



Criminal Justice Act 1988

1988 CHAPTER 33

PART V

JURISDICTION, IMPRISONMENT, FINES, ETC.

Imprisonment

44 Firearms offences.

- (1) Part 1 of Schedule 6 to the ^{M1}Firearms Act 1968 (prosecution and punishment of offences) shall be amended as follows.
- (2) For the third and fourth columns of the entries relating to an offence under section 2(1) (possessing, etc. shotgun without shotgun certificate) there shall be substituted—

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|--------------------|--|
| “(a) Summary. | 6 months or the statutory maximum or both. |
| (b) On indictment. | 3 years or a fine; or both.” |

- (3) “Life imprisonment” shall be substituted for “14 years” in the fourth column of the entries relating to offences under—
 - (a) section 17(2) (possessing firearm or imitation firearm at time of committing or being arrested for certain offences); and
 - (b) section 18(1) (carrying firearm or imitation firearm with criminal intent).
- (4) Nothing in this section shall affect the punishment for an offence committed before this section comes into force.

Marginal Citations

M1 1968 c. 27.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Criminal Justice Act 1988, Cross Heading: Imprisonment is up to date with all changes known to be in force on or before 11 May 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)

45 **Increase in maximum term of imprisonment for cruelty to children and young persons.**

- (1) In section 1(1)(a) of the ^{M2}Children and Young Persons Act 1933 (under which the maximum term of imprisonment for cruelty to persons under 16 is two years) and in section 12(1)(a) of the ^{M3}Children and Young Persons (Scotland) Act 1937 (which makes corresponding provision for Scotland), for “two” there shall be substituted “ten”.
- (2) Nothing in subsection (1) above shall affect the punishment for an offence committed before this section comes into force.

Marginal Citations

- M2** 1933 c. 12.
M3 1937 c. 37.

46 **Maximum term of imprisonment on summary conviction under Prevention of Crime Act 1953 and maximum fine under Restriction of Offensive Weapons Act 1959.**

- (1) In section 1(1)(a) of the ^{M4}Prevention of Crime Act 1953 “six months” shall be substituted for “three months”.
- (2) The maximum fine that may be imposed for an offence under section 1 of the ^{M5}Restriction of Offensive Weapons Act 1959 shall be a fine not exceeding level 5 on the standard scale.
- (3) This section shall not have effect in relation to anything done before it comes into force.

Marginal Citations

- M4** 1953 c. 14.
M5 1959 c. 37.

47 **Corruption.**

- (1) The following paragraph shall be substituted for paragraph (a) of section 2 of the ^{M6}Public Bodies Corrupt Practices Act 1889 (penalty for corruption in office)—
 - “(a) be liable—
 - (i) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; and
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both; and”.
- (2) In subsection (1) of section 1 of the ^{M7}Prevention of Corruption Act 1906 (punishment of corrupt transactions with agents) for the words from “shall be liable” to the end of the subsection there shall be substituted the words “shall be liable—

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- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.”.
- (3) Nothing in this section shall affect the punishment for an offence committed before this section comes into force.

Marginal Citations

M6 1889 c. 69.

M7 1906 c. 34.

48 Increase in penalty for insider dealing.

- (1) In section 8(1)(a) of the ^{M8}Company Securities (Insider Dealing) Act 1985 (under which the maximum term of imprisonment for insider dealing offences is 2 years) for “2” there shall be substituted “7”.
- (2) Nothing in subsection (1) above shall affect the punishment for an offence committed before this section comes into force.

Marginal Citations

M8 1985 c. 8.

49 Repeal of s.134 of Magistrates’ Courts Act 1980.

Section 134 of the ^{M9}Magistrates’ Courts Act 1980 (under which a magistrates’ court having power to impose imprisonment on any person may instead of doing so order him to be detained for any period not exceeding 4 days in a place certified by the Secretary of State to be suitable for the purpose) shall cease to have effect.

Marginal Citations

M9 1980 c. 43.

50 Suspended and partly suspended sentences on certain civilians in courts-martial and Standing Civilian Courts.

- (1) The Secretary of State may by order made by statutory instrument make such provision as appears to him to be appropriate—
- (a) to give courts-martial and Standing Civilian Courts power to pass suspended and partly suspended sentences of imprisonment on civilians to whom this section applies; and
 - (b) to give courts power to deal with offenders in respect of suspended and partly suspended sentences passed by courts-martial and Standing Civilian Courts.
- (2) This section applies to the following civilians—

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- (a) persons to whom Part II of the ^{M10}Army Act 1955 applies by virtue of section 209 of that Act;
 - (b) persons to whom Part II of the ^{M11}Air Force Act 1955 applies by virtue of section 209 of that Act; and
 - (c) persons to whom Parts I and II of the ^{M12}Naval Discipline Act 1957 apply by virtue of section 118 of that Act.
- (3) An order under this section—
- (a) may amend—
 - (i) the Army Act 1955;
 - (ii) the Air Force Act 1955;
 - (iii) the Naval Discipline Act 1957; and
 - (iv) the ^{M13}Armed Forces Act 1976;
 - (b) may apply, with or without modifications, any enactment contained in—
 - (i) the ^{M14}Powers of Criminal Courts Act 1973;
 - (ii) the ^{M15}Criminal Law Act 1977; or
 - (iii) any other Act not mentioned in paragraph (a) above; and
 - (c) may make such incidental or consequential provision as the Secretary of State considers necessary or expedient.
- (4) Without prejudice to the generality of this section, an order under this section may make—
- (a) provision prohibiting a court which passes a suspended sentence on a person from making an order under paragraph 4 of Schedule 5A to the ^{M16}Army Act 1955 or the ^{M17}Air Force Act 1955 or paragraph 4 of Schedule 4A to the ^{M18}Naval Discipline Act 1957 (community supervision orders) in respect of another offence; and
 - (b) provision restricting the powers conferred by sections 110 and 113 of the Army Act 1955 and the Air Force Act 1955 (confirmation and review) and sections 70 and 71 of the Naval Discipline Act 1957 (review).
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

- M10** 1955 c. 18.
- M11** 1955 c. 19.
- M12** 1957 c. 53.
- M13** 1976 c. 52.
- M14** 1973 c. 62.
- M15** 1977 c. 45.
- M16** 1955 c. 18.
- M17** 1955 c. 19.
- M18** 1957 c. 53.

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