



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### Modifications etc. (not altering text)

- C1** Pt. I (ss. 1-31) applied (E.W.) (1.10.1997) by 1997 c. 43, ss. 28(9), 33(3)-(5); S.I. 1997/2200, art.2 (subject to savings in art. 5)
- Pt. I (ss. 1-31) modified (E.W.) (1.1.1998) by 1997 c. 43, s. 35(4)(b); S.I. 1997/2200, art.3 (subject to savings in art. 5)
- Pt. I (ss. 1-31) extended (with modifications) (E.W.) (1.1.1998) by 1997 c. 43, s. 35(7)(b); S.I. 1997/2200, art.3 (subject to savings in art. 5)
- Pt. I (ss. 1-31) extended (with modifications) (E.W.) (30.9.1998) by 1998 c. 37, s. 61(4) (with Sch. 9 para. 4); S.I. 1998/2327, art.2(1)(n).
- Pt. I (ss. 1-31) extended (with modifications) (E.W.) (30.9.1998) by 1998 c. 37, s. 69(11); S.I. 1998/2327, art.2(1)(o)
- Pt. I (ss. 1-31) applied (E.W.) (30.9.1998) by 1998 c. 37, s. 18(2); S.I. 1998/2327, art.2(1)(f).
- Pt. I (ss. 1-31) extended (E.W.) (1.4.2000) by 1998 c. 37, ss. 73(4); S.I. 1999/3426, art. 3(a)
- Pt. I (ss. 1-31) applied (E.W.) (30.9.1998) by 1997 c. 43, ss. 37(4)(5) (as substituted (E.W.) (30.9.1998) by 1998 c. 37, s. 106, Sch. 7 para. 51(2); S.I. 1998/2327, art.2(1)(w)).
- Pt. I (ss. 1-31) extended (E.W.) (30.9.1998) by 1997 c. 43, ss. 37(4)(5) (as substituted (E.W.) (30.9.1998) by 1998 c. 37, s. 106, Sch.7 para. 51(2); S.I. 1998/2327, art.2(1)(w)).
- Pt. I (ss. 1-31) restricted (E.W.) (26.6.2000) by 1999 c. 23, s. 4(4)(a), (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1587, art. 2(a)

##### *Custodial sentences*

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#### Textual Amendments

**F1**    [S. 1](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

**F2**    .....

#### Textual Amendments

**F2**    [S. 2](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

**F3**    .....

#### Textual Amendments

**F3**    [S. 3](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

**F4**    .....

#### Textual Amendments

**F4**    [S. 4](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

**F5**    .....

#### Textual Amendments

**F5**    [S. 5](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

### *Community sentences*

**F6**    .....

#### Textual Amendments

**F6**    [S. 6](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

**F7**    .....

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#### Textual Amendments

**F7** S. 7 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

### *Probation and community service orders*

**F8** 8 .....

#### Textual Amendments

**F8** S. 8 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

**F9** 9 .....

#### Textual Amendments

**F9** S. 9 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

**F10** 10 .....

#### Textual Amendments

**F10** S. 10 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

**F11** 11 .....

#### Textual Amendments

**F11** S. 11 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

### *Curfew orders*

**F12** 12 .....

#### Textual Amendments

**F12** S. 12 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

**F13** 13 .....

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#### Textual Amendments

**F13** S. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

#### *Orders: supplemental*

<sup>F14</sup>**14** .....

#### Textual Amendments

**F14** S. 14 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

<sup>F15</sup>**15** .....

#### Textual Amendments

**F15** S. 15 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

### **16 Reciprocal enforcement of certain orders.**

Schedule 3 to this Act shall have effect for making provision for and in connection with—

- <sup>F16</sup>(a) .....
- (b) the making and amendment in Scotland or Northern Ireland of [<sup>F17</sup>certain] orders relating to persons residing in England and Wales.

#### Textual Amendments

**F16** S. 16(a) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F17** Word in s. 16(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 134**

#### Commencement Information

**II** S. 16 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

#### *Financial penalties*

### **17 Increase of certain maxima.**

- (1) [<sup>F18</sup>In section 37 (standard scale of fines) of the <sup>M1</sup>Criminal Justice Act 1982 (“the 1982 Act”) and section 289G of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975 (corresponding Scottish provision), for subsection (2) there shall be substituted the following subsection—

“(2) The standard scale is shown below—

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| <i>Level on the scale</i> | <i>Amount of fine</i> |
|---------------------------|-----------------------|
| 1                         | £200                  |
| 2                         | £500                  |
| 3                         | £1,000                |
| 4                         | £2,500                |
| 5                         | £5,000”.]             |

(2) Part I of the <sup>M3</sup>Magistrates’ Courts Act 1980 (“the 1980 Act”) shall be amended as follows—

- (a) in section 24(3) and (4) (maximum fine on summary conviction of young person for indictable offence) <sup>F19</sup>. . ., for “£400” there shall be substituted “£1,000”;
- (b) in section 24(4) (maximum fine on summary conviction of child for indictable offence) <sup>F19</sup>. . ., for “£100” there shall be substituted “£250”; and
- (c) in section 32(9) (maximum fine on summary conviction of offence triable either way), for “c£2,000” there shall be substituted “£5,000”;

and in section 289B(6) of the Criminal Procedure (Scotland) Act 1975 (interpretation), in the definition of “prescribed sum”, for “£2,000” there shall be substituted “£5,000”.

(3) Schedule 4 to this Act shall have effect as follows—

- (a) in each of the provisions mentioned in column 1 of Part I (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted the amount specified in column 4;
- (b) in each of the provisions mentioned in column 1 of Part II (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted the level on the standard scale specified in column 4;
- (c) in each of the provisions mentioned in column 1 of Part III (the general description of which is given in column 2), for the amount specified in column 3 there shall be substituted a reference to the statutory maximum;
- (d) the provisions set out in Part IV shall be substituted for Schedule 6A to the 1980 Act (fines that may be altered under section 143); and
- (e) <sup>F20</sup> . . . . .

## Extent Information

**E1** S. 17 extends to England and Wales; s. 17(1)(2) also extend to Scotland see s. 102(4)(5)

## Textual Amendments

- F18** S. 17(1) repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 29](#) (with ss. 413(4), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F19** S. 17(2)(a)(b) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F20** S. 17(3)(e) repealed (20.9.1993) by [1993 c. 36](#), ss. 65(3), 79(14), [Sch. 3 para. 1\(1\)](#), [Sch. 6 Pt. I](#); [S.I. 1993/1968](#), art. 2(2), [Sch. 2](#), Appendix.

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#### Modifications etc. (not altering text)

- C2** S. 17(1)(2) restricted (S.) (1.9.1992) by [S.I. 1992/333](#), [art. 4A](#) (as inserted by [S.I. 1992/2118](#), [art. 4](#))  
**C3** [S. 17\(1\)](#) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1](#), [5\(2\)\(3\)](#); [S.I. 2012/1236](#), [reg. 2](#)

#### Commencement Information

- I2** S. 17 wholly in force at 1.10.1992 see s. 102(2)(3) and [S.I. 1992/333](#), [art. 2\(2\)](#)

#### Marginal Citations

- M1** [1982 c. 48](#).  
**M2** [1975 c. 21](#).  
**M3** [1980 c. 43](#).

**F<sup>21</sup> 18** .....

#### Textual Amendments

- F21** [S. 18](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

**F<sup>22</sup> 19** .....

#### Textual Amendments

- F22** [S. 19](#) repealed (20.9.1993) by [1993 c. 36](#), ss. 65(2)(4), 79(14), [Sch. 6 Pt.1](#); [S.I. 1993/1968](#), [art. 2\(2\)](#), [Sch.2](#), Appendix.

**F<sup>23</sup> 20** .....

#### Textual Amendments

- F23** [S. 20](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

#### [**F<sup>24</sup> 20A** False statements as to financial circumstances.

- (1) A person who is charged with an offence who, in furnishing a statement of [**F<sup>25</sup>** financial circumstances (whether a statement of assets, of other financial circumstances or of both)] in response to an official request—
- (a) makes a statement which he knows to be false in a material particular;
  - (b) recklessly furnishes a statement which is false in a material particular; or
  - (c) knowingly fails to disclose any material fact,
- shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.

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[ A person who is charged with an offence who fails to furnish a statement  
<sup>F26</sup>(1A) of [<sup>F27</sup>financial circumstances (whether a statement of assets, of other financial  
circumstances or of both) requested by] an official request shall be liable on summary  
conviction to a fine not exceeding level 2 on the standard scale.]

- (2) For the purposes of this section an official request is a request which—
- (a) is made by the [<sup>F28</sup>designated officer for] the magistrates' court or the appropriate officer of the Crown Court, as the case may be; and
  - (b) is expressed to be made for informing the court, in the event of his being convicted, of his financial circumstances for the purpose of determining the amount of any fine the court may impose [<sup>F29</sup>and how it should be paid].
- (3) Proceedings in respect of an offence under this section may, notwithstanding anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.]

#### Textual Amendments

- F24** S. 20A inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 43**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F25** Words in s. 20A(1) substituted (11.12.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 26(a)**; S.I. 2013/2981, art. 2(d)
- F26** S. 20A(1A) inserted (5.4.2004) by Courts Act 2003 (c. 39), **ss. 95(2)**, 110; S.I. 2004/174, **art. 3**
- F27** Words in s. 20A(1A) substituted (11.12.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 26(b)**; S.I. 2013/2981, art. 2(d)
- F28** Words in s. 20A(2)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 350**; S.I. 2005/910, **art. 3**
- F29** Words in s. 20A(2)(b) inserted (5.4.2004) by Courts Act 2003 (c. 39), **ss. 95(3)**, 110; S.I. 2004/174, **art. 3**

#### *Financial penalties: supplemental*

<sup>F30</sup>**21** .....

#### Textual Amendments

- F30** S. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

<sup>F31</sup>**22** .....

#### Textual Amendments

- F31** S. 22 repealed (20.9.1993) by 1993 c. 36, ss. 65(3)(4), 79(14), Sch. 3 para. 4, **Sch. 6 Pt. I**; S.I. 1993/1968, art. 2(2), **Sch. 2**, Appendix.

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## 23 Default in other cases.

- (1) In the [<sup>F32</sup>Table in] paragraph 1 of Schedule 4 to the 1980 Act (maximum periods of imprisonment for default in paying fines etc.), for the entries relating to amounts not exceeding £5,000 there shall be substituted the following entries—

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|   |            |
|---|------------|
| “An amount not exceeding £200                       | 7 days     |
| An amount exceeding £200 but not exceeding £500     | 14 days    |
| An amount exceeding £500 but not exceeding £1,000   | 28 days    |
| An amount exceeding £1,000 but not exceeding £2,500 | 45 days    |
| An amount exceeding £2,500 but not exceeding £5,000 | 3 months”. |

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- (2) For the Table in section 407(1A) of the <sup>M4</sup>Criminal Procedure (Scotland) Act 1975 (maximum period of imprisonment for failure to pay fine or find caution) there shall be substituted the following Table—

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| <i>“Amount of fine or caution</i>                         | <i>Maximum period of imprisonment</i> |
|---|---------------------------------------|
| An amount not exceeding £200                              | 7 days                                |
| An amount exceeding £200 but not exceeding £500           | 14 days                               |
| An amount exceeding £500 but not exceeding £1,000         | 28 days                               |
| An amount exceeding £1,000 but not exceeding £2,500       | 45 days                               |
| An amount exceeding £2,500 but not exceeding £5,000       | 3 months                              |
| An amount exceeding £5,000 but not exceeding £10,000      | 6 months                              |
| An amount exceeding £10,000 but not exceeding £20,000     | 12 months                             |
| An amount exceeding £20,000 but not exceeding £50,000     | 18 months                             |
| An amount exceeding £50,000 but not exceeding £100,000    | 2 years                               |
| An amount exceeding £100,000 but not exceeding £250,000   | 3 years                               |
| An amount exceeding £250,000 but not exceeding £1 million | 5 years                               |
| An amount exceeding £1 million                            | 10 years.”                            |

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- (3) In Schedule 16 (repeals) to the 1988 Act, the entry relating to subsection (8) of section 41 of the <sup>M5</sup>Administration of Justice Act 1970 shall cease to have effect; and that subsection (discretion of Crown Court to specify extended period of imprisonment in default of payment of compensation) shall have effect as if that entry had not been enacted.

#### Extent Information

**E2** S. 23 extends to England and Wales only except as mentioned in s. 102(4) - (6).

#### Textual Amendments

**F32** Words in s. 23(1) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 135

#### Commencement Information

**I3** S. 23 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

#### Marginal Citations

**M4** 1975 c. 21.

**M5** 1970 c. 31.

## 24 Recovery of fines etc. by deductions from [<sup>F33</sup>universal credit and] income support.

- (1) The Secretary of State may by regulations provide that where a fine has been imposed on an offender by a magistrates' court, or a sum is required to be paid by a compensation order [<sup>F34</sup>, an unlawful profit order or a slavery and trafficking reparation order] which has been made against an offender by such a court, and (in either case) the offender is entitled to [<sup>F35</sup>universal credit,] income support [<sup>F36</sup>, a jobseeker's allowance [<sup>F37</sup>, state pension credit or an <sup>F38</sup>... employment and support allowance]]
- (a) the court may apply to the Secretary of State asking him to deduct sums from any amounts payable to the offender by way of [<sup>F39</sup>that benefit], in order to secure the payment of any sum which is or forms part of the fine [<sup>F40</sup>, compensation or unlawful profit]; and
  - (b) the Secretary of State may deduct sums from any such amounts and pay them to the court towards satisfaction of any such sum.
- (2) The regulations may include—
- (a) provision that, before making an application, the court shall make an enquiry as to the offender's means;
  - [<sup>F41</sup>(aa) provision that the court may require the offender to provide prescribed information in connection with an application;]
  - (b) provision allowing or requiring adjudication as regards an application, and provision as to [<sup>F42</sup>appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act];
  - (c) provision as to the circumstances and manner in which and the times at which sums are to be deducted and paid;
  - (d) provision as to the calculation of such sums (which may include provision to secure that amounts payable to the offender by way of [<sup>F43</sup>universal credit,] income support [<sup>F44</sup>, a jobseeker's allowance [<sup>F45</sup>, state pension credit or

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- an <sup>F46</sup>... employment and support allowance]] do not fall below prescribed figures);
- (e) provision as to the circumstances in which the Secretary of State is to cease making deductions;
  - (f) provision requiring the Secretary of State to notify the offender, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of notification; and
  - (g) provision that, where the whole amount to which the application relates has been paid, the court shall give notice of that fact to the Secretary of State.
- [<sup>F47</sup>(2A) An offender who fails to provide information required by the court by virtue of subsection (2)(aa) commits an offence.
- (2B) An offender commits an offence if, in providing information required by the court by virtue of that subsection, he—
- (a) makes a statement which he knows to be false in a material particular,
  - (b) recklessly provides a statement which is false in a material particular, or
  - (c) knowingly fails to disclose any material fact.
- (2C) A person guilty of an offence under subsection (2A) or (2B) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.]
- (3) In subsection (1) above—
- (a) the reference to a fine having been imposed by a magistrates’ court includes a reference to a fine being treated, by virtue of [<sup>F48</sup>section 132 of the Sentencing Code] , as having been so imposed; and
  - (b) the reference to a sum being required to be paid by a compensation order [<sup>F49</sup>, an unlawful profit order or a slavery and trafficking reparation order] which has been made by a magistrates’ court includes a reference to a sum which is required to be paid by such an order being treated, by virtue of section 41 of the <sup>M6</sup>Administration of Justice Act 1970, as having been adjudged to be paid on conviction by such a court.
- [<sup>F50</sup>(c) the reference in paragraph (a) to “the court” includes a reference to a court to which the function in that paragraph has been transferred by virtue of a transfer of fine order under section 89(1) or (3) or 90(1)(a) of the 1980 Act (power of magistrates’ court to make transfer of fine order) or under section [<sup>F51</sup>section 222(1)(a) or (b) of the Criminal Procedure (Scotland) Act 1995] (analogous provision as respects Scotland) and a reference to a court to which that function has been remitted by virtue of section 196(2) of the said Act of 1975 (enforcement of fine imposed by High Court of Justiciary).]
- [<sup>F52</sup>(3A) This section applies in relation to a surcharge imposed under [<sup>F53</sup>section 42 of the Sentencing Code][<sup>F54</sup>or section 253F of the Criminal Procedure (Scotland) Act 1995] as if any reference in subsection (1) or (3) above to a fine included a reference to a surcharge.]
- [<sup>F55</sup>(3B) This section applies in relation to a restitution order imposed under section 253A of the Criminal Procedure (Scotland) Act 1995 as if any reference in subsection (1) or (3) above to a fine included a reference to a restitution order.]
- (4) In this section—
- “fine” includes—

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(a) a penalty imposed under [<sup>F56</sup>section 29 or 37 of the Vehicle Excise and Registration Act 1994] or section 102(3)(aa) of the <sup>M7</sup>Customs and Excise Management Act 1979 (penalties imposed for certain offences in relation to vehicle excise licences);

(b) an amount ordered to be paid, in addition to any penalty so imposed, under [<sup>F56</sup>section 30, 36 or 38 of the Vehicle Excise and Registration Act 1994] (liability to additional duty);

[<sup>F57</sup>(ba) a charge ordered to be paid under [<sup>F58</sup>section 46 of the Sentencing Code] (criminal courts charge);]

(c) an amount ordered to be paid by way of costs which is, by virtue of section 41 of the <sup>M8</sup>Administration of Justice Act 1970, treated as having been adjudged to be paid on a conviction by a magistrates' court;

<sup>F59</sup>  
...

“income support” means income support within the meaning of the <sup>M9</sup>Social Security Act 1986, either alone or together with any <sup>F60</sup>... [<sup>F61</sup>incapacity] benefit, [<sup>F62</sup>or retirement pension] which is paid by means of the same instrument of payment;

“prescribed” means prescribed by regulations made by the Secretary of State.

[<sup>F63</sup>“slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015;]

[<sup>F64</sup>“unlawful profit order” means an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.]

(5) In the application of this section to Scotland—

(a) references in subsections (1) and (2) above to a magistrates' court shall be construed as references to a court; and

(b) in subsection (3) above, for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) the reference to a fine having been imposed by a court includes a reference to a fine being treated, by virtue of [<sup>F65</sup>section 211(4) of the Criminal Procedure (Scotland) Act 1995], as having been so imposed; and

(b) the reference to a compensation order having been made by a court includes a reference to such an order being treated, by virtue of [<sup>F66</sup>section 252 of the Criminal Procedure (Scotland) Act 1995], as having been so made.”

#### Textual Amendments

- F33** Words in s. 24 heading inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013](#) (S.I. 2013/630), regs. 1(2), **8(a)**
- F34** Words in s. 24(1) substituted (31.7.2015) by [Modern Slavery Act 2015](#) (c. 30), s. 61(1), **Sch. 5 para. 12(2)**; S.I. 2015/1476, reg. 2(j)
- F35** Words in s. 24(1) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013](#) (S.I. 2013/630), regs. 1(2), **8(b)**
- F36** Words in s. 24(1) substituted (2.7.2002 for specified purposes and otherwise 6.10.2003) by [State Pension Credit Act 2002](#) (c. 16), ss. 14, 22(2)(3), **Sch. 2 para. 31(a)**; S.I. 2002/1691, **art. 2**; S.I. 2003/1766, **art. 2**
- F37** Words in s. 24(1) substituted (18.3.2008 for certain purposes and 27.10.2008 otherwise) by [Welfare Reform Act 2007](#) (c. 5), ss. 28, 70, **Sch. 3 para. 8(a)**; S.I. 2008/787, **art. 2(1)(4)**, Sch.

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- F38** Words in s. 24(1) repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 109(1)(a)**, 150(1)(d)
- F39** Words in s. 24(1)(a) substituted (11.6.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 21**; S.I. 1996/1509, **art. 2**, **Sch.**
- F40** Words in s. 24(1)(b) substituted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, **Sch. para. 5(2)(b)**; S.I. 2013/2622, **art. 2**; S.I. 2013/2861, **art. 2**
- F41** S. 24(2)(aa) inserted (E.W.) (5.4.2004) by [Courts Act 2003 \(c. 39\)](#), **ss. 96(1)(2)**, 110; S.I. 2004/174, **art. 3**
- F42** Words in s. 24(2)(b) substituted (18.10.1998 for specified provisions, 29.11.1999 for further specified provisions, otherwise prosp.) by 1998 c. 14, s. 86(1), **Sch. 7 para. 55**; S.I. 1999/2860, **art. 2**, **Sch. 1** (with **art. 5** and subject to transitional provisions in **Schs. 16-18**); S.I. 1999/3178, **art. 2**, **Sch. 1** (subject to transitional provisions in **Schs. 21-23**)
- F43** Words in s. 24(2)(d) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), **regs. 1(2)**, **8(b)**
- F44** Words in s. 24(2)(d) substituted (2.7.2002 for specified purposes and otherwise 6.10.2003) by [State Pension Credit Act 2002 \(c. 16\)](#), **ss. 14**, 22(2)(3), **Sch. 2 para. 31(b)**; S.I. 2002/1691, **art. 2**; S.I. 2003/1766, **art. 2**
- F45** Words in s. 24(2)(d) substituted (18.3.2008 for certain purposes and 27.10.2008 otherwise) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 28**, 70, **Sch. 3 para. 8(a)**; S.I. 2008/787, **art. 2(1)(4)**, **Sch.**
- F46** Words in s. 24(2)(d) repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 109(1)(a)**, 150(1)(d)
- F47** S. 24(2A)-(2C) inserted (E.W.) (5.4.2004) by [Courts Act 2003 \(c. 39\)](#), **ss. 96(3)**, 110; S.I. 2004/174, **art. 3**
- F48** Words in s. 24(3)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 120(2)** (with **Sch. 27**); S.I. 2020/1236, **reg. 2**
- F49** Words in s. 24(3)(b) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 12(3)**; S.I. 2015/1476, **reg. 2(j)**
- F50** S. 24(3)(c) inserted (3.2.1995) by 1994 c. 33, **s. 47(3)**; S.I. 1995/127, **art. 2(1)**, **Sch. 1**
- F51** Words in s. 24(3)(c) substituted (1.4.1996) by 1995 c. 40, **ss. 5**, 7(2), **Sch. 4 para. 80(2)(c)**
- F52** S. 24(3A) inserted (1.4.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), **ss. 58(1)**, 60; **Sch. 10 para. 30**; S.I. 2007/602, **art. 2(b)(c)**
- F53** Words in s. 24(3A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 120(3)** (with **Sch. 27**); S.I. 2020/1236, **reg. 2**
- F54** Words in s. 24(3A) inserted (9.7.2019) by [The Victims and Witnesses \(Scotland\) Act 2014 \(Consequential Modification\) Order 2019 \(S.I. 2019/1092\)](#), **arts. 1**, **2**
- F55** S. 24(3B) inserted (10.6.2020) by [The Victims and Witnesses \(Scotland\) Act 2014 \(Consequential Modification\) Order 2020 \(S.I. 2020/584\)](#), **arts. 1(1)**, **2**
- F56** Words in s. 24(4) substituted (1.9.1994) by 1994 c. 22, **ss. 63**, 66(1), **Sch. 3 para. 30** (with s. 57(4))
- F57** S. 24(4): para. (ba) inserted in definition of "fine" (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 12 para. 7**; S.I. 2015/778, **art. 3**, **Sch. 1 para. 78**
- F58** Words in s. 24(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 120(4)** (with **Sch. 27**); S.I. 2020/1236, **reg. 2**
- F59** S. 24(4): definition of "income-related employment and support allowance" repealed (with effect from 27.10.2008 in accordance with s. 109(3) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 109(1)(b)**, 150(1)(d)
- F60** Words in s. 24(4) repealed (7.10.1996) by 1995 c. 18, s. 41(5), **Sch. 3**; S.I. 1996/2208, **art. 2**
- F61** Word in s. 24(4) substituted (13.4.1995) by 1994 c. 18, s. 11(1), **Sch. 1 Pt. II para. 55**; S.I. 1994/2926, **art. 2**, **Sch. Pt. IV**
- F62** Words in definition of "income support" in s. 24(4) substituted (6.4.2001) by 1999 c. 30, s. 70, **Sch. 8 Pt. III para. 27**; S.I. 2000/2958, **art. 2(6)(b)** (subject to **arts. 3**, **4**)
- F63** S. 24(4): definition of "slavery and trafficking reparation order" inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 12(4)**; S.I. 2015/1476, **reg. 2(j)**

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- F64** S. 24(4): definition of “unlawful profit order” inserted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, **Sch. para. 5(4)**; [S.I. 2013/2622](#), art. 2; [S.I. 2013/2861](#), art. 2
- F65** S. 24(5)(a): words in subsection (3)(a) as it applies to Scotland substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), **Sch. 4 para. 80(2)(a)**
- F66** S. 24(5)(b): words in subsection (3)(b) as it applies to Scotland substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), **Sch. 4 para. 80(2)(b)**

#### Commencement Information

- I4** S. 24 wholly in force at 1.10.1992 see s. 102(2)(3) and [S.I. 1992/333](#), art. 2(2), **Sch. 2**.

#### Marginal Citations

- M6** [1970 c. 31](#).
- M7** [1979 c. 2](#).
- M8** [1970 c. 31](#).
- M9** [1986 c. 50](#).

### Miscellaneous

**F67** **25** .....

#### Textual Amendments

- F67** [S. 25](#) repealed (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), **Sch. 12 Pt. I** (with [Sch. 11](#) paras. 1, 2)

## 26 Alteration of certain penalties.

- (1) In section 7 of the <sup>M10</sup>Theft Act 1968 (theft), for the words “ten years” there shall be substituted the words “seven years”.
- (2) For subsections (3) and (4) of section 9 of that Act (burglary) there shall be substituted the following subsections—
- “(3) A person guilty of burglary shall on conviction on indictment be liable to imprisonment for a term not exceeding—
- (a) where the offence was committed in respect of a building or part of a building which is a dwelling, fourteen years;
- (b) in any other case, ten years.
- (4) References in subsections (1) and (2) above to a building, and the reference in subsection (3) above to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is.”

**F68** (3) .....

- (4) In section 51(4) of the <sup>M11</sup>Criminal Law Act 1977 (penalties for bomb hoaxes)—
- (a) in paragraph (a), for the words “three months” there shall be substituted the words “six months”; and

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- (b) in paragraph (b), for the words “five years” there shall be substituted the words “seven years”.
- (5) The power saved by subsection (1) of section 70 of the 1982 Act (vagrancy offences) shall not include, in the case of an offence mentioned in paragraph (b)(i) of that subsection (sleeping rough), power to impose a fine which exceeds level 1 on the standard scale.

#### Extent Information

**E3** S. 26 extends to England and Wales; s. 26(3)(4) also extend to Scotland see s. 102(4)(5)

#### Textual Amendments

**F68** S. 26(3) repealed (16.10.1992) by [Protection of Badgers Act 1992 \(c. 51\)](#), s. 15(2)(3), Sch.

#### Commencement Information

**I5** S. 26 wholly in force; s. 26(3) in force (E.W.) at 25.10.1991, s. 26(4)(5) in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(2)(3)(4), Schs. 2, 3; s. 26(3) in force (S.) at 9.12.1991 see s. 102(2)(3) and S.I. 1991/2706, art. 2(1)(2); s. 26 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2

#### Marginal Citations

**M10** 1968 c. 60.

**M11** 1977 c. 45.

## 27 Treatment of offenders under 1983 Act.

- (1) After section 39 of the 1983 Act there shall be inserted the following section—

### “39A Information to facilitate guardianship orders.

Where a court is minded to make a guardianship order in respect of any offender, it may request the local social services authority for the area in which the offender resides or last resided, or any other local social services authority that appears to the court to be appropriate—

- (a) to inform the court whether it or any other person approved by it is willing to receive the offender into guardianship; and
- (b) if so, to give such information as it reasonably can about how it or the other person could be expected to exercise in relation to the offender the powers conferred by section 40(2) below;

and that authority shall comply with any such request.”

- (2) After section 54 of that Act there shall be inserted the following section—

### “54A Reduction of period for making hospital orders.

- (1) The Secretary of State may by order reduce the length of the periods mentioned in sections 37(4) and (5) and 38(4) above.
- (2) An order under subsection (1) above may make such consequential amendments of sections 40(1) and 44(3) above as appear to the Secretary of State to be necessary or expedient.”

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- (3) In section 143(2) of that Act (general provisions as to regulations, orders and rules), after the words “this Act” there shall be inserted the words “or any order made under section 54A above”.

#### Commencement Information

**I6** S. 27 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

### Supplemental

<sup>F69</sup>**28** .....

#### Textual Amendments

**F69** S. 28 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

<sup>F70</sup>**29** .....

#### Textual Amendments

**F70** S. 29 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

### 30 Rules, regulations and orders.

- (1) Any power of the Secretary of State <sup>F71</sup> . . . to make rules, regulations or orders under this Part—
- (a) shall be exercisable by statutory instrument; and
  - (b) shall include power to make different provision for different cases or classes of case.
- (2) A statutory instrument containing any rules, regulations or order under this Part <sup>F72</sup> . . . shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F71** Words in s. 30(1) repealed (20.9.1993) by 1993 c. 36, s. 79(14), Sch. 6 Pt. I; S.I. 1993/1968, art. 2(2), Sch. 2, Appendix.

**F72** Words in s. 30(2) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

#### Commencement Information

**I7** S. 30 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

<sup>F73</sup>**31** .....

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#### **Textual Amendments**

**F73** [S. 31](#) repealed (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\)](#), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))



**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))