



# Criminal Law Act 1977

## 1977 CHAPTER 45

### PART IV

#### MISCELLANEOUS PROVISIONS

#### **50 Amendment of Road Traffic Act 1972**

- (1) For sections 1 and 2 of the Road Traffic Act 1972 (causing death by reckless or dangerous driving, and reckless, and dangerous, driving generally) there shall be substituted—

**“1 Causing death by reckless driving.**

A person who causes the death of another person by driving a motor vehicle on a road recklessly shall be guilty of an offence. Reckless driving.

A person who drives a motor vehicle on a road recklessly shall be guilty of an offence.”.

- (2) For section 17 of that Act (reckless, and dangerous, cycling) there shall be substituted—

**“17 Reckless cycling.**

A person who rides a cycle, not being a motor vehicle, on a road recklessly shall be guilty of an offence. In this section ' road ' includes a bridleway.”.

- (3) Nothing in subsection (1) or (2) above or in any related repeal provided for in Schedule 13 to this Act shall apply in relation to an offence committed before the coming into force of that subsection.

#### **51 Bomb hoaxes**

- (1) A person who—

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- (a) places any article in any place whatever ; or
- (b) dispatches any article by post, rail or any other means whatever of sending things from one place to another,

with the intention (in either case) of inducing in some other person a belief that it is likely to explode or ignite and thereby cause personal injury or damage to property is guilty of an offence.

In this subsection "article" includes substance.

- (2) A person who communicates any information which he knows or believes to be false to another person with the intention of inducing in him or any other person a false belief that a bomb or other thing liable to explode or ignite is present in any place or location whatever is guilty of an offence.
- (3) For a person to be guilty of an offence under subsection (1) or (2) above it is not necessary for him to have any particular person in mind as the person in whom he intends to induce the belief mentioned in that subsection.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £1,000, or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding five years.

## **52 Misuse of Drugs Act 1971: redefinition of cannabis**

In section 37(1) (interpretation) of the Misuse of Drugs Act 1971, for the definition of "cannabis" there shall be substituted—

“‘cannabis’ (except in the expression ‘cannabis resin’) means any plant of the genus *Cannabis* or any part of any such plant (by whatever name designated) except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely—

- (a) mature stalk of any such plant,
- (b) fibre produced from mature stalk of any such plant, and
- (c) seed of any such plant;”.

## **53 Amendments of Obscene Publications Act 1959 with respect to cinematograph exhibitions**

- (1) In the proviso to section 1(3) of the Obscene Publications Act 1959 (which excludes from the scope of that Act anything done in the course of a cinematograph exhibition taking place otherwise than in a private house to which the public are not admitted and anything done in the course of television or sound broadcasting) the words from "a cinematograph exhibition" to "in the course of" shall be omitted.
- (2) In section 2 of that Act (prohibition of publication of obscene matter) at the end of subsection (3) there shall be inserted the following subsection:—
 

“(3A) Proceedings for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions in any case where the article in question is a moving picture film of a width of not less than sixteen millimetres and the relevant publication or the only other publication which followed or could reasonably have been expected to follow from the

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relevant publication took place or (as the case may be) was to take place in the course of a cinematograph exhibition; and in this subsection " the relevant publication " means—

- (a) in the case of any proceedings under this section for publishing an obscene article, the publication in respect of which the defendant would be charged if the proceedings were brought; and
- (b) in the case of any proceedings under this section for having an obscene article for publication for gain, the publication which, if the proceedings were brought, the defendant would be alleged to have had in contemplation.”

(3) In section 2 of that Act after subsection (4) there shall be inserted the following subsection:—

“(4A) Without prejudice to subsection (4) above, a person shall not be proceeded against for an offence at common law—

- (a) in respect of a cinematograph exhibition or anything said or done in the course of a cinematograph exhibition, where it is of the essence of the common law offence that the exhibition or, as the case may be, what was said or done was obscene, indecent, offensive, disgusting or injurious to morality; or
- (b) in respect of an agreement to give a cinematograph exhibition or to cause anything to be said or done in the course of such an exhibition where the common law offence consists of conspiring to corrupt public morals or to do any act contrary to public morals or decency.”

(4) At the end of section 2 of that Act there shall be added the following subsection:—

“(7) In this section " cinematograph exhibition " means an exhibition of moving pictures produced on a screen by means which include the projection of light.”

(5) In section 3 of that Act (which among other things makes provision for the forfeiture of obscene articles kept for publication for gain) at the beginning of subsection (3) there shall be inserted the words " Subject to subsection (3A) of this section " and at the end of that subsection there shall be inserted the following subsection:—

“(3A) Without prejudice to the duty of a court to make an order for the forfeiture of an article where section 1(4) of the Obscene Publications Act 1964 applies (orders made on conviction), in a case where by virtue of subsection (3A) of section 2 of this Act proceedings under the said section 2 for having an article for publication for gain could not be instituted except by or with the consent of the Director of Public Prosecutions, no order for the forfeiture of the article shall be made under this section unless the warrant under which the article was seized was issued on an information laid by or on behalf of the Director of Public Prosecutions.”

(6) In section 4 of that Act (defence of public good) at the beginning of subsection (1) there shall be inserted the words " Subject to subsection (1A) of this section " and at the end of that subsection there shall be inserted the following subsection :—

“(1A) Subsection (1) of this section shall not apply where the article in question is a moving picture film or soundtrack, but—

- (a) a person shall not be convicted of an offence against section 2 of this Act in relation to any such film or soundtrack, and

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(b) an order for forfeiture of any such film or soundtrack shall not be made under section 3 of this Act,

if it is proved that publication of the film or soundtrack is justified as being for the public good on the ground that it is in the interests of drama, opera, ballet or any other art, or of literature or learning.”

(7) At the end of section 4 of that Act there shall be added the following subsection:—

“(3) In this section " moving picture soundtrack " means any sound record designed for playing with a moving picture film, whether incorporated with the film or not.”

#### **54 Inciting girl under sixteen to have incestuous sexual intercourse**

(1) It is an offence for a man to incite to have sexual intercourse with him a girl under the age of sixteen whom he knows to be his grand-daughter, daughter or sister.

(2) In the preceding subsection " man " includes boy, " sister " includes half-sister, and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

(3) The following provisions of section 1 of the Indecency with Children Act 1960, namely—

subsection (2) (competence of spouse of accused to give evidence);

subsection (3) (references in Children and Young Persons Act 1933 to the offences mentioned in Schedule 1 to that Act to include offences under that section);

subsection (4) (offences under that section to be deemed offences against the person for the purpose of section 3 of the Visiting Forces Act 1952),

shall apply in relation to offences under this section.

(4) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years.

#### **55 Amendment of Rabies Act 1974 and Diseases of Animals (N.I.) Order 1975**

(1) The Rabies Act 1974 shall be amended as provided in subsections (2) and (3) below.

(2) After section 5 there shall be inserted the following sections:—

##### **“5A Powers of arrest.**

(1) Without prejudice to the powers of arrest conferred by section 71 of the principal Act or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this section applies.

(2) The offences to which this section applies are offences against the principal Act consisting of—

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- (a) the landing or attempted landing of any animal in contravention of an order made under that Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain; or
  - (b) the failure by the person having the charge or control of any vessel, boat or hovercraft to discharge any obligation imposed on him in that capacity by such an order; or
  - (c) the movement, in contravention of an order under section 10 or 11 of that Act, of any animal into, within or out of a place or area declared to be infected with rabies.
- (3) Section 73(1) of the principal Act (inspectors to have powers of constables) shall not have effect in relation to the powers conferred by this or the following section.

#### **5B Powers of entry and search.**

- (1) For the purpose of arresting a person under the power conferred by section 5A above a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.
  - (2) For the purpose of exercising any power to seize an animal or cause an animal to be seized which is conferred on constables by an order made under the principal Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain, a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.”.
- (3) After section 6 there shall be inserted the following section:—

#### **“6A Increase of fines for rabies offences.**

- (1) An order made under the principal Act and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Great Britain may direct that paragraph (a) of section 79(1) of that Act (punishment for offences) shall have effect in relation to any summary offence against that Act the existence of which is attributable to the provisions of that order as if for the words ' £400' (which were substituted by section 105(5)(a) of the Agriculture Act 1970) there were substituted the words ' £1,000 '.
  - (2) The said paragraph (a) shall have effect as aforesaid in relation to any summary offence the existence of which is attributable to the provisions of either of the following orders made under the principal Act, namely the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 and the Rabies (Control) Order 1974.”.
- (4) The Diseases of Animals (Northern Ireland) Order 1975 shall be amended as follows.
- (5) After Article 7 there shall be inserted the following Articles:—

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*“Powers of arrest*

- 7A (1) Without prejudice to the powers of arrest conferred by section 39 of the principal Act or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this Article applies.
- (2) The offences to which this Article applies are offences against the principal Act consisting of—
- (a) the landing or attempted landing of any animal in contravention of an order made under that Act and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland; or
  - (b) the failure by the person having the charge or control of any vessel, boat or hovercraft to discharge any obligation imposed on him in that capacity by such an order; or
  - (c) the movement, in contravention of an order under section 7 or 8 of that Act, of any animal into, within or out of a place or area declared to be infected with rabies.
- (3) Section 41(1) of the principal Act (inspectors to have powers of constables) shall not have effect in relation to the powers conferred by this or the following Article.

*Powers of entry and search*

- 7B (1) For the purpose of arresting a person under the power conferred by Article 7A a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.
- (2) For the purpose of exercising any power to seize an animal or cause an animal to be seized which is conferred on constables by an order made under the principal Act and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland, a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.”
- (6) After Article 8 there shall be inserted the following Article:—

*“Increase of fines for rabies offences*

- 8A (1) An order made under the principal Act and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland may direct that paragraph (a) of section 46(1) of that Act (punishment for offences) shall have effect in relation to any summary offence against that Act the existence of which is attributable to the provisions of that order as if, for the words ' £500 ' (which were substituted by Article 10(1) (a) of the Diseases of Animals (Northern Ireland) Order 1975) there were substituted the words '£1,000 '.
- (2) The said paragraph (a) shall have effect as aforesaid in relation to any summary offence the existence of which is attributable to the provisions of

any order made under the principal Act before the coming into operation of section 55(6) of the Criminal Law Act 1977 and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland.”.

## **56 Coroners' inquests**

- (1) At a coroner's inquest touching the death of a person who came by his death by murder, manslaughter or infanticide, the purpose of the proceedings shall not include the finding of any person guilty of the murder, manslaughter or infanticide; and accordingly a coroner's inquisition shall in no case charge a person with any of those offences.
- (2) Without prejudice to the power of a coroner under subsection (2) of section 13 of the Coroners (Amendment) Act 1926 to summon a jury if it appears to him that there is any reason for doing so in a case in which he is not required by that subsection to do so, paragraphs (a) and (d) of that subsection (which require him to do so if it appears to him that the deceased came by his death by murder, manslaughter or infanticide, or that the death was caused by an accident arising out of the use of a vehicle in a street or public highway) shall cease to have effect.
- (3) The section set out in Schedule 10 to this Act shall be substituted for section 20 of the Coroners (Amendment) Act 1926 (which provides for the adjournment of inquests in cases of murder, manslaughter or infanticide, of causing death by reckless driving, or of aiding, abetting, counselling or procuring suicide).
- (4) The City of London Fire Inquests Act 1888 (which makes provision as to the functions and proceedings of the coroner for the City of London with regard to inquests upon fires within the City) shall cease to have effect.

## **57 Probation and conditional discharge: power to vary statutory minimum or maximum period**

- (1) In section 2 of the Powers of Criminal Courts Act 1973 (probation) there shall be added after subsection (8) the following subsections—
  - “(9) The Secretary of State may by order direct that subsection (1) above shall be amended by substituting, for the minimum or maximum period specified in that subsection as originally enacted or as previously amended under this subsection, such period as may be specified in the order.
  - (10) An order under subsection (9) above may make in paragraph 3(2)(a) of Schedule 1 to this Act any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.”.
- (2) In section 7 of the said Act of 1973 (absolute and conditional discharge) there shall be added after subsection (4) the following subsection—
  - “(5) The Secretary of State may by order direct that subsection (1) above shall be amended by substituting, for the maximum period specified in that subsection as originally enacted or as previously amended under this subsection, such period as may be specified in the order.”.
- (3) In subsections (3) and (4) of section 54 of the said Act of 1973 (which require certain orders under that Act to be approved by a resolution of each House of Parliament, and

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provide for their revocation), before the word "14 ", wherever it occurs, there shall be inserted the words " 2 or 7 or ".

## **58 Proceedings involving persons under 17: increase of certain pecuniary limits**

- (1) In section 8(3) of the Criminal Justice Act 1961 (under which the maximum fine that may be imposed on a young person tried summarily is £50) for the words " fifty pounds ", in both places where they occur, there shall be substituted the words " £200 ".
- (2) In section 2(13) of the Children and Young Persons Act 1969 (by virtue of which the maximum amount for which the parent or guardian of a child or young person can be required by an order under section 1 of that Act to enter into a recognisance to take proper care of and exercise proper control over him is £50), for the words " fifty pounds " there shall be substituted the words " £200 ".
- (3) In section 3(7) of the said Act of 1969 (under which the maximum amount for which a young person can in care proceedings be required by an order under that subsection to enter into a recognisance to keep the peace or to be of good behaviour is £25), for the words " twenty-five pounds" there shall be substituted the words " £50 ".
- (4) In subsection (3) of section 6 of the said Act of 1969 (under which the maximum fine which can be imposed on a young person tried summarily for an indictable offence in pursuance of subsection (1) of that section is £50), for the words "fifty pounds" there shall be substituted the words " £200 ".
- (5) In section 15(4) of the said Act of 1969 (powers of a magistrates' court other than a juvenile court in respect of failure by the supervised person to comply with certain requirements of a supervision order, if that person has attained the age of eighteen)—
  - (a) in paragraph (a) (under which, if the court does not discharge the supervision order, the maximum fine which it can impose on the supervised person is £20), for the words " twenty pounds " there shall be substituted the words " £50 "; and
  - (b) for the words " four hundred pounds " (which specify the maximum fine which the court can impose if it discharges the supervision order in a case where the offence in consequence of which the order was made is of a kind which the court has no power to try or has no power to try without appropriate consents) there shall be substituted the words " £1,000 ".
- (6) In relation to a person under the age of fourteen section 8(3) of the Criminal Justice Act 1961 and section 6(3) of the Children and Young Persons Act 1969 shall have effect as if for the words " £200 ", wherever they occur by virtue of subsection (1) or (4) above, there were substituted the words " £50 " ; but this subsection shall cease to have effect on the coming into force of section 4 of the said Act of 1969 (which prohibits criminal proceedings against children).

## **59 Alteration of maximum periods of imprisonment in default of payment of fines etc.**

For the Table in paragraph 1 of Schedule 3 to the Magistrates' Courts Act 1952 (maximum periods of imprisonment in default of payment of fines etc.) there shall be substituted the following Table:—



“TABLE

An amount not exceeding £25	7 days
An amount exceeding £25 but not exceeding £50	14 days
An amount exceeding £50 but not exceeding £200	30 days
An amount exceeding £200 but not exceeding £500	60 days
An amount exceeding £500 but not exceeding £1,000	90 days
An amount exceeding £1,000 but not exceeding £2,500	6 months
An amount exceeding £2,500 but not exceeding £5,000	9 months
An amount exceeding £5,000	12 months.”

**60 Increase in maximum amount of compensation which may be ordered by magistrates' court**

- (1) In section 35(5) of the Powers of Criminal Courts Act 1973 (limit of £400 on compensation which can be made payable under a compensation order made by a magistrates' court) for the words "£400" there shall be substituted the words " £1,000 ".
- (2) Subsection (1) above shall not apply in relation to a compensation order made in respect of an offence committed before the coming into force of this section.

**61 Power to alter sums specified in certain provisions**

- (1) If it appears to the Secretary of State that there has been a change in the value of money since the last occasion when the sum or sums specified in a provision mentioned in subsection (2) below were fixed (whether by the coming into force of a provision of this Act or by order under this subsection), the Secretary of State may by order substitute for the sum or sums for the time being specified in that provision such other sum or sums as appear to him justified by the change.
- (2) The said provisions are—
  - (a) section 23(1) above ;
  - (b) the definition of " the prescribed sum " in section 28(7) above;
  - (c) paragraph (a) of section 29 above ;
  - (d) the Table in paragraph 1 of Schedule 3 to the Magistrates' Courts Act 1952 (maximum periods of imprisonment in default of payment of fines etc.)
  - (e) section 35(5) of the Powers of Criminal Courts Act 1973 (limit on compensation which can be made payable under a compensation order made by a magistrates' court).
- (3) Where it appears to the Secretary of State that the difference between a sum to which subsection (4) below applies and the prescribed sum (within the meaning of section 28

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above) has been or would be altered or eliminated by an order made or proposed to be made under subsection (1) above, he may by order amend the enactment specifying the first-mentioned sum so as to substitute for that sum such other sum as appears to him to be justified by a change in the value of money appearing to him to have taken place between—

- (a) the last occasion on which the sum in question was fixed; and
  - (b) the making of the order or proposed order under subsection (1) above.
- (4) This subsection applies to any sum specified in any enactment contained in this Act (except paragraph (a) of section 29) or in any Act passed before, or in the same Session as, this Act as—
- (a) the maximum fine which may be imposed on summary conviction of an offence triable either way; or
  - (b) the maximum fine which, in the exercise of any power by subordinate instrument to impose penal provisions, may be authorised on summary conviction in respect of an offence triable either way.
- (5) An order under subsection (1) or (3) above—
- (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked by a subsequent order thereunder; and
  - (b) without prejudice to Schedule 14 to this Act, shall not affect the punishment for an offence committed before that order comes into force.

## **62 Right to have someone informed when arrested**

Where any person has been arrested and is being held in custody in a police station or other premises, he shall be entitled to have intimation of his arrest and of the place where he is being held sent to one person reasonably named by him, without delay or, where some delay is necessary in the interest of the investigation or prevention of crime or the apprehension of offenders, with no more delay than is so necessary.