



# Criminal Justice and Courts Act 2015

## CHAPTER 2

### CRIMINAL JUSTICE AND COURTS ACT 2015

#### PART 1

##### CRIMINAL JUSTICE

###### *Dangerous offenders*

- 1 Maximum sentence for certain offences to be life imprisonment
- 2 Specified offences
- 3 Schedule 15B offences
- 4 Parole Board release when serving extended sentences
- 5 Minor amendments

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- 6 Sentence and Parole Board release for offenders of particular concern

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- 8 Recall adjudicators
- 9 Test for release after recall: determinate sentences
- 10 Power to change test for release after recall: determinate sentences
- 11 Initial release and release after recall: life sentences
- 12 Offence of remaining unlawfully at large after recall
- 13 Offence of remaining unlawfully at large after temporary release
- 14 Definition of “requisite custodial period”
- 15 Minor amendments and transitional cases

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- 16 Drugs for which prisoners etc may be tested

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18 Restrictions on use of cautions: supplementary  
19 Alternatives to prosecution: rehabilitation of offenders in Scotland

*Offences involving ill-treatment or wilful neglect*

- 20 Ill-treatment or wilful neglect: care worker offence  
21 Ill-treatment or wilful neglect: care provider offence  
22 Care provider offence: excluded care providers  
23 Care provider offence: penalties  
24 Care provider offence: application to unincorporated associations  
25 Care provider offence: liability for ancillary and other offences

*Offences involving police or prison officers*

- 26 Corrupt or other improper exercise of police powers and privileges  
27 Term of imprisonment for murder of police or prison officer

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- 28 Minimum sentence for repeat offences involving offensive weapons etc

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- 29 Offences committed by disqualified drivers  
30 Extension of disqualification from driving where custodial sentence also imposed  
31 Mutual recognition of driving disqualification in UK and Republic of Ireland

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- 32 Sending letters etc with intent to cause distress or anxiety  
33 Disclosing private sexual photographs and films with intent to cause distress  
34 Meaning of “disclose” and “photograph or film”  
35 Meaning of “private” and “sexual”

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- 36 Meeting a child following sexual grooming etc  
37 Possession of pornographic images of rape and assault by penetration

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- 38 Secure colleges and other places for detention of young offenders etc  
39 Contracting out secure colleges

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42 Duties of custody officer after charge: arrested juveniles  
43 Referral orders: alternatives to revocation for breach of youth offender contract  
44 Referral orders: extension on further conviction  
45 Referral orders: revocation on further conviction

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47 Instituting proceedings: further provision  
48 Trial by single justice on the papers  
49 Trial by single justice on the papers: sentencing etc  
50 Further amendments

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- 52 Low-value shoplifting: mode of trial  
53 Committal of young offenders convicted of certain serious offences

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- 54 Criminal courts charge  
55 Duty to review criminal courts charge

*Collection of fines etc*

- 56 Variation of collection orders etc

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- 57 Personal injury claims: cases of fundamental dishonesty  
58 Rules against inducements to make personal injury claims  
59 Effect of rules against inducements  
60 Inducements: interpretation  
61 Inducements: regulations

*Appeals in civil proceedings*

- 62 Appeals from the Court of Protection  
63 Appeals from the High Court to the Supreme Court  
64 Appeals from the Upper Tribunal to the Supreme Court  
65 Appeals from the Employment Appeal Tribunal to the Supreme Court

- 66 Appeals from the Special Immigration Appeals Commission to the Supreme Court

*Costs in civil proceedings*

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- 68 Upper age limit for jury service to be 75  
69 Jurors and electronic communications devices  
70 Jurors and electronic communications devices: powers of search etc  
71 Research by jurors  
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73 Jurors engaging in other prohibited conduct  
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- 91 Procedure for certain planning challenges  
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- 97 Channel Islands, Isle of Man and British overseas territories
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## SCHEDULES

### SCHEDULE 1 — Sentence and Parole Board release for offenders of particular concern

#### PART 1 — SENTENCE AND RELEASE

- 1 Introduction
- 2 Sentence
- 3 In section 330(5)(a) (orders subject to affirmative procedure), at the...
- 4 Offences of particular concern
- 5 Release on licence to be directed by Parole Board
- 6 After section 244 insert— Release on licence of prisoners serving...
- 7 (1) Section 246 (power to release prisoners on licence before...  
PART 2 — OFFENDERS CONVICTED OF SERVICE OFFENCES
- 8 Armed Forces Act 2006 (c. 52)  
PART 3 — TRANSITIONAL AND TRANSITORY PROVISION
- 9 Application of new provisions about special custodial sentences
- 10 Detention in a young offender institution  
PART 4 — CONSEQUENTIAL PROVISION
- 11 Road Traffic Offenders Act 1988 (c. 53)
- 12 Crime (Sentences) Act 1997 (c. 43)
- 13 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 14 Criminal Justice Act 2003 (c. 44)
- 15 (1) Section 237 (meaning of “fixed-term prisoner”) is amended as...
- 16 In section 240ZA(11) (time remanded in custody to count as...
- 17 (1) Section 250 (licence conditions) is amended as follows.
- 18 In section 256AA(1) (supervision after end of sentence of prisoners...
- 19 In section 258(3A) (early release of fine defaulters and contemnors),...
- 20 (1) Section 260 (early removal of prisoners liable to removal...
- 21 In section 261(5)(b) (re-entry into United Kingdom of offender removed...
- 22 In section 263(4) (concurrent terms), for “or 228” substitute “,...
- 23 (1) Section 264 (consecutive terms) is amended as follows.
- 24 In section 265(2) (restriction on consecutive sentences for released prisoners),...
- 25 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

### SCHEDULE 2 — Electronic monitoring and licences etc: consequential provision

- 1 Crime (Sentences) Act 1997 (c. 43)
- 2 Criminal Justice and Court Services Act 2000 (c. 43)
- 3 Criminal Justice Act 2003 (c. 44)
- 4 (1) Section 250(4) (licence conditions) is amended as follows.
- 5 (1) Section 253 (curfew condition for licence under section 246,...
- 6 In section 256B(7) (supervision after release of certain young offenders...

### SCHEDULE 3 — Recall adjudicators: further provision

- 1 Mental Health Act 1983 (c. 20)

- 2 In section 50(3)(a) (further provisions as to prisoners under sentence:...
- 3 (1) Section 74 (restricted patients subject to restriction directions) is...
- 4 Criminal Justice Act 2003 (c. 44)
- 5 Before section 239 insert— Parole Board and recall adjudicators ....
- 6 In section 239(1)(b) (functions of the Parole Board), after “by”...
- 7 (1) Section 250 (licence conditions) is amended as follows.
- 8 In section 260(2B) (early removal from prison of extended sentence...
- 9 In section 268 (interpretation of Chapter 6 of Part 12),...
- 10 In paragraph 34 of Schedule 20B (licence conditions in certain...
- 11 In paragraph 37(2) of that Schedule (early removal from prison...
- 12 Domestic Violence, Crime and Victims Act 2004 (c. 28)
- 13 Offender Management Act 2007 (c. 21)
- 14 In section 3(7)(a) (arrangements for the provision of probation services:...
- 15 In section 14(2) (disclosure of information for offender management purposes),...
- 16 Coroners and Justice Act 2009 (c. 25)
- 17 Equality Act 2010 (c. 15)

#### SCHEDULE 4 — Ill-treatment or wilful neglect: excluded health care

- 1 Excluded health care
- 2 Use “for an education or childcare purpose”
- 3 Educational institutions
- 4 Definitions

#### SCHEDULE 5 — Minimum sentence for repeat offences involving offensive weapons etc: consequential provision

- 1 Mental Health Act 1983 (c. 20)
- 2 Criminal Justice Act 1988 (c. 33)
- 3 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 4 (1) Section 12 (absolute and conditional discharge) is amended as...
- 5 In section 100(1A) (offenders under 18: detention and training orders),...
- 6 (1) Section 130 (compensation orders against convicted persons) is amended...
- 7 (1) Section 146 (driving disqualification for any offence) is amended...
- 8 In section 164(3) (further interpretive provisions)— (a) in paragraph (aa),...
- 9 Criminal Justice Act 2003 (c. 44)
- 10 (1) Section 142 (purposes of sentencing: offenders aged 18 or...
- 11 (1) Section 142A (purposes of sentencing: offenders under 18) is...
- 12 (1) Section 144 (reduction in sentences for early guilty pleas)...
- 13 In section 150(2) (community order not available where sentence fixed...
- 14 (1) Section 152 (general restrictions on imposing discretionary custodial sentence)...
- 15 (1) Section 153 (length of discretionary custodial sentences: general provision)...
- 16 (1) Section 305(4) (interpretation of Part 12) is amended as...
- 17 Coroners and Justice Act 2009 (c. 25)

#### SCHEDULE 6 — Offences committed by disqualified drivers: further amendments

- 1 Road Traffic Act 1988 (c. 52)
- 2 Road Traffic Offenders Act 1988 (c. 53)

- 3 (1) Section 24 (alternative verdicts: general) is amended as follows....
- 4 In section 34(4)(a) (disqualification for certain offences), after sub-  
paragraph (ia)...
- 5 (1) Section 36(2) (disqualification until test is passed) is amended...
- 6 In section 45 (effect of endorsement of counterparts), for subsection...
- 7 In section 45A (effect of endorsement of driving records), for...
- 8 (1) The table in Schedule 1 (offences to which sections...
- 9 In the table in Part 1 of Schedule 2 (prosecution...
- 10 Crime (International Co-operation) Act 2003 (c. 32)
- 11 Criminal Justice Act 2003 (c. 44)
- 12 Coroners and Justice Act 2009 (c. 25)

#### SCHEDULE 7 — Mutual recognition of driving disqualification in UK and Republic of Ireland

##### PART 1 — FURTHER PROVISION

- 1 Crime (International Co-operation) Act 2003 (c. 32)
- 2 (1) Section 54 (road traffic offences in UK: application of...
- 3 (1) Section 55 (duty to give notice to foreign authorities...
- 4 For the italic heading before section 56 substitute “Road traffic...
- 5 (1) Section 56 (road traffic offences in Republic of Ireland:...
- 6 (1) Section 57 (recognition in United Kingdom of foreign driving...
- 7 In section 58(1)(a) and (b) (notice under section 57), for...
- 8 (1) Section 63 (production of licence: Great Britain) is amended...
- 9 (1) Section 64 (production of licence: Northern Ireland) is amended...
- 10 In section 65(3) (production of licence: Community licence holders),  
for...
- 11 In section 68 (endorsement of licence: Great Britain), for subsection...
- 12 In section 69 (endorsement of licence: Northern Ireland), for  
subsection...
- 13 In section 70(1) (duty of appropriate Minister to inform competent...
- 14 (1) Section 72 (regulations: Great Britain) is amended as follows...
- 15 (1) Section 73 (regulations: Northern Ireland) is amended as follows...
- 16 (1) Section 74(1) (interpretation) is amended as follows.
- 17 In section 74(2) (interpretation of references to disqualification for  
life),...
- 18 In section 74, at the end insert—
- 19 (1) Schedule 3 (offences for the purposes of section 54)...
- 20 After Schedule 3 insert— SCHEDULE 3A Offences for the purposes...
- 21 After Schedule 3A insert— SCHEDULE 3B Offences for the  
purposes...
- 22 Coroners and Justice Act 2009 (c. 25)
- 23 PART 2 — TRANSITION FROM EU CONVENTION TO NEW AGREEMENT
- 23 Transitional period
- 24 Disapplication of duties and powers to give notices during the  
transitional period
- 25 Paragraphs 23 and 24 are to be treated as having...
- 26 Application of duties and powers to give notices after the transitional  
period
- 27 Saving for pre-1 December 2014 cases

#### SCHEDULE 8 — Disclosing private sexual photographs or films: providers of information society services

- 1 England and Wales service providers: extension of liability

- 2 Non-UK service providers: restriction on institution of proceedings
- 3 Exceptions for mere conduits
- 4 Exception for caching
- 5 Exception for hosting
- 6 Interpretation

#### SCHEDULE 9 — Secure colleges etc: further amendments

- 1 Prison Act 1952 (c. 52)
- 2 In section 37(4) (closing of prisons etc), for “or secure...
- 3 (1) Section 47 (rules for the management of prisons etc)...
- 4 In section 49(5) (persons unlawfully at large: definition of “youth...
- 5 Criminal Justice Act 1961 (c. 39)
- 6 In section 23(4) (prison rules), after “a young offender institution”...
- 7 In section 38(3)(a) (construction of references to sentence of imprisonment...
- 8 Criminal Justice Act 1982 (c. 48)
- 9 Police and Criminal Evidence Act 1984 (c. 60)
- 10 Water Industry Act 1991 (c. 56)
- 11 Prisoners (Return to Custody) Act 1995 (c. 16)
- 12 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 13 Children Act 2004 (c. 31)
- 14 In section 11(1) (arrangements to safeguard and promote welfare), after...
- 15 In section 13(3) (establishment of Local Safeguarding Children Boards), after...
- 16 In section 15(3)(c) (funding of Local Safeguarding Children Boards), after...
- 17 In section 25(4A) (co-operation to improve well-being: Wales)—
- 18 In section 28(1) (arrangements to safeguard and promote welfare: Wales),...
- 19 In section 31(3) (establishment of Local Safeguarding Children Boards in...
- 20 In section 33(3)(c) (funding of Local Safeguarding Children Boards in...
- 21 Childcare Act 2006 (c. 21)
- 22 Education and Inspections Act 2006 (c. 40)
- 23 Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)
- 24 Offender Management Act 2007 (c. 21)
- 25 In section 1(4) (meaning of “the probation purposes”), in the...
- 26 In section 14(5)(a) (disclosure)— (a) in sub-paragraph (i), omit “and”,...
- 27 Policing and Crime Act 2009 (c. 26)
- 28 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)
- 29 In section 102(2) (definition of “youth detention accommodation” for the...
- 30 In section 103(1) (arrangements for remand), for “the accommodation in...
- 31 Prisons (Interference with Wireless Telegraphy) Act 2012 (c. 20)
- 32 Social Services and Well-being (Wales) Act 2014 (anaw 4)

#### SCHEDULE 10 — Contracting out secure colleges

##### PART 1 — CONTRACTING OUT PROVISION AND RUNNING OF SECURE COLLEGES

- 1 Power to contract out
- 2 Running a contracted-out secure college



- 3 Leases and tenancies of land
- 4 Principal
- 5 Monitor
- 6 Officers
- 7 Officers who perform custodial duties
- 8 A secure college custody officer performing custodial duties at a...
- 9 (1) A secure college custody officer performing custodial duties at...
- 10 If authorised to do so by secure college rules, a...
- 11 (1) This paragraph applies where a secure college custody officer...
- 12 Intervention by Secretary of State
- 13 Obstruction etc of secure college custody officers
- 14 Assault of secure college custody officers
- 15 Wrongful disclosure of information relating to persons in youth  
detention accommodation
- PART 2 — CERTIFICATION OF SECURE COLLEGE CUSTODY OFFICERS
- 16 Meaning of “secure college custody officer”
- 17 Issue of certificate
- 18 Suspension of certificate
- 19 Revocation of certificate
- PART 3 — CONTRACTING OUT FUNCTIONS AT DIRECTLY MANAGED SECURE  
COLLEGES
- 20 Power to contract out functions at directly managed secure college
- 21 Powers of officers carrying out contracted-out functions
- 22 In relation to a directly managed secure college, the reference...
- 23 Obstruction etc of secure college custody officers
- 24 Assault of secure college custody officers
- 25 Wrongful disclosure of information relating to persons in youth  
detention accommodation
- 26 Supplementary
- PART 4 — DEFINITIONS
- 27 In this Schedule— “contracted-out functions” has the meaning given  
in...
- PART 5 — FURTHER AMENDMENTS
- 28 Prison Act 1952 (c. 52)
- 29 Criminal Justice Act 1967 (c. 80)
- 30 Firearms Act 1968 (c. 27)
- 31 Criminal Justice Act 1988 (c. 33)
- 32 Private Security Industry Act 2001 (c. 12)
- 33 Children Act 2004 (c. 31)
- 34 In section 15(3) (funding of Local Safeguarding Children Boards)—
- 35 In section 33(3) (funding of Local Safeguarding Children Boards in...
- 36 (1) Section 65 (interpretation) is amended as follows.
- 37 Offender Management Act 2007 (c. 21)
  
- SCHEDULE 11 — Trial by single justice on the papers: further amendments
- 1 Criminal Law Act 1977 (c. 45)
- 2 Magistrates’ Courts Act 1980 (c. 43)
- 3 (1) Section 1 (issue of summons to accused etc) is...
- 4 In section 11 (non-appearance of accused: general provisions), after  
subsection...
- 5 In section 123 (defect in process), after subsection (2) insert—...
- 6 In section 150(1) (interpretation of other terms)—
- 7 Prosecution of Offences Act 1985 (c. 23)

*Status: This is the original version (as it was originally enacted).*

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- 8 Road Traffic Offenders Act 1988 (c. 53)
- 9 (1) Section 7 (duty of accused to provide licence) is...
- 10 In section 8 (duty to include date of birth and...
- 11 (1) Section 27 (production of licence) is amended as follows....
- 12 Pension Schemes Act 1993 (c. 48)
- 13 Vehicle Excise and Registration Act 1994 (c. 22)
- 14 Criminal Justice and Public Order Act 1994 (c. 33)
- 15 Drug Trafficking Act 1994 (c. 37)
- 16 Merchant Shipping Act 1995 (c. 21)
- 17 Terrorism Act 2000 (c. 11)
- 18 Proceeds of Crime Act 2002 (c. 29)
- 19 Education Act 2002 (c. 32)
- 20 Crime (International Co-operation) Act 2003 (c. 32)
- 21 (1) Section 4A (general requirements for service of written charge...
- 22 (1) Section 4B (service of written charge or requisition otherwise...
- 23 Criminal Justice Act 2003 (c. 44)

#### SCHEDULE 12 — Further provision about criminal courts charge

- 1 Rehabilitation of Offenders Act 1974 (c. 53)
- 2 Magistrates' Courts Act 1980 (c. 43)
- 3 In section 82 (restriction on power to impose imprisonment for...
- 4 In section 108 (right of appeal to the Crown Court),...
- 5 Prosecution of Offences Act 1985 (c. 23)
- 6 Insolvency Act 1986 (c. 45)
- 7 Criminal Justice Act 1991 (c. 53)
- 8 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 9 (1) Section 12 (absolute and conditional discharge) is amended as...
- 10 In section 142(1) (power of Crown Court to order search...
- 11 Proceeds of Crime Act 2002 (c. 29)
- 12 Criminal Justice Act 2003 (c. 44)
- 13 In section 151(5) (community order or youth rehabilitation order for...
- 14 In section 256AC(11) (breach of supervision requirements imposed under section...
- 15 In Schedule 8 (breach or amendment of community order), in...
- 16 In Schedule 12 (breach or amendment of suspended sentence order),...

#### SCHEDULE 13 — Juries at inquests

- 1 Jurors and electronic communications devices
- 2 (1) Part 4 of the Courts Act 2003 (court security...
- 3 Offences relating to research by jurors etc
- 4 Before paragraph 1 insert— Serving while disqualified, failure to attend...
- 5 After paragraph 5 insert— Research by jurors (1) It is an offence for a member of a...
- 6 Offence relating to jury's deliberations
- 7 Saving for contempt of court

#### SCHEDULE 14 — Members of the Court Martial

##### PART 1 — OFFENCES

- 1 The Armed Forces Act 2006 is amended as follows.
- 2 In Chapter 2 of Part 7 (trial by Court Martial:...
- 3 After Schedule 2 insert— SCHEDULE 2A Offences relating to members...

PART 2 — FURTHER AMENDMENTS

- 4 The Armed Forces Act 2006 is amended as follows.
- 5 In section 50(2) (jurisdiction of the Court Martial: service offences),...
- 6 In section 51(3) (jurisdiction of the Service Civilian Court: excluded...
- 7 In section 373 (orders, regulations and rules), after subsection (1)...
- 8 In Schedule 2 (offences required to be referred to a...
- 9 The reference in section 286(4) of the Armed Forces Act...

SCHEDULE 15 — Reporting restrictions: providers of information society services

- 1 Children and Young Persons Act 1933 (c. 12)
- 2 Youth Justice and Criminal Evidence Act 1999 (c. 23)

SCHEDULE 16 — Procedure for certain planning challenges

- 1 Town and Country Planning Act 1990 (c. 8)
- 2 In section 284 (validity of development plans and certain orders,...
- 3 (1) Section 287 (proceedings for questioning validity of development plans...
- 4 (1) Section 288 (proceedings for questioning validity of other orders,...
- 5 Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
- 6 (1) Section 63 of that Act (proceedings for questioning validity...
- 7 Planning (Hazardous Substances) Act 1990 (c. 10)
- 8 Planning and Compulsory Purchase Act 2004 (c. 5)