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SCHEDULES

SCHEDULE 1

Section 12.

ESCORT ARRANGEMENTS: ENGLAND AND WALES

Arrangements for the escort of offenders detained at secure training centres

- 1 (1) The Secretary of State may make arrangements for any of the following functions, namely—
- (a) the delivery of offenders from one set of relevant premises to another;
 - (b) the custody of offenders held on the premises of any court (whether or not they would otherwise be in the custody of the court) and their production before the court;
 - (c) the custody of offenders temporarily held in a secure training centre in the course of delivery from one secure training centre to another; and
 - (d) the custody of offenders while they are outside a secure training centre for temporary purposes,
- to be performed in such cases as may be determined by or under the arrangements by custody officers who are authorised to perform such functions.
- (2) In sub-paragraph (1)(a) above, “relevant premises” means a court, secure training centre, police station or hospital.
- (3) Arrangements made by the Secretary of State under sub-paragraph (1) above (“escort arrangements”) may include entering into contracts with other persons for the provision by them of custody officers.
- (4) Any person who, under a warrant or a hospital order or hospital remand is responsible for the performance of any such function as is mentioned in sub-paragraph (1) above shall be deemed to have complied with the warrant, order or remand if he does all that he reasonably can to secure that the function is performed by a custody officer acting in pursuance of escort arrangements.
- (5) In this paragraph—
- “hospital” has the same meaning as in the ^{M1}Mental Health Act 1983;
 - “hospital order” means an order for a person’s admission to hospital made under section 37, 38 or 44 of that Act, section 5 of the ^{M2}Criminal Procedure (Insanity) Act 1964 or section 6, 14 or 14A of the ^{M3}Criminal Appeal Act 1968;
 - “hospital remand” means a remand of a person to hospital under section 35 or 36 of the Mental Health Act 1983;
 - “warrant” means a warrant of commitment, a warrant of arrest or a warrant under section 46, 47, 48, 50 or 74 of that Act.

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Modifications etc. (not altering text)

C1 Sch. 1 para. 1: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(j)

Marginal Citations

M1 1983 c. 20.

M2 1964 c. 84.

M3 1968 c. 19.

Monitoring etc. of escort arrangements

- 2 (1) Escort arrangements shall include the appointment of—
- (a) an escort monitor, that is to say, a Crown servant whose duty it shall be to keep the arrangements under review and to report on them to the Secretary of State; and
 - (b) a panel of lay observers whose duty it shall be to inspect the conditions in which offenders are transported or held in pursuance of the arrangements and to make recommendations to the Secretary of State.
- (2) It shall also be the duty of an escort monitor to investigate and report to the Secretary of State on any allegations made against custody officers acting in pursuance of escort arrangements.
- (3) Any expenses incurred by members of lay panels may be defrayed by the Secretary of State to such extent as he may with the approval of the Treasury determine.

Modifications etc. (not altering text)

C2 Sch. 1 para. 2(1)(a)(2): Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(iv)

Powers and duties of custody officers acting in pursuance of escort arrangements

- 3 (1) A custody officer acting in pursuance of escort arrangements shall have the following powers, namely—
- (a) to search in accordance with rules made by the Secretary of State any offender for whose delivery or custody he is responsible in pursuance of the arrangements; and
 - (b) to search any other person who is in or is seeking to enter any place where any such offender is or is to be held, and any article in the possession of such a person.
- (2) The powers conferred by sub-paragraph (1)(b) above to search a person shall not be construed as authorising a custody officer to require a person to remove any of his clothing other than an outer coat, headgear, jacket or gloves.
- (3) A custody officer shall have the following duties as respects offenders for whose delivery or custody he is responsible in pursuance of escort arrangements, namely—
- (a) to prevent their escape from lawful custody;

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- (b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;
- (c) to ensure good order and discipline on their part;
- (d) to attend to their wellbeing; and
- (e) to give effect to any directions as to their treatment which are given by a court,

and the Secretary of State may make rules with respect to the performance by custody officers of their duty under (d) above.

- (4) The powers conferred by sub-paragraph (1) above, and the powers arising by virtue of sub-paragraph (3) above, shall include power to use reasonable force where necessary.
- (5) The power to make rules under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

- 4 In this Schedule—
- “escort arrangements” has the meaning given by paragraph 1 above; and
 - “offender” means an offender sentenced to secure training under section 1 of this Act.
- “secure training centre” includes—
- (a) a contracted out secure training centre;
 - (b) any other place to which an offender may have been committed or transferred under section 2 of this Act.

SCHEDULE 2

Section 12.

CERTIFICATION OF CUSTODY OFFICERS: ENGLAND AND WALES

Preliminary

- 1 In this Schedule—
- “certificate” means a certificate under section 12(3) of this Act;
 - “the relevant functions”, in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

Issue of certificates

- 2 (1) Any person may apply to the Secretary of State for the issue of a certificate in respect of him.
- (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
- (a) is a fit and proper person to perform the relevant functions; and

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- (b) has received training to such standard as he may consider appropriate for the performance of those functions.
- (3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.
- (4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

Modifications etc. (not altering text)

C3 Sch. 2 para. 2: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(ii)

Suspension of certificate

- 3 (1) This paragraph applies where at any time—
 - (a) in the case of a custody officer acting in pursuance of escort arrangements, it appears to the escort monitor that the officer is not a fit and proper person to perform escort functions;
 - (b) in the case of a custody officer performing custodial duties at a contracted out secure training centre, it appears to the person in charge of the secure training centre that the officer is not a fit and proper person to perform custodial duties; or
 - (c) in the case of a custody officer performing contracted out functions at a directly managed secure training centre, it appears to the person in charge of that secure training centre that the officer is not a fit and proper person to perform custodial duties.
- (2) The escort monitor or person in charge may—
 - (a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
 - (b) in such circumstances as may be prescribed by regulations made by the Secretary of State, suspend the officer’s certificate so far as it authorises the performance of escort functions or, as the case may be, custodial duties pending that decision.
- (3) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Revocation of certificate

- 4 Where at any time it appears to the Secretary of State that a custody officer is not a fit and proper person to perform escort functions or custodial duties, he may revoke that officer’s certificate so far as it authorises the performance of those functions or duties.

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Modifications etc. (not altering text)

C4 Sch. 2 para. 4: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(ii)

False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

SCHEDULE 3

Section 27.

BAIL: SUPPLEMENTARY PROVISIONS

Bail Act 1976

- 1 Section 5 of the ^{M4}Bail Act 1976 (supplementary provisions about decisions on bail) shall be amended as follows—
- (a) in subsection (1)(d), after the words “a court” there shall be inserted the words “ or constable ”; and
 - (b) after subsection (10), there shall be inserted the following subsection—
“(11) This section is subject, in its application to bail granted by a constable, to section 5A of this Act.”.

Marginal Citations

M4 1976 c. 63.

- 2 After section 5 of the Bail Act 1976 there shall be inserted the following section—

“5A Supplementary provisions in cases of police bail.

- (1) Section 5 of this Act applies, in relation to bail granted by a custody officer under Part IV of the Police and Criminal Evidence Act 1984 in cases where the normal powers to impose conditions of bail are available to him, subject to the following modifications.
- (2) For subsection (3) substitute the following—
(”) Where a custody officer, in relation to any person,—
 - (a) imposes conditions in granting bail in criminal proceedings, or
 - (b) varies any conditions of bail or imposes conditions in respect of bail in criminal proceedings,the custody officer shall, with a view to enabling that person to consider requesting him or another custody officer, or making an application to a

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magistrates' court, to vary the conditions, give reasons for imposing or varying the conditions.”.

(3) For subsection (4) substitute the following—

(”) A custody officer who is by virtue of subsection (3) above required to give reasons for his decision shall include a note of those reasons in the custody record and shall give a copy of that note to the person in relation to whom the decision was taken.”.

(4) Subsections (5) and (6) shall be omitted.”.

Magistrates' Courts Act 1980

3 After section 43A of the ^{M5}Magistrates' Courts Act 1980 there shall be inserted the following section—

“43B Power to grant bail where police bail has been granted.

(1) Where a custody officer—

(a) grants bail to any person under Part IV of the Police and Criminal Evidence Act 1984 in criminal proceedings and imposes conditions, or

(b) varies, in relation to any person, conditions of bail in criminal proceedings under section 3(8) of the Bail Act 1976,

a magistrates' court may, on application by or on behalf of that person, grant bail or vary the conditions.

(2) On an application under subsection (1) the court, if it grants bail and imposes conditions or if it varies the conditions, may impose more onerous conditions.

(3) On determining an application under subsection (1) the court shall remand the applicant, in custody or on bail in accordance with the determination, and, where the court withholds bail or grants bail the grant of bail made by the custody officer shall lapse.

(4) In this section “bail in criminal proceedings” and “vary” have the same meanings as they have in the Bail Act 1976.”.

Marginal Citations

M5 1980 c. 43.

^{F1}SCHEDULE 4

Textual Amendments

F1 Sch. 4 repealed (*retrospective to 3.11.1994*) by 1995 c. 25, ss. 44(2)(6), 80, Sch. 5 Note 2

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SCHEDULE 5

Section 45.

MAGISTRATES’ COURTS: DEALING WITH CASES WHERE ACCUSED PLEADS GUILTY

Non-appearance of accused: plea of guilty

1 For section 12 of the ^{M6}Magistrates’ Courts Act 1980 (“the 1980 Act”) there shall be substituted the following section—

“12 Non-appearance of accused: plea of guilty.

- (1) This section shall apply where—
 - (a) a summons has been issued requiring a person to appear before a magistrates’ court, other than a youth court, to answer to an information for a summary offence, not being—
 - (i) an offence for which the accused is liable to be sentenced to be imprisoned for a term exceeding 3 months; or
 - (ii) an offence specified in an order made by the Secretary of State by statutory instrument; and
 - (b) the clerk of the court is notified by or on behalf of the prosecutor that the documents mentioned in subsection (3) below have been served upon the accused with the summons.
- (2) The reference in subsection (1)(a) above to the issue of a summons requiring a person to appear before a magistrates’ court other than a youth court includes a reference to the issue of a summons requiring a person who has attained the age of 16 at the time when it is issued to appear before a youth court.
- (3) The documents referred to in subsection (1)(b) above are—
 - (a) a notice containing such statement of the effect of this section as may be prescribed;
 - (b) a concise statement in the prescribed form of such facts relating to the charge as will be placed before the court by or on behalf of the prosecutor if the accused pleads guilty without appearing before the court; and
 - (c) if any information relating to the accused will or may, in those circumstances, be placed before the court by or on behalf of the prosecutor, a notice containing or describing that information.
- (4) Where the clerk of the court receives a notification in writing purporting to be given by the accused or by a legal representative acting on his behalf that the accused desires to plead guilty without appearing before the court—
 - (a) the clerk of the court shall inform the prosecutor of the receipt of the notification; and
 - (b) the following provisions of this section shall apply.
- (5) If at the time and place appointed for the trial or adjourned trial of the information—
 - (a) the accused does not appear; and
 - (b) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed, that the documents mentioned in

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- subsection (3) above have been served upon the accused with the summons,
- the court may, subject to section 11(3) and (4) above and subsections (6) to (8) below, proceed to hear and dispose of the case in the absence of the accused, whether or not the prosecutor is also absent, in like manner as if both parties had appeared and the accused had pleaded guilty.
- (6) If at any time before the hearing the clerk of the court receives an indication in writing purporting to be given by or on behalf of the accused that he wishes to withdraw the notification—
- (a) the clerk of the court shall inform the prosecutor of the withdrawal; and
 - (b) the court shall deal with the information as if the notification had not been given.
- (7) Before accepting the plea of guilty and convicting the accused under subsection (5) above, the court shall cause the following to be read out before the court by the clerk of the court, namely—
- (a) the statement of facts served upon the accused with the summons;
 - (b) any information contained in a notice so served, and any information described in such a notice and produced by or on behalf of the prosecutor;
 - (c) the notification under subsection (4) above; and
 - (d) any submission received with the notification which the accused wishes to be brought to the attention of the court with a view to mitigation of sentence.
- (8) If the court proceeds under subsection (5) above to hear and dispose of the case in the absence of the accused, the court shall not permit—
- (a) any other statement with respect to any facts relating to the offence charged; or
 - (b) any other information relating to the accused,
- to be made or placed before the court by or on behalf of the prosecutor except on a resumption of the trial after an adjournment under section 10(3) above.
- (9) If the court decides not to proceed under subsection (5) above to hear and dispose of the case in the absence of the accused, it shall adjourn or further adjourn the trial for the purpose of dealing with the information as if the notification under subsection (4) above had not been given.
- (10) In relation to an adjournment on the occasion of the accused’s conviction in his absence under subsection (5) above or to an adjournment required by subsection (9) above, the notice required by section 10(2) above shall include notice of the reason for the adjournment.
- (11) No notice shall be required by section 10(2) above in relation to an adjournment—
- (a) which is for not more than 4 weeks; and
 - (b) the purpose of which is to enable the court to proceed under subsection (5) above at a later time.
- (12) No order shall be made under subsection (1) above unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

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- (13) Any such document as is mentioned in subsection (3) above may be served in Scotland with a summons which is so served under the Summary Jurisdiction (Process) Act 1881.”.

Marginal Citations

M6 1980 c. 43.

Application of section 12 procedure where accused appears

2 After section 12 of the 1980 Act there shall be inserted the following section—

“12A Application of section 12 where accused appears.

- (1) Where the clerk of the court has received such a notification as is mentioned in subsection (4) of section 12 above but the accused nevertheless appears before the court at the time and place appointed for the trial or adjourned trial, the court may, if he consents, proceed under subsection (5) of that section as if he were absent.
- (2) Where the clerk of the court has not received such a notification and the accused appears before the court at that time and place and informs the court that he desires to plead guilty, the court may, if he consents, proceed under section 12(5) above as if he were absent and the clerk had received such a notification.
- (3) For the purposes of subsections (1) and (2) above, subsections (6) to (11) of section 12 above shall apply with the modifications mentioned in subsection (4) or, as the case may be, subsection (5) below.
- (4) The modifications for the purposes of subsection (1) above are that—
- (a) before accepting the plea of guilty and convicting the accused under subsection (5) of section 12 above, the court shall afford the accused an opportunity to make an oral submission with a view to mitigation of sentence; and
 - (b) where he makes such a submission, subsection (7)(d) of that section shall not apply.
- (5) The modifications for the purposes of subsection (2) above are that—
- (a) subsection (6) of section 12 above shall apply as if any reference to the notification under subsection (4) of that section were a reference to the consent under subsection (2) above;
 - (b) subsection (7)(c) and (d) of that section shall not apply; and
 - (c) before accepting the plea of guilty and convicting the accused under subsection (5) of that section, the court shall afford the accused an opportunity to make an oral submission with a view to mitigation of sentence.”.

Consequential amendments

- 3 (1) In consequence of the amendments made by paragraphs 1 and 2 above the ^{M7}Magistrates’ Courts Act 1980 shall be further amended as follows.

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(2) For section 13(4), there shall be substituted the following subsection—

“(4) This section shall not apply to an adjournment on the occasion of the accused’s conviction in his absence under subsection (5) of section 12 above or to an adjournment required by subsection (9) of that section.”.

(3) In section 13(5), for “12(2)” there shall be substituted “ 12(5) ”.

(4) In section 155(2), for “12(8)” there shall be substituted “ 12(13) ”.

Marginal Citations

M7 1980 c. 43.

SCHEDULE 6

Section 114.

CERTIFICATION OF PRISONER CUSTODY OFFICERS: SCOTLAND

Preliminary

1 In this Schedule—

“certificate” means a certificate under section 114 of this Act;

“the relevant functions”, in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

Issue of certificates

- 2 (1) The Secretary of State may, on the application of any person, issue a certificate in respect of that person.
- (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
- (a) is a fit and proper person to perform the relevant functions; and
 - (b) has received training to such standard as he may consider appropriate for the performance of those functions.
- (3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.
- (4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

Suspension of certificate

- 3 (1) This paragraph applies where at any time—
- (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, it appears to the prisoner escort monitor for the area concerned that the officer is not a fit and proper person to perform escort functions;

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- (b) in the case of a prisoner custody officer performing custodial duties at a contracted out prison, it appears to the controller of that prison that the officer is not a fit and proper person to perform custodial duties; or
 - (c) in the case of a prisoner custody officer performing contracted out functions at a directly managed prison, it appears to the governor of that prison that the officer is not a fit and proper person to perform custodial duties.
- (2) The prisoner escort monitor, controller or governor may—
- (a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
 - (b) in such circumstances as may be prescribed by prison rules, suspend the officer’s certificate so far as it authorises the performance of escort functions or, as the case may be, custodial duties pending that decision.

Revocation of certificate

- 4 Where at any time (whether on a reference to him under paragraph 3(2)(a) above or otherwise) it appears to the Secretary of State that a prisoner custody officer is not a fit and proper person to perform escort functions or custodial duties, he may revoke that officer’s certificate so far as it authorises the performance of those functions or duties.

False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

SCHEDULE 7

Section 122(2).

CERTIFICATION OF PRISONER CUSTODY OFFICERS: NORTHERN IRELAND

Preliminary

- 1 In this Schedule—
- “certificate” means a certificate under section 122 of this Act;
 - “the relevant functions”, in relation to a certificate, means the escort functions authorised by the certificate.

Issue of certificates

- 2 (1) Any person may apply to the Secretary of State for the issue of a certificate in respect of him.
- (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
- (a) is a fit and proper person to perform the relevant functions; and

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(b) has received training to such standard as he may consider appropriate for the performance of those functions.

(3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.

Suspension of certificate

3 (1) This paragraph applies where at any time it appears to the prisoner escort monitor for the area concerned, that a prisoner custody officer is not a fit and proper person to perform the escort functions.

(2) The prisoner escort monitor may—

(a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and

(b) in such circumstances as may be prescribed by regulations made by the Secretary of State, suspend the officer's certificate so far as it authorises the performance of escort functions.

(3) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Revocation of certificate

4 Where at any time it appears to the Secretary of State that a prisoner custody officer is not a fit and proper person to perform escort functions, he may revoke that officer's certificate so far as it authorises the performance of those functions.

False statements

5 If any person, for the purpose of obtaining a certificate for himself or for any other person—

(a) makes a statement which he knows to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular,

he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

SCHEDULE 8

Section 157.

INCREASE IN PENALTIES

Commencement Information

II Sch. 8 wholly in force at 3.2.1995; Sch. 8 not in force at Royal Assent see s. 172; Sch. 8 in force at 3.2.1995 subject to savings by S.I. 1995/127, art. 2(1), Sch. 1 (with art. 3)

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PART I

INCREASE OF FINES FOR CERTAIN SEA FISHERIES OFFENCES

(1) Enactment creating offence	(2) Penalty enactment	(3) Old maximum fine	(4) New maximum fine
SEA FISHERIES (SHELLFISH) ACT 1967 (c.83).			
Offences under section 3(3) (dredging etc. for shellfish in contravention of restrictions etc. or without paying toll or royalty).	Section 3(3).	Level 2.	Level 5.
Offences under section 5(7) (obstruction of inspector or other person or refusal or failure to provide information to inspector etc.).	Section 5(7).	Level 3.	Level 5.
Offences under section 7(4) (fishing, dredging etc. in area where right of several fishery conferred or private oyster bed).	Section 7(4).	Level 3.	Level 5.
Offences under section 14(2) (contravention of order prohibiting the deposit or taking of shellfish, or importation of shellfish, or non-compliance with conditions of licences).	Section 14(2).	Level 4.	Level 5.
Offences under section 14(5) (obstruction of inspector).	Section 14(5).	Level 3.	Level 5.
Offences under section 16(1) (selling etc. of oysters	Section 16(1).	Level 1.	Level 4.

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between certain dates).

Offences under section 17(1) (taking and selling etc. of certain crabs).	Section 17(4).	Level 3.	Level 5.
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Offences under section 17(3) (landing and selling etc. of certain lobsters).	Section 17(4).	Level 3.	Level 5.
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PART II

INCREASE OF FINES FOR CERTAIN MISUSE OF DRUGS OFFENCES

Commencement Information

I2 Sch. 8 Pt. II wholly in force at 3.2.1995; Sch. 8 Pt. II not in force at Royal Assent see s. 172; Sch. 8 Pt. II in force at 3.2.1995 subject to savings by S.I. 1995/127, art. 2(1), Sch. 1 (with art. 3)

(1) Enactment creating offence	(2) Penalty enactment	(3) Old maximum fine	(4) New maximum fine
MISUSE OF DRUGS ACT 1971 (c. 38.)			
Offences under section 4(2) committed in relation to Class C drugs (production, or being concerned in the production of, a controlled drug).	Schedule 4, column 6.	£500	£2,500
Offences under section 4(3) committed in relation to Class C drugs (supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another).	Schedule 4, column 6.	£500	£2,500
Offences under section 5(2) committed in relation to Class B drugs	Schedule 4, column 5.	£500	£2,500

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

(having possession of a controlled drug).				
Offences under section 5(2) committed in relation to Class C drugs (having possession of a controlled drug).	Schedule 4, column 6.	£200		£1,000
Offences under section 5(3) committed in relation to Class C drugs (having possession of a controlled drug with intent to supply it to another).	Schedule 4, column 6.	£500		£2,500
Offences under section 8 committed in relation to Class C drugs (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there).	Schedule 4, column 6.	£500		£2,500
Offences under section 12(6) committed in relation to Class C drugs (contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs).	Schedule 4, column 6.	£500		£2,500
Offences under section 13(3) committed in relation to Class C drugs (contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs).	Schedule 4, column 6.	£500		£2,500

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

PART III

INCREASE IN PENALTIES FOR CERTAIN FIREARMS OFFENCES

Commencement Information

I3 Sch. 8 Pt. III wholly in force at 3.2.1995; Sch. 8 Pt. III not in force at Royal Assent see s. 172; Sch. 8 Pt. III in force at 3.2.1995 subject to savings by S.I. 1995/127, art. 2(1), Sch. 1 (with art. 3)

(1) Enactment creating offence	(2) Penalty enactment	(3) Old maximum term of imprisonment	(4) New maximum term of imprisonment
FIREARMS ACT 1968 (c.27).			
Offences under section 1(1) committed in an aggravated form within the meaning of section 4(4) (possessing etc. shortened shot gun or converted firearm without firearm certificate).	Schedule 6, column 4.	5 years.	7 years.
Offences under section 1(1) in any other case (possessing etc. firearms or ammunition without firearm certificate).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 2(1) (possessing etc. shot gun without shot gun certificate).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 3(1) (trading in firearms without being registered as a firearms dealer).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 3(2) (selling firearms to person without a certificate).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 3(3) (repairing, testing	Schedule 6, column 4.	3 years.	5 years.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

etc. firearm for person without a certificate).				
Offences under section 3(5) (falsifying certificate, etc., with view to acquisition of firearm).	Schedule 6, column 4.	3 years.		5 years.
Offences under section 4(1) (shortening a shot gun).	Schedule 6, column 4.	5 years.		7 years.
Offences under section 4(3) (conversion of firearms).	Schedule 6, column 4.	5 years.		7 years.
Offences under section 5(1) (possessing or distributing prohibited weapons or ammunition).	Schedule 6, column 4.	5 years.		10 years.
Offences under section 5(1A) (possessing or distributing other prohibited weapons).	Schedule 6, column 4.	(a) On summary conviction, 3 months. (b) On conviction on indictment, 2 years.		(a) On summary conviction, 6 months. (b) On conviction on indictment, 10 years.
Offences under section 19 (carrying loaded firearm other than air weapon in public place).	Schedule 6, column 4.	5 years.		7 years.
Offences under section 20(1) (trespassing with firearm other than air weapon in a building).	Schedule 6, column 4.	5 years.		7 years.
Offences under section 21(4) (contravention of provisions denying firearms to ex-prisoners and the like).	Schedule 6, column 4.	3 years.		5 years.
Offences under section 21(5)	Schedule 6, column 4.	3 years.		5 years.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

(supplying firearms to person denied them under section 21).

Offences under section 42 (failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police).	Schedule 6, column 4.	3 years.	5 years.
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FIREARMS (NORTHERN IRELAND) ORDER 1981 (SI 1981/155 (NI 2))

Offences under Article 3(1) (possessing etc. firearms or ammunition without firearm certificate).	Schedule 2, column 4.	3 years.	5 years.
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Offences under Article 4(1) (trading in firearms without being registered as a firearms dealer).	Schedule 2, column 4.	3 years.	5 years.
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Offences under Article 4(2) (selling firearms to person without a certificate).	Schedule 2, column 4.	3 years.	5 years.
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Offences under Article 4(3) (repairing, testing etc. firearm for person without a certificate).	Schedule 2, column 4.	3 years.	5 years.
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Offences under Article 4(4) (falsifying certificate, etc., with view to acquisition of firearm).	Schedule 2, column 4.	3 years.	5 years.
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Offences under Article 5(1) (shortening a shot gun).	Schedule 2, column 4.	5 years.	7 years.
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Offences under Article 5(3)	Schedule 2, column 4.	5 years.	7 years.
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Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

(conversion of firearms).				
Offences under Article 6(1) (possessing or distributing prohibited weapons or ammunition).	Schedule 2, column 4.	5 years.		10 years.
Offences under Article 6(1A) (possessing or distributing other prohibited weapons).	Schedule 2, column 4.	(a) On summary conviction, 3 months. (b) On conviction on indictment, 2 years.		(a) On summary conviction, 6 months. (b) On conviction on indictment, 10 years.
Offences under Article 22(5) (contravention of provisions denying firearms to ex-prisoners and the like).	Schedule 2, column 4.	3 years.		5 years.
Offences under Article 22(7) (supplying firearms to person denied them under Article 22).	Schedule 2, column 4.	3 years.		5 years.
Offences under Article 43 (failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police).	Schedule 2, column 4.	3 years.		5 years.

SCHEDULE 9

Section 168(1).

MINOR AMENDMENTS

Extent Information

E1 Sch. 9 does not extend to Scotland in so far as it relates to s. 17(1) of the Video Act 1984 see s. 172(16)

Poaching: increase in penalties

1 (1) The ^{M8}Game Act 1831 shall be amended as follows.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

- (2) In section 30 (trespassing in search or pursuit of game)—
 - (a) for the words “level 1” there shall be substituted the words “ level 3 ”; and
 - (b) for the words “level 3” there shall be substituted the words “ level 4 ”.
- (3) In section 32 (searching for or pursuing game with a gun and using violence, etc.), for the words “level 4” there shall be substituted the words “ level 5 ”.
- (4) The ^{M9}Game (Scotland) Act 1832 shall be amended as follows.
- (5) In section 1 (trespassing in search or pursuit of game)—
 - (a) for the words “level 1” there shall be substituted the words “ level 3 ”; and
 - (b) for the words “level 3” there shall be substituted the words “ level 4 ”.
- (6) In section 6 (penalty for assaults on persons acting under the Act), for the words “level 1” there shall be substituted the words “ level 3 ”.
- (7) The amendments made by this paragraph shall not apply to offences committed before this paragraph comes into force.

Marginal Citations

M8 1831 c. 32.

M9 1832 c. 68.

Sexual offences: procurement of women

- 2 In sections 2(1) and 3(1) of the ^{M10}Sexual Offences Act 1956 (procurement of women to have unlawful sexual intercourse by threats or false pretences), the word “unlawful” shall be omitted.

Marginal Citations

M10 1956 c. 69.

Electronic transmission of obscene material

- 3 In section 1(3) of the ^{M11}Obscene Publications Act 1959 (definition of publication for purposes of that Act), in paragraph (b), after the words “projects it” there shall be inserted the words “ , or, where the matter is data stored electronically, transmits that data. ”.

Marginal Citations

M11 1959 c. 66.

Poaching: forfeiture of vehicles

- 4 After section 4 of the ^{M12}Game Laws (Amendment) Act 1960 there shall be inserted the following section—

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

“4A Forfeiture of vehicles.

- (1) Where a person is convicted of an offence under section thirty of the Game Act 1831 as one of five or more persons liable under that section and the court is satisfied that any vehicle belonging to him or in his possession or under his control at the relevant time has been used for the purpose of committing or facilitating the commission of the offence, the court may make an order for forfeiture under this subsection in respect of that vehicle.
- (2) The court may make an order under subsection (1) above whether or not it also deals with the offender in respect of the offence in any other way and without regard to any restriction on forfeiture in any enactment.
- (3) Facilitating the commission of the offence shall be taken for the purposes of subsection (1) above to include the taking of any steps after it has been committed for the purpose of—
 - (a) avoiding apprehension or detection; or
 - (b) removing from the land any person or property connected with the offence.
- (4) An order under subsection (1) above shall operate to deprive the offender of his rights, if any, in the vehicle to which it relates, and the vehicle shall (if not already in their possession) be taken into the possession of the police.
- (5) Where any vehicle has been forfeited under subsection (1) above, a magistrates’ court may, on application by a claimant of the vehicle, other than the offender from whom it was forfeited under subsection (1) above, make an order for delivery of the vehicle to the applicant if it appears to the court that he is the owner of the vehicle.
- (6) No application shall be made under subsection (5) above by any claimant of the vehicle after the expiration of six months from the date on which an order in respect of the vehicle was made under subsection (1) above.
- (7) No such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the vehicle or that he did not know, and had no reason to suspect, that the vehicle was likely to be used for a purpose mentioned in subsection (1) above.
- (8) An order under subsection (5) above shall not affect the right of any person to take, within the period of six months from the date of an order under subsection (5) above, proceedings for the recovery of the vehicle from the person in possession of it in pursuance of the order, but on the expiration of that period the right shall cease.
- (9) The Secretary of State may make regulations for the disposal of vehicles, and for the application of the proceeds of sale of vehicles, forfeited under subsection (1) above where no application by a claimant of the property under subsection (5) above has been made within the period specified in subsection (6) above or no such application has succeeded.
- (10) The regulations may also provide for the investment of money and the audit of accounts.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

- (11) The power to make regulations under subsection (9) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) In this section, “relevant time”, in relation to a person convicted of an offence such as is mentioned in subsection (1) above, means the time when the vehicle was used for the purpose of committing or facilitating the commission of the offence, or the time of the issue of a summons in respect of the offence.”

Marginal Citations

M12 1960 c. 36.

Magistrates’ courts’ jurisdiction in cases involving children and young persons

- 5 In section 18 of the ^{M13}Children and Young Persons Act 1963 (jurisdiction of magistrates’ courts in certain cases involving children and young persons)—
- (a) in paragraph (a), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”; and
- (b) in paragraph (b), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Marginal Citations

M13 1963 c. 37.

Service of documents by first class post

- 6 (1) In section 9(8) of the ^{M14}Criminal Justice Act 1967 (which relates to the service of a written statement to be admitted as evidence in criminal proceedings)—
- (a) in paragraph (c), after the word “service” there shall be inserted the words “ or by first class post ”; and
- (b) in paragraph (d), after the word “service” there shall be inserted the words “ or by first class post ”.
- (2) In section 11(7) of the Criminal Justice Act 1967 (which provides for the means by which a notice of alibi may be given), after the word “service” there shall be inserted the words “ or by first class post ”.
- (3) In section 1 of the ^{M15}Road Traffic Offenders Act 1988 (which requires warning of prosecution for certain offences to be given), after subsection (1), there shall be inserted the following subsection—
- “(1A) A notice required by this section to be served on any person may be served on that person—
- (a) by delivering it to him;
- (b) by addressing it to him and leaving it at his last known address; or

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- (c) by sending it by registered post, recorded delivery service or first class post addressed to him at his last known address.”.

Marginal Citations

- M14 1967 c. 80.
M15 1988 c. 53.

Transfers of proceedings

- 7 In section 11 of the Criminal Justice Act 1967 (notice of alibi), in subsection (8)—
- (a) in the definition of “the prescribed period” (as amended by paragraph 2 of Schedule 2 to the ^{M16}Criminal Justice Act 1987), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
- (b) after that definition there shall be inserted the following definition—
- ““relevant transfer provision” means—
section 4 of the Criminal Justice Act 1987; or
section 53 of the Criminal Justice Act 1991.”.

Marginal Citations

- M16 1987 c. 38.

Offences aggravated by possession of firearms

- 8 In Schedule 1 to the ^{M17}Firearms Act 1968 (which lists the offences to which section 17(2) (possession of firearms when committing or being arrested for specified offences) relates)—
- (a) in paragraph 4, after the word “Theft” there shall be inserted the word “ robbery ”; and
- (b) after paragraph 5, there shall be inserted the following paragraphs—
- “5A An offence under section 90(1) of the Criminal Justice Act 1991 (assaulting prisoner custody officer).
- 5B An offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting secure training centre custody officer).”.

Marginal Citations

- M17 1968 c. 27.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Notice of proceedings

- 9 In section 34(2) of the ^{M18}Children and Young Persons Act 1969 (which requires notice of certain proceedings to be given to a probation officer), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Marginal Citations

M18 1969 c. 54.

Treatment of mental condition of offenders placed on probation

- 10 (1) Paragraph 5 of Schedule 1A to the ^{M19}Powers of Criminal Courts Act 1973 (requirement in probation order for treatment of offender’s mental condition) shall be amended as follows.
- (2) In sub-paragraph (2)—
- (a) after the words “such part” there shall be inserted the words “ or parts ”; and
 - (b) after the words “medical practitioner” there shall be inserted the words “ or a chartered psychologist (or both, for different parts) ”.
- (3) In sub-paragraph (3)(c), after the words “medical practitioner” there shall be inserted the words “ or chartered psychologist (or both) ”.
- (4) In sub-paragraphs (6) and (8), after the words “medical practitioner” (wherever they occur) there shall be inserted the words “ or chartered psychologist ”.
- (5) In sub-paragraph (10), after the words “In this paragraph” there shall be inserted the words “—

“chartered psychologist” means a person for the time being listed in the British Psychological Society’s Register of Chartered Psychologists; and”.

Marginal Citations

M19 1973 c. 62.

Rehabilitation of offenders placed on probation

- 11 (1) In section 5 of the ^{M20}Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences)—
- (a) in Table A in subsection (2), in the entry relating to fines or other sentences subject to rehabilitation under that Act, after the words “subsections (3)” there shall be inserted the words “, (4A) ”.
 - (b) in subsection (4), the words “or placed on probation,” and “or probation order” shall be omitted; and
 - (c) after subsection (4), there shall be inserted the following subsection—

“(4A) Where in respect of a conviction a person was placed on probation, the rehabilitation period applicable to the sentence shall be—

Status: Point in time view as at 04/09/1995.

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- (a) in the case of a person aged eighteen years or over at the date of his conviction, five years from the date of conviction;
- (b) in the case of a person aged under the age of eighteen years at the date of his conviction, two and a half years from the date of conviction or a period beginning with the date of conviction and ending when the probation order ceases or ceased to have effect, whichever is the longer.”.

(2) The amendments made by this paragraph shall apply only in relation to persons placed on probation after the date on which this paragraph comes into force.

Marginal Citations

M20 1974 c. 53.

Transfers of proceedings

- 12 In section 3 of the ^{M21}Bail Act 1976 (general provisions)—
- (a) in subsection (8A) (inserted by paragraph 9 of Schedule 2 to the ^{M22}Criminal Justice Act 1987), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
 - (b) after subsection (9) there shall be inserted the following subsection—
 - “(10) In subsection (8A) above “relevant transfer provision” means—
 - (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.”.

Marginal Citations

M21 1976 c. 63.

M22 1987 c. 38.

Anonymity of victims of certain offences

- 13 In section 4 of the ^{M23}Sexual Offences (Amendment) Act 1976 (anonymity of victims in rape etc. cases), after subsection (6) there shall be inserted the following subsection—
- “(6A) For the purposes of this section, where it is alleged or there is an accusation that an offence of incitement to rape or conspiracy to rape has been committed, the person who is alleged to have been the intended victim of the rape shall be regarded as the alleged victim of the incitement or conspiracy or, in the case of an accusation, as the complainant.”.

Marginal Citations

M23 1976 c. 82.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Execution of warrants for non-payment

- 14 (1) In section 38A(6) of the ^{M24}Criminal Law Act 1977 (execution of warrants for imprisonment for non-payment of fine), for the words “the age of 17 years” there shall be substituted the words “ the age of 18 years ”.
- (2) In section 38B(6) of the Criminal Law Act 1977 (execution of warrants for commitment for non-payment of due sum), for the words “the age of 17 years” there shall be substituted the words “ the age of 18 years ”.

Marginal Citations

M24 1977 c. 45.

Committals for sentence

- 15 In section 38 of the ^{M25}Magistrates’ Courts Act 1980 (power of magistrates’ court to commit offender to Crown Court for sentence), in subsection (2)(b)—
- (a) the words from “committed” to “21 years old” shall be omitted; and
- (b) for the words “sentence of imprisonment” there shall be substituted the words “ custodial sentence ”.

Commencement Information

I4 Sch. 9 para. 15 wholly in force; Sch. 9 para. 15 not in force at Royal Assent, see s. 172(2); Sch. 9 para. 15 in force at 3.2.1995 by S.I. 1995/127, art. 2(1), Sch. 1 Appendix A (with transitional provisions in Sch. 2)

Marginal Citations

M25 1980 c. 43.

Conditional or absolute discharge: appeal to Crown Court

- 16 In section 108(1A) of the Magistrates’ Courts Act 1980 (right of appeal to Crown Court in case of conditional or absolute discharge), for the words “Section 13” there shall be substituted the words “ Section 1C ”.

Transfers of proceedings

- 17 In section 76 of the ^{M26}Supreme Court Act 1981 (alteration by Crown Court of place of trial) (as amended by paragraph 10 of Schedule 2 to the Criminal Justice Act 1987)—
- (a) in subsection (1), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”;
- (b) in subsection (3), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
- (c) after subsection (4) there shall be inserted the following subsection—
- “(5) In this section “relevant transfer provision” means—

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

- (a) section 4 of the Criminal Justice Act 1987, or
- (b) section 53 of the Criminal Justice Act 1991.”.

The amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 51 of Schedule 4 to this Act.

Marginal Citations

M26 1981 c. 54.

Transfers of proceedings

18 In section 77 of the ^{M27}Supreme Court Act 1981 (date of trial) (as amended by paragraph 11 of Schedule 2 to the ^{M28}Criminal Justice Act 1987)—

- (a) in subsection (1), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”;
- (b) in subsection (2), after the words “committed by a magistrates’ court” there shall be inserted the words “ or in respect of whom a notice of transfer under a relevant transfer provision has been given ”;
- (c) in subsection (3), after the words “committal for trial” there shall be inserted the words “ or of a notice of transfer ”; and
- (d) after subsection (3), there shall be inserted the following subsection—

“(4) In this section “relevant transfer provision” means—

- (a) section 4 of the Criminal Justice Act 1987, or
- (b) section 53 of the Criminal Justice Act 1991.”.

The amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act.

Marginal Citations

M27 1981 c. 54.

M28 1987 c. 38.

Transfers of proceedings

19 In section 81 of the Supreme Court Act 1981 (bail by Crown Court)—

- (a) in subsection (1)(a) (as amended by paragraph 12 of Schedule 2 to the Criminal Justice Act 1987), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
- (b) after subsection (6), there shall be inserted the following subsection—

“(7) In subsection (1) above “relevant transfer provision” means—

- (a) section 4 of the Criminal Justice Act 1987, or
- (b) section 53 of the Criminal Justice Act 1991.”.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Electronic transmission of obscene material (Scotland)

- 20 In section 51(8) of the ^{M29}Civic Government (Scotland) Act 1982, after the words “otherwise reproducing” there shall be inserted the words “, or, where the material is data stored electronically, transmitting that data”.

Marginal Citations

M29 1982 c. 45.

Fines for breach of attendance centre orders or rules

- 21 In section 19 of the ^{M30}Criminal Justice Act 1982 (breach of attendance centre orders or rules), for the subsection (3A) inserted by section 67(5) of the ^{M31}Criminal Justice Act 1991 there shall be substituted the following subsection—

“(3A) A fine imposed under subsection (3) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

Marginal Citations

M30 1982 c. 48.

M31 1991 c. 53.

Video recordings

- 22 In section 1 of the ^{M32}Video Recordings Act 1984 (which provides for the interpretation of, among other terms, “video work” and “video recordings”)—
- (a) in subsection (2), in paragraph (a), the word “or” before the words “magnetic tape” shall be omitted and after those words there shall be inserted the words “ or any other device capable of storing data electronically ”; and
 - (b) in subsection (3), the word “or” before the words “magnetic tape” shall be omitted and after those words there shall be inserted the words “ or any other device capable of storing data electronically ”.

Marginal Citations

M32 1984 c. 39.

Standard period of validity of search warrants

- 23 In the following enactments there shall be omitted the words from “within” to “warrant” (which prescribe the period of validity of warrants under those enactments for which section 16(3) of the ^{M33}Police and Criminal Evidence Act 1984 prescribes a standard period of one month), namely—
- (a) section 4(2) of the ^{M34}Protection of Children Act 1978; and
 - (b) section 17(1) of the Video Recordings Act 1984.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Extent Information

E2 Sch. 9 para. 23(b) does not extend to Scotland.

Marginal Citations

M33 1984 c. 60.

M34 1978 c. 37.

Transfers of proceedings

24 In section 62(10) of the ^{M35}Police and Criminal Evidence Act 1984 (power of court to draw inferences from failure of accused to consent to provide intimate sample), after paragraph (a) there shall be inserted the following paragraph—

“(aa) a judge, in deciding whether to grant an application made by the accused under—

(i) section 6 of the Criminal Justice Act 1987 (application for dismissal of charge of serious fraud in respect of which notice of transfer has been given under section 4 of that Act); or

(ii) paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (application for dismissal of charge of violent or sexual offence involving child in respect of which notice of transfer has been given under section 53 of that Act); and”.

Marginal Citations

M35 1984 c. 39.

Transfers of proceedings

25 In section 16 of the ^{M36}Prosecution of Offences Act 1985 (defence costs)—

(a) in subsection (2)(aa) (inserted by paragraph 14 of Schedule 2 to the ^{M37}Criminal Justice Act 1987), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and

(b) after subsection (11) there shall be inserted the following subsection—

“(12) In subsection (2)(aa) “relevant transfer provision” means—

(a) section 4 of the Criminal Justice Act 1987, or

(b) section 53 of the Criminal Justice Act 1991.”.

Marginal Citations

M36 1985 c. 23.

M37 1987 c. 38.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Award of costs against accused

- 26 In section 18(5) of the Prosecution of Offences Act 1985 (award of costs against accused), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Transfers of proceedings

- 27 In section 22 of the ^{M38}Prosecution of Offences Act 1985 (time limits for preliminary stages of criminal proceedings), in subsection (11), in the definition of “custody of the Crown Court”, after paragraph (c) (inserted by paragraph 104 of Schedule 15 to the ^{M39}Criminal Justice Act 1988), there shall be inserted the following paragraph, preceded by the word “, or”, namely—
 - “(d) paragraph 2(1)(a) of Schedule 6 to the Criminal Justice Act 1991 (custody after transfer order in certain cases involving children).”.

Marginal Citations
 M38 1985 c. 23.
 M39 1988 c. 38.

Confiscation orders in drug trafficking cases: variation of sentences

- ^{F28}

Textual Amendments
 F2 Sch. 9 para. 28 repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), Sch. 3

Transfer of fraud cases

- 29 In section 4 of the ^{M40}Criminal Justice Act 1987 (transfer of certain fraud cases to Crown Court), in subsection (1)(b)(ii), for the words “seriousness and complexity” there shall be substituted the words “ seriousness or complexity ”.

Marginal Citations
 M40 1987 c. 38

Fraud cases: preparatory hearings

- 30 In section 7 of the Criminal Justice Act 1987 (preparatory hearings for certain fraud cases), in subsection (1), for the words “seriousness and complexity” there shall be substituted the words “ seriousness or complexity ”.

Status: Point in time view as at 04/09/1995.

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Transfers of proceedings

31 In section 25(1) of the ^{M41}Criminal Justice Act 1988 (principle to be followed by court in certain proceedings), in paragraph (a), after head (iii) there shall be inserted the following—

“(iv) on the hearing of an application under paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (applications for dismissal of charges in certain cases involving children transferred from magistrates’ court to Crown Court); or”.

Marginal Citations

M41 1988 c. 33.

Evidence through television links

32 In section 32 of the Criminal Justice Act 1988 (evidence through television links), in subsection (3B) (inserted by section 55(4) of the ^{M42}Criminal Justice Act 1991), for the words “subsection (3) above” there shall be substituted the words “subsection (3A) above”.

Marginal Citations

M42 1991 c. 53.

Competence of children

33 In section 33A of the Criminal Justice Act 1988 (inserted by section 52(1) of the Criminal Justice Act 1991), after subsection (2) there shall be inserted the following subsection—

“(2A) A child’s evidence shall be received unless it appears to the court that the child is incapable of giving intelligible testimony.”.

Commencement Information

I5 Sch. 9 para. 33 wholly in force at 3.2.1995; Sch. 9 para. 33 not in force at Royal Assent see s. 172; Sch. 9 para. 33 in force 3.2.1995 by S.I. 1995/127, art. 2(1)(2), Sch. 1 APPENDIX A (with transitional provisions in Sch. 2)

Reviews of sentencing

34 In section 35 of the ^{M43}Criminal Justice Act 1988 (kinds of case referable for review of sentence)—

(a) in subsection (3), for the words following “case” there shall be substituted the following words—

Status: Point in time view as at 04/09/1995.

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“—

- (a) of a description specified in an order under this section; or
- (b) in which sentence is passed on a person—
 - (i) for an offence triable only on indictment; or
 - (ii) for an offence of a description specified in an order under this section”; and
- (b) in subsection (4), after the word “case”, there shall be inserted the words “of a description specified in the order or to any case”.

Marginal Citations

M43 1988 c. 33.

Assaulting prisoner custody officer triable with indictable offence

35 In section 40(3) of the ^{M44}Criminal Justice Act 1988 (summary offences triable with indictable offences), after paragraph (a), there shall be inserted the following paragraphs—

- “(aa) an offence under section 90(1) of the Criminal Justice Act 1991 (assaulting a prisoner custody officer);
- (ab) an offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting a secure training centre custody officer)”.

Marginal Citations

M44 1988 c. 33.

Confiscation orders: variation of sentence

36 In section 72A of the ^{M45}Criminal Justice Act 1988 (inserted by section 28 of the ^{M46}Criminal Justice Act 1993) (power of court to postpone determinations required before a confiscation order can be made), after subsection (9) there shall be inserted the following subsection—

- “(9A) Where the court has sentenced the defendant under subsection (7) above during the specified period it may, after the end of that period, vary the sentence by imposing a fine or making any such order as is mentioned in section 72(5)(b) or (c) above so long as it does so within a period corresponding to that allowed by section 47(2) or (3) of the Supreme Court Act 1981 (time allowed for varying a sentence) but beginning with the end of the specified period.”.

Marginal Citations

M45 1988 c. 33.

M46 1993 c. 36.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Extradition from the United Kingdom

- 37 (1) The ^{M47}Extradition Act 1989 shall be amended as follows.
- (2) In section 2(4) (law of, and conduct in, parts or dependencies of foreign States)—
- (a) for the words “subsections (1) to (3) above” there shall be substituted the words “ this Act, except Schedule 1 ”; and
 - (b) at the end there shall be inserted the following paragraph preceded by the word “; but”—
 - “(d) reference shall be made to the law of the colony or dependency of a foreign state or of a designated Commonwealth country, and not (where different) to the law of the foreign state or Commonwealth country, to determine the level of punishment applicable to conduct in that colony or dependency.”.
- (3) In section 7 (procedure for making and implementing extradition requests)—
- (a) in subsection (1)—
 - (i) after the word “made” there shall be inserted the words “ to the Secretary of State ”;
 - (ii) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) by—
 - (i) an authority in a foreign state which appears to the Secretary of State to have the function of making extradition requests in that foreign state, or
 - (ii) some person recognised by the Secretary of State as a diplomatic or consular representative of a foreign state; or” and
 - (iii) after paragraph (b), there shall be inserted the words— “ and an extradition request may be made by facsimile transmission and an authority to proceed issued without waiting to receive the original ”;
 - (b) in subsection (2)—
 - (i) in paragraph (c), after the word “warrant” there shall be inserted the words “ or a duly authenticated copy of a warrant ”; and
 - (ii) in paragraph (d), after the word “certificate” there shall be inserted the words “ or a duly authenticated copy of a certificate ”; and
 - (c) after subsection (6), there shall be inserted the following subsection—
 - “(7) Where an extradition request is made by facsimile transmission this Act (including subsection (2) above) shall have effect as if the foreign documents so sent were the originals used to make the transmission and receivable in evidence accordingly.”.

Commencement Information

- 16** Sch. 9 para. 37 wholly in force at 10.4.1995; s. 37 not in force at Royal Assent see s. 172; s. 37, save for s. 37(3), in force at 3.2.1995 by S.I. 1995/127, art. 2(1), Sch. 1 APPENDIX A; s. 37(3) in force at 10.4.1995 by S.I. 1995/721, art. 2, Sch.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Marginal Citations

M47 1989 c. 33.

PROSPECTIVE

[Remands and committals of young persons to secure accommodation

^{F3}38]

Textual Amendments

F3 Sch. 9 para. 38 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 12 para. 35; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Non-intimate samples: samples of hair

39 In Article 63 of the ^{M48}Police and Criminal Evidence (Northern Ireland) Order 1989 (regulation of taking of non-intimate samples), at the end, there shall be inserted the following paragraph—

“(10) Where a sample of hair other than pubic hair is to be taken the sample may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than the person taking the sample reasonably considers to be necessary (in point of quantity or quality) for the purpose of enabling information to be produced by means of analysis used or to be used in relation to the sample.”.

Marginal Citations

M48 S.I. 1989/1341 (N.I. 12).

Pre-sentence reports

- 40 (1) The ^{M49}Criminal Justice Act 1991 shall be amended as follows.
- (2) In section 3 (requirement to obtain pre-sentence reports before passing custodial sentences)—
- (a) in subsection (2), the words from the beginning to “indictment,” shall be omitted;
 - (b) after subsection (2), there shall be inserted the following subsection—

“(2A) In the case of an offender under the age of eighteen years, save where the offence or any other offence associated with it is triable only on indictment, the court shall not form such an opinion as is mentioned in subsection (2) above or subsection (4A) below unless there exists a previous pre-sentence report obtained in respect of the offender and the court has had regard to the information contained in

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- that report, or, if there is more than one such report, the most recent report.”;
- (c) in subsection (4)—
- (i) the words from “which is” to “applies” shall be omitted;
 - (ii) for the words “comply with that subsection” there shall be substituted the words “obtain and consider a pre-sentence report before forming an opinion referred to in subsection (1) above”; and
 - (iii) in paragraph (a), after the word “shall” there shall be inserted the words “, subject to subsection (4A) below, ”; and
- (d) after subsection (4) there shall be inserted the following subsection—
- “(4A) Subsection (4)(a) above does not apply if the court is of the opinion—
- (a) that the court below was justified in forming an opinion that it was unnecessary to obtain a pre-sentence report, or
 - (b) that, although the court below was not justified in forming that opinion, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.”.

(3) In section 7 (requirement to obtain pre-sentence reports before passing certain community sentences)—

 - (a) in subsection (3), at the beginning, there shall be inserted the words “Subject to subsection (3A) below, ”;
 - (b) after subsection (3), there shall be inserted the following subsections—

“(3A) Subsection (3) above does not apply if, in the circumstances of the case, the court is of the opinion that it is unnecessary to obtain a pre-sentence report.

(3B) In the case of an offender under the age of eighteen years, save where the offence or any other offence associated with it is triable only on indictment, the court shall not form such an opinion as is mentioned in subsection (3A) above or subsection (5) below unless there exists a previous pre-sentence report obtained in respect of the offender and the court has had regard to the information contained in that report, or, if there is more than one such report, the most recent report.”;

(c) in subsection (4)—

 - (i) for the words “comply with” there shall be substituted the words “obtain and consider a pre-sentence report before forming an opinion referred to in ”; and
 - (ii) in paragraph (a), after the word “shall” there shall be inserted the words “, subject to subsection (5) below, ”;

(d) after subsection (4) there shall be inserted the following subsection—

“(5) Subsection (4)(a) above does not apply if the court is of the opinion—

 - (a) that the court below was justified in forming an opinion that it was unnecessary to obtain a pre-sentence report, or
 - (b) that, although the court below was not justified in forming that opinion, in the circumstances of the case at the time it is

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before the court, it is unnecessary to obtain a pre-sentence report.”.

Commencement Information

I7 Sch. 9 para. 40 wholly in force at 3.2.1995; Sch. 9 para. 40 not in force at Royal Assent see s. 172; Sch. 9 para. 40 in force at 3.2.1995 (subject to savings) by S.I. 1995/127, art. 2(1), Sch. 1 APPENDIX A (with savings in Sch. 2 para. 6)

Marginal Citations

M49 1991 c. 53.

Curfew orders

41 In section 12 of the Criminal Justice Act 1991 (curfew orders) after subsection (4) there shall be inserted the following subsection—

“(4A) A court shall not make a curfew order unless the court has been notified by the Secretary of State that arrangements for monitoring the offender’s whereabouts are available in the area in which the place proposed to be specified in the order is situated and the notice has not been withdrawn.”.

Fines

42 (1) Sections 18 and 20 of the ^{M50}Criminal Justice Act 1991 (which relate respectively to the fixing of fines and financial circumstances orders) shall be amended as provided in sub-paragraphs (2) and (3) below.

(2) In section 18—

(a) for subsection (1), there shall be substituted the following subsection—

“(1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court shall inquire into his financial circumstances.”; and

(b) in subsection (3), after the word “fine” there shall be inserted the words “ to be imposed on an offender (whether an individual or other person) ”.

(3) In section 20, in subsections (1), (1A), (1B), (1C), (2) and (3) for the words “a person” and “any person” there shall be substituted the words “ an individual ” and “ any individual ”.

(4) In section 57(4) of that Act (application to local authorities of power to order fines to be paid by a parent or guardian), paragraph (b) shall be omitted.

(5) The amendments made by this paragraph apply in relation to offenders convicted (but not sentenced) before the date on which this paragraph comes into force as they apply in relation to offenders convicted after that date.

Status: Point in time view as at 04/09/1995.

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Marginal Citations

M50 1991 c. 53.

False statements as to financial circumstances

43 After section 20 of the Criminal Justice Act 1991 there shall be inserted the following section—

“20A False statements as to financial circumstances.

- (1) A person who is charged with an offence who, in furnishing a statement of his financial circumstances 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.
- (2) For the purposes of this section an official request is a request which—
 - (a) is made by the clerk of 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.
- (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.”.

Effect of previous probation orders and discharges

- 44 (1) Section 29 of the ^{M51}Criminal Justice Act 1991 (as substituted by section 66(6) of the ^{M52}Criminal Justice Act 1993) (effect of previous convictions and offending while on bail and treatment of certain orders as sentences and convictions) shall be amended as follows.
- (2) In subsection (4), for the words “conditional discharge order” there shall be substituted the words “an order discharging the offender absolutely or conditionally”.
 - (3) After subsection (4) there shall be inserted the following subsections—
 - “(5) A conditional discharge order made after 30th September 1992 (which, by virtue of section 1A of the Powers of Criminal Courts Act 1973, would

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otherwise not be a sentence for the purposes of this section) is to be treated as a sentence for those purposes.

- (6) A conviction in respect of which an order discharging the offender absolutely or conditionally was made after 30th September 1992 (which, by virtue of section 1C of the Powers of Criminal Courts Act 1973, would otherwise not be a conviction for those purposes) is to be treated as a conviction for those purposes.”.
- (4) The amendments made by this paragraph shall apply in relation to offenders convicted (but not sentenced) before the date on which this paragraph comes into force as they apply in relation to offenders convicted after that date.

Marginal Citations

M51 1991 c. 53.

M52 1993 c. 36.

Sexual offences

- 45 (1) In section 31(1) of the ^{M53}Criminal Justice Act 1991 (which defines, amongst other expressions, “sexual offence”), for that definition, there shall be substituted the following definition—

““sexual offence” means any of the following—

- (a) an offence under the ^{M54}Sexual Offences Act 1956, other than an offence under section 30, 31 or 33 to 36 of that Act;
- (b) an offence under section 128 of the ^{M55}Mental Health Act 1959;
- (c) an offence under the ^{M56}Indecency with Children Act 1960;
- (d) an offence under section 9 of the ^{M57}Theft Act 1968 of burglary with intent to commit rape;
- (e) an offence under section 54 of the ^{M58}Criminal Law Act 1977;
- (f) an offence under the ^{M59}Protection of Children Act 1978;
- (g) an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit any of the offences in paragraphs (a) to (f) above;
- (h) an offence under section 1 of the ^{M60}Criminal Attempts Act 1981 of attempting to commit any of those offences;
- (i) an offence of inciting another to commit any of those offences;”.

- (2) The amendment made by this paragraph shall apply in relation to offenders convicted (but not sentenced) before the date on which this paragraph comes into force as it applies in relation to offenders convicted after that date.

Marginal Citations

M53 1991 c. 53.

M54 1956 c. 69.

M55 1959 c. 72.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

M56 1960 c. 33.
M57 1968 c. 60.
M58 1977 c. 45.
M59 1978 c. 37.
M60 1981 c. 47.

Discretionary life prisoners

46 (1) In section 34 of the ^{M61}Criminal Justice Act 1991 (duty to release discretionary life prisoners after they have served the relevant part of their sentence and the Parole Board has directed their release)—

(a) in subsection (6), for the words after “sentence” there shall be substituted the following words—

“—

(a) account shall be taken of any corresponding relevant period; but

(b) no account shall be taken of any time during which the prisoner was unlawfully at large within the meaning of section 49 of the Prison Act 1952 (“the 1952 Act”).”; and

(b) after that subsection, there shall be inserted the following subsection—

“(6A) In subsection (6)(a) above, “corresponding relevant period” means the period corresponding to the period by which a determinate sentence of imprisonment imposed on the offender would fall to be reduced under section 67 of the Criminal Justice Act 1967 (reduction of sentences to take account of police detention or remands in custody).”.

(2) In paragraph 9(2) of Schedule 12 to that Act (application of early release provisions of the Act to existing life prisoners), after paragraph (b) there shall be inserted the following paragraph, preceded by the word “and”—

“(c) in section 34 of this Act, paragraph (a) of subsection (6) and subsection (6A) were omitted.”.

Marginal Citations

M61 1991 c. 53.

Committals for sentence

47 In section 40(3) of the ^{M62}Criminal Justice Act 1991 (power of magistrates’ court to commit offender convicted of new offence during currency of previous sentence to Crown Court for sentence), in paragraph (b), for the words from “in accordance with” to the end there shall be substituted the words “; and the Crown Court to which he has been so committed may make such an order with regard to him as is mentioned in subsection (2) above.”.

Status: Point in time view as at 04/09/1995.

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Marginal Citations

M62 1991 c. 53.

Extradited persons: sentence of imprisonment to reflect custody

- 48 (1) In section 47 of the Criminal Justice Act 1991 (computation of sentences of imprisonment of persons extradited to United Kingdom), in subsection (4), in the definition of “extradited to the United Kingdom”, after paragraph (iv), there shall be inserted the following paragraph, preceded by the word “or”—

“(v) in pursuance of arrangements with a foreign state in respect of which an Order in Council under section 2 of the Extradition Act 1870 is in force;”.

- (2) In each of sections 218(3) and 431(3) of the ^{M63}Criminal Procedure (Scotland) Act 1975 (corresponding provisions for Scotland), after paragraph (c) there shall be inserted the following paragraph—

“(cc) in pursuance of arrangements with a foreign state in respect of which an Order in Council under section 2 of the Extradition Act 1870 is in force;”.

Marginal Citations

M63 1975 c. 21.

Transfers of proceedings

- 49 In section 53 of the ^{M64}Criminal Justice Act 1991 (notices of transfer in certain cases involving children)—

- (a) in subsection (1), for the words “served” and “on” there shall be substituted the words “ given ” and “ to ”;
- (b) in subsection (2), for the word “served” there shall be substituted the word “ given ”;
- (c) in subsection (3), for the word “service” there shall be substituted the word “ giving ”; and
- (d) in subsection (4), for the word “serve” there shall be substituted the word “ give ”.

Marginal Citations

M64 1991 c. 53.

Community sentences: binding over of parent or guardian

- 50 In section 58(2) of the ^{M65}Criminal Justice Act 1991 (power of court to bind over parent or guardian of young offender), at the end, there shall be inserted the following paragraph—

Status: Point in time view as at 04/09/1995.

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“Where the court has passed on the relevant minor a community sentence (within the meaning of section 6 above) it may include in the recognisance a provision that the minor’s parent or guardian ensure that the minor complies with the requirements of that sentence.”.

Marginal Citations

M65 1991 c. 53.

Confiscation orders in terrorist-related activities cases: variation of sentences

- 51 (1) In section 48 of the ^{M66}Northern Ireland (Emergency Provisions) Act 1991 (postponed confiscation orders etc.), after subsection (3B) there shall be inserted the following subsection—

“(3C) Where the court has sentenced the defendant under subsection (2) or (3) above during the specified period it may, after the end of that period, vary the sentence by imposing a fine or making any such order as is mentioned in subsection (5)(b) or (c) below so long as it does so within a period corresponding to that allowed by section 49(2) or (3) of the Judicature (Northern Ireland) Act 1978 (time allowed for varying a sentence) but beginning with the end of the specified period.”.

- (2) For the purposes of section 69 of the ^{M67}Northern Ireland (Emergency Provisions) Act 1991 (temporary provisions) the amendment made in that Act by this paragraph shall be treated, as from the time when this paragraph comes into force, as having been continued in force by the order made under subsection (3) of that section which has effect at that time.

Marginal Citations

M66 1991 c. 24.

M67 1991 c. 24.

Anonymity of victims of certain offences

- 52 (1) The ^{M68}Sexual Offences (Amendment) Act 1992 shall be amended as follows.

- (2) In section 2(1) (offences to which the Act applies), after paragraph (e) there shall be inserted the following paragraphs—

“(f) any conspiracy to commit any of those offences;

(g) any incitement of another to commit any of those offences.”.

- (3) In section 6 (interpretation)—

- (a) after subsection (2) there shall be inserted the following subsection—

“(2A) For the purposes of this Act, where it is alleged or there is an accusation that an offence of conspiracy or incitement of another to commit an offence mentioned in section 2(1)(a) to (d) has been committed, the person against whom the substantive offence is

Status: Point in time view as at 04/09/1995.

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alleged to have been intended to be committed shall be regarded as the person against whom the conspiracy or incitement is alleged to have been committed.

In this subsection, “the substantive offence” means the offence to which the alleged conspiracy or incitement related.”; and

- (b) in subsection (3), after the words “references in” there shall be inserted the words “ subsection (2A) and in ”.

Marginal Citations

M68 1992 c. 34.

Application of 1993 Act powers to pre-commencement offences

- 53 Section 78(6) of the ^{M69}Criminal Justice Act 1993 (application of Act to pre-commencement offences) shall have effect, and be deemed always to have had effect, with the substitution, for the words from “or the powers” to the end, of the words “and, where it confers a power on the court, shall not apply in proceedings instituted before the coming into force of that provision.”.

Marginal Citations

M69 1993 c. 36.

SCHEDULE 10

Section 168(2).

CONSEQUENTIAL AMENDMENTS

Extent Information

E3 The provisions of Sch. 10 are co-extensive with the enactments they affect, see [s. 172\(16\)](#)

Bail: exclusion in homicide and rape cases

- 1 In section 2 of the ^{M70}Habeas Corpus Act 1679 (bail for persons released from custody under habeas corpus while awaiting trial), after the words “brought as aforesaid shall” there shall be inserted the words “ , subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M70 1679 c. 2.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Evidence of accused in criminal proceedings

- 2 In section 1 of the ^{M71}Criminal Evidence Act 1898 (competency of accused to give evidence in criminal proceedings), proviso (b) shall be omitted.

Marginal Citations

M71 1898 c. 36.

Evidence of accused in criminal proceedings

- 3 In section 1 of the ^{M72}Criminal Evidence Act (Northern Ireland) 1923 (competency of accused to give evidence in criminal proceedings)—
- (a) after the words “Provided as follows:—” there shall be inserted the following proviso—
- “(a) A person so charged shall not be called as a witness in pursuance of this Act except upon his own application;”;
- (b) proviso (b) shall be omitted.

Marginal Citations

M72 1923 c. 9 (N.I.).

VALID FROM 01/03/1998

Responsibility for fine for breach of requirements of secure training order

- 4 In section 55(1A) of the ^{M73}Children and Young Persons Act 1933 (power of court to order parent or guardian to pay fine imposed on child or young person), after paragraph (b) there shall be inserted the following paragraph—
- “(c) a court would impose a fine on a child or young person under section 4(3) of the Criminal Justice and Public Order Act 1994 (breach of requirements of supervision under secure training order),”.

Marginal Citations

M73 1933 c. 12.

Bail: exclusion in homicide and rape cases

- 5 In section 56(3) of the ^{M74}Children and Young Persons Act 1933 (powers of courts remitting young offenders to youth court), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994,”.

Status: Point in time view as at 04/09/1995.

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Marginal Citations

M74 1933 c. 12.

Bail: exclusion in homicide or rape cases

- 6 In section 37(1) of the ^{M75}Criminal Justice Act 1948 (power of High Court to grant bail on case stated or application for certiorari)—
- (a) in paragraph (b), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”; and
 - (b) in paragraph (d), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M75 1948 c. 58.

Modernisation of “servant” in Prison Act

- 7 In section 3(1) of the ^{M76}Prison Act 1952 (officers and servants at prisons), for the word “servants” there shall be substituted the words “employ such other persons”.

Marginal Citations

M76 1952 c. 52.

Use of young offender institutions as secure training centres

- 8 In section 37(4) of the Prison Act 1952 (prisons not deemed closed where used as remand centres etc.), at the end, there shall be inserted the words “or secure training centre”.

VALID FROM 01/03/1998

Young offenders absconding from secure training centres

- 9 (1) Section 49 of the ^{M77}Prison Act 1952 (persons unlawfully at large) shall be amended as follows.
- (2) In subsection (1), after the words “young offenders institution” there shall be inserted the words “or a secure training centre”.
 - (3) In subsection (2), for the words between “detained in a” and “is unlawfully” there shall be substituted the words “young offenders institution or in a secure training centre”.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

- (4) In subsection (2), in proviso (a), for the words after “prison” there shall be substituted the words “remand centre, young offenders institution or secure training centre”.

Marginal Citations

M77 1952 c. 52.

Bail: exclusion in homicide and rape cases

- 10 In section 4(2) of the ^{M78}Administration of Justice Act 1960 (power of High Court to grant bail to persons appealing to the House of Lords), after the words “Divisional Court shall” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M78 1960 c. 65.

Young offenders: application of prison rules

- 11 In section 23(4) of the ^{M79}Criminal Justice Act 1961 (which applies provisions relating to prison rules to other institutions), before the words “and remand centres” there shall be inserted the words “ secure training centres ”.

Marginal Citations

M79 1961 c. 39.

VALID FROM 01/03/1998

Young offenders: transfer, supervision and recall within British Islands

- 12 (1) Part III of the ^{M80}Criminal Justice Act 1961 (transfer, supervision and recall within British Islands) shall have effect with the following amendments.
- (2) In section 29—
- (a) in subsection (1), for the words from “youth custody centre” to “young offenders institution” there shall be substituted the words “ or institution for young offenders to which this subsection applies ”;
- (b) after subsection (2), there shall be inserted the following subsection—
- “(2A) The institutions for young offenders to which subsection (1) above applies are the following: a remand centre, young offenders institution or secure training centre and, in Northern Ireland, a young offenders centre.”.
- (3) In section 30—

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

(a) in subsection (3), for the words between “prison” and “in any part” there shall be substituted the words “ or institution for young offenders to which this subsection applies ”;

(b) after subsection (3), there shall be inserted the following subsection—

“(3A) The institutions for young offenders to which subsection (3) above applies are the following: a young offenders institution or secure training centre and, in Northern Ireland, a young offenders centre.”.

(4) In section 32, in subsection (2), after paragraph (k), there shall be inserted the following paragraph—

“(l) sections 1 and 3 of the Criminal Justice and Public Order Act 1994.”.

(5) In section 38(3), for paragraph (a), there shall be substituted the following paragraph—

“(a) the expression “imprisonment or detention” means imprisonment, custody for life, detention in a young offenders institution or in a secure training centre or detention under an equivalent sentence passed by a court in the Channel Islands or the Isle of Man;”.

Marginal Citations

M80 1961 c. 39.

Payment of damages by police authority

- 13 In section 48(4) of the ^{M81}Police Act 1964 (payment by police authority of damages awarded against constables), after the words “section 14 of this Act” there shall be inserted the words “ or section 141 of the Criminal Justice and Public Order Act 1994 ”.

Marginal Citations

M81 1964 c. 48.

Cross-border enforcement: extension of protection

- 14 In section 51 of the ^{M82}Police Act 1964 (assaults on, and obstruction of, constables), after subsection (3), there shall be inserted the following subsection—

“(4) This section also applies to a constable who is a member of a police force maintained in Scotland or Northern Ireland when he is executing a warrant or otherwise acting in England or Wales by virtue of any enactment conferring powers on him in England and Wales.”.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Marginal Citations

M82 1964 c. 48.

Bail: exclusion in homicide and rape cases

- 15 In section 22(1) of the ^{M83}Criminal Justice Act 1967 (power of High Court to grant bail), after the word “may”, there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M83 1967 c. 80.

VALID FROM 01/03/1998

Young offenders: detention under secure training order

- 16 Section 67 of the ^{M84}Criminal Justice Act 1967 (computation of sentences of imprisonment or detention passed in England and Wales) shall be amended by the insertion in subsection (5), after paragraph (b), of the following paragraph—
“(c) to secure training orders under section 1 of the Criminal Justice and Public Order Act 1994;”.

Marginal Citations

M84 1967 c. 80.

Payment of damages by Scottish police authority

- 17 In section 39(4) of the ^{M85}Police (Scotland) Act 1967 (payment by police authority of damages awarded against constables), after the words “section 11 of this Act” there shall be inserted the words “ or section 141 of the Criminal Justice and Public Order Act 1994 ”.

Marginal Citations

M85 1967 c. 77.

Assaults on constables etc.

- 18 In section 41 of the Police (Scotland) Act 1967 (assaults on constables etc.), after subsection (2), there shall be inserted the following subsection—

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

“(3) This section also applies to a constable who is a member of a police force maintained in England and Wales or in Northern Ireland when he is executing a warrant or otherwise acting in Scotland by virtue of any enactment conferring powers on him in Scotland.”.

Bail: exclusion in homicide and rape cases

- 19 In section 8(2)(a) of the ^{M86}Criminal Appeal Act 1968 (powers of Court of Appeal on retrial), after the words “custody or” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M86 1968 c. 19.

Bail: exclusion in homicide and rape cases

- 20 In section 11(5) of the Criminal Appeal Act 1968 (powers of Court of Appeal on quashing interim hospital order), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Bail: exclusion in homicide and rape cases

- 21 In section 16(3)(b) of the Criminal Appeal Act 1968 (powers of Court of Appeal on allowing an appeal against a finding that a person is under a disability), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Bail: exclusion in homicide and rape cases

- 22 In section 19(1) of the Criminal Appeal Act 1968 (power of Court of Appeal to grant bail), after the word “may”, there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Bail: exclusion in homicide and rape cases

- 23 In section 36 of the Criminal Appeal Act 1968 (power of Court of Appeal to grant bail on appeal by defendant), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994 ”.

VALID FROM 01/03/1998

Young offenders: possession of firearms

- 24 (1) The ^{M87}Firearms Act 1968 shall be amended as follows.
- (2) In section 21 (possession of firearms by persons previously convicted of crime)—
- (a) in subsection (2), after the word “Scotland” there shall be inserted the words “ or who has been subject to a secure training order ”; and
 - (b) for subsection (2A) there shall be substituted—

Status: Point in time view as at 04/09/1995.

Changes to legislation: *Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)*

“(2A) For the purposes of subsection (2) above, “the date of his release” means—

- (a) in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (prison sentence partly served and partly suspended), the date on which he completes service of so much of the sentence as was by that order required to be served in prison;
- (b) in the case of a person who has been subject to a secure training order—
 - (i) the date on which he is released from detention under the order;
 - (ii) the date on which he is released from detention ordered under section 4 of the Criminal Justice and Public Order Act 1994; or
 - (iii) the date halfway through the total period specified by the court in making the order,whichever is the later.”.

- (3) In section 52(1) (forfeiture and disposal of firearms), in paragraph (a), after the word “Scotland” there shall be inserted the words “ or is subject to a secure training order ”.

Marginal Citations

M87 1968 c. 27.

Cross-border enforcement: extension of protection

- 25 In section 7 of the ^{M88}Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (assaults on, and obstruction of, constables), after subsection (3), there shall be inserted the following subsection—

“(4) This section also applies to a constable who is a member of a police force maintained in England and Wales or Scotland when he is executing a warrant or otherwise acting in Northern Ireland by virtue of any statutory provision conferring powers on him in Northern Ireland.”.

Marginal Citations

M88 1968 c. 28 (N.I.).

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

VALID FROM 01/03/1998

Sexual offences: male rape

- 26 In section 9(2) of the ^{M89}Theft Act 1968 (offences which if intended by a trespasser constitute burglary), for the words “raping any woman” there shall be substituted the words “raping any person”.

Marginal Citations

M89 1968 c. 31

Payment of damages by Police Authority for Northern Ireland

- 27 In section 14(5) of the ^{M90}Police Act (Northern Ireland) 1970 (payment by Police Authority of damages awarded against persons serving with the Royal Ulster Constabulary), for the words “section 19” there shall be substituted the words “section 141 of the Criminal Justice and Public Order Act 1994”.

Marginal Citations

M90 1970 c. 9 (N.I.).

Jury service: penalty for serving when not qualified

- 28 In section 20(5) of the ^{M91}Juries Act 1974 (offences in connection with jury service), at the end of paragraph (d) there shall be inserted “; or
(e) knowing that he is not qualified for jury service by reason of section 40 of the Criminal Justice and Public Order Act 1994, serves on a jury,”.

Marginal Citations

M91 1974 c. 23.

Custody officers: ineligibility for jury service

- 29 In Part I of Schedule 1 to the ^{M92}Juries Act 1974, in Group B (ineligibility for jury service of certain persons concerned with the administration of justice), after the entry for prisoner custody officers within the meaning of Part IV of the ^{M93}Criminal Justice Act 1991, there shall be inserted the following entry—

“Custody officers within the meaning of Part I of the Criminal Justice and Public Order Act 1994”.

Status: Point in time view as at 04/09/1995.

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Marginal Citations

M92 1974 c. 23.

M93 1991 c. 53.

VALID FROM 01/03/1998

Rehabilitation of offenders subject to secure training orders

30 In section 5(6) of the ^{M94}Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences), after paragraph (c), there shall be inserted the following paragraph, preceded by the word “or”—

“(d) a secure training order under section 1 of the Criminal Justice and Public Order Act 1994;”.

Marginal Citations

M94 1974 c. 53.

Prisoner custody officers: ineligibility for jury service

31 In Schedule 2 to the ^{M95}Juries (Northern Ireland) Order 1974 (exemptions from jury service) in the group headed “Persons connected with the administration of justice”, at the end there shall be inserted— “ Prisoner custody officers within the meaning of section 122(1) of the Criminal Justice and Public Order Act 1994. ”.

Marginal Citations

M95 S.I. 1974/2143 (N.I. 6).

Bail: exclusion in homicide and rape cases

32 In section 4 of the ^{M96}Bail Act 1976 (entitlement to bail), after subsection (7), there shall be inserted the following subsection—

“(8) This section is subject to section 25 of the Criminal Justice and Public Order Act 1994 (exclusion of bail in cases of homicide and rape).”.

Marginal Citations

M96 1976 c. 63.

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Police bail: variation by magistrates

- 33 In section 4(2) of the ^{M97}Bail Act 1976 (occasions for implementation of right to bail), in paragraph (b), after the words “for bail” there shall be inserted the words “or for a variation of the conditions of bail”.

Marginal Citations

M97 1976 c.63.

Bail: no right for persons offending while on bail

- 34 In Part III of Schedule 1 to the Bail Act 1976, in paragraph 2, at the end, there shall be inserted the words “; and so as respects the reference to an offence committed by a person on bail in relation to any period before the coming into force of paragraph 2A of Part 1 of this Schedule.”.

VALID FROM 01/03/1998

Sexual offences: male rape

- 35 (1) The ^{M98}Sexual Offences (Amendment) Act 1976 shall be amended as follows.
- (2) In section 1(2) (reasonable grounds for belief in consent to intercourse), after the word “woman” there shall be inserted the words “or man”.
- (3) In section 2(3) (restrictions on evidence at trials for rape etc.), after the word “woman” there shall be inserted the words “or man”.
- (4) In section 7(2) (interpretation of terms used in the Act)—
- (a) the words from “references” to “only;” shall be omitted; and
 - (b) for the words “and section 46 of that Act” there shall be substituted the words “section 46 of the Sexual Offences Act 1956”.

Marginal Citations

M98 1976 c. 82.

VALID FROM 01/03/1998

Sexual offences: male rape

- 36 (1) Section 4 of the ^{M99}Sexual Offences (Amendment) Act 1976 (anonymity of complainants in rape etc. cases) shall be amended as follows.
- (2) In subsection (1)—

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- (a) in paragraph (a)—
- (i) after the word “woman” in both places where it occurs there shall be inserted the words “ or man ”;
 - (ii) for the words “woman’s name nor her address” there shall be substituted the words “ name nor the address of the woman or man ”;
 - (iii) after the words “of her” there shall be inserted the words “ or him ”;
 - (iv) for the words “her lifetime” there shall be substituted the words “ that person’s lifetime ”; and
 - (v) for the words “identify her” there shall be substituted the words “ identify that person ”; and
- (b) in paragraph (b)—
- (i) after the word “woman” there shall be inserted the words “ or man ”; and
 - (ii) for the words “her lifetime” there shall be substituted the words “ that person’s lifetime ”.
- (3) In subsection (5A), after the word “woman” there shall be inserted the words “ or man ”.
- (4) In subsection (5B), for the words “woman’s peace or comfort” there shall be substituted the words “ peace or comfort of the woman or man ”.
- (5) In subsection (6), in the definition of “complainant”, after the word “woman” there shall be inserted the words “ or man ”.

Marginal Citations

M99 1976 c. 82.

Indecent photographs etc.

- 37 (1) The ^{M100}Protection of Children Act 1978 shall be amended as follows.
- (2) In section 2(3), after the words “proceedings under this Act” there shall be inserted the words “ relating to indecent photographs of children ”.
- (3) In section 4—
- (a) in subsection (1), after the word “photograph” there shall be inserted the words “ or pseudo-photograph ”; and
 - (b) in subsection (2), after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.
- (4) In section 5(2), (5) and (6), after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.

Marginal Citations

M100 1978 c. 37.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Indecent photographs etc. (Northern Ireland)

- 38 (1) The ^{M101}Protection of Children (Northern Ireland) Order 1978 shall be amended as follows.
- (2) In Article 4(1)—
- (a) after the word “photograph” there shall be inserted the words “ or pseudo-photograph ”; and
- (b) after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.
- (3) In Article 5(3) and (5), after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.
- (4) In Article 6(1), after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.
- (5) In Article 7(1), after the word “Order” there shall be inserted the words “ relating to indecent photographs of children ”.

Marginal Citations

[M101 S.I. 1978/1047 \(N.I.17\).](#)

VALID FROM 01/03/1998

Secure training orders: absence of accused

- 39 In section 11(3) of the ^{M102}Magistrates’ Courts Act 1980 (certain sentences and orders not to be made in absence of accused), after the word “make” there shall be inserted the words “ a secure training order or ”.

Marginal Citations

[M102 1980 c. 43.](#)

Procedure for young offenders in cases of grave crimes

- 40 In section 24(1)(a) of the Magistrates’ Courts Act 1980 (exception to summary trial of children or young persons) the words “he has attained the age of 14 and” shall be omitted.

Bail: exclusion in homicide and rape cases

- 41 In section 29(4)(b) of the Magistrates’ Courts Act 1980 (person under 18 remitted to youth court for trial), after the word “may” there shall be inserted the words “ , subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Status: Point in time view as at 04/09/1995.

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Bail: exclusion in homicide and rape cases

- 42 In section 37(1) of the Magistrates' Courts Act 1980 (committal to Crown Court for sentence), after the word "may" there shall be inserted the words " , subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Police bail

- 43 In section 43(1) of the Magistrates' Courts Act 1980 (bail under the ^{M103}Police and Criminal Evidence Act 1984), after the words "bail under" there shall be inserted the words " Part IV of ”.

Marginal Citations

M103 1984 c. 60.

Bail: exclusion in homicide or rape cases

- 44 In section 113(1) of the Magistrates' Courts Act 1980 (power of magistrates' court to grant bail on appeal to Crown Court or by way of case stated), after the word "may" there shall be inserted the words " , subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Prisoner custody officers: ineligibility for jury service

- 45 In Part I of Schedule 1 to the ^{M104}Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (which makes ineligible for jury service persons connected with the administration of justice), in Group B, after paragraph (o) there shall be inserted the following paragraph—
“(oo) prisoner custody officers within the meaning of section 114(1) of the Criminal Justice and Public Order Act 1994;”.

Marginal Citations

M104 1980 c. 55.

VALID FROM 01/03/1998

Young offenders: detention in the custody of a constable and others

- 46 In section 6 of the ^{M105}Imprisonment (Temporary Provisions) Act 1980 (detention in the custody of a constable)—
(a) in subsection (1), after the words "remand centre" there shall be inserted the words " secure training centre ”;
(b) in subsection (2), after the words "remand centre" there shall be inserted the words " secure training centre ”; and
(c) after the subsection (3) inserted by section 94 of this Act, there shall be inserted the following subsection—

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

“(4) Any reference in this section to a constable includes a reference to a custody officer (within the meaning of section 12 of the Criminal Justice and Public Order Act 1994) acting in pursuance of escort arrangements (within the meaning of Schedule 1 to that Act).”.

Marginal Citations

M105 1980 c. 57.

Detention by constables and officers of a prison etc.: maximum period

- 47 In section 2 of the ^{M106}Criminal Justice (Scotland) Act 1980 (detention and questioning at police station etc.)—
- (a) at the beginning of subsection (3A) there shall be inserted “ Subject to subsection (3B) below, ”; and
 - (b) after subsection (3A) there shall be inserted the following subsection—

“(3B) Subsection (3A) above shall not apply in relation to detention under section 41(3) of the Prisons (Scotland) Act 1989 (detention in relation to introduction etc. into prison of prohibited article), but where a person was detained under section 41(3) immediately prior to his detention under subsection (1) above the period of six hours mentioned in subsection (2) above shall be reduced by the length of that earlier detention.”.

Marginal Citations

M106 1980 c. 62.

Bail: exclusion in homicide and rape cases

- 48 In section 81(1) of the ^{M107}Supreme Court Act 1981 (power of Crown Court to grant bail), after the word “may”, there shall be inserted the words “ , subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M107 1981 c. 54.

Status: Point in time view as at 04/09/1995.

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VALID FROM 01/03/1998

Young offenders: legal representation

- 49 In section 3(1) of the ^{M108}Criminal Justice Act 1982 (restriction on certain sentences where offender not legally represented), after paragraph (d) there shall be inserted the following paragraph, preceded by the word “or”—
- “(e) make a secure training order.”.

Marginal Citations

M108 1982 c. 48.

VALID FROM 01/03/1998

Young offenders: early release

- 50 In section 32 of the ^{M109}Criminal Justice Act 1982 (early release by order of classes of prisoners and other persons), after subsection (7), there shall be inserted the following subsection—
- “(7A) Subsections (1) and (4) above shall apply in relation to secure training centres and persons detained in such centres as they apply, by virtue of section 43(5) of the Prison Act 1952, to young offenders institutions and to persons detained in such institutions.”.

Marginal Citations

M109 1982 c. 48.

Bail: exclusion in homicide and rape cases

- 51 In section 51(4) of the ^{M110}Mental Health Act 1983 (power of court to remit or release on bail detained person), after the words “above or” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M110 1983 c. 20.

Video recordings

- 52 (1) The ^{M111}Video Recordings Act 1984 shall be amended as follows.

Status: Point in time view as at 04/09/1995.

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(2) In section 13, after subsection (2), there shall be inserted the following subsection—

“(3) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.

(3) For section 15 there shall be substituted the following section—

“15 Time limit for prosecutions.

(1) No prosecution for an offence under this Act shall be brought after the expiry of the period of three years beginning with the date of the commission of the offence or one year beginning with the date of its discovery by the prosecutor, whichever is earlier.

(2) In Scotland, the reference in subsection (1) above to the date of discovery by the prosecutor shall be construed as a reference to the date on which evidence sufficient in the opinion of the Lord Advocate to warrant proceedings came to his knowledge.

(3) For the purposes of subsection (2) above—

- (a) a certificate signed by the Lord Advocate or on his behalf and stating the date on which evidence came to his knowledge shall be conclusive evidence of that fact;
- (b) a certificate purporting to be signed as mentioned in paragraph (a) above shall be presumed to be so signed unless the contrary is proved; and
- (c) a prosecution shall be deemed to be brought on the date on which a warrant to apprehend or to cite the accused is granted provided that the warrant is executed without undue delay.”.

Marginal Citations

M111 1984 c. 39.

Interim possession order: power of entry

53 In section 17 of the ^{M112}Police and Criminal Evidence Act 1984 (police powers of entry to effect arrest etc.)—

(a) in subsection (1)(c), after sub-paragraph (iii), there shall be inserted the following sub-paragraph—

“(iv) section 76 of the Criminal Justice and Public Order Act 1994 (failure to comply with interim possession order);”;

(b) in subsection (3), after the words “subsection (1)(c)(ii)” there shall be inserted the words “ or (iv) ”.

Marginal Citations

M112 1984 c. 60.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Bail: exclusion in homicide and rape cases

- 54 In section 38(1) of the Police and Criminal Evidence Act 1984 (duty of custody officer to release on bail or without bail after charge), after the word “shall” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Searches of persons detained at police stations

- 55 In section 54(1)(b) of the Police and Criminal Evidence Act 1984 (searches of persons detained at police stations), for the words “under section 47(5) above” there shall be substituted the words “, as a person falling within section 34(7), under section 37 above ”.

Fingerprinting: speculative searches

- 56 In section 61 of the Police and Criminal Evidence Act 1984 (which regulates the taking of fingerprints)—
- (a) after subsection (7) there shall be inserted the following subsection—
- “(7A) If a person’s fingerprints are taken at a police station, whether with or without the appropriate consent—
- (a) before the fingerprints are taken, an officer shall inform him that they may be the subject of a speculative search; and
- (b) the fact that the person has been informed of this possibility shall be recorded as soon as is practicable after the fingerprints have been taken.”; and
- (b) in subsection (8), after the word “them” there shall be inserted the words “ and, in the case falling within subsection (7A) above, the fact referred to in paragraph (b) of that subsection ”.

Intimate samples: speculative searches

- 57 In section 62 of the ^{M113}Police and Criminal Evidence Act 1984 (which regulates the taking of intimate body samples)—
- (a) after subsection (7) there shall be inserted the following subsection—
- “(7A) If an intimate sample is taken from a person at a police station—
- (a) before the sample is taken, an officer shall inform him that it may be the subject of a speculative search; and
- (b) the fact that the person has been informed of this possibility shall be recorded as soon as practicable after the sample has been taken.”; and
- (b) in subsection (8), after the words “subsection (7)” there shall be inserted the words “ or (7A) ”.

Status: Point in time view as at 04/09/1995.

Changes to legislation: *Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)*

Non-intimate samples: speculative searches

- 58 In section 63 of the ^{M114}Police and Criminal Evidence Act 1984 (which regulates the taking of non-intimate body samples)—
- (a) after the subsection (8A) inserted by section 55 of this Act, there shall be inserted the following subsection—
- “(8B) If a non-intimate sample is taken from a person at a police station, whether with or without the appropriate consent—
- (a) before the sample is taken, an officer shall inform him that it may be the subject of a speculative search; and
- (b) the fact that the person has been informed of this possibility shall be recorded as soon as practicable after the sample has been taken.”; and
- (b) in subsection (9), after the words “(8A)” there shall be inserted the words “ or (8B) ”.

Marginal Citations

M114 1984 c.60.

VALID FROM 01/03/1998

Sexual offences: male rape and buggery

- 59 In Part I of Schedule 5 to the ^{M115}Police and Criminal Evidence Act 1984 (serious arrestable offences mentioned in section 116(2)(a) of that Act), for item 7 (buggery) there shall be substituted—

Buggery with a person under the age of 16.”.

Marginal Citations

M115 1984 c. 60.

VALID FROM 01/03/1998

Trespassory assemblies

- 60 In section 15(1) of the ^{M116}Public Order Act 1986 (delegation of functions), for “14” there shall be substituted “ 14A ”.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

Marginal Citations

M116 1986 c. 64.

Inferences from accused's silence

- 61 (1) The ^{M117}Criminal Evidence (Northern Ireland) Order 1988 shall be amended as follows.
- (2) In Article 3(1)(a), after the word “questioned” there shall be inserted the words “under caution”.
- (3) In Article 4—
- (a) in paragraph (1)—
- (i) for the words “to (7)” there shall be substituted the words “and (4)”;
- (ii) in sub-paragraph (b), the words “be called upon to” shall be omitted;
- (iii) for the words from “if” onwards there shall be substituted the words “, at the conclusion of the evidence for the prosecution, his legal representative informs the court that the accused will give evidence or, where he is unrepresented, the court ascertains from him that he will give evidence”;
- (b) for paragraphs (2) and (3) there shall be substituted the following paragraph—
- “(2) Where this paragraph applies, the court shall, at the conclusion of the evidence for the prosecution, satisfy itself (in the case of proceedings on indictment conducted with a jury, in the presence of the jury) that the accused is aware that the stage has been reached at which evidence can be given for the defence and that he can, if he wishes, give evidence and that, if he chooses not to give evidence, or having been sworn, without good cause refuses to answer any question, it will be permissible for the court or jury to draw such inferences as appear proper from his failure to give evidence or his refusal, without good cause, to answer any question.”;
- (c) in paragraph (4)—
- (i) at the beginning there shall be inserted the words “Where this paragraph applies,”;
- (ii) in sub-paragraph (a), for the words “from the refusal as appear proper” there shall be substituted the words “as appear proper from the failure of the accused to give evidence or his refusal, without good cause, to answer any question”;
- (d) in paragraph (5), for the words “refusal to be sworn” there shall be substituted the words “failure to do so”; and
- (e) paragraphs (9) and (10) shall be omitted.
- (4) In Article 5(1)(b), for the words “the constable” there shall be substituted the words “that or another constable investigating the case”.
- (5) In Article 5(2), after sub-paragraph (a), for the word “and” there shall be substituted the following sub-paragraph—

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- “(aa) a judge, in deciding whether to grant an application made by the accused under Article 5 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (application for dismissal of charge where a case of fraud has been transferred from a magistrates’ court to the Crown Court under Article 3 of that Order); and”.
- (6) In Article 5, after paragraph 3, there shall be inserted the following paragraph—
- “(3A) This Article applies in relation to officers of customs and excise as it applies in relation to constables.”.
- (7) In Article 6(1)(b), for the words “the constable” there shall be substituted the words “that or another constable investigating the case”.
- (8) In Article 6(2), after sub-paragraph (a), for the word “and” there shall be substituted the following sub-paragraph—
- “(aa) a judge, in deciding whether to grant an application made by the accused under Article 5 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (application for dismissal of charge where a case of fraud has been transferred from a magistrates’ court to the Crown Court under Article 3 of that Order); and”.
- (9) In Article 6, after paragraph 2, there shall be inserted the following paragraph—
- “(2A) This Article applies in relation to officers of customs and excise as it applies in relation to constables.”.
- (10) In Article 6(3), for the words “do so” there shall be substituted the words “comply with the request”.

Marginal Citations

M117 S.I. 1988/1987 (N.I.20).

Samples: application to terrorist suspects

- 62 (1) The ^{M118}Prevention of Terrorism (Temporary Provisions) Act 1989 shall be amended as provided in sub-paragraphs (2) and (3) below.
- (2) In section 15 (provisions supplementary to powers to arrest and detain suspected persons), after subsection (10), there shall be inserted the following subsections—
- “(11) Section 62(1) to (11) of the Police and Criminal Evidence Act 1984 (regulation of taking of intimate samples) shall apply to the taking of an intimate sample from a person under subsection (9) above as if—
- (a) for subsection (2) there were substituted—
- (?) An officer may only give an authorisation under subsection (1) or (1A) above for the taking of an intimate sample if he is satisfied that it is necessary to do so in order to assist in determining—
- (a) whether that person is or has been concerned in the commission, preparation or instigation of acts of terrorism to which section 14

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

- of the Prevention of Terrorism (Temporary Provisions) Act 1989 applies; or
- (b) whether he is subject to an exclusion order under that Act;
- or if the officer has reasonable grounds for suspecting that person's involvement in an offence under any of the provisions mentioned in subsection (1)(a) of that section and for believing that an intimate sample will tend to confirm or disprove his involvement"; and
- (b) in subsection (6), after the word "includes", there were inserted the words "where relevant".
- (12) In this section, "intimate sample" has the same meaning as in section 65 of the ^{M119}Police and Criminal Evidence Act 1984.
- (13) Section 63(1) to (9) of the Police and Criminal Evidence Act 1984 (regulation of taking of non-intimate samples) shall apply to the taking of a non-intimate sample from a person by a constable under subsection (9) above as if—
- (a) for subsection (4) there were substituted—
- (“ An officer may only give an authorisation under subsection (3) above for the taking of a non-intimate sample if he is satisfied that it is necessary to do so in order to assist in determining—
- (a) whether that person is or has been concerned in the commission, preparation or instigation of acts of terrorism to which section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 applies; or
- (b) whether he is subject to an exclusion order under that Act;
- or if the officer has reasonable grounds for suspecting that person's involvement in an offence under any of the provisions mentioned in subsection (1)(a) of that section and for believing that a non-intimate sample will tend to confirm or disprove his involvement"; and
- (b) in subsection (7), after the word "includes" there were inserted the words "where relevant".
- (14) In this section, "non-intimate sample" has the same meaning as in section 65 of the Police and Criminal Evidence Act 1984.”.
- (3) In Schedule 5, in paragraph 7 (provisions supplementary to powers to detain persons pending examination etc.), after sub-paragraph (6), there shall be inserted the following sub-paragraphs—
- “(6A) Section 62(1) to (11) of the Police and Criminal Evidence Act 1984 (regulation of taking of intimate samples) shall apply to the taking of an intimate sample from a person under sub-paragraph (5) above as if—
- (a) for subsection (2) there were substituted—
- (“ An officer may only give an authorisation under subsection (1) or (1A) above for the taking of an intimate sample if he is satisfied that it is necessary to do so in order to assist in determining—
- (a) whether that person is or has been concerned in the commission, preparation or instigation of acts of terrorism to which paragraph 2 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989 applies; or

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- (b) whether he is subject to an exclusion order under that Act; or
 - (c) whether there are grounds for suspecting that he has committed an offence under section 8 of that Act”; and
 - (b) in subsection (6), after the word “includes”, there were inserted the words “where relevant”.
- (6B) In this paragraph, “intimate sample” has the same meaning as in section 65 of the Police and Criminal Evidence Act 1984.
- (6C) Section 63 (1) to (9) of the Police and Criminal Evidence Act 1984 (regulation of taking of non-intimate samples) shall apply to the taking of a non-intimate sample from a person by a constable under sub-paragraph (5) above as if—
- (a) for subsection (4) there were substituted—
- “(An officer may only give an authorisation under subsection (3) above for the taking of a non-intimate sample if he is satisfied that it is necessary to do so in order to assist in determining—
- (a) whether that person is or has been concerned in the commission, preparation or instigation of acts of terrorism to which paragraph 2 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989 applies;
 - (b) whether he is subject to an exclusion order under that Act; or
 - (c) whether there are grounds for suspecting that he has committed an offence under section 8 of that Act”; and
 - (b) in subsection (7), after the word “includes”, there were inserted the words “where relevant”.
- (6D) In this paragraph, “non-intimate sample” has the same meaning as in section 65 of the Police and Criminal Evidence Act 1984.”.
- (4) In consequence of the foregoing amendments—
- (a) in section 62 of the ^{M120}Police and Criminal Evidence Act 1984 (which regulates the taking of intimate body samples), at the end there shall be inserted the following subsection—
 - “(12) Nothing in this section, except as provided in section 15(11) and (12) of, and paragraph 7(6A) and (6B) of Schedule 5 to, the Prevention of Terrorism (Temporary Provisions) Act 1989, applies to a person arrested or detained under the terrorism provisions.”;
 - (b) in section 63 of the Police and Criminal Evidence Act 1984 (which regulates the taking of non-intimate body samples), at the end there shall be inserted the following subsection—
 - “(10) Nothing in this section, except as provided in section 15(13) and (14) of, and paragraph 7(6C) and (6D) of Schedule 5 to, the Prevention of Terrorism (Temporary Provisions) Act 1989, applies to a person arrested or detained under the terrorism provisions.”; and
 - (c) in section 28(2) of the ^{M121}Prevention of Terrorism (Temporary Provisions) Act 1989 (extent), in paragraph (b) (provisions extending only to England and Wales), after the words “section 15(10)” there shall be inserted the words “ to (14) ” and after the words “paragraph 7(6)” there shall be inserted the words “ to (6D) ”.

Status: Point in time view as at 04/09/1995.

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- (5) For the purposes of section 27 of the Prevention of Terrorism (Temporary Provisions) Act 1989 (temporary provisions), the amendments made by this paragraph shall be treated, as from the time when those amendments come into force, as having been continued in force by the order under subsection (6) of that section which has effect at that time.

Marginal Citations

M118 1989 c. 4.

M119 1984 c. 60.

M120 1984 c. 60.

M121 1989 c. 4.

Prevention of terrorism: consents for prosecutions etc.

- 63 (1) The Prevention of Terrorism (Temporary Provisions) Act 1989 shall be amended as follows.
- (2) In section 17(1)(b) (purposes of investigations), for the words “section 21(4) of that Act” there shall be substituted the words “ section 28(3) of that Act ”.
- (3) In section 19(1) (consents required for prosecutions), after paragraph (a), there shall be inserted the following paragraph—
- “(aa) in England and Wales for an offence under section 13A, 16A or 16B except by or with the consent of the Director of Public Prosecutions;”.
- (4) In section 28(2) (extent), in paragraph (a) (provisions not extending to Northern Ireland), for the words “and section 15(1)”, there shall be substituted the words “ , sections 13A and 15(1) and Part IVA ”.
- (5) For the purposes of section 27 (temporary provisions), the amendments made by this paragraph shall be treated, as from the time when those amendments come into force, as having been continued in force by the order under subsection (6) of that section which has effect at that time.

Commencement Information

I8 Sch. 10 para. 63 wholly in force at 3.2.1995; Sch. 10 para. 63 partly in force at Royal Assent see s. 172; Sch. 10 para. 63 so far as not already in force, comes into force at 3.2.1995 by S.I. 1995/127, art. 2(1), Sch. 1 APPENDIX B

Young offenders: powers to search and to test for drugs

- 64 In section 19(4) of the ^{M122}Prisons (Scotland) Act 1989 (remand centres and young offenders institutions), for the words “and 41” there shall be substituted the words “ 41, 41A and 41B ”.

Status: Point in time view as at 04/09/1995.

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Commencement Information

19 SCh. 10 para. 64 wholly in force at 3.2.1995; Sch. 10 para. 64 not in force at Royal Assent see s. 172; Sch. 10 para. 64 in force for specified purposes at 9.1.1995 by S.I. 1994/3192, art. 2, Sch.; Sch. 10 para. 64 so far as not already in force comes into force at 3.2.1995 by S.I. 1995/127, art. 2(1), Sch. 1 ANNEX B

Marginal Citations

M122 1989 c. 45.

Non-appearance of accused: plea of guilty

65 In section 20(1A) of the ^{M123}Criminal Justice Act 1991 (power of court to make financial circumstances order in absence of accused where guilty plea notified), for the words “section 12(2)” there shall be substituted the words “ section 12(4) ”.

Marginal Citations

M123 1991 c. 53.

VALID FROM 01/03/1998

Young offenders: secure training order a custodial sentence

66 In section 31(1) of the ^{M124}Criminal Justice Act 1991 (which defines, amongst other expressions, “custodial sentence”), in paragraph (b) of that definition, after the words “1982 Act”, there shall be inserted the words, “ or a secure training order under section 1 of the Criminal Justice and Public Order Act 1994 ”.

Marginal Citations

M124 1991 c. 53.

Bail: exclusion in homicide and rape cases

67 In section 40(3)(b) of the Criminal Justice Act 1991 (committal for sentence of offender convicted of offence during currency of original sentence), at the beginning, there shall be inserted the words “ subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Status: Point in time view as at 04/09/1995.

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Contracted out prisons: exclusion of search powers

- 68 In section 87(3) of the ^{M125}Criminal Justice Act 1991 (provisions of Prison Act 1952 not applying to contracted out prisons), after the word “officers” there shall be inserted the words “ and section 8A (powers of search by authorised employees) ”.

Marginal Citations

M125 1952 c. 52.

Testing prisoners for drugs: director’s function

- 69 In section 87(4) of the Criminal Justice Act 1991 (certain functions as governor to be functions of director of contracted out prisons), after “13(1)” insert “ 16A ”.

VALID FROM 01/07/1996

The Parole Board

- 70 For Schedule 5 to the Criminal Justice Act 1991 (supplementary provisions about the Parole Board) there shall be substituted the following Schedule—

“SCHEDULE
5

THE PAROLE BOARD: SUPPLEMENTARY PROVISIONS

Status and capacity

- 1 (1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board’s property shall not be regarded as property of, or held on behalf of, the Crown.
- (2) It shall be within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental to or conducive to the discharge of its functions under Part II of this Act.

Membership

- 2 (1) The Board shall consist of a chairman and not less than four other members appointed by the Secretary of State.
- (2) The Board shall include among its members—
- (a) a person who holds or has held judicial office;
 - (b) a registered medical practitioner who is a psychiatrist;
 - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or after-care of discharged prisoners; and

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- (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.
- (3) A member of the Board—
- (a) shall hold and vacate office in accordance with the terms of his appointment;
- (b) may resign his office by notice in writing addressed to the Secretary of State;
- and a person who ceases to hold office as a member of the Board shall be eligible for re-appointment.

Payments to members

- 3 (1) The Board may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The Board may pay or make provision for paying to or in respect of any member such sums by way of pension, allowances or gratuities as the Secretary of State may determine.
- (3) If a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances that make it right that he should receive compensation, the Secretary of State may direct the Board to make to that person a payment of such amount as the Secretary of State may determine.
- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

Proceedings

- 4 (1) Subject to the provisions of section 32(5) of this Act, the arrangements relating to meetings of the Board shall be such as the Board may determine.
- (2) The arrangements may provide for the discharge, under the general direction of the Board, of any of the Board's functions by a committee or by one or more of the members or employees of the Board.
- (3) The validity of the proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Staff

- 5 (1) The Board may appoint such number of employees as it may determine.
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph shall be determined by the Board.
- (3) Any determination under sub-paragraph (1) or (2) shall require the approval of the Secretary of State given with the consent of the Treasury.
- (4) The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Board.

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- 6 (1) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of Other Bodies there shall be inserted— “Parole Board.”.
- (2) The Board shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to this paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.

Financial provisions

- 7 (1) The Secretary of State shall pay to the Board—
- (a) any expenses incurred or to be incurred by the Board by virtue of paragraph 3 or 5; and
 - (b) with the consent of the Treasury, such sums as he thinks fit for enabling the Board to meet other expenses.
- (2) Any sums required by the Secretary of State for making payments under sub-paragraph (1) shall be paid out of money provided by Parliament.

Authentication of Board’s seal

- 8 The application of the seal of the Board shall be authenticated by the signature of the Chairman or some other person authorised for the purpose.

Presumption of authenticity of documents issued by Board

- 9 Any document purporting to be an instrument issued by the Board and to be duly executed under the seal of the Board or to be signed on behalf of the Board shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

Accounts and audit

- 10 (1) It shall be the duty of the Board—
- (a) to keep proper accounts and proper records in relation to the accounts;
 - (b) to prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
 - (c) to send copies of each such statement to the Secretary of State and the Comptroller and Auditor General not later than 31st August next following the end of the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Board and shall lay a copy of every such statement and of his report before each House of Parliament.

Status: Point in time view as at 04/09/1995.

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- (3) In this paragraph, “financial year” means the period beginning with the date on which the Board is incorporated and ending with the next following 31st March, and each successive period of twelve months.

Reports

- 11 The Board shall as soon as practicable after the end of each financial year make to the Secretary of State a report on the performance of its functions during the year; and the Secretary of State shall lay a copy of the report before Parliament.”.

Bail: exclusion in homicide and rape cases

- 71 In Schedule 6 to the ^{M126}Criminal Justice Act 1991 (procedure on notice of transfer in certain cases involving children), in paragraph 2(1), after the word “1976” where it occurs first there shall be inserted the words “, section 25 of the Criminal Justice and Public Order Act 1994 ”.

Marginal Citations

M126 1991 c. 53.

VALID FROM 01/03/1998

Probation officers for offenders subject to secure training orders

- 72 In section 4 of the ^{M127}Probation Service Act 1993 (functions of probation committee)—
- (a) in subsection (1), after paragraph (d), there shall be inserted the following paragraph—
- “(dd) to make arrangements for the selection, from the probation officers appointed for or assigned to a petty sessions area within their probation area, of an officer to supervise any person subject to supervision by a probation officer under a secure training order (within the meaning of section 1 of the Criminal Justice and Public Order Act 1994) naming as that petty sessions area the petty sessions area within which the person to be supervised resides for the time being;”;
- (b) in subsection (4), for the words “paragraph (c) or (d)” there shall be substituted the words “ paragraph (c), (d) or (dd) ”.

Marginal Citations

M127 1993 c. 47.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 09 April 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)

VALID FROM 01/03/1998

Secure training orders: cost of supervision by probation officer

- 73 In section 17 of the ^{M128}Probation Service Act 1993 (probation committee expenditure)—
- (a) in subsection (1), for the words “and (5)” there shall be substituted the words “(5) and (5A)”; and
 - (b) after subsection (5) there shall be inserted the following subsection—
 - “(5A) Nothing in sections 18 or 19 requires there to be paid out of the metropolitan police fund or defrayed by a local authority any expenses of a probation committee which are defrayed by the Secretary of State under section 3(6) of the Criminal Justice and Public Order Act 1994.”.

Marginal Citations

M128 1993 c. 47.

SCHEDULE 11

Section 168(3).

REPEALS

Extent Information

- E4** [Sch. 11](#) does not extend to Scotland in so far as it relates to s. 17(1) of the Video Recordings Act 1984 see [s. 172\(16\)](#)

Commencement Information

- I10** [Sch. 11](#) partly in force; [Sch. 11](#) partly in force at Royal Assent see [s. 172](#); [Sch. 11](#) in force for specified purposes at 9.1.1995 by [S.I. 1994/3192](#), [art. 2](#), [Sch.](#); [Sch. 11](#) in force for further specified purposes at 3.2.1995 by [S.I. 1995/127](#), [art. 2\(1\)](#), [Sch. 1](#) APPENDIX C; [Sch. 11](#) in force for further specified purposes at 10.4.1995 by [S.I. 1995/721](#), [art. 2](#), [Sch.](#) APPENDIX B; [Sch. 11](#) in force for further specified purposes at 4.9.1995 by [S.I. 1995/1957](#), [art. 6](#); [Sch. 11](#) in force for further specified purposes at 1.3.1998 by [S.I. 1998/277](#), [art. 3](#); [Sch. 11](#) in force for further specified purposes at 20.3.2002 by [S.I. 2002/447](#), [art. 2](#)

Chapter	Short title	Extent of repeal
1848 c. 42.	Indictable Offences Act 1848.	Sections 12, 14 and 15.
1898 c. 36.	Criminal Evidence Act 1898.	In section 1, proviso (b).
1923 c. 9 (N.I.).	Criminal Evidence Act (Northern Ireland) 1923.	In section 1, proviso (b).
1925 c. 86.	Criminal Justice Act 1925.	F4

Status: Point in time view as at 04/09/1995.

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		<p>...</p> <p>F4</p> <p>...</p>
1952 c. 52.	Prison Act 1952.	<p>In section 43(1)(a), the words “trial or”.</p> <p>In section 43(1), the word “and” at the end of paragraph (b).</p> <p>In section 43(2)(b) and (c), the words “trial or”.</p>
1956 c. 69.	Sexual Offences Act 1956.	<p>In section 2(1), the word “unlawful”.</p> <p>Section 2(2).</p> <p>In section 3(1), the word “unlawful”.</p> <p>Section 3(2).</p> <p>Section 4(2).</p> <p>Section 22(2).</p> <p>Section 23(2).</p>
1963 c. 37.	Children and Young Persons Act 1963.	<p>In section 57(2), the words “Section 49 of the principal Act and” and “an appeal by case stated or”.</p> <p>[^{F5}In section 57(4), the words “49 and the said sections”]</p>
1965 c. 45.	Backing of Warrants (Republic of Ireland) Act 1965.	In section 2(2)(a), the words from “, or an offence under an enactment” to “control”.
1965 c. 69.	Criminal Procedure (Attendance of Witnesses) Act 1965.	<p>F4</p> <p>...</p>
1967 c. 60.	Sexual Offences Act 1967.	<p>In section 1(1), the words “but subject to the provisions of the next following section”.</p> <p>Section 1(5).</p> <p>Section 2.</p> <p>Section 3.</p>
1967 c. 77.	Police (Scotland) Act 1967.	Section 18.
1967 c. 80.	Criminal Justice Act 1967.	<p>F4</p> <p>...</p> <p>F4</p> <p>...</p> <p>In section 67(5), the word “and” at the end of paragraph (a).</p>
1968 c. 19.	Criminal Appeal Act 1968.	<p>F4</p> <p>...</p>

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1968 c. 52.	Caravan Sites Act 1968.	Sections 6 to 12. In section 16, the definition of “gipsies”.
1963 c. 54.	Children and Young Persons Act 1969	Section 10(1) and (2). [^{F5} In section 57(4), the words “49 and the said sections”.]
1969 c. 63.	Police Act 1969.	Sections 1, 3, 6 and 7.
1970 c. 9 (N.I.).	Police Act (Northern Ireland) 1970.	Sections 19 and 20.
1972 c. 71.	Criminal Justice Act 1972.	F4 F4 F4 F4 F4 F4 F4 F4 F4
1973 c. 62.	Powers of Criminal Courts Act 1973.	F4
1974 c. 23.	Juries Act 1974.	In section 10, the words “physical disability or”.
1974 c. 53.	Rehabilitation of Offenders Act 1974.	In section 5(4), the words “or placed on probation,” and “or probation order”.
1976 c. 63.	Bail Act 1976.	Section 1(4). In section 3(6), the words “(but only by a court)”.
1976 c. 82.	Sexual Offences (Amendment) Act 1976.	Section 1(1). In section 7(2), the words from “references” to “only);”.
1977 c. 45.	Criminal Law Act 1977.	Section 6(3). Section 38.
1978 c. 30.	Interpretation Act 1978.	F4
1978 c. 37.	Protection of Children Act 1978.	In section 1(1)(a), the words following “child”. In section 4(2), the words from “within” to “warrant”.
1980 c. 43.	Magistrates’ Courts Act 1980.	In section 22(1), the words “subject to subsection (7) below”. In section 24(1)(a) the words “he has attained the age of 14 and”.

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		In section 38(2)(b), the words from “committed” to “21 years old”.
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1980 c. 62.	Criminal Justice (Scotland) Act 1980.	In section 80, subsection (5); in subsection (7), paragraph (d) and the word “; or” immediately preceding that paragraph; and subsection (8).
1981 c. 47.	Criminal Attempts Act 1981.	F4
1982 c. 48.	Criminal Justice Act 1982.	F4 Section 12(6), (7) and, in subsection (11), paragraph (b) and the word “and”. Section 67(5). In Schedule 14, paragraph 8.
S.I. 1982/1536 (N.I. 19).	Homosexual Offences (Northern Ireland) Order 1982.	In Article 3, in paragraph (1), the words “and Article 5 (merchant seamen)” and paragraph (4). Article 5.
1984 c. 39.	Video Recordings Act 1984.	In section 1, in subsection (2) (a), the word “or” and in subsection (3), the word “or” where it occurs first. In section 17(1), the words from “within” to “warrant”.
1984 c. 60.	Police and Criminal Evidence Act 1984.	Section 37(1)(b), together with the word “or” preceding it. Section 47(5). In section 62(10), the words following “proper”. In section 118(1), the definition of “intimate search”.
1985 c. 23.	Prosecution of Offences Act 1985.	In Schedule 1, paragraph 1.

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1986 c. 64.	Public Order Act 1986.	Section 39. In section 42(2), “39”.
1987 c. 38.	Criminal Justice Act 1987.	F4
1988 c. 33.	Criminal Justice Act 1988.	In section 25(1)(a)(ii), the word “or”. Section 32A(10). In section 34(2), the words from “in relation to” to the end. Section 126. In section 160, in subsection (1), the words from “(meaning” to “16)” and subsection (5).
1988 c. 34.	Legal Aid Act 1988.	F4 ... F4 ... F4 ...
S.I. 1988/1987 (N.I.20).	Criminal Evidence (Northern Ireland) Order 1988.	In Article 4, in paragraph (1) (b) the words “be called upon to” and paragraphs (9) and (10).
1989 c. 45.	Prisons (Scotland) Act 1989.	Section 33.
1989 c. 41.	Children Act 1989.	In Schedule 5, paragraph 7(2) (f). In Schedule 6, paragraph 10(2)(j).
1990 c. 42.	Broadcasting Act 1990.	In Schedule 20, in paragraph 3(2), the words “and 49”.
1991 c. 13.	War Crimes Act 1991.	F4
1991 c. 24.	Northern Ireland (Emergency Provisions) Act 1991.	In Schedule 7, paragraph 5(3) (c).
1991 c. 53.	Criminal Justice Act 1991.	In section 3(2), the words from the beginning to “indictment,”. In section 3(4), the words from “which is” to “applies”. Section 50(4). Section 52(2). Section 57(4)(b), together with the word “and” preceding it. Section 64.

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S.I. 1992/1829.	Parole Board (Transfer of Functions) Order 1992.	In Article 3, the words from “and 39” to “licence)” and the words “and (4)”.
1993 c. 24.	Video Recordings Act 1993.	Section 3.
1993 c. 36.	Criminal Justice Act 1993.	Section 67(2).

Textual Amendments

- F4** Entries in Sch. 11 repealed (*retrospective* to 3.11.1994) by 1996 c. 25, s. 44, 80, **Sch. 5 para. 1** (with 78(1))
- F5** By 1999 c. 23, ss. 67, 68(3), **Sch. 4 paras. 21, 24** it is provided (*prosp.*) that the entry relating to s. 57(4) of the 1969 Act shall be treated as, and as always having been, an entry relating to s. 57(4) of the Children and Young Persons Act 1963

Note: The repeals that are to come into force on the passing of this Act are the following, namely, the repeals in the Sexual Offences Act 1967, the Caravan Sites Act 1968, the Sexual Offences (Amendment) Act 1976, the Public Order Act 1986, the Criminal Justice (Scotland) Act 1980 and the Homosexual Offences (Northern Ireland) Order 1982.

Status:

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