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# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### *Financial penalties*

#### 17 Increase of certain maxima.

- (1) In section 37 (standard scale of fines) of the <sup>M1</sup>Criminal Justice Act 1982 (“the 1982 Act”) and section 289G of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975 (corresponding Scottish provision), for subsection (2) there shall be substituted the following subsection—

“(2) The standard scale is shown below—

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

- (2) Part I of the <sup>M3</sup>Magistrates’ Courts Act 1980 (“the 1980 Act”) shall be amended as follows—

- (a) in section 24(3) and (4) (maximum fine on summary conviction of young person for indictable offence) and section 36(1) and (2) (maximum fine on conviction of young person by magistrates’ court), for “£400” there shall be substituted “£1,000”;

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- (b) in section 24(4) (maximum fine on summary conviction of child for indictable offence) and section 36(2) (maximum fine on conviction of child by magistrates' court), for "£100" there shall be substituted "£250"; and
  - (c) in section 32(9) (maximum fine on summary conviction of offence triable either way), for "c£2,000" there shall be substituted "£5,000";
- and in section 289B(6) of the Criminal Procedure (Scotland) Act 1975 (interpretation), in the definition of "prescribed sum", for "£2,000" there shall be substituted "£5,000".
- (3) Schedule 4 to this Act shall have effect as follows—
- (a) in each of the provisions mentioned in column 1 of Part I (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted the amount specified in column 4;
  - (b) in each of the provisions mentioned in column 1 of Part II (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted the level on the standard scale specified in column 4;
  - (c) in each of the provisions mentioned in column 1 of Part III (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted a reference to the statutory maximum;
  - (d) the provisions set out in Part IV shall be substituted for Schedule 6A to the 1980 Act (fines that may be altered under section 143); and
  - (e) the provisions mentioned in Part V shall have effect subject to the amendments specified in that Part, being amendments for treating certain failures as if they were summary offences punishable by fines not exceeding levels on the standard scale.

#### Extent Information

**E1** S. 17 extends to England and Wales; s. 17(1)(2) also extend to Scotland see s. 102(4)(5)

#### Modifications etc. (not altering text)

**C1** S. 17(1)(2) restricted (S.) (1.9.1992) by S.I. 1992/333, art. 4A (as inserted by S.I. 1992/2118, art. 4)

#### Commencement Information

**I1** S. 17 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

#### Marginal Citations

**M1** 1982 c. 48.

**M2** 1975 c. 21.

**M3** 1980 c. 43.

## 18 Fixing of certain fines by reference to units.

- (1) This section applies where a magistrates' court imposes a fine on an individual—
- (a) for a summary offence which is punishable by a fine not exceeding a level on the standard scale; or
  - (b) for a statutory maximum offence, that is to say, an offence which is triable either way and which, on summary conviction, is punishable by a fine not exceeding the statutory maximum.

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- (2) Subject to the following provisions of this section, the amount of the fine shall be the product of—
- (a) the number of units which is determined by the court to be commensurate with the seriousness of the offence, or the combination of the offence and other offences associated with it; and
  - (b) the value to be given to each of those units, that is to say, the amount which, at the same or any later time, is determined by the court in accordance with rules made by the Lord Chancellor to be the offender's disposable weekly income.
- (3) In making any such determination as is mentioned in subsection (2)(a) above, a court shall take into account all such information about the circumstances of the offence (including any aggravating or mitigating factors) as is available to it.
- (4) The number of units determined under subsection (2)(a) above shall not exceed—
- (a) 2 units in the case of a level 1 offence;
  - (b) 5 units in the case of a level 2 offence;
  - (c) 10 units in the case of a level 3 offence;
  - (d) 25 units in the case of a level 4 offence; and
  - (e) 50 units in the case of a level 5 offence or a statutory maximum offence;
- and in this subsection “level 1 offence” means a summary offence which is punishable by a fine not exceeding level 1 on the standard scale, and corresponding expressions shall be construed accordingly.
- (5) Subject to subsection (6) below, the amount determined under subsection (2)(b) above in the case of any offender shall not be—
- (a) less than 1/50th of level 1 on the standard scale (£4 at the commencement of section 17 above); or
  - (b) more than 1/50th of level 5 on that scale (£100 at that commencement).
- (6) Where the fine is payable by a person who is under the age of 18 years, subsection (5) above shall have effect as if for any reference to a fraction or amount there were substituted—
- (a) a reference to 1/20th of that fraction or amount in the case of a fine payable by a person who is under the age of 14 years; and
  - (b) a reference to 1/5th of that fraction or amount in the case of a fine payable by a person who has attained that age.
- (7) Nothing in subsection (2) above shall prevent any of the following, namely—
- (a) in the case of an offence in relation to which a compensation order is made, the reduction of the amount of the fine in pursuance of section 35(4A) of the 1973 Act;
  - (b) in the case of a fixed penalty offence (within the meaning of Part III of the <sup>M4</sup>Road Traffic Offenders Act 1988), the increase of the amount of the fine to the level of the fixed penalty; and
  - (c) in the case of an offence of installing or using any apparatus for wireless telegraphy except under a licence granted under section 1 of the <sup>M5</sup>Wireless Telegraphy Act 1949, the increase of the amount of the fine by an amount not exceeding the sum which would have been payable on the issue of such a licence.
- (8) Where the offender—

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- (a) has been convicted in his absence in pursuance of section 11 or 12 of the 1980 Act (non-appearance of accused); or
  - (b) has failed to comply with an order under section 20(1) below,
- and (in either case) the court has insufficient information to make a proper determination under subsection (2)(b) above, it may, within the limits set by subsection (5) above, make such determination as it thinks fit.
- (9) In section 41 of the <sup>M6</sup>Criminal Justice Act 1988 (“the 1988 Act”), subsection (7) (Crown Court sentencing powers in relation to summary offence dealt with together with either way offence) shall have effect as if this section had not been enacted.

#### Commencement Information

**I2** S. 18 in force at 1.10.1992 (subject to S.I. 1992/333, art. 2(3)) see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

#### Marginal Citations

**M4** 1988 c. 53.  
**M5** 1949 c. 54.  
**M6** 1988 c. 33.

### 19 Fixing of fines in other cases.

- (1) In fixing the amount of a fine (other than one the amount of which falls to be fixed under section 18 above), a court shall take into account among other things the means of the offender so far as they appear or are known to the court.
- (2) Subsection (1) above applies whether taking into account the means of the offender has the effect of increasing or reducing the amount of the fine.

#### Commencement Information

**I3** S. 19 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

### 20 Statements as to offenders’ means.

- (1) Where a person has been convicted of an offence by a magistrates’ court, the court may, before sentencing him, order him to furnish to the court within a period specified in the order such a statement of his means as the court may require.
- (2) A person who without reasonable excuse fails to comply with an order under subsection (1) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) If a person in furnishing any statement in pursuance of an order under subsection (1) above—
  - (a) makes a statement which he knows to be false in a material particular;
  - (b) recklessly furnishes a statement which is false in a material particular; or
  - (c) knowingly fails to disclose any material fact,
 he shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.

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(4) Proceedings in respect of an offence under subsection (3) above may, notwithstanding anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.

(5) Without prejudice to the generality of subsection (1) of—

- (a) section 84 of the <sup>M7</sup>Supreme Court Act 1981; and
- (b) section 144 of the 1980 Act,

the power to make rules under each of those sections shall include power to prescribe the form in which statements are to be furnished in pursuance of orders under subsection (1) above; and rules made by virtue of this subsection may make different provision for different cases or classes of case.

#### Commencement Information

**I4** S. 20 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

#### Marginal Citations

**M7** 1981 c. 54.

VALID FROM 03/02/1995

#### [<sup>F1</sup>20A False statements as to financial circumstances.

(1) A person who is charged with an offence who, in furnishing a statement of his financial circumstances in response to an official request—

- (a) makes a statement which he knows to be false in a material particular;
- (b) recklessly furnishes a statement which is false in a material particular; or
- (c) knowingly fails to disclose any material fact,

shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.

(2) For the purposes of this section an official request is a request which—

- (a) is made by the clerk of the magistrates' court or the appropriate officer of the Crown Court, as the case may be; and
- (b) is expressed to be made for informing the court, in the event of his being convicted, of his financial circumstances for the purpose of determining the amount of any fine the court may impose.

(3) Proceedings in respect of an offence under this section may, notwithstanding anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.]

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#### Textual Amendments

- F1** S. 20A inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para.43**; S.I. 1995/127, art. 2(1), **Sch. 1**Appendix A

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