



Criminal Justice Act 1993

1993 CHAPTER 36

PART VI

MISCELLANEOUS

65 Fixing of fines.

- ^{F1}(1)
- (2) Section 19 of the Act of 1991 (fixing of fines in cases to which the unit fines system did not apply) shall cease to have effect.
- (3) The further amendments made by Schedule 3 shall have effect.
- (4) The amendments made by this section and that Schedule shall apply in relation to offenders convicted (but not sentenced) before the date on which this section comes into force as they apply in relation to offenders convicted after that date.

Textual Amendments

F1 S. 65(1) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

^{F2}66

Textual Amendments

F2 S. 66 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

67 Penalty for causing death by dangerous driving or by careless driving.

- (1) In Part I of Schedule 2 to the ^{M1}Road Traffic Offenders Act 1988 (prosecution and punishment of offences), in the entries relating to section 1 of the Road Traffic Act

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^{M2}1988 (causing death by dangerous driving) and section 3A of that Act (causing death by careless driving while under influence of drink or drugs), in column 4, for “5 years” there shall be substituted “ 10 years ”.

^{F3}(2)

Extent Information
E1 S. 67(1) extends to Great Britain and s. 67(2) extends to England and Wales only.

Textual Amendments
F3 S. 67(2) repealed (9.1.1995) by 1994 c. 33, s. 168(3), **Sch. 11**; S.I. 1994/3192, art. 2, **Sch.**

Modifications etc. (not altering text)
C1 S. 67(1) restricted (S.) (11.8.1993) by S.I. 1993/2035, **art. 2(2)**.

Marginal Citations
M1 1988 c. 53.
M2 1988 c. 52.

^{F4}68

Textual Amendments
F4 S. 68 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with **Sch. 3** paras. 1, 3)

^{F5}69

Textual Amendments
F5 S. 69 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with **Sch. 3** paras. 1, 3)

70 Penalties under implementation regulations.

- (1) Paragraphs 8(3), 9(2) and 10(3) of Schedule 8 to the Banking Coordination (Second Council Directive) Regulations 1992 shall cease to have effect.
- (2) Regulations under section 2(2) of the ^{M3}European Communities Act 1972 for the purpose of implementing—
 - (a) [^{F6}Article 29 of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions] (which requires the United Kingdom to make provision for the exercise in the United Kingdom by supervisory authorities of other member States of information and inspection powers in relation to institutions authorised by them), or
 - (b) [^{F6}Articles 52, 55 and 56 of that Directive] (which make similar provision in relation to the consolidated supervision of credit institutions),

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may, notwithstanding paragraph 1(1)(d) of Schedule 2 to that Act, create offences punishable in the same way as offences [^{F7}punishable on summary conviction under section 177 of the Financial Services and Markets Act 2000].

(3) In this section—

“the Second Banking Co-ordination Directive” means the ^{M4}Community Council Directive No. 89/646/EEC on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of credit institutions and amending Directive 77/780/EEC; and

“the Supervision of Credit Institutions Directive” means the ^{M5}Community Council Directive No. 92/30/EEC on the supervision of credit institutions on a consolidated basis.

(4) Subsection (1) shall not affect the punishment for an offence committed before that subsection comes into force.

Textual Amendments

F6 Words in S. 70(2)(a)(b) substituted (22.11.2000) by S.I. 2000/2952, reg. 6(a)(b)

F7 Words in s. 70(2) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 340

Marginal Citations

M3 1972 c. 68.

M4 O.J. No. L386/1.

M5 O.J. No. L110/52.

71 Offences in connection with taxation etc. in the EC.

(1) A person who, in the United Kingdom, assists in or induces any conduct outside the United Kingdom which involves the commission of a serious offence against the law of another member State is guilty of an offence under this section if—

- (a) the offence involved is one consisting in or including the contravention of provisions of the law of that member State which relate to any of the matters specified in subsection (2);
- (b) the offence involved is one consisting in or including the contravention of other provisions of that law so far as they have effect in relation to any of those matters; or
- (c) the conduct is such as to be calculated to have an effect in that member State in relation to any of those matters.

(2) The matters mentioned in subsection (1) are—

- (a) the determination, discharge or enforcement of any liability for a Community duty or tax;
- (b) the operation of arrangements under which reliefs or exemptions from any such duty or tax are provided or sums in respect of any such duty or tax are repaid or refunded;
- (c) the making of payments in pursuance of Community arrangements made in connection with the regulation of the market for agricultural products and the enforcement of the conditions of any such payments;

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- (d) the movement into or out of any member State of anything in relation to the movement of which any Community instrument imposes, or requires the imposition of, any prohibition or restriction; and
 - (e) such other matters in relation to which provision is made by any Community instrument as the Secretary of State may by order specify.
- (3) For the purposes of this section—
- (a) an offence against the law of a member State is a serious offence if provision is in force in that member State authorising the sentencing, in some or all cases, of a person convicted of that offence to imprisonment for a maximum term of twelve months or more; and
 - (b) the question whether any conduct involves the commission of such an offence shall be determined according to the law in force in the member State in question at the time of the assistance or inducement.
- (4) In any proceedings against any person for an offence under this section it shall be a defence for that person to show—
- (a) that the conduct in question would not have involved the commission of an offence against the law of the member State in question but for circumstances of which he had no knowledge; and
 - (b) that he did not suspect or anticipate the existence of those circumstances and did not have reasonable grounds for doing so.
- (5) For the purposes of any proceedings for an offence under this section, a certificate purporting to be issued by or on behalf of the government of another member State which contains a statement, in relation to such times as may be specified in the certificate—
- (a) that a specified offence existed against the law of that member State,
 - (b) that an offence against the law of that member State was a serious offence within the meaning of this section,
 - (c) that such an offence consists in or includes the contravention of particular provisions of the law of that member State,
 - (d) that specified provisions of the law of that member State relate to, or are capable of having an effect in relation to, particular matters,
 - (e) that specified conduct involved the commission of a particular offence against the law of that member State, or
 - (f) that a particular effect in that member State in relation to any matter would result from specified conduct,
- shall, in the case of a statement falling within paragraphs (a) to (d), be conclusive of the matters stated and, in the other cases, be evidence, and in Scotland sufficient evidence, of the matters stated.
- (6) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a penalty of the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 - (b) on conviction on indictment, to a penalty of any amount or to imprisonment for a term not exceeding seven years or to both.
- (7) Sections 145 to 152 and 154 of the ^{M6}Customs and Excise Management Act 1979 (general provisions as to legal proceedings) shall apply as if this section were contained in that Act; and an offence under this section shall be treated for all purposes

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as an offence for which a person is liable to be arrested under the customs and excise Acts.

(8) The power of the Secretary of State to make an order under subsection (2)(e) shall be exercisable by statutory instrument; and no such order shall be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(9) In this section—

“another member State” means a member State other than the United Kingdom;

“Community duty or tax” means any of the following, that is to say—

- (a) any Community customs duty;
- (b) an agricultural levy of the Economic Community;
- (c) value added tax under the law of another member State;
- (d) any duty or tax on tobacco products, alcoholic liquors or hydrocarbon oils which, in another member State, corresponds to any excise duty;
- (e) any duty, tax or other charge not falling within paragraphs (a) to (d) of this definition which is imposed by or in pursuance of any Community instrument on the movement of goods into or out of any member State;

“conduct” includes acts, omissions and statements;

“contravention” includes a failure to comply; and

“the customs and excise Acts” has the same meaning as in the Customs and Excise Management Act 1979.

(10) References in this section, in relation to a Community instrument, to the movement of anything into or out of a member State include references to the movement of anything between member States and to the doing of anything which falls to be treated for the purposes of that instrument as involving the entry into, or departure from, the territory of the Community of any goods (within the meaning of that Act of 1979).

Marginal Citations

M6 1979 c. 2.

72 Backing of warrants: safeguards.

(1) The ^{M7}Backing of Warrants (Republic of Ireland) Act 1965 shall be amended as follows.

(2) In section 2 (proceedings before magistrates’ courts), the following subsection shall be added at the end—

“(5) The Secretary of State may by order provide that an order may not be made under subsection (1) of this section if it is shown to the satisfaction of the court that no provision is made in the law of the Republic, in respect of a person delivered up to the Republic by the United Kingdom, corresponding to the provision made by or under sections 6A and 6B of this Act in respect of a person delivered up to the United Kingdom by the Republic.”

(3) The following sections shall be inserted after section 6—

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“6A Persons delivered up by the Republic: the rule of speciality.

- (1) The Secretary of State may by order provide that, except in such cases as may be specified in the order, no person delivered up to the United Kingdom under corresponding arrangements in force in the Republic (“the defendant”) may be dealt with for, or in respect of, any offence committed before his surrender, other than the offence for which he was delivered up.
- (2) In subsection (1) of this section, “corresponding” means corresponding to provisions contained in this Act.
- (3) Any order under this section may, in particular, specify the following cases for the purposes of subsection (1) of this section—
 - (a) where consent is given by a Minister of the Republic;
 - (b) where the defendant, having had an opportunity to leave the United Kingdom, has not done so within 45 days of his final discharge in respect of the offence for which he was delivered up;
 - (c) where the defendant has, after being returned to the United Kingdom, left the United Kingdom and subsequently returned to it;
 - (d) where the description of the offence charged in the United Kingdom is altered in the course of proceedings but the offence under its new description is shown by its constituent elements to be an offence for which the defendant could have been delivered up under the corresponding legislation.

6B Extradition to third country.

- (1) The Secretary of State may by order provide that, except in such cases as may be specified in the order, no person delivered up to the United Kingdom under corresponding arrangements in force in the Republic (“the defendant”) may be delivered up to a territory other than the Republic to be dealt with for, or in respect of, any offence committed before his surrender to the United Kingdom.
- (2) In subsection (1) of this section “corresponding” means corresponding to provisions contained in this Act.
- (3) Any order under this section may, in particular, specify the following cases for the purposes of subsection (1) of this section—
 - (a) where consent is given by a Minister of the Republic;
 - (b) where the defendant, having had an opportunity to leave the United Kingdom, has not done so within 45 days of his final discharge in respect of the offence for which he was delivered up;
 - (c) where the defendant has, after being returned to the United Kingdom, left the United Kingdom and subsequently returned to it.

6C Provisions supplementing sections 2(5), 6A and 6B.

- (1) The power to make an order under section 2(5), 6A or 6B of this Act shall be exercisable by statutory instrument.

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- (2) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any such order may—
 - (a) make different provision for different cases; and
 - (b) make such incidental or supplemental provision as the Secretary of State considers appropriate.
- (4) Any incidental or supplemental provision may, in particular, include—
 - (a) in the case of an order under section 2(5) of this Act, provision as to the circumstances in which, and the presumptions which may be applied in considering whether, provision made by the law of the Republic is to be treated as corresponding to provision made by or under section 6A or 6B of this Act;
 - (b) in the case of an order under section 6A or 6B of this Act—
 - (i) provision as to the notification of any consent;
 - (ii) provision as to the drawing up of any document to support a request for consent.
- (5) Where any consent is notified in accordance with the provisions of an order under section 6A or 6B of this Act—
 - (a) judicial notice shall be taken of that consent; and
 - (b) a certificate of the Secretary of State to the effect that that consent was given in accordance with those provisions shall be evidence without further proof (or in Scotland sufficient evidence).”

Extent Information

E2 S. 72 extends to the United Kingdom and also to the Channel Islands and the Isle of Man, see s. 79(7)

Marginal Citations

M7 1965 c. 45.

73 Power of Secretary of State to make grants in relation to combating drug misuse.

- (1) The Secretary of State may, with the consent of the Treasury, pay such grants, to such persons, as he considers appropriate in connection with measures intended—
 - (a) to combat or deal with drug trafficking or the misuse of drugs; or
 - (b) to deal with consequences of the misuse of drugs.
- (2) Any such grant may be made subject to such conditions as the Secretary of State may, with the agreement of the Treasury, see fit to impose.
- (3) Payments under this section shall be made out of money provided by Parliament.

74 Persons not eligible for early release.

- (1) Part II of Schedule 1 to the ^{M8}Criminal Justice Act 1982 (persons convicted of offences under certain enactments not eligible for early release) shall be amended as follows.

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- (2) In the entry relating to the ^{M9}Drug Trafficking Offences Act 1986, the following paragraph shall be inserted before paragraph 26—

“25A Section 23A (acquisition, possession or use of proceeds of drug trafficking).”.

- (3) In the entry relating to the ^{M10}Criminal Justice Act 1988, the following paragraphs shall be inserted before paragraph 30—

“29A Section 93A (assisting another to retain the benefit of criminal conduct).

29B Section 93B (acquisition, possession or use of proceeds of criminal conduct).

29C Section 93C (concealing or transferring proceeds of criminal conduct).”.

Marginal Citations

M8 1982 c. 48.

M9 1986 c. 32.

M10 1988 c. 33.

75 Compassionate release of certain children and other persons in Scotland.

- (1) In section 7(5) of the ^{M11}Prisoners and Criminal Proceedings (Scotland) Act 1993 (which applies provisions of that Act to certain children), for “Sections”, where it first occurs, substitute “ Without prejudice to section 6(1)(b)(ii) of this Act, sections 3, ”.
- (2) In paragraph 2(2) of Schedule 6 to that Act (which makes transitional provision as respects release on licence on compassionate grounds) after “Act” insert “ , and sections 12 and 17 of this Act in so far as relating to a licence granted, or person released, by virtue of this sub-paragraph, ”.

Marginal Citations

M11 1993 c. 9.

76 Life prisoners transferred to Scotland.

- (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended as follows.
- (2) In section 10 (life prisoners transferred to Scotland)—
- in subsection (1), the words “(whether before or after the commencement of this section)” shall cease to have effect;
 - in subsection (2), after “life prisoner” insert “ , except such case as is mentioned in paragraph 7 of Schedule 6 to this Act, ”; and
 - in subsection (4)—

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- (i) in paragraph (a), after “has” insert “ (whether before or after the commencement of this section) ”; and
 - (ii) in paragraph (b), after “Scotland” insert “ (whether before or after that commencement) ”.
- (3) In Schedule 6 (transitional provisions and savings)—
- (a) in paragraph 1, in the definition of “existing life prisoner”, after “person” insert “ (other than a transferred life prisoner) ”;
 - (b) in paragraph 2(1), for “paragraph 7 below” substitute “ to section 10(4) of this Act ”; and
 - (c) for paragraph 7 substitute—

“7

In the case of a transferred life prisoner who is a discretionary life prisoner for the purposes of Part II of the ^{M12}Criminal Justice Act 1991 by virtue of section 48 of or paragraph 9 of Schedule 12 to that Act, subsection (3) of section 10 of this Act applies and the certificate mentioned in paragraph (b) of that subsection is the certificate under the said section 48 or paragraph 9.”.

Marginal Citations

M12 1991 c. 53.

77 Power to extend certain offences to Crown servants and to exempt regulators etc.

Schedule 4, which confers power on the Secretary of State to make regulations extending certain provisions to Crown servants and to make regulations exempting persons from certain offences, shall have effect.

Status:

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Changes to legislation:

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