



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 1

#### PROVISIONS FOR COMBATTING CRIME AND DISORDER

### CHAPTER 1

#### ON THE SPOT PENALTIES FOR DISORDERLY BEHAVIOUR

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

- C1** Pt. 1 Ch. 1 extended (15.11.2003) by [Police Reform Act 2002 \(c. 30\)](#), ss. 38, 108, **Sch. 4 para. 1(2)(a)**; [S.I. 2003/2593](#), **art. 2(d)**
- C2** Pt. 1 Ch. 1 modified (26.12.2004) by [The Penalties for Disorderly Behaviour \(Amendment of Minimum Age\) Order 2004 \(S.I. 2004/3166\)](#), **art. 6**

#### *Offences to which this Chapter applies*

### 1 Offences leading to penalties on the spot

- (1) For the purposes of this Chapter “penalty offence” means an offence committed under any of the provisions mentioned in the first column of the following Table and described, in general terms, in the second column:

<i>Offence creating provision</i>	<i>Description of offence</i>
Section 12 of the Licensing Act 1872 (c.94)	Being drunk in a highway, other public place or licensed premises
Section 80 of the Explosives Act 1875 (c.17)	Throwing fireworks in a thoroughfare

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...	...
[ <sup>F2</sup> Section 2(1) of the Parks Regulation (Amendment) Act 1926 so far as it creates an offence against the Parks Regulation Act 1872 relating to any of the following provisions of the Royal Parks and Other Open Spaces Regulations 1997 ( <a href="#">S.I. 1997/1639</a> )—	Failing to comply with, or contravening, those Regulations by—
(a) regulation 3(3)	dropping or leaving litter or refuse except in a receptacle provided for the purpose
(b) regulation 3(4)	using a pedal cycle, a roller blade etc except on a Park road or in a designated area
(c) regulation 3(6)	failing to remove immediately any faeces deposited by an animal of which that person is in charge]
Section 55 of the British Transport Commission Act 1949 (c.xxix)	Trespassing on a railway
Section 56 of the British Transport Commission Act 1949 (c.xxix)	Throwing stones etc. at trains or other things on railways
[ <sup>F3</sup> Section 169A of the Licensing Act 1964 (c. 26)	Sale of alcohol to a person under 18]
[ <sup>F4</sup> Section 169C(1) of the Licensing Act 1964 (c. 26)	Buying or attempting to buy alcohol by a person under 18]
Section [ <sup>F5</sup> 169C(2) <sup>F6</sup>	Buying or attempting to buy alcohol for <sup>F7</sup>
... ] of the Licensing Act 1964 (c.26)	... a person under 18
[ <sup>F8</sup> Section 169E of the Licensing Act 1964 (c. 26)	Consumption of alcohol by a person under 18 or allowing such consumption]
[ <sup>F9</sup> Section 169F of the Licensing Act 1964 (c. 26)	Delivery of alcohol to a person under 18 or allowing such delivery]
[ <sup>F10</sup> Section 172(3) of the Licensing Act 1964 (c. 26)	Selling alcohol to a drunken person]
Section 91 of the Criminal Justice Act 1967 (c.80)	Disorderly behaviour while drunk in a public place
Section 5(2) of the Criminal Law Act 1967 (c.58)	Wasting police time or giving false report

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[ <sup>F11</sup> Section 1 of the Theft Act 1968 (c. 60)	Theft]
[ <sup>F12</sup> Section 1(1) of the Criminal Damage Act 1971 (c. 48)	Destroying or damaging property]
[ <sup>F13</sup> Section 5(2) of the Misuse of Drugs Act 1971 so far as relating to the following- (a) cannabinol, (b) cannabinol derivatives (within the meaning of Part 4 of Schedule 2 to that Act), (c) cannabis or cannabis resin (within the meaning of that Act), (d) any stereoisomeric form of a substance specified in any of paragraphs (a) to (c), (e) any ester or ether of a substance specified in paragraph (a) or (b), (f) any salt of a substance specified in paragraphs (a) to (e), (g) any preparation or other product containing a substance or product specified in any of paragraphs (a) to (f), not being a preparation falling within paragraph 6 of Part 1 of Schedule 2 to that Act.	Possession of cannabis etc]
[ <sup>F14</sup> Section 5(2) of the Misuse of Drugs Act 1971 so far as relating to the following— (a) khat (within the meaning given by Part 4 of Schedule 2 to that Act), or (b) any preparation or other product containing khat.	Possession of khat or any preparation or other product containing khat]
[ <sup>F15</sup> Section 43(1)(b) of the Telecommunications Act 1984 (c.12)]	[ <sup>F15</sup> Using public telecommunications system for sending message known to be false in order to cause annoyance]
[ <sup>F16</sup> Section 5 of the Public Order Act 1986 (c.64)	Behaviour likely to cause harassment, alarm or distress]
[ <sup>F17</sup> Section 87 of the Environmental Protection Act 1990 (c. 43)	Depositing and leaving litter]
Section 12 of this Act	Consumption of alcohol in designated public place
[ <sup>F18</sup> Section 127(2) of the Communications Act 2003	Using public electronic communications network in order to cause annoyance, inconvenience or needless anxiety]
[ <sup>F19</sup> Section 11 of the Fireworks Act 2003 (c. 22)	Contravention of a prohibition or failure to comply with a requirement imposed

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|  | by or under fireworks regulations or making false statements]                            |
| [ <sup>F20</sup> Section 49 of the Fire and Rescue Services Act 2004 (c. 21) | Knowingly giving a false alarm of fire]  |
| [ <sup>F21</sup> Section 149(4) of the Licensing Act 2003                    | Buying or attempting to buy alcohol for consumption on licensed premises, etc. by child] |
- 
- (2) The Secretary of State may by order amend an entry in the Table or add or remove an entry.
- (3) An order under subsection (2) may make such amendment of any provision of this Chapter as the Secretary of State considers appropriate in consequence of any change in the Table made by the order.

<sup>F22</sup>(4) .....

<sup>F22</sup>(5) .....

#### Textual Amendments

- F1** S. 1(1) table: entry repealed (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), ss. 53, 54, [Sch. 1 para. 97\(2\)](#), [Sch. 2](#); S.I. 2004/2304, [art. 2](#) (subject to [art. 3](#)); S.I. 2004/2917, [art. 2](#)
- F2** Words in s. 1(1) table inserted (1.7.2012) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2012 \(S.I. 2012/1430\)](#), arts. 1(2), [2](#)
- F3** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(2\)](#)
- F4** S. 1(1) table: entry inserted (4.4.2005) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2005 \(S.I. 2005/1090\)](#), [art. 2\(2\)](#)
- F5** S. 1(1) table: words in entry substituted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(3\)\(a\)](#)
- F6** S. 1(1) table: entry relating to s. 169C(3) of [Licensing Act 1964](#) repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 199, 201, [Sch. 7](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)
- F7** S. 1(1) table: words in entry omitted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(3\)\(b\)](#)
- F8** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(4\)](#)
- F9** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(4\)](#)
- F10** S. 1(1) table: entry inserted (4.4.2005) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2005 \(S.I. 2005/1090\)](#), [art. 2\(3\)](#)
- F11** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(5\)](#)
- F12** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(5\)](#)
- F13** Words in s. 1(1) inserted (28.1.2009) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2009 \(S.I. 2009/110\)](#), arts. 1(2), [2](#)
- F14** Words in s. 1(1) table inserted (24.6.2014) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2014 \(S.I. 2014/1365\)](#), arts. 1(2), [2](#)

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- F15** S. 1(1) table: entry repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, **Sch. 19(1)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F16** S. 1(1) table: entry inserted (22.7.2002) by The Criminal Justice and Police Act 2001 (Amendment) Order 2002 (S.I. 2002/1934), **art. 2**
- F17** S. 1(1) table: entry inserted (1.11.2004) by The Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004 (S.I. 2004/2540), arts. 1(4), **2(6)**
- F18** S. 1(1) table: entry in table inserted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 169** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F19** S. 1(1) table: entry inserted (11.10.2004) by The Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004 (S.I. 2004/2540), arts. 1(3), **2(7)**
- F20** S. 1(1) table: entry added (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, Sch. 1 para. 97(3); S.I. 2004/2304, **art. 2** (subject to art. 3); S.I. 2004/2917, **art. 2**
- F21** S. 1(1) table: entry inserted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, **Sch. 6 para. 120** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**
- F22** S. 1(4)(5) omitted (8.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 23 para. 2**; S.I. 2013/453, art. 4(e)

#### Commencement Information

- II** S. 1 wholly in force at 12.8.2002; s. 1 not in force at Royal Assent see s. 138; s. 1 in force for certain purposes at 1.3.2002 by S.I. 2002/344, **art. 2**; s. 1 in force at 12.8.2002 in so far as not already in force by S.I. 2002/2050, **art. 2**

### Penalty notices and penalties

## 2 Penalty notices

- (1) A constable who has reason to believe that a person aged [<sup>F23</sup>18] or over has committed a penalty offence may give him a penalty notice in respect of the offence.
- [<sup>F24</sup>(1A) If the offence mentioned in subsection (1) is a relevant penalty offence, the constable may give the person a penalty notice with an education option.]
- <sup>F25</sup>(2) .....
- <sup>F26</sup>(3) .....
- (4) In this Chapter [<sup>F27</sup>—
- “approved educational course” means an educational course run as part of an educational course scheme established by—
- in the case of a notice given by a constable of the British Transport Police Force, the Chief Constable of that force, and
  - in any other case, the chief officer of police for the area in which the notice is given;
- “educational course scheme” means a scheme established by a chief officer of police under section 2A;]

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“penalty notice” means a notice offering the opportunity, by paying a penalty in accordance with this Chapter, to discharge any liability to be convicted of the offence to which the notice relates [<sup>F28</sup>;

“penalty notice with an education option” means a penalty notice that also offers the opportunity to discharge any liability to be convicted of the offence to which the notice relates by—

- (a) completing an approved educational course, and
- (b) paying the course fee;]

[<sup>F29</sup>(4A) In this section, “relevant penalty offence” means a penalty offence in relation to which there is an approved educational course.

(4B) The Secretary of State may by regulations make provision about the revocation of penalty notices.]

<sup>F30</sup>(5) .....

<sup>F31</sup>(6) .....

<sup>F31</sup>(7) .....

<sup>F31</sup>(8) .....

<sup>F31</sup>(9) .....

#### Textual Amendments

- F23** Word in s. 2(1) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(2\)](#); S.I. 2013/453, art. 4(e)
- F24** S. 2(1A) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(3\)](#); S.I. 2013/453, art. 4(e)
- F25** S. 2(2) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(4\)](#); S.I. 2013/453, art. 4(e)
- F26** S. 2(3) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(5\)](#); S.I. 2013/453, art. 4(e)
- F27** Words in s. 2(4) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(6\)\(a\)](#); S.I. 2013/453, art. 4(e)
- F28** Words in s. 2(4) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(6\)\(b\)](#); S.I. 2013/453, art. 4(e)
- F29** S. 2(4A)(4B) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(7\)](#); S.I. 2013/453, art. 4(e)
- F30** S. 2(5) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(8\)](#); S.I. 2013/453, art. 4(e)
- F31** S. 2(6)-(9) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 3\(9\)](#); S.I. 2013/453, art. 4(e)

#### [<sup>F32</sup>2A Educational course schemes

- (1) A chief officer of police may establish an educational course scheme under this section in relation to one or more kinds of penalty offence committed in the chief officer's area.
- (2) An educational course scheme must include arrangements—

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- (a) for educational courses relating to the penalty offences to which the scheme relates to be provided to persons who are given penalty notices with an education option, and
  - (b) for a course fee set by the chief officer of police—
    - (i) to be paid by a person who attends an educational course, and
    - (ii) to be refunded in such circumstances (if any) as the chief officer considers appropriate.
- (3) The purpose of an educational course mentioned in subsection (2) must be to reduce the likelihood of those who take the course committing the penalty offence, or penalty offences, to which the course relates.
- (4) An educational course may be provided by any person who, and have any content that, the chief officer of police considers appropriate given its purpose.
- (5) The Secretary of State may by regulations—
  - (a) provide that the fee mentioned in subsection (2)(b) may not be—
    - (i) less than an amount specified in the regulations, or
    - (ii) more than an amount so specified;
  - (b) make provision for and in connection with the disclosure, for the purpose of running an educational course scheme, of relevant personal information between—
    - (i) a person who is involved in the provision of an educational course under the scheme,
    - (ii) the chief officer of police who established the scheme, and
    - (iii) any other person specified or described in the regulations;
  - (c) make provision about the use of relevant personal information for that purpose;
  - (d) place restrictions on the disclosure or use of relevant personal information.
- (6) In subsection (5) “relevant personal information” means any information that relates to, and identifies, a person who has been given a penalty notice with an education option.
- (7) In this section's application in relation to the Chief Constable of the British Transport Police Force, subsection (1) has effect as if the reference to one or more kinds of penalty offence committed in a chief officer of police's area were a reference to one or more kinds of penalty offence—
  - (a) committed at, or in relation to, any of the places mentioned in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 (places where a constable of the British Transport Police Force has the powers of a constable), or
  - (b) otherwise relating to a railway.
- (8) In subsection (7) “railway” means—
  - (a) a railway within the meaning given by section 67(1) of the Transport and Works Act 1992 (interpretation), or
  - (b) a tramway within the meaning given by that section.]

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#### Textual Amendments

**F32** S. 2A inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 4](#); S.I. 2013/453, art. 4(e)

### 3 Amount of penalty and form of penalty notice

(1) The penalty payable in respect of a penalty offence is such amount as the Secretary of State may specify by order.

<sup>F33</sup>(1A) . . . . .

(2) But the Secretary of State may not specify an amount which is more than a quarter of the amount of the maximum fine for which a person is liable on [<sup>F34</sup>summary] conviction of the offence [<sup>F35</sup>plus a half of the relevant surcharge].

[<sup>F36</sup>(2A) The “relevant surcharge”, in relation to a person of a given age, is the amount payable by way of surcharge under [<sup>F37</sup>section 42 of the Sentencing Code] by a person of that age who is fined the maximum amount for the offence.]

(3) A penalty notice must—

- <sup>F38</sup>(a) . . . . .
- (b) state the alleged offence;
- (c) give such particulars of the circumstances alleged to constitute the offence as are necessary to provide reasonable information about it;
- (d) specify the suspended enforcement period (as to which see section 5) and explain its effect;
- (e) state the amount of the penalty;
- (f) state the [<sup>F39</sup>designated officer for a local justice area] to whom, and the address at which, the penalty may be paid; and
- (g) inform the person to whom it is given of his right to ask to be tried for the alleged offence and explain how that right may be exercised.

[<sup>F40</sup>(3A) The Secretary of State may by regulations require information in addition to that mentioned in subsection (3) to be included in, or to be provided with, a penalty notice with an education option.]

<sup>F41</sup>(4) . . . . .

<sup>F42</sup>(5) . . . . .

<sup>F42</sup>(6) . . . . .

#### Textual Amendments

**F33** S. 3(1A) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 5\(2\)](#); S.I. 2013/453, art. 4(e)

**F34** Word in s. 3(2) inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), 3

**F35** Words in s. 3(2) inserted (1.10.2012) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 15\(2\)](#), 60; S.I. 2012/1697, art. 2

**F36** S. 3(2A) inserted (1.10.2012) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 15\(3\)](#), 60; S.I. 2012/1697, art. 2



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- F37** Words in s. 3(2A) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 178** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F38** S. 3(3)(a) omitted (13.1.2010) by virtue of The Legislative Reform (Revocation of Prescribed Form of Penalty Notice for Disorderly Behaviour) Order 2010 (S.I. 2010/64), arts. 1(1), **2(a)**
- F39** Words in s. 3(3)(f) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 397**; S.I. 2005/910, **art. 3**
- F40** S. 3(3A) inserted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 23 para. 5(3)**; S.I. 2013/453, art. 4(e)
- F41** S. 3(4) omitted (13.1.2010) by virtue of The Legislative Reform (Revocation of Prescribed Form of Penalty Notice for Disorderly Behaviour) Order 2010 (S.I. 2010/64), arts. 1(1), **2(b)**
- F42** S. 3(5)(6) omitted (8.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 23 para. 5(4)**; S.I. 2013/453, art. 4(e)

#### 4 Effect of penalty notice

- (1) This section applies if a penalty notice is given to a person (“A”) under section 2.
- (2) If A asks to be tried for the alleged offence, proceedings may be brought against him.
- (3) Such a request must be made by a notice given by A—
  - (a) in the manner specified in the penalty notice; and
  - (b) before the end of the period of suspended enforcement (as to which see section 5).
- (4) A request which is made in accordance with subsection (3) is referred to in this Chapter as a “request to be tried”.
- (5) [<sup>F43</sup>In the case of a penalty notice that is not a penalty notice with an education option, if], by the end of the suspended enforcement period—
  - (a) the penalty has not been paid in accordance with this Chapter, and
  - (b) A has not made a request to be tried,a sum equal to one and a half times the amount of the penalty may be registered under section 8 for enforcement against A as a fine.
- [<sup>F44</sup>(6) In the case of a penalty notice with an education option, a sum equal to one and a half times the amount of the penalty may be registered under section 8 for enforcement against A as a fine if subsection (7) or (8) applies.
- (7) This subsection applies if, by the end of the suspended enforcement period, A does not—
  - (a) ask to attend an approved educational course relating to the offence to which the notice relates,
  - (b) pay the penalty, or
  - (c) request to be tried.
- (8) This subsection applies if—
  - (a) A has asked, by the end of the suspended enforcement period, to attend an approved educational course of the kind mentioned in subsection (7)(a), and
  - (b) A does not, in accordance with regulations made under subsection (9)—
    - (i) pay the course fee,
    - (ii) start such a course, or
    - (iii) complete such a course.

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(9) The Secretary of State may by regulations make provision—

- (a) as to the time by which A is required to do each of the things mentioned in subsection (8)(b)(i) to (iii) (including provision allowing those times to be specified by a chief officer of police for the purposes of an educational course scheme established by that officer);
- (b) allowing A to request an extension of the time to do the things mentioned in subsection (8)(b)(i) to (iii) (including provision as to who should determine such a request and on what basis);
- (c) as to the procedure to be followed in relation to requests for extensions of time (including provision allowing the procedure to be determined by a chief officer of police for the purposes of an educational course scheme established by that officer);
- (d) as to the consequences of a request for an extension of time being granted (including provision specifying circumstances in which a chief officer of police may require a course fee to be paid again in order to avoid a sum being registered for enforcement as a fine under section 8);
- (e) as to the consequences of A failing to attend a course that A has arranged to attend (including provision as to who should determine what those consequences are and on what basis);
- (f) specifying circumstances in which A is, for the purposes of this Chapter, to be regarded as having completed, or having not completed, an approved educational course (including provision as to who should determine whether those circumstances have arisen and how that should be determined).

(10) Regulations made under subsection (9)(b), (e) or (f) may permit a person to delegate the function of making a determination.]

#### Textual Amendments

- F43** Words in s. 4(5) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 23 para. 6(2)**; S.I. 2013/453, art. 4(e)
- F44** S. 4(6)-(10) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 23 para. 6(3)**; S.I. 2013/453, art. 4(e)

## 5 General restriction on proceedings

- (1) Proceedings for the offence to which a penalty notice relates may not be brought [<sup>F45</sup>during] the period of 21 days beginning with the date on which the notice was given (“the suspended enforcement period”).
- (2) If the penalty is paid before the end of the suspended enforcement period, no proceedings may be brought for the offence.
- [<sup>F46</sup>(2A) Proceedings for an offence to which a penalty notice with an education option relates may not be brought against a person who has, by the end of the suspended enforcement period, asked to attend an approved educational course relating to the offence, unless section 4(8) applies.
- (2B) If the person to whom a penalty notice with an education option is given—

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- (a) completes, in accordance with regulations made under section 4(9), an approved educational course relating to the offence to which the notice relates, and
  - (b) pays the course fee in accordance with those regulations,
- no proceedings may be brought for the offence.]
- (3) Subsection (1) does not apply if the person to whom the penalty notice was given has made a request to be tried.

#### Textual Amendments

- F45** Word in s. 5(1) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 7\(2\)](#); S.I. 2013/453, art. 4(e)
- F46** S. 5(2A)(2B) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 7\(3\)](#); S.I. 2013/453, art. 4(e)

## 6 Secretary of State's guidance

The Secretary of State may issue guidance—

- (a) about the exercise of the discretion given to constables by this Chapter;
- (b) about the issuing of penalty notices;
- <sup>F47</sup>(ba) about educational course schemes;]
- (c) with a view to encouraging good practice in connection with the operation of provisions of this Chapter.

#### Textual Amendments

- F47** S. 6(ba) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 8](#); S.I. 2013/453, art. 4(e)

### Procedure

## 7 Payment of penalty

- (1) If a person to whom a penalty notice is given decides to pay the penalty, he must pay it to the <sup>F48</sup>designated officer] specified in the notice.
- (2) Payment of the penalty may be made by properly addressing, pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise).
- (3) Subsection (4) applies if a person—
  - (a) claims to have made payment by that method, and
  - (b) shows that his letter was posted.
- (4) Unless the contrary is proved, payment is to be regarded as made at the time at which the letter would be delivered in the ordinary course of post.
- (5) Subsection (2) is not to be read as preventing the payment of a penalty by other means.
- (6) A letter is properly addressed for the purposes of subsection (2) if it is addressed in accordance with the requirements specified in the penalty notice.

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#### Textual Amendments

**F48** Words in s. 7(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 398](#); [S.I. 2005/910](#), [art. 3](#)

## 8 Registration certificates

- (1) The chief officer of police may, in respect of any registrable sum, issue a certificate (a “registration certificate”) stating that the sum is registrable for enforcement against the defaulter as a fine.
- (2) If that officer issues a registration certificate, he must cause it to be sent to the [<sup>F49</sup>designated officer for the local justice] area in which the defaulter appears to that officer to reside.
- (3) A registration certificate must—
  - (a) give particulars of the offence to which the penalty notice relates, and
  - (b) state the name and last known address of the defaulter and the amount of the registrable sum.
- (4) “Registrable sum” means a sum that may be registered under this section as a result of section 4(5) [<sup>F50</sup>or (6)].
- (5) “Defaulter” means the person against whom that sum may be registered.

#### Textual Amendments

**F49** Words in s. 8(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 399](#); [S.I. 2005/910](#), [art. 3](#)

**F50** Words in s. 8(4) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 9](#); [S.I. 2013/453](#), [art. 4\(e\)](#)

## 9 Registration of sums payable in default

- (1) If the [<sup>F51</sup>designated officer for a local justice] area receives a registration certificate, he must register the registrable sum for enforcement as a fine in that area by entering it in the register of a magistrates’ court acting for that area.
- (2) But if it appears to him that the defaulter does not reside in that area—
  - (a) subsection (1) does not apply to him; but
  - (b) he must cause the certificate to be sent to the person appearing to him to be the [<sup>F52</sup>designated officer for the local justice area in which the defaulter resides] .
- (3) A [<sup>F53</sup>designated officer] registering a sum under this section for enforcement as a fine, must give the defaulter notice of the registration.
- (4) The notice must—
  - (a) specify the amount of the sum registered, and
  - (b) give the information with respect to the offence, and the authority for registration, which was included in the registration certificate under section 8.

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- (5) If a sum is registered in a magistrates' court as a result of this section, any enactment referring (in whatever terms) to a fine imposed, or other sum adjudged to be paid, on conviction by such a court applies as if the registered sum were a fine imposed by that court on the conviction of the defaulter on the date on which the sum was registered.

#### Textual Amendments

- F51** Words in s. 9(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 400\(2\)](#); [S.I. 2005/910](#), [art. 3](#)
- F52** Words in s. 9(2)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 400\(3\)](#); [S.I. 2005/910](#), [art. 3](#)
- F53** Words in s. 9(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 400\(4\)](#); [S.I. 2005/910](#), [art. 3](#)

## 10 Enforcement of fines

- (1) In this section—  
“fine” means a sum which is enforceable as a fine as a result of section 9;  
and  
“proceedings” means proceedings for enforcing a fine.
- (2) Subsection (3) applies if, in any proceedings, the defaulter claims that he was not the person to whom the penalty notice concerned was issued.
- (3) The court may adjourn the proceedings for a period of not more than 28 days for the purpose of allowing that claim to be investigated.
- (4) On the resumption of proceedings that have been adjourned under subsection (3), the court must accept the defaulter's claim unless it is shown, on a balance of probabilities, that he was the recipient of the penalty notice.
- (5) The court may set aside a fine in the interests of justice.
- (6) [<sup>F54</sup>Subject to any regulations made under subsection (7), if] the court does set a fine aside it must—  
(a) give such directions for further consideration of the case as it considers appropriate; or  
(b) direct that no further action is to be taken in respect of the allegation that gave rise to the penalty notice concerned.
- [<sup>F55</sup>(7) The Secretary of State may by regulations make provision as to the directions that the court may, or must, give or the orders it may, or must, make if it sets aside a fine relating to a sum registered under section 8 on the basis that section 4(8) applies.]

#### Textual Amendments

- F54** Words in s. 10(6) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 10\(2\)](#); [S.I. 2013/453](#), [art. 4\(e\)](#)
- F55** S. 10(7) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 10\(3\)](#); [S.I. 2013/453](#), [art. 4\(e\)](#)

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## *<sup>F56</sup>Orders and regulations*

### Textual Amendments

**F56** S. 10A and cross-heading inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 11](#); S.I. 2013/453, art. 4(e)

## 10A Orders and regulations under Chapter 1

- (1) Any power of the Secretary of State to make an order or regulations under this Chapter is exercisable by statutory instrument.
- (2) Any power of the Secretary of State to make an order or regulations under this Chapter includes—
  - (a) power to make different provision for different cases, circumstances or areas, and
  - (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (3) The Secretary of State may not make an order under section 1(2) unless a draft of the statutory instrument containing the order (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (4) A statutory instrument that contains an order or regulations made under this Chapter and is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, both Houses of Parliament, is subject to annulment in pursuance of a resolution of either House of Parliament.]

## *Interpretation*

## 11 Interpretation of Chapter 1

In this Chapter—

- [<sup>F57</sup>“approved educational course” has the meaning given in section 2(4);]
- “chief officer of police” includes the Chief Constable of the British Transport Police;
- “defaulter” has the meaning given in section 8(5);
- [<sup>F58</sup>“educational course scheme” has the meaning given in section 2(4);]
- “penalty notice” has the meaning given in section 2(4);
- [<sup>F59</sup>“penalty notice with an education option” has the meaning given in section 2(4);]
- “penalty offence” has the meaning given in section 1(1);
- “registrable sum” has the meaning given in section 8(4).

### Textual Amendments

- F57** Words in s. 11 inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 12\(2\)](#); S.I. 2013/453, art. 4(e)
- F58** Words in s. 11 inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 12\(3\)](#); S.I. 2013/453, art. 4(e)

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**F59** Words in s. 11 inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 23 para. 12(4)**; S.I. 2013/453, art. 4(e)

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**Changes and effects yet to be applied to :**

- Pt. 1 Ch. 1 omitted by [2022 c. 32 s. 118\(3\)](#)