



Criminal Justice Act 1972

1972 CHAPTER 71

An Act to make further provision with respect to the administration of criminal justice, the criminal courts and the penal system, and to the methods of dealing with offenders (including the provision of new methods); to amend the law about qualification for jury service, the summoning of jurors and the payment of allowances in respect of jury service; to increase the penalties for certain offences and amend section 21 of the Firearms Act 1968 and section 9 of the Public Order Act 1936; and for purposes connected with those matters. [26th October 1972]

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.

PART I

POWERS FOR DEALING WITH OFFENDERS

1—5. ^{F1}

Textual Amendments

- F1** Ss. 1–5, 7–22 repealed by [Powers of Criminal Courts Act 1973](#) (c. 62), [Sch. 6](#)

Restitution orders

F26

Textual Amendments
F2 S. 6 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I(with Sch. 11 paras. 1, 2)

7—21. F3

Textual Amendments
F3 Ss. 1–5, 7–22 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

Other powers

22 F4

Textual Amendments
F4 Ss. 1–5, 7–22 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

23 (1) F5
(5) F6

Textual Amendments
F5 S. 23(1)–(4) repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6 and Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 10 Pt. I
F6 S. 23(5)(6) repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 10 Pt. I

24 Driving disqualification where vehicle used for purposes of crime.

F7(1)
F8(2)
F9(3)

[F10(4) References in this section to facilitating the commission of an offence include references to the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.]

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

Textual Amendments

- F7** S. 24(1) repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F8** S. 24(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8** (with s. 79(1)); S.I. 1992/1286, art. 2, **Sch.Sch.**, Appendix.
- F9** S. 24(3) repealed (8.11.2006) by Road Safety Act 2006 (c. 49), s. 61(9), **Sch. 7(19)**
- F10** S. 24(4) substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 48**

PART II

25— **F11**

27.

Textual Amendments

- F11** Ss. 25–27 repealed by Juries Act 1974 (c. 23), **Sch. 3**

PART III

MISCELLANEOUS PROVISIONS

28 Punishment for firearms offences.

- (1) The fourth column in Part I of Schedule 6 to the ^{M1} Firearms Act 1968 (which prescribes the maximum punishment by way of fines or imprisonment for offences under that Act) shall be amended as follows.
- (2) In the entries prescribing the punishment for offences under section 16 (possession of firearm with intent to endanger life) and section 17(1) (use of firearms to resist arrest) for the words “14 years” there shall be substituted the words “life imprisonment”.
- (3) **F12**
- (4) In the entry prescribing the punishment for an offence under section 3(5) (falsifying certificate etc. with view to acquisition of firearm), where the offender has been convicted on indictment, for the words “a fine of £200” there shall be substituted the words “a fine”.
- (5) In the entries prescribing the punishment for offences under the Act where the offender has been convicted summarily—

(a) for “£20” there shall be substituted “£50” ;

(b) for “£50” there shall be substituted “£100” ;

(c) for “£100” there shall be substituted “£200” ; and

(d) for “£200” there shall be substituted “£400”.
- (6) In relation to offences under sections 16, 17(1), 17(2) and 18(1) of the said Act of 1968 a court in Scotland shall have the like power as a court in England or Wales to impose both a sentence of imprisonment and a fine.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

Textual Amendments

F12 S. 28(3) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**

Modifications etc. (not altering text)

C2 The text of s. 28(1)(2)(4)(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.

C3 The “said Act of 1968” means [Firearms Act 1968 \(c. 27\)](#)

Marginal Citations

M1 [1968 c. 27](#).

29 Possession of firearms by persons convicted of crime in Northern Ireland.

In section 21 of the ^{M2} Firearms Act 1968 (possession of firearms and ammunition by persons previously convicted of crime) the following subsection shall be inserted after subsection (3)—

“(3A) Where by section 19 of the Firearms Act (Northern Ireland) 1969, or by any other enactment for the time being in force in Northern Ireland and corresponding to this section, a person is prohibited in Northern Ireland from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any time when to have it in his possession in Northern Ireland would be a contravention of the said section 19 or corresponding enactment”; and in subsection (6) of that section (application to court for removal of prohibition) for the words “or (3)” there shall be substituted the words “(3) or (3A)”.

Modifications etc. (not altering text)

C4 The text of s. 29 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

M2 [1968 c. 27](#).

30 ^{F13}

Textual Amendments

F13 S. 30 repealed (E.W.) by Protection from [Eviction Act 1977 \(c. 43\)](#), **Sch. 3**; (S.) by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(3), Sch. 9, para. 6, **Sch. 10**

^{F14}31 Punishment for certain offences of Sunday trading.

.....

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

Textual Amendments

F14 S. 31 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

[^{F15} 32 Punishment for use of premises in breach of closing order.

In section 2791) of the ^{M3} Housing Act 1957 (which prescribes the maximum punishment for the use of premises in breach of a closing order) for the words “twenty pounds” there shall be substituted the words “£100”; and for the words “five pounds” there shall in relation to any day after the coming into force of this section be substituted the words “£20”]

Textual Amendments

F15 S. 32 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

Modifications etc. (not altering text)

C5 The text of s. 32 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.

Marginal Citations

M3 1957 c. 56.

33 Extension of definition of “public place” in Public Order Act 1936.

For the definition of “public place” in section 9(1) of the ^{M4} Public Order Act 1936 there shall be substituted—
“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”.

Modifications etc. (not altering text)

C6 The text of s. 33 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

M4 1936 c. 6 (1 Edw. 8 & 1 Geo. 6.).

34 Power of constable to take drunken offender to treatment centre.

- (1) [^{F16}On arresting an offender for an offence under—
(a) section 12 of the Licensing ^{M5}Act 1872; or
(b) section 91(1) of the Criminal Justice Act ^{M6}1967,
a] constable may, if he thinks fit, take him to any place approved for the purposes of this section by the Secretary of State as a . . . ^{F17}treatment centre for alcoholics, and while a person is being so taken he shall be deemed to be in lawful custody.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

- (2) A person shall not by virtue of this section be liable to be detained in any such centre as aforesaid to which he has been taken, but the exercise in his case of the power conferred by this section shall not preclude his being charged with any offence.
- (3) ^{F18}

Textual Amendments

- F16** Words and paras. (a) and (b) substituted for words by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, **Sch. 6 para. 21**
- F17** Word repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**
- F18** [S. 34\(3\)](#) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, (2), Sch. 7

Marginal Citations

- M5** [1872 c.94\(68A\)](#).
- M6** [1967 c.80\(39:1\)](#).

^{F19}**35**

Textual Amendments

- F19** [S. 35](#) repealed (S.) by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), **Sch. 3** and (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), **Sch.13**; [S.I. 1992/333](#), art. 2(2), **Sch.2**.

36 Reference to Court of Appeal of point of law following acquittal on indictment.

- (1) Where a person tried on indictment has been acquitted (whether in respect of the whole or part of the indictment) the Attorney General may, if he desires the opinion of the Court of Appeal on a point of law which has arisen in the case, refer that point to the court, and the court shall, in accordance with this section, consider the point and give their opinion on it.
- (2) For the purpose of their consideration of a point referred to them under this section the Court of Appeal shall hear argument—
- by, or by counsel on behalf of, the Attorney General; and
 - if the acquitted person desires to present any argument to the court, by counsel on his behalf or, with the leave of the court, by the acquitted person himself.
- (3) Where the Court of Appeal have given their opinion on a point referred to them under this section, the court may, of their own motion or in pursuance of an application in that behalf, refer the point to [^{F20}Supreme Court] if it appears to the [^{F20}Court of Appeal that] the point ought to be considered by [^{F20}Supreme Court].
- (4) If a point is referred to [^{F21}the Supreme Court] under subsection (3) of this section, [^{F22}the Supreme Court shall consider the point and give its opinion on it accordingly.]
- (5) Where, in a point being referred to the Court of Appeal under this section or further referred to the [^{F23}Supreme Court], the acquitted person appears by counsel for the purpose of presenting any argument to [^{F23}the Court of Appeal or the Supreme Court],

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he shall be entitled ^{F24}... to the payment out of central funds of such sums as are reasonably sufficient to compensate him for expenses properly incurred by him for the purpose of being represented on the reference or further reference; and any amount recoverable under this subsection shall be ascertained, as soon as practicable, by the registrar of criminal appeals or, as the case may be, such officer as may be prescribed by order of the House of Lords.

^{F25}^{F26}(5A) Subsection (5) has effect subject to—

- (a) subsection (5B), and
- (b) regulations under section 20(1A)(d) of the Prosecution of Offences Act 1985 (as applied by this section).

(5B) A person is not entitled under subsection (5) to the payment of sums in respect of legal costs (as defined in section 16A of the Prosecution of Offences Act 1985) incurred in proceedings in the Court of Appeal.

(5C) Subsections (1A) to (1C) and (3) of section 20 of the Prosecution of Offences Act 1985 (regulations as to amounts ordered to be paid out of central funds) apply in relation to amounts payable out of central funds under subsection (5) as they apply in relation to amounts payable out of central funds in pursuance of costs orders made under section 16 of that Act.]

(6) Subject to rules of court made under section 1(5) of the ^{M7}Criminal Appeal Act 1966 (power by rules to distribute business of Court of Appeal between its civil and criminal divisions), the jurisdiction of the Court of Appeal under this section shall be exercised by the criminal division of the court; and references in this section to the Court of Appeal shall be construed accordingly as references to that division of the court.

(7) A reference under this section shall not affect the trial in relation to which the reference is made or any acquittal in that trial.

Textual Amendments

- F20** Words in s. 36(3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 23\(a\)](#); S.I. 2009/1604, art. 2(d)
- F21** Words in s. 36(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 23\(b\)\(i\)](#); S.I. 2009/1604, art. 2(d)
- F22** Words in s. 36(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 23\(b\)\(ii\)](#); S.I. 2009/1604, art. 2(d)
- F23** Words in s. 36(5) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 23\(c\)](#); S.I. 2009/1604, art. 2(d)
- F24** Words in s. 36(5) omitted (1.10.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 7 para. 9\(2\)](#) (with Sch. 7 Pt. 4); S.I. 2012/2412, art. 2(g)
- F25** S. 36(5A) omitted (1.10.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 7 para. 9\(3\)](#) (with Sch. 7 Pt. 4); S.I. 2012/2412, art. 2(g)
- F26** S. 36(5A)-(5C) inserted (1.10.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 7 para. 9\(4\)](#) (with Sch. 7 Pt. 4); S.I. 2012/2412, art. 2(g)

Marginal Citations

M7 [1966 c. 31.](#)

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

Textual Amendments

F27 S. 37 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

38 F28

Textual Amendments

F28 S. 38 repealed by Legal Aid Act 1974 (c. 4), Sch. 5 Pt. I

39 F29

Textual Amendments

F29 S. 39 repealed by Costs in Criminal Cases Act 1973 (c. 14), Sch. 2

40 F30

Textual Amendments

F30 S. 40 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

41 F31

Textual Amendments

F31 S. 41 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

42 F32

Textual Amendments

F32 S. 42 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

43 F33

Textual Amendments

F33 S. 43 repealed by Bail Act 1976 (c. 63), Sch. 3

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

44, 45. F34

Textual Amendments

F34 Ss. 44, 45 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

46 Admissibility of written statements made outside England and Wales.

- (1) [^{F35} . . . ^{F36} section 9 of the Criminal Justice Act 1967 (^{F36} . . . written statements to be used as evidence in ^{F36} . . . criminal proceedings) ^{F36} . . . and section 89 of the said Act of 1967 (^{F36} . . . false statements which are tendered in evidence under the said section ^{F36} . . . 9 ^{F36} . . .)] shall apply to written statements made in Scotland or Northern Ireland as well as to written statements made in England and Wales.

^{F37}(1A)

^{F37}(1B)

^{F37}(1C)

^{F38}(2)

Textual Amendments

F35 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 7 para. 114(a)

F36 Words in s. 46(1) repealed (4.7.1996 but with effect (8.3.1997) as mentioned in s. 65, Sch. 1 Pt. III, para. 39) by 1996 c. 25, ss. 47, 80, Sch. 1 Pt. II, para. 22(2), Sch. 5 para. 10 (with s. 78(1)); S.I. 1997/683, art. 1(2)

F37 S. 46(1A)-(1C) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 in so far as not already in force) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 47, Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, arts. 2, 3, 4, Sch. (as amended (4.11.2012) by S.I. 2012/2761, art. 2) and S.I. 2013/1103, arts. 2, 3, 4)

F38 S. 46(2) repealed (4.7.1996 but with effect (8.3.1997) as mentioned in s. 65, Sch. 1 Pt. III, para. 39) by 1996 c. 25, ss. 47, 80, Sch. 1 Pt. II, para. 22(4), Sch. 5 para. 10 (with s. 78(1)); S.I. 1997/683, art. 1(2)

47 Summary trial of certain offences of arson.

In Schedule 1 to the ^{M8} Magistrates' Courts Act 1952 (indictable offences triable summarily with the consent of the accused when adult), for paragraph 2 there shall be substituted the following paragraph, in lieu of that substituted by section 7(1) of the Criminal Damage Act 1971 :—

“2 Offences under section 1(1) or section 1(1) and (3) of the Criminal Damage Act 1971 or under section 2 or 3 of that Act.”

Modifications etc. (not altering text)

C7 The text of s. 47 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
M8 1952 c. 55.

F39 48 Proceedings under Indecency with Children Act 1960.

Textual Amendments
F39 S. 48 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 7; S.I. 2004/874, art. 2

F40 49

Textual Amendments
F40 S. 49 repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2), Sch. 7 para. 12, Sch. 10; S.I. 1998/2327, art. 2(1)(w)(aa)(3)(l)

50 F41

Textual Amendments
F41 S. 50 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 9

51 Execution of process between England and Wales and Scotland.

- [^{F42}(1) Where in any proceedings brought, or proposed to be brought, in respect of any person in pursuance of section 1 of the ^{M9}Children and Young Persons Act 1969 (care proceedings in [^{F43}youth court]) it is, or is to be, alleged that the condition set out in subsection (2)(f) of that section is satisfied (guilty of an offence), any warrant issued under section 2(4) of that Act for the purpose of securing the attendance of that person before the court in which the proceedings are brought or proposed to be brought may, if it is endorsed with a statement that such an allegation as aforesaid is, or is to be, made in the proceedings, be executed in Scotland by any constable appointed for a police area in like manner as a warrant issued in Scotland for the arrest of a person charged with an offence.]
- (2) Where a warrant is issued for the apprehension of a child in pursuance of Part III of the ^{M10}Social Work (Scotland) Act 1968, that warrant may be executed in England and Wales in like manner as a warrant issued in Scotland for the apprehension of a person charged with an offence, and [^{F44}sections 17(1) and 325(1) of the ^{M11}Criminal Procedure (Scotland) Act 1975] shall apply accordingly.
- (3) F45
- ^{F46}(4)

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

Textual Amendments

F42 S. 51(1) repealed (14.10.1991) (E.W.) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), **Sch. 15**; S.I. 1991/828, **art. 3(2)**.

F43 Words in s. 51(1) substituted (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, **Sch. 11 para. 40(2)(h)**; S.I. 1992/333, art. 2(2), **Sch. 2**.

F44 Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 9 para. 49**

F45 Ss. 51(3), 52–57 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

F46 S. 51(4) omitted (6.4.2020) by virtue of [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\)](#), s. 4(3), **Sch. para. 1**; S.I. 2020/24, reg. 3(b)

Marginal Citations

M9 1969 c. 54.

M10 1968 c. 49.

M11 1975 c. 21.

PART IV

ADMINISTRATIVE PROVISIONS

52— F47
57.

Textual Amendments

F47 Ss. 51(3), 52–57 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

58 Amendment of Police (Property) Act 1897.

In section 1(1) of the ^{M12} Police (Property) Act 1897 (which makes provision for the disposal of property which has come into the possession of the police in connection with any criminal charge) for the words “with any criminal charge” there shall be substituted the words “with their investigation of a suspected offence”.

Modifications etc. (not altering text)

C8 The text of s. 58 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

M12 1897 c. 30.

^{F48}59 Abolition of duty to re-convey certain prisons to local authorities.
.....

Textual Amendments

F48 S. 59 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

F4960 Power of entry in connection with acquisition of land for prisons.

.....

Textual Amendments

F49 S. 60 omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 14 para. 7; S.I. 2016/733, reg. 3(h) (with reg. 6)

61, 62. F50

Textual Amendments

F50 Ss. 61, 62 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), Sch. 3

PART V

SUPPLEMENTARY

63 †Powers of Parliament of Northern Ireland.

(1) F51

(2) F52 Her Majesty may by Order in Council make provision in relation to Northern Ireland for corresponding purposes; and any Order under this section may be varied or revoked by a further Order.

(3) F53

Textual Amendments

F51 S. 63(1) repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

F52 Words repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

F53 S. 63(3) repealed by Criminal Appeal (Northern Ireland) Act 1980 (c. 47, SIF 38), Sch. 5

Modifications etc. (not altering text)

C9 Unreliable marginal note

64 Minor and consequential amendments and repeals.

(1) The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

- (2) The enactments specified in Schedule 6 to this Act (which include certain spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.

Modifications etc. (not altering text)

- C10** The text of s. 64 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.

65 Expenses and receipts.

There shall be defrayed out of moneys provided by Parliament any expenses of the Secretary of State under this Act and any increase attributable to this Act in the sums payable out of such moneys under any other Act; and any sums received by the Secretary of State in consequence of this Act shall be paid into the Consolidated Fund.

66 Citation, interpretation, commencement and extent.

- (1) This Act may be cited as the Criminal Justice Act 1972.

^{F54}(2)

^{F55}(3)

^{F55}(4)

- (5) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any other enactment, including this Act.

- (6) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different provisions:

^{F56} ...

- (7) In this Act—

- (a) sections 23, 24, 28, 29, 30, 33, 35, 51 and this section, ^{F57}... section 64(1) and Schedule 5 so far as they relate to the ^{M13}Road Traffic Act 1972 and section 64(2) and Schedule 6 so far as they relate to the ^{M14}Summary Jurisdiction (Scotland) Act 1908 and the ^{M15}Firearms Act 1968, extend to Scotland;
- (b) section 63 and this section extend to Northern Ireland;
- (c) section 64(1) and Schedule 5 so far as they relate to the ^{M16}Petty Sessions (Ireland) Act 1851 extend to Scotland, Northern Ireland, the Channel Islands and the Isle of Man;

but, save as aforesaid, this Act extends to England and Wales only.

Textual Amendments

- F54** S. 66(2) repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 37, **Sch. 23 Pt. 3** (with s. 89) (as amended by 2013 c. 22, s. 25(9)(a)); [S.I. 2014/768](#), art. 2(1)(b)

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

- F55** S. 66(3)(4) and Schedule 1 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**
- F56** Words in s. 66(6) repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), **Sch. 1 Pt. 3**
- F57** Words in s. 66(7)(a) repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), **Sch. 1 Pt. 3**

Marginal Citations

- M13** [1972 c. 20](#).
- M14** [1908 c. 65](#).
- M15** [1968 c. 27](#).
- M16** [1851 c. 93](#).

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

F58F58SCHEDULE 1

Textual Amendments

F58 S. 66(3)(4) and Schedule 1 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

F58

F59F59SCHEDULE 2

Textual Amendments

F59 Schedule 2 repealed by Juries Act 1974 (c. 23), Sch. 3

F59

F60F60SCHEDULE 3

Textual Amendments

F60 Schedule 3 repealed by Costs in Criminal Cases Act 1973 (c. 14), Sch. 2

F60

F61F61SCHEDULE 4

Textual Amendments

F61 Schedule 4 repealed by Criminal Appeal (Northern Ireland) Act 1980 (c. 47, SIF 38), Sch. 5

F61

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

SCHEDULE 5 Section 64(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

C11 The text of Schedule 5 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 Petty Sessions (Ireland) Act 1851

In the ^{M17}Petty Sessions (Ireland) Act 1851—

- (a) in sections 27 and 29 for the words “county inspector” (wherever occurring) there shall be substituted the words “chief superintendent of police” ; and
- (b) in section 44, for the words from “ “county inspector” shall” to “rank of county inspector” there shall be substituted the words “ “chief superintendent of police” means an officer of the Royal Ulster Constabulary having the rank of chief superintendent”.

Marginal Citations

M17 1851 c. 93.

Marginal Citations

M17 1851 c. 93.

F62

Textual Amendments

F62 Entry relating to Theatrical Employers Registration Act 1925 repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), **Sch. 7 Pt. IV**

Textual Amendments

F62 Entry relating to Theatrical Employers Registration Act 1925 repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), **Sch. 7 Pt. IV**

F63

Textual Amendments

F63 Entry relating to Children and Young Persons Act 1933 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

Textual Amendments

F63 Entry relating to Children and Young Persons Act 1933 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

The Incitement to Disaffection Act 1934

In section 2(4) of the ^{M18}Incitement to Disaffection Act 1934 for the words from “and subject as aforesaid” onwards there shall be substituted the words “and, in relation to property which has come into the possession of the police under this section, the ^{M19}Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the foregoing provisions of this subsection and to the provisions of this Act conferring powers on courts dealing with offences”.

Marginal Citations

M18 [1934 c. 56.](#)
M19 [1897 c. 30.](#)

Marginal Citations

M18 [1934 c. 56.](#)
M19 [1897 c. 30.](#)

The Dogs Amendment Act 1938

In section 1(2) of the ^{M20}Dogs Amendment Act 1938 for the words “fourteen days from the date of the order” there shall be substituted the words “the period within which notice of appeal to the Crown Court may be given against the order”.

Marginal Citations

M20 [1938 c. 21.](#)

Marginal Citations

M20 [1938 c. 21.](#)

The Criminal Justice Act 1948

F64

Textual Amendments

F64 Entry relating to Criminal Justice Act 1948 and para. (b) of entry relating to Criminal Justice Act 1967 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

Textual Amendments

F64 Entry relating to Criminal Justice Act 1948 and para. (b) of entry relating to Criminal Justice Act 1967 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

F65

Textual Amendments

F65 Entry relating to Reserve and Auxiliary Forces (Training) Act 1951 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

Textual Amendments

F65 Entry relating to Reserve and Auxiliary Forces (Training) Act 1951 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

F66

Textual Amendments

F66 Entry relating to Costs in Criminal Cases Act 1952 repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

Textual Amendments

F66 Entry relating to Costs in Criminal Cases Act 1952 repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

F67

Textual Amendments

F67 Entry relating to Magistrates' Courts Act 1952 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

Textual Amendments

F67 Entry relating to Magistrates' Courts Act 1952 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

F68

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

Textual Amendments

F68 Entry relating to Prevention of Fraud (Investments) Act 1958 repealed by [Financial Services Act 1986](#) (c. 50, SIF 69), s. 212(3), [Sch. 17 Pt. I](#)

Textual Amendments

F68 Entry relating to Prevention of Fraud (Investments) Act 1958 repealed by [Financial Services Act 1986](#) (c. 50, SIF 69), s. 212(3), [Sch. 17 Pt. I](#)

F69

Textual Amendments

F69 Entry relating to Criminal Justice Act 1961 repealed by [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), [Sch. 9](#)

Textual Amendments

F69 Entry relating to Criminal Justice Act 1961 repealed by [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), [Sch. 9](#)

The Criminal Justice Act 1967

In the ^{M21}Criminal Justice Act 1967—

- F70** (a)
(b) **F71**
(c) in section 60(2) the words “between conviction and sentence” shall be omitted ;
(d) in section 67(1), after the words “probation order” there shall be inserted the words “a community service order” ;
(e) **F72**

Textual Amendments

F70 Paragraph (a) of entry relating to the Criminal Justice Act 1967 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. I](#) Group1
F71 Entry relating to Criminal Justice Act 1948 and para. (b) of entry relating to Criminal Justice Act 1967 repealed by [Powers of Criminal Courts Act 1973](#) (c. 62), [Sch. 6](#)
F72 Paragraphs (e)—(g) of entry relating to Criminal Justice Act 1967 repealed by [Legal Aid Act 1974](#) (c. 4), [Sch. 5 Pt. I](#)

Marginal Citations

M21 1967 c. 80.

Textual Amendments

F70 Paragraph (a) of entry relating to the Criminal Justice Act 1967 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. I](#) Group1

*Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)*

F71	Entry relating to Criminal Justice Act 1948 and para. (b) of entry relating to Criminal Justice Act 1967 repealed by Powers of Criminal Courts Act 1973 (c. 62) , Sch. 6
F72	Paragraphs (e)—(g) of entry relating to Criminal Justice Act 1967 repealed by Legal Aid Act 1974 (c. 4) , Sch. 5 Pt. 1
Marginal Citations	
M21	1967 c. 80 .

..... **F73**

Textual Amendments	
F73	Entry relating to Criminal Appeal Act 1968 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1) , s. 170, Sch. 8 para. 16 Sch. 16

Textual Amendments	
F73	Entry relating to Criminal Appeal Act 1968 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1) , s. 170, Sch. 8 para. 16 Sch. 16

The Theft Act 1968

F74

Textual Amendments	
F74	Entry in Sch. 5 relating to the Theft Act 1968 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168 , Sch. 12 Pt. 1 (with Sch. 11 paras. 1, 2)

Textual Amendments	
F74	Entry in Sch. 5 relating to the Theft Act 1968 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168 , Sch. 12 Pt. 1 (with Sch. 11 paras. 1, 2)

..... **F75**

Textual Amendments	
F75	Entry relating to Children and Young Persons Act 1969 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82) , Sch. 9 and Criminal Justice Act 1982 (c. 48, SIF 39:1) , Sch. 16 and by 2000 c. 6, ss. 165, 168 , Sch. 12 Pt. 1 it is provided that the entry relating to s. 7(8) of the Children and Young Persons Act 1969 is repealed (25.8.2000).

Textual Amendments	
F75	Entry relating to Children and Young Persons Act 1969 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82) , Sch. 9 and Criminal Justice Act 1982 (c. 48, SIF 39:1) , Sch. 16 and by 2000 c. 6, ss. 165, 168 ,

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

Sch. 12 Pt. 1 it is provided that the entry relating to s. 7(8) of the Children and Young Persons Act 1969 is repealed (25.8.2000).

F76

Textual Amendments

F76 Entry relating to Administration of Justice Act 1970 repealed by Costs in [Criminal Cases Act 1973](#) (c. 14), **Sch. 2**

Textual Amendments

F76 Entry relating to Administration of Justice Act 1970 repealed by Costs in [Criminal Cases Act 1973](#) (c. 14), **Sch. 2**

F77

Textual Amendments

F77 Entry relating to Courts Act 1971 repealed by [Juries Act 1974](#) (c. 23), **Sch. 3**

Textual Amendments

F77 Entry relating to Courts Act 1971 repealed by [Juries Act 1974](#) (c. 23), **Sch. 3**

The Immigration Act 1971

In section 6(3)(b) of the ^{M22}Immigration Act 1971 for the words “first offenders” there shall be substituted the words “persons who have not previously been sentenced to imprisonment”.

Marginal Citations

M22 [1971 c. 77](#).

Marginal Citations

M22 [1971 c. 77](#).

The Road Traffic Act 1972

F78

Textual Amendments

F78 Entry relating to the Road Traffic Act 1972 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. 1** Group1

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

Textual Amendments

F78 Entry relating to the Road Traffic Act 1972 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. I Group1

SCHEDULE 6

Section 64(2).

REPEALS

Modifications etc. (not altering text)

C12 The text of Schedule 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.

PART I

JURIES

Chapter	Short Title	Extent of Repeal
31 Geo. 3. c. 32.	The Roman Catholic Relief Act 1791	In section 8 the words “from serving upon any jury or”.
6 Geo. 4. c. 50.	The Juries Act 1825.	Sections 1, 27 and 50.
33 & 34 Vict. c. 77.	The Juries Act 1870.	Sections 4, 5, 7 to 10, 25 and the Schedule.
53 & 54 Vict. c. 21.	The Inland Revenue Regulation Act 1890	In section 8, the words “or on any jury or inquest whatsoever”.
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act 1890.	Section 26.
7 Edw. 7. c. cxl.	The City of London (Union of Parishes) Act 1907.	Section 26.
9 & 10 Geo. 5. c. 71.	The Sex Disqualification (Removal) Act 1919.	<div>In section 1 the words “and a person shall not be exempted by sex or marriage from the liability to serve as a juror”.</div> <div>In section 4(2) the words from “and any enactment relating to juries” onwards.</div>
9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 8.
12 & 13 Geo. 5. c. 11.	The Juries Act 1922.	The whole Act.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

19 & 20 Geo. 5. c. 17.	The Local Government Act 1929.	Section 79(1).
11 & 12 Geo. 6. c. 65.	The Representation of the People Act 1948.	In Schedule 10, Part II, paragraph 7(2).
12, 13 & 14 Geo. 6. c. 86.	The Electoral Registers Act 1949.	Section 3(1).
		Schedule 2.
14 & 15 Geo. 6. c. 53.	The Midwives Act 1951.	Section 22.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	In section 2(1) the words “or on any jury whatsoever”.
1 & 2 Eliz. 2. c. 50.	The Auxiliary Forces Act 1953.	In section 39(3) the words “and shall be exempt from serving on any jury”; and the proviso.
2 & 3 Eliz. 2. c. 70.	The Mines and Quarries Act 1954.	Section 144(5).
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Section 183.
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	Section 183.
5 & 6 Eliz. 2. c. 28.	The Dentists Act 1957.	In section 32, in subsection (1), the words “serving on all juries and inquests whatsoever and from” ; subsection (2).
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	Section 145(5).
10 & 11 Eliz. 2. c. xlii.	The British Transport Commission Act 1962.	Section 43(2).
1964 c. 42.	The Administration of Justice Act 1964.	Section 21.
		Schedule 3 paragraph 13.
1964 c. 48.	The Police Act 1964.	In Schedule 9 the entry relating to the Juries Act 1870.
1965 c. 16.	The Airports Authority Act 1965.	Section 10(5).
1966 c. 36.	The Veterinary Surgeons Act 1966.	Section 24(1).
1967 c. 80.	The Criminal Justice Act 1967.	Sections 14 to 16.
1968 c. xxxii.	The Port of London Act 1968.	Section 154(4).
		In Schedule 2, Part I, paragraph 14.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

1970 c. 9.	The Taxes Management Act 1970.	Section 5(2).
1971 c. 23.	The Courts Act 1971.	In section 31, in subsection (3), the words from “and in section 1” onwards; and subsection (7). Section 33(3). In Schedule 4, paragraphs 1 and 2. In Schedule 8, paragraphs 11 and 50.

PART II

OTHER REPEALS

Chapter	Short Title	Extent of Repeal
33 & 34 Vict. c. 23.	The Forfeiture Act 1870.	Section 4.
8 Edw. 7. c. 65.	The Summary Jurisdiction (Scotland) Act 1908.	In section 77(4) the words “forty-four”.
1 & 2 Geo. 5. c. 27.	The Protection of Animals Act 1911.	Section 4.
16 & 17 Geo. 5. c. 60.	The Legitimacy Act 1926.	In the Schedule, in paragraph 6, the words from “and any sum” onwards.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 11(2). Section 14(2). In section 77(3), the proviso. In section 80(6) the word “damages”. In Schedule 1, in paragraph (b) of the proviso to paragraph 3 the words “or to submit to treatment for his mental condition”. In Schedule 5, in paragraph 2(1)(a), the words from “and, if the order so provides” onwards ; paragraph 3(4) and on paragraph 3(6) the words “in individual cases”.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	In section 27, in subsection (5) the words

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

		“and any question whether expenditure was properly incurred shall also be so determined”; and subsections (10)(a) and (11).
		Section 28.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	In section 17, in subsection (1) the definition of “prosecutor” and subsection (4).
16 & 17 Geo. 6. & 1 Eliz. 2. c. 55.	The Prison Act 1952.	Section 38 except as provided in section 59 of this Act.
15 & 16 Geo. 6. c. 55.	The Magistrates’ Courts Act 1952.	Section 34.
1 & 2 Eliz. 2. c. 20.	The Births and Deaths Registration Act 1953.	Section 38(2).
2 & 3 Eliz. 2. c. 70.	The Mines and Quarries Act 1954.	Section 167.
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Section 221.
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	Section 219.
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	Section 100(3).
6 & 7 Eliz. 2. c. 31.	The First Offenders Act 1958.	The whole Act.
7 & 8 Eliz. 2. c. 22.	The County Courts Act 1959.	Section 181.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 147(1).
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	Section 24(2).
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	In section 164(6) the words from the beginning to “Exchequer ; and”.
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	Section 8(4).
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	In Schedule 5 the amendment of the First Offenders Act 1958.
1964 c. 42.	The Administration of Justice Act 1964.	Section 22(2)(a).
		In Schedule 3, paragraph 19(4) and in paragraph 20(7) the words from “and in section 27(2)” onwards.
1965 c. 24.	The Severn Bridges Tolls Act 1965.	Section 20(4).

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1972. (See end of Document for details)

1967 c. 10.	The Forestry Act 1967.	Section 46(6).
1967 c. 58.	The Criminal Law Act 1967.	In Schedule 2, paragraph 9.
1967 c. 76.	The Road Traffic Regulation Act 1967.	Section 94(1).
1967 c. 80.	The Criminal Justice Act 1967.	Section 39(3) to (6). In section 47(10) the words “and as being Exchequer moneys”. In section 54(5) the words from “and the maximum fine” onwards. In section 60(2), the words “between conviction and sentence”.
1967 c. 83.	The Sea Fisheries (Shellfish) Act 1967.	Section 19(3).
1968 c. 27.	The Firearms Act 1968.	In Schedule 6, in column 4 of Part I, in the entries relating to sections 16, 17(1) and (2) and 18(1), the words “in England or Wales”.
1968 c. 60.	The Theft Act 1968.	Section 26(4).
1969 c. 54.	The Children and Young Persons Act 1969.	In Schedule 5, paragraph 1.
1970 c. 31.	The Administration of Justice Act 1970.	Section 50(a). In Schedule 9, in paragraph 12, the word “damages”.
1971 c. 10.	The Vehicles (Excise) Act 1971.	Section 35(1).
1971 c. 23.	The Courts Act 1971.	Section 53(2)(b). In Schedule 8 paragraph 43(2) and, in paragraph 48(a), the reference to section 73(5).
1971 c. 48.	The Criminal Damage Act 1971.	Section 79(1). Section 8.
1971 c. 77.	The Immigration Act 1971.	In Schedule 2, in paragraph 23(3) the words “and as being Exchequer moneys”, and the same words in paragraph 31(4).

Changes to legislation: There are currently no known outstanding effects
for the Criminal Justice Act 1972. (See end of Document for details)

1972 c. 20.

The Road Traffic Act 1972. Section 185(1).

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice Act 1972.