



Criminal Justice Act 1967

1967 CHAPTER 80

PART VI

MISCELLANEOUS AND GENERAL

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, . . . ^{F1}, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F2}(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

F1 Words repealed by [Legal Aid Act 1974 \(c. 4\), Sch. 5 Pt. 1](#)

F2 [S. 100\(2A\)](#) inserted (E.W.S.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 33\(b\)](#) (but repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), [s. 45\(2\)](#), [Sch. 3](#))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—

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- (a) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment;
- (b)^{F3}

Textual Amendments
F3 S. 101(b) repealed by [Legal Aid Act 1974 \(c. 4\)](#), [Sch. 5 Pt.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7 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

Modifications etc. (not altering text)
C1 The text of s. 103(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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—
 - ^{F4}
 “court” does not include [^{F5}the Court Martial, the Summary Appeal Court, the Service Civilian Court, the Court Martial Appeal Court or the Supreme Court on an appeal brought from the Court Martial Appeal Court];
 - ^{F6}
 [^{F7}“extended sentence certificate” means a certificate issued under section 28 of the ^{M1}Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section];
 - ^{F6}
^{F6}
^{F6}
 - “prison rules” means rules under section 47 of the ^{M2}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

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money, or for failure to do or abstain from doing anything required to be done or left undone;

^{F8}

[^{F9}(1A) In the definition of “sentence of imprisonment” in subsection (1) the reference to want of sufficient distress to satisfy a sum includes a reference to circumstances where—

- (a) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the sum from a person, but
- (b) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (as defined by paragraph 50(3) of that Schedule).]

^{F10}(2)

- (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

- F4** Definition “the clerk of the court” repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)
- F5** Words in s. 104(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 50](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F6** 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. 1](#) Group 1
- F7** S. 104(1): definition of “extended sentence certificate” substituted (25.8.2000) by [2000 c. 6](#), ss. 165, 168(1), [Sch. 9 para. 26\(1\)](#)
- F8** Words in s. 104(1) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 6\(a\)](#), [37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 paras. 42\(5\), 44\(4\)\(b\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))
- F9** S. 104(1A) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 30](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)
- F10** S. 104(2) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 6\(b\)](#), [37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 paras. 42\(5\), 44\(4\)\(b\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))

Marginal Citations

- M1** [1973 c. 62](#).
- M2** [1952 c. 52](#).

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105 Northern Ireland.

- (1) ^{F11}
- (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

F11 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) [^{F12}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;
 - (^{F13}ee) section 100;]
 - (f) so much of section 103(1) and Schedule 6 as amends. . . ^{F14} . . . ^{F15}, the ^{M3}Criminal Justice Act 1961 and the ^{M4}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. . . ^{F16} 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) ^{F17}
 - (e) so much of section 103(1) and Schedule 6 as amends. . . ^{F15} the ^{M5}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.

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- (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

- F12** Words in s. 106(2)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 27**
- F13** S. 106(2)(ee) inserted (E.W.S.) by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 33(c)
- F14** S. 106(2)(f) repealed by Criminal Law Act 1977 (c. 45), s. 65(7), **Sch. 13**
- F15** Words repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**
- F16** Words repealed by virtue of Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F17** 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

- M3** 1961 c. 39.
- M4** 1963 c. 39.
- M5** 1961 c. 39.

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