

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Criminal Justice and Public Order Act 1994, SCHEDULE 9 is up to date with all changes known to be in force on or before 01 September 2018. 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 9

Section 168(1).

MINOR AMENDMENTS

Annotations:

Extent Information

E1 Sch. 9 does not extend to Scotland in so far as it relates to s. 17(1) of the Video Act 1984 see s. 172(16)

Poaching: increase in penalties

- 1 (1) The ^{M1}Game Act 1831 shall be amended as follows.
- (2) In section 30 (trespassing in search or pursuit of game)—
- (a) for the words “level 1” there shall be substituted the words “level 3”; and
- (b) for the words “level 3” there shall be substituted the words “level 4”.
- (3) In section 32 (searching for or pursuing game with a gun and using violence, etc.), for the words “level 4” there shall be substituted the words “level 5”.
- (4) The ^{M2}Game (Scotland) Act 1832 shall be amended as follows.
- (5) In section 1 (trespassing in search or pursuit of game)—
- (a) for the words “level 1” there shall be substituted the words “level 3”; and
- (b) for the words “level 3” there shall be substituted the words “level 4”.
- (6) In section 6 (penalty for assaults on persons acting under the Act), for the words “level 1” there shall be substituted the words “level 3”.
- (7) The amendments made by this paragraph shall not apply to offences committed before this paragraph comes into force.

Annotations:

Marginal Citations

M1 1831 c. 32

M2 1832 c. 68

Sexual offences: procurement of women

- 2 In sections 2(1) and 3(1) of the ^{M3}Sexual Offences Act 1956 (procurement of women to have unlawful sexual intercourse by threats or false pretences), the word “unlawful” shall be omitted.

Annotations:

Marginal Citations

M3 1956 c. 69

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Electronic transmission of obscene material

- 3 In section 1(3) of the ^{M4}Obscene Publications Act 1959 (definition of publication for purposes of that Act), in paragraph (b), after the words “projects it” there shall be inserted the words “, or, where the matter is data stored electronically, transmits that data.”.

Annotations:

Marginal Citations

M4 1959 c. 66

Poaching: forfeiture of vehicles

- 4 After section 4 of the ^{M5}Game Laws (Amendment) Act 1960 there shall be inserted the following section—

“4A Forfeiture of vehicles.

- (1) Where a person is convicted of an offence under section thirty of the Game Act 1831 as one of five or more persons liable under that section and the court is satisfied that any vehicle belonging to him or in his possession or under his control at the relevant time has been used for the purpose of committing or facilitating the commission of the offence, the court may make an order for forfeiture under this subsection in respect of that vehicle.
- (2) The court may make an order under subsection (1) above whether or not it also deals with the offender in respect of the offence in any other way and without regard to any restriction on forfeiture in any enactment.
- (3) Facilitating the commission of the offence shall be taken for the purposes of subsection (1) above to include the taking of any steps after it has been committed for the purpose of—
 - (a) avoiding apprehension or detection; or
 - (b) removing from the land any person or property connected with the offence.
- (4) An order under subsection (1) above shall operate to deprive the offender of his rights , if any, in the vehicle to which it relates, and the vehicle shall (if not already in their possession) be taken into the possession of the police.
- (5) Where any vehicle has been forfeited under subsection (1) above, a magistrates’ court may, on application by a claimant of the vehicle, other than the offender from whom it was forfeited under subsection (1) above, make an order for delivery of the vehicle to the applicant if it appears to the court that he is the owner of the vehicle.
- (6) No application shall be made under subsection (5) above by any claimant of the vehicle after the expiration of six months from the date on which an order in respect of the vehicle was made under subsection (1) above.
- (7) No such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the

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vehicle or that he did not know, and had no reason to suspect, that the vehicle was likely to be used for a purpose mentioned in subsection (1) above.

- (8) An order under subsection (5) above shall not affect the right of any person to take, within the period of six months from the date of an order under subsection (5) above, proceedings for the recovery of the vehicle from the person in possession of it in pursuance of the order, but on the expiration of that period the right shall cease.
- (9) The Secretary of State may make regulations for the disposal of vehicles, and for the application of the proceeds of sale of vehicles, forfeited under subsection (1) above where no application by a claimant of the property under subsection (5) above has been made within the period specified in subsection (6) above or no such application has succeeded.
- (10) The regulations may also provide for the investment of money and the audit of accounts.
- (11) The power to make regulations under subsection (9) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) In this section, “relevant time”, in relation to a person convicted of an offence such as is mentioned in subsection (1) above, means the time when the vehicle was used for the purpose of committing or facilitating the commission of the offence, or the time of the issue of a summons in respect of the offence.”.

Annotations:

Marginal Citations

M5 1960 c. 36

Magistrates’ courts’ jurisdiction in cases involving children and young persons

5 In section 18 of the ^{M6}Children and Young Persons Act 1963 (jurisdiction of magistrates’ courts in certain cases involving children and young persons)—

- (a) in paragraph (a), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”; and
- (b) in paragraph (b), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Annotations:

Marginal Citations

M6 1963 c. 37

Service of documents by first class post

6 ^{F1}(1)

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^{F2}(2)

(3) In section 1 of the ^{M7}Road Traffic Offenders Act 1988 (which requires warning of prosecution for certain offences to be given), after subsection (1), there shall be inserted the following subsection—

“(1A) A notice required by this section to be served on any person may be served on that person—

- (a) by delivering it to him;
- (b) by addressing it to him and leaving it at his last known address; or
- (c) by sending it by registered post, recorded delivery service or first class post addressed to him at his last known address.”.

Annotations:

Amendments (Textual)

F1 Sch. 9 para. 6(1) omitted (26.5.2015) by virtue of
[Deregulation Act 2015 \(c. 20\)](#)

›

[ss. 80\(6\)\(c\)](#)

›

[115\(7\)](#)

›

[S.I. 2015/994](#)

›

[art. 6\(m\)](#)

F2 Sch. 9 para. 6(2) repealed (4.7.1996) by
[1996 c. 25](#)

›

[ss. 74](#)

›

[80](#)

›

[Sch. 5](#)

, [Table 9, Note \(with s. 78\(1\)\)](#)

Marginal Citations

M7 [1988 c. 53](#)

›

Transfers of proceedings

^{F3}7

Annotations:

Amendments (Textual)

F3 Sch. 9 para. 7 repealed (4.7.1996) by
[1996 c. 25](#)

›

[ss. 74](#)

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80

Sch. 5

Table (9), Note (with s. 78(1))

Offences aggravated by possession of firearms

- 8 In Schedule 1 to the ^{M8}Firearms Act 1968 (which lists the offences to which section 17(2) (possession of firearms when committing or being arrested for specified offences) relates)—
- (a) in paragraph 4, after the word “Theft” there shall be inserted the word “robbery”; and
 - (b) after paragraph 5, there shall be inserted the following paragraphs—
 - “5A An offence under section 90(1) of the Criminal Justice Act 1991 (assaulting prisoner custody officer).
 - 5B An offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting secure training centre custody officer).”.

Annotations:

Marginal Citations

M8 1968 c. 27

Notice of proceedings

- 9 In section 34(2) of the ^{M9}Children and Young Persons Act 1969 (which requires notice of certain proceedings to be given to a probation officer), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Annotations:

Marginal Citations

M9 1969 c. 54

Treatment of mental condition of offenders placed on probation

- F⁴10

Annotations:

Amendments (Textual)

F4 Sch. 9 para. 10 repealed (25.8.2000) by
2000 c. 6

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ss. 165

,

168

,

Sch. 12 Pt. 1

(with

Sch. 11 paras. 1

,

2

)

Rehabilitation of offenders placed on probation

11 [F5(1) In section 5 of the ^{M10}Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences)—

- (a) in Table A in subsection (2), in the entry relating to fines or other sentences subject to rehabilitation under that Act, after the words “subsections (3)” there shall be inserted the words “, (4A) ”.
- (b) in subsection (4), the words “or placed on probation,” and “or probation order” shall be omitted; and
- (c) after subsection (4), there shall be inserted the following subsection—

“(4A) Where in respect of a conviction a person was placed on probation, the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged eighteen years or over at the date of his conviction, five years from the date of conviction;
- (b) in the case of a person aged under the age of eighteen years at the date of his conviction, two and a half years from the date of conviction or a period beginning with the date of conviction and ending when the probation order ceases or ceased to have effect, whichever is the longer.”.

(2) The amendments made by this paragraph shall apply only in relation to persons placed on probation after the date on which this paragraph comes into force.]

Annotations:

Amendments (Textual)

F5 Sch. 9 para. 11 repealed (E.W.) (10.3.2014) by
[Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#)

,

s. 151(1)

,

Sch. 25 Pt. 2

(with

s. 141(1)-(6)

);

[S.I. 2014/423](#)

,

[art. 2\(c\)](#)

(with

[art. 3](#)

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)

Marginal Citations

M10 1974 c. 53

Transfers of proceedings

F⁶12

Annotations:

Amendments (Textual)

- F6** Sch. 9 para. 12 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by
[Criminal Justice Act 2003 \(c. 44\)](#)
,
s. 336(3)
(4)
,
Sch. 37 Pt. 4
;
S.I. 2012/1320
,
art. 4(1)(d)
(2)
(3)
(with
art. 5
) (see S.I. 2012/2574, art. 4(2) and
S.I. 2013/1103
, art. 4);
S.I. 2012/2574
,
art. 2(2)
(3)
(d)
,
Sch.
(with
arts. 3
4
) (as amended (4.11.2012) by
S.I. 2012/2761
, art. 2) (with
S.I. 2013/1103
, art. 4);
S.I. 2013/1103
,
art. 2(1)(d)
(2)
(3)

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(with
arts. 3
4
)

Anonymity of victims of certain offences

- 13 In section 4 of the ^{M11}Sexual Offences (Amendment) Act 1976 (anonymity of victims in rape etc. cases), after subsection (6) there shall be inserted the following subsection—

“(6A) For the purposes of this section, where it is alleged or there is an accusation that an offence of incitement to rape or conspiracy to rape has been committed, the person who is alleged to have been the intended victim of the rape shall be regarded as the alleged victim of the incitement or conspiracy or, in the case of an accusation, as the complainant.”.

Annotations:

Marginal Citations

M11 1976 c. 82

Execution of warrants for non-payment

- 14 (1) In section 38A(6) of the ^{M12}Criminal Law Act 1977 (execution of warrants for imprisonment for non-payment of fine), for the words “the age of 17 years” there shall be substituted the words “ the age of 18 years ”.
- (2) In section 38B(6) of the Criminal Law Act 1977 (execution of warrants for commitment for non-payment of due sum), for the words “the age of 17 years” there shall be substituted the words “ the age of 18 years ”.

Annotations:

Marginal Citations

M12 1977 c. 45

Committals for sentence

F715

Annotations:

Amendments (Textual)

F7 Sch. 9 para. 15 repealed (25.8.2000) c. 6, ss. 165, 168, Sch. 12 Pt. 1 (with Sch. 11 paras. 1, 2)

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Conditional or absolute discharge: appeal to Crown Court

^{F8}16

Annotations:

Amendments (Textual)

- F8** Sch. 9 para. 16 repealed (25.8.2000) by
[2000 c. 6](#)
,
[ss. 165](#)
,
[168](#)
,
Sch. 12 Pt. 1
(with
[Sch. 11 paras. 1](#)
,
[2](#)
)

Transfers of proceedings

- 17 ^{M13}In section 76 of the [^{F9}Senior Courts Act 1981] (alteration by Crown Court of place of trial) (as amended by paragraph 10 of Schedule 2 to the Criminal Justice Act 1987)—
- (a) in subsection (1), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”;
 - (b) in subsection (3), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
 - ^{F10}(c)

The amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 51 of Schedule 4 to this Act.

Annotations:

Amendments (Textual)

- F9** Words in Act substituted (1.10.2009) by
[Constitutional Reform Act 2005 \(c. 4\)](#)
,
[s. 148\(1\)](#)
,
Sch. 11 para. 1(2)
,
[S.I. 2009/1604](#)
,
[art. 2\(d\)](#)
- F10** Sch. 9 para. 17(c) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by
[Criminal Justice Act 2003 \(c. 44\)](#)
,

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s. 336(3)
(4)
,
Sch. 37 Pt. 4
;
S.I. 2012/1320
,
art. 4(1)(d)
(2)
(3)
(with
art. 5
) (see S.I. 2012/2574, art. 4(2) and
S.I. 2013/1103
, art. 4);
S.I. 2012/2574
,
art. 2(2)
(3)
(d)
,
Sch.
(with
arts. 3
4
) (as amended (4.11.2012) by
S.I. 2012/2761
, art. 2) (with
S.I. 2013/1103
, art. 4);
S.I. 2013/1103
,
art. 2(1)(d)
(2)
(3)
(with
arts. 3
4
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Marginal Citations

M13 1981 c. 54

Transfers of proceedings

18 ^{M14}In section 77 of the [F9]Senior Courts Act 1981 (date of trial) (as amended by paragraph 11 of Schedule 2 to the Criminal Justice Act 1987)—

- (a) in subsection (1), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”;

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- (b) in subsection (2), after the words “committed by a magistrates’ court” there shall be inserted the words “ or in respect of whom a notice of transfer under a relevant transfer provision has been given ”;
- (c) in subsection (3), after the words “committal for trial” there shall be inserted the words “ or of a notice of transfer ”; and

^{F11}(d)

The amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act.

Annotations:

Amendments (Textual)

F11 Sch. 9 para. 18(d) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by
[Criminal Justice Act 2003 \(c. 44\)](#)

,
[s. 336\(3\)](#)
(4)

,
Sch. 37 Pt. 4
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[S.I. 2012/1320](#)

,
[art. 4\(1\)\(d\)](#)
(2)
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(with
[art. 5](#)
) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and
[S.I. 2013/1103](#)

, [art. 4](#));
[S.I. 2012/2574](#)

,
[art. 2\(2\)](#)
(3)
(d)

,
[Sch.](#)
(with
[arts. 3](#)
[4](#)
) (as amended (4.11.2012) by

[S.I. 2012/2761](#)
, [art. 2](#)) (with
[S.I. 2013/1103](#)
, [art. 4](#));
[S.I. 2013/1103](#)

,
[art. 2\(1\)\(d\)](#)
(2)
(3)
(with

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arts. 3

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Marginal Citations

M14 1987 c. 38

Transfers of proceedings

- 19 In section 81 of the [^{F9}Senior Courts Act 1981] (bail by Crown Court)—
- (a) in subsection (1)(a) (as amended by paragraph 12 of Schedule 2 to the Criminal Justice Act 1987), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
 - (b) after subsection (6), there shall be inserted the following subsection—
 - “(7) In subsection (1) above “relevant transfer provision” means—
 - (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.”

Electronic transmission of obscene material (Scotland)

- 20 In section 51(8) of the ^{M15}Civic Government (Scotland) Act 1982, after the words “otherwise reproducing” there shall be inserted the words “ , or, where the material is data stored electronically, transmitting that data ”.

Annotations:

Marginal Citations

M15 1982 c. 45

Fines for breach of attendance centre orders or rules

- ^{F12}21

Annotations:

Amendments (Textual)

F12 Sch. 9 para. 21 repealed (25.8.2000) by
2000 c. 6

,

ss. 165

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168

,

Sch. 12 Pt. 1

(with

Sch. 11 paras. 1

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Video recordings

- 22 In section 1 of the ^{M16}Video Recordings Act 1984 (which provides for the interpretation of, among other terms, “video work” and “video recordings”)—
- (a) in subsection (2), in paragraph (a), the word “or” before the words “magnetic tape” shall be omitted and after those words there shall be inserted the words “ or any other device capable of storing data electronically ”; and
 - (b) in subsection (3), the word “or” before the words “magnetic tape” shall be omitted and after those words there shall be inserted the words “ or any other device capable of storing data electronically ”.

Annotations:

Marginal Citations

M16 1984 c. 39

Standard period of validity of search warrants

- 23 In the following enactments there shall be omitted the words from “within” to “warrant” (which prescribe the period of validity of warrants under those enactments for which section 16(3) of the ^{M17}Police and Criminal Evidence Act 1984 prescribes a standard period of one month), namely—
- (a) section 4(2) of the ^{M18}Protection of Children Act 1978; and
 - (b) section 17(1) of the Video Recordings Act 1984.

Annotations:

Extent Information

E2 Sch. 9 para. 23(b) does not extend to Scotland.

Marginal Citations

M17 1984 c. 60

M18 1978 c. 37

Transfers of proceedings

- 24 In section 62(10) of the ^{M19}Police and Criminal Evidence Act 1984 (power of court to draw inferences from failure of accused to consent to provide intimate sample), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) a judge, in deciding whether to grant an application made by the accused under—

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- (i) section 6 of the Criminal Justice Act 1987 (application for dismissal of charge of serious fraud in respect of which notice of transfer has been given under section 4 of that Act); or
- (ii) paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (application for dismissal of charge of violent or sexual offence involving child in respect of which notice of transfer has been given under section 53 of that Act); and”.

Annotations:

Marginal Citations

M19 1984 c. 39

Transfers of proceedings

F13 25

Annotations:

Amendments (Textual)

F13 Sch. 9 para. 25 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by

Criminal Justice Act 2003 (c. 44)

,
s. 336(3)

(4)

,
Sch. 37 Pt. 4

;
S.I. 2012/1320

,
art. 4(1)(d)

(2)

(3)

(with

art. 5

) (see S.I. 2012/2574, art. 4(2) and

S.I. 2013/1103

, art. 4);

S.I. 2012/2574

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art. 2(2)

(3)

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Sch.

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arts. 3

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) (as amended (4.11.2012) by
[S.I. 2012/2761](#)
, art. 2) (with
[S.I. 2013/1103](#)
, art. 4);
[S.I. 2013/1103](#)
,
art. 2(1)(d)
(2)
(3)
(with
arts. 3
4
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Award of costs against accused

- 26 In section 18(5) of the Prosecution of Offences Act 1985 (award of costs against accused), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Transfers of proceedings

F1427

Annotations:

Amendments (Textual)

- F14** Sch. 9 para. 27 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by
[Criminal Justice Act 2003 \(c. 44\)](#)
,
s. 336(3)
(4)
,
Sch. 37 Pt. 4
;
[S.I. 2012/1320](#)
,
art. 4(1)(d)
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(with
art. 5
) (see [S.I. 2012/2574](#), art. 4(2) and
[S.I. 2013/1103](#)
, art. 4);
[S.I. 2012/2574](#)
,
art. 2(2)
(3)
(d)

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 Sch.
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 , art. 4);
 S.I. 2013/1103
 ,
 art. 2(1)(d)
 (2)
 (3)
 (with
 arts. 3
 4
)

Confiscation orders in drug trafficking cases: variation of sentences

F15 28

Annotations:

Amendments (Textual)
 F15 Sch. 9 para. 28 repealed (3.2.1995) by
 1994 c. 37
 ,
 ss. 67
 ,
 69(2)
 ,
 Sch. 3

Transfer of fraud cases

F16 29

Annotations:

Amendments (Textual)
 F16 Sch. 9 para. 29 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by
 Criminal Justice Act 2003 (c. 44)
 ,
 s. 336(3)
 (4)
 ,
 Sch. 37 Pt. 4

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;
S.I. 2012/1320
,
art. 4(1)(d)
(2)
(3)
(with
art. 5
) (see S.I. 2012/2574, art. 4(2) and
S.I. 2013/1103
, art. 4);
S.I. 2012/2574
,
art. 2(2)
(3)
(d)
,
Sch.
(with
arts. 3
4
) (as amended (4.11.2012) by
S.I. 2012/2761
, art. 2) (with
S.I. 2013/1103
, art. 4);
S.I. 2013/1103
,
art. 2(1)(d)
(2)
(3)
(with
arts. 3
4
)

Fraud cases: preparatory hearings

- 30 In section 7 of the Criminal Justice Act 1987 (preparatory hearings for certain fraud cases), in subsection (1), for the words “seriousness and complexity” there shall be substituted the words “seriousness or complexity”.

Transfers of proceedings

- 31 F17

Annotations:

Amendments (Textual)

- F17 Sch. 9 para. 31 repealed (4.4.2005) by
Criminal Justice Act 2003 (c. 44)

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ss. 332
,
336
,
Sch. 37 Pt. 6
;
S.I. 2005/950
,
art. 2
,
Sch. 1 paras. 27
,
44(3)
(subject to
art. 2(2)
,
Sch. 2
) (as amended by
S.I. 2005/2122
,
art. 2
)

Evidence through television links

32 In section 32 of the Criminal Justice Act 1988 (evidence through television links), in subsection (3B) (inserted by section 55(4) of the ^{M20}Criminal Justice Act 1991), for the words “subsection (3) above” there shall be substituted the words “subsection (3A) above”.

Annotations:
.....
Marginal Citations
M20 1991 c. 53
.

Competence of children

F18 33

Annotations:
.....
Amendments (Textual)
F18 Sch. 9 para. 33 repealed (24.7.2002) by
1999 c. 23
,
s. 67
,
Sch. 6
(with
Sch. 7 para. 5(2)

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);
[S.I. 2002/1739](#)
,
[art. 2\(g\)\(v\)](#)

Reviews of sentencing

- 34 In section 35 of the ^{M21}Criminal Justice Act 1988 (kinds of case referable for review of sentence)—
- (a) in subsection (3), for the words following “case” there shall be substituted the following words—
- “—
- (a) of a description specified in an order under this section; or
- (b) in which sentence is passed on a person—
- (i) for an offence triable only on indictment; or
- (ii) for an offence of a description specified in an order under this section”; and
- (b) in subsection (4), after the word “case”, there shall be inserted the words “of a description specified in the order or to any case”.

Annotations:

Marginal Citations

M21 [1988 c. 33](#)

Assaulting prisoner custody officer triable with indictable offence

- 35 In section 40(3) of the ^{M22}Criminal Justice Act 1988 (summary offences triable with indictable offences), after paragraph (a), there shall be inserted the following paragraphs—
- “(aa) an offence under section 90(1) of the Criminal Justice Act 1991 (assaulting a prisoner custody officer);
- (ab) an offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting a secure training centre custody officer)”.

Annotations:

Marginal Citations

M22 [1988 c. 33](#)

Confiscation orders: variation of sentence

- 36 In section 72A of the ^{M23}Criminal Justice Act 1988 (inserted by section 28 of the ^{M24}Criminal Justice Act 1993) (power of court to postpone determinations required

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before a confiscation order can be made), after subsection (9) there shall be inserted the following subsection—

“(9A) Where the court has sentenced the defendant under subsection (7) above during the specified period it may, after the end of that period, vary the sentence by imposing a fine or making any such order as is mentioned in section 72(5)(b) or (c) above so long as it does so within a period corresponding to that allowed by section 47(2) or (3) of the [F9Senior Courts Act 1981] (time allowed for varying a sentence) but beginning with the end of the specified period.”.

Annotations:

Marginal Citations

M23 1988 c. 33

M24 1993 c. 36

Extradition from the United Kingdom

- 37 (1) The ^{M25}Extradition Act 1989 shall be amended as follows.
- (2) In section 2(4) (law of, and conduct in, parts or dependencies of foreign States)—
- (a) for the words “subsections (1) to (3) above” there shall be substituted the words “ this Act, except Schedule 1 ”; and
 - (b) at the end there shall be inserted the following paragraph preceded by the word “; but”—
 - “(d) reference shall be made to the law of the colony or dependency of a foreign state or of a designated Commonwealth country, and not (where different) to the law of the foreign state or Commonwealth country, to determine the level of punishment applicable to conduct in that colony or dependency.”.
- (3) In section 7 (procedure for making and implementing extradition requests)—
- (a) in subsection (1)—
 - (i) after the word “made” there shall be inserted the words “ to the Secretary of State ”;
 - (ii) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) by—
 - (i) an authority in a foreign state which appears to the Secretary of State to have the function of making extradition requests in that foreign state, or
 - (ii) some person recognised by the Secretary of State as a diplomatic or consular representative of a foreign state; or” and

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- (iii) after paragraph (b), there shall be inserted the words— “ and an extradition request may be made by facsimile transmission and an authority to proceed issued without waiting to receive the original ”;
- (b) in subsection (2)—
 - (i) in paragraph (c), after the word “warrant” there shall be inserted the words “ or a duly authenticated copy of a warrant ”; and
 - (ii) in paragraph (d), after the word “certificate” there shall be inserted the words “ or a duly authenticated copy of a certificate ”; and
- (c) after subsection (6), there shall be inserted the following subsection—

“(7) Where an extradition request is made by facsimile transmission this Act (including subsection (2) above) shall have effect as if the foreign documents so sent were the originals used to make the transmission and receivable in evidence accordingly.”.

Annotations:

Commencement Information

II Sch. 9 para. 37 wholly in force at 10.4.1995; s. 37 not in force at Royal Assent see s. 172; s. 37, save for s. 37(3), in force at 3.2.1995 by

[S.I. 1995/127](#)

,

[art. 2\(1\)](#)

,

Sch. 1

APPENDIX A; s. 37(3) in force at 10.4.1995 by

[S.I. 1995/721](#)

,

[art. 2](#)

,

Sch.

Marginal Citations

M25 [1989 c. 33](#)

PROSPECTIVE

Remands and committals of young persons to secure accommodation

Non-intimate samples: samples of hair

39 In Article 63 of the ^{M26}Police and Criminal Evidence (Northern Ireland) Order 1989 (regulation of taking of non-intimate samples), at the end, there shall be inserted the following paragraph—

“(10) Where a sample of hair other than pubic hair is to be taken the sample may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than the person taking the sample reasonably

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considers to be necessary (in point of quantity or quality) for the purpose of enabling information to be produced by means of analysis used or to be used in relation to the sample.”.

Annotations:

Marginal Citations

M26 S.I. 1989/1341 (N.I. 12)

Pre-sentence reports

F20 40

Annotations:

Amendments (Textual)

F20 Sch. 9 para 40 repealed (25.8.2000) by
2000 c. 6
,
ss. 165
,
168
,
Sch. 12 Pt. I
(with
Sch. 11 paras. 1
,
2
)

Curfew orders

F21 41

Annotations:

Amendments (Textual)

F21 Sch. 9 para. 41 repealed (25.8.2000) by
2000 c. 6
,
ss. 165
,
168
,
Sch. 12 Pt. I
(with
Sch. 11 paras. 1
,
2

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Fines

F22 42

Annotations:

Amendments (Textual)

F22 Sch. 9 para. 42 repealed (25.8.2000) by
2000 c. 6
,
ss. 165
,
168
,
Sch. 12 Pt. 1
(with
Sch. 11 paras. 1
,
2
)

False statements as to financial circumstances

43 After section 20 of the Criminal Justice Act 1991 there shall be inserted the following section—

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

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the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.”.

Effect of previous probation orders and discharges

F23 44

Annotations:

Amendments (Textual)

F23 Sch. 9 para. 44 repealed (25.8.2000) by
 2000 c. 6
 ,
 ss. 165
 ,
 168
 ,
Sch. 12 Pt. I
 (with
 Sch. 11 paras. 1
 ,
 2
)

Sexual offences

F24 45

Annotations:

Amendments (Textual)

F24 Sch. 9 para. 45 repealed (25.8.2000) by
 2000 c. 6
 ,
 ss. 165
 ,
 168
 ,
Sch. 12 Pt. I
 (with
 Sch. 11 paras. 1
 ,
 2
)

Discretionary life prisoners

46 (1) In section 34 of the ^{M27}Criminal Justice Act 1991 (duty to release discretionary life prisoners after they have served the relevant part of their sentence and the Parole Board has directed their release)—

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- (a) in subsection (6), for the words after “sentence” there shall be substituted the following words—

“—

- (a) account shall be taken of any corresponding relevant period; but
(b) no account shall be taken of any time during which the prisoner was unlawfully at large within the meaning of section 49 of the Prison Act 1952 (“the 1952 Act”).”; and
(b) after that subsection, there shall be inserted the following subsection-

“(6A) In subsection (6)(a) above, “corresponding relevant period” means the period corresponding to the period by which a determinate sentence of imprisonment imposed on the offender would fall to be reduced under section 67 of the Criminal Justice Act 1967 (reduction of sentences to take account of police detention or remands in custody).”.

- (2) In paragraph 9(2) of Schedule 12 to that Act (application of early release provisions of the Act to existing life prisoners), after paragraph (b) there shall be inserted the following paragraph, preceded by the word “and”—

“(c) in section 34 of this Act, paragraph (a) of subsection (6) and subsection (6A) were omitted.”.

Annotations:

Marginal Citations

M27 1991 c. 53

Committals for sentence

F25 47

Annotations:

Amendments (Textual)

F25 Sch. 9 para. 47 repealed (25.8.2000) by
2000 c. 6

,
ss. 165

,
168

,
Sch. 12 Pt. 1

(with
Sch. 11 paras. 1

,
2
)

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Extradited persons: sentence of imprisonment to reflect custody

- 48 (1) In section 47 of the Criminal Justice Act 1991 (computation of sentences of imprisonment of persons extradited to United Kingdom), in subsection (4), in the definition of “extradited to the United Kingdom”, after paragraph (iv), there shall be inserted the following paragraph, preceded by the word “or”—

“(v) in pursuance of arrangements with a foreign state in respect of which an Order in Council under section 2 of the Extradition Act 1870 is in force;”.

- (2) In each of sections 218(3) and 431(3) of the ^{M28}Criminal Procedure (Scotland) Act 1975 (corresponding provisions for Scotland), after paragraph (c) there shall be inserted the following paragraph—

“(cc) in pursuance of arrangements with a foreign state in respect of which an Order in Council under section 2 of the Extradition Act 1870 is in force;”.

Annotations:

Marginal Citations

M28 1975 c. 21

Transfers of proceedings

F26 49

Annotations:

Amendments (Textual)

F26 Sch. 9 para. 49 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by
[Criminal Justice Act 2003 \(c. 44\)](#)

,
[s. 336\(3\)](#)

(4)

,
Sch. 37 Pt. 4

;
[S.I. 2012/1320](#)

,
[art. 4\(1\)\(d\)](#)

(2)

(3)

(with

[art. 5](#)

) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and

[S.I. 2013/1103](#)

, [art. 4](#));

[S.I. 2012/2574](#)

,
[art. 2\(2\)](#)

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(3)
(d)
,
Sch.
(with
arts. 3
4
) (as amended (4.11.2012) by
S.I. 2012/2761
, art. 2) (with
S.I. 2013/1103
, art. 4);
S.I. 2013/1103
,
art. 2(1)(d)
(2)
(3)
(with
arts. 3
4
)

Community sentences: binding over of parent or guardian

F27 50

Annotations:

Amendments (Textual)

F27 Sch. 9 para. 50 repealed (25.8.2000) by
2000 c. 6
,
ss. 165
,
168
,
Sch. 12 Pt. I
(with
Sch. 11 paras. 1
,
2
)

Confiscation orders in terrorist-related activities cases: variation of sentences

F28 51

Annotations:

Amendments (Textual)

F28 Sch. 9 para. 51 repealed (25.8.1996) by

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1996 c. 22

,
ss. 62(1)

,
63(7)

,
Sch. 7 Pt. I

Anonymity of victims of certain offences

- 52 (1) The ^{M29}Sexual Offences (Amendment) Act 1992 shall be amended as follows.
- (2) In section 2(1) (offences to which the Act applies), after paragraph (e) there shall be inserted the following paragraphs—
- “(f) any conspiracy to commit any of those offences;
(g) any incitement of another to commit any of those offences.”
- (3) In section 6 (interpretation)—
- (a) after subsection (2) there shall be inserted the following subsection—
- “(2A) For the purposes of this Act, where it is alleged or there is an accusation that an offence of conspiracy or incitement of another to commit an offence mentioned in section 2(1)(a) to (d) has been committed, the person against whom the substantive offence is alleged to have been intended to be committed shall be regarded as the person against whom the conspiracy or incitement is alleged to have been committed.
- In this subsection, “the substantive offence” means the offence to which the alleged conspiracy or incitement related.”; and
- (b) in subsection (3), after the words “references in” there shall be inserted the words “ subsection (2A) and in ”.

Annotations:

Marginal Citations

M29 1992 c. 34

Application of 1993 Act powers to pre-commencement offences

- 53 Section 78(6) of the ^{M30}Criminal Justice Act 1993 (application of Act to pre-commencement offences) shall have effect, and be deemed always to have had effect, with the substitution, for the words from “or the powers” to the end, of the words “and, where it confers a power on the court, shall not apply in proceedings instituted before the coming into force of that provision.”.]

Annotations:

Marginal Citations

M30 1993 c. 36

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a) (ia) inserted by
2003 c. 44
Sch. 36
para. 11(3)