



# Criminal Justice Act 1967

## 1967 CHAPTER 80

An Act to amend the law relating to the proceedings of criminal courts, including the law relating to evidence, and to the qualification of jurors, in such proceedings and to appeals in criminal cases; to reform existing methods and provide new methods of dealing with offenders; to make further provision for the treatment of offenders, the management of prisons and other institutions and the arrest of offenders unlawfully at large; to make further provision with respect to legal aid and advice in criminal proceedings; to amend the law relating to firearms and ammunition; to alter the penalties which may be imposed for certain offences; and for connected purposes. [27th July 1967]

### Modifications etc. (not altering text)

**C1** By [Criminal Justice Act 1991 \(c.53, SIF 39:1\)](#), s. 101(1), [Sch. 12 para. 23](#); [S.I. 1991/2208](#), art. 2(1), [Sch.1](#) it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

### Commencement Information

**II** Act not in force at Royal Assent see [s. 106\(5\)](#)

## PART I

### CRIMINAL PROCEDURE, ETC.

#### *Committal proceedings*

#### **1—6. Committal for trial without consideration of the evidence.**

*Status: Point in time view as at 01/02/1991.*

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#### Textual Amendments

- F1** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

### 7 Signature of depositions.

An examining justice who signs a certificate authenticating one or more depositions or statements tendered under [<sup>F2</sup>section 102 of the Magistrates' Courts Act 1980] shall be treated for the purposes of section 13(3)(c) of the <sup>M1</sup>Criminal Justice Act 1925 (requirement that depositions read at the trial must have been signed by an examining justice) as signing that deposition or statement or each of those depositions and statements.

#### Textual Amendments

- F2** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 63](#)

#### Marginal Citations

- M1** 1925 c. 86.

*Miscellaneous provisions as to evidence, procedure and trial*

### 8 Proof of criminal intent.

A court or jury, in determining whether a person has committed an offence,—

- (a) shall not be bound in law to infer that he intended or foresaw a result of his actions by reason only of its being a natural and probable consequence of those actions; but
- (b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inferences from the evidence as appear proper in the circumstances.

### 9 Proof by written statement.

- (1) In any criminal proceedings, other than committal proceedings, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.
- (2) The said conditions are—
  - (a) the statement purports to be signed by the person who made it;
  - (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;

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- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings; and
- (d) none of the other parties or their solicitors, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:

Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

- (3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—
  - (a) if the statement is made by a person under the age of twenty-one, it shall give his age;
  - (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
  - (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.

[<sup>F3</sup>(3A) In the case of a statement which indicates in pursuance of subsection (3)(a) of this section that the person making it has not attained the age of fourteen, subsection (2) (b) of this section shall have effect as if the words from “made” onwards there were substituted the words “understands the importance of telling the truth in it”.]

- (4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—
  - (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and
  - (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.
- (5) An application under paragraph (b) of the last foregoing subsection to a court other than a magistrates’ court may be made before the hearing and on any such application the powers of the court shall be exercisable [<sup>F4</sup>by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone.]
- (6) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.
- (7) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (8) A document required by this section to be served on any person may be served—
  - (a) by delivering it to him or to his solicitor; or

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- (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office; or
- (c) by sending it in a registered letter or by the recorded delivery service addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office; or
- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service addressed to the secretary or clerk of that body at that office.

#### Textual Amendments

- F3** S. 9(3A) inserted (*prosp.*) by Children and Young Persons Act 1969 (c. 54), s. 73(2), **Sch. 5 para. 55**
- F4** Words substituted for s. 9(5)(a)(b) by Courts Act 1971 (c. 23), **Sch. 8 para. 49**

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

- C2** S. 9 excluded by Medicines Act 1968 (c. 67), **Sch. 3 para. 26**; extended with modifications by Army Act 1955 (c. 18), **s. 99A** and Air Force Act 1955 (c. 19), **s. 99A**
- C3** S. 9 extended with modifications by Isle of Man Act 1979 (c. 58, SIF 29:4), **s. 5(3)**
- C4** S. 9 excluded by S.I. 1985/273, reg. 3, **Sch. 2 Pt. VI**, para. 12
- C5** S. 9 modified by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **ss. 79(4), 99(2)(3)(4)**

## 10 Proof by formal admission.

- (1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecutor or defendant, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.
- (2) An admission under this section—
  - (a) may be made before or at the proceedings;
  - (b) if made otherwise than in court, shall be in writing;
  - (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate;
  - (d) if made on behalf of a defendant who is an individual, shall be made by his counsel or solicitor;
  - (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his counsel or solicitor (whether at the time it was made or subsequently) before or at the proceedings in question.
- (3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter (including any appeal or retrial).
- (4) An admission under this section may with the leave of the court be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.

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

- C6** S. 10 applied (with modifications) (1.4.1997) bY S.I. 1997/173, reg. 2, **Sch.**  
S. 10 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), **Sch. 3 Pt. II**  
S. 10 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), **Sch. 3 Pt. II**  
S. 10 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. II**

**11 Notice of alibi.**

- (1) On a trial on indictment the defendant shall not without the leave of the court adduce evidence in support of an alibi unless, before the end of the prescribed period, he gives notice of particulars of the alibi.
- (2) Without prejudice to the foregoing subsection, on any such trial the defendant shall not without the leave of the court call any other person to give such evidence unless—
  - (a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the defendant at the time he gives the notice, any information in his possession which might be of material assistance in finding the witness;
  - (b) if the name or the address is not included in that notice, the court is satisfied that the defendant, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained;
  - (c) if the name or the address is not included in that notice, but the defendant subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness, he forthwith gives notice of the name, address or other information, as the case may be; and
  - (d) if the defendant is notified by or on behalf of the prosecutor that the witness has not been traced by the name or at the address given, he forthwith gives notice of any such information which is then in his possession or, on subsequently receiving any such information, forthwith gives notice of it.
- (3) The court shall not refuse leave under this section if it appears to the court that the defendant was not informed in accordance with rules under [F5section 144 of the Magistrates' Courts Act 1980](rules of procedure for magistrates' courts) of the requirements of this section.
- (4) Any evidence tendered to disprove an alibi may, subject to any directions by the court as to the time it is to be given, be given before or after evidence is given in support of the alibi.
- (5) Any notice purporting to be given under this section on behalf of the defendant by his solicitor shall, unless the contrary is proved, be deemed to be given with the authority of the defendant.
- (6) A notice under subsection (1) of this section shall either be given in court during, or at the end of, the proceedings before the examining justices or be given in writing to the solicitor for the prosecutor, and a notice under paragraph (c) or (d) of subsection (2) of this section shall be given in writing to that solicitor.
- (7) A notice required by this section to be given to the solicitor for the prosecutor may be given by delivering it to him, or by leaving it at his office, or by sending it in a registered letter or by the recorded delivery service addressed to him at his office.

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(8) In this section—

“evidence in support of an alibi” means evidence tending to show that by reason of the presence of the defendant at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission.

“the prescribed period” means the period of seven days from the end of the proceedings before the examining justices [<sup>F6</sup>or, where a notice of transfer has been given under section 4 of the Criminal Justice Act 1987, of the giving of that notice].

(9) In computing the said period a Sunday, Christmas Day, Good Friday, a day which is a bank holiday under the <sup>M2</sup>Bank Holidays Act 1871 in England and Wales or a day appointed for public thanksgiving or mourning shall be disregarded.

#### Textual Amendments

**F5** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 64](#)

**F6** Words added by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, [Sch. 2 para. 2](#)

#### Marginal Citations

**M2** [1871 c. 17.](#)

## 12 Application of sections 9 to 11 to courts-martial.

Without prejudice to section 99(1) of the <sup>M3</sup>Army Act 1955 or of the <sup>M4</sup>Air Force Act 1955 (application to proceedings before courts-martial of civil rules as to the admissibility of evidence) and to any power to make rules or orders for the procedure of, and otherwise for the trial of offences by, courts-martial,—

- [<sup>F7</sup>(a) sections 10 and 11 above shall apply to proceedings before courts-martial under the Army Act 1955 and the Air Force Act 1955, and
- (b) sections 9 to 11 above shall apply to proceedings before courts-martial under the <sup>M5</sup>Naval Discipline Act 1957,]

as they apply to proceedings on indictment subject, however, to such modifications as may be prescribed by regulations made by the Secretary of State, being modifications which appear to him to be necessary or proper for the purpose of the operation of those sections in relation to proceedings before courts-martial.

#### Textual Amendments

**F7** [S. 12\(a\)\(b\)](#) substituted by [Armed Forces Act 1976 \(c. 52\)](#), s. 11, [Sch. 5 para. 3\(b\)](#)

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

**C7** [S. 12](#) modified (4.7.1996 but with application (E.W.) (1.4.1997) and (N.I.) (1.1.1998) as mentioned in [s. 74\(5\)](#) of the amending Act) by [1996 c. 25, ss. 1\(5\), 74\(3\)\(5\)](#) (with [s. 78\(1\)](#)); [S.I. 1997/682 art. 2](#); [S.I. 1997/3108, art. 2](#)

[S. 12](#): power to amend or repeal conferred (4.7.1996) by [1996 c. 25, s. 78\(6\)\(b\)](#) (with [s. 78\(1\)](#))

#### Marginal Citations

**M3** [1955 c. 18.](#)

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- M4 1955 c. 19.
- M5 1957 c. 53.

13 ..... F8

**Textual Amendments**

F8 S. 13 repealed by [Juries Act 1974 \(c. 23\)](#), [Sch. 3](#)

14— ..... F9  
16.

**Textual Amendments**

F9 Ss. 14–16 repealed by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 6 Pt. I](#)

17 **Entry of verdict of not guilty by order of a judge.**

Where a defendant arraigned on an indictment or inquisition pleads not guilty and the prosecutor proposes to offer no evidence against him, the court before which the defendant is arraigned may, if it thinks fit, order that a verdict of not guilty shall be recorded without the defendant being given in charge to a jury, and the verdict shall have the same effect as if the defendant had been tried and acquitted on the verdict of a jury.

18 ..... F10

**Textual Amendments**

F10 Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\)](#), [Sch. 3](#)

19 ..... F11

(2) For the purposes of this section any committal proceedings from which the proceedings on the summary trial arose shall be treated as part of the trial.

**Textual Amendments**

F11 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

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**20 Power of magistrates’ court to commit on bail for sentence.**

Where a magistrates’ court has power to commit an offender to a <sup>F12</sup>Crown Court] under section 5 of the <sup>M6</sup>Vagrancy Act 1824 (incorrigible rogues). . . <sup>F13</sup>, the court may instead of committing him in custody commit him on bail.

**Textual Amendments**

**F12** Words substituted by Courts Act 1971 (c. 23), Sch. 8 para. 48(b)

**F13** Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

**Marginal Citations**

**M6** 1824 c. 83.

**21** ..... <sup>F14</sup>

**Textual Amendments**

**F14** Ss. 18, 21, 23 repealed by Bail Act 1976 (c. 63), Sch. 3

**22 Extension of power of High Court to grant, or vary conditions of, bail.**

<sup>F15</sup>(1) Where <sup>F16</sup>a magistrates’ court] withholds bail in criminal proceedings or imposes conditions in granting bail in criminal proceedings, the High Court may grant bail or vary the conditions.

(2) Where the High Court grants a person bail under this section it may direct him to appear at a time and place which the <sup>F16</sup>magistrates’ court] could have directed and the recognizance of any surety shall be conditioned accordingly.]

(3) Subsections. . . <sup>F17</sup> (4) and (6) of section 37 of the <sup>M7</sup>Criminal Justice Act 1948 (ancillary provisions as to persons <sup>F18</sup>granted] to bail by the High Court under that section and the currency of sentence in the case of persons so admitted) shall apply in relation to the powers conferred by this section and persons <sup>F18</sup>granted] bail in pursuance of those powers as it applies in relation to the powers conferred by that section and persons <sup>F18</sup>granted] bail in pursuance of those powers, except that the said subsection (6) shall not apply in relation to a person <sup>F18</sup>granted] bail pending an appeal from a magistrates’ court to <sup>F19</sup>the Crown Court].

(4) In this section. . . <sup>F20</sup><sup>F21</sup> . . . <sup>F22</sup>“bail in criminal proceedings” and “vary” shall have the same meanings as they have in the <sup>M8</sup>Bail Act 1976.]

(5) The powers conferred on the High Court by this section shall be in substitution for the powers so conferred by paragraphs (a), (b) and (c) of section 37(1) of the <sup>M9</sup>Criminal Justice Act 1948, but except as aforesaid this section shall not prejudice any powers of the High Court to admit or direct the admission of persons to bail.

**Textual Amendments**

**F15** S. 22(1)(2) substituted by Bail Act 1976 (c. 63), Sch. 2 para. 37(2)

**F16** Words substituted by Criminal Law Act 1977 (c. 45), Sch. 12



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- F17** Reference to [Criminal Justice Act 1948 \(c. 58\), s. 37\(3\)](#), repealed by [Bail Act 1976 \(c. 63\), Sch. 3](#)
- F18** Word substituted by [Bail Act 1976 \(c. 63\), Sch. 2 para. 37\(3\)](#)
- F19** Words substituted by [Courts Act 1971 \(c. 23\), Sch. 8 para. 48\(b\)](#)
- F20** Words repealed by [Courts Act 1971 \(c. 23\), Sch. 11 Pt. IV](#) and [Criminal Law Act 1977 \(c. 45\), Sch. 13](#)
- F21** Word repealed by [Courts Act 1971 \(c. 23\), Sch. 11 Pt. IV](#) and [Criminal Law Act 1977 \(c. 45\), Sch. 13](#)
- F22** Words added by [Bail Act 1976 \(c. 63\), Sch. 2 para. 37\(4\)](#)

**Marginal Citations**

- M7** [1948 c. 58.](#)
- M8** [1976 c. 63.](#)
- M9** [1948 c. 58.](#)

**23** ..... **F23**

**Textual Amendments**

- F23** [Ss. 18, 21, 23 repealed by Bail Act 1976 \(c. 63\), Sch. 3](#)

**24** ..... **F24**

**Textual Amendments**

- F24** [Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56\(4\), 94, repealed by Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

**25**     **Restriction on issue of search warrants under Obscene Publications Act 1959.**

A justice of the peace shall not issue a warrant under section 3(1) of the <sup>M10</sup>Obscene Publications Act 1959 (search for and seizure of obscene articles) except on an information laid by or on behalf of the Director of Public Prosecutions or by a constable.

**Marginal Citations**

- M10** [1959 c. 66.](#)

**26** ..... **F25**

**Textual Amendments**

- F25** [Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56\(4\), 94, repealed by Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

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27 ..... F26

**Textual Amendments**  
F26 S. 27 repealed by [Criminal Law Act 1977 \(c. 45\), s. 65\(7\), Sch. 13](#)

28 ..... F27  
30.

**Textual Amendments**  
F27 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

31 (1) ..... F28  
(3) ..... F29

**Textual Amendments**  
F28 S. 31(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\), s. 21, Sch. 2](#)  
F29 Ss. 31(3)–(6), 32(1) repealed by [Courts Act 1971 \(c. 23\), Sch. 11 Pt. III](#)

**32 Amendments of Costs in Criminal Cases Act 1952.**

- (1) ..... F30
- (2) [<sup>F31</sup> . . . <sup>F32</sup> section 33 of the <sup>M11</sup>Courts Martial (Appeals) Act 1968] (payment out of moneys provided by Parliament of expenses of witnesses in connection with appeals to the Courts-Martial Appeal Court). . . <sup>F33</sup> shall apply in relation to a registered medical practitioner making a written report to a court in pursuance of a request to which this subsection applies as [<sup>F34</sup> it applies] in relation to a person called to give evidence at the instance of the court. . . <sup>F33</sup>.
- (3) The last foregoing subsection applies to a request to a registered medical practitioner to make a written or oral report on the medical condition of an offender or defendant, being a request made by a court—
  - (a) for the purpose of determining whether or not to make an order under [<sup>F35</sup> section 3 of the <sup>M12</sup>Powers of Criminal Courts Act 1973] (probation orders requiring treatment for mental condition) or section 60 of the <sup>M13</sup>Mental Health Act 1959 (hospital orders and guardianship orders) or otherwise for the purpose of determining the most suitable method of dealing with an offender; or
  - (b) in exercise of the powers conferred by [<sup>F36</sup> section 30 of the Magistrates' Courts Act 1980] (remand of a defendant for medical examination and requirement of such an examination on committing a defendant for trial on bail).
- (4) ..... F37

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(5) ..... F38

**Textual Amendments**

- F30 Ss. 31(3)–(6), 32(1) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. III**
- F31 Words substituted by Courts Act 1971 (c. 23), **Sch. 6 para. 9**
- F32 Words repealed by Costs in Criminal Cases Act 1973 (c. 14), s. 21, **Sch. 2**
- F33 Words repealed (E.W.) by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5)(6), **Sch. 1 Pt. II para. 6(a)**, Sch. 2
- F34 Words substituted (E.W.) by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5), **Sch. 1 Pt. II para. 6(b)**
- F35 Words substituted by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 5 para. 17**
- F36 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 65**
- F37 S. 32(4) repealed by Costs in Criminal Cases Act 1973 (c. 14), s. 21, **Sch. 2**
- F38 S. 32(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

**Marginal Citations**

- M11 1968 c. 20.
- M12 1973 c. 62.
- M13 1959 c. 72.

**33 Taking and use of finger-prints and palm-prints.**

.....<sup>F39</sup> in section 39 of the <sup>M14</sup>Criminal Justice Act 1948 (proof of previous convictions by finger-print) any reference to finger-prints shall be construed as including a reference to palm-prints.

**Textual Amendments**

- F39 Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

**Marginal Citations**

- M14 1948 c. 58.

**34 Committal of persons under twenty-one accused of extradition crimes, etc.**

Any person under the age of twenty-one who apart from this section would be committed to prison under section 10 of the <sup>M15</sup>Extradition Act 1870 (committal of a person alleged to have committed an extradition crime) or section 5(1)(a) of the <sup>M16</sup>Backing of Warrants (Republic of Ireland) Act 1965 (remand in custody of a person for whose arrest a warrant has or is alleged to have been issued in the Republic of Ireland) shall be committed to an institution to which he could be committed if he were charged with an offence before the court which commits him, and any reference in those provisions to prison shall be construed accordingly.

**Marginal Citations**

- M15 1870 c. 52.
- M16 1965 c. 45.

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35 ..... F40

**Textual Amendments**  
F40 S. 35 repealed by [Criminal Law Act 1977 \(c. 45\), s. 65\(7\)](#), [Sch. 13](#)

**36 Interpretation of Part I.**

(1) In this Part of this Act—

..... F41  
“committal proceedings” means proceedings before a magistrates’ court acting  
as examining justices;

..... F41  
“director”, in relation to a body corporate which is established by or under any  
enactment for the purpose of carrying on under national ownership any industry  
or part of an industry or undertaking and whose affairs are managed by the  
members thereof, means a member of that body.

(2) Expressions used in any provision of this Part of this Act relating to magistrates’ courts  
or proceedings before such courts and also used in [<sup>F42</sup>the Magistrates’ Courts Act  
1980] have the same meanings in any such provision as they have in that Act.

**Textual Amendments**  
F41 Definitions repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)  
F42 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 66](#)

**PART II**

**POWERS OF COURTS TO DEAL WITH OFFENDERS**

37— ..... F43  
42.

**Textual Amendments**  
F43 Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

43 ..... F44

**Textual Amendments**  
F44 S. 43 repealed by [Criminal Law Act 1977 \(c. 45\), s. 65\(7\)](#), [Sch. 13](#)

*Status: Point in time view as at 01/02/1991.*

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*Enforcement of payment of fines, etc.*

44 ..... F45

**Textual Amendments**

**F45** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

44A ..... F46

**Textual Amendments**

**F46** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

45 ..... F47

**Textual Amendments**

**F47** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

46 ..... F48

**Textual Amendments**

**F48** S. 46 repealed by Administration of Justice Act 1970 (c. 31), **Sch. 11**

47 ..... F49

**Textual Amendments**

**F49** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

48 (1) ..... F50

(2) ..... F51

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**Textual Amendments**

- F50** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**
- F51** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

**49** ..... **F52**

**Textual Amendments**

- F52** S. 49 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**

<sup>F54</sup>**50** ..... **F53**

**Textual Amendments**

- F53** Words repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**
- F54** Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

**51** ..... **F55**

**Textual Amendments**

- F55** Ss. 51, 56(8)–(12) repealed by [Road Traffic Act 1972 \(c. 20\)](#), **Sch. 9 Pt. I**

**52, 53.** ..... **F56**

**Textual Amendments**

- F56** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

- 54**
- (1) ..... **F57**
- (4) ..... **F58**
- (5) ..... **F57**
- (6) ..... **F59**
- (7) ..... **F57**
- (8) ..... **F59**

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#### Textual Amendments

- F57** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F58** Ss. 54(4), 56(7), 95(4)(5) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F59** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

55 ..... **F60**

#### Textual Amendments

- F60** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

### Miscellaneous

#### 56 Committal for sentence for offences tried summarily.

[<sup>F61</sup>(1) Where a magistrates' court (“the committing court”) commits a person in custody or on bail to the Crown Court under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of an offence (“the relevant offence”), the committing court—

- (a) if the relevant offence is an [<sup>F62</sup>indictable offence], may also commit him, in custody or on bail as the case may require, to the Crown Court to be dealt with in respect of any other offence whatsoever in respect of which the committing court has power to deal with him (being an offence of which he has been convicted by that or any other court); or
- (b) if the relevant offence is a summary offence, may commit him, as aforesaid, to the Crown Court to be dealt with in respect of—
  - (i) any other offence of which the committing court has convicted him, being either an offence punishable with imprisonment or an offence in respect of which the committing court has a power or duty to order him to be disqualified under [<sup>F63</sup>section 93 of the Road Traffic Act 1972, section 19 of the Transport Act 1981 or sections 34 to 36 of the Road Traffic Offenders Act 1988] (disqualification for certain motoring offences); or
  - (ii) any suspended sentence in respect of which the committing court has under section 24(1) of the <sup>M17</sup>Powers of Criminal Courts Act 1973 power to deal with him.]

(2) The enactments to which this section applies are the <sup>M18</sup>Vagrancy Act 1824 (incorrigible rogues), [<sup>F64</sup>[<sup>F65</sup>sections 37 and 38 of the Magistrates' Courts Act 1980] (committal for sentence), section 62(6) of this Act [<sup>F66</sup>, section 8(6) of the Powers of Criminal Courts Act 1973 (probationer convicted of subsequent offence) and section 24(2) of that Act and paragraph 2(2)(a) of Schedule 9 to the Criminal Law Act 1977 (committal to be dealt with in respect of a wholly or partly suspended sentence)].

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- (3) The power of a magistrates’ court under section 8(4) of the <sup>M19</sup>Criminal Justice Act 1948 to commit to a [<sup>F67</sup>Crown Court] a person subject to a probation order or an order for conditional discharge who has been convicted of an offence by the magistrates’ court shall be exercisable notwithstanding that the magistrates’ court has not dealt with him in respect of that offence; and accordingly in that subsection and subsection (5) of that section the words “and dealt with” shall cease to have effect.
- (4) ..... <sup>F68</sup>
- (5) Where under subsection (1) of this section a magistrates’ court commits a person to be dealt with by a [<sup>F67</sup>Crown Court] in respect of an offence, the latter court may after inquiring into the circumstances of the case deal with him in any way in which the magistrates’ court might have dealt with him, and, without prejudice to the foregoing provision, where under that subsection or any enactment to which this section applies a magistrates’ court so commits a person, any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates’ court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the [<sup>F67</sup>Crown Court].
- (6) Any duty imposed or power conferred by virtue of the last foregoing subsection on a [<sup>F67</sup>Crown Court], in a case where an offender has been committed to the court under [<sup>F69</sup>section 37 of the Magistrates’ Courts Act 1980], shall be discharged or may be exercised by the court notwithstanding that it sentences him to borstal training and in that or any other case shall be discharged or may be exercised notwithstanding anything in any other enactment and, in particular, in [<sup>F70</sup>sections 34 to 36 and 44 of the Road Traffic Offenders Act 1988].
- (7) ..... <sup>F71</sup>
- (8) ..... <sup>F72</sup>
- (13) In this section—
  - “disqualified” means disqualified for holding or obtaining a licence under Part II of the <sup>M20</sup>Road Traffic Act 1960 [<sup>F73</sup>Part III of the Road Traffic Act 1972, section 19 of the Transport Act 1981 or Part III of the Road Traffic Act 1988].

..... <sup>F74</sup>

<b>Textual Amendments</b>	
<b>F61</b>	S. 56(1) substituted by Criminal Law Act 1977 (c. 45), ss. 46, 65(7)
<b>F62</b>	Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 42(1)(2), <b>Sch 8 para. 16</b>
<b>F63</b>	Words substituted by virtue of Transport Act 1981 (c.56, SIF 107:1), s. 30, <b>Sch. 9 Pt. II para. 25</b> and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, <b>Sch. 3 para. 3(a)</b>
<b>F64</b>	Words substituted by Powers of Criminal Courts Act 1973 (c. 62), s. 56(1), <b>Sch. 5 para. 20(b)</b>
<b>F65</b>	Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), <b>Sch. 7 para. 67(a)</b>
<b>F66</b>	Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 42(1)(3), <b>Sch. 8 para. 16</b>
<b>F67</b>	Words substituted by Courts Act 1971 (c. 23), Sch. 8 para.48
<b>F68</b>	Ss. 1–6, 19, 24, 26, 28–30, 44, 44A,45, 56(4), 94, repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), <b>Sch. 9</b>
<b>F69</b>	Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 7 paras. 6, 7(b)
<b>F70</b>	Words substituted by virtue of Transport Act 1981 (c.56, SIF 107:1), s. 30, <b>Sch. 9 Pt. II para. 25</b> and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, <b>Sch. 3 para. 3(b)</b>
<b>F71</b>	Ss. 54(4), 56(7), 95(4)(5) repealed by Courts Act 1971 (c. 23), <b>Sch. 11 Pt. IV</b>



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- F72** Ss. 51, 56(8)–(12) repealed by Road Traffic Act 1972 (c. 20), **Sch. 9 Pt. I**
- F73** Words substituted by virtue of Transport Act 1981 (c.56, SIF 107:1), s. 30, **Sch. 9 Pt. II para. 25** and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 3(c)**
- F74** Definitions repealed by Road Traffic Act 1972 (c. 20), **Sch. 9 Pt. I**

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

- C8** S. 56(5) excluded by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **s. 25(4)**

**Marginal Citations**

- M17** 1973 c. 62.
- M18** 1824 c. 83.
- M19** 1948 c. 58.
- M20** 1960 c. 16.

57 ..... **F75**

**Textual Amendments**

- F75** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

58 ..... **F76**

**Textual Amendments**

- F76** S. 58 repealed by Immigration Act 1971 (c. 77), **Sch. 6**

**PART III**

TREATMENT OF OFFENDERS

*Release of prisoners on licence and supervision of prisoners after release*

[<sup>F77</sup>59] **Constitution and functions of Parole Board and local review committees.**

- (1) For the purpose of exercising the functions conferred on it by this Part of this Act as respects England and Wales there shall be a body to be known as the Parole Board and for the purpose of exercising those functions as respects Scotland there shall be a body to be known as the Parole Board for Scotland, each body consisting of a chairman and not less than four other members appointed by the Secretary of State.
- (2) Any reference in the following provisions of this Part of this Act (including Schedule 2 thereto) to the Parole Board shall be construed as a reference to the Parole Board or the Parole Board for Scotland, as the case may require.
- (3) It shall be the duty of the Board to advise the Secretary of State with respect to—

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- (a) the release on licence under section 60(1) or 61, and the recall under section 62, of this Act of persons whose cases have been referred to the Board by the Secretary of State;
  - (b) the conditions of such licences and the variation or cancellation of such conditions; and
  - (c) any other matter so referred which is connected with the release on licence or recall of persons to whom the said section 60 or 61 applies.
- (4) The following provisions shall have effect with respect to the proceedings of the Board on any case referred to it, that is to say—
- (a) the Board shall deal with the case on consideration of any documents given to it by the Secretary of State and of any reports it has called for and any information whether oral or in writing that it has obtained; and
  - (b) if in any particular case the Board thinks it necessary to interview the person to whom the case relates before reaching a decision, the Board may request one of its members to interview him and shall take into account the report of that interview by that member;
- and, without prejudice to the foregoing, the Secretary of State may by rules make provision with respect to the proceedings of the Board on cases referred to it, including provision authorising such cases to be dealt with by a prescribed number of members of the Board.
- (5) The documents to be given by the Secretary of State to the Board under the last foregoing subsection shall include—
- (a) where the case referred to the Board is one of release under section 60 or 61 of this Act, any written representations made by the person to whom the case relates in connection with or since his last interview in accordance with rules under the next following subsection;
  - (b) where the case so referred relates to a person recalled under section 62 of this Act, any written representations made under that section.
- (6) The Secretary of State may by rules make provision—
- (a) for the establishment and constitution of local review committees having the duty of reviewing at such times or in such circumstances as may be prescribed by or determined under the rules the cases of persons who are or will become eligible for release under section 60 or 61 of this Act and reporting to the Secretary of State on their suitability for release on licence; and
  - (b) for the interview of such persons by a member of any such committee (not being a prison officer);
- and rules under this subsection may make different provision for different cases.
- (7) The supplementary provisions contained in Schedule 2 to this Act shall have effect with respect to the Parole Board and local review committees.]

#### Textual Amendments

**F77** Ss. 59, 60 repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), [Sch. 3](#)

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[<sup>F78</sup>60 **Release on licence of persons serving determinate sentences.**

(1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment, other than imprisonment for life [<sup>F79</sup>or serving a sentence of youth custody], after he has served not less than one-third of his sentence or [<sup>F80</sup>the specified period] whichever expires the later.

[ In subsection (1) of this section “the specified period” means twelve months or such <sup>F81</sup>(1A) period, not more than twelve months, as the Secretary of State may by order provide.

(1B) An order under subsection (1A) of this section may make such incidental or supplementary provision (including provision amending enactments) as the Secretary of State considers appropriate.]

[ Where a sentence of imprisonment for an offence has been passed on a person with <sup>F82</sup>(1C) an order under subsection (1) of section 47 of the Criminal Law Act 1977 (sentences partly suspended)—

- (a) if the offender has not been released from prison since the sentence for the offence was passed, the only portion of that sentence that is to be taken into account for the purposes of subsection (1) of this section is any portion of it that he is required to serve in prison under subsection (1) or (3) of the said section 47; and
- (b) if he is released from prison but part of his sentence for the offence is subsequently restored under subsection (3) of that section, he shall be treated for the purpose of subsection (1) of this section as if his only sentence for the offence were the part of his sentence so restored.]

(2) A person whose sentence falls to be reduced under section 67 of this Act shall, for the purpose of determining under the foregoing subsection whether he has served one-third of his sentence, be treated as if any period spent in custody. . . <sup>F83</sup> and taken into account under that section were included in his sentence and as if he had served that period as part of that sentence.

(3) Without prejudice to his earlier release under subsection (1) of this section the Secretary of State may direct that—

- (a) a person serving a sentence of imprisonment in respect of whom an extended sentence certificate was issued when the sentence was passed;. . . <sup>F84</sup>
- (b) . . . . . <sup>F84</sup>

shall, instead of being granted remission of any part of his sentence under the prison rules, be released on licence at any time on or after the day on which he could have been discharged from prison if the remission had been granted.

. . . <sup>F85</sup>

(4) A person subject to a licence under this section shall comply with such conditions, if any, as may for the time being be specified in the licence.

(5) The Secretary of State shall consult the Board before including on release, or subsequently inserting, a condition in a licence under this section or varying or cancelling any such condition; and for the purposes of this subsection the Secretary of State shall be treated as having consulted the Board about a proposal to include, insert, vary or cancel a condition in any case if he has consulted the Board about the implementation of proposals of that description generally or in that class of case.

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[ A licence granted to any person under this section in England and Wales shall, unless <sup>F86</sup>(5A) previously revoked under section 62 of this Act, remain in force until a date specified in the licence, being—

- (a) in the case of a licence granted to a person in respect of whom an extended sentence certificate was issued when sentence was passed on him, the date of the expiration of the sentence;
- (b) ..... <sup>F87</sup>
- (d) in a case not within [<sup>F88</sup>paragraph (a) above], the remission date.

In this subsection “the remission date”, in relation to a person released on licence under this section, means the date on which he could have been discharged from prison on remission of part of his sentence under the prison rules, if, after the date of his release on licence, he had not forfeited remission of any part of the sentence under the rules.]

(6) A licence granted to any person under this section [<sup>F89</sup>in Scotland] shall, unless previously revoked under section 62 of this Act, remain in force until a date specified in the licence, being—

- (a) in the case of a licence granted. . . <sup>F90</sup> to a person who was under the age of twenty-one when sentence was passed on him, the date of the expiration of the sentence;
- (b) in any other case, the date on which he could have been discharged from prison on remission of part of his sentence under the prison rules if, after the date of his release on licence, he had not forfeited remission of any part of the sentence under the rules.

(7) Section 20 of and Schedule 3 to the <sup>M21</sup>Criminal Justice Act 1961 (supervision of discharged prisoners) shall cease to have effect.

(8) In the application of this section to Scotland—

- (a) the expression “prison rules” means rules under section 35 of the <sup>M22</sup>Prisons (Scotland) Act 1952;
- (b) the expression “imprisonment” includes detention in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952;
- (c) subsection (3)(a) shall be omitted;
- (d) ..... <sup>F91</sup>]

#### Textual Amendments

- F78** Ss. 59, 60 repealed (S.) by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**
- F79** Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 18(a)**
- F80** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 33(a)(i)
- F81** S. 60(1A)(1B) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 33(a)(ii)
- F82** S. 60(1C) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 18(b)**
- F83** Words repealed by Criminal Justice Act 1972 (c. 71), **Sch. 6 Pt. II**
- F84** Word “or” and paragraph (b) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 9**
- F85** Proviso added by Criminal Law Act 1977 (c. 45), **Sch. 12** except in relation to a licence granted before 1.12.1977, repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 9**
- F86** S. 60(5A) inserted by Criminal Law Act 1977 (c. 45), **Sch. 12** except in relation to a licence granted before 1.12.1977
- F87** S. 60(5A)(b) and (c) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 9**
- F88** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 18(c)**

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- F89** Words inserted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 12](#) except in relation to a licence granted before 1.12.1977
- F90** Words repealed by [Criminal Law Act 1977 \(c. 45\)](#), [Schs. 12, 13](#) except in relation to a licence granted before 1.12.1977
- F91** [S. 60\(8\)\(d\)](#) repealed by [Criminal Law Act 1977 \(c. 45\)](#), [Schs. 12, 13](#) except in relation to a licence granted before 1.12.1977

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

- C9** [S. 60](#) modified (E.W.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 32\(5\)](#)
- C10** [S. 60](#) modified by [Repatriation of Prisoners Act 1984 \(c. 47, SIF 39:1\)](#), [s. 3](#), [Sch. para. 2\(1\)](#)
- C11** [S. 60\(1\)](#) amended by [Criminal Justice Act 1972 \(c. 71\)](#), [ss. 35\(1\)](#), [66\(7\)\(a\)](#)

**Marginal Citations**

- M21** 1961 c. 39.
- M22** 1952 c. 61.

**[<sup>F92</sup>61 Release on licence of persons sentenced to imprisonment for life, etc.**

- (1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment for life [<sup>F93</sup>or custody for life] or a person detained under section 53 of the <sup>M23</sup>Children and Young Persons Act 1933 (young offenders convicted of grave crimes), but shall not do so in the case of a person sentenced to imprisonment for life [<sup>F93</sup>or custody for life] or to detention during Her Majesty's pleasure or for life except after consultation with the Lord Chief Justice of England together with the trial judge if available.
- (2) Subsections (4) and (5) of the last foregoing section shall apply in relation to a licence under this section as they apply in relation to a licence under that section.
- (3) A licence granted under this section to any person sentenced under section 53(2) of the Children and Young Persons Act 1933 to be detained otherwise than for life shall, unless previously revoked under the next following section, remain in force until a date specified in the licence, being the date of the expiration of the sentence.
- (4) In the application of this section to Scotland—
- (a) for the references to section 53 and 53(2) of the Children and Young Persons Act 1933 there shall be substituted respectively references to [<sup>F94</sup>section 206 and 206(2) of the <sup>M24</sup>Criminal Procedure (Scotland) Act 1975];
- (b) in subsection (1), for the words “Lord Chief Justice of England” there shall be substituted the words “Lord Justice General”.]

**Textual Amendments**

- F92** [S. 61](#) repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), [s. 45\(2\)](#), [Sch. 3](#)
- F93** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 19](#)
- F94** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 9 para. 40](#)

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

- C12** [S. 61\(1\)](#) modified by [Repatriation of Prisoners Act 1984 \(c. 47, SIF 39:1\)](#), [s. 3](#), [Sch. para. 3](#)

**Marginal Citations**

- M23** 1933 c. 12.

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M24 1975 c. 21.

**[<sup>F95</sup>62 Revocation of licences and conviction of prisoners on licence.**

- (1) Where the Parole Board recommends the recall of any person who is subject to a licence under section 60 or 61 of this Act, the Secretary of State may revoke that person's licence and recall him to prison.
- (2) The Secretary of State may revoke the licence of any such person and recall him as aforesaid without consulting the Board, where it appears to him that it is expedient in the public interest to recall that person before such consultation is practicable.
- (3) A person recalled to prison under the foregoing provisions of this section may make representations in writing with respect to his recall and shall on his return to prison be informed of the reasons for his recall and of his right to make such representations.
- (4) The Secretary of State shall refer to the Board the case of a person recalled under subsection (1) of this section who makes representations under the last foregoing subsection and shall in any event so refer the case of a person returned to prison after being recalled under subsection (2) of this section.
- (5) Where the Board recommends the immediate release on licence of a person whose case is referred to it under this section, the Secretary of State shall give effect to the recommendation, and where it is necessary for that purpose to release that person under subsection (1) of the last foregoing section, the Secretary of State shall do so without the consultation required by that subsection.
- (6) If a person subject to a licence under section 60 or 61 of this Act is convicted by a magistrates' court of an offence punishable on indictment with imprisonment, the court may commit him in custody or on bail to [<sup>F96</sup>Crown Court] for sentence in accordance with [<sup>F97</sup>section 42 of the <sup>M25</sup>Powers of Criminal Courts Act 1973] (power of [<sup>F96</sup>Crown Court] to sentence persons convicted by magistrates' courts of indictable offences).
- (7) If a person subject to any such licence is convicted on indictment of such an offence as aforesaid or is committed to [<sup>F96</sup>Crown Court] for sentence as aforesaid or under [<sup>F98</sup>section 38 of the Magistrates' Courts Act 1980] (committal of persons convicted of indictable offences for sentence), [<sup>F99</sup>then, except in a case to which subsection (7A) of this section applies,] the court by which he is convicted or to which he is committed, as the case may be, may, whether or not it passes any other sentence on him, revoke the licence.

[ Any such licence shall be treated as revoked where—

- <sup>F100</sup>(7A) (a) the offender—
- (i) was sentenced to imprisonment with an order under subsection (1) of section 47 of the Criminal Law Act 1977 (sentences partly suspended); and
  - (ii) was released on licence before the expiration of any part of his sentence which he was required to serve in prison under subsection (1) of that section; and
- (b) by virtue of subsection (3) of that section a court restores any part of the sentence held in suspense,
- and subsection (9) of this section shall apply to the offender accordingly.]

*Status: Point in time view as at 01/02/1991.*

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- (8) ..... <sup>F101</sup>
- (9) On the revocation of the licence of any person under this section [<sup>F102</sup>or section 213(1) or 422(1) of the <sup>M26</sup>Criminal Procedure (Scotland) Act 1975], he shall be liable to be detained in pursuance of his sentence, and, if at large, shall be deemed to be unlawfully at large.
- (10) If in the case of a person subject to a licence under section 60 of this Act a [<sup>F96</sup>Crown Court] or the High Court of Justiciary or a sheriff revokes that licence under this section [<sup>F102</sup>or section 213(1) or 422(1) of the <sup>M27</sup>Criminal Procedure (Scotland) Act 1975], the Secretary of State shall not thereafter release him under subsection (1) of that section before the expiration of [<sup>F103</sup>the specified period] from the date of revocation or before the expiration of one-third of the period during which the licence would have remained in force, whichever is the later; but the foregoing provision shall not affect any power to release him otherwise than under that subsection.
- [ In subsection (10) above “the specified period” has the same meaning as in <sup>F104</sup>(10A) section 60(1) above.]
- (11) This section shall have effect, in its application to a person sentenced [<sup>F105</sup>to youth custody or] to be detained under section 53 of the <sup>M28</sup>Children and Young Persons Act 1933 [<sup>F106</sup>young offenders convicted of grave crimes) or section [<sup>F107</sup>205(2)] of the <sup>M29</sup>said Act of 1975 (Punishment of person under 18)], as if for any reference to a prison there were substituted a reference to any place in which [<sup>F108</sup>that person was detained immediately before he was released on licence].]

#### Textual Amendments

- F95** S. 62 repealed (S.) by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**
- F96** Words substituted by Courts Act 1971 (c. 23), Sch. 8 para.48
- F97** Words substituted by Powers of Criminal Courts Act 1973 (c. 62), s. 56(1), **Sch. 5 para. 21**
- F98** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 68**
- F99** Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 20(a)**
- F100** S. 62(7A) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 20(b)**
- F101** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**
- F102** Words inserted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 41**
- F103** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 15 para. 18(a)**
- F104** S. 62(10A) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 15 para. 18(b)**
- F105** Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 20(c)(i)**
- F106** Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 41**
- F107** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 19(a)**
- F108** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 20(c)**

#### Marginal Citations

- M25** 1973 c. 62.
- M26** 1975 c. 21.
- M27** 1975 c. 21.
- M28** 1933 c. 12.
- M29** 1975 c. 21.

*Status: Point in time view as at 01/02/1991.*

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63 ..... F109

#### Textual Amendments

F109 S. 63 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

#### [<sup>F110</sup>64 Supplemental.

- (1) For the purposes of the foregoing provisions of this Part of this Act or any notice thereunder the age of any person at the time when sentence was passed on him shall be deemed to have been that which appears to the Secretary of State to have been his age at that time.
- (2) The following powers, that is to say—
  - (a) the power conferred on the Secretary of State by section 60 [<sup>F111</sup>or 61 of this Act to insert or include conditions in the licence of any person released under those sections.] of this Act to insert or include conditions in the licence of any person released under that section after being transferred to either part of Great Britain from another part of the United Kingdom, the Channel Islands or the Isle of Man;
  - (b) the power conferred on the Secretary of State by section 62 of this Act to revoke the licence of any such person and recall him to prison;
  - [<sup>F112</sup>(c) the power conferred on a court by the said section 62 to revoke any such licence;]
 shall be exercisable notwithstanding anything in section 26(6) of the <sup>M30</sup>Criminal Justice Act 1961 (exclusion of supervision of persons so transferred).]

#### Textual Amendments

F110 S. 64 repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), [Sch. 3](#)

F111 Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 21](#)

F112 S. 64(2)(c) repealed (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

#### Marginal Citations

M30 1961 c. 39.

#### Miscellaneous

#### 65 Abolition of corporal punishment in prison.

Corporal punishment shall not be inflicted in any prison or other institution to which the <sup>M31</sup>Prison Act 1952 applies, and accordingly section 18 of that Act shall cease to have effect.

#### Marginal Citations

M31 1952 c. 52.



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66

- (1) ..... <sup>F113</sup>
- (2) Section 15 of the said Act of 1952 (provision of separate buildings for male and female prisoners confined in the same prison) shall cease to have effect.
- (3) For sections 30 to 32 of the said Act of 1952 (discharged prisoners aid societies and allowances and expenses for discharged prisoners) there shall be substituted the following section:—

**“30 Payments for discharged prisoners.**

The Secretary of State may make such payments to or in respect of persons released or about to be released from prison as he may with the consent of the Treasury determine”

- (4) Any statutory instrument containing rules made under section 47 of the said Act of 1952 (prison rules) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and accordingly so much of section 52(2) of that Act as requires a draft of such an instrument to be laid before Parliament shall cease to have effect.
- (5) In section 47(4) of that Act (duty to include in prison rules provisions for the special treatment of certain classes of prisoners), paragraphs (b) and (c) (persons convicted of sedition, etc., and appellants) shall cease to have effect, and at the end of paragraph (d) (miscellaneous prisoners) there shall be added the words “or a person committed to custody on his conviction”.

**Textual Amendments**

**F113** S. 66(1) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

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

- C13** The text of s. 66(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C14** The text of s. 66(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

67 **Computation of sentences of imprisonment passed in England and Wales.**

- (1) The length of any sentence of imprisonment imposed on an offender by a court shall be treated as reduced by any [<sup>F114</sup>relevant period, but where he][<sup>F115</sup>(a)] was previously subject to a probation order, [<sup>F116</sup>a community service order], an order for conditional discharge or a suspended sentence in respect of that offence, any such period falling before the order was made or suspended sentence passed shall be disregarded for the purposes of this section.
- (b) ..... <sup>F117</sup>
- [<sup>F118</sup>(1A) In subsection (1) above “relevant period” means—
- (a) any period during which the offender was in police detention in connection with the offence for which the sentence was passed; or
- (b) any period during which he was in custody—

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- (i) by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose; or
    - (ii) by reason of his having been so committed and having been concurrently detained otherwise than by order of a court.]<sup>F119</sup> or—
  - (c) any period during which, in connection with the offence for which the sentence was passed, he was [<sup>F120</sup>in the care of a local authority]<sup>F120</sup>remanded to local authority accommodation] by virtue of an order under section 23 of the Children and Young Persons Act 1969 and in accommodation provided for the purpose of restricting liberty.]
- (2) For the purposes of this section a suspended sentence shall be treated as a sentence of imprisonment when it takes effect under [<sup>F121</sup>section 23 of the Powers of Criminal Courts Act 1973] and as being imposed by the order under which it takes effect.
- <sup>F122</sup>(2A) Where a person is sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (sentences partly suspended), subsection (1) above—
- (a) operates to reduce the part of the sentence required to be served in prison;
  - (b) operates to reduce the whole period of the sentence for the purposes of section 47(3) of that Act; but
  - (c) does not operate to reduce any part of the sentence which is ordered under section 47(1) of that Act to be held in suspense.
- (2B) Where—
- (a) an offender has been sentenced to imprisonment with an order under section 47(1) of that Act; and
  - (b) he has been released from prison after serving part of his sentence; and
  - (c) an order is subsequently made restoring part of his sentence.
- the restored part shall for the purposes of this section be treated as a sentence of imprisonment imposed by the order restoring it (but shall not be reduced by any period spent in custody by the offender before the original sentence was passed).]
- (3) No period of custody, other than a period which would have been taken into account before the commencement of this Act under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence) for the purpose of reducing a term of imprisonment, shall be taken into account for the like purpose under this section unless it falls after the commencement of this Act.
- (4) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment shall, unless the context otherwise requires, be construed as a reference to the sentence pronounced by the court and not the sentence as reduced by this section.
- <sup>F123</sup>(5) This section applies—
- (a) to orders made under section 4 of the Criminal Justice Act 1982 (detention centre orders); and
  - (b) to sentences passed by virtue of section 6 of the Criminal Justice Act 1982 (youth custody sentences),
- as it applies to sentences of imprisonment.
- (6) The reference in subsection [<sup>F124</sup>(1A)] above to an offender being committed to custody by an order of a court includes a reference to his being committed to a remand centre or

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to prison under section 23 of the Children and Young Persons Act 1969 or section 37 of the Magistrates’ Courts Act 1980 but does not include a reference to his being committed to the care of a local authority under the said section 23.]

- [<sup>F125</sup>(7) A person is in police detention for the purposes of this section—
- (a) at any time when he is in police detention for the purposes of the Police and Criminal Evidence Act 1984; and
  - (b) at any time when he is detained under [<sup>F126</sup>section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989].
- (8) No period of police detention shall be taken into account under this section unless it falls after the coming into force of section 49 of the Police and Criminal Evidence Act 1984.]

#### Textual Amendments

- F114** Words substituted by Police and Criminal Evidence Act 1984 (c.60, SIF 95), ss. 49(1), 51, 52
- F115** “(a)” inserted by Criminal Law Act 1977 (c. 45, SIF 39:1), s. 65(7), Sch. 9 para. 10
- F116** Words inserted by Criminal Justice Act 1972 (c. 71, SIF 39:1), s. 64(1), Sch. 5
- F117** S. 67(1)(b) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 78, Sch. 16
- F118** S. 67(1A) inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), ss. 49(2), 51, 52
- F119** S. 67(1A)(c) added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 130, Sch. 8 para. 16
- F120** Words “remanded to local authority accommodation” substituted (*prosp.*) for “in the care of a local authority” by Children Act 1989 (c. 41, SIF 20), s. 108(2)(5), Sch. 13 para. 16
- F121** Words substituted by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), s. 56(1), Sch. 5 para. 22
- F122** S. 67(2A)(2B) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 77, Sch. 14 para. 22
- F123** S. 67(5)(6) added (E.W.) by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 10
- F124** Word substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123, 170, Sch. 8 para. 16, Sch. 15 para. 19
- F125** S. 67(7)(8) added by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), ss. 49(3), 51, 52
- F126** Words substituted by Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4, SIF 39:2), s. 25(1), Sch. 8 para. 2

68 ..... F127

#### Textual Amendments

- F127** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 10 Pt. I

### 69 Extension of enactments relating to persons sentenced to imprisonment or detention to young offenders sentenced to detention.

- (1) In section 38(3) of the <sup>M32</sup>Criminal Justice Act 1961 (construction of references to imprisonment or detention and sentence) at the end there shall be added the following paragraph—
- “(c) any reference to a person serving a sentence of, or sentenced to, imprisonment or detention shall be construed as including a reference to a person who, under any enactment relating to children and young persons in force in any part of the United Kingdom or any of the

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Channel Islands or the Isle of Man, has been sentenced by a court to be detained for an offence and is liable to be detained in accordance with directions given by the Secretary of State, by the Minister of Home Affairs for Northern Ireland or by the Governor of the Isle of Man with the concurrence of the Secretary of State, and any other reference to a sentence of imprisonment or detention shall be construed accordingly.”

- (2) In section 49 of the <sup>M33</sup>Prison Act 1952, section [<sup>F128</sup>37 of the <sup>M34</sup>Prisons (Scotland) Act 1952][<sup>F128</sup>40 of the Prisons (Scotland) Act 1989] and section 38(2) of the <sup>M35</sup>Prison Act (Northern Ireland) 1953 (persons unlawfully at large) any reference to a person sentenced to imprisonment shall be construed as including a reference to any such person as is mentioned in the foregoing subsection.

#### Textual Amendments

**F128** Words “40 of the Prisons (Scotland) Act 1989” substituted (S.) for “37 of the Prisons (Scotland) Act 1952” by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(1), [Sch. 2 para. 9](#)

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

**C15** The text of s. 69(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M32** 1961 c. 39.

**M33** 1952 c. 52.

**M34** 1952 c. 61.

**M35** 1953 c. 18 (N.I.)

## 70 Prisoner transferred from Scotland to England for security.

- (1) Where the Secretary of State, in the case of a person serving a sentence of imprisonment, . . . <sup>F129</sup> in Scotland, is of the opinion that in the interests of security or of public safety that person ought to be transferred to a prison in England and Wales, he may make an order for his transfer to that prison:

Provided that the Secretary of State may at any time make an order for the transfer of that person back to a prison in Scotland.

- (2) A person transferred to England and Wales or transferred back to Scotland under this section shall be treated for all purposes as if he had been transferred to England and Wales or, as the case may be, Scotland under section 26 of the <sup>M36</sup>Criminal Justice Act 1961.

#### Textual Amendments

**F129** Words repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), [Sch. 8](#)

#### Marginal Citations

**M36** 1961 c. 39.

*Status: Point in time view as at 01/02/1991.*

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## 71 Exercise of powers of release.

Any power conferred by or under any enactment to release a person from a prison or other institution to which the Prison Act 1952 applies or from an approved school may be exercised notwithstanding that he is not for the time being detained in that institution or school and a person released by virtue of this section shall, after his release, be treated in all respects as if he had been released from that institution or school.

## 72 Power of magistrates to issue warrants for arrest of escaped prisoners and mental patients.

<sup>F130</sup>(1) On an information in writing being laid before a justice of the peace for any area in England and Wales or Northern Ireland and substantiated on oath, or on an application being made to a sheriff, magistrate or justice of the peace in Scotland, alleging that any person is—

- (a) an offender unlawfully at large from a prison or other institution to which the Prison Act applies in which he is required to be detained after being convicted of an offence; or
- (b) a convicted mental patient liable to be retaken under <sup>F131</sup>section 18, 38(7) or 138 of the Mental Health Act 1983], section 36 or 106 of the <sup>M37</sup>Mental Health (Scotland) Act 1960 or <sup>F132</sup>Article 29, 45(6) or 132 of the Mental Health (Northern Ireland) Order 1986] (retaking of mental patients who are absent without leave or have escaped from custody);

the justice, sheriff or magistrate may issue a warrant to arrest him and bring him before a magistrates' court for that area or, in Scotland, before any sheriff.

(2) Where a person is brought before a magistrates' court or sheriff in pursuance of a warrant for his arrest under this section, the court or sheriff shall, if satisfied that he is the person named in the warrant and if satisfied as to the facts mentioned in paragraph (a) or (b) of the foregoing subsection, order him to be returned to the prison or other institution where he is required or liable to be detained or, in the case of a convicted mental patient, order him to be kept in custody or detained in a place of safety pending his admission to hospital.

(3) <sup>F133</sup>section 137 of the Mental Health Act 1983], section 105 of the <sup>M38</sup>Mental Health (Scotland) Act 1960 and <sup>F134</sup>Article 131 of the Mental Health (Northern Ireland) Order 1986] (custody, conveyance and detention of certain mental patients) shall apply to a convicted mental patient required by this section to be conveyed to any place or to be kept in custody or detained in a place of safety as they apply to a person required by or by virtue of <sup>F135</sup>the said Act of 1983], 1960 <sup>F136</sup>or 1984 or the said Order of 1986] 1960 or 1961, as the case may be, to be so conveyed, kept or detained.

(4) In this section—

“convicted mental patient” means a person liable after being convicted of an offence to be detained under <sup>F137</sup>Part III of the Mental Health Act 1983], Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health <sup>F138</sup>(Northern Ireland) Order 1986] in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge <sup>F139</sup>or a person liable to be detained under <sup>F137</sup>section 38 of the said Act of 1983] <sup>F140</sup>or Article 45 of the Mental Health (Northern Ireland) Order 1986];

“place of safety” has the same meaning as in <sup>F137</sup>Part III of the said Act of 1983] or 1960 or Part III of the said <sup>F141</sup>Order of 1986], as the case may be;

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“Prison Act” means the <sup>M39</sup>Prison Act 1952, the <sup>M40</sup>Prisons (Scotland) Act 1952 or the <sup>M41</sup>Prison Act (Northern Ireland) 1953, as the case may be.]

(5) Section 27 of the <sup>M42</sup>Criminal Justice Administration Act 1914 (power to issue warrants for the arrest of persons who may be arrested without a warrant) shall cease to have effect.

**Textual Amendments**

- F130 S. 72(1)–(4) repealed (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**
- F131 Words substituted by virtue of Mental Health (Amendment) Act 1982 (c. 51, SIF 85), s. 65(1), **Sch. 3 para. 35(a)** and Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(a)**
- F132 Words substituted by S.I. 1986/596, **art. 5(a)**
- F133 Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(b)**
- F134 Words substituted by S.I. 1986/596, **art. 5(b)**
- F135 Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(b)**
- F136 Words substituted by virtue of S.I. 1986/596, **art. 5(b)**
- F137 Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(c)**
- F138 Words substituted by S.I. 1986/596, **art. 5(c)**
- F139 Words inserted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), s. 65(1), **Sch. 3 para. 35(b)**
- F140 Words added by 1986/596, art. 5(c)
- F141 Words substituted by S.I. 1986/596, **art. 5(d)**

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

C16 The text of s. 72(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M37 1960 c. 61.
- M38 1960 c. 61.
- M39 1952 c. 52.
- M40 1952 c. 61.
- M41 1953 c. 18 (N.I.)
- M42 1914 c. 58.

**PARTS IV, V**

73— ..... F142  
84.

**Textual Amendments**

F142 Ss. 73–84 repealed by Legal Aid Act 1974 (c. 4), **Sch. 5 Pt. I**

85— ..... F143  
88.

*Status: Point in time view as at 01/02/1991.*

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**Textual Amendments**

**F143** Ss. 85–88 repealed by [Firearms Act 1968 \(c. 27\)](#), [Sch. 7](#)

**PART VI**

MISCELLANEOUS AND GENERAL

*Offences*

**89 False written statements tendered in evidence.**

(1) If any person in a written statement tendered in evidence in criminal proceedings by virtue of section. . . <sup>F144</sup> 9 of this Act [<sup>F145</sup> or in proceedings before a court-martial by virtue of the said section 9 as extended by section 12 above or by section 99A of the <sup>M43</sup> Army Act 1955 or section 99A of the <sup>M44</sup> Air Force Act 1955] wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(2) The <sup>M45</sup> Perjury Act 1911 shall have effect as if this section were contained in that Act.

**Textual Amendments**

**F144** Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

**F145** Words inserted by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 9 para. 15](#)

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

**C17** [S. 89](#) applied (1.4.1997) by [1957 c. 53, ss. 64A–64D](#) (as inserted (1.4.1997) by [1996 c. 46, s. 5, Sch. 1 Pt. IV para. 63](#); [S.I. 1997/304, art. 2](#))

**Marginal Citations**

**M43** [1955 c. 18](#).

**M44** [1955 c. 19](#).

**M45** [1911 c. 6](#).

**90** . . . . . <sup>F146</sup>

**Textual Amendments**

**F146** [S. 90](#) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

**91 Drunkenness in a public place.**

(1) Any person who in any public place is guilty, while drunk, of disorderly behaviour may be arrested without warrant by any person and shall be liable on summary conviction to a fine not exceeding [<sup>F147</sup> level 3 on the standard scale].

*Status: Point in time view as at 01/02/1991.*

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- (2) The foregoing subsection shall have effect instead of any corresponding provision contained in section 12 of the <sup>M46</sup>Licensing Act 1872, section 58 of the <sup>M47</sup>Metropolitan Police Act 1839, section 37 of the <sup>M48</sup>City of London Police Act 1839, and section 29 of the <sup>M49</sup>Town Police Clauses Act 1847 (being enactments which authorise the imposition of a short term of imprisonment or of a fine not exceeding £10 or both for the corresponding offence) and instead of any corresponding provision contained in any local Act.
- (3) The Secretary of State may by order repeal any provision of a local Act which appears to him to be a provision corresponding to subsection (1) of this section or to impose a liability to imprisonment for an offence of drunkenness or of being incapable while drunk.
- (4) In this section “public place” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.
- (5) ..... <sup>F148</sup>

#### Textual Amendments

**F147** words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

**F148** S. 91(5) repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**

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

**C18** S. 91(1) amended by [Criminal Justice Act 1972 \(c. 71\)](#), **s. 34**

#### Marginal Citations

**M46** 1872 c. 94.

**M47** 1839 c. 47.

**M48** 1839 c. xciv.

**M49** 1847 c. 89.

### *Increase of Fines, etc.*

## 92 Increase of fines.

- (1) The enactments specified in column 1 of Part I of Schedule 3 to this Act, (being enactments creating the offences broadly described in column 2 of that Part of that Schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in that enactment were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine of, or not exceeding, the amount specified in column 3 of that Schedule.
- (2) The enactments specified in column 1 of Part II of the said Schedule 3 (being enactments which confer power to include in subordinate instruments a provision imposing a fine on summary conviction of any offence described in column 2 of that Part of that Schedule) shall each have effect as if the maximum amount of the fine which may be imposed by any provision contained in such an instrument and made under that enactment for any offence under the instrument were that specified in column 4 of that Schedule instead of that specified in column 3 of that Schedule.



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- (3) Any subordinate provision in force immediately before the commencement of this Act under an enactment specified in the said Part II shall, if it provides that the maximum amount of the fine which may be imposed on summary conviction of an offence specified in the provision shall be the amount specified in column 3 of the said Part II, have effect as if the said maximum amount were the amount specified in column 4 of the said Part II.
- (4) The last foregoing subsection shall have effect subject to any subordinate provision made under any enactment specified in the said Part II after the commencement of this Act.
- (5) The foregoing provisions of this section shall not affect the power of a court to impose a penalty for a continuing offence under any enactment specified in Part I of the said Schedule 3 or any subordinate provision made under an enactment specified in Part II of that Schedule except where such a penalty is expressly mentioned in column 3 of that Schedule; nor shall they affect the power of a court to award imprisonment under any such enactment or provision.
- (6) In this section “subordinate provision” means a provision contained in an instrument made under an enactment.
- (7) Part III of the said Schedule 3 shall have effect for the purpose of amending section 24 of the <sup>M50</sup>Public Health (Scotland) Act 1897.
- (8) ..... <sup>F149</sup>
- (9) Nothing in this section shall affect the amount of the fine which may be imposed on conviction of an offence committed before the commencement of this Act.

**Textual Amendments**

**F149** S. 92(8) repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

**Marginal Citations**

**M50** 1897 c. 38.

**93 Alteration of maximum periods of imprisonment in default of payment of fines, etc.**

- (1) 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 £2	seven days
An amount exceeding £2 but not exceeding £5	fourteen days
An amount exceeding £5 but not exceeding £20	thirty days

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- |   |             |
|---|-------------|
| An amount exceeding £20 but not exceeding £50 | sixty days  |
| An amount not exceeding £50                   | ninety days |

- (2) In paragraph 3 of the said Schedule 3 (maximum periods of imprisonment in default of payment of sums due on summary conviction of a revenue offence) for the references to £20 and £50 there shall be substituted £50 and £100 respectively and for the reference to three months there shall be substituted a reference to ninety days.
- (3) ..... F150
- (4) ..... F151

**Textual Amendments**

**F150** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

**F151** S. 93(4) repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), **Sch. 6 Pt. I**

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

**C19** The text of s. 93(1)–(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Fees*

- 94 ..... F152

**Textual Amendments**

**F152** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

*Administration of probation and after-care services*

- 95 Probation and after-care areas and committees.**
- (1) ..... F153
- (2) ..... F154
- (4) ..... F155

**Textual Amendments**

**F153** S. 95(1) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

**F154** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

**F155** Ss. 54(4), 56(7), 95(4)(5) repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**

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96 ..... F156

**Textual Amendments**

**F156** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

97 ..... F157

**Textual Amendments**

**F157** Ss. 97, 98(1)–(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

98 **Amendment of enactments relating to criminal appeals.**

(1) ..... F158

(6) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments shown in that Schedule (being minor amendments to remove doubts and anomalies, and otherwise to facilitate the consolidation of the enactments relating to criminal appeals in England and Wales, the corresponding enactments applying to Northern Ireland and the enactments relating to appeals from courts-martial).

(7) ..... F159

**Textual Amendments**

**F158** Ss. 97, 98(1)–(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

**F159** S. 98(7) repealed (E.W.) by Criminal Appeal Act 1968 (c. 19), **Sch. 7** and (N.I.) Criminal Appeal (Northern Ireland) Act 1968 (c. 21), s. 54, **Sch. 5**

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

**C20** The text of s. 98(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

99 ..... F160

**Textual Amendments**

**F160** Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

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### Miscellaneous

#### 100 Regulations, rules and orders.

- (1) Any power conferred by this Act on a Minister of the Crown to make regulations, rules or orders other than orders under section 70(1) of this Act shall be exercisable by statutory instrument.
- (2) Any regulations or rules under this Act, . . . <sup>F161</sup>, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F162</sup>(2A) An order shall not be made under section 60(1A) of this Act unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.]
- (3) Any order made under any provision of this Act by statutory instrument may be varied or revoked by a subsequent order made under that provision.

#### Textual Amendments

**F161** Words repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt. I](#)

**F162** [S. 100\(2A\)](#) inserted (E.W.S.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 33\(b\)](#) (but repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), [s. 45\(2\)](#), [Sch. 3](#))

#### 101 Expenses.

There shall be defrayed out of moneys provided by Parliament—

- (a) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment;
- (b) . . . . . <sup>F163</sup>

#### Textual Amendments

**F163** [S. 101\(b\)](#) repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt. I](#)

#### 102 Transitional provisions and savings.

Schedule 5 to this Act shall have effect for the purpose of the transition to the provisions of this Act from the law in force before the commencement of those provisions and with respect to the application of this Act to things done before the commencement of those provisions.

#### 103 Minor and consequential amendments and repeals.

- (1) The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.
- (2) The enactments specified in Schedule 7 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

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

- C21** The text of s. 103(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 104 General provisions as to interpretation.

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them; that is to say—

F164

“court” does not include a court-martial;  
“explosive” has the same meaning as in the <sup>M51</sup>Explosives Act 1875;  
[<sup>F165</sup>“extended sentence certificate” means a certificate issued under section 28 of the <sup>M52</sup>Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section];  
“firearm” has the same meaning as in the <sup>M53</sup>Firearms Act 1937;  
“imitation firearm” has the same meaning as in the <sup>M54</sup>Firearms Act 1965;  
“offensive weapon” has the same meaning as in section 1 of the <sup>M55</sup>Prevention of Crime Act 1953;  
“prison rules” means rules under section 47 of the <sup>M56</sup>Prison Act 1952;  
“sentence of imprisonment” does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone;  
[<sup>F166</sup>“suspended sentence” means a sentence to which an order under section 22(1) of the <sup>M57</sup>Powers of Criminal Courts Act 1973 relates.]

- (2) For the purposes of any reference in this Act, however expressed, to the term of imprisonment or other detention to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.
- (3) Any reference in this Act however expressed to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.
- (4) Any reference in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of offenders of his age.
- (5) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

#### Textual Amendments

- F164** Definition “the clerk of the court” repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)
- F165** Definition substituted by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 5 para. 26\(a\)](#)
- F166** Definition substituted by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 5 para. 26\(b\)](#)

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**Marginal Citations**

- M51 1875 c. 17.
- M52 1973 c. 62.
- M53 1937 c. 12.
- M54 1965 c. 44.
- M55 1953 c. 14.
- M56 1952 c. 52.
- M57 1973 c. 62.

**105 Northern Ireland.**

- (1) ..... <sup>F167</sup>
- (3) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

**Textual Amendments**

**F167** S. 105(1)(2) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

**106 Short title, extent and commencement.**

- (1) This Act may be cited as the Criminal Justice Act 1967.
- (2) The following provisions of this Act shall extend to Scotland, that is to say—
  - (a) so much of this Act as relates to courts-martial and appeals therefrom;
  - (b) section. . . <sup>F168</sup>48, 54(6) and (8), 93(3). . . <sup>F169</sup> and 102 and paragraphs 7, 10 to 12 and 14 of Schedule 5;
  - (c) Part III (except sections 63, 65, 66, 67 and 71) and Schedule 2;
  - (d) Part V;
  - (e) section 92 and Schedule 3 so far as they amend any enactment which extends to Scotland;
  - <sup>F170</sup>(ee) section 100;]
  - (f) so much of section 103(1) and Schedule 6 as amends. . . <sup>F171</sup>. . . <sup>F172</sup>, the <sup>M58</sup>Criminal Justice Act 1961 and the <sup>M59</sup>Criminal Justice (Scotland) Act 1963; and
  - (g) Part II of Schedule 7 and so much of section 103(2) as relates thereto;
 but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Scotland.
- (3) The following provisions of this Act shall extend to Northern Ireland, that is to say—
  - (a) so much of this Act as relates to courts-martial and appeals therefrom;
  - (b) sections. . . <sup>F173</sup> 69 and 72;

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- (c) so much of section 92 and Parts I and II of Schedule 3 as is extended to Northern Ireland by Part IV of that Schedule;
  - (d) .....<sup>F174</sup>
  - (e) so much of section 103(1) and Schedule 6 as amends. . .<sup>F172</sup> the<sup>M60</sup> Criminal Justice Act 1961;
  - (f) section 105; and
  - (g) Part III of Schedule 7 and so much of section 103(2) as relates thereto;
- but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Northern Ireland.
- (4) Sections 69(1) and 92 of, and Schedule 3 to, this Act, so far as they amend any enactment which extends to the Channel Islands or the Isle of Man, shall extend to the Channel Islands or the Isle of Man, as the case may be.
  - (5) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different purposes of this Act, and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day so appointed for the coming into force of that provision, and any such reference to the commencement of a provision of this Act shall be construed as a reference to the day appointed for the coming into force of the provision referred to.
  - (6) Without prejudice to Schedule 5 to this Act, any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

#### Textual Amendments

- F168** Figure “3” repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)
- F169** Words repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [Sch. 6 Pt. I](#)
- F170** [S. 106\(2\)\(ee\)](#) inserted (E.W.S.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 33\(c\)](#)
- F171** [S. 106\(2\)\(f\)](#) repealed by [Criminal Law Act 1977 \(c. 45\)](#), [s. 65\(7\)](#), [Sch. 13](#)
- F172** Words repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), [Sch. 7](#)
- F173** Words repealed by virtue of [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)
- F174** [S. 106\(3\)\(d\)](#) repealed (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#)

#### Marginal Citations

- M58** 1961 c. 39.
- M59** 1963 c. 39.
- M60** 1961 c. 39.

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## SCHEDULES

### F175<sup>F175</sup>SCHEDULE 1

**Textual Amendments**

F175 Sch. 1 repealed by [Administration of Justice Act 1970 \(c. 31\)](#), [Sch. 11](#)

F175

### F176<sup>F176</sup>SCHEDULE 2

Section 59.

#### PROVISIONS AS TO PAROLE BOARD AND LOCAL REVIEW COMMITTEES

**Textual Amendments**

F176 Sch. 2 repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), [Sch. 3](#)

#### *The Parole Board*

- 1 The Parole 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
  - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.

- 2 A person appointed to be a member of the Parole Board shall hold and vacate office under the terms of the instrument by which he is appointed, but may at any time resign his office; and a person who ceases to hold office as a member of the Board shall be eligible for reappointment.

3 ..... F177

**Textual Amendments**

F177 Sch. 2 para. 3 repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#)



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- 4 There shall be paid to the members of the Board such remuneration and allowances as the Secretary of State may with the consent of the Treasury determine.
- 5 The expenses of the Board under the last foregoing paragraph and any other expenses incurred by the Board in discharging its functions under section 59 of this Act shall be defrayed by the Secretary of State out of moneys provided by Parliament.
- 6 The Board shall as soon as practicable after the end of each year make to the Secretary of State a report on the performance of its functions during that year, and the Secretary of State shall lay a copy of each report so made before Parliament.

#### *Local Review Committees*

- 7 The Secretary of State may out of moneys provided by Parliament pay to members of local review committees, and to persons assisting in or concerned with the carrying out of the functions of any such committee, travelling or other allowances in accordance with such scales as may be determined by him with the consent of the Treasury, and may out of such moneys defray any other expenses of such committees to such amount as may be so determined.

### SCHEDULE 3

Section 92.

#### INCREASE OF FINES

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

**C22** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### PART I

##### INCREASE OF FINES FIXED BY ENACTMENTS

<b>Enactment</b>	<b>Description of Offence</b>	<b>Old fine or maximum fine</b>	<b>New maximum fine</b>
The London Hackney Carriage Act 1831, c. 22.			
Section 35	Cab driver refusing to go with any person desirous of hiring.	£2	£10

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The Act 1 & 2 Wm.4.  
c. 43 as incorporated  
by, and set out in,  
Schedule C to the  
M61

Road and Bridges  
(Scotland) Act 1878.

Section 81	Interfering with repair or use of turnpike road by taking away materials therefor from quarry or otherwise.	£5	£10
Section 90	Obstructing drainage of or encroaching upon turnpike road or damaging road surface by drains, etc.	£5	£20 for a first offence and £50 for a second or subsequent offence.
Section 96 (both as originally enacted and as modified by section 264 of, and Schedule 17 to, the M62 Road Traffic Act 1960).	Miscellaneous offences of misusing, damaging or obstructing turnpike road, including riding or driving on footways.	£2 10s.	£ 20 for a first offence and £50 for a second or subsequent offence.
Section 97	Waggon-driver riding without control over reins, failing to keep to the left, and other offences.	£5	£20
Section 103	Allowing cattle to stray on turnpike road.	5s. for each animal.	£20 for a first offence and £50 for a second or subsequent offence, irrespective of number of animals.
Section 108	Failure to have name and address of carriage, etc., and to permit name to be read.	£2	£20

The Game (Scotland)  
Act 1832, c. 68.

Section 1	Day trespass in pursuit of game, etc.	£2, or £5 if in disguise or in group of five or more	£20 or £50 respectively.
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The Highway Act  
1835, c. 50

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Section 72	Miscellaneous offences on the highway, including riding on the footpath, tethering animals and damaging or obstructing the highway.	£2	£10
Section 78	Miscellaneous offences by drivers of carriages on the highway, including negligent and furious driving and failing to keep to the left.	£5 where the driver is not the owner, and £10 where he is the owner.	£20
The Metropolitan Police Act 1839, c. 47			
Section 44	Keepers of refreshment houses permitting drunkenness, disorderly conduct, etc., on the premises.	£5	£20
...	...	...	...
F178	F178	F178	F178
...	...	...	...
F179	F179	F179	F179
The Pound Breach Act 1843, c. 30.			
Section 1	Releasing impounded cattle or damaging a pound.	£5	£20
The London Hackney Carriages Act 1843, c. 86.			
Section 10	Persons acting as drivers without licences and tickets, transferring or lending licences and tickets and proprietors suffering unlicensed persons to act as drivers.	£5 except for offences by proprietors and £10 for offences by proprietors.	£20 for a first offence and £50 for a second or subsequent offence.
Section 14	False representations, etc., in connection	£5	£50

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	with applications for licences.		
Section 17	Failure by driver to wear ticket.	£2	£10
Section 33	Miscellaneous offences by cab drivers including loitering, causing obstruction and overcharging.	£ 1	£10
The Railway Clauses Consolidation Act 1845, c. 20.			
Section 75	Failure to fasten gates on either side of railway.	£2	£20
The Railways Clauses Consolidation (Scotland) Act 1845, c. 33.			
Section 68	Failure to fasten gates on either side of railway.	£2	£20
The Harbours, Docks, and Piers Clauses Act 1847, c. 27.			
Section 28	Unjustified claims for exemption from harbour rates.	£10	£50
Section 38	Masters of ships giving no account, or false account, of cargo unshipped.	£10	£50
Section 39	Shippers of goods giving no account, or false account, of cargo shipped.	£10	£50
The Towns Improvement Clauses Act 1847, c. 34.			
Section 65	Occupier failing after notice to mark house with approved number or to renew approved number thereon.	£2	£20

*Status: Point in time view as at 01/02/1991.*

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The Cemeteries  
 Clauses Act 1847,  
 c.65

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F178	F178	F178	F178
Section 59	Playing games, etc., discharging firearms, disturbing persons assembled for burial, or committing nuisance in cemetery.	£5	£10

The Town Police  
 Clauses Act 1847,  
 c. 89.

Section 21	Contravention of orders made for regulating traffic and preventing obstruction in streets.	£2	£20
Section 28	Miscellaneous offences in thoroughfares, including obstruction, furious driving and discharging firearms.	£2	£20
Section 35	Keepers of refreshment houses harbouring prostitutes and thieves.	£5	£20
Section 40	Mis-statements and omissions in applications for hackney carriage licences.	£10	£20
Section 45	Plying for hire without a licence.	£2	£20 for a first offence and £50 for a second or subsequent offence.
Section 47	Persons acting as cab drivers without a licence, lending licences and proprietors employing unlicensed drivers.	£1	£20 for a first offence and £50 for a second or subsequent offence.
Section 53	Cab driver refusing to drive.	£2	£10

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Section 58	Cab proprietor or driver overcharging.	£2	£10
The London Hackney Carriage Act 1853, c. 33.			
Section 11	Failure by drivers and others to hand in property left in cabs and omnibuses.	£2	£10
Section 17	Miscellaneous offences by drivers and conductors, including overcharging and refusing passengers or luggage.	£2	£10
Section 19	Offences for which no specific penalty is imposed.	£2	£10
The Inclosure Act 1857, c. 31.			
Section 12	Damaging or causing nuisances on town and village greens.	£2	£20
The Ecclesiastical Courts Jurisdiction Act 1860, c. 32.			
Section 2	Riotous or indecent behaviour in churches, burial grounds, etc., and harassing authorised preachers.	£5	£20
...	...	...	...
F178	F178	F178	F178
The Poaching (Prevention) Act 1862, c. 114.			
Section 2	Simple poaching	£5	£50
The Telegraph Act 1863, c. 112.			
Section 45	Post Office employee failing to transmit, etc., or delaying or preventing transmission of,	£20	£100

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	or improperly disclosing, message.		
The Trespass (Scotland) Act 1865, c. 56.			
Section 4	Miscellaneous offences of trespass.	£1 for a first offence and £2 for a second or subsequent offence.	£10
The Metropolitan Streets Act 1867, c. 134.			
Section 6	Obstruction by unnecessary deposit of goods, etc., on footways, etc.	£2	£20 for a first offence and £50 for a second or subsequent offence.
Section 9	Displaying unapproved advertisements.	10s. 0d.	£10
The Metropolitan Public Carriage Act 1869, c. 115.			
Section 7	Unlicensed hackney carriage plying for hire or using cab stand.	£5 for every day when carriage plies for hire or for every occasion when found on the stand.	£20 for a first offence and £50 for a second or subsequent offence.
Section 8	Driving hackney or stage carriage when unlicensed.	£2	£20 for a first offence and £50 for a second or subsequent offence.
The Tramways Act 1870, c. 78.			
Section 51	Non-payment of fares	£2	£20
The Explosives Act 1875, c. 17.			
Section 31	Sale of gunpowder to child apparently under thirteen.	£5	£20
Section 33	Contravention of general rules as to packing of gunpowder for conveyance.	£20	£100
Section 80	Throwing fireworks in the street.	£5	£20

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The Post Office  
(Protection) Act  
1884, c. 76.

Section 11	(a) Forgery, etc., of telegram.	£10	£100
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(b) Improper disclosure of telegram by employee of telegraphic company.	£20	£100
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F180

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F180

The Infectious  
Diseases  
(Notification) Act  
1889, c. 72.

Section 3(2)	Failure to notify notifiable disease.	£2	£10
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F181

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F181

The Military Lands  
Act 1892, c. 43.

Section 17	Contravention of byelaws	£5	£20
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[<sup>F182</sup>The Burgh Police  
(Scotland) Act 1892,  
c. 55.]

[ <sup>F182</sup> Section 114]	[ <sup>F182</sup> Persons other than scavengers removing rubbish, filth, etc.]	[ <sup>F182</sup> £2]	[ <sup>F182</sup> £10]
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[ <sup>F182</sup> Section 1 86]	[ <sup>F182</sup> Using street closed for roadworks and extinguishing warning light.]	[ <sup>F182</sup> £5]	[ <sup>F182</sup> £100]
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[ <sup>F182</sup> Section 304(1)]	[ <sup>F182</sup> Letting for hire any pleasure boat without a licence or contravening terms of licence.]	[ <sup>F182</sup> £5]	[ <sup>F182</sup> £50]
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[ <sup>F182</sup> Section 3 81]	[ <sup>F182</sup> Miscellaneous offences in streets and public places.]	[ <sup>F182</sup> £2]	[ <sup>F182</sup> £20]
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[ <sup>F182</sup> Section 3 86]	[ <sup>F182</sup> Allowing cattle to stray unattended in any street.]	[ <sup>F182</sup> £2]	[ <sup>F182</sup> £20 for first offence and £50 for a second or subsequent offence.]
[ <sup>F182</sup> Schedule 5 (Offences against regulations for hackney carriages).]			
[ <sup>F182</sup> Paragraph 2(b)]	[ <sup>F182</sup> Making a false statement in application for a licence.]	[ <sup>F182</sup> £10]	[ <sup>F182</sup> £20]
[ <sup>F182</sup> Paragraph 2(g)]	[ <sup>F182</sup> Failure by licensee to notify change of address.]	[ <sup>F182</sup> £2]	[ <sup>F182</sup> £20]
[ <sup>F182</sup> Paragraph 2(h)]	[ <sup>F182</sup> Driver plying for hire in unlicensed carriage or without disclosing licence number and owner of such carriage employing driver.]	[ <sup>F182</sup> £2]	[ <sup>F182</sup> £20 for a first offence and £ for a second or subsequent offence.]
[ <sup>F182</sup> Paragraph 3(c)]	[ <sup>F182</sup> Persons driving hackney carriages without a licence, lending licences, and proprietors employing unlicensed drivers.]	[ <sup>F182</sup> £1]	[ <sup>F182</sup> £20 for a first offence and £50 for a second or subsequent offence.]
[ <sup>F182</sup> Paragraph 9]	[ <sup>F182</sup> Driver refusing to drive.]	[ <sup>F182</sup> £2]	[ <sup>F182</sup> £10]
[ <sup>F182</sup> Paragraphs 4, 8, 10 to 13 and 15.]	[ <sup>F182</sup> Miscellaneous offences by licensees of carriages and drivers, including overcharging and refusing to carry or exceeding the authorised number of passengers.]	[ <sup>F182</sup> £2]	[ <sup>F182</sup> £10]
[ <sup>F182</sup> Paragraph 19]	[ <sup>F182</sup> Driver obstructing street or other carriage or preventing hire of another driver by force.]	[ <sup>F182</sup> £1]	[ <sup>F182</sup> £10]

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The Uniforms Act  
1894, c. 45.

Section 2	Wearing a military uniform, etc., without authority.	£5	£50
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Section 3	Wearing a military or naval uniform, etc., without authority in a manner likely to bring contempt on the uniform, or employing another for that purpose.	£10	£50
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F178

The London Cab Act  
1896, c. 27.

Section 1	Hirer defrauding cab driver.	£2	£10
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The Public Health  
(Scotland) Act 1897,  
c. 38.

Section 22 (as extended by section 1(5) of the M63	Causing or negligently allowing nuisances.	£5	£20
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Noise Abatement Act  
1960).

Section 40	Failure to comply with notice requiring houses in filthy state to be purified.	10s. 0d. for each day on which offence continues.	£20
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Section 56	Exposure by any person of others to risk of infection by himself or by a person in his care, and transmitting or exposure of infectious articles.	£5	£10
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Section 163	Offences for which no pecuniary penalty is provided, obstruction of persons executing Act, and	£5	£10 for a first offence and £20 for a second or subsequent offence.
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	contravention of regulations.		
The Dogs Act 1906, c. 32.			
Section 6	Allowing carcasses of cattle to lie unburied in field to which dogs have access.	£2	£10
...	...	...	...
F183	F183	F183	F183
The Public Health Acts Amendment Act 1907, c. 53.			
Section 94	Letting for hire or carrying passengers in an unlicensed pleasure boat or exceeding authorised number of passengers.	£2	£50
The Commons Act 1908, c. 44.			
Section 1(2)	Owner turning out animal on a common in contravention of regulations and any person obstructing execution of regulations.	£2	£20
...	...	...	...
F184	F184	F184	F184
The Perjury Act 1911, c. 6.			
Section 3 (as extended and amended by section 28(1) and (3) of the M64	Making false oaths and statements with reference to marriages.	£50	£100
Criminal Justice Act 1925).			
Section 4 (as amended by section 28(2) and (3) of the Criminal Justice Act 1925).	Making false statements with reference to births and deaths.	£50	£100

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F185	F185	F185	F185
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F186	F186	F186	F186
...	...	...	...
F178	F178	F178	F178
The Ferries (Acquisition by Local Authorities) Act 1919, c. 75.			
Section 4	Fraudulent claims for exemption from payment of tolls.	£10	£20
The Land Settlement (Scotland) Act 1919, c. 97.			
Section 22(2)	Damaging crops in allotments.	£5	£20
The Census Act 1920, c. 41.			
Section 8(1)	Miscellaneous offences including making a false declaration, delivering a false document and giving a false answer.	£10	£50
The Allotments Act 1922, c. 51.			
Section 19	Damaging allotments	£5	£20
The Law of Property Act 1925, c. 20			
Section 193(4)	Unauthorised driving, camping, etc., on common land.	£2	£20
...	...	...	...
F178	F178	F178	F178
The Criminal Justice Act 1925, c. 86.			
Section 37	Unlawful possession of pension documents as securities for debts.	£20	£100
Section 38(1)	Making or using imitation bank notes.	£5	£20

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Section 38(2)	Refusal by person whose name appears on an imitation bank note to give name and address of printer.	£10	£20
...	...	...	...
F187	F187	F187	F187
The Parks Regulations (Amendment) Act 1926, c. 36.			
Section 2(1)	Contravention of regulations.	£5	£20
The Births and Deaths Registration Act 1926, c. 48.			
Section 1	Disposal of body without a registrar's certificate or coroner's order.	£10	£20
Section 4	Removal of body out of England without complying with the relevant requirements.	£10	£50
Section 11	Contravention of other provisions of Act.	£2	£10
The Auctions (Bidding Agreements) Act 1927, c. 12.			
Section 1	Dealer giving or any person accepting reward for abstention from bidding.	£100	£400
The Superannuation and Other Trust Funds (Validation) Act 1927, c. 41.			
Section 7	Default in complying with requirements of Act, including requirements as to accounts and reports.	£5	£10

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The Agricultural Produce (Grading and Marking) Act 1928, c. 19.

Section 2(3)	Forgery of grade designation marks and similar offences.	£20	£100
Section 2(4)	Unauthorised use of grade designation marks.	£20	£100
Section 3	Selling or exposing for sale unmarked preserved eggs.	£5 for a first offence and £20 for a second or subsequent offence.	£20 for a first offence and £100 for a second or subsequent offence.
Section 4(2) as amended by section 23 of the <sup>M65</sup> Agriculture (Miscellaneous Provisions) Act 1963.	Miscellaneous offences connected with the storage and marking of eggs.	£5 for the first offence and £20 for a second or subsequent offence.	In the case of an offence under paragraph (c) £20, and in any other case £20 for a first offence and £100 for a second or subsequent offence.

The Slaughter of Animals (Scotland) Act 1928, c. 29.

Section 4	Preventing or obstructing inspection of slaughterhouse, etc. by authorised person.	£5	£20
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The Petroleum (Consolidation) Act 1928, c. 32.

Section 1(2)	Keeping petroleum-spirit without a licence.	£20 for each day on which the offence continues.	£100
Section 1(3)	Keeping petroleum-spirit in contravention of conditions of licence.	£20 for each day on which the offence continues.	£100
Section 2(4)	Failure of occupier of licensed premises to post notice of conditions of licence on premises, interference with notice, and contravention	£5 for each day on which the failure continues, and £5 for each other offence.	£20

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	by employee of conditions set out in notice.		
Section 5(2)	Keeping, selling, etc., petroleum-spirit without proper labelling.	£5	£20
Section 6(2)	Contravention of regulations as to carriage of petroleum-spirit by road.	£20 for each day on which the offence continues.	£100
Section 7(6)	Contravention of harbour authority's byelaws as to loading and carrying of petroleum spirit.	£50 for each day on which the offence continues.	£100
Section 8	Failure to give notice to harbour authority that cargo consists of petroleum-spirit.	£50	£100
Section 9(3)	Contravention of canal byelaws as to loading and carrying of petroleum-spirit.	£20 for each day on which the offence continues.	£100
Section 10(2)	Contravention of regulations as to keeping and use of petroleum-spirit for purpose of motor vehicles, etc.	£20 for each day on which the offence continues.	£100
...	...	...	...
F188	F188	F188	F188
The Agricultural Produce (Grading and Marking) Amendment Act 1931, c. 40.			
Section 4(1)	Use of mark or description calculated to deceive because of resemblance to grade designation mark.	£20	£100
...	...	...	...
F178	F178	F178	F178

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The Children and  
Young Persons Act  
1933, c. 12.

Section 5	Giving intoxicating liquor, or causing it to be given, to a child under a five.	£3	£10
Section 10(1) (as amended by Schedule 8 to the M66 Education Act 1944).	Vagrant preventing child or young person from receiving education.	£1	£10
Section 23 (as amended by section 64 (1) and Schedule 3 paragraph 5 to the M67 Children and Young Persons Act 1963).	Any person procuring or parent allowing person under sixteen to take part in dangerous public performances.	£10 for a first offence and £50 for a second or subsequent offence.	£50 for a first offence and £100 for a second or subsequent offence.
Section 24(1)	Any person procuring or parent allowing person under twelve or unlicensed person under sixteen to be trained for dangerous performances.	£5 for a first offence and £20 for a second or subsequent offence.	£20 for a first offence and £50 for a second or subsequent offence.
... F178	... F178	... F178	... F178
... F189	... F189	... F189	... F189

The Local  
Government Act  
1933, c. 51.

Section 289	Interference with local authority notice board, notice, etc.	£5	£20
[ <sup>F182</sup> The Public Health Act 1936, c. 49.]			
[ <sup>F182</sup> Section 76(3)]	[ <sup>F182</sup> Sorting over or disturbing dustbins or material deposited on a refuse tip.]	[ <sup>F182</sup> £5]	[ <sup>F182</sup> £10]
[ <sup>F182</sup> Section 83(2)]	[ <sup>F182</sup> Failure to comply with notice requiring	[ <sup>F182</sup> £5]	[ <sup>F182</sup> £20]



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	cleansing of filthy or verminous premises.]		
[ <sup>F182</sup> Section 94(2)]	[ <sup>F182</sup> Failure to abate or to remove danger of recurrence of nuisance.]	[ <sup>F182</sup> £5]	[ <sup>F182</sup> £20]
[ <sup>F182</sup> Section 95(1) (both as originally enacted and as applied by s. 16(1) of the <sup>M68</sup> Clean Air Act 1956).]	[ <sup>F182</sup> Contravention, etc., of nuisance order, including a smoke nuisance order.]	[ <sup>F182</sup> £5 and in addition £2 for each day on which the offence continues after conviction thereof under the section as originally enacted, and £10 and £5 respectively under the section as s o applied.]	[ <sup>F182</sup> £50 and in addition £5 for each day on which the offence continues after conviction thereof.]
...	...	...	...
<sup>F190</sup>	<sup>F190</sup>	<sup>F190</sup>	<sup>F190</sup>
Section 246	Offences in connection with common lodging houses, including failure to keep premises suitably equipped and false statements in application for registration.	£5	£10
Section 269(7)	Contravention of provisions and conditions of licences as to keeping and use of movable dwellings.	£5	£20
Section 288	Obstruction of persons executing Act or subordinate instruments.	£5 and in addition £5 for each day on which the offence continues after conviction thereof.	£10 for a first offence and £20 for a second or subsequent offence.
The Children and Young Persons (Scotland) Act 1937, c. 37.			
Section 16	Giving intoxicating liquor, or causing it to be given, to a child under five.	£3	£10

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Section 21(1) (as amended by Schedule 4 to the M69 Education (Scotland) Act 1945).	Vagrant preventing child or young person from receiving education.	£ 1	£10
Section 33 (as amended by Schedule 3 to the M70 Children and Young Persons Act 1963).	Any person procuring or parent allowing person under sixteen to take part in dangerous public performances.	£10 for a first offence and £50 for a second or subsequent offence.	£50 for a first offence and £100 for a second or subsequent offence.
Section 34(1)	Any person procuring or parent allowing person under twelve or unlicensed person under sixteen to be trained for dangerous performances.	£5 for a first offence and £20 for a second or subsequent offence.	£20 for a first offence and £50 for a second or subsequent offence.
Section 76(5)	Failure to comply with order to produce a child or young person to be sent to an approved school.	£ 5	£20
Section 86(5)	Failure to comply with order to produce a child or young person who has escaped from an approved school.	£ 5	£20
Section 91(7)	Failure of person making payments under a contribution order to notify change of address to recipient.	£2	£10
Section 92(2)(b)	Failure to notify change of address by a father making payments under a decree for aliment to a person entitled by virtue of a contribution order.	£2	£10
The Trade Marks Act 1938, c. 22.			
Section 60	Falsely representing that a trade mark is	£5	£50

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	registered and similar offences.		
...	...	...	...
F178	F178	F178	F178
The Education Act 1944, c. 31.			
Section 34(1)	Parent's failure to comply with requirement to submit child for medical examination.	£5	£10
Section 40(1)	Offence against section 37 or 39 (parent's failure to comply with school attendance order or to secure child's regular attendance at school).	£1 for a first offence against the relevant section, £5 for a second offence against that section and £10 for a third or subsequent offence against that section.	£10 for a first offence against the relevant section and £20 for a second or subsequent offence against that section.
...	...	...	...
F178	F178	F178	F178
...	...	...	...
F191	F191	F191	F191
...	...	...	...
F178	F178	F178	F178
The Marriage Act 1949, c. 76.			
Section 76(2)	Refusal or failure to make and deliver a copy of entries in the marriage register book or a certificate that no entries have been made.	£10	£20
...	...	...	...
F178	F178	F178	F178
...	...	...	...
F192	F192	F192	F192
The National Parks Act 1949, c. 97.			
Section 57	Erecting a misleading notice likely to deter the public from using a public footpath.	£ 5	£20
...	...	...	...

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F193	F193	F193	F193
...	...	...	...
F194	F194	F194	F194
...	...	...	...
F195	F195	F195	F195
...	...	...	...
F196			
...	...	...	...
F178	F178	F178	F178
...	...	...	...
F196	F196	F196	F196
...			
F197			
...	...	...	...
F178	F178	F178	F178
...	...	...	...
F197	F197	F197	F197
The Prison Act 1952, c. 52.			
Section 40	Unlawful introduction of liquor or tobacco into prison.	£20	£50
Section 41	Unlawful conveyance of letters or other articles into prison.	£10	£50
The Prisons (Scotland) Act 1952, c. 61.			
Section 30	Unlawful introduction of tobacco, spirits or other articles into prison.	£5	£50
The Prevention of Crime Act 1953, c. 14.			
Section 1(1)	Carrying an offensive weapon in a public place without lawful authority or reasonable excuse.	£50	£200

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The Births and  
 Deaths Registration  
 Act 1953, c. 20.

Section 36	Failure to give information and similar offences.	£2	In the case of an offence under paragraph (c), £20 and in any other case £10.
...	...	...	...
F178	F178	F178	F178

The Post Office Act  
 1953, c. 36.

Section 11	Sending prohibited articles through the post.	£10	£100
Section 60	Damaging, committing nuisances and placing injurious substances, etc., in or against letter boxes or telephone kiosks.	£10	£100
Section 61	Fixing things on, painting or tarring, and disfiguring letter boxes and other property of the Postmaster General.	£2	£10
Section 62	Imitating post office stamps, envelopes, forms, marks, etc.	£2	£10
Section 64	Unauthorised use of descriptions likely to mislead the public, such as “post office”, “letter box”, and “Roya l Mail”.	£2	£10
...	...	...	...
F178	F178	F178	F178
...	...	...	...
F198	F198	F198	F198

The Pharmacy Act  
 1954, c. 61.

Section 19(3)	Unlawful use by an unqualified person of title “pharmaceutical chemist” or	£20	£100
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*Status: Point in time view as at 01/02/1991.*

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	“chemist” or of a title, emblem, or description implying possession of a qualification which he does not possess.		
Section 20(2)	Forgery or imitation of a certificate issued under the Pharmacy Acts.	£20	£100
Section 20(3)	Failure to surrender certificate of registration.	£5	£10
...	...	...	...
F199	F199	F199	F199
...	...	...	...
F178	F178	F178	F178
The Affiliation Proceedings Act 1957, c. 55.			
Section 9(2)	Failure by putative father to notify change of address.	£2	£10
The Matrimonial Proceedings (Children) Act 1958, c. 40.			
Section 10(6)	Parent’s failure to give address for time being to local authority having his child in care.	£5	£10
The Agricultural Marketing Act 1958, c. 47.			
Section 6(6)	Sale of regulated product by producer in contravention of a scheme under the section.	£5 and an additional fine not exceeding half the price at which the product was sold subject to a limit of £100 on the fines which may be imposed for any one offence under the subsection.	£20 and an additional fine not exceeding half the price at which the product was sold subject to a limit of £200 on the fines which may be imposed for any one offence under the subsection.
Section 45(6)	Failing to give information or giving	£20	£50

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	false information to an agricultural marketing board.		
.... F178	.... F178	.... F178	.... F178
.... F200	.... F200	.... F200	.... F200
.... F201	.... F201	.... F201	.... F201
.... F178	.... F178	.... F178	.... F178
The Indecency with Children Act 1960, c. 33.			
Section 1(1)	Indecent conduct with or towards child under fourteen.	£100	£400
.... F202	.... F202	.... F202	.... F202
The Mental Health (Scotland) Act 1960, c. 61.			
.... F178	.... F178	.... F178	.... F178
Section 22(2)	Offences under Part III of the Act (regulation of private hospitals and residential homes).	£5 and in addition £2 for each day on which the offence continues after conviction thereof.	£20
.... F203	.... F203	.... F203	.... F203
.... F204	.... F204	.... F204	.... F204
.... F178	.... F178	.... F178	.... F178
.... F205	.... F205	.... F205	.... F205
The Industrial and Provident Societies Act 1965, c. 12.			
Section 61	Failing to give required notices, etc., or to furnish required	£5	£10

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	information, and making false returns.		
...	...	...	...
F178	F178	F178	F178
The Forestry Act 1967, c. 10.			
Section 30(5)	Failure to give information or making misstatements as to interests in land.	£5	£10
Section 46(5)	Offences against byelaws.	£10 in the case of byelaws for the New Forest and £5 in other cases.	£20 in all cases.
Section 48(3)	Obstruction of officers of Forestry Commissioners.	£5	£20

### Textual Amendments

**F178** Entries repealed by Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**; Post Office Act 1969 (c. 48), s. 141, **Sch. 11 Pt. II**; Conservation of Seals Act 1970 (c.30), **s.16(1)**; Education(Handicapped Children)Act 1970 (c.52), s. 2, Sch. ; Guardianship of Minors Act 1971 (c. 3), s.18(2), **Sch. 2**; Highways Act 1971 (c. 41), s. 86(2), **Sch. 12**; Criminal Damage Act 1971 (c. 48), ss. 11(8), 12(6), Sch. Pts. I, **II**; Matrimonial Causes Act 1973 (c. 18), s. 54(1), **Sch. 3**; National Health Service Reorganisation Act 1973 (c. 32), s.57, **Sch. 5**; Employment and Training Act 1973 (c.50) , s. 14(2), Sch. 4; Slaughterhouses Act 1974 (c. 3), s. 47(2), **Sch. 6**; Education (Mentally Handicapped Children)(Scotland) Act 1974 (c.27), s. 2(2), Sch.; Friendly Societies Act 1974 (c. 46), s. 116(4), **Sch. 11**; Road traffic Act 1974 (c. 50), s. 24(3), Sch. 7; Nursing Homes Act 1975 (c. 37), s. 22(3), Sch. 2 paras. 3, 5, **Sch. 3(savings)**; Weights and Measures Act 1976 (c. 77), **ss. 2(3)(c)**, 15(4), Sch. 7; Statute Law (Repeals) Act 1977 (c. 18), s. 1(1), **Sch. 1 Pt. IV**; Patents Act 1977 (c. 37), s. 132, **Sch. 6**; Criminal Law Act 1977 (c. 45), s. 65(5), **Sch. 13**; Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), s. 89, **Sch. 3**;

**F179** Entries repealed by City of London (Various Powers) Act 1979 (c. xxiv), **Sch. 2 Pt. II**

**F180** Entries repealed (E.W.S.) by Indecent Displays (Control) Act 1981 (c. 42), **Sch.**

**F181** Entries repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **Sch. 7 Pt. I**

**F182** Entry relating to Burgh Police (Scotland) Act 1892, (c. 55) repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s.108, **Sch. 4**

**F183** Entries repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

**F184** Entries repealed by Cinematograph (Amendment) Act 1982 (c. 33), **Sch. 2**

**F185** Entries repealed by Consumer Protection Act 1987 (c. 43, SIF 109:1), s. 48, **Sch. 5**

**F186** Entries repealed by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), **Sch. 5**

**F187** Entries repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **Sch. 7 Pt. I**

**F188** Entries repealed by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), **Sch. 5**

**F189** Entry repealed by Child Care Act 1980 (c. 5), s. 90, **Sch. 6**

**F190** Entries repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

**F191** Entries repealed by Child Care Act 1980 (c. 5), s. 90, **Sch. 6**

**F192** Entries repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), **Sch. 8**

**F193** Entries repealed by Reserve Forces Act 1980 (c. 9), **Sch. 10**



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- F194** Entries repealed by Reserve Forces Act 1980 (c. 9), **Sch. 10**  
**F195** Entry repealed by Animal Health Act 1981 (c. 22), **Sch. 6**  
**F196** Entry repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36), **Sch. 8**  
**F197** Entry repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36, SIF 83:1), **Sch. 8**  
**F198** Entries repealed by Reserve Forces Act 1980 (c. 9), **Sch. 10**  
**F199** Entries repealed by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 11**  
**F200** Entries repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**  
**F201** Entries repealed by Highways Act 1980 (c. 66, SIF 59), **Sch. 25**  
**F202** Entries repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), **Sch. 3**  
**F203** Entries repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**  
**F204** Entries repealed by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 5**  
**F205** Entries repealed by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**

#### Marginal Citations

- M61** 1878 c. 51.  
**M62** 1960 c. 16.  
**M63** 1960 c. 68.  
**M64** 1925 c. 86.  
**M65** 1963 c. 11.  
**M66** 1944 c. 31.  
**M67** 1963 c. 37.  
**M68** 1956 c. 52.  
**M69** 1945 c. 37.  
**M70** 1963 c. 37.

## PART II

### INCREASE OF LIMIT ON FINES WHICH MAY BE IMPOSED BY SUBORDINATE INSTRUMENTS

Enactment	Description of Offence	Old maximum fine	New maximum fine
The Harbours, Docks and Piers Clauses Act 1847, c. 27.			
Section 84	Contravention of byelaws.	£5	£50
The Dockyard Port Regulation Act 1865, c. 125.			
Section 6	Offences against port regulations.	£10	£50
The Metropolitan Public Carriage Act 1869, c. 115.			
Section 10	Contravention of regulations as to hackney and stage carriages.	£2	£20

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The Tramways Act  
1870, c. 78.

Section 47	Contravention of byelaws regulating tramways and prohibiting nuisances on trams.	£ 2	£20
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The Explosives Act  
1875, c. 17.

Sections 11 and 19.	Breach of special rules for regulation of workmen in gunpowder factories and stores.	£2	£20
Section 34	Contravention of harbour authorities' byelaws as to conveyance, loading and unloading of gunpowder.	£20	£100
Section 35	Contravention of railway byelaws as to conveyance, loading and unloading of gunpowder.	£20	£100
Section 36	Contravention of wharf byelaws as to loading and unloading of gunpowder.	£20	£100
Section 37	Contravention of byelaws as to conveyance by road, etc., and loading and unloading of gunpowder.	£20	£100

The Public Health  
Act 1875. c. 55.

Section 183	Contravention of local authority's byelaws.	£5	£20
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The Commons Act  
1876, c. 56.

Section 16	Contravention of byelaws for management, etc., of regulated pastures.	£2	£10
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The Local  
 Government Act  
 1933, c. 51.

Section 251	Contravention of local authority's byelaws.	£5	£20
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The Harbours, Piers  
 and Ferries (Scotland)  
 Act 1937, c. 28.

Section 11(2)	Contravention of byelaws relating to marine works, made under section 83 of the Harbours, Docks and Piers Clauses Act 1847, as applied by section 10 of the said Act of 1937.	£5	£50
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The Local  
 Government  
 (Scotland) Act 1947,  
 c. 43.

Section 302	Contravention of local authority's byelaws.	£5	£20
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 F206

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 F206

The Plant Health Act  
 1967, c. 8.

Section 3(4)(a)	Contravention of orders made under section 3 for preventing the spread in Great Britain of the Colorado beetle.	£100 for an offence against any such order of keeping or distributing live specimens of the beetle and £50 for other offences.	£100 or, for an offence committed after a previous conviction of an offence against any such order, £200.
Section 3(4)(b)	Contravention of other orders under section 3.	£10 for a first offence against any such order and £50 for an offence committed after a previous conviction of an offence against that order.	£100 or, for an offence committed after a previous conviction of an offence against any such order, £200.

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#### Textual Amendments

**F206** Entry repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)

### PART III

#### AMENDMENT OF SECTION 24 OF THE PUBLIC HEALTH (SCOTLAND) ACT 1897 (C.38)

In section 24 of the Public Health (Scotland) Act 1897 (failure to comply with decree and knowing infringement of interdict relating to nuisances under section 16, including nuisances under subsections (6) and (8) of that section arising from the conduct of factories, businesses, etc.) the provision imposing a penalty for such a failure or infringement shall have effect as if £20 were substituted for five pounds and £50 for ten pounds in the case of nuisances under the said subsection (6) or (8) of section 16, and as if £2 were substituted for ten shillings in respect of such a failure and £5 for twenty shillings in respect of such an infringement in the case of any other nuisance under that section.

### PART IV

#### AMENDMENTS EXTENDING TO NORTHERN IRELAND

Section 92 and Parts I and II of this Schedule shall extend to Northern Ireland so far as they amend the following enactments:—

section 45 of the <sup>M71</sup>Telegraph Act 1863;

#### Marginal Citations

**M71** [1863 c. 112](#).

section 6 of the <sup>M72</sup>Dockyard Ports Regulation Act 1865;

#### Marginal Citations

**M72** [1865 c. 125](#).

section 11 of the <sup>M73</sup>Post Office (Protection) Act 1884;

#### Marginal Citations

**M73** [1884 c. 76](#).

section 17 of the <sup>M74</sup>Military Lands Act 1892;

#### Marginal Citations

**M74** [1892 c. 43](#).

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sections 2 and 3 of the <sup>M75</sup>Uniforms Act 1894;

**Marginal Citations**

**M75** 1894 c. 45.

Section 60 of the <sup>M76</sup>Trade Marks Act 1938;

**Marginal Citations**

**M76** 1938 c. 22.

F207  
...

**Textual Amendments**

**F207** Words repealed by [Patents Act 1977 \(c. 37\)](#), s. 132(5), **Sch. 6**

F208  
...

**Textual Amendments**

**F208** Entry repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(2), **Sch. 8**

F209  
...

**Textual Amendments**

**F209** Entries repealed by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\)](#), **Sch. 10**

F209  
...

sections 11, 60, 61, 62, 64 and 66 of the <sup>M77</sup>Post Office Act 1953;

**Marginal Citations**

**M77** 1953 c. 36.

F209  
...

sections 6(6) and 45(6) of the <sup>M78</sup>Agricultural Marketing Act 1958.

**Marginal Citations**

**M78** 1958 c. 47.

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## SCHEDULE 4

Section 98.

### MISCELLANEOUS AMENDMENTS OF ENACTMENTS RELATING TO CRIMINAL APPEAL

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

**C23** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1—8. . . . . **F210**

#### Textual Amendments

**F210** Sch. 4 paras. 1–8 repealed by Criminal Appeal Act 1968 (c. 19), Sch. 7

9—15. . . . . **F211**

#### Textual Amendments

**F211** Sch. 4 paras. 9–15 repealed by Criminal Appeal (Northern Ireland) Act 1968 (c. 21), Sch. 5

16—19. . . . . **F212**

#### Textual Amendments

**F212** Sch. 4 paras. 16–19 repealed by Courts–Martial (Appeals) Act 1968 (c. 20), Sch. 6

20 . . . . . **F213**

#### Textual Amendments

**F213** Sch. 4 para. 20 repealed by Criminal Appeal Act 1968 (c. 19), Sch. 7

21, 22. . . . . **F214**

#### Textual Amendments

**F214** Sch. 4 paras. 21, 22 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. III

23 . . . . . **F215**

#### Textual Amendments

**F215** Sch. 4 para. 23 repealed by Criminal Appeal Act 1968 (c. 19), Sch. 7

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*The Administration of Justice Act 1960 (c. 65)*

- 24 In section 4 (power to grant bail pending appeal to the House of Lords) as it applies to England and Wales,—
- (a) ..... F216
  - (b) in subsection (2) for the words “an appellant pending an appeal under section one of this Act in such proceedings” there shall be substituted the words “an appellant under section 1 of this Act, or a person applying for leave to appeal thereunder, pending the appeal”.

**Textual Amendments**

F216 Sch. 4 para. 24(a) repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), [Sch. 7](#)

- 25 In section 4, as it applies to Northern Ireland—
- (a) ..... F217
  - (b) ..... F218

**Textual Amendments**

F217 Sch. 4 para. 25(a) repealed by [Criminal Appeal \(Northern Ireland\) Act 1968 \(c. 21\)](#), [Sch. 5](#)

F218 Sch. 4 para. 25(b) repealed by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 7 Pt. I](#)

- 26 In section 5 (power to order detention of defendant pending appeal by Crown) as it applies to England and Wales and also as it applies to Northern Ireland,—
- (a) in subsection (1) after the word “bail” there shall be inserted the words “(which may be granted by the court as under section 4 above)” ;and
  - (b) subsection (2) shall be omitted.

- 27 ..... F219

**Textual Amendments**

F219 Sch. 4 para. 27 repealed by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 7 Pt. I](#)

- 28 ..... F220

**Textual Amendments**

F220 Sch. 4 para. 28 repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), [Sch. 7](#)

- 29 ..... F221

**Textual Amendments**

F221 Sch. 4 para. 29 repealed by [Criminal Appeal \(Northern Ireland\) Act 1968 \(c. 21\)](#), [Sch. 5](#)

- 30 In section 9(3) (provision as to presence of defendant on hearing of appeal), as it applies to England and Wales, for the words “or rules of court as the case may be authorise” there shall be substituted the word “authorises”.

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31, 32. . . . . F222

**Textual Amendments**

**F222** Sch. 4 paras. 31, 32 repealed by Courts–Martial (Appeals) Act 1968 (c. 20), **Sch. 6**

33–35. . . . . F223

**Textual Amendments**

**F223** Sch. 4 paras. 33–35 repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

36, 37. . . . . F224

**Textual Amendments**

**F224** Sch. 4 paras. 36, 37 repealed by (E.W.) Criminal Appeal Act 1968 (c. 19), **Sch. 7** and (N.I.) Criminal Appeal (Northern Ireland) Act 1968 (c. 21), **Sch. 5**

38 . . . . . F225

**Textual Amendments**

**F225** Sch. 4 para. 38 repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

39 . . . . . F226

**Textual Amendments**

**F226** Sch. 4 para. 39 repealed by (E.W.) Criminal Appeal Act 1968 (c. 19), **Sch. 7** and (N.I.) Criminal Appeal (Northern Ireland) Act 1968 (c. 21), **Sch. 5**

40 . . . . . F227

**Textual Amendments**

**F227** Sch. 4 para. 40 repealed by Courts–Martial (Appeals) Act 1968 (c. 20), **Sch. 6**

41 . . . . . F228

**Textual Amendments**

**F228** Sch. 4 para. 41 repealed by Criminal Appeal (Northern Ireland) Act 1968 (c. 21), **Sch. 5**



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## SCHEDULE 5

Section 102.

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Juries*

1 Section 13 of this Act shall not apply to the verdict of a jury on the trial of any person who was arraigned before the commencement of that section.

2 Section 14 of this Act shall not apply to any person summoned to serve on a jury in any criminal proceedings before the commencement of that section.

#### *Prisoners sentenced to corrective training or preventive detention*

3 A person sentenced to corrective training or preventive detention in England and Wales who was or ought to have been detained in pursuance of his sentence immediately before the commencement of section 60 of this Act shall be treated for purposes of detention, release, recall and otherwise as having been sentenced to a term of imprisonment of the same length as the term of his original sentence and, if he was originally sentenced to preventive detention, he shall also be so treated as if an extended sentence certificate had been issued in respect of him.

4 A person sentenced to corrective training who immediately before the commencement of the said section 60 was subject to a licence under section 26 of the <sup>M79</sup>Prison Act 1952 (release on licence of prisoner sentenced to corrective training or preventive detention) shall be treated for all purposes as if his sentence had expired.

#### **Marginal Citations**

**M79** 1952 c. 52.

5 A person sentenced to preventive detention who immediately before the commencement of the said section 60 was subject to a licence as aforesaid shall be treated for the purposes of Part III of this Act as if he had been released on licence under subsection (3)(a) of that section and as if the requirements specified in the licence under the said section 26 were conditions specified in a licence under the said paragraph (a).

#### *Release of prisoners, etc. on licence*

6 A person serving any part of a sentence of imprisonment after the commencement of section 67 of this Act, being a sentence which fell to be reduced under section 17(2) of the <sup>M80</sup>Criminal Justice Administration Act 1962 (duration of sentence), shall, for the purpose of determining under section 60(1) of this Act whether he has served one-third of his sentence, be treated as if any period spent in custody between conviction and sentence and taken into account under the said section 17(2) were included in his sentence and as if he had served that period as part of that sentence.

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#### Marginal Citations

**M80** 1962 c. 15.

- 7 A person sentenced to a term of imprisonment within the meaning of section 60 of this Act for eighteen months or more and subject immediately before the commencement of that section to a licence under section 25 of the <sup>M81</sup>Prison Act 1952 or section 20 of the <sup>M82</sup>Prisons (Scotland) Act 1952 (release on licence instead of remission in the case of prisoners under twenty-one) shall be treated as if he had been released on licence under section 60(3)(b) of this Act and as if the requirements specified in the licence under the said section 25 or 20 were conditions specified in a licence under the said paragraph (b).

#### Marginal Citations

**M81** 1952 c. 52.

**M82** 1952 c. 61.

- 8 A person sentenced to a term of imprisonment for less than eighteen months and subject immediately before the commencement of the said section 60 to a licence under the said section 25 shall be subject to supervision under Schedule 1 to the <sup>M83</sup>Criminal Justice Act 1961 (supervision of persons released from detention centres) until the expiration of the period for which he would have been subject to supervision under the said section 25 and as if the requirements specified in the licence under the said section 25 had been specified in a notice given to him under that Schedule; and that Schedule and section 63(2) of this Act shall apply to any such person as they apply to a person mentioned in section 63(1) of this Act with the substitution for any reference in that Schedule to a period of twelve months from the date of a person's release of a reference to the period between his release and the expiration of the time for which he would have been subject to supervision as aforesaid.

#### Marginal Citations

**M83** 1961 c. 39.

- 9 Where a person was sentenced to a term of imprisonment for less than eighteen months and was immediately before the commencement of section 60 of this Act in prison by reason of having been recalled under the said section 25, the said Schedule 1 and section 63(2) shall apply to him as they apply to a person mentioned in the said section 63(1) subject to the modification mentioned in the last foregoing paragraph, and he shall be treated for the purposes of that Schedule as if he had been recalled thereunder.
- 10 A person subject immediately before the commencement of section 61 of this Act to a licence under any of the following enactments, that is to say, section 27 of the <sup>M84</sup>Prison Act 1952, section 21 of the <sup>M85</sup>Prisons (Scotland) Act 1952 (persons serving imprisonment for life), section 53(4) of the <sup>M86</sup>Children and Young Persons Act 1933 or section 57(4) of the <sup>M87</sup>Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes), shall be treated as if he had been released on licence under the said section 61 and as if the conditions contained in

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a licence under any of the said enactments had been specified in a licence under the said section 61 and, in the case of a person released after being sentenced under section 53(2) of the said Act of 1933 or section 57(2) of the said Act of 1937 to be detained otherwise than for life, as if a licence granted to him under the said section 61 had specified the date of the expiration of his sentence as the date until which the licence is to remain in force.

**Marginal Citations**

**M84** 1952 c. 52.

**M85** 1952 c. 61.

**M86** 1933 c. 12.

**M87** 1937 c. 37.

- 11 Where any person sentenced to imprisonment for life or sentenced under section 53 of the <sup>M88</sup>Children and Young Persons Act 1933 or section 57 of the <sup>M89</sup>Children and Young Persons (Scotland) Act 1937 to be detained was notified before the commencement of section 61 of this Act that the Secretary of State proposed to release him under any enactment mentioned in the last foregoing paragraph, the Secretary of State may release him on licence under the said section 61, whether or not recommended to do so by the Parole Board or the Parole Board for Scotland.

**Marginal Citations**

**M88** 1933 c. 12.

**M89** 1937 c. 37.

- 12 Any person who immediately before the commencement of sections 60 to 62 or section 69 of this Act was unlawfully at large or liable to be arrested without warrant under any enactment superseded by any provision of those sections shall, so long as he is at large, be (or continue to be) unlawfully at large.

*Non-payment of fines, etc.*

- 13 Notwithstanding anything in this Act, sections 69 and 70 of the <sup>M90</sup>Magistrates' Courts Act 1952, as in force immediately before the commencement of sections 44 to 46 of this Act, shall continue to apply, and the last-mentioned sections shall not apply, to a sum adjudged to be paid by a conviction of a magistrates' court if before the commencement of the last-mentioned sections a magistrates' court has fixed a term of imprisonment for default in paying that sum.

**Marginal Citations**

**M90** 1952 c. 55.

- 14 Section 93 of this Act shall not apply to a term of imprisonment to be served by a defaulter which has been fixed or imposed before the commencement of that section.

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### *Legal aid*

- 15 Where free legal aid has been granted in connection with any criminal proceedings under the enactments superseded by Part IV of this Act, those enactments shall continue to apply, and the said Part IV shall not apply, in relation to those proceedings and the legal aid so granted:

Provided that section 74(7) of this Act shall apply in relation to free legal aid granted under any enactment so superseded as it applies in relation to legal aid ordered to be given under section 73(4) of this Act.

- 16 Where legal aid is ordered to be given under Part IV of this Act to a person who applied for it before the commencement of the said Part IV, so much of that Part as relates to contributions towards costs of legal aid shall not apply to the legal aid so ordered, and the court which orders legal aid to be so given shall not be obliged to require him under section 75(4) of this Act to furnish a written statement of his means.

### *Criminal appeals*

- 17 The repeal by this Act of sections 20(5)(d) and 29(3)(d) of the <sup>M91</sup>Criminal Justice Act 1948 and section 69 of the <sup>M92</sup>Mental Health Act 1959 shall be without prejudice to appeals thereunder in the case of persons dealt with at quarter sessions before the commencement of section 97 of this Act.

#### **Marginal Citations**

**M91** 1948 c. 58.

**M92** 1959 c. 72.

## SCHEDULE 6

Section 103.

### MINOR AND CONSEQUENTIAL AMENDMENTS

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

**C24** The text of Sch. 6 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *The Vagrancy Act 1824 (c. 83)*

- 1 In section 5 (committal of incorrigible rogues to quarter sessions) for the words from “to the house of correction” onwards there shall be substituted the words “to quarter sessions, either in custody or on bail”.

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2 ..... F229

**Textual Amendments**

**F229** Sch. 6 para. 2 repealed by [Prosecution of Offences Act 1979 \(c. 31\)](#), [Sch. 2 Pt. II](#)

3 ..... F230

**Textual Amendments**

**F230** Sch. 6 para. 3 repealed by [Coroners Act 1988 \(c. 13, SIF 33\)](#), s. 36(2), [Sch. 4](#)

4 ..... F231

**Textual Amendments**

**F231** Sch. 6 para. 4 repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), [Sch. 7](#)

*The Children and Young Persons Act 1933 (c. 12)*

5 In section 55(4) (manner in which fine, etc., ordered to be paid by parent or guardian of young offender may be recovered) the words “by distress or imprisonment” shall be omitted.

6 ..... F232

**Textual Amendments**

**F232** Sch. 6 para. 6 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

7 ..... F233

**Textual Amendments**

**F233** Sch. 6 para. 7 repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt. I](#)

*The Prison Act 1952 (c. 52)*

8 In section 43(4)(a) (application of provisions of that Act) for the words from “subsections”, where it first occurs to “thirty” there shall be substituted the words “section twenty-eight”.

9—13. .... F234

**Textual Amendments**

**F234** Sch. 6 paras. 9–13, 17–20 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

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*The Magistrates’ Courts Act 1952 (c. 55)*

- 14 In section 72A(2) (court of summary jurisdiction in Scotland to be specified in a transfer of fine order) for the words “twenty Pounds or more” there shall be substituted the words “more than fifty pounds or is a fine originally imposed by a court of assize or quarter sessions”.
- 15 In section 72A(3) (termination of functions of convicting court) for the words “convicting court” there shall be substituted the words “court which made the order”.
- 16 In section 72B (powers of magistrates’ court under transfer of fine order from Scotland) there shall be added the following subsection:—
- “(3) Where a transfer of fine order under section 44 of the Summary Jurisdiction (Scotland) Act 1954 provides for the enforcement in a petty sessions area in England and Wales of a fine originally imposed by a court of assize or quarter sessions, a magistrates’ court acting for that area shall have all the like functions under this Part of this Act, exercisable subject to the like restrictions, as if it were the magistrates’ court by which payment of the fine fell to be enforced by virtue of section 44(3) of the Criminal Justice Act 1967 and as if any order made under the said Act of 1954 in respect of the fine before the making of the transfer of fine order had been made by that court.”

17—20 ..... F235

**Textual Amendments**

**F235** Sch. 6 paras. 9–13, 17–20 repealed by [Magistrates’ Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

*The Summary Jurisdiction (Scotland) Act 1954 (c. 48)*

- [<sup>F236</sup>21 Section 44 (transfer of fine orders within and from Scotland) shall be amended as follows, that is to say—
- (a) in subsection (2) for the words “fine was imposed” there shall be substituted the words “order is made”;
- (b) in (3) for the words “imposing the fine” there shall be substituted the words “which made the order”; and
- (c) at the end there shall be added the following subsection—
- “(5) Where a transfer of fine order under section 72A of the Magistrates’ Courts Act 1952 or this section provides for the enforcement by a sheriff court in Scotland of a fine imposed by court of assize or quarter sessions, the proviso to the last foregoing subsection shall not apply, but the term imprisonment which may be imposed under this Act shall be the term fixed in pursuance of section 47 of the Criminal Justice Act 1967 by that court of assize or quarter sessions or a term which bears the same proportion to the term so fixed as the amount of fine remaining due bears to the amount of the fine imposed by that court, notwithstanding that the term exceeds the period applicable to the case under section 49(1) of this Act.”]

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**Textual Amendments**

**F236** Sch. 6 para. 21 repealed (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**; amends (E.W.) Summary Jurisdiction (Scotland) Act 1954 (c. 48), s. 44

22 ..... F237

**Textual Amendments**

**F237** Sch. 6 para. 22 repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

23 ..... F238

**Textual Amendments**

**F238** Sch. 6 para. 23 repealed by Road Traffic Act 1972 (c. 20), **Sch. 9, Pt. I**

*The Criminal Justice Act 1961 (c. 39)*

24 For section 32(2) (enactments about supervision and recall of persons released from prison which are to apply throughout the United Kingdom, etc.), there shall be substituted the following subsection:—

“(2) The following are the enactments extended by this section, that is to say :—

- (a) section 45 of the Prison Act 1952 ;
- (b) sections 19 and 33 of the Prisons (Scotland) Act 1952 ;
- (c) section 55(4) of the Children and Young Persons Act (Northern Ireland) 1950 ;
- (d) sections 20, 21, 22 and 23 of the Prison Act (Northern Ireland) 1953, and Schedules 1, 2 and 3 to that Act ;
- (e) section 13 of and Schedule I to this Act ;
- (f) sections 11, 12 and 14 of the Criminal Justice (Scotland) Act 1963 and Schedule 1 to that Act ; and
- (g) sections 60 to 63 of the Criminal Justice Act 1967.”

25 In section 40 (Northern Ireland) at the end there shall be added the following subsection—

“(2) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland as a reference to that enactment as amended by any Act that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act re-enacting the said enactment with or without modifications.”

*The Criminal Justice (Scotland) Act 1963 (c. 39)*

26 In section 12(1) (supervision of persons released from young offenders institutions), after the word “more” there shall be inserted the words “but less than eighteen months”.

*Status: Point in time view as at 01/02/1991.*

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27 ..... F239

**Textual Amendments**  
 F239 Sch. 6 para. 27 repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), [Sch. 7](#)

*The Forestry Act 1967 (c. 10)*

28 In section 46(5)(c) (penalty for contravention of byelaws by the Forestry Commissioners) for the words “either case” there shall be substituted the words “the case of a continuing offence falling within either of the foregoing paragraphs”.

SCHEDULE 7

ENACTMENTS REPEALED

**Modifications etc. (not altering text)**  
 C25 The text of Sch. 6 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

REPEALS APPLYING TO ENGLAND AND WALES

Chapter	Short Title	Extent of Repeal
3 Geo. 4. c. 46.	The Levy of Fines Act 1822.	The whole Act.
4 Geo. 4. c. 37.	The Levy of Fines Act 1823.	The whole Act.
5 Geo.4. c. 83.	The Vagrancy Act 1824.	In section 10, the words from “the house” to “general or”, and the word “further”.
6 Geo. 4. c. 50.	The Juries Act 1825.	In section 53, the words from “and every such sheriff” onwards.
3 & 4 Will. 4. c. 99.	The Fines Act 1833.	Sections 34 to 40. Section 47.
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839.	In section 58, the words from the beginning to “and also”.
2 & 3 Vict. c. xciv.	The City of London Police Act 1839.	In section 37, the words from “every person” where first occurring to “and also”.



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10 & 11 Vict. c. 89.	The Town Police Clauses Act 1847.	In section 29, the words from the beginning to “and also”.
12 & 13 Vict. c. 45.	The Quarter Sessions Act 1849.	Section 17.
16 & 17 Vict. c. 30.	The Criminal Procedure Act 1853.	In section 2, the words from “and if such recognizance” onwards.
22 & 23 Vict. c. 21.	The Queen’s Remembrancer Act 1859.	Sections 30 to 39.
35 & 36 Vict. c. 94.	The Licensing Act 1872.	In section 12, the words from “who in any highway” to “behaviour or”.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	Section 222.
50 & 51 Vict. c. 71.	The Coroners Act 1887.	Section 19(4).
7 Edw. 7. c. 23.	The Criminal Appeal Act 1907.	In section 4(2), the words “and direct a judgment and verdict of acquittal to be entered”; and section 4(3); Section 8. In section 9, paragraphs (d) and (e) and the words from “and exercise” to the end of the section. Section 10. In section 11(1), the words “rules of court provide that he shall have the right to be present, or where”. Section 12. In section 15, in subsection (1), the words “relating to the proceedings in the court before which the appellant or applicant was tried” ; and subsection (5). In section 17, the words “to assign legal aid to an appellant.”. Section 18.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act 1914.	Section 27.

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15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act 1925.	Section 29.
20 & 21 Geo. 5. c. 32.	The Poor Prisoners' Defence Act 1930.	The whole Act.
20 & 21 Geo. 5. c. 45.	The Criminal Appeal (Northern Ireland) Act 1930.	In section 7(1), the word "convicted".
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	Section 53(4).
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act 1933.	Section 2.  Section 6.
1 Edw. 8 & 1 Geo. 6. c. 12.	The Firearms Act 1937.	In section 12(3), paragraph (c) and the words "in each case".
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 5(2) and (3).  In section 8, in subsection (4) the words "and dealt with" and in subsection (5) the words "and dealt with in respect".  In section 9 (as substituted by the Criminal Justice (Scotland) Act 1949), subsection (3) and in subsection (4) the words "to (3)".  Section 14(2) from "and (subject" onwards.  Section 15  Section 20(5)(d).  Section 21.  Section 23.  Section 29(3)(d) and (5).  In section 37, in subsection (1) paragraphs (a) and (c) and in paragraph (b) the words "the High Court or" and in subsection (6) the word "(c)".  Section 38(3) and (4).

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		In Schedule 5, paragraph 4(2) and the proviso to paragraph 5(1).
12, 13 & 14 Geo. 6. c. 51.	The Legal Aid and Advice Act 1949.	Part II.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	Section 7(3).
		In Schedule 11, the amendment of section 23 of the Criminal Justice Act 1948.
14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act 1951.	Section 10.
		Section 21(c).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	Section 16(1) and (3).
		Section 17(6).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 52.	The Prison Act 1952.	In section 5(2)(c), the words from “with particulars” to the end of the section.
		Section 15.
		Section 18.
		Section 25(2) to (6).
		Section 26.
		Section 27.
		In section 43, in subsection (3)(b), the words “subsection (1) of section eighteen”, and in subsection (4)(b) the words “remand centres or”.
		In section 47(4), paragraphs (a), (b) and (c) and in paragraph (d) the word “other”.
		In section 49, the words “corrective training, preventive detention” in both places where they occur.
		In section 52(2) the words from “and a draft” to “Act”, in the second place where it occurs.

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15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	Section 4(2).  In section 15(2), proviso (a). Section 69. Section 70(1). Section 113(2).  In section 114 subsection (1) (c) to (e) and subsection (2).  In Schedule 4, the following headings and all entries therein, that is to say, "Committal for trial", "Summary trial", "Conviction", "Examination", "Extradition Act 1873 (36 & 37 Vict. c. 60) s. 5", "Information" and "Recognizance"; in the heading "Attendance" the words "or to take an examination elsewhere than in court"; in the heading "Copy" the first two entries and the word "other" in the third entry; in the heading "Order" the entry beginning "Order in case"; in the heading "Summons" the words from "to include" to "time"; in the heading "Warrant", in the entry beginning "To commit", the words "conviction or" in both places where they occur; and in the Note the words "for re- swearing any person to any examination, or".
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Section 99(2)
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	Section 99(2)
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act 1956.	In section 19(1), the words "rules of court under the Criminal Appeal Act 1907 and"; and section 19(2), except as it applies to rules under the Indictment Act 1915.

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4 & 5 Eliz. 2. c. 44.	The Magistrates' Courts (Appeals from Binding Over Orders) Act 1956.	In section 1(2)(b) the words from the beginning to "aid and".
5 & 6 Eliz. 2. c. 29.	The Magistrates' Courts Act 1957.	In proviso (iii) to section 1(2), the words from "and shall not" onwards.
6 & 7 Eliz. 2. c. 48.	The Metropolitan Police Act 1839 (Amendment) Act 1958.	The whole Act.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 67(3), the words from "and the Poor" onwards. Section 69.
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	Section 5(2).  Section 6(2). Section 8(1) and (2). In section 9, subsection (1) subsection (4)(c). In Schedule 1, paragraph 3(2).
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	Section 20.  Schedule 3.
10 & 11 Eliz. 2. c. 15.	The Criminal Justice Administration Act 1962.	Section 17(2).  In Schedule 3, paragraph 3.
1963 c. 37.	The Children and Young Persons Act 1963.	In Schedule 1, paragraph 13.
1964 c. 42.	The Administration of Justice Act 1964.	Section 20.
1964 c. 43.	The Criminal Appeal Act 1964.	In section 2(4), the words from "Section 1" to "Court of Criminal Appeal; and".  In paragraph 6 of Schedule 1, the words "or any enactment of the Parliament of Northern Ireland amending or replacing the said Part III".
1964 c. 84.	The Criminal Procedure (Insanity) Act 1964.	In section 2, in subsection (4) (a), the words "8" and "18(1)".  In section 3, the proviso to subsection (1); and in

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		subsection (2) the words from “In relation to” to the end of the subsection.
1965 c. 44.	The Firearms Act 1965.	In section 9(2), the words from “and (b)” onwards.
1965 c. 71.	The Murder (Abolition of Death Penalty) Act 1965.	Section 2.
1966 c. 31.	The Criminal Appeal Act 1966.	In section 7(1), the words “at assizes or quarter sessions”.
1967 c. 58.	The Criminal Law Act 1967.	In Schedule 1, in Division II of List A, paragraph 5(c)(ii) and (iii).

## PART II

### REPEALS EXTENDING TO SCOTLAND

Chapter	Short Title	Extent of Repeal
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act 1914.	Section 27.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In section 9 (as substituted by the Criminal Justice (Scotland) Act 1949), subsection (3) and in subsection (4) the words “to (3)”.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	Section 7(3).  In Schedule 11, the amendment of section 23 of the Criminal Justice Act 1948.
14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act 1951.	Section 21(c).
15 & 16 Geo. 6. and 1 Eliz. 2.	The Prisons (Scotland) Act 1952.	Section 20(2) to (6).  Section 21.
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	In Schedule 1, paragraph 3(2).
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	In Schedule 5, the amendment of section 32(2) of the Criminal Justice Act 1961.

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1965 c. 44.	The Firearms Act 1965.	In Schedule 6, the reference to section 20(2) to (6) of the Prisons (Scotland) Act 1952.
1965 c. 71.	The Murder (Abolition of Death Penalty) Act 1965.	In section 9(2), the words from “and (b)” onwards. Section 2.

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### PART III

#### REPEALS EXTENDING TO NORTHERN IRELAND

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Chapter	Short Title	Extent of Repeal
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act 1914.	Section 27.
14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act 1951.	Section 10. Section 21(c). Section 5(2). Section 6(2). In Schedule 1, paragraph 3(2). In Part I of Schedule 2, the modification of section 6.
1964 c. 43.	The Criminal Appeal Act 1964.	In paragraph 6 of Schedule 1, the words “or any enactment of the Parliament of Northern Ireland amending or replacing the said Part III”.
1966 c. 31.	The Criminal Appeal Act 1966.	In section 7(1), the words “at assizes or quarter sessions”.
1966 c. 20. (N.I.).	The Criminal Justice Act (Northern Ireland) 1966.	In section 16(3) the words from “In relation to” onwards.

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