



Criminal Justice Act 1967

1967 CHAPTER 80

PART VI

MISCELLANEOUS AND GENERAL

Miscellaneous

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—

^{F1}
“court” does not include [^{F2}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];

^{F3}
[^{F4}“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];

^{F3}

^{F3}

^{F3}

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

^{F5}

[^{F6}(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—

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 104. (See end of Document for details)

- (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).]

^{F7}(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

- F1** Definition “the clerk of the court” repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**
- F2** 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
- F3** 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
- F4** 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)**
- F5** 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))
- F6** 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)
- F7** 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](#).

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 104.