



Criminal Justice Act 1982

1982 CHAPTER 48

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) sections 33 to 36 of the Sexual Offences Act 1956 (brothel-keeping and prostitution); or
 - (b) section 1(2) of the Street Offences Act 1959 (loitering and soliciting for the purpose of prostitution).

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.
- (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.

*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 " .
- (2) The scale at the commencement of this section is shown below.

<i>Level on the scale</i>	<i>Amount of fine</i>
1	£25
2	£50
3	£200
4	£500
5	£1,000

- (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 Magistrates' Courts Act 1980.

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 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 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 subsections (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.

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) sections 40(5) and 44(1) of the Road Traffic Act 1972;
 - (ii) any enactment specified in the Schedule to the London Transport Act 1977 or in Schedule 1 to the 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 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 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.

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 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.
- (6) Subsection (5) above does not apply—
- (a) to section 67(3) of the Transport Act 1962 (byelaws for railways and railway shipping services);
 - (b) to section 25(2) of the London Transport Act 1969 (byelaws for road transport premises);
 - (c) to the enactments specified in Part II of Schedule 2 to the City of London (Various Powers) Act 1977; or
 - (d) to the enactments specified in Schedule 2 to the 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.

41 Emergency regulations

In section 2(3) of the 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 ".

42 Orders relating to spread of pests

The following subsections shall be substituted for section 3(4) of the 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.”.

43 Byelaws relating to the burning of straw or stubble

Any byelaws relating to the burning of straw or stubble made by a local authority under section 235 of the Local Government Act 1972 (byelaws for good rule and government and suppression of nuisances) may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding £1,000 and, in the case of a continuing offence, a further fine not exceeding £5 for each day during which the offence continues after the conviction thereof; and any such byelaw in force at the coming into force of this section which specifies £200 or any smaller sum as the maximum fine which may be imposed on summary conviction of an offence under any such byelaw shall have effect as if it specified £1,000 instead (but with no change by virtue of this section in the maximum daily fine, if any, for which it provides).

44 Byelaws for British Airports Authority aerodromes

The following subsections shall be substituted for section 9(3) of the Airports Authority Act 1975 (by virtue of which the maximum fine that byelaws made by the British Airports Authority in respect of aerodromes owned or managed by it may specify for a contravention of the byelaws is £100)—

“(3) Any person contravening any byelaws made under this section shall be liable on summary conviction to a fine not exceeding such amount as, subject to subsection (3A) below, may be specified by the byelaws in relation to the contravention.

(3A) The maximum fines that byelaws may specify by virtue of subsection (3) above are fines of an amount at level 4 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or of a lower amount.”.

45 Byelaws for other aerodromes

In section 40 of the Civil Aviation Act 1982—

(a) the following subsections shall be substituted for subsection (1) (fines for contravention of byelaws relating to aerodromes of Secretary of State, Civil Aviation Authority, local authorities and other persons)—

- “(1) Any person contravening any byelaws made under sections 27, 29, 32 or 33 above shall be liable on summary conviction to a fine not exceeding such amount as, subject to subsection (1A) below, may be specified by the byelaws in question in relation to the contravention.
- (1A) The maximum fines that byelaws may specify by virtue of subsection (1) above are fines of an amount at level 4 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or of a lower amount.”; and
- (b) the following subsection shall be added after subsection (2)—
- “(3) For the purposes of subsection (1A) above, in its application to byelaws made under section 29 above—
- (a) section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences); and
- (b) an order under section 143 of the Magistrates' Courts Act 1980 which alters the sum specified in section 37(2) of the Criminal Justice Act 1982, shall extend to Northern Ireland.”.

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 (UteMii) 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 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 except—

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- (i) an enactment mentioned in Schedule 2 to the Companies Act 1980;
 - (ii) an enactment contained in the Companies Act 1981 ;
 - (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.

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.

Power to alter maximum fines etc.

48 Power to alter sums

- (1) In section 143 of the 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;”;
 - (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);

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- (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) ;
 - (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.”;
- (c) the following subsection shall be substituted for subsection (3)—
- “(3) In subsection (1) above " the relevant date " means—
 - (a) in relation to the first order under this section, 29th July 1977 ;
 - and
 - (b) in relation to each subsequent order, the date of the previous order.”; and
 - (d) in subsection (5), for the words " Criminal Law Act 1977 " there shall be substituted the words " Criminal Justice Act 1982 ".
- (2) The Schedule set out in Schedule 5 to this Act shall be inserted after Schedule 6 to that Act

Shipping and oil pollution

49 Fines for certain offences under Merchant Shipping Acts and Prevention of Oil Pollution Act 1971

- (1) Where a provision of the Merchant Shipping Acts 1894 to 1979 or the Prevention of Oil Pollution Act 1971—
- (a) makes a person guilty of an offence triable either summarily or on indictment liable on summary conviction to a fine not exceeding £1,000 ; or
 - (b) confers power by subordinate instrument to make a person liable to a fine not exceeding £1,000 on summary conviction of an offence triable either summarily or on indictment,
- the reference to £1,000 shall be construed as a reference to the statutory maximum.
- (2) In section 20 of the Merchant Shipping Act 1979 (prevention of pollution from ships etc.)—
- (a) the following paragraphs shall be substituted for paragraph (f) of subsection (3)—
 - “(f) that a contravention of a provision made by or under the Order shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years and a fine;

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- (fa) that any such contravention shall be an offence punishable only on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or such less amount as is prescribed by the Order;”
- (b) in the words following paragraph (g), " neither paragraph (f) nor paragraph (fa) shall" shall be substituted for " paragraph (f) shall not " ;
- (c) the following subsection shall be inserted after subsection (3)—
- “(3A) Section 74 of the Criminal Justice Act 1982 (construction of references to " statutory maximum ") shall have effect for the purposes of paragraph (f) of the preceding subsection as if that paragraph were contained in that Act.”; and
- (d) the following subsections shall be added after subsection (6)—
- “(7) For the purposes of subsection (3)(f) of this section—
- (a) section 32 of the Magistrates' Courts Act 1980 (by virtue of which there is a prescribed sum as the statutory maximum fine on summary conviction of an offence triable either summarily or on indictment);
- (b) an order under section 143 of that Act (which alters the definition of " the prescribed sum " in section 32(9)); and
- (c) section 74 of the Criminal Justice Act 1982 (construction of references to " statutory maximum "),
- shall extend to Northern Ireland.
- (8) For the purposes of subsection (3)(b) of this section—
- (a) section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences); and
- (b) an order under section 143 of the Magistrates' Courts Act 1980 which alters the sums specified in section 37(2) of the Criminal Justice Act 1982,
- shall extend to Northern Ireland.”.
- (3) In section 21 of that Act (safety and health on ships)—
- (a) in subsection (6)—
- (i) the following paragraphs shall be substituted for paragraph (b)—
- “(b) that a contravention of the regulations shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years and a fine;
- (ba) that any such contravention shall be an offence punishable only on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or such less amount as is prescribed by the regulations;
- (bb) that, in such cases as are prescribed by the regulations, such persons as are so prescribed shall

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each be guilty of an offence created by virtue of paragraph (b) or (ba) of this subsection ;” and

(ii) the following paragraph shall be substituted for paragraph (c)—

“(c) that, notwithstanding anything in paragraph (b) or (ba) of this subsection, a person convicted summarily of an offence under the regulations of a kind which is stated by the regulations to correspond to an offence which is triable either summarily or on indictment under an enactment specified in the regulations which authorises or authorised a fine on summary conviction of a maximum amount exceeding the statutory maximum shall be liable to a fine not exceeding that maximum amount.”; and

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

“(7) For the purposes of subsection (6)(b) and (c) above—

- (a) section 32 of the Magistrates' Courts Act 1980 (by virtue of which there is a prescribed sum as the statutory maximum fine on summary conviction of an offence triable either summarily or on indictment);
- (b) an order under section 143 of that Act (which alters the definition of " the prescribed sum " in section 32(9)); and
- (c) section 74 of the Criminal Justice Act 1982 (construction of references to " statutory maximum "),

shall extend to Northern Ireland.

(8) For the purposes of subsection (6) (ba) above—

- (a) section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences); and
- (b) an order under section 143 of the Magistrates' Courts Act 1980 which alters the sums specified in section 37(2) of the Criminal Justice Act 1982,

shall extend to Northern Ireland.”.

(4) The paragraphs substituted for section 20(3)(f) of the Merchant Shipping Act 1979 by subsection (2) above, together with the words substituted by paragraph (b) of that subsection and the paragraphs substituted for section 21(6)(b) and (c) of that Act by subsection (3) above shall be deemed always to have had effect.

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

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

- (a) in subsection (2), for the words from " 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) the following subsection shall be added after subsection (3)—

“(4) For the purposes of subsection (2) of this section—

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- (a) section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences); and
 - (b) an order under section 143 of the Magistrates' Courts Act 1980 which alters the sums specified in section 37(2) of the Criminal Justice Act 1982,
- shall extend to Northern Ireland.”.

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

Fine enforcement

51 Variation of instalments and means inquiries

- (1) The following section shall be inserted after section 85 of the 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”.

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 Criminal Law Act 1977 there shall be inserted the following section—

“38B Further provision for execution of warrants of commitment; for non-payment 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.”.