



# Criminal Justice Act 1967

## 1967 CHAPTER 80

### 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>F1</sup> 9 of this Act [<sup>F2</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>M1</sup>Army Act 1955 or section 99A of the <sup>M2</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>M3</sup>Perjury Act 1911 shall have effect as if this section were contained in that Act.

#### **Textual Amendments**

- F1** Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)  
**F2** Words inserted by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 9 para. 15](#)

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

- C1** [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**

- M1** [1955 c. 18](#).  
**M2** [1955 c. 19](#).  
**M3** [1911 c. 6](#).

*Status: Point in time view as at 25/08/2000.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1967, Part VI. (See end of Document for details)*

90 ..... F3

**Textual Amendments**  
F3 S. 90 repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)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>F4</sup>level 3 on the standard scale].
- (2) The foregoing subsection shall have effect instead of any corresponding provision contained in section 12 of the <sup>M4</sup>Licensing Act 1872, section 58 of the <sup>M5</sup>Metropolitan Police Act 1839, section 37 of the <sup>M6</sup>City of London Police Act 1839, and section 29 of the <sup>M7</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) ..... F5

**Textual Amendments**  
 F4 words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)  
 F5 S. 91(5) repealed by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 13](#)

**Modifications etc. (not altering text)**  
 C2 S. 91(1) amended by [Criminal Justice Act 1972 \(c. 71\)](#), [s. 34](#)

**Marginal Citations**  
 M4 1872 c. 94.  
 M5 1839 c. 47.  
 M6 1839 c. xciv.  
 M7 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

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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.
- (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>M8</sup>Public Health (Scotland) Act 1897.
- (8) ..... <sup>F6</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**

**F6** S. 92(8) repealed by [Criminal Law Act 1977 \(c. 45\), s. 65\(7\), Sch. 13](#)

**Marginal Citations**

**M8** 1897 c. 38.

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**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
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) ..... F7

(4) ..... F8

**Textual Amendments**

**F7** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

**F8** S. 93(4) repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), **Sch. 6 Pt. I**

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

**C3** 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** ..... F9

**Textual Amendments**

**F9** 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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*Administration of probation and after-care services*

**95 Probation and after-care areas and committees.**

- (1) ..... **F10**
- (2) ..... **F11**
- (4) ..... **F12**

**Textual Amendments**

- F10** S. 95(1) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F11** 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**
- F12** Ss. 54(4), 56(7), 95(4)(5) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

**96** ..... **F13**

**Textual Amendments**

- F13** 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** ..... **F14**

**Textual Amendments**

- F14** Ss. 97, 98(1)–(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

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

- (1) ..... **F15**
- (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) ..... **F16**

**Textual Amendments**

- F15** Ss. 97, 98(1)–(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**
- F16** 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**

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

**C4** 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** ..... **F17**

**Textual Amendments**

**F17** 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*

**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, . . . **F18**, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[**F19**(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**

**F18** Words repealed by Legal Aid Act 1974 (c. 4), **Sch. 5 Pt. I**

**F19** 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) ..... **F20**

**Textual Amendments**

**F20** S. 101(b) repealed by Legal Aid Act 1974 (c. 4), **Sch. 5 Pt. I**

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## 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.

### Modifications etc. (not altering text)

- C5** 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—

.....<sup>F21</sup>  
“court” does not include a court-martial;

<sup>F22</sup> . . .

[<sup>F23</sup>“extended sentence certificate” means a certificate issued under section 28 of the <sup>M9</sup>Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section];

<sup>F22</sup> . . .

<sup>F22</sup> . . .

<sup>F22</sup> . . .

“prison rules” means rules under section 47 of the <sup>M10</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>F24</sup>“suspended sentence” means a sentence to which an order under section 118(1) of the Powers of Criminal Courts (Sentencing) Act 2000 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. [<sup>F25</sup>if—
  - (a) the sentences were passed on the same occasion; or

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- (b) where they were passed on different occasions, the person has not been released under Part II of the <sup>M11</sup>Criminal Justice Act 1991 at any time during the period beginning with the first and ending with the last of those occasions.]
- (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

- F21** Definition “the clerk of the court” repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)
- F22** S. 104(1): definitions of “explosive”, “firearm”, “imitation firearm” and “offensive weapon” repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. I](#) Group 1
- F23** S. 104(1): definition of “extended sentence certificate” substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\)](#), [Sch. 9 para. 26\(1\)](#)
- F24** S. 104(1): definition of “suspended sentence” substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\)](#), [Sch. 9 para. 26\(2\)](#)
- F25** Words in s. 104(2) inserted (30.9.1998 with application as mentioned in Sch. 9 para. 15) by [1998 c. 37, s. 119](#), [Sch. 8 para. 11](#); [S.I. 1998/2327, art. 2](#)

#### Marginal Citations

- M9** [1973 c. 62](#).
- M10** [1952 c. 52](#).
- M11** [1991 c.53](#).

## 105 Northern Ireland.

- (1) ..... <sup>F26</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

- F26** 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.



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- (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) [<sup>F27</sup>section 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>F28</sup>(ee) section 100;]
  - (f) so much of section 103(1) and Schedule 6 as amends. . . <sup>F29</sup> . . . <sup>F30</sup>, the <sup>M12</sup>Criminal Justice Act 1961 and the <sup>M13</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>F31</sup> 69 and 72;
  - (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>F32</sup>
  - (e) so much of section 103(1) and Schedule 6 as amends. . . <sup>F30</sup> the <sup>M14</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).

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#### **Textual Amendments**

- F27** Words in s. 106(2)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 27**
- F28** S. 106(2)(ee) inserted (E.W.S.) by **Criminal Justice Act 1982 (c. 48, SIF 39:1)**, s. 33(c)
- F29** S. 106(2)(f) repealed by **Criminal Law Act 1977 (c. 45)**, s. 65(7), **Sch. 13**
- F30** Words repealed by **Criminal Appeal Act 1968 (c. 19)**, **Sch. 7**
- F31** Words repealed by virtue of **Powers of Criminal Courts Act 1973 (c. 62)**, **Sch. 6**
- F32** 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**
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#### **Marginal Citations**

- M12** 1961 c. 39.
- M13** 1963 c. 39.
- M14** 1961 c. 39.

**Status:**

Point in time view as at 25/08/2000.

**Changes to legislation:**

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