RESIDING IN ENGLAND AND WALES OR NORTHERN IRELAND

3 In sections 183(5A) and 384(5A) of the [M94]Criminal Procedure (Scotland) Act 1975 (requirement that probationer shall perform unpaid work), in paragraph (c)(i), for the words “and 6" there shall be substituted the words “, 6 and 6A".

Marginal Citations

M94 1975 c. 21.

4 In section 6 of the [M95]Community Service by Offenders (Scotland) Act 1978 (community service orders relating to persons residing in England or Wales)—

(a) in subsections (1) and (2) for the word “17" there shall be substituted the word “16";

(b) in subsection (1)—

(i) in section 1(2)(b) as substituted by paragraph (a) of that subsection, at the beginning there shall be inserted the words “where the

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offender is under the age of 17 years," and after the word "persons" there shall be inserted the words "of the offender's age";

(ii) in section 1(2)(d) as so substituted, for the words from "under the arrangements" to the end of paragraph (d) there shall be substituted the words "for the offender to perform work under the order made under subsection (1) above under the arrangements which exist in the petty sessions area in which he resides or will be residing for persons to perform work under community service orders made under section 14 of the [M96]Powers of Criminal Courts Act 1973;";

(iii) at the end of paragraph (a) there shall be inserted the words "and as if for the words "such an order" in paragraph (c) of the said subsection (2) there were substituted the words "a community service order";";

(iv) in paragraph (b), for the words "section 1(2)(b)" there shall be substituted the words "section 1(2)(d)";

(c) in subsection (2)—

(i) at the beginning of paragraph (b) there shall be inserted the words "where the offender is under the age of 17 years,";

(ii) after the word "persons" in paragraph (b) there shall be inserted the words "of the offender's age";

(iii) in paragraph (c), for the words from "under those arrangements" to "section 1(1)" there shall be substituted the words "for the offender to perform work under the order made under the said section 1(1) under the arrangements which exist in the petty sessions area in which he proposes to reside or is residing for persons to perform work under community service orders made under section 14 of the Powers of Criminal Courts Act 1973";

(iv) for the words "paragraph (b)" there shall be substituted the words "paragraph (c)";

(d) after subsection (2) there shall be inserted the following subsection—

"(2A) community service order made under section 1(1) of this Act as amended by this section or amended in accordance with this section shall—

(a) specify the petty sessions area in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and

(b) require the probation committee for that area to appoint or assign a probation officer who will discharge in respect of the order the functions in respect of community service orders conferred on relevant officers by the Powers of Criminal Courts Act 1973.".

Marginal Citations

M95 1978 c. 49.

M96 1973 c. 42.

5 After section 6 of that Act there shall be inserted the following sections—

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

"6A Community service orders relating to persons residing in Northern Ireland.

(1) Where a court is considering the making of a community service order under section 1(1) of this Act and it is satisfied that the offender has attained the age of 17 years and resides, or will be residing when the order comes into force, in Northern Ireland, then—

(a) the said section 1 shall have effect as if, in subsection (2) thereof—

(i) paragraph (b) were omitted;

(ii) for paragraph (d) there were substituted the following paragraph—

(d) it appears to the court that provision can be made by the Probation Board for Northern Ireland for him to perform work under such an order; ;

(b) the order shall specify that the unpaid work required to be performed by order shall be performed under the provision made by the Probation Board for Northern Ireland and referred to in section 1(2)(d) of this Act as substituted by paragraph (a) above.

(2) Where a community service order has been made under the said section 1(1) and—

(a) the appropriate court is satisfied that the offender has attained the age of 17 years and proposes to reside or is residing in Northern Ireland; and

(b) it appears to that court that provision can be made by the Probation Board for Northern Ireland for him to perform work under the order made under the said section 1(1),

it may amend the order by specifying that the unpaid work required to be performed by the order shall be performed under the provision made by the Probation Board for Northern Ireland and referred to in paragraph (b) of this subsection.

(3) A community service order made under section 1(1) of this Act as amended by this section or amended in accordance with this section shall—

(a) specify the petty sessions district in Northern Ireland in which the offender resides or will be residing when the order or the amendment comes into force; and

(b) require the Probation Board for Northern Ireland to select an officer who will discharge in respect of the order the functions in respect of community service orders conferred on the relevant officer by the Treatment of Offenders (Northern Ireland) Order 1976.

6B Community service orders relating to persons residing in England or Wales or Northern Ireland— general.

(1) Where a community service order is made or amended in the circumstances specified in section 6 or 6A of this Act, the court which makes or amends the order shall send three copies of it as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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 this section—

"home court" means—

(a) if the offender resides in England or Wales, or will be residing in England or Wales at the relevant time, the magistrates' court acting for the petty sessions area in which he resides or proposes to reside; and

(b) if he resides in Northern Ireland, or will be residing in Northern Ireland at the relevant time, the court of summary jurisdiction acting for the petty sessions district in which he resides or proposes to reside; and

"the relevant time" means the time when the order or the amendment to it comes into force.

(3) A community service order made or amended in the circumstances specified in section 6 or 6A of this Act shall be treated, subject to the following provisions of this section, as if it were a community service order made in the part of the United Kingdom in which the offender resides, or will be residing at the relevant time; and the legislation relating to community service orders which has effect in that part of the United Kingdom shall apply accordingly.

(4) Before making or amending a community service order in those circumstances the court shall explain to the offender in ordinary language—

(a) the requirements of the legislation relating to community service orders which has effect in the part of the United Kingdom in which he resides or will be residing at the relevant time;

(b) the powers of the home court under that legislation, as modified by this section; and

(c) its own powers under this section,

and an explanation given in accordance with this section shall be sufficient without the addition of an explanation under section 1(4) of this Act.

(5) The home court may exercise in relation to the community service order any power which it could exercise in relation to a community service order made by a court in the part of the United Kingdom in which the home court exercises jurisdiction, by virtue of the legislation relating to such orders which has effect in that part of the United Kingdom except—

(a) a power to vary the order by substituting for the number of hours' work specified in it any greater number than the court which made the order could have specified;

(b) a power to revoke the order; and

(c) a power to revoke the order and deal with the offender for the offence in respect of which it was made in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

(6) If at any time while legislation relating to community service orders which has effect in one part of the United Kingdom applies by virtue of subsection (3) above to a community service order made in another part—

(a) it appears to the home court—

Status: *Point in time view as at 01/03/1998.*
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(i) if that court is in England or Wales, on information to a justice of the peace acting for the petty sessions area for the time being specified in the order; or

(ii) if it is in Northern Ireland, upon a complaint being made to a justice of the peace acting for the petty sessions district for the time being specified in the order,

that the offender has failed to comply with any of the requirements of the legislation applicable to the order; or

(b) it appears to the home court on the application of—

(i) the offender; or

(ii) if that court is in England and Wales, the relevant officer under the Powers of Criminal Courts Act 1973; or

(iii) if that court is in Northern Ireland, the relevant officer under the Treatment of Offenders (Northern Ireland) Order 1976,

that it would be in the interests of justice to exercise a power mentioned in subsection (5)(b) or (c) above,

the home court may require the offender to appear before the court by which the order was made.

(7) Where an offender is required by virtue of subsection (6) above to appear before the court which made a community service order, that court—

(a) may issue a warrant for his arrest; and

(b) may exercise any power which it could exercise in respect of the community service order if the offender resided in the part of the United Kingdom where the court has jurisdiction,

and any enactment relating to the exercise of such powers shall have effect accordingly."

6 In section 15 of that Act for subsection (5) there shall be substituted the following subsection—

"(5) Section 6B and this section extend to England and Wales and Northern Ireland.".

PART III

RECIPROCAL ARRANGEMENTS (NORTHERN IRELAND)— PERSONS RESIDING IN ENGLAND AND WALES OR SCOTLAND

Making an amendment of community service orders relating to persons residing in England and Wales

7 (1) Where a court in Northern Ireland considering the making of a community service order is satisfied that the offender resides, or will be residing when the order comes into force, in England or Wales, **[**[F113]Part II of the Criminal Justice (Northern Ireland) Order 1996 shall have effect as if the following were substituted for Article 13(4)—

"(4) A court shall not make a community service order in respect of any offender unless the offender consents and—

Status: *Point in time view as at 01/03/1998.*
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(a) the court is satisfied after hearing (if the court thinks it necessary) a probation officer, that the offender is a suitable person to perform work under such an order; and

(b) it appears to the court that provision for the offender to perform work under such an order can be made under the arrangements for persons to perform work under such orders which exist in the petty sessions area in England and Wales in which he resides or will reside.”**]**

(2) Where a community service order has been made by a court in Northern Ireland and—

(a) a court of summary jurisdiction acting for a petty sessions district in Northern Ireland for the time being specified in it is satisfied that the offender proposes to reside or is residing in England or Wales;

(b) it appears to that court that provision can be made for him to perform work under the community service order under the arrangements for persons to perform work under such orders which exist in the petty sessions area in England or Wales in which he resides or will reside,

it may amend the order by specifying that the unpaid work required to be performed by the order be so performed.

(3) A community service order made or amended in accordance with this paragraph shall—

(a) specify the petty sessions area in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and

(b) require the probation committee for that area to appoint or assign a probation officer who will discharge in respect of the order the functions in respect of community service orders conferred on relevant officers by the [M97]Powers of Criminal Courts Act 1973.

Textual Amendments

F113 Words in Sch. 13 para. 7(1) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 12(a)**; S.R. 1997/523, **art. 2(i)**

Marginal Citations

M97 1973 c. 62.

Making and amendment of community service orders relating to persons residing in Scotland

8 (1) Where a court in Northern Ireland considering the making of a community service order is satisfied that the offender resides, or will be residing when the order comes into force, in Scotland, **[**[F114]Part II of the Criminal Justice (Northern Ireland) Order 1996 shall have effect as if the following were substituted for Article 13(4)—

“(4) A court shall not make a community service order in respect of any offender unless the offender consents and—

(a) the court is satisfied after hearing (if the court thinks it necessary) a probation officer, that the offender is a suitable person to perform work under such an order; and

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(b) the court has been notified by the Secretary of State that arrangements exist for persons who reside in the locality in Scotland in which the offender resides, or will be residing when the order comes into force, to perform work under community service orders made under section 238 of the Criminal Procedure (Scotland) Act 1995; and it appears to the court that provision can be made for him to perform work under those arrangements.”**]**

(2) Where a community service order has been made by a court in Northern Ireland and—

(a) a court of summary jurisdiction acting for a petty sessions district in Northern Ireland for the time being specified in it is satisfied that the offender proposes to reside or is residing in Scotland;

(b) that court has been notified by the Secretary of State that arrangements exist for persons who reside in the locality in Scotland in which the offender proposes to reside or is made under section 1 of the Community Service by Offenders (Scotland) Act 1978;

(c) it appears to that court that provision can be made for him to perform work under the community service order under those arrangements,

it may amend the order by specifying that the unpaid work required to be performed by the order be so performed.

(3) A community service order made or amended in accordance with this paragraph shall—

(a) specify the locality in Scotland in which the offender resides or will be residing when the order or the amendment comes into force; and

(b) require the regional or islands council in whose area the locality specified under paragraph (a) above is situated to appoint or assign an officer who will discharge in respect of the order the functions in respect of community service orders conferred on the local authority officer by the [M98]Community Service by Offenders (Scotland) Act 1978.

Textual Amendments

F114 Words in Sch. 13 para. 8(1) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 12(b)**; S.R. 1997/523, **art. 2(i)**

Marginal Citations

M98 1978 c. 49.

Community service orders relating to persons residing in England and Wales or Scotland—General

9 (1) Where a community service order is made or amended in the circumstances specified in paragraph 7 or 8 above, the court which makes or amends the order shall send three copies of the order as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.

(2) In this paragraph—

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Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

"home court" means—

(a) if the offender resides in England or Wales, or will be residing in England or Wales at the relevant time, the magistrates' court acting for the petty sessions area in which he resides or proposes to reside; and

(b)if he resides in Scotland, or will be residing in Scotland at the relevant time, the sheriff court having jurisdiction in the locality in which he resides or proposes to reside;

"the relevant time" means the time when the order or the amendment to it comes into force.

(3) A community service order made or amended in the circumstances specified in paragraph 7 or 8 above shall be treated, subject to the following provisions of this paragraph, as if it were a community service order made in the part of the United Kingdom in which the offender resides, or will be residing at the relevant time; and the legislation relating to community service orders which has effect in that part of the United Kingdom shall apply accordingly.

(4) Before making or amending a community service order in the circumstances specified in paragraph 7 or 8 above the court shall explain to the offender in ordinary language—

(a) the requirements of the legislation relating to community service orders which has effect in the part of the United Kingdom in which he resides or will be residing at the relevant time;

(b) the powers of the home court under that legislation, as modified by this Part of this Schedule; and

(c) its own powers under this Part of this Schedule,

and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under **[**[F115]Article 13(7) of the Criminal Justice (Northern Ireland) Order 1996**]**.

(5) The home court may exercise in relation to the community service order any power which it could exercise in relation to a community service order made by a court in the part of the United Kingdom in which the home court exercises jurisdiction, by virtue of the legislation relating to such orders which has effect in the part of the United Kingdom in which it has jurisdiction except—

(a) a power to vary the order by substituting for the number of hours' work specified in it any greater number than the court which made the order could have specified;

(b) a power to revoke the order; and

(c) a power to revoke the order and deal with the offender for the offence in respect of which it was made in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

(6) If at any time whilst legislation relating to community service orders which has effect in one part of the United Kingdom applies by virtue of sub-paragraph (3) above to a community service order made in another part—

(a) it appears to the home court—

(i) if that court is in England or Wales, on information to a justice of the peace acting for the petty sessions area for the time being specified in the order;

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

(ii) if it is in Scotland, on evidence on oath from the local authority officer under the [M99]Community Service by Offenders (Scotland) Act 1978,

that the offender has failed to comply with any of the requirements of the legislation applicable to the order; or

(b) it appears to the home court on the application of the offender or—

(i) if it is in England and Wales, of the relevant officer under the [M100]Powers of Criminal Courts Act 1973; and

(ii) if it is in Scotland, of the local authority officer,

that it would be in the interests of justice to exercise a power mentioned in sub-paragraph (5)(b) or (c) above,

the home court may require the offender to appear before the court by which the order was made.

(7) Where an offender is required to appear before a court by virtue of sub-paragraph (6) above, that court—

(a) may issue a warrant for his arrest; and

(b) may exercise any power which it could exercise in respect of the community service order if the offender resided in the part of the United Kingdom where the court has jurisdiction,

and any enactment relating to the exercise of such powers shall have effect accordingly.

Textual Amendments

F115 Words in Sch. 13 para. 9(4) substituted (1.1.1998) for the words "Article 7(7) of the Treatment of Offenders (Northern Ireland) Order" by virtue of S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 12(c)**; S.R. 1997/523, **art. 2(i)**

Marginal Citations

M99 1978 c. 49.

M100 1973 c. 62.

SCHEDULE 14

Section 77.

MINOR AND CONSEQUENTIAL AMENDMENTS

Vagrancy Act 1824 (c. 83)

1 In the Vagrancy Act 1824 the words ", subject to section 70 of the Criminal Justice Act 1982," shall be inserted—

(a) in sections 3 and 4, before the words "it shall be lawful"; and

(b) in section 5—

(i) before the words "be deemed an incorrigible rogue"; and

(ii) before the words "it shall be lawful".

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

Merchant Shipping Act 1894 (c. 60)

[F116]2 . . . . . .

Textual Amendments

F116 Sch. 14 para. 2 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

Customs and Excise Act 1952 (c. 44)

[[F117]3 For section 283(5) of the Customs and Excise Act 1952 there shall be substituted the following subsection—

"(5) The proviso to subsection (2) of this section shall not apply to Scotland; and in the application of the said sub-section (2) to Scotland the maximum term of imprisonment which may be imposed on summary conviction in the sheriff court shall be 6 months, and the penalty for an offence which is triable only summarily by virtue of paragraph (b) of that subsection shall be that to which a person was liable on summary conviction of the offence immediately before 29th July 1977 (the date of the passing of the [M101] Criminal Law Act 1977) subject to any increase by virtue of Part IV of the Criminal Justice Act 1982.".]

Textual Amendments

F117 Sch. 14 para. 3 repealed so far as it relates to car tax by Car Tax Act 1983 (c. 53, SIF 40:2), **Sch. 3** and repealed so far as it relates to value added tax by Value Added Tax Act 1983 (c. 55, SIF 40:2), **Sch. 11**

Marginal Citations

M101 1977 c. 45

Prison Act 1952 (c. 52)

4 In section 13(2) of the Prison Act 1952 (which among other things provides that a prisoner is to be deemed to be in legal custody while he is being taken to any place to which he is required or authorised by or under that Act to be taken, or is kept in custody in pursuance of any such requirement or authorisation) after the words "authorised by or under this Act" there shall be inserted the words "or the Criminal Justice Act 1982".

5 In section 22(2)(b) of that Act (removal of prisoners for medical etc. purposes)—

(a) after the word "requires" there shall be inserted the words "medical investigation or observation or"; and

(b) after the words "of the" there shall be inserted the words "investigation, observation or".

6 In section 37(4) of that Act (closing of prisons) for the words "Borstal institution" there shall be substituted the words "youth custody centre".

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

7 In section 47 of that Act (rules for the management of prisons and other institutions)—

(a) in subsection (1), for the words "Borstal institutions" there shall be substituted the words "youth custody centres"; and

(b) in subsection (5), for the words "Borstal institution" there shall be substituted the words "remand centre, youth custody centre".

[F118 8 In section 49 of that Act (persons unlawfully at large)—

(a) in subsection (1) for the words "or Borstal training" there shall be substituted the words "custody for life or youth custody", and after the word "centre" where first occurring there shall be inserted the words "or a young offenders institution";

(b) in subsection (2)—

(i) for the words "Borstal training" there shall be substituted the words "youth custody"; and

(ii) for the words "prison, Borstal institution or detention centre, as the case may be" there shall be substituted the words "place in which he is required in accordance with law to be detained"; and

(c) in paragraph (a) of the proviso to that subsection, for the words following "prison" there shall be substituted the words ", youth custody centre, remand centre or detention centre;".]

Textual Amendments

F118 Sch. 14 para. 8 repealed (E.W.) (1.3.1998) by 1994 c. 33, ss. 168(3), 172(2), **Sch. 11**; S.I. 1998/277, **art. 3(3)**

9 In section 53(1) of that Act (interpretation) for the words "subsection (2) of section forty-eight of the Criminal Justice Act 1948" there shall be substituted the words "section 16 of the Criminal Justice Act 1982".

Criminal Justice Act 1961 (c. 39)

10 In section 23 of the Criminal Justice Act 1961 (by virtue of which, among other things, a prisoner who is serving a term of more than one month and would otherwise be discharged on a Saturday is instead discharged on Friday)—

(a) in subsection (3), for the words "one month" there shall be substituted the words "five days"; and

(b) in subsection (4), for the words "borstal institutions" there shall be substituted the words "youth custody centres".

11 The following subsections shall be substituted for subsections (4) to (7) of section 26 of that Act (transfer to serve sentence)—

"(4) Subject to the following provisions of this section, a person transferred under this section to any part of the United Kingdom or to any of the Channel Islands or the Isle of Man there to serve his sentence or the remainder of his sentence shall be treated for purposes of detention, release, supervision, recall and otherwise as if that sentence (and any other sentence to which he may be subject) had been an equivalent sentence passed by a court in the place to which he is transferred.

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(4A) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in subsection (4) of this section as the Secretary of State may direct.”.

12 The words “youth custody centre” shall be substituted for the words “Borstal institution” in section 29(1) (removal of prisoners etc. for judicial purpose) and section 30(3) (prisoners unlawfully at large) of that Act.

13 In subsection (2) of section 32 of that Act (supervision and recall)—

(a) in paragraph (i) for the word “section" there shall be substituted the words “sections 206,";

(b) at the end there shall be added the following paragraphs—

“(j) section 15 of the Criminal Justice Act 1982;

(k) section 73(4), (5) and (6) of the [M102]Children and Young Persons Act (Northern Ireland) 1968.”.

Marginal Citations

M102 1968 c. 34. (N.I.)

14 The words “or of any authorised officer” shall be added at the end of section 33 of that Act (orders relating to transfers of prisoners and others to be under hand of the Secretary of State or of an Under-Secretary or Assistant Under-Secretary of State).

15 In section 38 of that Act (construction of references to imprisonment, detention, etc.)—

(a) in paragraph (a) of subsection (3)—

(i) after the word “imprisonment", in the second place where it occurs, there shall be inserted the words “custody for life, youth custody,"; and

(ii) for the words “or detention in a detention centre or young offenders institution" there shall be substituted the words “detention in a detention centre or young offenders institution or detention under an equivalent sentence passed by a court in the Channel Islands or the Isle of Man";

(b) the following subsection shall be inserted after subsection (5)—

“(6) The Secretary of State may by order designate as equivalent sentences for the purposes of this Act and of any enactment referred to in Part III of this Act a description of sentence which a court with jurisdiction in one part of the United Kingdom or in the Channel Islands or the Isle of Man may pass and a description of sentence which a court elsewhere in the United Kingdom or in those Islands may pass;”.

16 In section 39 of that Act (interpretation)—

(a) in subsection (1), the following definition shall be substituted for the defintion of “appropriate institution”—

““appropriate institution”, in relation to any person, means, subject to subsection (1A) of this section, any institution which would be appropriate for the detention of an offender of the same age serving

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an equivalent sentence passed by a court in the place to which he has been transferred;"; and

(b) the following subsections shall be inserted after that subsection—

"(1A) Subsection (1) of this section shall have effect in relation to a person serving a sentence of a length which could not have been passed on an offender of his age by a court in the place to which he has been transferred as if it defined "appropriate institution" as meaning such place as the Secretary of State may direct.

(1B) Any reference in this Act to a sentence being equivalent to another sentence is to be construed as a reference to its having been so designated under section 38(6) of this Act.".

17 In section 42(1) of that Act (application to Scotland), and in section 42(2) (application to Northern Ireland), after the word "thirty-five;" there shall be inserted the words "section thirty-six;".

Criminal Justice Act 1967 (c. 80)

18—21. . . . . F119

Textual Amendments

F119 Sch. 14 paras. 18–21 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

22 The following subsections shall be inserted after subsection (2) of section 67 of that Act (computation of sentence of imprisonment)—

"(2A) Where a person is sentenced to imprisonment with an order under section 47(1) of the M103 Criminal Law Act 1977 (sentences partly suspended), subsection (1) above—

(a) operates to reduce the part of the sentence required to be served in prison;

(b) operates to reduce the whole period of the sentence for the purposes of section 47(3) of that Act; but

(c) does not operate to reduce any part of the sentence which is ordered under section 47(1) of that Act to be held in suspense.

(2B) Where—

(a) an offender has been sentenced to imprisonment with an order under section 47(1) of that Act; and

(b) he has been released from prison after serving part of his sentence; and

(c) an order is subsequently made restoring part of his sentence,

the restored part shall for the purposes of this section be treated as a sentence of imprisonment imposed by the order restoring it (but shall not be reduced by any period spent in custody by the offender before the original sentence was passed).".

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Marginal Citations

M103 1977 c. 45

Criminal Appeal Act 1968 (c. 19)

23 In section 10 of the Criminal Appeal Act 1968 (appeal against sentence passed by Crown Court for an offence not tried on indictment)—

F120(a) . . . . . .

(b) in subsection (3)(a), after the word "imprisonment" there shall be inserted the words "or to youth custody under section 6 of the Criminal Justice Act 1982"; and

(c) the following subsection shall be inserted after subsection (4)—

"(5) If by virtue of an order made under section 14 of the Criminal Justice Act 1982, the term of 4 months specified in section 4 of that Act is increased to a term of 6 months or more, subsection (3)(a) above shall have effect, for so long as the term so specified is 6 months or more, as if after the word "more" there were inserted the words "or an order for his detention in a detention centre for a term of 6 months or more has been made under section 4 of the Criminal Justice Act 1982"."

Textual Amendments

F120 Sch. 14 para. 23(a) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

Firearms Act 1968 (c. 27)

24 In section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime)—

(a) in subsection (1)—

(i) after the word "sentenced", in the first place where it occurs, there shall be inserted the words "to custody for life or"; and

(ii) after the word "more" there shall be inserted the words "or to youth custody for such a term"; and

(b) in subsection (2), after the word "years", in the second place where it occurs, there shall be inserted the words "or to youth custody for such a term".

Children and Young Persons Act 1969 (c. 54)

F121 25 . . . . . .

Textual Amendments

F121 Sch. 14 para. 25 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

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26 In section 16(10) of that Act (which includes a definition of an "attendance centre order")—

(a) for the words "19 of the Criminal Justice Act 1948" there shall be substituted the words "17 of the Criminal Justice Act 1982"; and

(b) for the word "(5)" there shall be substituted the word "(13)".

27 In section 23(4) of that Act (remand to care of local authorities etc.) for the words "borstal sentence" there shall be substituted the words "youth custody sentence".

28 The following subsection shall be added at the end of section 69(4) of that Act (orders and regulations etc.)—

"(5) The power conferred by subsection (4)(c) of this section shall be construed in its application to orders under section 73(2) of this Act as authorising the inclusion in any such order of a provision directing that—

(a) the words "child or" wherever occurring in section 55 of the [M104]Children and Young Persons Act 1933 (power to order parent or guardian to pay fine etc.); and

(b) the words from "except" to the end of section 17(4) of the Criminal Justice Act 1982 (limit of aggregate number of hours for which an attendance centre order may require an offender under 14 years of age to attend at an attendance centre),

shall cease to have effect on a day specified in the order.".

Marginal Citations

M104 1933 c. 12

Fire Precautions Act 1971 (c. 40)

29 In section 40(2)(a) of the Fire Precautions Act 1971 (which provides that no fire certificate is required in respect of prisons and similar institutions) for the words "Borstal institution" there shall be substituted the words "youth custody centre".

Powers of Criminal Courts Act 1973 (c. 62)

30 In subsection (3)(c) of section 6 of the Powers of Criminal Courts Act 1973 (breach of requirements of probation order) for the words "19 of the Criminal Justice Act 1948" there shall be substituted the words "17 of the Criminal Justice Act 1982".

31 In section 13 of that Act (under which a conviction of an offence for which a probation order or an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes)—

(a) in subsection (1), after the word "below," there shall be inserted the words "and to section 50(1A) of the [M105]Criminal Appeal Act 1968 and section 108(1A) of the Magistrates' Courts Act 1980,"; and

(b) in subsection (4)(a), for the words "appeal against his conviction or rely on it" there shall be substituted the words "rely on his conviction".

Status: *Point in time view as at 01/03/1998.*
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Marginal Citations
M105 1968 c. 19.

[F122]32 . . . . . .

Textual Amendments
F122 Sch. 14 para. 32 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

33 In section 32(2) of that Act (enforcement etc. of fines imposed and recognizances forfeited by Crown Court) after the word "imprisonment," in the first place where it occurs, there shall be inserted the words "or detention under section 9 of the Criminal Justice Act 1982".

34 The following subsection shall be inserted as subsection (2) of section 42 of that Act—

"(2) Where an offender is committed by a magistrates' court for sentence under section 37 of the [M106] Magistrates' Courts Act 1980 (committal for sentence of offender aged 15 or 16 convicted of indictable offences), the Crown Court shall enquire into the circumstances of the case and shall have power—

(a) subject to section 7(8) of the Criminal Justice Act 1982 (term of youth custody for offenders aged 15 or 16 not to exceed 12 months), to sentence him to a term of youth custody not exceeding the maximum term of imprisonment for the offence on conviction on indictment; or

(b) to deal with him in any manner in which the magistrates' court might have dealt with him.".

Marginal Citations
M106 1980 c. 43

Juries Act 1974 (c. 23)

35 In Schedule 1 to the Juries Act 1974 (persons ineligible for or disqualified from jury service)—

(a) in Part I, in the entry beginning "governors, chaplains,", for the words "borstal institution" there shall be substituted the words "youth custody centre"; and

(b) in Part II—

(i) in sub-paragraph (a) for the words "or for a term of five years or more" there shall be substituted the words ", custody for life or to a term of imprisonment or youth custody of five years or more"; . . . [F123]

(ii) . . . . . [F124]

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Textual Amendments

F123 Word repealed by Juries (Disqualification) Act 1984 (c. 34, SIF 72:1), **ss. 1(2)**, 2(2)

F124 Sch. 14 para. 35(*b*)(ii) repealed by Juries (Disqualification) Act 1984 (c. 34, SIF 72:1), **ss. 1(2)**, 2(2)

Rehabilitation of Offenders Act 1974 (c. 53)

36 In section 5(1) of the Rehabilitation of Offenders Act 1974 (sentences excluded from rehabilitation)—

(a) in paragraph (b) after word “imprisonment" there shall be inserted the words “youth custody"; and

(b) after paragraph (d) there shall be the following words “and

(e) a sentence of custody for life”.

37 In section 5(2) (rehabilitation periods for particular sentences)—

(a) in Table A, after the word “imprisonment", in both places where it occurs, there shall be inserted the words “or youth custody"; and

(b) in Table B, after the words “made under" there shall be inserted the words “section 4 of the Criminal Justice Act 1982,".

Criminal Law Act 1977 (c. 45)

38 In section 36 of the Criminal Law Act 1977 (enforcement of fines imposed on young offenders)—

(a) in subsection (2) for the words “the statutory restrictions upon the imprisonment of young offenders" there shall be substituted the words “section 1 of the Criminal Justice Act 1982"; and

(b) in subsection (4)(a) for the words “19(1) of the Criminal Justice Act 1948" there shall be substituted the words “17 of the Criminal Justice Act 1982".

39 In subsection (5) of section 38A of that Act (execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine) in the definition of “prison", after paragraph (i) there shall be inserted the following paragraph—

“(ia) in the case of a person under that age arrested in England and Wales, any place in which he could be detained under section 12(10) of the Criminal Justice Act 1982;”.

40 The following shall be inserted after paragraph 3 of Schedule 9 to that Act (ancillary provisions relating to partly suspended sentences)—

“ Consecutive sentences of imprisonment

3A (1) This paragraph applies where—

(a) an offender is serving consecutive sentences of imprisonment; and

(b) at least one of the sentences was passed with an order under section 47(1) of this Act.

(2) Where this paragraph applies the offender shall, so far as the consecutive sentences are concerned, be treated for the purposes—

(a) of computing the date when he should be released from prison; and

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(b) of calculating the term of imprisonment liable to be restored under section 47(3) of this Act,

as if he had been sentenced to a single term of imprisonment with an order under section 47(1) of this Act of which the part which he is immediately required to serve in prison were the aggregate—

(i) of the part which he is required to serve in prison of any consecutive sentence passed with an order under section 47(1) of this Act; and

(ii) of the whole term of any other consecutive sentence,

and of which the part which is held in suspense were the aggregate of all parts of the sentences which were ordered to be held in suspense under that section.

(3) Section 47(6) of this Act shall have effect, in relation to any consecutive sentence passed with an order under section 47(1) of this Act, as if for the words following the word “prison" there were substituted the following words "if—

(a) none of the sentences to which he is subject had been passed with an order under subsection (1) above; and

(b) he had not had, in respect of any sentence passed with such an order, any remission under section 25(1) of the Prison Act 1952 (industry and good conduct in prison)."

(4) In this paragraph “a consecutive sentence” means a sentence which is one of two or more sentences of imprisonment the terms of which have been ordered to run consecutively.”.

41 In paragraph 7 of that Schedule, for the word “Where" there shall be substituted the words “Subject to section 60(1C) of the [M107]Criminal Justice Act 1967 (release on licence), where".

Marginal Citations

M107 1967 c. 80.

Customs and Excise Management Act 1979 (c. 2)

42 Section 147(5) of the Customs and Excise Management Act 1979 is repealed.

43 In section 156 of that Act (saving for outlying enactments of certain general provisions as to offences)—

(a) in subsection (3), the words “This subsection does not apply to Scotland” are repealed;

(b) for subsection (4) there shall be substituted the following subsections—

“(4) The maximum term of imprisonment which may be imposed on summary conviction in the sheriff court of an offence under any of the outlying provisions of the customs and excise Acts shall be 6 months.

(5) Where, in Scotland, an offence under any of the outlying provisions of the customs and excise Acts is triable only summarily by virtue

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of subsection (3)(b) above, the penalty for the offence shall be that to which a person was liable on summary conviction of the offence immediately before 29th July 1977 (the date of the passing of the Criminal Law Act 1977) subject to any increase by virtue of section 289C(5) of the Criminal Procedure (Scotland) Act 1975 or Part IV of the Criminal Justice Act 1982.”.

Child Care Act 1980 (c. 5)

44 In section 10(2) of the Child Care Act 1980 (parental powers of local authorities) for the words “regulations made in pursuance of section" there shall be substituted the words “section 21A of this Act and to regulations made in pursuance of section 21A or".

F125 45 . . . . . .

Textual Amendments

F125 Sch. 14 para. 45 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F126 46 . . . . . .

Textual Amendments

F126 Sch. 14 para. 46 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Magistrates' Courts Act 1980 (c. 43)

47 In section 24(3) of the Magistrates' Courts Act 1980 (powers of sentencing with respect to persons under the age of 17 tried summarily for indictable offences) for the words following the word “section" there shall be substituted the words “1(1) of the Criminal Justice Act 1982, it could have sentenced him to imprisonment for a term not exceeding—

(a) the maximum term of imprisonment for the offence on conviction on indictment; or

(b) six months,

whichever is the less. ”.

48 In section 31 of that Act (general limit on powers of magistrates' courts to impose imprisonment) the words “or youth custody” shall be inserted after the word “imprisonment” in subsections (1) and (2).

49 The following subsections shall be substituted for subsection (1) of section 37 of that Act (committal to Crown Court with a view to Borstal sentence)—

“(1) Where a person who is not less than 15 nor more than 16 years old is convicted by a magistrates' court of an offence punishable on conviction on indictment with a term of imprisonment exceeding six months, then, if the

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court is of opinion that he should be sentenced to a greater term of youth custody than it has power to impose, the court may commit him in custody or on bail to the Crown Court for sentence.

(1A) If by virtue of an order made under section 14 of the Criminal Justice Act 1982, the term specified in section 7(5) of that Act as the usual term of youth custody is increased to a term exceeding six months, subsection (1) above shall have effect, for so long as the term so specified exceeds six months, as if after the word “opinion" there were inserted the following words—"

(a) that a youth custody sentence should be passed on him but that it has no power to do so; or

(b) ".” .

50 In section 77(2) of that Act (power to fix a term of imprisonment and postpone issue of warrant of distress) after the word “imprisonment" there shall be inserted the words “or detention under section 9 of the Criminal Justice Act 1982 (detention of persons aged 17 to 20 for default)".

51 In section 81(1) of that Act (enforcement of fines imposed on young offenders) for the words “the statutory restrictions upon the imprisonment of young offenders" there shall be substituted the words “section 1 of the Criminal Justice Act 1982".

52 In section 82 of that Act (restriction on power to impose imprisonment for default) —

(a) in subsection (1)(c), after the word “imprisonment", in the first place where it occurs, there shall be inserted the words “, youth custody"; and

(b) in subsections (1)(c), (3)(a) and (5)(b) for the words “a term of imprisonment" there shall be substituted the words “a sentence of custody for life, or a term of imprisonment, youth custody, detention under section 9 of the Criminal Justice Act 1982".

53 In section 88 of that Act (supervision pending payment)—

(a) in subsection (4), for the word “prison”—

(i) in the first place where it occurs, there shall be substituted the words “detention under section 9 of the Criminal Justice Act 1982"; and

(ii) in the next place where it occurs, there shall be substituted the words “to such detention"; and

(b) in subsection (5), for the word “prison" there shall be substituted the words “such detention".

54 The following section shall be inserted after section 96 of that Act—

“**96A Application of Part III to persons aged 17 to 20.**

This Part of this act shall have effect in relation to a person aged 17 or over but less than 21 as if any reference to committing a person to prison, or fixing a term of imprisonment for a default, were a reference to committing the person to, or, as the case may be, to fixing a term of, detention under section 9 of the Criminal Justice Act 1982; and any reference to warrants of commitment, or to periods of imprisonment imposed for default, shall be construed accordingly.”.

Status: *Point in time view as at 01/03/1998.*
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55 The words "or the Crown Court" shall be added at the end of section 119(3) of that Act (postponement of taking recognizance).

56 In section 133(1) of that Act (consecutive terms of imprisonment) after the word "imprisonment" wherever it appears there shall be inserted the words "or youth custody".

57 At the end of section 134 of that Act (detention in police cells etc.) there shall be inserted the following subsection—

"(8) This section shall have effect in relation to a person aged 17 or over but less than 21 as if references in it to imprisonment were references to youth custody.".

58 The following subsection shall be added as subsection (3) of section 135 of that Act (detention of offender for one day in court house or police station) and as subsection (4) of section 136 of that Act (committal to custody overnight at police station for non-payment of sum adjudged by conviction)—

"(0) This section shall have effect in relation to a person aged 17 or over but less than 21 as if references in it to prison were references to detention under section 9 of the Criminal Justice Act 1982 (detention of persons aged 17 to 20 for default).".

59 In Schedule 4 to that Act (imprisonment for default) the words "or detention" shall be inserted after the word "imprisonment" in paragraphs 1 and 2(1).

Contempt of Court Act 1981 (c. 49)

60 The following subsection shall be inserted after subsection (2) of section 14 of the Contempt of Court Act 1981 (which relates to penalties for contempt and kindred offences in proceedings in England and Wales)—

"(2A) In the exercise of jurisdiction to commit for contempt of court or any kindred offence the court shall not deal with the offender by making an order under section 17 of the Criminal Justice Act 1982 (an attendance centre order) if it appears to the court, after considering any available evidence, that he is under 17 years of age.".

SCHEDULE 15

Section 77.

MINOR AND CONSEQUENTIAL AMENDMENTS SCOTLAND

Trespass (Scotland) Act 1865 (c. 56)

1 In section 4 of the Trespass (Scotland) Act 1865 (apprehension and punishment of offenders) for the words from ", and on being convicted" onwards, substitute the words "; and every person committing an offence against the provisions of this act shall be liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.".

Electric Lighting Act 1882 (c. 56)

2 . . . . . F127

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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

F127 Sch. 15 para. 2 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112, Sch. 17 para. 35(1), **Sch. 18**

Merchant Shipping Act 1894 (c. 60)

F128 3 . . . . . .

Textual Amendments

F128 Sch. 15 paras. 3-5 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

F129 4 . . . . . .

Textual Amendments

F129 Sch. 15 paras. 3-5 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

F130 5 . . . . . .

Textual Amendments

F130 Sch. 15 paras. 3-5 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

Public Health (Scotland) Act 1897 (c. 38)

6 In section 18 of the Public Health (Scotland) Act 1897 (power of entry to local authority or their officers)—

(a) before the word “conviction" insert the word “summary"; and

(b) for the words “a penalty not exceeding five pounds" substitute the words “a fine not exceeding level 3 on the standard scale".

7 In section 24 of that Act (penalty for contravention of decree and of interdict)—

(a) for the words “to a penalty of not more than £10 per day during his failure so to comply" substitute the words “on summary conviction to a fine not exceeding level 2 on the standard scale"; and

(b) for the words “to a penalty not exceeding £20 per day during such infringement" substitute the words “on summary conviction to a fine not exceeding level 2 on the standard scale".

Food and Drugs (Scotland) Act 1956 (c. 30)

8 In section 56 of the Food and Drugs (Scotland) Act 1956 (orders and regulations)—

(a) in subsection (8)(e), for the words “section forty of this Act" substitute “subsection (8A) below"; and

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(b) after subsection (8), insert the following new subsection—

"(8A) The maximum penalties referred to in subsection (8)(e) above are—

(a) on conviction of an offence triable only summarily, a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 6 months or both;

(b) in relation to an offence triable either summarily or on indictment—

(i) on summary conviction, a fine not exceeding the statutory maximum or imprisonment for a term not exceeding 6 months or both;

(ii) on conviction on indictment, a fine or imprisonment for a term not exceeding one year or both.".

South of Scotland Electricity Order Confirmation Act 1956 (c. xciv)

9 For section 51 of the South of Scotland Electricity Order 1956 as set out in the Schedule to the South of Scotland Electricity Order Confirmation Act 1956 there shall be substituted the following section—

Injury to electricity lines, meters, seals etc. and interference with meters.

(1) If any person—

(a) wilfully, fraudulently or by culpable negligence—

(i) injures or suffers to be injured any electric lines, meter or fittings belonging to the Board;

(ii) alters the index to any meter; or

(iii) prevents any meter from duly registering the quality of electricity supplied; or

(b) wilfully—

(i) injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle, meter or apparatus affixed by the Board to any electric line within a consumer's premises; or

(ii) opens or suffers to be opened any such sealed or locked receptacle, meter or apparatus;

he shall (without prejudice to any other right or remedy for the protection of the Board or the punishment of the offender) be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The prosecution of any such offence shall not prevent the Board from recovering the amount of any damage caused to them by the offence, and, if the offence involves wilful or fraudulent injury to or interference with any electric lines, meter or fittings belonging to the Board, the Board may also, until the matter has been remedied, but no longer, discontinue the supply of electricity to the person so offending (notwithstanding any contract previously existing).

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(3) The existence of artificial means for causing an alteration of the index to any meter or preventing any meter from duly registering the quantity of electricity supplied, when the meter is under the custody or control of the consumer, shall be prima facie evidence that the alteration or prevention, as the case may be, has been fraudulently and wilfully caused by the consumer using the meter.

(4) If any person—

(a) accidentally injures or detaches any seal or locking device referred to in paragraph (b) of subsection (1) of this section; or

(b) accidentally opens any sealed or locked receptacle, meter or apparatus referred to in that paragraph;

he shall within 48 hours of doing so notify the Board in writing.

(5) Any person who fails to comply with subsection (4) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.”.

10 In section 55 of that Order (penalty for interference with works) for the words “five pounds" substitute the words “level 3 on the standard scale".

North of Scotland Electricity Order Confirmation Act 1958 (c. ii)

11 For section 36 of the North of Scotland Electricity Order 1958 as set out in the Schedule to the North of Scotland Electricity Order Confirmation Act 1958 there shall be substituted the following section—

Injury to electricity lines, meters, seals etc. and interference with meters.

(1) If any person—

(a) wilfully, fraudulently or by culpable negligence—

(i) injures or suffers to be injured any electric lines, meter or fittings belonging to the Board;

(ii) alters the index to any meter; or

(iii) prevents any meter from duly registering the quantity of electricity supplied; or

(b) wilfully—

(i) injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle, meter or apparatus affixed by the Board to any electric line within a consumer’s premises; or

(ii) opens or suffers to be opened any such sealed or locked receptacle, meter or apparatus;

he shall (without prejudice to any other right or remedy for the protection of the Board or the punishment of the offender) be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The prosecution of any such offence shall not prevent the Board from recovering the amount of any damage caused to them by the offence, and, if the offence involves any wilful or fraudulent injury to or interference with any electric lines, meter or fittings belonging to the Board, the Board

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may also, until the matter has been remedied, but no longer, discontinue the supply of electricity to the person so offending (notwithstanding any contract previously existing).

(3) The existence of artificial means for causing an alteration of the index to any meter or preventing any meter from registering the quantity of electricity supplied, when the meter is under the custody or control of the consumer, shall be prima facie evidence that the alteration or prevention, as the case may be, has been fraudulently and wilfully caused by the consumer using the meter.

(4) If any person—

(a) accidentally injures or detaches any seal or locking device referred to in paragraph (b) of subsection (1) of this section; or

(b) accidentally opens any sealed or locked receptacle, meter or apparatus referred to in that paragraph;

he shall within 48 hours of doing so notify the Board in writing.

(5) Any person who fails to comply with subsection (4) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.”.

12 In section 40 of that Order (penalty for interference with works) for the words “five pounds" substitute the words “level 3 on the standard scale".

Roads (Scotland) Act 1970 (c. 20)

13 In section 48 of the Roads (Scotland) Act 1970 (prosecution of certain offences under the Act), after the word “Act” where first occurring insert the words “shall be triable only summarily and".

14 . . . . . F131

Textual Amendments

F131 Sch. 15 para. 14 repealed (S.) by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), Sch. 9 para. 6, **Sch. 10**

Immigration Act 1971 (c. 77)

15 In section 6 of the Immigration Act 1971 (recommendations by court for deportation)—

(a) in paragraph (b) of subsection (3), for the words “first offenders" substitute the words “persons who have not previously been sentenced to imprisonment";

(b) in subsection (5), the words “except in Scotland," and paragraph (b) and the word “and" preceding it are repealed.

16 . . . . . F132

Status: *Point in time view as at 01/03/1998.*
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Textual Amendments

F132 Sch. 15 para. 16 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras. 1, **2**

Criminal Procedure (Scotland) Act 1975 (c. 21)

17 In section 193A of the Criminal Procedure (Scotland) Act 1975 (fines on conviction on indictment to be without limit)—

(a) at the beginning, insert "(1)";

(b) for the words "section 8 of the Criminal Justice (Scotland) Act 1980" substitute the words "section 457A(4) of this Act";

(c) after the word "fine" where first occurring insert the words "of or";

(d) for the word "section" in the second and third places where it occurs substitute the words "subsection";

(e) at the end, insert the following new subsection—

"(2) Where any Act confers a power by subordinate instrument to make a person liable on conviction on indictment of any offence mentioned in subsection (1) above to a fine or a maximum fine of a specified amount, or which shall not exceed a specified amount, the fine which may be provided in the exercise of that power shall by virtue of this subsection be a fine of an unlimited amount."

18 In section 421(1) of the Criminal Procedure (Scotland) Act 1975 (recall to young offenders institution on reconviction)—

(a) omit the words "in a";

(b) for the words "an institution" substitute the word "detention".

19 In section 462(1) of that Act (interpretation), in the definition of "fine", after the word "penalty", insert the words "(but not a pecuniary forfeiture or pecuniary compensation)".

National Health Service (Scotland) Act 1978 (c. 29)

20 In paragraph 1(1) of Schedule 9 to the National Health Service (Scotland) Act 1978 (buying or selling goodwill of medical practice) omit the words from "not exceeding" where first occurring to "£500".

21 In paragraph 7 of Schedule 10 to that Act (penalties for contravention of provisions regarding control of maximum prices for medical supplies)—

(a) in sub-paragraph (2)(a) for the words "£100" substitute the words "the statutory maximum";

(b) in sub-paragraph (2)(b) omit the words "not exceeding £500"; and

(c) sub-paragraph (3) is repealed.

22 . . . . . **F133**

Status: *Point in time view as at 01/03/1998.*
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Textual Amendments

F133 Sch. 15 para. 22 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112, Sch. 17 para. 35(1), **Sch. 18**

Water (Scotland) Act 1980 (c. 45)

23 In section 38(6) of the Water (Scotland) Act 1980 (penalties for disclosure of information) in paragraph (a) for the words "£50" substitute the words "the statutory maximum".

24 In section 77 of that Act (obtaining supplies to meet drought)—

(a) for paragraphs (i) and (ii) of subsection (8) substitute the words "to the penalties mentioned in subsection (9).";

(b) after subsection (8) insert the following subsection—

"(9) The penalties referred to in subsection (8) are—

(a) in the case of an offence under paragraph (a) of that subsection—

(i) on summary conviction, a fine not exceeding the statutory maximum; and

(ii) on conviction on indictment, a fine; and

(b) in the case of an offence under paragraph (b) of that subsection, a fine not exceeding level 3 on the standard scale.".

25 In section 94(a) of that Act (penalties for false information) for the words "£50" substitute the words "the statutory maximum".

26 In section 95(a) of that Act (penalties for offences not otherwise provided for), for the words "£50" substitute the words "the statutory maximum".

27 In paragraph 10(3) of Schedule 4 to that Act (offences relating to construction of reservoirs)—

(a) in sub-paragraph (i), for the words "£50 in respect of each such day" substitute the words "the statutory maximum"; and

(b) in sub-paragraph (ii), omit the words "in respect of each such day".

28 In paragraph 37 of Schedule 4 to that Act (pollution of water by manufacture of gas, etc.), for the words "£50" substitute the words "the statutory maximum".

29 In paragraph 43 of Schedule 4 to that Act—

(a) at the end of sub-paragraph (1) insert the words "but all such offences shall be triable only summarily."; and

(b) at the end of the paragraph insert the following sub-paragraph—

"(3) For the avoidance of doubt it is declared that conduct in respect of which a person is made liable to a fine by or under the provisions of this Schedule is an offence.".

Criminal Justice (Scotland)Act 1980 (c. 62)

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30 In section 55 of the Criminal Justice (Scotland) Act 1980 (disqualification and endorsement where orders for probation or for absolute discharge are made)—

(a) after the word “subsection" insert the words “, which shall form subsection (8) of the said section 93 and subsection (9) of the said 4 section 101";

(b) omit the word “(8)".

SCHEDULE 16

Section 78.

REPEALS

Chapter	Short title	Extent of repeal
48 & 49 Vict. c. 70.	Sea Fisheries (Scotland) Amendment Act 1885.	In section 4, the words “or a fine not exceeding £200".
57 & 58 Vict. c. 60.	Merchant Shipping Act 1894.	In section 680(1), the words “and to the provisions hereinafter contained with respect to Scotland".
61 & 62 Vict. c. 36.	Criminal Evidence Act 1898.	In section 1, paragraph (h) of the proviso.
62 & 63 Vict. c. 19.	Electric Lighting (Clauses) Act 1899.	In the Schedule, section 38 of the Gasworks Clauses Act 1871 as set out in the Appendix (this repeal having effect for the purposes of the Schedule as incorporated with the Electricity Act 1947 or any other enactment).
15 & 16 Geo. 5 c. 86.	Criminal Justice Act 1925.	Section 12, so far as unrepealed.
11 & 12 Geo. 6. c. 58.	Criminal Justice Act 1948.	Sections 19 and 20.Section 48(2).Section 52.Section 76(2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 52.	Prison Act 1952.Sections 44 to 46.Section 49(2)(b).	In section 55(3), the words “Subsection (2) of section twenty-two, and".
3 & 4 Eliz. 2. c. 18.	Army Act 1955.	Section 71A(2).
3 & 4 Eliz. 2. c. 19.	Air Force Act 1955.	Section 71A(2).
5 & 6 Eliz. 2. c. 53.	Naval Discipline Act 1957.	Section 43A(2).
9 & 10 Eliz. 2. c. 39.	Criminal Justice Act 1961.	Section 1.Sections 3 to 7.Sections 10 to 13.Section 32(2)(a), (c) and (e).Section 34.Section 38(5).In section 39(1), the definition of “the

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		statutory restriction on the imprisonment of young offenders".Schedule 1.In Schedule 4, the entries relating to sections 19 and 20 of the Criminal Justice Act 1948 and the entries relating to sections 43, 44 and 45 of the Prison Act 1952.Schedule 6.
1966 c. 49.	Housing (Scotland) Act 1966.	In section 185(2), the words “for each day during which the failure continues".
1967 c. 80.	Criminal Justice Act 1967.	In section 60, in subsection (3), paragraph (b) and the word “or" immediately preceding it, the words from “Provided" to the end and subsection (5A)(b) and (c).Section 63.Section 66(1).Section 67(1)(b).Section 95(1).
1968 c. 19.	Criminal Appeal Act 1968.	In section 20, the words “(hereafter referred to as “the registrar")".
1969 c. 54.	Children and Young Persons Act 1969.	Section 7(1), (3) and (4).Section 31.In section 34(1), paragraph (d) and the words in paragraph (f) from “or section" to “fifteen".In Schedule 4, paragraph 6.In Schedule 5, paragraphs 5, 23 and 44.
1971 c. 23.	Courts Act 1971.	In Schedule 8, paragraph 22.
1971 c. 77.	Immigration Act 1971.	In section 6(5) the words “except in Scotland,", and paragraph (b) and the word “and" preceding it.
1972 c. 71.	Criminal Justice Act 1972.	Section 42.In Schedule 5, the entry relating to the Children and Young Persons Act 1933, the entries relating to the Criminal Justice Act 1961 and the first paragraph of the entry relating to the Children and Young Persons Act 1969.
1973 c. 62.	Powers of Criminal Courts Act 1973.	In section 2, in subsection (6), the

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words from “under", in the first place where it occurs, to “Act", and subsection (8).Section 4.In section 14(1), the words from “for such" to “in the order".Section 19.In section 21, in subsection (1), the words “Borstal training or detention in a detention centre" and subsection (3)(c).In section 23, in subsection (1), the words “which have arisen since the suspended sentence was passed", and subsections (3), (4) and (5).Section 29(6).In section 32(2), the words “Schedule 4 to that Act or".In section 45(4), the words “Borstal training or detention in a detention centre".In section 47(d), the words “day training centres and other".Section 48(3) and (4).In section 49, in subsection (2), the words from “and" to the end, and subsection (3).Section 50.Section 51(2).In section 57(1), the definition of “day training centre".In Schedule 1, paragraph 7.In Schedule 3, in paragraph 3, in sub-paragraph (1)(a) the words from “and to ensure" to the end and in sub-paragraph (3) the words “with the approval of the Secretary of State", paragraph 10(2), in paragraph 11, the words “day training centres", paragraph 13(2), paragraph 14(2) and (3), in paragraph 18(1), in paragraph (a), the words “community service committees" and in paragraph (b), the words “and staff appointed under paragraph 10 above" and in paragraph 18A, the words “and staff appointed under paragraph 10 above".In

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		Schedule 5, paragraphs 1, 13 and 33.
1974 c. 53.	Rehabilitation of Offenders Act 1974.	In section 5(1)(c), the word “and".
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	Section 8(2).In Section 289D, in subsection (2), the words “or (3A)", and subsection (3A).Section 291(1).In section 421(1), the words “in a".
1976 c. 52.	Armed Forces Act 1976.	In section 13, the words “not exceeding 12 months".
1976 c. 63.	Bail Act 1976.	In Schedule 2, paragraphs 40 and 42.
1977 c. 45.	Criminal Law Act 1977.	In section 31, subsection (4)(c) and the word “and" immediately preceding it and subsection (7).In section 36, subsection (1) and in subsection (9) the definition of “the statutory restrictions upon the imprisonment of young offenders".Section 37(1).In Schedule 9, in paragraph 10, the words from “and at" onwards.In Schedule 11, paragraphs 3 and 6.In Schedule 12, the entry relating to the Criminal Justice Act 1948, the entry relating to the Prison Act 1952, paragraph 1 and paragraph 2(3) and (4) of the entry relating to the Criminal Justice Act 1961, paragraphs 7(2) and 8 of the entry relating to the Criminal Justice Act 1967, paragraph 1 of the entry relating to the Children and Young Persons Act 1969, and in the entry relating to the Powers of Criminal Courts Act 1973, paragraph 1(6) and in paragraph 11(6) the words “or staff appointed under paragraph 10 of Schedule 3".
1978 c. 29.	National Health Service (Scotland) Act 1978.	In Schedule 9, in paragraph 1(1), the words from “not exceeding" where first

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		occurring to “£500".In Schedule 10, in paragraph 7, in sub-paragraph (2)(b), the words “not exceeding £500", and sub-paragraph (3).
1978 c. 49.	Community Service by Offenders (Scotland) Act 1978.	Section 6(3).Schedule 1.
1979 c. 2.	Customs and Excise Management Act 1979.	Section 147(5).In section 156(3), the words “This subsection does not apply to Scotland.".In Schedule 4, in the entry relating to the Powers of Criminal Courts Act 1973, the words “31(7) and".
1979 c. 11.	Electricity (Scotland) Act 1979.	In section 41(1)(b), the words “not exceeding £500".
1979 c. 39.	Merchant Shipping Act 1979.	In section 43, subsections (4) and (5), and in subsection (6), the words “or an order under subsection (4) of this section".
1980 c. 43.	Magistrates’ Courts Act 1980.	In section 76(1), the words “and section 19 of the Powers of Criminal Courts Act 1973".In section 81(8), the definition of “the statutory restrictions upon the imprisonment of young offenders".Section 108(3)(a).Section 131(3).In Schedule 7, paragraphs 38 to 42, 79 and 84 and in paragraph 120(a), the words from “and for" to the end of the paragraph.
1980 c. 45.	Water (Scotland) Act 1980.	In Schedule 4, in paragraph 10(3)(ii), the words “in respect of each such day".
1980 c. 57.	Imprisonment (Temporary Provisions) Act 1980.	Section 5.
1980 c. 62.	Criminal Justice (Scotland) Act 1980.	In section 7, in subsection (3), the words from the beginning to “provisions)" and the words from “and accordingly" to the end.Section 8.In section 46(1), paragraphs

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		(a) and (b), in paragraph (c), the words " "£25" and", "respectively" and " "£50" and", and paragraph (d).In section 55, the word "(8)".In Schedule 7, paragraphs 7, 12 and 50.
S.I. 1980/1088.	Criminal Justice and Armed Forces (Northern Ireland) Consequential Amendments Order 1980.	In Article 2, paragraph (1)(a)(ii) and (iii) and (e).
1981 c. 22.	Animal Health Act 1981.	Section 70.
1981 c. 49.	Contempt of Court Act 1981.	Section 12(3).Section 14(3).

SCHEDULE 17

Section 79.

TRANSITIONAL PROVISIONS

Young offenders

1 (1) Where an offender has before the commencement of sections 1 to 15 above been committed for sentence to the Crown Court under section 37 of the [M108]Magistrates' Courts Act 1980 but has not been dealt with by the Crown Court before the commencement of those sections, he shall be deemed to have been committed for sentence under section 37 of that Act as amended by this Act.

(2) A court to which it falls to determine for the purposes of any enactment how a previous court could or might have dealt with an offender, shall if the offender is under 21 years of age make that determination as if sections 1 to 15 above had been in force when the offender was dealt with by the previous court and the powers conferred by them had accordingly been available to that court when dealing with him instead of the powers which were in fact available to it.

Marginal Citations
M108 1980 c. 43

2 (1) Subject to sub-paragraph (2) below, an order for detention in a detention centre for a term which has not expired at the commencement of sections 1 to 15 above shall be treated for all purposes of detention, release and supervision as if it had been made under section 4 above.

(2) Where an order for detention of an offender in a detention centre was made before the comencement of sections 1 to 15 above and the term for which he was ordered to be so detained has not expired at the commencement of those sections, nothing in sub-paragraph (1) above shall prevent his detention in such a centre after that date.

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3 (1) Subject to sub-paragraph (2) below, where at the commencement of sections 1 to 15 above and offender is detained in a detention centre by reason of his having been recalled under paragraph 2 of Schedule 1 to the [M109]Criminal justice Act 1961 (recall for breach of supervision requirement), he shall be treated as if the order recalling him had been a detention centre order made on the same date for 30 days or, if the maximum period for which he was liable to recall was less than 30 days, for that period.

(2) If at the commencement of sections 1 to 15 above an offender has been in custody by virtue of an order under the said paragraph 2 for 30 days or more, he shall be released on the commencement of those sections.

(3) Nothing in this paragraph shall render an offender liable to a period of supervision on release from a detention centre additional to any such period to which he is liable by virtue of paragraph 1 of Schedule 1 to the Criminal Justice Act 1961 immediately before the commencement of sections 1 to 15 above.

Marginal Citations
M109 1961 c. 39.

4 An offender who was sentenced to Borstal training on a date before the commencement of sections 1 to 15 above and whose sentence has not expired at the commencement of those sections shall be treated for all purposes of detention, release and supervision as if his sentence had been a youth custody sentence for a term of 12 months.

5 (1) A custodial order to which this sub-paragraph applies shall be treated as a youth custody sentence for all purposes of detention, release and supervision of the offender in respect of whom it was made.

(2) Sub-paragraph (1) above applies to a custodial order specifying a maximum period of detention which has not expired at the commencement of sections 1 to 15 above—

(a) if the maximum period of detention which it specifies is more than 4 months; or

(b) if—

(i) the maximum period is 4 months or less; and

(ii) the offender is female.

(3) A custodial order to which this sub-paragraph applies shall be treated as a detention centre order for all purposes of detention, release and supervision of the offender.

(4) Sub-paragraph (3) above applies to a custodial order made in respect of a male offender and specifying a maximum period of detention of 4 months or less which has not expired at the commencement of sections 1 to 15 above.

(5) In this paragraph "custodial order" means an order—

(a) under section 71AA of the [M110]Army Act 1955, section 71AA of the [M111]Air Force Act 1955 or section 43AA of the [M112]Naval Discipline Act 1957; or

(b) under paragraph 10 of Schedule 5A to the Army Act 1955, Schedule 5A to the Air Force Act 1955 or Schedule 4A to the Naval Discipline Act 1957.

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Marginal Citations
M110 1955 c. 18.
M111 1955 c. 19.
M112 1957 c. 53.

6 (1) Subject to sub-paragraph (3) below, where at the commencement of sections 1 to 15 above an offender is detained in a borstal institution by reason of his having been recalled under section 45(4) of the [M113]Prison Act 1952 (recall for breach of supervision requirement) he shall be treated as if the order recalling him had been a sentence of youth custody for a term of thirty days commencing from the date on which he was taken into custody.

(2) Subject to sub-paragraph (3) below, where at the commencement of sections 1 to 15 above an offender is detained in a borstal institution by reason of his having been returned to such an institution under section 12 of the [M114]Criminal Justice Act 1961 (return to borstal institution on re-conviction), he shall be treated as if the order returning him to the institution had been an order made on the same date sentencing him to youth custody for a term of thirty days.

(3) If at the commencement of sections 1 to 15 above an offender has been in custody by virtue of an order referred to in sub-paragraph (1) or (2) above for thirty days or more, he shall be released on the commencement of those sections.

(4) Nothing in this paragraph shall render an offender who is released after being detained by virtue of an order referred to in sub-paragraph (1) or (2) above liable to a period of supervision additional to any such period to which he was liable by virtue of section 45 of the [M115]Prison Act 1952 immediately before the commencement of sections 1 to 15 above.

Marginal Citations
M113 1952 c. 52.
M114 1961 c. 39.
M115 1952 c. 52.

7 (1) This paragraph applies to any offender who at the commencement of sections 1 to 15 above is serving a sentence of imprisonment which was passed on him when he was under 21 years of age.

(2) The Secretary of State may from time to time direct that an offender to whom this paragraph applies is to be detained—

(a) in a youth custody centre; or

(b) in a remand centre.

(3) An offender to whom this paragraph applies shall be treated for the purposes of release and supervision as if he had been sentenced on the date when the sentence of imprisonment was imposed to an equal term of youth custody.

8 Where at the commencement of sections 1 to 15 above an offender is serving a sentence of life imprisonment which was passed on him while he was under 21 years of age, he shall be treated for all purposes as if he had been sentenced to custody for life on the date when the sentence of life imprisonment was imposed.

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9 Rules under section 47 of the Prison Act 1952 may provide that any awards for an offence against discipline made before the commencement of sections 1 to 15 above shall continue to have effect, subject to such modifications as the Secretary of State may consider appropriate in relation to any particuar description of award.

10 (1) Where under section 23(1)(a) or (b) of the [M116]Powers of Criminal Courts Act 1973 a court orders that a suspended sentence shall take effect and the offender has not attained the age of 21 at the time when the order is made, the order shall be treated for all purposes as a detention centre order or a youth custody sentence.

(2) The question whether an order under sub-paragraph (1) above is to be treated as a detention centre or a youth custody sentence shall be determined—

(a) by reference to the length of the term which the offender is required to serve under that order; or

(b) where the offender is subject to any other term with which that term is wholly or partly concurrent or upon which that term is ordered under section 23(2) of the Powers of Criminal Courts Act 1973 to run consecutively, by reference to the total length of the term which he is required to serve.

(3) Sections 1 to 15 above shall have effect for the purposes of this paragraph as they have effect when an offender falls to be sentenced for an offence.

Marginal Citations
M116 1973 c. 62.

11 A person who immediately before the commencement of sections 1 to 15 above is under supervision by virtue of paragraph 1 of Schedule 1 to the [M117]Criminal Justice Act 1961 (supervision of a person released from a detention centre) shall be treated—

(a) as if he were under supervision by virtue of section 15 above; and

(b) as if the requirements specified in the notice given to him under that paragraph had been specified in a notice given under subsection (10) of that section;

and the supervision period for the purposes of that section shall end at the end of the period of three months from his release or on the commencement of sections 1 to 15 above, whichever is the later.

Marginal Citations
M117 1961 c. 39.

12 A person who immediately before the commencement of sections 1 to 15 above is subject to supervision by virtue of section 45 of the [M118]Prison Act 1952 (supervision of a person released from a Borstal institution) shall be treated—

(a) as if he were under supervision by virtue of section 15 above; and

(b) as if the requirements specified in the notice given to him under section 45(3) of the Prison Act 1952 had been specified in a notice given under section 15(10) above;

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Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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)*

and the supervision period for the purposes of that section shall end at the end of the period of twelve months from the date he was sentenced to borstal training or on the commencement of sections 1 to 15 above, whichever is the later.

Marginal Citations
M118 1952 c. 52.

13 A person who immediately before the commencement of sections 1 to 15 above is subject to a licence under section 60(3)(b) of the [M119]Criminal Justice Act 1967 (release on licence of a person serving a sentence of imprisonment for a term of 18 months or more who was under the age of 21 when the sentence was passed) or is subject to supervision by virtue of section 63(1) of that Act (supervision of a person released from prison after serving a sentence of imprisonment for a term of less than 18 months who was under the age of 21 when the sentence was passed) shall be treated—

(a) as if he were under supervision by virtue of section 15 above; and

(b) as if the conditions specified in the licence or, as the case may be, the requirements specified in the notice given to him under paragraph 1 of Schedule 1 to the Criminal Justice Act 1961, had been specified in a notice given under section 15(10) above.

Marginal Citations
M119 1967 c. 80.

14 (1) Where—

(a) a person has been released from prison, a Borstal institution or a detention centre before the commencement of sections 1 to 15 above; and

(b) he is subject to supervision or to a licence, by virtue of any of the enactments specified in sub-paragrah (2) below; and

(c) the Secretary of State has recalled him by virtue of any of the enactments specified in sub-paragraph (3) below but he is not yet in custody in consequence of his recall at the commencement of sections 1 to 15 above.

he shall be detained—

(i) in a prison or a youth custody centre as the Secretary of State may direct, if he was recalled to prison;

(ii) in a youth custody centre, if he was recalled to a borstal institution; and

(iii) in a detention centre, if he was recalled to such a centre.

for a period of 30 days or for the maximum period for which he was liable to be recalled, whichever is the shorter.

(2) The enactments referred to in sub-paragraph (1)(b) above are—

(a) section 45(1) of the [M120]Prison Act 1952 (supervision of a person released from a Borstal institution);

(b) paragraph 1 of Schedule 1 to the [M121]Criminal Justice Act 1961 (supervision of a person released from a detention centre);

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(c) section 60(3)(b) of the [M122]Criminal Justice Act 1967 (release on licence of a person serving a sentence of imprisonment for a term of 18 months or more who was under the age of 21 when the sentence was passed); and

(d) section 63 of that Act (supervision of a person serving a sentence of imprisonment for a term of less than 18 months who was under the age of 21 when the sentence was passed).

(3) The enactments referred to in sub-paragraph (1)(c) above are—

(a) section 45(4) of the Prison Act 1952 (recall of persons supervised under that section);

(b) paragraph 2 of Schedule 1 to the Criminal Justice Act 1961 (recall of persons released under that Schedule and under section 63 of the Criminal Justice Act 1967); and

(c) section 62(1) of the Criminal Justice Act 1967 (recall of persons released under section 60 or 61 of that Act).

(4) Detention under sub-paragraph (1) above does not prejudice the continuation of the supervision period to which a person is subject by virtue of paragraph 11, 12 or 13 above.

Marginal Citations

M120 1952 c. 52.
M121 1961 c. 39.
M122 1967 c. 80.

15 Until the commencement of sections 1 to 15 above, if a person—

(a) is serving a sentence of imprisonment for a term of 18 months or more who was under the age of 21 when the sentence was passed; and

(b) is to be released from prison in pursuance of an order under section 32 above,

his release shall be a release on licence under section 60 of the [M123]Criminal Justice Act 1967, irrespective of whether at the time of his release he could have been released on licence under that section by virtue of subsection (3) thereof.

Marginal Citations

M123 1967 c. 80.

Probation

[F134]16 . . . . . .

Textual Amendments

F134 Sch. 17 para. 16 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**.

[F135]17 . . . . . .

Status: *Point in time view as at 01/03/1998.*
Changes to legislation: *Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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

F135 Sch. 17 para. 17 repealed (5.2.1994) by 1993 c. 47, ss. 32(3), 33(2), **Sch.4**.

Fines

18 Any provision of Schedule 15 to this Act which alters the penalty for any offence shall not affect the penalty for an offence committed before that provision comes into force.

Status:
Point in time view as at 01/03/1998.

Changes to legislation:
Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 10 May 2024. 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.