



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 1

PROVISIONS FOR COMBATTING CRIME AND DISORDER

CHAPTER 1

ON THE SPOT PENALTIES FOR DISORDERLY BEHAVIOUR

Penalty notices and penalties

4 Effect of penalty notice

- (1) This section applies if a penalty notice is given to a person (“A”) under section 2.
- (2) If A asks to be tried for the alleged offence, proceedings may be brought against him.
- (3) Such a request must be made by a notice given by A—
 - (a) in the manner specified in the penalty notice; and
 - (b) before the end of the period of suspended enforcement (as to which see section 5).
- (4) A request which is made in accordance with subsection (3) is referred to in this Chapter as a “request to be tried”.
- (5) [^{F1}In the case of a penalty notice that is not a penalty notice with an education option, if], by the end of the suspended enforcement period—
 - (a) the penalty has not been paid in accordance with this Chapter, and
 - (b) A has not made a request to be tried,a sum equal to one and a half times the amount of the penalty may be registered under section 8 for enforcement against A as a fine.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 4. (See end of Document for details)

- [^{F2}(6) In the case of a penalty notice with an education option, a sum equal to one and a half times the amount of the penalty may be registered under section 8 for enforcement against A as a fine if subsection (7) or (8) applies.
- (7) This subsection applies if, by the end of the suspended enforcement period, A does not—
- (a) ask to attend an approved educational course relating to the offence to which the notice relates,
 - (b) pay the penalty, or
 - (c) request to be tried.
- (8) This subsection applies if—
- (a) A has asked, by the end of the suspended enforcement period, to attend an approved educational course of the kind mentioned in subsection (7)(a), and
 - (b) A does not, in accordance with regulations made under subsection (9)—
 - (i) pay the course fee,
 - (ii) start such a course, or
 - (iii) complete such a course.
- (9) The Secretary of State may by regulations make provision—
- (a) as to the time by which A is required to do each of the things mentioned in subsection (8)(b)(i) to (iii) (including provision allowing those times to be specified by a chief officer of police for the purposes of an educational course scheme established by that officer);
 - (b) allowing A to request an extension of the time to do the things mentioned in subsection (8)(b)(i) to (iii) (including provision as to who should determine such a request and on what basis);
 - (c) as to the procedure to be followed in relation to requests for extensions of time (including provision allowing the procedure to be determined by a chief officer of police for the purposes of an educational course scheme established by that officer);
 - (d) as to the consequences of a request for an extension of time being granted (including provision specifying circumstances in which a chief officer of police may require a course fee to be paid again in order to avoid a sum being registered for enforcement as a fine under section 8);
 - (e) as to the consequences of A failing to attend a course that A has arranged to attend (including provision as to who should determine what those consequences are and on what basis);
 - (f) specifying circumstances in which A is, for the purposes of this Chapter, to be regarded as having completed, or having not completed, an approved educational course (including provision as to who should determine whether those circumstances have arisen and how that should be determined).
- (10) Regulations made under subsection (9)(b), (e) or (f) may permit a person to delegate the function of making a determination.]

Textual Amendments

- F1** Words in s. 4(5) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 6\(2\); S.I. 2013/453, art. 4\(e\)](#)

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 4. (See end of Document for details)

F2 S. 4(6)-(10) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 23 para. 6(3)**; S.I. 2013/453, art. 4(e)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 4.