



# Deregulation and Contracting Out Act 1994

## 1994 CHAPTER 40

### PART I

#### DEREGULATION

### CHAPTER I

#### GENERAL

#### *Removal or reduction of burdens*

## **2 Limitations on the power under section 1.**

[<sup>F1</sup>(1) If an order under section 1 above creates a new criminal offence, then, subject to subsections (2) and (3) below, that offence shall not be punishable—

- (a) on indictment with imprisonment for a term of more than two years; or
- (b) on summary conviction with imprisonment for a term exceeding six months or a fine exceeding level 5 on the standard scale or both.

(2) In the case of an offence which, if committed by an adult, is triable either on indictment or summarily and is not an offence triable on indictment only by virtue of—

- (a) Part V of <sup>M1</sup> the Criminal Justice Act 1988, or
  - <sup>F2</sup>[(b) section 292(6) and (7) of the Criminal Procedure (Scotland) Act 1995,]
- the reference in subsection (1)(b) above to level 5 on the standard scale shall be construed as a reference to the statutory maximum.

(3) If an order under section 1 above abolishes an offence contained in the relevant enactment and the maximum penalties for that offence are greater than those specified in subsection (1) above, the order may create a new criminal offence having maximum penalties not exceeding those applicable to the offence which is abolished.

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**Changes to legislation:** There are currently no known outstanding effects for the Deregulation and Contracting Out Act 1994, Section 2. (See end of Document for details)

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- (4) An order under section 1 above shall not contain any provision—
- (a) providing for any forcible entry, search or seizure, or
  - (b) compelling the giving of evidence,
- unless, and then only to the extent that, a provision to that effect is contained in the relevant enactment and is abolished by the order.]

#### Textual Amendments

- F1** Ss. 1-5 repealed (S.) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(3)(7)(7), [Sch. 7 para. 1\(2\)](#) (with [Sch. 7 para. 1\(4\)](#)); S.S.I. 2010/221, art. 3(2)
- F2** S. 2(2)(b) substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), [Sch. 4 para. 96](#)

#### Marginal Citations

- M1** [1988 c.33](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Deregulation and Contracting Out Act 1994, Section 2.