



Criminal Justice Act 1972

1972 CHAPTER 71

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) ^{F1}
- (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.

Status: Point in time view as at 04/07/1996.

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

Textual Amendments

F1 S. 28(3) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**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)

C1 The text of s. 28(1)(2)(4)(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C2 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)

C3 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 F2

Textual Amendments

F2 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**

31 Punishment for certain offences of Sunday trading.

In section 59(1), 64 and 67(5) of the ^{M3} Shops Act 1950 (which impose penalties for certain offences of trading or carrying on business on Sunday) for the words “five pounds” and “two pounds” (wherever occurring) there shall be substituted the

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words “£50”; and for the words “twenty pounds” (wherever occurring) there shall be substituted the words “£200”.

Modifications etc. (not altering text)

- C4** The text of s. 31 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

- M3** 1950 c. 28.

[^{F3}**32** **Punishment for use of premises in breach of closing order.**

In section 2791) of the ^{M4} 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

- F3** 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

- M4** 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 ^{M5} 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

- M5** 1936 c. 6 (1 Edw. 8 & 1 Geo. 6.).

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

- (1) [^{F4}On arresting an offender for an offence under—
 - (a) section 12 of the Licensing ^{M6}Act 1872; or
 - (b) section 91(1) of the Criminal Justice Act ^{M7}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 . . . ^{F5} treatment centre for alcoholics, and while a person is being so taken he shall be deemed to be in lawful custody.
- (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) ^{F6}

Textual Amendments

F4 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](#)

F5 Word repealed by [Criminal Law Act 1977 \(c. 45\), Sch. 13](#)

F6 [S. 34\(3\)](#) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 119, \(2\), Sch. 7](#)

Marginal Citations

M6 [1872 c.94\(68A\)](#).

M7 [1967 c.80\(39:1\)](#).

^{F7}35

Textual Amendments

F7 [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—
 - (a) by, or by counsel on behalf of, the Attorney General; and
 - (b) 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

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that behalf, refer the point to the House of Lords if it appears to the court that the point ought to be considered by that House.

- (4) If a point is referred to the House of Lords under subsection (3) of this section, the House shall consider the point and give their opinion on it accordingly; and section 35(1) of the ^{M8}Criminal Appeal Act 1968 (composition of House for appeals) shall apply also in relation to any proceedings of the House under this section.
 - (5) Where, in a point being referred to the Court of Appeal under this section or further referred to the House of Lords, the acquitted person appears by counsel for the purpose of presenting any argument to the court or the House, he shall be entitled to his costs, that is to say 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.
- [^{F8}(5A) Section 20(1) of the Prosecution of Offences Act 1985 (regulations as to scales and rates of payment of costs payable out of central funds) shall apply in relation to this section as it applies in relation to Part II of that Act.]
- (6) Subject to rules of court made under section 1(5) of the ^{M9}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

F8 S. 36(5A) inserted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(5), **Sch. 1 Pt. II para. 8**

Marginal Citations

M8 1968 c. 19.
M9 1966 c. 31.

37 ^{F9}

Textual Amendments

F9 S. 37 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

38 ^{F10}

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Textual Amendments

F10 S. 38 repealed by [Legal Aid Act 1974 \(c. 4\)](#), **Sch. 5 Pt. I**

39 **F11**

Textual Amendments

F11 S. 39 repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 2**

40 **F12**

Textual Amendments

F12 S. 40 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

41 **F13**

Textual Amendments

F13 S. 41 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

42 **F14**

Textual Amendments

F14 S. 42 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

43 **F15**

Textual Amendments

F15 S. 43 repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**

44, 45. **F16**

Textual Amendments

F16 Ss. 44, 45 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

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46 Admissibility of written statements made outside England and Wales.

- (1) [^{F17F18} . . . section 9 of the Criminal Justice Act 1967 (^{F18} . . . written statements to be used as evidence in ^{F18} . . . criminal proceedings) ^{F18} . . . and section 89 of the said Act of 1967 (^{F18} . . . false statements which are tendered in evidence under the said section ^{F18} . . . 9 ^{F18} . . .)] shall apply to written statements made in Scotland or Northern Ireland as well as to written statements made in England and Wales.

[^{F19}(1A) The following provisions, namely—

- (a) so much of section 5A of the Magistrates' Courts Act 1980 as relates to written statements and to documents or other exhibits referred to in them,
- (b) section 5B of that Act, and
- (c) section 106 of that Act,

shall apply where written statements are made in Scotland or Northern Ireland as well as where written statements are made in England and Wales.

(1B) The following provisions, namely—

- (a) so much of section 5A of the Magistrates' Courts Act 1980 as relates to written statements and to documents or other exhibits referred to in them, and
- (b) section 5B of that Act,

shall (subject to subsection (1C) below) apply where written statements are made outside the United Kingdom.

(1C) Where written statements are made outside the United Kingdom—

- (a) section 5B of the Magistrates' Courts Act 1980 shall apply with the omission of subsections (2)(b) and (3A);
- (b) paragraph 1 of Schedule 2 to the Criminal Procedure and Investigations Act 1996 (use of written statements at trial) shall not apply.]

(2)

Textual Amendments

F17 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 114\(a\)](#)

F18 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\(2\)](#)

F19 [S. 46\(1A\)-\(1C\)](#) inserted (4.7.1996 but with effect (8.3.1997) as mentioned in s. 65, Sch. 1 Pt. III para. 39) by [1996 c. 25, s. 47, Sch. 1 Pt. II, para. 22\(3\)](#) (with s. 78(1)); S.I. 1997/683, [art. 1\(2\)](#)

47 Summary trial of certain offences of arson.

In Schedule 1 to the ^{M10} 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.”

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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

- M10** 1952 c. 55.

48 Proceedings under Indecency with Children Act 1960.

Section 8 of the ^{M11}Sexual Offences Act 1967 (which provides that no proceedings shall be instituted except by or with the consent of the Director of Public Prosecutions against any man for gross indecency or certain other offences where any person involved is under twenty-one) shall not apply to proceedings under the ^{M12}Indecency with Children Act 1960.

Marginal Citations

- M11** 1967 c. 60.
M12 1960 c. 33.

49 Community service order in lieu of warrant of commitment for failure to pay fine etc.

- (1) In any case in which a magistrates' court has power under [^{F20}Part III of the Magistrates' Courts Act 1980] to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction of a magistrates' court, the court may, subject to subsection (2) of this section, make a community service order in respect of the person in default instead of issuing a warrant of commitment.
- (2) [^{F21}In this section "community service order" has the same meaning as in the ^{M13}Powers of Criminal Courts Act 1973 and section 14(2) of that Act and, so far as applicable, the other provisions of that Act] relating to community service orders shall have effect in relation to an order under this section as they have effect in relation to an order in respect of an offender except that—
 - (a) so much of [^{F21}subsection (3) of section 16] as enables a court to impose a fine not exceeding £50 for a failure to comply with any such requirement as is there mentioned shall not apply; and
 - (b) the power conferred by paragraph (a) of that subsection and by [^{F21}section 17(2)(a) of that Act] to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question.
- (3) Where a community service order has been made under this section for default in paying any sum—
 - (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;
 - (b) on payment of a part of the said sum as aforesaid, the total number of hours for which the person in respect of whom the order was made is required to

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work under the order shall be reduced proportionately, that is to say by such number of complete hours as bears to the said total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the said sum.

- (4) [^{F22}Section 32(1) of the ^{M14}Powers of Criminal Courts Act 1973] (under which a fine imposed by the Crown Court is treated for the purpose of enforcement as having been imposed on conviction by a magistrates' court) shall not apply for the purposes of this section.

Textual Amendments

F20 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 115](#)

F21 Words substituted by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 5 para. 47\(a\)](#)

F22 Words substituted by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 5 para. 47\(b\)](#)

Marginal Citations

M13 1973 c. 62.

M14 1973 c. 62.

50 ^{F23}

Textual Amendments

F23 S. 50 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

51 Execution of process between England and Wales and Scotland.

[^{F24}(1) Where in any proceedings brought, or proposed to be brought, in respect of any person in pursuance of section 1 of the ^{M15}Children and Young Persons Act 1969 (care proceedings in [^{F25}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 ^{M16}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 [^{F26}sections 17(1) and 325(1) of the ^{M17}Criminal Procedure (Scotland) Act 1975] shall apply accordingly.

(3) ^{F27}

- (4) Section 4 of the said Act of 1881 shall have effect in relation to the service and execution in Scotland of process issued in England and Wales by a justices' clerk by virtue of [^{F28}section 28(1) of the Justices of the Peace Act 1979], as it has effect in

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relation to process issued in England and Wales by a court of summary jurisdiction as defined in the said Act of 1881.

Textual Amendments

- F24** 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)**.
- F25** 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**.
- F26** Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 49**
- F27** Ss. 51(3), 52–57 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F28** Words substituted by Justices of the Peace Act 1979 (c. 55, SIF 82), **Sch. 2 para. 20**
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Marginal Citations

- M15** 1969 c. 54.
- M16** 1968 c. 49.
- M17** 1975 c. 21.

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