



Criminal Justice Act 1967

1967 CHAPTER 80

PART VI

MISCELLANEOUS AND GENERAL

Miscellaneous

99 Evidence with respect to offences punishable in Scotland.

For the purposes of this Act a certificate purporting to be signed by or on behalf of the Lord Advocate that an offence is punishable in Scotland with imprisonment or is punishable in Scotland on indictment with imprisonment for a term specified in the certificate shall be evidence of the matter so certified.

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, except rules under section 82 of this Act, shall be subject to annulment in pursuance of a resolution of either 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.

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) any sums required by the Secretary of State for making payments under section 81(1)(c) and (6) of this Act.

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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7 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

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—
 - " the clerk of the court " means—
 - (a) in relation to a court of quarter sessions, the clerk of the peace ;
 - (b) in relation to a court of assize, the clerk of assize;
 - " court " does not include a court-martial;
 - " explosive " has the same meaning as in the Explosives Act 1875;
 - " extended sentence certificate " has the meaning assigned to it by section 37 of this Act;
 - " firearm " has the same meaning as in the Firearms Act 1937;
 - " imitation firearm " has the same meaning as in the Firearms Act 1965 ;
 - " offensive weapon " has the same meaning as in section 1 of the Prevention of Crime Act 1953 ;
 - " prison rules " means rules under section 47 of the 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 ;
 - " suspended sentence " means a sentence to which an order under section 39(1) of this Act 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.

105 Northern Ireland.

- (1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall apply in relation to legislation for purposes similar to the purposes of Part IV of this Act so as to preclude that Parliament from enacting a provision corresponding to some provision of that Part, other than a provision relating to courts-martial and appeals therefrom.
- (2) For the purposes of section 6 of the Government of Ireland Act 1920 this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.
- (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.

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) sections 3, 38(7), 42(3) and (6), 48, 54(6) to (8), 93(3) and (4) 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 ;
 - (f) so much of section 103(1) and Schedule 6 as amends the Summary Jurisdiction (Scotland) Act 1954, the Geneva Conventions Act 1957, the Criminal Justice Act 1961 and the 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 38(7), 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) so much of section 98(6) and (7) and Schedule 4 as amends the Criminal Appeal (Northern Ireland) Act 1930, the Administration of Justice Act 1960,

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as it extends to Northern Ireland, sections 7 and 12(5) of the Criminal Appeal Act 1966 and section 16 of the Criminal Justice Act (Northern Ireland) 1966;

- (e) so much of section 103(1) and Schedule 6 as amends the Geneva Conventions Act 1957 and the 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).