



Criminal Law Act 1967

1967 CHAPTER 58

PART I

FELONY AND MISDEMEANOUR

1 Abolition of distinction between felony and misdemeanour.

- (1) All distinctions between felony and misdemeanour are hereby abolished.
- (2) Subject to the provisions of this Act, on all matters on which a distinction has previously been made between felony and misdemeanour, including mode of trial, the law and practice in relation to all offences cognisable under the law of England and Wales (including piracy) shall be the law and practice applicable at the commencement of this Act in relation to misdemeanour.

2 Arrest without warrant.

- (1) The powers of summary arrest conferred by the following subsections shall apply to offences for which the sentence is fixed by law or for which a person (not previously convicted) may under or by virtue of any enactment be sentenced to imprisonment for a term of five years, and to attempts to commit any such offence; and in this Act, including any amendment made by this Act in any other enactment, "arrestable offence" means any such offence or attempt.
- (2) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an arrestable offence.
- (3) Where an arrestable offence has been committed, any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of the offence.
- (4) Where a constable, with reasonable cause, suspects that an arrestable offence has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of the offence.

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- (5) A constable may arrest without warrant any person who is, or whom he, with reasonable cause, suspects to be, about to commit an arrestable offence.
- (6) For the purpose of arresting a person under any power conferred by this section a constable may enter (if need be, by force) and search any place where that person is or where the constable, with reasonable cause, suspects him to be.
- (7) This section shall not affect the operation of any enactment restricting the institution of proceedings for an offence, nor prejudice any power of arrest conferred by law apart from this section.

3 Use of force in making arrest, etc.

- (1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.
- (2) Subsection (1) above shall replace the rules of the common law on the question when force used for a purpose mentioned in the subsection is justified by that purpose.

4 Penalties for assisting offenders.

- (1) Where a person has committed an arrestable offence, any other person who, knowing or believing him to be guilty of the offence or of some other arrestable offence, does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution shall be guilty of an offence.
- (2) If on the trial of an indictment for an arrestable offence the jury are satisfied that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but find the accused not guilty of it, they may find him guilty of any offence under subsection (1) above of which they are satisfied that he is guilty in relation to the offence charged (or that other offence).
- (3) A person committing an offence under subsection (1) above with intent to impede another person's apprehension or prosecution shall on conviction on indictment be liable to imprisonment according to the gravity of the other person's offence, as follows:—
 - (a) if that offence is one for which the sentence is fixed by law, he shall be liable to imprisonment for not more than ten years;
 - (b) if it is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of fourteen years, he shall be liable to imprisonment for not more than seven years ;
 - (c) if it is not one included above but is one for which a person (not previously convicted) may be sentenced, to imprisonment for a term of ten years, he shall be liable to imprisonment for not more than five years ;
 - (d) in any other case, he shall be liable to imprisonment for not more than three years.
- (4) No proceedings shall be instituted for an offence under subsection (1) above except by or with the consent of the Director of Public Prosecutions:

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Provided that this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for such an offence, or the remand in custody or on bail of a person charged with such an offence.

- (5) Offences under subsection (1) above, and incitement to commit them, shall be included in Schedule 1 to the Magistrates' Courts Act 1952 (indictable offences triable summarily with the consent of the accused) where that Schedule includes, or is under any enactment to be treated as including, the arrestable offence to which they relate.
- (6) For purposes of the Extradition Acts 1870 to 1935 offences in relation to an extradition crime which in England would be offences under subsection (1) above shall be extradition crimes and be deemed to be included in Schedule 1 to the Extradition Act 1870.
- (7) For purposes of section, 33 of the Larceny Act 1916 and of any other enactment relating to receivers or receiving a person shall be treated as receiving property if he dishonestly undertakes or assists in its retention, removal, disposal or realisation by or for the benefit of another person or if he arranges so to do.

5 Penalties for concealing offences or giving false information.

- (1) Where a person has committed an arrestable offence, any other person who, knowing or believing that the offence or some other arrestable offence has been committed, and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of reasonable compensation for that loss or injury, shall be liable on conviction on indictment to imprisonment for not more than two years.
- (2) Where a person causes any wasteful employment of the police by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any persons or property, or tending to show that he has information material to any police inquiry, he shall be liable on summary conviction to imprisonment for not more than six months or to a fine of not more than two hundred pounds or to both.
- (3) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.
- (4) Offences under subsection (1) above, and incitement to commit them, shall be included in Schedule 1 to the Magistrates' Courts Act 1952 (indictable offences triable summarily with the consent of the accused) where that Schedule includes, or is under any enactment to be treated as including, the arrestable offence to which they relate.
- (5) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

6 Trial of offences.

- (1) Where a person is arraigned on an indictment—
 - (a) he shall in all cases be entitled to make a plea of not guilty in addition to any demurrer or special plea;

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- (b) he may plead not guilty of the offence specifically charged in the indictment but guilty of another offence of which he might be found guilty on that indictment;
 - (c) if he stands mute of malice or will not answer directly to the indictment, the court may order a plea of not guilty to be entered on his behalf, and he shall then be treated as having pleaded not guilty.
- (2) On an indictment for murder a person found not guilty of murder may be found guilty—
- (a) of manslaughter, or of causing grievous bodily harm with intent to do so ; or
 - (b) of any offence of which he may be found guilty under an enactment specifically so providing, or under section 4(2) of this Act; or
 - (c) of an attempt to commit murder, or of an attempt to commit any other offence of which he might be found guilty;
- but may not be found guilty of any offence not included above.
- (3) Where, on a person's trial on indictment for any offence except treason or murder, the jury find him not guilty of the offence specifically charged in the indictment, but the allegations in the indictment amount to or include (expressly or by implication) an allegation of another offence falling within the jurisdiction of the court of trial, the jury may find him guilty of that other offence or of an offence of which he could be found guilty on an indictment specifically charging that other offence.
- (4) For purposes of subsection (3) above any allegation of an offence shall be taken as including an allegation of attempting to commit that offence; and where a person is charged on indictment with attempting to commit an offence or with any assault or other act preliminary to an offence, but not with the completed offence, then (subject to the discretion of the court to discharge the jury with a view to the preferment of an indictment for the completed offence) he may be convicted of the offence charged notwithstanding that he is shown to be guilty of the completed offence.
- (5) Where a person arraigned on an indictment pleads not guilty of an offence charged in the indictment but guilty of some other offence of which he might be found guilty on that charge, and he is convicted on that plea of guilty without trial for the offence of which he has pleaded not guilty, then (whether or not the two offences are separately charged in distinct counts) his conviction of the one offence shall be an acquittal of the other.
- (6) Any power to bring proceedings for an offence by criminal information in the High Court is hereby abolished.
- (7) Subsections (1) to (3) above shall apply to an indictment containing more than one count as if each count were a separate indictment.

7 Powers of dealing with offenders.

- (1) Where a person is convicted on indictment of an offence against any enactment and is for that offence liable to be sentenced to imprisonment, but the sentence is not by any enactment either limited to a specified term or expressed to extend to imprisonment for life, the person so convicted shall be liable to imprisonment for not more than two years.
- (2) A person convicted on indictment of an attempt to commit an offence for which a maximum term of imprisonment or a maximum fine is provided by any enactment

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shall not be sentenced to imprisonment for a term longer, nor to a fine larger, than that to which he could be sentenced for the completed offence.

- (3) Where a person is convicted on indictment of any offence other than an offence for which the sentence is fixed by law, the court, if not precluded from sentencing the offender by its exercise of some other power (such as the power to make a probation order), may impose a fine in lieu of or in addition to dealing with him in any other way in which the court has power to deal with him, subject however to any enactment limiting the amount of the fine that may be imposed or requiring the offender to be dealt with in a particular way.
- (4) Notwithstanding anything in any enactment whereby power is conferred on a court, on a person's conviction of an offence, to bind him over to keep the peace or be of good behaviour, that power may be exercised without sentencing the person convicted to a fine or to imprisonment.
- (5) There is hereby abolished so much of the punishment for any offence as consists in any general forfeiture of lands or of goods and chattels or in being placed outside Her Majesty's protection or otherwise incapacitated to sue or be sued.

8 Jurisdiction of quarter sessions.

- (1) A court of quarter sessions shall not have jurisdiction to try an indictment for any offence for which a person may be sentenced to death or may under or by virtue of any enactment be sentenced to imprisonment for life:

Provided that this subsection shall not deprive a court of quarter sessions of any jurisdiction which the court has under the law in force at the commencement of this Act.

- (2) Accordingly the offences which, when prosecuted on indictment, are triable by a court of quarter sessions shall be the offences mentioned in List A in Schedule 1 to this Act together with all other offences not falling under any head of List B in that Schedule:

Provided that, subject to section 16(4) of the Criminal Justice Administration Act 1962 (which relates to part-heard cases), a court with restricted jurisdiction shall not have jurisdiction to try an indictment for an offence by reason of its inclusion in Division II of the said List A.

- (3) For purposes of subsection (2) above " court with restricted jurisdiction " does not include the court of quarter sessions for any London Commission Area or the court of the recorder of any borough, but with those exceptions means any court of quarter sessions not being presided over by a legally qualified chairman within the meaning of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1938 or by a person entitled under subsection (5) of that section to take the place of the legally qualified chairman of the court; and references in any enactment to offences being triable by a court of quarter sessions under that section shall have effect as references to their being triable by a court of quarter sessions not being a court with restricted jurisdiction.
- (4) Notwithstanding any limitation in relation to an offence on the jurisdiction of a court of quarter sessions, a person may be indicted before, or committed for sentence to, the court for that offence; and in the case of offences which the court has no jurisdiction to try on indictment—

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- (a) where a person is indicted before the court, the powers of the court under section 14(2) of the Criminal Justice Act 1925 shall include power to direct that his trial shall take place before a court of assize or before a court of quarter sessions for some other place; and
- (b) where a person is committed for sentence to the court, the powers of the court shall include power to deal with him in any way in which, on his conviction on indictment before a court having jurisdiction to try the offence, he could be dealt with by that court.

9 Pardon.

Nothing in this Act shall affect Her Majesty's royal prerogative of mercy, but a pardon in respect of any offence if granted by warrant under Her royal sign manual, countersigned by the Secretary of State, shall be of like effect as a pardon under the great seal.

10 Amendments of particular enactments, and repeals.

- (1) The enactments mentioned in Schedule 2 to this Act shall be amended in accordance with the provisions of that Schedule.
- (2) The enactments mentioned in Schedule 3 to this Act (which includes in Part I certain enactments connected with matters in this Part of this Act but already spent, obsolete or redundant apart from this Act) are hereby repealed to the extent specified in the third column of that Schedule.

11 Extent of Part I, and provision for Northern Ireland.

- (1) Subject to subsections (2) to (4) below, this Part of this Act shall not extend to Scotland or to Northern Ireland.
- (2) Subsection (1) above shall not restrict the operation of this Part of this Act—
 - (a) in so far as it affects—
 - (i) the Extradition Acts 1870 to 1935 ; or
 - (ii) the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 ; or
 - (iii) section 2 of the Forfeiture Act 1870 or any other enactment or rule of law relating to any parliamentary disqualification or other disability or penal consequence arising from an offence being felony; or
 - (b) in so far as (by paragraph 10 of Schedule 2) it amends the Regimental Debts Act 1893.
- (3) The amendments made by paragraph 2 of Schedule 2 to this Act in section 4 of the Vagrancy Act 1824 and section 15 of the Prevention of Crimes Act 1871 shall extend to Scotland.
- (4) The restrictions imposed by the Government of Ireland Act 1920 on the powers of the Parliament of Northern Ireland shall not be treated as precluding that Parliament from enacting, in relation to Northern Ireland, by any Act passed for purposes similar to this Part of this Act, a provision corresponding to any provision of that Part, or from making provision as to proceedings in Northern Ireland for offences, wherever committed, which are cognisable under the law of Northern Ireland.

12 Commencement, savings, and other general provisions.

- (1) This Part of this Act, except in so far as it enlarges the powers of the Parliament of Northern Ireland, shall not come into force until the 1st January 1968 ; and, in so far as it affects any matter of procedure or evidence or the jurisdiction or powers of any court in relation to offences, it shall have effect in relation to proceedings on indictment for an offence (except as provided by the following subsections) if, but only if, the person charged with the offence is arraigned on or after that day.
- (2) Where a person is arraigned after the commencement of this Part of this Act on an indictment for a felony committed before that commencement, then for purposes of his trial on that indictment the offence shall be deemed always to have been a misdemeanour and, notwithstanding that the indictment is framed as an indictment for felony, shall be deemed to be charged as a misdemeanour in the indictment.
- (3) On an indictment signed before the commencement of this Part of this Act, a person may be found guilty of any offence of which he could have been found guilty on that indictment if this Part of this Act had not been passed, but not of any other offence; and a person tried by a court-martial ordered or convened before that commencement may be found guilty of any offence of which he could have been found guilty if this Part of this Act had not been passed, but not of any other offence.
- (4) Where a person has been tried for or convicted of felony before the commencement of this Part of this Act, the trial or conviction may be proved in any manner in which it could have been proved if this Part of this Act had not been passed.
- (5) Subject to any express amendment or repeal made by this Act, the following provisions shall have effect in relation to any Act passed before this Act:—
 - (a) any enactment creating an offence by directing it to be felony shall be read as directing it to be an offence, and nothing in this Part of this Act shall affect the operation of any reference to an offence in the enactments specially relating to that offence by reason only of the reference being in terms no longer applicable after the commencement of this Part of this Act;
 - (b) any enactment referring to felonious stealing shall be read as referring merely to stealing;
 - (c) nothing in this Part of this Act shall affect the punishment provided for an offence by the enactments specially relating to that offence.
- (6) In this Part of this Act references to felony shall not be taken as including treason; but the procedure on trials for treason or misprision of treason shall be the same as the procedure as altered by this Act on trials for murder.
- (7) Any provision of this Part of this Act relating to proceedings on indictment shall, so far as applicable, apply also to proceedings on an inquisition.

PART II

OBSOLETE CRIMES

13 Abolition of certain offences, and consequential repeals.

- (1) The following offences are hereby abolished, that is to say—

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- (a) any distinct offence under the common law in England and Wales of maintenance (including champerty, but not embracery), challenging to fight, eavesdropping or being a common barrator, a common scold or a common night walker; and
 - (b) any offence under an enactment mentioned in Part I of Schedule 4 to this Act, to the extent to which the offence depends on any section or part of a section included in the third column of that Schedule.
- (2) Accordingly the enactments mentioned in Parts I and II of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of the Schedule, but subject to the provisions of Part III of the Schedule.
- (3) This section shall extend to Northern Ireland only in so far as it relates—
- (a) to offences under any Act of the Parliament of Ireland ; or
 - (b) to offences under any other enactment of which the repeal is in Schedule 4 to this Act expressed to extend to Northern Ireland;
- and in so far as it repeals any such Act or enactment.

PART III

SUPPLEMENTARY

14 Civil rights in respect of maintenance and champerty.

- (1) No person shall, under the law of England and Wales, be liable in tort for any conduct on account of its being maintenance or champerty as known to the common law, except in the case of a cause of action accruing before this section has effect.
- (2) The abolition of criminal and civil liability under the law of England and Wales for maintenance and champerty shall not affect any rule of that law as to the cases in which a contract is to be treated as contrary to public policy or otherwise illegal.

15 Short title.

This Act may be cited as the Criminal Law Act 1967.