



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER I

GENERAL

Removal or reduction of burdens

2 Limitations on the power under section 1.

- [^{F1}(1) If an order under section 1 above creates a new criminal offence, then, subject to subsections (2) and (3) below, that offence shall not be punishable—
- (a) on indictment with imprisonment for a term of more than two years; or
 - (b) on summary conviction with imprisonment for a term exceeding six months or a fine exceeding level 5 on the standard scale or both.
- (2) In the case of an offence which, if committed by an adult, is triable either on indictment or summarily and is not an offence triable on indictment only by virtue of—
- (a) Part V of ^{M1} the Criminal Justice Act 1988, or
 - ^{F2}[(b) section 292(6) and (7) of the Criminal Procedure (Scotland) Act 1995,]
- the reference in subsection (1)(b) above to level 5 on the standard scale shall be construed as a reference to the statutory maximum.
- (3) If an order under section 1 above abolishes an offence contained in the relevant enactment and the maximum penalties for that offence are greater than those specified in subsection (1) above, the order may create a new criminal offence having maximum penalties not exceeding those applicable to the offence which is abolished.

Status: Point in time view as at 01/08/2010.

Changes to legislation: Deregulation and Contracting Out Act 1994, Section 2 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) An order under section 1 above shall not contain any provision—
- (a) providing for any forcible entry, search or seizure, or
 - (b) compelling the giving of evidence,
- unless, and then only to the extent that, a provision to that effect is contained in the relevant enactment and is abolished by the order.]

Textual Amendments

- F1** Ss. 1-5 repealed (S.) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(3)(7)(7), **Sch. 7 para. 1(2)** (with [Sch. 7 para. 1\(4\)](#)); S.S.I. 2010/221, art. 3(2)
- F2** S. 2(2)(b) substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), **Sch. 4 para. 96**
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Marginal Citations

- M1** [1988 c.33](#).

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