



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

Penalty notices and penalties

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.

^{F1}(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 [^{F2}summary] conviction of the offence [^{F3}plus a half of the relevant surcharge].

[^{F4}(2A) The “relevant surcharge”, in relation to a person of a given age, is the amount payable by way of surcharge under [^{F5}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—

- ^{F6}(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;

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 3. (See end of Document for details)

- (e) state the amount of the penalty;
- (f) state the [^{F7}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.

[^{F8}(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.]

^{F9}(4)

^{F10}(5)

^{F10}(6)

Textual Amendments

- F1** 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)
- F2** 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**
- F3** 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
- F4** 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
- F5** 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
- F6** 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)**
- F7** 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
- F8** 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)
- F9** 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)**
- F10** 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)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 3.