



# Criminal Justice Act 1991

## CHAPTER 53

### CRIMINAL JUSTICE ACT 1991

#### PART I

##### POWERS OF COURTS TO DEAL WITH OFFENDERS

###### *Custodial sentences*

- 1 Restrictions on imposing custodial sentences.
- 2 Length of custodial sentences.
- 3 Procedural requirements for custodial sentences.
- 4 Additional requirements in the case of mentally disordered offenders.
- 5 Suspended and extended sentences of imprisonment.

###### *Community sentences*

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- 7 Procedural requirements for community sentences.

###### *Probation and community service orders*

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- 9 Additional requirements which may be included in such orders.
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- 11 Orders combining probation and community service.

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- 13 Electronic monitoring of curfew orders.

*Status: Point in time view as at 01/10/1992.*

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*Orders: supplemental*

- 14 Enforcement etc. of community orders.
- 15 Regulation of community orders.
- 16 Reciprocal enforcement of certain orders.

*Financial penalties*

- 17 Increase of certain maxima.
- 18 Fixing of certain fines by reference to units.
- 19 Fixing of fines in other cases.
- 20 Statements as to offenders' means.
- 20A False statements as to financial circumstances.

*Financial penalties: supplemental*

- 21 Remission of fines fixed under section 18.
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- 23 Default in other cases.
- 24 Recovery of fines etc. by deductions from income support.

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- 33A Duty to release prisoners: special cases.
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- 34A Power to release short-term prisoners on licence.
- 35 Power to release long-term and life prisoners.
- 36 Power to release prisoners on compassionate grounds.
- 37 Duration and conditions of licences.
- 37A Curfew condition to be included in licence under section 34A.

*Misbehaviour after release*

- 38 Breach of licence conditions by short-term prisoners.
- 38A Breach of curfew condition.
- 39 Recall of long-term and life prisoners while on licence.

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- 40 Convictions during currency of original sentences.
- 40A Release on licence following return to prison.

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- 44A Re-release of prisoners serving extended sentences.
- 45 Fine defaulters and contemnors.
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- 50 Transfer by order of certain functions to Board.
- 51 Interpretation of Part II.

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- 55 Further amendments of enactments relating to children's evidence.

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- 57 Responsibility of parent or guardian for financial penalties.
- 58 Binding over of parent or guardian.

*Detention etc. pending trial*

- 59 Detention at a police station.
- 60 Remands and committals to local authority accommodation.
- 61 Provision by local authorities of secure accommodation.
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- 63 Custodial sentences under 1982 Act.
- 64 Custodial sentences under 1933 Act.
- 65 Supervision of young offenders after release.
- 66 Supervision orders.

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67 Attendance centre orders.

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- 68 Persons aged 17 to be treated as young persons for certain purposes.
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- 74 Default power where probation committee fails to discharge statutory duty.
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- 76 Provision of court security officers.
- 77 Powers and duties of court security officers.
- 78 Protection of court security officers.
- 79 Duties of responsible authorities.

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- 80 Arrangements for the provision of prisoner escorts.
- 81 Monitoring etc. of prisoner escort arrangements.
- 82 Powers and duties of prisoner custody officers acting in pursuance of such arrangements.
- 83 Breaches of discipline by prisoners.

*Contracted out prisons*

- 84 Contracting out of certain prisons.
- 85 Officers of contracted out prisons.
- 86 Powers and duties of prisoner custody officers employed at contracted out prisons.
- 86A Power of prisoner custody officers to detain suspected offenders
- 86B Powers of authorised persons to perform custodial duties
  - 87 Consequential modifications of 1952 Act.
  - 88 Intervention by the Secretary of State.

*Contracted out functions*

- 88A Contracted out functions at directly managed prisons.

*Supplemental*

- 89 Certification of prisoner custody officers
- 90 Protection of prisoner custody officers.
- 91 Wrongful disclosure of information.
- 92 Interpretation of Part IV.

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#### *Cash limits*

- 93 Cash limits for magistrates' courts.
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- 100 Minor and consequential amendments.
- 101 Transitional provisions, savings and repeals.
- 102 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Amendments of 1973 Act

#### Part I — PROVISIONS INSERTED AS SECTIONS 1A TO 1C

Discharge Absolute and conditional discharge. (1) Where a court by or before which a person...

#### Part II — PROVISIONS INSERTED AS SCHEDULE 1A

Schedule 1A Additional Requirements in Probation Orders  
Requirements as to...

### SCHEDULE 2 — Enforcement etc. of Community Orders

#### Part I — PRELIMINARY

- 1 (1) In this Schedule “relevant order” means any of the...  
Part II — BREACH OF REQUIREMENT OF ORDER

#### *Issue of summons or warrant*

- 2 (1) If at any time while a relevant order is...

#### *Powers of magistrates' court*

- 3 (1) If it is proved to the satisfaction of the...

#### *Powers of Crown Court*

- 4 (1) Where by virtue of paragraph 3(3) above an offender...

#### *Exclusions*

- 5 (1) Without prejudice to paragraphs 7 and 8 below, an...

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*Supplemental*

- 6 (1) Any exercise by a court of its powers under...  
6A (1) Where a relevant order was made by a magistrates' ...  
Part III — REVOCATION OF ORDER

*Revocation of order with or without re-sentencing*

- 7 (1) This paragraph applies where a relevant order is in...  
8 (1) This paragraph applies where an offender in respect of...  
8A (1) This paragraph applies where a probation order is in...

*Revocation of order following custodial sentence*

- 9 (1) This paragraph applies where— (a) an offender in respect...  
10 Where by virtue of paragraph 9(2)(b) above an offender is...

*Supplemental*

- 11 (1) On the making under this Part of this Schedule...  
11A Paragraph 6A above shall apply for the purposes of paragraphs...  
11B Where under this Part of this Schedule a relevant order...  
Part IV — AMENDMENT OF ORDER

*Amendment by reason of change of residence*

- 12 (1) This paragraph applies where, at any time while a...

*Amendment of requirements of probation or curfew order*

- 13 (1) Without prejudice to the provisions of paragraph 12 above,...

*Amendment of certain requirements of probation order*

- 14 (1) Where the medical practitioner or other person by whom...

*Amendment of drug treatment and testing order*

- 14A (1) Without prejudice to the provisions of section 63(2), (7)...

*Extension of community service order*

- 15 Where— (a) a community service order is in force in...

*Supplemental*

- 16 No order may be made under paragraph 12 above, and...  
17 (1) Subject to sub-paragraph (2) below, where a court proposes...  
18 (1) On the making under this Part of this Schedule...

SCHEDULE 3 — Reciprocal Enforcement of Certain Orders  
Part I — TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR  
NORTHERN IRELAND

*Probation orders: Scotland*

- 1 (1) Where a court considering the making of a probation...

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*Probation orders: Northern Ireland*

- 2 (1) Where a court considering the making of a probation...

*Community service orders: Scotland*

- 3 (1) Where a court considering the making of a community...

*Community service orders: Northern Ireland*

- 4 (1) Where a court considering the making of a community...

*Combination orders: Scotland*

- 5 Paragraphs 1 and 3 above shall apply in relation to...

*General*

- 6 (1) Where a community order is made or amended in...  
Part II — TRANSFER OF CORRESPONDING ORDERS FROM SCOTLAND

*Probation orders*

- 7 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended...

*Community service orders*

- 8 Section 6 of the Community Service by Offenders (Scotland) Act...

*Supervision requirements*

- 9 Section 72 of the Social Work (Scotland) Act 1968 (supervision...  
Part III — TRANSFER OF PROBATION ORDERS FROM NORTHERN IRELAND  
10 (1) Where, in the case of an offender of or...  
11 (1) Where a probation order is made or amended in...

SCHEDULE 4 — Increase of Certain Maxima

Part I — SUBSTITUTION OF OTHER AMOUNTS

Part II — SUBSTITUTION OF LEVELS ON STANDARD SCALE

Part III — SUBSTITUTION OF STATUTORY MAXIMUM

Part IV — PROVISIONS SUBSTITUTED FOR SCHEDULE 6A TO 1980 ACT

Schedule 6A Fines that may be Altered under Section 143...

Part V — OTHER AMENDMENTS

- 1 In section 27 of the 1973 Act (breach of requirement...  
2 In section 97 of the 1980 Act (maximum fine for...  
3 In section 12 of the Contempt of Court Act 1981...  
4 In section 14 of that Act (maximum fine for contempt...

SCHEDULE 5 — The Parole Board

*Membership*

- 1 The Board shall consist of a chairman and not less...

*Membership*

- 2 The Board shall include among its members—

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*Payments to members*

3 A member of the Board— (a) shall hold and vacate...

*Remuneration and allowances*

4 There shall be paid to the members of the Board...

*Staff*

5 The expenses of the Board under paragraph 4 above and...

*Reports*

6 The Board shall as soon as practicable after the end...

*Financial provisions*

7 (1) The Secretary of State shall pay to the Board—...

*Authentication of Board's seal*

8 The application of the seal of the Board shall be...

*Presumption of authenticity of documents issued by Board*

9 Any document purporting to be an instrument issued by the...

*Accounts and audit*

10 (1) It shall be the duty of the Board—

*Reports*

11 The Board shall as soon as practicable after the end...

SCHEDULE 6 — Notices of Transfer: Procedure in lieu of Committal

*Contents of notice of transfer*

1 (1) A notice of transfer shall specify the proposed place...

*Remand*

2 (1) If a magistrates' court has remanded in custody a...

*Witnesses*

3 For the purposes of the Criminal Procedure (Attendance of Witnesses)...

*Regulations*

4 (1) The Attorney General— (a) shall by regulations make provision...

*Applications for dismissal*

5 (1) Where a notice of transfer has been given, any...



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*Reporting restrictions*

6 (1) Except as provided by this paragraph, it shall not...

*Avoidance of delay*

7 (1) Where a notice of transfer has been given in...

*Procedures for indictment of offenders*

8 (1) In subsection (2) of section 2 of the Administration...

*Legal aid*

9 In section 20(4) of the Legal Aid Act 1988 (power...

SCHEDULE 7 — Provisions Substituted for Section 15 of 1969 Act

SCHEDULE 8 — Amendments for Treating Persons Aged 17 as Young Persons

*Children and Young Persons Act 1933 (c.12)*

1 (1) Section 31 of the 1933 Act shall be renumbered...

*Prison Act 1952 (c.52)*

2 In section 43(3) of the 1952 Act (remand centres, young...

*Children and Young Persons Act 1963 (c.37)*

3 In section 29(1) of the Children and Young Persons Act...

*Children and Young Persons Act 1969 (c.54)*

4 (1) Section 29 of the 1969 Act shall be renumbered...

*Rehabilitation of Offenders Act 1974 (c.53)*

5 In section 5(2) of the Rehabilitation of Offenders Act 1974...

*Magistrates' Courts Act 1980 (c.43)*

6 (1) Part I of the 1980 Act (criminal jurisdiction and...

SCHEDULE 9 — Amendments to Service Law

*Army Act 1955 (c.18) and Air Force Act 1955 (c.19)*

1 In section 71A of the Army Act 1955 and the...

2 In section 71AA of those Acts (young service offenders: custodial...

3 For subsection (2) of section 93 of those Acts (evidence...

4 In paragraph 10 of Schedule 5A to those Acts (civilian...

*Naval Discipline Act 1957 (c.53)*

5 In section 43A of the Naval Discipline Act 1957 (life...

6 In section 43AA of that Act (young service offenders: custodial...

7 For subsections (2) and (3) of section 60 of that...

8 In paragraph 10 of Schedule 4A to that Act (civilian...

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## SCHEDULE 10 — Certification of Prisoner Custody Officers

### *Preliminary*

- 1 In this Schedule— “certificate” means a certificate under section 89...

### *Issue of certificates*

- 2 (1) Any person may apply to the Secretary of State...

### *Suspension of certificate*

- 3 (1) This paragraph applies where at any time it appears—...

### *Revocation of certificate*

- 4 Where at any time it appears to the Secretary of...

### *False statements*

- 5 If any person, for the purpose of obtaining a certificate...

## SCHEDULE 11 — Minor and Consequential Amendments

### *Children and Young Persons Act 1933 (c.12)*

- 1 In section 38(2) of the 1933 Act (false evidence by...

### *Criminal Justice Act 1967 (c.80)*

- 2 (1) Section 67 of the 1967 Act (remand time to...

### *Criminal Appeal Act 1968 (c.19)*

- 3 In section 10(2) of the Criminal Appeal Act 1968 (appeal...  
4 In section 50(1A) of that Act (right of appeal of...

### *Civil Evidence Act 1968 (c.64)*

- 5 In section 11(5)(a) of the Civil Evidence Act 1968 (convictions...

### *Children and Young Persons Act 1969 (c. 54)*

- 6 (1) In subsection (1) of section 12D of the 1969...  
7 (1) In subsection (4) of section 16 of that Act...  
8 (1) In subsection (1) of section 16A of that Act...

### *Vehicles (Excise) Act 1971 (c.10)*

- 9 In section 9(5) of the Vehicles (Excise) Act 1971 (additional...

### *Powers of Criminal Courts Act 1973 (c.62)*

- 10 In section 11(2) of the 1973 Act (substitution of conditional...  
11 In section 12 of that Act (supplementary provisions as to...  
12 In section 14 of that Act (community service orders)—  
13 In section 15(2) of that Act (obligations of person subject...  
14 In section 31(3C) of that Act (maximum periods of imprisonment...  
15 In section 58 of that Act (application to Scotland), for...

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- 16 In section 59 of that Act (application to Northern Ireland),...  
17 (1) In paragraph 2(2)(a) of Schedule 3 to that Act...

*Juries Act 1974 (c.23)*

- 18 (1) In Schedule 1 to the Juries Act 1974, Group...

*Solicitors Act 1974 (c.47)*

- 19 In section 43(7) of the Solicitors Act 1974 (control of...

*Rehabilitation of Offenders Act 1974 (c.53)*

- 20 In section 1(4) of the Rehabilitation of Offenders Act 1974...

*Bail Act 1976 (c.63)*

- 21 In section 4(3) of the Bail Act 1976 (general right...  
22 (1) Paragraph 8 of Schedule 1 to that Act (restrictions...

*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c.32)*

- 23 In section 1(2) of the Licensed Premises (Exclusion of Certain...

*Magistrates' Courts Act 1980 (c.43)*

- 24 In section 12(1)(a) of the 1980 Act (non-appearance of accused:...  
25 In section 20(2)(b) of that Act (procedure where summary trial...  
26 In section 81(3)(a) of that Act (enforcement of fines imposed...  
27 (1) In subsection (2) of section 143 of that Act...  
28 In paragraph 2(2) of Schedule 4 to that Act (maximum...

*Contempt of Court Act 1981 (c.49)*

- 29 (1) Section 12(2) of the Contempt of Court Act 1981...

*Criminal Justice Act 1982 (c.48)*

- 30 For subsection (5) of section 1 of the 1982 Act...  
31 (1) In subsection (1) of section 1A of that Act...  
32 In section 3(1) of that Act (restrictions on imposing custodial...  
33 In section 13 of that Act (conversion of sentence of...  
34 In section 17(1) of that Act (attendance centre orders), for...

*Repatriation of Prisoners Act 1984 (c.47)*

- 35 (1) In section 2 of the Repatriation of Prisoners Act...

*Prosecution of Offences Act 1985 (c.23)*

- 36 In section 22(11) of the Prosecution of Offences Act 1985...

*Criminal Justice Act 1988 (c.33)*

- 37 In section 34 of the Criminal Justice Act 1988 (abolition...

*Road Traffic Offenders Act 1988 (c.53)*

- 38 (1) In subsection (1) of section 46 of the Road...

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*Extradition Act 1989 (c.33)*

39 In section 20(2)(b)(i) of the Extradition Act 1989 (restoration of...

*References to juvenile courts*

40 (1) Without prejudice to the generality of section 70(2) of...

*References to juvenile court panels*

41 (1) Without prejudice to the generality of section 70(2) of...

SCHEDULE 12 — Transitional Provisions and Savings

*Custodial and community sentences*

- 1 Each of sections 1 to 13 of this Act shall...
- 2 Neither subsection (2) of section 8 of this Act, nor...
- 3 An establishment which immediately before the commencement of Part II...
- 4 Paragraph 6 of Schedule 11 to this Act shall apply...

*Community orders: supplemental*

5 (1) Paragraphs 3 and 4 of Schedule 2 to this...

*Financial penalties*

- 6 None of sections 17 to 20 of this Act shall...
- 6A Section 17 of this Act shall not apply in relation...

*Increase of certain penalties*

7 Neither of subsections (3) and (4) of section 26 of...

*Early release: general*

- 8 (1) In this paragraph and paragraphs 9 to 11 below—...
- 9 (1) This paragraph applies where, in the case of an...
- 10 Prison rules made by virtue of section 42 of this...

*Early release of young persons detained under 1933 Act*

11 In relation to an existing prisoner or licensee whose sentence...

*Early release of prisoners serving extended sentences*

12 (1) In relation to an existing prisoner or licensee on...

*Early release of fine defaulters and contemnors*

13 Part II of this Act shall apply in relation to...

*Responsibilities of parent or guardian*

14 None of sections 56 to 58 of this Act shall...

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*Remands and committals of children and young persons*

- 15 (1) In this paragraph— “section 23” means section 23 of...  
16 (1) Subsection (2)(a) of section 60 of this Act shall...

*Custodial sentences for young offenders*

- 17 (1) Subject to sub-paragraph (2) below, section 63 of this...  
18 Section 64 of this Act shall not apply in any...

*Supervision of young offenders after release*

- 19 Section 65 of this Act shall not apply in relation...

*Supervision orders*

- 20 (1) In relation to pre-existing failures to comply with the...

*Attendance centre orders*

- 21 (1) Subsection (2) of section 67 of this Act shall...

*Provisions for treating persons aged 17 as young persons*

- 22 (1) Paragraphs 1, 3, 4 and 6 of Schedule 8...

*Renaming of juvenile courts etc.*

- 23 In relation to any time before the commencement of section...

*Supplemental*

- 24 For the purposes of this Schedule proceedings for an offence...

SCHEDULE 13 — Repeals

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