

SCHEDULES

SCHEDULE 1

Sections 15 and 30.

OFFENCES MADE TRIABLE ONLY SUMMARILY, AND RELATED AMENDMENTS

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
<i>NIGHT POACHING ACT 1828 (c. 69)</i>				
1. Offences under section 1 (taking or destroying game or rabbits by night or entering land for that purpose).	Section 1.	For the words from " such offender " onwards substitute " he shall be liable on summary conviction to a fine not exceeding £200 ".	(a) for a first offence, on summary conviction, 3 months or £100 and, in default of finding sureties of £10, a further 6 months; (b) for a second offence, on summary conviction, 6 months or £100 and, in default of finding sureties of £20, a further 12 months; (c) for a third offence, on conviction on indictment, 2 years or a fine or both.	£200.
<i>TRUCK ACT 1831 (c. 37)</i>				

Status: This is the original version (as it was originally enacted).

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
2. Offences under section 9 (entering into illegal contracts or making illegal payments).	Section 9.	For the words from " for the first " onwards substitute " be liable on summary conviction to a fine not exceeding £200 ".	(a) for a first offence, £10; (b) for a second offence, £20; (c) for a third offence, £100.	£200.
<i>PUBLIC MEETING ACT 1908 (c. 66)</i>				
3. Offences under section 1(1) (endeavouring to break up a public meeting).	Section 1(1).	After " offence " add " and shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both ".	(a) on summary conviction 3 months or £100 or both; (b) on conviction on indictment 12 months or £500 or both.	6 months or £1,000 or both.
<i>CHILDREN AND YOUNG PERSONS ACT 1933 (c. 12)</i>				
4. Offences under section 3 (allowing persons under 16 to be in brothels).	Section 3.	For the words from " guilty " to "twenty-five pounds" substitute " liable on summary conviction to a fine not exceeding £50 ".	(a) on summary conviction 6 months or £25 or both; (b) on conviction on indictment 6 months or £25 or both.	6 months or £50 or both.
<i>PUBLIC ORDER ACT 1936 (1 Edw. 8 & 1 Geo. 6.) (c. 6)</i>				
5. Offences under section 5 (conduct conducive to breaches of the peace).	Section 5 (as substituted by section 7 of the Race Relations Act 1965).	After " offence " add " and shall on summary conviction be liable to imprisonment for a term not exceeding	(a) on summary conviction 3 months or £100 or both; (b) on conviction	6 months or £1,000 or both.

1 <i>Offence</i>	2 <i>Enactment</i>	3 <i>Amendment</i>	4 <i>Old penalties</i>	5 <i>New penalties</i>
		six months or to a fine not exceeding £1,000 or to both".	on indictment 12 months or £500 or both.	
<i>WATER ACT 1945 (c. 42)</i>				
6. Offences under section 7 (failure to comply with obligations in relation to the obtaining of information as to underground water).	Section 7(7).	After " Act" add " and shall on summary conviction be liable to a fine not exceeding £200 and, where the offence continues after conviction, to a further fine of £20 for every day during which it so continues ".	(a) on summary conviction £50 and, where the offence continues, a daily fine of £5; (b) on conviction on indictment £200 and, where the offence continues, a daily fine of £20.	£200 and, where the offence continues, a daily fine of £20.
7. Offences under section 34 (securing that water discharged under that section into a water-course is unpolluted).	Section 34(5).	After " Act" add " and shall on summary conviction be liable to a fine not exceeding £200 and, where the offence continues after conviction, to a further fine of £20 for every day during which it so continues ".	(a) on summary conviction £50 and, where the offence continues, a daily fine of £5; (b) on conviction on indictment £200 and, where the offence continues, a daily fine of £20.	£200 and, where the offence continues, a daily fine of £20.
8. Any offence consisting in a contravention of section 71	Section 71 of Schedule 3.	For the words from "fifty pounds " to " ten pounds	(a) on summary conviction £50 and,	£200 and, where the offence continues, a daily fine of £20.

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
of Schedule 3 (pollution from liquids resulting from manufacture of gas).		" substitute " £200 and to a further fine not exceeding £20 " .	where the offence continues, a daily fine of £10; (b) on conviction on indictment £200 and, where the offence continues, a daily fine of £20.	
<i>REPRESENTATION OF THE PEOPLE ACT 1949 (c. 68)</i>				
9. Offences under section 49 (offences in connection with service declarations).	Section 49(1).	For the words from "fifty" to " one hundred pounds " substitute " £500 " .	(a) on summary conviction £50 or 3 months or both; (b) on conviction on indictment £100 or 6 months or both.	£500 or 6 months or both.
<i>POST OFFICE ACT 1953 (c. 36)</i>				
10. Offences under section 56 (criminal diversion of letters from addressee).	Section 56(1).	For the words from " guilty" onwards substitute " liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both " .	£50 or 6 months.	£500 or 6 months or both.
<i>DENTISTS ACT 1957 (c. 28)</i>				
11. Offences under section 34	Section 34(1).	For paragraphs (a) and (b)	(a) on summary	£1,000.

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
(prohibition on practice of dentistry by laymen).		substitute " on summary conviction to a fine not exceeding £1,000 ".	conviction £100; (b) on conviction on indictment £500.	
12. Offences under section 35 (prohibition on use of practitioners' titles by laymen).	Section 35(2).	For paragraphs (a) and (b) substitute " on summary conviction to a fine not exceeding £1,000 ".	(a) on summary conviction £100; (b) on conviction on indictment £500.	£1,000.
13. Offences under section 37 (restrictions on individuals).	Section 37(1).	For paragraphs (a) and (b) substitute " on summary conviction to a fine not exceeding £1,000 ".	(a) on summary conviction £100; (b) on conviction on indictment £500.	£1,000.
<i>OPTICIANS ACT 1958 (c. 32)</i>				
14. Offences under section 20 (restriction on testing of sight).	Section 20(5).	For the words from " one hundred pounds" onwards substitute " £500 ".	(a) on summary conviction £100; (b) on conviction on indictment £250.	£500.
15. Offences under section 21 (restriction on sale and supply of optical appliances).	Section 21(5).	For the words from " one hundred pounds" onwards substitute " £500 ".	(a) on summary conviction £100; (b) on conviction on indictment £250.	£500.
16. Offences under section 22 (penalty for	Section 22(1) and (2).	In each subsection, for the words	(a) on summary	£500.

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
pretending to be registered etc).		from " one hundred pounds " onwards substitute " £500 " .	conviction £100; (b) on conviction on indictment £250.	
BETTING, GAMING AND LOTTERIES ACT 1963 (c. 2)				
17. Offences under the following provisions— section 7 (restriction of betting on dog racecourses); section 10(5) (advertising licensed betting offices); section 11(6) (person holding bookmaker's or betting agency permit employing a person disqualified from holding such a permit); section 18(2) (making unauthorised charges to bookmakers on licensed track); section 19 (occupiers of licensed tracks not to have any interest	Section 52.	For paragraphs (a) and (b) of subsection (2) (penalties for certain offences) substitute " on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six months or to both " .	(a) on summary conviction £50 or, on a second or subsequent conviction, 2 months or £100 or both; (b) on conviction on indictment £300 or, on a second or subsequent conviction, 6 months or £500 or both.	£1,000 or 6 months or both.

1 <i>Offence</i>	2 <i>Enactment</i>	3 <i>Amendment</i>	4 <i>Old penalties</i>	5 <i>New penalties</i>
in book-making thereon); section 21 (betting with young persons); section 22 (betting circulars not to be sent to young persons).				
<i>POLICE ACT 1964 (c. 48)</i>				
18. Offences under section 51(1) (assaults on constables).	Section 51(1).	For paragraphs (a) and (b) substitute " on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both ".	(a) on summary conviction 6 months, or in the case of a second or subsequent conviction 9 months, or £100 or both; (b) on conviction on indictment 2 years or a fine or both.	6 months or £1,000 or both.
<i>THEATRES ACT 1968 (c. 54)</i>				
19. Offences under section 6 (provocation of breach of the peace by means of public performance of play).	Section 6(2).	For paragraphs (a) and (b) substitute " on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six	(a) on summary conviction 3 months or £100 or both; (b) on conviction on indictment 12 months	6 months or £1,000 or both.

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
		months or to both ".	or £500 or both.	
<i>ROAD TRAFFIC ACT 1972 (c. 20)</i>				
20. Offences under the following provisions—	In Part I of Schedule 4 (as amended by Part IV of Schedule 5 to the Road Traffic Act 1974)—			
section 5(1) (driving or attempting to drive when unfit to drive through drink or drugs);	the entry relating to section 5(1);	For the words in column 3 substitute " Summarily " and for the words in column 4 substitute " 6 months or £1,000 or both ";	(a) on summary conviction £400 or 4 months; (b) on conviction on indictment 2 years or a fine or both;	6 months or £1,000 or both;
section 5(2) (being in charge of a motor vehicle when unfit to drive through drink or drugs);	the entry relating to section 5(2);	for the words in column 3 substitute " Summarily " and for the words in column 4 substitute " 3 months or £500 or both ";	(a) on summary conviction £200; (b) on conviction on indictment 12 months or a fine or both;	3 months or £500 or both;
section 6(1) (driving or attempting to drive with blood-alcohol concentration above the prescribed limit);	the entry relating to section 6(1);	for the words in column 3 substitute " Summarily " and for the words in column 4 substitute " 6 months or £1,000 or both ";	(a) on summary conviction £400 or 4 months; (b) on conviction on indictment 2 years or a fine or both;	6 months or £1,000 or both;
section 6(2) (being in	the entry relating to section 6(2);	for the words in column 3	(a) on summary	3 months or £500 or both;

1 <i>Offence</i>	2 <i>Enactment</i>	3 <i>Amendment</i>	4 <i>Old penalties</i>	5 <i>New penalties</i>
<p>charge of a motor vehicle with blood-alcohol concentration above the prescribed limit);</p> <p>section 9(3) (failing to provide a specimen of blood or urine for a laboratory test).</p>	<p>the entry relating to section 9(3).</p>	<p>substitute " Summarily " and for the words in column 4 substitute " 3 months or £500 or both ";</p> <p>for the words in column 3 substitute " Summarily " and in column 4, in paragraph (i) for the words " £400 " substitute " 6 months or £1,000 or both " and for the words from " £200 " in paragraph (ii) to the end of paragraph (iv) substitute " 3 months or £500 or both ".</p>	<p>conviction £200;</p> <p>(b) on conviction on indictment 12 months or a fine or both;</p> <p>(a) on summary conviction—</p> <p>(i) where it is shown that the offender was driving or attempting to drive, £400;</p> <p>(ii) where in any other case it is shown that the offender was in charge of a motor vehicle on a road or other public</p>	<p>(a) where it is shown that the offender was driving or attempting to drive, 6 months or £1,000 or both;</p> <p>(b) where in any other case it is shown that the offender was in charge of a motor vehicle on a road or other public place, 3 months or £500, or both.</p>

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1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
			place, £200; (b) on conviction on indictment— (i) 2 years or a fine or both in the case of a conviction where it is shown as mentioned in paragraph (a) (i) above; (ii) 12 months or a fine or both in the case of a conviction where it is shown as mentioned in paragraph (a)	

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<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
<i>HEALTH AND SAFETY AT WORK ETC. ACT 1974 (c. 37)</i>				
21. Offences under section 33(5) (continuing contravention of improvement notice, prohibition notice or court order).	Section 33(5).	For the words from " liable " to " £50" substitute " liable on summary conviction to a fine not exceeding £100 ".	£50 for each day on which the contravention continues.	£100 for each day on which the contravention continues.

SCHEDULE 2

Section 16.

OFFENCES TRIABLE EITHER WAY INSTEAD OF ONLY ON INDICTMENT

- 1 Offences at common law of public nuisance.
- 2 Offences under section 8 of the Disorderly Houses Act 1751 (appearing to be keeper of bawdy house etc.).
- 3 Offences consisting in contravention of section 13 of the Statutory Declarations Act 1835 (administration by a person of an oath etc. touching matters in which he has no jurisdiction).
- 4 Offences under section 36 of the Malicious Damage Act 1861 (obstructing engines or carriages on railways).
- 5 Offences under the following provisions of the Offences against the Person Act 1861—
 - (a) section 16 (threats to kill);
 - (b) section 26 (not providing apprentices or servants with food etc.);
 - (c) section 34 (doing or omitting to do anything so as to endanger railway passengers);
 - (d) section 36 (assaulting a clergyman at a place of worship etc.);
 - (e) section 38 (assault with intent to resist apprehension);
 - (f) section 57 (bigamy).
- 6 Offences under section 13 of the Debtors Act 1869 (transactions intended to defraud creditors).
- 7 Offences under section 5 of the Public Stores Act 1875 (obliteration of marks with intent to conceal).
- 8 Offences under section 12 of the Corn Returns Act 1882 (false returns).
- 9 Offences under section 22 of the Electric Lighting Act 1882 (injuring works with intent to cut off electricity supply).

Status: This is the original version (as it was originally enacted).

- 10 Offences under section 3 of the Submarine Telegraph Act 1885 (damaging submarine cables).
- 11 Offences under section 8(2) of the Cremation Act 1902 (making false representations etc. with a view to procuring the burning of any human remains).
- 12 All offences under the Perjury Act 1911 except offences under—
- (a) section 1 (perjury in judicial proceedings);
 - (b) section 3 (false statements etc. with reference to marriage);
 - (c) section 4 (false statements etc. as to births or deaths);
 - (d) section 5 (false statutory declarations and other false statements without oath) so far as it relates to statements in statutory declarations.
- 13 The following offences under the Forgery Act 1913—
- (a) offences under paragraph (a) of section 2(2) (forgery of valuable security etc.) in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of money or the value of the goods or chattels does not exceed £1,000 but does exceed £100 ;
 - (b) offences under paragraph (a) of section 7 (demanding property on forged documents), where the amount of the money or the value of the property in respect of which the offence is committed does not exceed £1,000 but does exceed £100.
- 14 Offences under section 17 of the Deeds of Arrangement Act 1914 (trustee making preferential payments).
- 15 Offences under section 3(4) of the Checkweighing in Various Industries Act 1919 (false statements).
- 16 Offences under section 8(2) of the Census Act 1920 (disclosing census information).
- 17 Offences under the following provisions of the Sexual Offences Act 1956—
- (a) section 6 (unlawful sexual intercourse with a girl under 16);
 - (b) section 26 (permitting a girl under 16 to use premises for sexual intercourse).
- 18 Offences under section 3(1) of the Shipping Contracts and Commercial Documents Act 1964 (offences), so far as it relates to the contravention of any direction under that Act.
- 19 The following offences under the Criminal Law Act 1967—
- (a) offences under section 4(1) (assisting offenders) ; and
 - (b) offences under section 5(1) (concealing arrestable offences and giving false information),
- where the offence to which they relate is triable either way otherwise than by virtue of section 16(2) above.
- 20 The following offences under the Theft Act 1968—
- (a) burglary in a dwelling where entry to the dwelling or part of it in which the burglary was committed, or to any building or part of a building containing the dwelling, was obtained by force or deception or by the use of any tool, key or appliance, except where any person in the dwelling was subjected to violence or the threat of violence ;

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- (b) handling stolen goods from an offence not committed in the United Kingdom.
- 21 Uttering any forged document the forgery of which is an offence mentioned in this Schedule.
- 22 Aiding, abetting, counselling or procuring the commission of any offence mentioned in the preceding paragraphs of this Schedule except paragraph 19.
- 23 Attempting to commit any offence mentioned in the preceding paragraphs of this Schedule except paragraphs 19 and 22.
- 24 Any offence consisting in the incitement to commit an offence mentioned in the preceding paragraphs of this Schedule except paragraphs 22 and 23.

SCHEDULE 3

Sections 16 and 28.

OFFENCES TRIABLE EITHER WAY BY VIRTUE OF SECTION 16(1) OR (2)

- 1 Offences at common law of public nuisance.
- 2 Offences under section 8 of the Disorderly Houses Act 1751 (appearing to be keeper of bawdy house etc.).
- 3 Offences consisting in contravention of section 13 of the Statutory Declaration Act 1835 (administration by a person of an oath etc. touching matters in which he has no jurisdiction).
- 4 Offences under section 36 of the Malicious Damage Act 1861 (obstructing engines or carriages on railways).
- 5 Offences under the following provisions of the Offences against the Person Act 1861—
- (a) section 16 (threats to kill) ;
 - (b) section 20 (inflicting bodily injury, with or without a weapon) ;
 - (c) section 26 (not providing apprentices or servants with food etc.);
 - (d) section 27 (abandoning or exposing child) ;
 - (e) section 34 (doing or omitting to do anything so as to endanger railway passengers);
 - (f) section 36 (assaulting a clergyman at a place of worship etc.);
 - (g) section 38 (assault with intent to resist apprehension);
 - (h) section 47 (assault occasioning bodily harm—common assault);
 - (i) section 57 (bigamy);
 - (j) section 60 (concealing the birth of a child).
- 6 Offences under section 20 of the Telegraph Act 1868 (disclosing or intercepting messages).
- 7 Offences under section 13 of the Debtors Act 1869 (transactions intended to defraud creditors).
- 8 Offences under section 5 of the Public Stores Act 1875 (obliteration of marks with intent to conceal).
- 9 Offences under section 12 of the Corn Returns Act 1882 (false returns).

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- 10 Offences under section 22 of the Electric Lighting Act 1882 (injuring works with intent to cut off electricity supply).
- 11 Offences under section 3 of the Submarine Telegraph Act 1885 (damaging submarine cables).
- 12 Offences under section 13 of the Stamp Duties Management Act 1891 (offences in relation to dies and stamps).
- 13 Offences under section 8(2) of the Cremation Act 1902 (making false representations etc. with a view to procuring the burning of any human remains).
- 14 All offences under the Perjury Act 1911 except offences under—
- (a) section 1 (perjury in judicial proceedings);
 - (b) section 3 (false statements etc. with reference to marriage);
 - (c) section 4 (false statements etc. as to births or deaths).
- 15 The following offences under the Forgery Act 1913—
- (a) offences under paragraph (a) of section 2(2) (forgery of valuable security etc.) in relation to—
 - (i) any document being an accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal; or
 - (ii) any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of money or the value of the goods or chattels does not exceed £1,000 ;
 - (b) offences under section 4 (forgery of documents in general); and
 - (c) offences under paragraph (a) of section 7 (demanding property on forged documents), where the amount of the money or the value of the property in respect of which the offence is committed does not exceed £1,000.
- 16 Offences under section 17 of the Deeds of Arrangement Act 1914 (trustee making preferential payments).
- 17 Offences under section 3(4) of the Checkweighing in Various Industries Act 1919 (false statements).
- 18 Offences under section 8(2) of the Census Act 1920 (disclosing census information).
- 19 Offences under section 36 of the Criminal Justice Act 1925 (forgery of passports etc.).
- 20 Offences under section 11 of the Agricultural Credits Act 1928 (frauds by farmers).
- 21 Offences under the following provisions of the Coinage Offences Act 1936—
- (a) section 4(1) (defacing coins);
 - (b) section 5(1) (uttering counterfeit coin);
 - (c) section 5(2) (uttering counterfeit gold or silver coin);
 - (d) section 5(3) (possession of counterfeit gold or silver coin);
 - (e) section 5(4) (possession of counterfeit copper coin);
 - (f) section 5(6) (uttering coins etc. as gold or silver coins);
 - (g) section 7 (importing and exporting counterfeit coin);
 - (h) section 8 (making, possessing or selling medals resembling gold or silver coin).

Status: This is the original version (as it was originally enacted).

- 22 Offences under the following provisions of the Post Office Act 1953—
- (a) section 53 (unlawfully taking away or opening mail bag);
 - (b) section 55 (fraudulent retention of mail bag or postal packet);
 - (c) section 57 (stealing, embezzlement, destruction etc. by officer of Post Office of postal packet) ;
 - (d) section 58 (opening or delaying of postal packets by officers of the Post Office).
- 23 Offences under the following provisions of the Sexual Offences Act 1956—
- (a) section 6 (unlawful sexual intercourse with a girl under 16);
 - (b) section 13 (indecenty between men) ;
 - (c) section 26 (permitting a girl under 16 to use premises for sexual intercourse).
- 24 Offences under section 3(1) of the Shipping Contracts and Commercial Documents Act 1964 (offences), so far as it relates to the contravention of any direction under that Act.
- 25 Offences under section 24B(7) of the Housing Subsidies Act 1967 (failure to notify lender that residence condition not fulfilled or ceased to be fulfilled).
- 26 The following offences under the Criminal Law Act 1967—
- (a) offences under section 4(1) (assisting offenders); and
 - (b) offences under section 5(1) (concealing arrestable offences and giving false information),
- where the offence to which they relate is triable either way.
- 27 Offences under section 4(1) of the Sexual Offences Act 1967 (procuring others to commit homosexual acts).
- 28 All indictable offences under the Theft Act 1968 except:—
- (a) robbery, aggravated burglary, blackmail and assault with intent to rob;
 - (b) burglary comprising the commission of, or an intention to commit, an offence which is triable only on indictment;
 - (c) burglary in a dwelling if any person in the dwelling was subjected to violence or the threat of violence.
- 29 Offences under the following provisions of the Criminal Damage Act 1971—
- section 1(1) (destroying or damaging property);
 - section 1(1) and (3) (arson);
 - section 2 (threats to destroy or damage property);
 - section 3 (possessing anything with intent to destroy or damage property).
- 30 Offences in relation to stamps issued for the purpose of national insurance under the provisions of any enactments as applied to those stamps.
- 31 Uttering any forged document the forgery of which is an offence listed in this Schedule.
- 32 Committing an indecent assault upon a person whether male or female.
- 33 Aiding, abetting, counselling or procuring the commission of any offence listed in the preceding paragraphs of this Schedule except paragraph 26.
- 34 Attempting to commit an offence triable either way except an offence mentioned in paragraph 26 or 33 above.

Status: This is the original version (as it was originally enacted).

- 35 Any offence consisting in the incitement to commit an offence triable either way except an offence mentioned in paragraph 33 or 34 above.

SCHEDULE 4

Section 23.

OFFENCES FOR WHICH THE VALUE INVOLVED IS RELEVANT TO THE MODE OF TRIAL

<i>Offence</i>	<i>Value involved</i>	<i>How measured</i>
<p>1. Offences under section 1 of the Criminal Damage Act 1971* (destroying or damaging property), excluding any offence committed by destroying or damaging property by fire.</p>	<p>As regards property alleged to have been destroyed, its value.</p> <p>As regards property alleged to have been damaged, the value of the alleged damage.</p>	<p>What the property would probably have cost to buy in the open market at the material time.</p> <p>(a) If immediately after the material time the damage was capable of repair—</p> <p style="padding-left: 20px;">(i) what would probably then have been the market price for the repair of the damage, or</p> <p style="padding-left: 20px;">(ii) what the property alleged to have been damaged would probably have cost to buy in the open market at the material time,</p> <p style="padding-left: 20px;">whichever is the less; or</p> <p>(b) if immediately after the material time the damage was beyond repair, what the said property would probably have cost to buy in the open market at the material time.</p>
<p>2. The following offences, namely—</p> <p style="padding-left: 20px;">(a) aiding, abetting, counselling or procuring the commission of any offence mentioned in paragraph 1 above;</p>	<p>The value indicated in paragraph 1 above for the offence alleged to have been aided, abetted, counselled or procured, or attempted or incited.</p>	<p>As for the corresponding entry in paragraph 1 above.</p>

* 1971 c. 48.

<i>Offence</i>	<i>Value involved</i>	<i>How measured</i>
(b) attempting to commit any offence so mentioned; and (c) inciting another to commit any offence so mentioned.		

* 1971 c. 48.

SCHEDULE 5

Section 28.

ALTERATION OF PENALTIES ON SUMMARY CONVICTION
OF CERTAIN OFFENCES TRIABLE EITHER WAY

- 1 (1) The Misuse of Drugs Act 1971 shall be amended as follows—
- (a) in section 26(3) (which makes provision in relation to the penalties for certain offences under the Customs and Excise Act 1952 where a Class C drug is involved), for the words from " as if " onwards there shall be substituted " as if for the words from ' shall be liable ' to ' or to both' there were substituted the following words, that is to say—
- “ shall be liable—
- (a) on summary conviction, to a penalty of three times the value of the goods or £500, whichever is the greater, or to imprisonment for a term not exceeding 3 months, or to both ;
- (b) on conviction on indictment, to a pecuniary penalty of such amount as the court may determine, or to imprisonment for a term not exceeding five years, or to both',
- so however that nothing in this subsection shall be taken to affect the liability of any person to detention under the said section 45(1), 56(2) or 304.”;
- (b) in the entries in Schedule 4 showing the punishment that may be imposed on persons summarily convicted of offences mentioned in sub-paragraph (2)(b) below, for " 6 months or £200, or both" there shall be substituted " 3 months or £500 or both "; and
- (c) in the entry in Schedule 4 relating to section 5(2)—
- (i) for " 6 months or £400, or both " (being the maximum punishment on summary conviction of an offence under that section where a Class B drug was involved) there shall be substituted " 3 months or £500, or both "; and
- (ii) for " 6 months or £200, or both " (being the maximum punishment on summary conviction of such an offence where a Class C drug was involved) there shall be substituted " 3 months or £200, or both ".
- (2) The offences to which (as provided in section 28(8) above) section 28(2) above does not apply are—
- (a) offences under section 5(2) of the Misuse of Drugs Act 1971 (having possession of a controlled drug) where the controlled drug in relation to which the offence was committed was a Class B or Class C drug ;

Status: This is the original version (as it was originally enacted).

- (b) offences under the following provisions of that Act, where the controlled drug in relation to which the offence was committed was a Class C drug, namely—
- (i) section 4(2) (production, or being concerned in the production, of a controlled drug);
 - (ii) section 4(3) (supplying or offering a controlled drug or being concerned in the doing of either activity by another);
 - (iii) section 5(3) (having possession of a controlled drug with intent to supply it to another);
 - (iv) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there);
 - (v) section 12(6) (contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs); or
 - (vi) section 13(3) (contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs);
- (c) offences under the following provisions of the Customs and Excise Act 1952, where the controlled drug constituting the goods in respect of which the offence was committed was a Class C drug, namely—
- (i) section 45(1) (improper importation) ;
 - (ii) section 56(2) (improper exportation);
 - (iii) section 304 (fraudulent evasion of prohibition or restriction affecting goods).

(3) In this paragraph " controlled drug ", " Class B drug" and " Class C drug" have the same meaning as in the Misuse of Drugs Act 1971.

2 In Schedule 4 to the Road Traffic Act 1972 (prosecution and punishment of offences), in the entries relating to section 2 (reckless driving) and section 99(b) (driving while disqualified), for the punishment specified in column 4 in relation to an offence punishable summarily there shall in each case be substituted the words " 6 months or the prescribed sum (within the meaning of section 28 of the Criminal Law Act 1977 or, in Scotland, of section 289B of the Criminal Procedure (Scotland) Act 1975) or both. ".

SCHEDULE 6

Section 31.

INCREASE OF FINES FOR CERTAIN SUMMARY OFFENCES

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<i>METROPOLITAN POLICE ACT 1839 (c. 47)</i>			
Offences under section 54 (miscellaneous offences in thoroughfares,	Section 54 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£50.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
including furious driving, obstructing a thoroughfare and discharging firearms).			
<i>OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)</i>			
Offences under section 42 (common assault or battery).	Section 42 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£50.	£200.
Offences under section 43 (aggravated assault or battery).	Section 43 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£100.	£500.
<i>LICENSING ACT 1872 (c. 94)</i>			
Offences under the first paragraph of section 12 (being found drunk in a highway or other public place).	Section 12 (as amended by section 1 of the Penalties for Drunkenness Act 1962).	£5.	£25.
<i>MERCHANT SHIPPING ACT 1894 (c. 60)</i>			
Offences under the following provisions— section 287(1) (a) (attempting to board a steamer while drunk or disorderly); section 287(1) (b) (refusing to leave a steamer while drunk or disorderly).	Section 287 (as amended by section 1 of the Penalties for Drunkenness Act 1962).	£5.	£25.
<i>LICENSING ACT 1902 (c. 28)</i>			
Offences under section 2(1) (being drunk in a highway or other public place while in charge of a child).	Section 2(1) (as amended by section 1 of the Penalties for Drunkenness Act 1962).	£10.	£50.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<i>PROTECTION OF ANIMALS ACT 1911 (c. 27)</i>			
Offences under section 1(1) (inflicting of unnecessary suffering on, and cruelty to, animals).	Section 1(1) (as amended by section 3 of the Protection of Animals (Amendment) Act 1954).	£50.	£500.
<i>PROTECTION OF ANIMALS (SCOTLAND) ACT 1912 (c. 14)</i>			
Offences under section 1(1) (inflicting of unnecessary suffering on, and cruelty to, animals).	Section 1 (1) (as amended by section 3 of the Protection of Animals (Amendment) Act 1954.)	£50.	£500.
<i>CHILDREN AND YOUNG PERSONS ACT 1933 (c. 12)</i>			
Offences under section 39(2) (publication of matters identifying juveniles in court proceedings).	Section 39(2).	£50.	£500.
Offences under section 49 (newspaper reports of proceedings in juvenile courts).	Section 49(2).	£50.	£500.
<i>PROTECTION OF ANIMALS ACT 1934 (c. 21)</i>			
Offences under section 1(1) (prohibition of certain public contests, performances and exhibitions with horses or bulls).	Section 2.	£100.	£500.
<i>PUBLIC HEALTH ACT 1936 (c. 49)</i>			
Offences under section 60(1) (failure to provide means of escape from certain high buildings).	Section 60(3).	£5.	£500.
Offences under section 59(4) (failure to keep means of	Section 59(4).	£20.	£500.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
ingress and egress unobstructed). Offences under section 290(6) (failure to execute works).	Section 290(6).	£5.	£500.
<i>PUBLIC ORDER ACT 1936 (1 Edw. 8. & 1 Geo. 6.) (c. 6)</i>			
Offences under the following provisions— section 1(1) (wearing uniform signifying association with political organisation); section 3(4) (knowingly failing to comply with conditions as regards processions); section 4(1) (possession of offensive weapon at public meeting).	Section 7(2).	£50.	£500.
<i>CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937 (c. 37)</i>			
Offences under section 46(2) (publication of matters identifying juveniles in court proceedings).	Section 46(2).	£50.	£500.
<i>CINEMATOGRAPH FILMS (ANIMALS) ACT 1937 (c. 59)</i>			
Offences under section 1(1) (prohibition of films in production of which suffering has been caused to animals).	Section 1(3).	£100.	£200.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<i>ARCHITECTS REGISTRATION ACT 1938 (c. 54)</i>			
Offences under section 1 (unregistered persons using title of architect).	Section 3.	£50.	£500.
<i>NURSING HOMES REGISTRATION (SCOTLAND) ACT 1938 (c. 73)</i>			
Any offence under the Act for which no express penalty is provided, except an offence under section 1(4).	Section 8 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£500.
<i>EDUCATION ACT 1944 (c. 31)</i>			
Offences under the following provisions— section 37(5) (failure to comply with requirements of school attendance order); section 39(1) (failure by parents to ensure attendance of child at school where registered).	Section 40(1).	£10 for a first offence and £20 for a second or subsequent offence.	£200.
<i>WATER ACT 1945 (c. 42)</i>			
Offences under section 14(10) (allowing underground water to run to waste, abstracting from well etc. in excess of reasonable requirements).	Section 14(10).	£10.	£200.
Offences under section 16(3) (contravention	Section 16(3).	£5.	£200.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
of prohibition or restriction on use of hosepipes).			
Any offence consisting in a contravention of section 64(1) of Schedule 3 (wasting water by non-repair of pipes etc.).	Section 64(1) of Schedule 3.	£5.	£200.
Any offence consisting in contravention of section 67 of Schedule 3 (interference with valve or apparatus).	Section 67 of Schedule 3.	£5.	£200.
<i>WATER (SCOTLAND) ACT 1946 (c. 42)</i>			
Offences under section 59(3) (contravention of prohibition or restriction on use of hosepipes).	Section 59(3).	£5.	£200.
Any offence consisting in a contravention of section 30(1) of Schedule 4 (wasting water by non-repair of pipes etc.).	Section 30(1) of Schedule 4.	£5.	£200.
Any offence consisting in a contravention of section 33 of Schedule 4 (causing the supply of water to be interfered with).	Section 33 of Schedule 4.	£5.	£200.
<i>FIRE SERVICES ACT 1947 (c. 41)</i>			
Offences under section 31(1) (giving false fire alarm).	Section 31(1) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£50.	£500.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<i>NATIONAL ASSISTANCE ACT 1948 (c. 29)</i>			
Offences under section 37(1) (non-registration of disabled persons' or old persons' homes).	Section 37(1).	£50.	£500.
Offences under section 40(3) (contravention of regulations as to the conduct of disabled persons' or old persons' homes).	Section 40(3) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£500.
Offences under section 55(2) (obstruction).	Section 55(2) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £20 for a second or subsequent offence.	£500.
<i>CHILDREN ACT 1948 (c. 43)</i>			
Offences under section 29(5) (carrying on an unregistered voluntary home).	Section 29(5).	£50.	£500.
Offences under section 31(2) (contravention of regulations as to conduct of voluntary homes).	Section 31(2).	£50.	£500.
<i>AGRICULTURE (SCOTLAND) ACT 1948 (c. 45)</i>			
Offences under section 50(1) (prohibition of night shooting and use of spring traps).	Section 50(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.
Offences under section 50A(1) (open trapping of hares and rabbits).	Section 50A(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.
<i>WIRELESS TELEGRAPHY ACT 1949 (c. 54)</i>			
Any offence under the Act where the	Section 14(1)(aa) (as inserted by section 11	£50 for a first offence and £100 for a	£200.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
offence is such as is mentioned in section 14(1)(aa) (un -licensed use of wireless telegraphy apparatus and other offences relating to the enforcement of the licensing system).	of the Wireless Telegraphy Act 1967).	second or subsequent offence.	
<i>DOCKING AND NICKING OF HORSES ACT 1949 (c. 70)</i>			
Offences under section 1(1) (prohibition of docking or nicking horses).	Section 1(3).	£25.	£200.
Offences under section 2(3) (offences in connection with importation of docked horses).	Section 2(3).	£25.	£200.
Offences under section 2(4) (making a false statement).	Section 2(4).	£25.	£200.
<i>MIDWIVES ACT 1951 (c. 53)</i>			
Offences under section 8 (falsely using title of, or implying certification as, midwife).	Section 8 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
Offences under section 9 (persons other than certified midwives attending women in child - birth without medical supervision).	Section 9.	£10.	£500.
Offences under section 10(3) (disqualified midwives attending women in childbirth in contravention of a prohibition).	Section 10(3).	£10.	£500.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
Offences under section 11(1) (unqualified persons acting as maternity nurses for gain).	Section 11(1).	£10.	£500.
<i>MIDWIVES (SCOTLAND) ACT 1951 (c. 54)</i>			
Offences under section 4(8) (contravention of prohibition from attending women in childbirth other than as midwife).	Section 4(8).	£10.	£500.
Offences under section 9 (falsely using title of, or implying certification as, midwife).	Section 9 (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
Offences under section 10 (persons other than certified midwives attending women in child - birth without medical supervision).	Section 10.	£10.	£500.
Offences under section 11 (unqualified persons acting as maternity nurses for gain).	Section 11.	£10.	£500.
<i>NURSES (SCOTLAND) ACT 1951 (c. 55)</i>			
Offences under section 12(1), (2), (3) and (4) (unlawful use of titles, certificates, etc.)	Section 12.	£10 for a first offence and £50 for a second or subsequent offence.	£500.
<i>COCKFIGHTING ACT 1952 (c. 59)</i>			
Offences under section 1(1) (possession of appliances for use in fighting of domestic fowl).	Section 1(1).	£25.	£200.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<i>DOGS (PROTECTION OF LIVESTOCK) ACT 1953 (c. 28)</i>			
Offences under section 1(1) (owning or keeping a dog which worries livestock).	Section 1(6) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20 for a first offence and £50 for a second or subsequent offence in respect of the same dog.	£200.
<i>PROTECTION OF BIRDS ACT 1954 (c. 30)</i>			
Any offence under the Act to which section 12(2)(a) (offences under the Act for which offender liable to special penalty) applies.	Section 12(2)(a) (as amended by section 1 of the Protection of Birds (Amendment) Act 1976).	£100.	£500.
Any offence under the Act to which section 12(2)(b) (offences under the Act for which offender not liable to special penalty) applies.	Section 12(2)(b) (as amended by section 1 of the Protection of Birds (Amendment) Act 1976).	£20.	£50.
<i>PESTS ACT 1954 (c. 68)</i>			
Offences under section 8(1) (restrictions on unlawful spring traps).	Section 8(2).	£20 for a first offence and £50 for a second or subsequent offence.	£200.
Offences under section 9(1) (open trapping of hares and rabbits).	Section 9(2).	£20, or, if the offender has been previously convicted as mentioned in section 9(2), £50.	£200.
Offences under section 12 (spreading of myxomatosis).	Section 12.	£20 for a first offence and £50 for a second or subsequent offence.	£200.
<i>FOOD AND DRUGS ACT 1955 (4 & 5 ELIZ. 2) (c. 16)</i>			
Offences under section 55(1) (selling specified articles near a market in	Section 55(1) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10.	£50.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
market hours without a hawker's licence).			
<i>NURSES ACT 1957 (c. 15)</i>			
Offences under section 27 (false assumption of title of registered or enrolled nurse etc.).	Section 27.	£10 for a first offence and £50 for a second or subsequent offence.	£500.
Offences under section 28(1) (restriction on use of title of nurse.).	Section 28(1).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
<i>HIGHWAYS ACT 1959 (c. 25)</i>			
Offences under section 119(4)(b) (failure to make good the surface of a public path after ploughing).	Section 119(4)(b) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£50.	£200.
<i>STREET OFFENCES ACT 1959 (c. 57)</i>			
Offences under section 1 (loitering or soliciting for purposes of prostitution).	Section 1(2).	£10 for a first offence and £25 for a second or subsequent offence.	£50 for a first offence and £200 for a second or subsequent offence.
<i>MENTAL HEALTH ACT 1959 (c. 72)</i>			
Offences under section 20(2) (breach of a condition of the registration of a residential home).	Section 20(2) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£20.	£500.
Offences under section 130 (obstruction).	Section 130(3).	£100.	£500.
<i>ANIMALS (CRUEL POISONS) ACT 1962 (c. 26)</i>			
Offences under section 1 (offences in connection with use of prohibited poison for destroying animals).	Section 1.	£50.	£200.
<i>EDUCATION (SCOTLAND) ACT 1962 (c. 47)</i>			

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
Offences under the following provisions— section 35(1) (failure by parent to secure regular attendance by his child at a public school); section 41 (failure to comply with requirements of school attendance order); section 42(3) (refusal to allow medical officer of appropriate Health Board to examine child).	Section 43(1) (as amended by Schedule 3 to the Criminal Justice Act 1967).	£10 for a first offence and £20 for a second or subsequent offence.	£50.
<i>DEER ACT 1963 (c. 36)</i>			
Any offence under the Act.	Section 8.	£20 for a first offence and £50 for a second or subsequent offence.	£500.
<i>LICENSING ACT 1964 (c. 26)</i>			
Offences under section 169, except an offence under section 169(2) or (3) (selling intoxicating liquor to persons under 18).	Section 169(8).	£25 for a first offence and £50 for a second or subsequent offence.	£50.
Offences under section 169(2) (persons under 18 buying etc. intoxicating liquor).	Section 169(9).	£20.	£200.
Offences under section 169(3) (buying intoxicating	Section 169(8).	£25 for a first offence and £50 for a second or subsequent offence.	£200.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
liquor for persons under 18). Offences under section 174(2) (refusal of person who is drunk etc. to leave licensed premises on request).	Section 174(2).	£5.	£25.
<i>POLICE ACT 1964 (c. 48)</i>			
Offences under section 51(3) (resisting or wilfully obstructing constable in execution of his duty).	Section 51(3).	£20.	£200.
<i>HOUSING ACT 1964 (c. 56)</i>			
Offences under section 65(1) (failure to comply with notice requiring execution of works) where committed in respect of a notice served under section 16 of the Housing Act 1961 (provision of means of escape from fire).	Section 65(1).	£100.	£500.
<i>HOUSING (SCOTLAND) ACT 1966 (c. 49)</i>			
Offences under section 110(1)(a) and (b) (failure to comply with notice requiring execution of works) where committed in respect of a notice served under section 107 (provision of means of escape from fire).	Section 110(1)(a) and (b).	£100.	£500.
<i>ROAD TRAFFIC REGULATION ACT 1967 (c. 76)</i>			
Offences under section 13(4) (contravention of	Section 13(4) (as amended by Part II of Schedule 5 to the	£100.	£500.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
provisions as to use of special roads).	Road Traffic Act 1974).		
<i>POLICE (SCOTLAND) ACT 1967 (c. 77)</i>			
Offences under section 41(1) (assaults on constables etc), where the offender has not, within the period of two years immediately preceding the offence, been convicted of an offence against the section.	Section 41(1).	£50.	£500.
<i>SEA FISHERIES (SHELLFISH) ACT 1967 (c. 83)</i>			
Offences under section 7(4) (using prohibited fishing implements etc. in an area of fishery or oyster bed to which section applies).	Section 7(4).	£2 for a first offence, £5 for a second offence and £ 10 for a third or subsequent offence.	£200.
<i>ABORTION ACT 1967 (c. 87)</i>			
Offences under section 2(3) (contravening or failing to comply with regulations as to notification).	Section 2(3).	£100.	£1,000.
<i>AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968 (c. 34)</i>			
Offences under the following provisions— section 1(1) (prevention of unnecessary pain and distress to livestock); section 2(2) (breach of regulations with respect	Section 7(1).	£100 for a first offence and £200 for a second or subsequent offence.	£500.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
to welfare of livestock).			
<i>SOCIAL WORK (SCOTLAND) ACT 1968 (c. 49)</i>			
Offences under section 6(5) (obstructing officer in exercise of power under section 6).	Section 6(5).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
Offences under section 60(3) (failure to comply with regulation etc. in respect of the control of residential and other establishments).	Section 60(3).	£50.	£500.
Offences under section 61(3) (carrying on establishment without registration).	Section 61(3).	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 62(6) (failure to comply with a condition of the registration of an establishment).	Section 62(6).	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 65(4) (obstructing officer in exercise of power under section 65).	Section 65(4).	£10 for a first offence and £50 for a second or subsequent offence.	£500.
<i>GAMING ACT 1968 (c. 65)</i>			
Offences under section 8(5) (gaming in a street or public place).	Section 8(5).	£50.	£500.
<i>HOUSING ACT 1969 (c. 33)</i>			
Offences under section 61 (failing after a previous conviction to comply with an obligation to execute works) where committed in respect	Section 61(2).	£100.	£500.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
of an obligation to execute works in pursuance of a notice under section 16 of the Housing Act 1961 (provision of means of escape from fire).			
<i>LATE NIGHT REFRESHMENT HOUSES ACT 1969 (c. 53)</i>			
Offences under section 9(4) (refusal of person who is drunk, etc. to leave licensed late night refreshment house on request).	Section 11(3).	£5.	£25.
<i>EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1969 (c. 57)</i>			
Offences under section 4(3) (offences in relation to certificates of insurance).	Section 4(3).	£50.	£200.
Offences under section 5 (employer failing to insure employee).	Section 5.	£200.	£500.
<i>CONSERVATION OF SEALS ACT 1970 (c. 30)</i>			
Any offence under the Act, except an offence under section 11(7).	Section 5(2).	£50 for a first offence and £100 for a second or subsequent offence.	£500.
<i>MISUSE OF DRUGS ACT 1971 (c. 38)</i>			
Offences under section 17(3) (failure to comply with notice requiring information relating to prescribing supplying etc. of drugs).	Schedule 4.	£100.	£200.
<i>ROAD TRAFFIC ACT 1972 (c. 20)</i>			
Offences under section 3 (careless, and inconsiderate, driving).	Part I of Schedule 4 (as amended by Part III of Schedule 5 to	£200.	£500.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
	the Road Traffic Act 1974).		
<i>POISONS ACT 1972 (c. 66)</i>			
Any offence under section 8(1) (contravention of provisions of sections 1 to 7, other than section 6(4), or of the Poisons Rules).	Section 8(1).	£50.	£500.
Offences under section 6(4) (using title etc. falsely to suggest entitlement to sell poison).	Section 6(4).	£20.	£50.
Offences under section 9(8) (obstructing an inspector etc.).	Section 9(8).	£5.	£50.
<i>HEALTH AND SAFETY AT WORK ETC. ACT 1974 (c. 37)</i>			
Offences under the following provisions— section 33(1)(d) (contravening requirement imposed by or under section 14 or obstructing any person in exercise of his powers under section 14); section 33(1)(e) (contravening requirement imposed by inspector) where the requirement contravened was imposed under section 20; section 33(1)(f) (preventing etc. any other person from	Section 33(2).	£400.	£1,000.

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
<p>appearing before inspector); section 33(1)(h) (intentionally obstructing an inspector); section 33(1)(n) (falsely pretending to be an inspector).</p>			
<i>CONTROL OF POLLUTION ACT 1974 (c. 40)</i>			
<p>Offences under section 78(1) (burning insulation from a cable).</p>	<p>Section 78(2) (as substituted by the Clean Air Enactments (Repeals and Modifications) Regulations 1974).</p>	<p>£400.</p>	<p>£1,000.</p>
<i>CRIMINAL PROCEDURE (SCOTLAND) ACT 1975 (c. 21)</i>			
<p>Offences under section 169(2) (publishing any matter in contravention of a direction by the court under section 169(1)).</p>	<p>Section 169(2).</p>	<p>£50.</p>	<p>£500.</p>
<p>Offences under section 365(2) (publishing any matter in contravention of a direction by the court under section 365(1)).</p>	<p>section 365(2)</p>	<p>£50.</p>	<p>£500.</p>
<p>Offences under section 374(4) (publishing any matter in contravention of section 374).</p>	<p>Section 374(4).</p>	<p>£50.</p>	<p>£500.</p>
<i>NURSING HOMES ACT 1975 (c. 37)</i>			
<p>Offences against regulations made under section 5 (conduct of homes)</p>	<p>Section 14.</p>	<p>£20.</p>	<p>£500.</p>

Status: This is the original version (as it was originally enacted).

1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
or 6 (supplementary regulations).			
Offences under section 8(3) (breach of registration conditions for mental nursing home).	Section 15.	£20.	£500.
Offences under section 9(5) or (6) (obstructing an inspector).	Section 16.	£100.	£500.
<i>CONSERVATION OF WILD CREATURES AND WILD PLANTS ACT 1975 (c. 48)</i>			
Any offence under the Act.	Section 11(1).	£100.	£200.
<i>SALMON AND FRESHWATER FISHERIES ACT 1975 (c. 51)</i>			
Offences against any provision of the Act not specified in the Table in Part I of Schedule 4.	Paragraph 1(2) of Schedule 4.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 1 (fishing with certain instruments for salmon, trout or freshwater fish and possessing certain instruments for fishing for such fish) if not acting with another.	The Table in Part I of Schedule 4.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
Offences under section 19(2) (fishing for salmon during the annual close season or weekly close time).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 19(4) (fishing for trout during the annual close season or weekly close time).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.

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1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
Offences under section 19(6) (fishing for freshwater fish during the annual close season for freshwater fish and fishing for eels by means of a rod and line during that season).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 19(7) (fishing for rainbow trout during the annual close season for rainbow trout and fishing for eels by means of a rod and line during that season).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 21 (prohibition on use of certain devices at certain times).	The said Table.	£100 for a first offence and £200 for a second or subsequent offence.	£500.
Offences under section 27 (fishing for fish otherwise than under the authority of a licence and possessing an unlicensed instrument with intent to use it for fishing) if not acting with another.	The said Table.	£50 for a first offence and £100 for a second or subsequent offence.	£500.
<i>PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1976 (c. 8)</i>			
Offences under section 2(1) (display of support in public for a proscribed organisation).	Section 2(1).	£400.	£1,000.
Offences under paragraph 1(9) of Schedule 3 (contravention	Paragraph 1(9) of Schedule 3.	£200.	£500.

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1	2	3	4
<i>Enactment creating offence</i>	<i>Penalty enactment</i>	<i>Old maximum fine</i>	<i>New maximum fine</i>
of order under section 13).			

SCHEDULE 7

Section 40.

TRANSFER OF FINE ORDERS

England and Wales

- 1 For sections 72A and 72B of the Magistrates' Courts Act 1952 there shall be substituted:—

“72A Transfer of fines to Scotland or Northern Ireland.

- (1) Where a magistrates' court has, or is treated by any enactment as having, adjudged a person by a conviction to pay a sum, and it appears to the court that he is residing—
- (a) within the jurisdiction of a court of summary jurisdiction in Scotland, or
 - (b) in any petty sessions district in Northern Ireland,
- the court may order that payment of the sum shall be enforceable by that court of summary jurisdiction or, as the case may be, in that petty sessions district.
- (2) An order under this section shall specify the court of summary jurisdiction by which or petty sessions district in which payment of the sum in question is to be enforceable ; and if—
- (a) that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and
 - (b) payment is to be enforceable in Scotland,
- the court to be so specified shall be the sheriff court.
- (3) Where an order is made under this section with respect to any sum, any functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order or by the clerk of that court shall cease to be so exercisable.

72B Transfer of fines from Scotland or Northern Ireland.

- (1) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 provides that payment of a sum shall be enforceable in a specified petty sessions area in England and Wales, a magistrates' court acting for that area, and the clerk of that court, shall, subject to the provisions of this section, have all the like functions under this Part of this Act in respect of the sum (including power to make an order under section 72 or

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section 72A of this Act) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1975 or, as the case may be, 1964 in respect of the sum before the making of the transfer of fine order had been made by that court.

- (2) For the purpose of determining the period of imprisonment which may be imposed under this Act in default of payment of a fine originally imposed by a court in Scotland, Schedule 3 to this Act shall have effect as if for the Table set out in paragraph 1 there were substituted the Table set out in section 407(1) of the Criminal Procedure (Scotland) Act 1975.
- (3) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 provides for the enforcement in a petty sessions area in England and Wales of a fine originally imposed by the Crown Court, a magistrates' court acting for that area shall have all the like functions under this Part of this Act, exercisable subject to the like restrictions, as if it were the magistrates' court by which payment of the fine fell to be enforced by virtue of section 32(1) of the Powers of Criminal Courts Act 1973, and as if any order made under the said Act of 1975 or, as the case may be, 1964 in respect of the fine before the making of the transfer of fine order had been made by that court.”.

Scotland

- 2 (1) Section 403 of the Criminal Procedure (Scotland) Act 1975 shall be amended as follows.
 - (2) In subsection (1)—
 - (a) at the end of paragraph (b) there shall be inserted the words—

“, or
 - (c) in any petty sessions district in Northern Ireland,”;
 - (b) the words " if no term of imprisonment has been fixed by the court in default of payment of the fine " shall be omitted ; and
 - (c) after " petty sessions area " there shall be inserted the words " or petty sessions district " .
- (3) In subsection (2) after the words " petty sessions area " there shall be inserted the words " or petty sessions district " .
- (4) In subsection (4)—
 - (a) for the words from " within " to " Magistrates' Courts Act 1952" there shall be substituted the words " under this section, section 72A of the Magistrates' Courts Act 1952 or section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 " ; and
 - (b) for the words " or the said Act of 1952 " there shall be substituted the words " , the said Act of 1952 or the said Act of 1964 " .
- (5) Subsection (5) shall cease to have effect.
- (6) In subsection (6) after the words " section 72A of the Magistrates' Courts Act 1952" there shall be inserted the words " section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 " .

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Northern Ireland

- 3 After section 104 of the Magistrates' Courts Act (Northern Ireland) 1964 there shall be inserted :—

“104A Power to order transfer of fines.

- (1) Where a magistrates' court has, or is treated by any statutory provision as having, adjudged a person by a conviction to pay a sum and it appears to the court that he is residing—
- (a) in any petty sessions area in England and Wales, or
 - (b) within the jurisdiction of a court of summary jurisdiction in Scotland,
- the court may order that payment of the sum shall be enforceable in that petty sessions area or, as the case may be, by that court of summary jurisdiction.
- (2) An order under this section shall specify the petty sessions area in which or the court by which payment of the sum in question is to be enforceable ; and if—
- (a) that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and
 - (b) payment is to be enforceable in Scotland,
- the court to be so specified shall be the sheriff court.
- (3) Where an order is made under this section with respect to any sum, any functions under any statutory provision relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order or by the clerk of that court shall cease to be so exercisable.

104B Transfer of fines from elsewhere in United Kingdom.

- (1) Where a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 or section 403 of the Criminal Procedure (Scotland) Act 1975 provides that payment of a sum shall be enforceable in a petty sessions district in Northern Ireland, a court of summary jurisdiction acting for that district and the clerk of that court shall, subject to subsection (2), have all the like functions under any statutory provision in respect of the sum (including power to make an order under section 104A) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1952 or, as the case may be, 1975 in respect of the sum before the making of the transfer of fine order had been made by that court.
- (2) Where a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 or section 403 of the Criminal Procedure (Scotland) Act 1975 provides for the enforcement of a fine originally imposed by the Crown Court, the term of imprisonment which may be imposed under this Act shall be—
- (a) the term fixed in pursuance of section 31 of the Powers of Criminal Courts Act 1973 by the Crown Court, or
 - (b) a term which bears the same proportion to the term so fixed as the amount of the fine remaining due bears to the amount imposed by that court,

notwithstanding that the term exceeds the period applicable to the case under Schedule 4.”.

SCHEDULE 8

Section 41.

TRANSFER OF REMAND HEARINGS

- 1 A court which, on adjourning a case, makes an order under section 41(1) above is not required at that time to fix the time and place at which the case is to be resumed but shall do so as soon as practicable after the order ceases to be in force.
- 2 Where an order under subsection (1) of section 41 above is made in the course of proceedings which, for the purposes of section 3 of the Criminal Justice Act 1967 (reporting restrictions and their removal), are committal proceedings, proceedings relating to the accused before the alternate court are also committal proceedings for those purposes.
- 3 A court making an order under subsection (1) of section 41 above or remanding the accused under subsection (4) shall at once notify the court before which the accused is to be brought as to the terms of the order or remand.
- 4 A person to whom an order under section 41(1) above applies shall, if released on bail, be bailed to appear before the court which made the order.
- 5 Section 41 above and this Schedule have effect notwithstanding anything in sections 6 and 14 of the Magistrates' Courts Act 1952 or section 19(4) above.

SCHEDULE 9

Section 47.

MATTERS ANCILLARY TO SECTION 47

Probation orders

- 1 Where a court makes an order under section 47 (1) above with respect to a sentence of imprisonment, it shall not make a probation order in the offender's case in respect of another offence of which he is convicted by or before that court, or for which he is dealt with by that court.

Courts competent to restore sentence held in suspense

- 2 (1) In relation to a sentence of imprisonment part of which is held in suspense, the courts competent under section 47(3) above are—
 - (a) the Crown Court; and
 - (b) where the sentence was passed by a magistrates' court, any magistrates' court before which the offender appears or is brought.
- (2) Where an offender is convicted by a magistrates' court of an offence punishable with imprisonment and the court is satisfied that the offence was committed during the whole period of a sentence passed by the Crown Court with an order under section 47(1) above—

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- (a) it may, if it thinks fit, commit him in custody or on bail to the Crown Court; and
 - (b) if it does not, it shall give written notice of the conviction to the appropriate officer of that court.
- (3) For the purposes of this and the next following paragraph, a sentence of imprisonment passed on an offender with an order under section 47(1) above shall be treated as having been passed (with such an order) by the court which originally sentenced him.

Recall of offender on re-conviction

- 3 (1) If it appears to the Crown Court, where that court has jurisdiction in accordance with sub-paragraph (2) below, or to a justice of the peace having jurisdiction in accordance with that sub-paragraph that an offender has been convicted in Great Britain of an offence punishable with imprisonment committed during the whole period of a sentence passed with an order under section 47(1) above and that he has not been dealt with in respect of the part of the sentence held in suspense, that court or justice may, subject to the following provisions of this paragraph, issue a summons requiring the offender to appear at the place and time specified therein, or a warrant for his arrest.
- (2) Jurisdiction for the purposes of sub-paragraph (1) above may be exercised—
- (a) if the sentence was passed by the Crown Court, by that court;
 - (b) if it was passed by a magistrates' court, by a justice acting for the area for which that court acted.
- (3) Where an offender is convicted by a court in Scotland of an offence punishable with imprisonment and the court is informed that the offence was committed during the whole period of a sentence passed in England and Wales with an order under section 47(1) above, the court shall give written notice of the conviction to the appropriate officer of the court by which the original sentence was passed.
- (4) Unless he is acting in consequence of a notice under sub-paragraph (3) above, a justice of the peace shall not issue a summons under this paragraph except on information and shall not issue a warrant under this paragraph except on information in writing and on oath.
- (5) A summons or warrant issued under this paragraph shall direct the offender to appear or to be brought before the court by which the original sentence of imprisonment was passed.

Miscellaneous (procedural)

- 4 Where the offender is before the Crown Court with a view to the exercise by that court of its powers under section 47(3) above, any question whether and, if so, when he has been convicted of an offence shall be determined by the court and not by the verdict of a jury.
- 5 Where the offender has been before a court with a view to its exercising those powers, the appropriate officer shall—
- (a) if the court decided not to exercise the powers, record that fact; and
 - (b) whether or not it exercised them, notify the appropriate officer of the court which passed the original sentence as to the manner in which the offender was dealt with.

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- 6 For the purposes of any enactment conferring rights of appeal in criminal cases, the restoration by a court under section 47(3) above of a part of a sentence held in suspense shall be treated as a sentence passed on the offender by that court for the original offence, that is to say the offence for which the original sentence was passed with an order under section 47(1) above.

Miscellaneous (consequential)

- 7 Where a sentence of imprisonment is passed with an order under section 47(1) above, it is still to be regarded for all purposes as a sentence of imprisonment for the term stated by the court, notwithstanding that part of it is held in suspense by virtue of the order; and, for the avoidance of doubt, a sentence of which part is held in suspense by virtue of such an order is not to be regarded as falling within the expression "suspended sentence" for the purposes of any legislation, instrument or document.
- 8 Where an offender is sentenced to imprisonment with an order under section 47 above and, having served part of the sentence in prison, is discharged under section 25(1) of the Prison Act 1952 (remission for industry and good conduct), the remainder of the sentence being held in suspense, the sentence is not to be regarded as expiring under that section.
- 9 In section 21 of the Firearms Act 1968 (prohibition on possession of firearms by persons previously convicted of crime), after subsection (2) there shall be inserted—
- “(2A) For the purposes of subsection (2) above, 'the date of his release', in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977, is the date on which he completes service of so much of the sentence as was by that order required to be served in prison”.
- 10 In section 67 of the Criminal Justice Act 1967 (computation of sentence where offender has been previously in custody), in subsection (1), after "arose, but" there shall be inserted "(a)", and at the end of that subsection there shall be inserted—
- “(b) in the case of a person sentenced to imprisonment with an order under section 47 of the Criminal Law Act 1977, this subsection operates to reduce the part of the sentence ordered to be served in prison, but not any part held in suspense and restored under subsection (3) of that section”.
- 11 In section 1 of the Rehabilitation of Offenders Act 1974 (general principle as to rehabilitation when conviction is spent), after 'subsection (2) there shall be inserted—
- “(2A) Where in respect of a conviction a person has been sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977, he is to be treated for the purposes of subsection (2) above as having served the sentence as soon as he completes service of so much of the sentence as was by that order required to be served in prison”.

SCHEDULE 10

Section 56.

NEW SECTION TO BE SUBSTITUTED FOR S.20 OF CORONERS (AMENDMENT) ACT 1926

“20 Adjournment of inquest in cases of murder, manslaughter, infanticide or aiding etc. suicide, or at request of D.P.P.

- (1) If on an inquest touching a death the coroner before the conclusion of the inquest—
- (a) is informed by the clerk of a magistrates' court in pursuance of subsection (8) below that some person has been charged before a magistrates' court with—
 - (i) the murder, manslaughter or infanticide of the deceased ; or
 - (ii) an offence under section 1 of the Road Traffic Act 1972 committed by causing the death of the deceased ; or
 - (iii) an offence under section 2(1) of the Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of the deceased ; or
 - (b) is informed by the Director of Public Prosecutions that some person has been charged before examining justices with an offence (whether or not involving the death of a person other than the deceased) alleged to have been committed in circumstances connected with the death of the deceased, not being an offence within paragraph (a)(1), (ii) or (iii) above, and is requested by the Director to adjourn the inquest,
- then, subject to subsection (2) below, the coroner shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the relevant criminal proceedings and, if a jury has been summoned, may, if he thinks fit, discharge them.
- (2) The coroner—
- (a) need not adjourn the inquest in a case within subsection (1)(a) above if, before he has done so, the Director of Public Prosecutions notifies him that adjournment is unnecessary ; and
 - (b) may in any case resume the adjourned inquest before the conclusion of the relevant criminal proceedings if notified by the Director that it is open to him to do so.
- (3) After the conclusion of the relevant criminal proceedings, or on being notified as mentioned in subsection (2)(b) above before their conclusion, the coroner may, subject to the following provisions of this section, resume the adjourned inquest if in his opinion there is sufficient cause to do so.
- (4) Where a coroner adjourns an inquest in compliance with subsection (1) above, he shall furnish the registrar of deaths with a certificate under his hand stating the particulars which under the Births and Deaths Registration Act 1953 are required to be registered concerning the death, so far as they have been ascertained at the date of the certificate; and the registrar shall enter the death and particulars in the form and manner prescribed by regulations under that Act.
- (5) Where a coroner does not resume an inquest which he has adjourned in compliance with subsection (1) above, he shall (without prejudice to subsection (4) above) furnish the registrar of deaths with a certificate under his hand stating the result of the relevant criminal proceedings.
- (6) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above and for that purpose summons a jury (but not where he resumes

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without a jury, or with the same jury as before the adjournment), he shall proceed in all respects as if the inquest had not previously been begun, and, subject to subsection (7) below, the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on him to view the body.

- (7) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above—
- (a) the finding of the inquest as to the cause of death must not be inconsistent with the outcome of the relevant criminal proceedings ;
 - (b) the coroner shall, after the termination of the inquest, furnish the registrar of deaths with a certificate under his hand stating the result of the relevant criminal proceedings ; and
 - (c) the provisions of paragraph (3) of section 18 of the Coroners Act 1887 and section 23(1) of the Births and Deaths Registration Act 1953 (duty of coroner to send registrar certificate containing information as to death and finding of inquest) shall not apply in relation to that inquest.
- (8) Where a person is charged before a magistrates' court with murder, manslaughter or infanticide or an offence under section 1 of the Road Traffic Act 1972 (causing death by reckless driving) or an offence under section 2(1) of the Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of another, the clerk of the court shall inform the coroner who is responsible for holding an inquest upon the body of the making of the charge and of the result of the proceedings before that court.
- (9) Where a person charged with murder, manslaughter or infanticide or an offence under section 1 of the Road Traffic Act 1972 (causing death by reckless driving) or an offence under section 2(1) of the Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of another, is committed for trial to the Crown Court, the appropriate officer of the Crown Court at the place where the person charged is tried shall inform the coroner of the result of the proceedings before that court.
- (10) Where the Director of Public Prosecutions has in pursuance of paragraph (b) of subsection (1) above requested a coroner to adjourn an inquest, then, whether or not the inquest is adjourned as a result, the Director shall inform the coroner of the result of the proceedings before the magistrates' court in the case of the person charged as mentioned in that paragraph and, if that person is committed for trial to the Crown Court, shall inform the coroner of the result of the proceedings before that court
- (11) In this section " the relevant criminal proceedings " means the proceedings before examining justices and before any court to which the person charged is committed for trial."

SCHEDULE 11

Section 63.

AMENDMENTS OF CRIMINAL PROCEDURE (SCOTLAND) ACT 1975

1 There shall be inserted after section 193 a new section as follows—

“193A Fines on conviction on indictment to be without limit.

Where a person convicted on indictment of any offence (whether triable only on indictment or triable either on indictment or summarily) would, apart

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from this section, be liable to a fine not exceeding a specified amount, he shall by virtue of this section be liable to a fine of any amount.”.

2 There shall be inserted after section 283 a new section as follows—

“283A Offences which are to become triable only summarily.

(1) The provisions of this or any other enactment notwithstanding, the offences mentioned (and broadly described) in column 1 of Schedule 7A to this Act shall be triable only summarily.

(2) Subsection (1) above is without prejudice to any other provision by virtue of which any offence is triable only summarily.”.

3 (1) In section 284(b), for "£100" there shall be substituted " £200 ".

(2) In section 284(c), for " £100" there shall be substituted " £200 ".

4 (1) In section 289(a), for " £150 " there shall be substituted " the prescribed sum (within the meaning of section 289B below) ".

(2) In section 289(b) for " £150" there shall be substituted " the prescribed sum (within the meaning of section 289B below) ".

5 There shall be inserted after section 289 new sections as follows—

“289A Amendments relating to penalties (and mode of trial) for offences made triable only summarily.

(1) The enactments specified in column 2 of Schedule 7A to this Act (which relate to the modes of trial of, and the maximum penalties for, the offences which are by section 283A of this Act made triable only summarily) shall so far as they relate to Scotland have effect subject to the amendments specified in column 3 of that Schedule.

(2) The said amendments have the effect of altering the maximum penalties available on summary conviction of those offences as well as making alterations consequential on their becoming triable only summarily; and in that Schedule column 4 shows the present maximum penalties by way of fine or imprisonment on summary conviction and on conviction on indictment, and column 5 shows the new maximum penalties resulting from the amendments.

289B Penalties on summary conviction for offences triable either summarily or on indictment.

(1) Where any offence created by a relevant enactment may by virtue of that enactment be tried either on indictment or summarily, the maximum fine if it is tried summarily shall be the prescribed sum (unless the offence is one for which by virtue of some other enactment a larger fine may be imposed on summary conviction).

(2) Where, by virtue of a relevant enactment, a person summarily convicted of any offence to which subsection (1) above relates would, apart from this section, be liable to a maximum fine of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent

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conviction, subsection (1) above shall apply irrespective of whether the conviction is a first, second or subsequent one.

- (3) Subsection (1) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.
- (4) Where, as regards any offence to which subsection (1) above relates, there is under any enactment (in what-ever words) a power by subordinate instrument to restrict the amount of the fine which on summary conviction can be imposed in respect of that offence—
- (a) subsection (1) above shall not affect that power or override any restriction imposed in exercise of that power ; and
 - (b) the amount to which that fine may be restricted in exercise of that power shall be any amount less than the maximum fine which could be imposed on summary conviction in respect of the offence apart from any restriction so imposed.
- (5) Where there is under a relevant enactment (in whatever words) a power by subordinate instrument to create a criminal offence—
- (a) the maximum fine which may in the exercise of that power be authorised on summary conviction in respect of such an offence, when that offence may be tried either on indictment or summarily, shall by virtue of this subsection be the prescribed sum unless some larger maximum fine can be authorised on summary conviction in respect of such an offence by virtue of an enactment other than this subsection ; and
 - (b) subsection (1) above shall not override any restriction imposed in the exercise of that power on the amount of the fine which on summary conviction can be imposed in respect of an offence created in the exercise of the power.
- (6) In this section—
- ' the prescribed sum ' means £1,000 or such sum as is for the time being substituted in this definition by an order in force under section 289D(1) below;
 - ' relevant enactment ' means an enactment contained in the Criminal Law Act 1977 or in any Act (including this Act) passed before, or in the same Session as, that Act.
- (7) Schedule 7B to this Act shall have effect for the purpose of altering the penalties available on summary conviction of the offences therein mentioned ; and subsection (1) above shall not apply on summary conviction of any of the offences mentioned in paragraph 1(2) of the said Schedule 7B.

289C Increase of fines for certain summary offences.

- (1) The enactments specified in column 2 of Schedule 7C to this Act, which relate to the maximum fines for the offences mentioned (and broadly described) in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed on summary conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of

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that Schedule instead of a fine not exceeding the amount specified in column 3 of that Schedule, so however that the preceding provision shall not alter the maximum daily fine, if any, provided for by any of those enactments.

- (2) This subsection applies to the following enactments (by virtue of which certain byelaws may make persons contravening the byelaws liable on summary conviction to a fine not exceeding £20), namely—
- (a) section 203 of the Local Government (Scotland) Act 1973 (offences against byelaws) but (the provisions of section 462(11) of this Act notwithstanding) not that section as applied to byelaws made under any provision contained in a local or private Act other than by a local authority; and
 - (b) paragraph 5 of Schedule 6 to the Weights and Measures Act 1963 (byelaws about solid fuel), including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act.
- (3) In the enactments to which subsection (2) above applies for any reference to £20 there shall be substituted a reference to £50 ; and any provision in force at the coming into force of this subsection which—
- (a) is contained in any byelaw made by virtue of any enactment to which subsection (2) above applies ; and
 - (b) specifies £20 as the maximum fine which may be imposed on summary conviction in respect of a contravention of, or offence under, any byelaw mentioned in that provision,
- shall have effect as if it specified £50 instead (but with no change by virtue of this subsection in the maximum daily fine, if any, for which it provides).
- (4) This subsection applies to any pre-1949 enactment (however framed or worded) which—
- (a) as regards any summary offence makes a person liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act); or
 - (b) confers power by subordinate instrument to make a person as regards any summary offence (whether or not created by the instrument), liable on conviction thereof to a fine of, or not exceeding, a specified amount less than £50 which has not been altered since the end of 1948 (and is not altered by this Act).
- (5) Every enactment to which subsection (4) above applies shall have effect as if for the specified amount less than £50 there mentioned there were substituted:—
- (a) £25 if the specified amount is less than £20; or
 - (b) £50 if the specified amount is not less than £20.
- (6) Where, by virtue of any enactment to which subsection (4) above applies by virtue of paragraph (a) of that subsection, a person convicted of a summary offence would, apart from this section, be liable to a fine, or maximum fine, of one amount in the case of a first conviction and of a different amount in the case of a second or subsequent conviction, subsection (5) above shall apply separately in relation to each specified amount less than £50, even if this produces the same instead of different amounts for different convictions.

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- (7) Subsection (5) above shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine not exceeding a specified amount for each day on which a continuing offence is continued after conviction or the occurrence of any other specified event.
- (8) In subsection (4) above 'pre-1949 enactment' means an enactment passed before 1st January 1949 or an enactment passed on or after that date which (whether directly or, through successive re-enactments, indirectly) re-enacts with or without modification an enactment passed before that date.
- (9) In this section 'enactment' does not include an enactment contained in an order, regulation or other instrument made under an Act.

289D Power to alter sums specified in certain provisions.

- (1) If it appears to the Secretary of State that there has been a change in the value of money since the last occasion when the prescribed sum (within the meaning of section 289B above) was fixed (whether by the coming into force of a provision of this Act or by order under this subsection), the Secretary of State may by order substitute for that sum such other sum as appears to him justified by the change.
- (2) Where it appears to the Secretary of State that the difference between a sum to which subsection (3) below applies and the prescribed sum (within the meaning of section 289B above) has been or would be altered or eliminated by an order made or proposed to be made under subsection (1) above, he may by order amend the enactment specifying the first-mentioned sum so as to substitute for that sum such other sum as appears to him to be justified by a change in the value of money appearing to him to have taken place between—
 - (a) the last occasion on which the sum in question was fixed ; and
 - (b) the making of the order or proposed order under subsection (1) above.
- (3) This subsection applies to any sum specified in any enactment contained in the Criminal Law Act 1977 or in any Act (including this Act) passed before, or in the same Session as, that Act as—
 - (a) the maximum fine which may be imposed on summary conviction of an offence triable either summarily or on indictment;
 - (b) the maximum fine which, in the exercise of any power by subordinate instrument to impose penal provisions, may be authorised on summary conviction in respect of an offence triable either summarily or on indictment; or
 - (c) the maximum amount of caution which an accused may be ordained to find under section 284(c) above.
- (4) An order under subsection (1) or (2) above—
 - (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked by a subsequent order thereunder ; and
 - (b) without prejudice to Schedule 14 to the Criminal Law Act 1977, shall not affect the punishment for an offence committed before that order comes into force.”.

Status: This is the original version (as it was originally enacted).

- 6 In section 312(z) for " £10 " there shall be substituted " £25 ".
- 7 For section 394(b) there shall be substituted the following paragraph—
 “(b) to substitute for imprisonment a fine which in the case of an offence triable either summarily or on indictment shall not exceed the prescribed sum (within the meaning of section 289B above), and in the case of an offence triable only summarily shall not exceed £200 (in either case, with or without caution for good behaviour, not exceeding the amount and the period competent under this Part of this Act):”.
- 8 In section 397(1) for the words " or under section 72A of the Magistrates' Courts Act 1952 " there shall be substituted the words " , under section 72A of the Magistrates' Courts Act 1952 or under section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 ".
- 9 In section 414(1) after the word " convicted " there shall be inserted the words " summarily by a sheriff or stipendiary magistrate ".
- 10 In section 462, in the interpretation of " fine " there shall be inserted after the word " includes " the words " (a) any pecuniary penalty, and (b) ".
- 11 There shall be inserted a new Schedule 7A, which shall be identical with Schedule 1 to this Act, except that—
 (a) items 4, 6, 7, 8 and 18 shall be deleted ; and
 (b) the items set out in the following table shall be inserted as there indicated ; and
 (c) the items shall be renumbered accordingly.

Table After item 5:—

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
<i>WATER (SCOTLAND) ACT 1946 (c. 42)</i>				
Offences under section 4(7) (failure to comply with obligations in relation to the obtaining of information as to underground water).	Section 4(7).	After "Act" add " and shall on summary conviction be liable to a fine not exceeding £200 and, where the offence continues after conviction, to a further fine of £20 for every day during which it so continues ".	(a) on summary conviction £50 and, where the offence continues a daily fine of £5; (b) on conviction on indictment, £200 or 3 months imprisonment	£200 and, where the offence continues, a daily fine of £20.

Status: This is the original version (as it was originally enacted).

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>
			or both, and where the offence continues, a daily fine of £20.	

After item 21:—

1	2	3	4	5
<i>Offence</i>	<i>Enactment</i>	<i>Amendment</i>	<i>Old penalties</i>	<i>New penalties</i>

SEXUAL OFFENCES (SCOTLAND) ACT 1976 (c. 67)

Offences under section 14(1) (allowing child under 16 to be in brothel).	Section 14(1).	For the words from " liable " to "£25" substitute " liable on summary conviction to a fine not exceeding £50 ".	(a) on summary conviction 6 months or £25 or both; (b) on conviction on indictment 6 months or £25 or both.	6 months or £50 or both.
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12 There shall be inserted a new Schedule 7B which shall be identical with Schedule 5 to this Act except that—

- (a) the words " Triable Either Way " in the heading shall be omitted; and
- (b) in paragraph 1(2), for the words from the beginning to "does not apply" there shall be substituted the words " The offences to which (as provided in section 289B(7) above) section 289B(1) does not apply ".

13 There shall be inserted a new Schedule 7C which shall be identical with Schedule 6 to this Act except that the items relating to the following enactments shall be deleted—

- Metropolitan Police Act 1839
- Offences against the Person Act 1861
- Licensing Act 1872
- Licensing Act 1902
- Protection of Animals Act 1911
- Children and Young Persons Act 1933

Status: This is the original version (as it was originally enacted).

Public Health Act 1936
 Education Act 1944
 Water Act 1945
 sections 37(1) and 40(3) of the National Assistance Act 1948
 Children Act 1948
 Midwives Act 1951
 sections 8 and 9 of the Pests Act 1954
 Food and Drugs Act 1955
 Nurses Act 1957
 Highways Act 1959
 Street Offences Act 1959
 Mental Health Act 1959
 Deer Act 1963
 Licensing Act 1964
 Police Act 1964
 Housing Act 1964
 Housing Act 1969
 Late Night Refreshment Houses Act 1969
 Nursing Homes Act 1975.

SCHEDULE 12

Section 65.

MINOR AND CONSEQUENTIAL AMENDMENTS

NIGHT POACHING ACT 1828 (c. 69)

- 1 In section 2 (assaults by persons committing offences under the Act), for the words from "whether it be" onwards substitute " be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500, or to both " .
- 2 In section 9 (entering land, with others, armed and for the purpose of taking or destroying game or rabbits), for the words from "at the discretion of the court" onwards substitute " on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500, or to both. ".

METROPOLITAN POLICE COURTS ACT 1839 (c. 71)

Section 24 (offence of possessing stolen goods without a satisfactory explanation) shall cease to have effect.

ACCESSORIES AND ABETTORS ACT 1861 (c. 94)

In section 8 (abettors in misdemeanors), for " any misdemeanor " substitute " any indictable offence ",
 and for " a misdemeanor" substitute " an offence ".

Status: This is the original version (as it was originally enacted).

OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)

For section 16 (sending letters threatening to murder) substitute—

“16 Threats to kill.

A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years.”.

PUBLIC STORES ACT 1875 (c. 25)

Section 7 (offence of possessing, without a satisfactory explanation, public stores suspected of being stolen) and section 9 (offence, applicable to certain dealers and others, of possessing, without a satisfactory explanation, property reasonably believed to be public stores) shall cease to have effect.

EXPLOSIVE SUBSTANCES ACT 1883 (c. 3)

In section 3(1) (attempt to cause explosion, or making or keeping explosive, with intent to endanger life or property in the United Kingdom or the Republic of Ireland), for " a term not exceeding twenty years " substitute " life ".

CORONERS ACT 1887 (c. 71)

Section 4(2) (duty of coroner to take depositions in a case of murder or manslaughter) shall cease to have effect.

CHILDREN ACT 1948 (c. 43)

In section 29(5) (carrying on an unregistered voluntary home) omit the words from " and to a further fine " onwards (which provide for a fine of £2 in respect of each day during which an offence under the subsection continues after conviction).

CRIMINAL JUSTICE ACT 1948 (c. 58)

- 1 Section 19 (attendance at an attendance centre) shall be amended as follows.
- 2 In subsection (3) (power to discharge or vary an order for attendance at a centre)—
 - (a) for the words from the beginning to " acts " (which restrict jurisdiction under the subsection to the court which made the order or a justice acting for the same petty sessional division or place as that court) substitute " A magistrates' court acting for the petty sessions area in which the attendance centre specified in an order made under subsection (1) of this section is situated " ; and
 - (b) omit " or justice " .
- 3 In subsection (7) (power to deal with offender for failure to attend, or breach of rules while attending, at centre)—
 - (a) for "the petty sessional division or place for which the court which made the order acts" substitute " the petty sessions area in which the attendance centre specified in the order is situated " ; and

Status: This is the original version (as it was originally enacted).

- (b) for the words from " a court" to " the justice acts" substitute " a magistrates' court acting for that area ".

REPRESENTATION OF THE PEOPLE ACT 1949 (c. 68)

In section 149(9) (procedure where person prosecuted before an election court subsequently attends or is brought before a magistrates' court)—

- (a) in paragraph (b), for " hear " substitute " try "; and
 (b) after that paragraph add " and sections 19 to 26 of the Criminal Law Act 1977 shall (in either case) not apply. ".

PRISON ACT 1952 (c. 52)

- 1 In section 45, as amended by Schedule 4 to the Criminal Justice Act 1961 (release of persons sentenced to Borstal training), substitute " one year "for " two years"—
- (a) in subsection (3) (where those words give the period of supervision after release);
- (b) in the first place where they occur in subsection (4) (where they give the period of liability to recall) ; and
- (c) wherever they occur in the proviso to subsection (4).
- 2 Paragraph 1 above shall not apply in relation to a person sentenced to Borstal training whose original release from a Borstal institution occurred before the coming into force of this paragraph.

MAGISTRATES' COURTS ACT 1952 (c. 55)

- 1 In section 2 (jurisdiction to deal with charges)—
- (a) in subsection (4) jurisdiction of magistrates' court to try an indictable offence summarily), for the words from the beginning to " indictable offence " substitute—
- “(4) Subject to sections 19 to 23 of the Criminal Law Act 1977 and any other enactment (in that Act or elsewhere) relating to the mode of trial of offences triable either way, a magistrates' court shall have jurisdiction to try summarily an offence triable either way”;
- (b) after subsection (4) insert—
- “(4A) A magistrates' court shall, in the exercise of its powers under section 6 of the Children and Young Persons Act 1969 (summary trial of young persons), have jurisdiction to try summarily an indictable offence in any case in which under subsection (3) above it would have jurisdiction as examining justices.”.
- 2 In section 14(4), for the words from " if" to " examining justices " (which state the circumstances in which a court adjourning the trial of an information is obliged to remand the accused) substitute “if the offence is triable either way and—
- (a) on the occasion on which the accused first appeared, or was brought, before the court to answer to the information he was in custody or, having been released on bail, surrendered to the custody of the court ;
 or
- (b) the accused has been remanded at any time in the course of proceedings on the information ;”.

Status: This is the original version (as it was originally enacted).

- 3 In section 22 (effect of dismissal of information for indictable offence), for the words from " that" to " only " substitute " triable either way " .
- 4 In section 23 (using in summary trial evidence given before examining justices), for " the preceding provisions of this Act" substitute " section 25(3) or (7) of the Criminal Law Act 1977 " .
- 5 In section 29 (committal for sentence for indictable offence tried summarily), for the words from the beginning to " indictable offence " substitute " Where on the summary trial of an offence triable either way (not being an offence as regards which this section is excluded by section 29 of the Criminal Law Act 1977) " .
- 6 In section 35 (aiders and abettors), before the words "A person " insert " (1) " and at the end add—
- “(2) Any offence consisting in aiding, abetting, counselling or procuring the commission of an offence triable either way (other than an offence listed in Schedule 3 to the Criminal Law Act 1977) shall by virtue of this subsection be triable either way.”.
- 7 (1) In section 87(2) (time-limit of fourteen days for applying to magistrates' court to state a case) for " fourteen days " substitute " twenty-one days " .
- (2) Sub-paragraph (1) above shall not apply in relation to a decision of a magistrates' court given before the coming into force of this paragraph.
- 8 In section 98(3)(b) (requirements as to place of sitting of magistrates' court exercising certain functions) for " an offence that is not indictable " substitute " a summary offence " .
- 9 In section 105(4) proviso (c) (power of magistrates' court to remand for more than eight days if not constituted or sitting in a place allowing it to proceed to summary trial of an offence triable either way), for the words from " on indictment " to " but" substitute " either way, then, if it falls to the court to try the case summarily but the court " .
- 10 In section 108(2) (power of a magistrates' court to impose consecutive terms of imprisonment for an indictable offence tried summarily subject to an overall limit of 12 months), for the words " an indictable offence tried summarily under section 19 of this Act" substitute " an offence triable either way which was tried summarily otherwise than in pursuance of section 23(2) of the Criminal Law Act 1977 " .
- 11 After section 130 insert—

“130A Magistrates' court may sit on Sundays public holidays.

It is hereby declared that a magistrates' court may sit on any day of the year, and in particular (if the court thinks fit) on Christmas Day, Good Friday or any Sunday.”.

- 12 In Schedule 2 (corporations)—
- (a) in paragraph 3, for sub-paragraph (b) (representative of corporation may consent or object to summary trial or claim trial by jury), substitute—
- “(b) consent to the corporation being tried summarily.”;
- (b) for paragraph 9 (corporation and individual jointly charged with corporation not to be tried summarily unless both consent or neither claims jury trial) substitute—

Status: This is the original version (as it was originally enacted).

- “9 Where a corporation and an individual who has attained the age of seventeen are jointly charged before a magistrates' court with an offence triable either way, the court shall not try either of the accused summarily unless each of them consents to be so tried.”.

BIRTHS AND DEATHS REGISTRATION ACT 1953 (c.20)

In section 29(4) (correction of error in register resulting from error in information given by a coroner's certificate), for the words preceding " the coroner, if satisfied ", substitute—

“(4) Where—

- (a) an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by a coroner's certificate concerning a dead body upon which or a death touching which he has held an inquest; or
- (b) such an error relating to the cause of death occurs in the information given by a coroner's certificate issued under section 20(4) of the Coroners (Amendment) Act 1926 in the case of an inquest which was adjourned in compliance with section 20(1) of that Act (adjournment in cases of murder etc. or at request of D.P.P.) but was subsequently resumed”.

SEXUAL OFFENCES ACT 1956 (c. 69)

1 A prosecution for an offence to which paragraph 14 or 15 (incest and attempts thereat) of Part II of Schedule 2 (table of offences with mode of prosecution) relates shall not be commenced except by or with the consent of the Director of Public Prosecutions ; and accordingly in sub-paragraph (a) and (b) of each of those paragraphs, in the second column, for the words from " without" to " behalf " substitute " except by or with the consent " .

2 In paragraphs 17 and 18 of the said Part II (indecent assault)—
 (a) for sub-paragraph (ii) in the second column substitute—

(ii) “summarily (by virtue of section 16(2) of the Criminal Law Act 1977).”;

(b) in the third column, for the words from " As provided " to " or both)" substitute—

“As provided by section 28(1) of that Act (that is to say, six months or the prescribed sum within the meaning of that section, or both).”.

ADOPTION ACT 1958 (7 & 8 Eliz.2.c.5.)

In section 50 (prohibition of certain payments), after subsection (3) insert—

“(3A) This section does not apply to—

- (a) any payment made by an adoption agency to a person who has applied or proposes to apply to a court for an adoption order or an order under section 53 of this Act (provisional adoption orders), being a payment of or towards any legal or medical expenses incurred or to be incurred by that person in connection with the application; or

Status: This is the original version (as it was originally enacted).

- (b) any payment made by an adoption agency to another adoption agency in consideration of the placing of a child in the actual custody of any person with a view to the child's adoption ; or
- (c) any payment made by an adoption agency to a voluntary organisation for the time being approved for the purposes of this paragraph by the Secretary of State as a fee for the services of that organisation in putting that adoption agency into contact with another adoption agency with a view to the making of arrangements between the adoption agencies for the adoption of a child,

and never has applied to payments of the kinds mentioned in paragraphs (a) and (b) of this subsection.

In paragraph (c) of this subsection "voluntary organisation" means a body, other than a public or local authority, the activities of which are not carried on for profit."

OBSCENE PUBLICATIONS ACT 1959 (c. 66)

In section 3(3) (powers of search and seizure) at end add—

“Provided also that this subsection does not apply in relation to any article seized under subsection (1) of this section which is returned to the occupier of the premises or, as the case may be, to the user of the stall or vehicle in or on which it was found.”.

CRIMINAL JUSTICE ACT 1961 (c. 39)

- 1 In section 12(1) (return to borstal institution on re-conviction) for paragraph (b) (which relates to the re-conviction of a person who has become unlawfully at large from such an institution and has not returned or been returned thereto) substitute—
 - “(b) being detained or liable to be detained in a borstal institution.”.
- 2 (1) Section 26 (transfer of prisoner to serve sentence) shall be amended as follows.
 - (2) In subsection (1) (power of responsible Minister to order transfer of prisoner from one part of the United Kingdom to another)—
 - (a) after " to another part of the United Kingdom " insert " or to any of the Channel Islands or the Isle of Man " ; and
 - (b) for " in that part of the United Kingdom " substitute " there ".
 - (3) In subsection (4) (prisoner transferred to any part of the United Kingdom to be treated as if sentenced by a court there), after " any part of the United Kingdom " insert " or to any of the Channel Islands or the Isle of Man ", and for " in that part of the United Kingdom " substitute " there ".
 - (4) In paragraphs (a) and (b) of subsection (6) (supervision on release otherwise than in place of sentence) after " United Kingdom " insert " or island " .
- 3 (1) Section 28 (transfer of prisoner for trial) shall be amended as follows.
 - (2) In subsection (1) (power of responsible Minister to order transfer from one part of the United Kingdom to another)—
 - (a) after " to another part of the United Kingdom " insert " or to any of the Channel Islands or the Isle of Man "; and
 - (b) after " that other part" insert " or that island ".
 - (3) After subsection (1) insert—

Status: This is the original version (as it was originally enacted).

- “(1A) If it appears to the Secretary of State that a person serving a sentence of imprisonment or detention in any of the Channel Islands or the Isle of Man should be transferred to a part of the United Kingdom for the purpose of attending criminal proceedings against him there, the Secretary of State may make an order for his transfer to that part and for his removal to a prison or other institution there.”.
- (4) In subsection (2) (treatment of transferred prisoner while he remains in the part of the United Kingdom to which he has been transferred under subsection (1)), omit " subsection (1) of " and after " United Kingdom " insert " or island ".
- (5) In subsection (3) (transfer back after trial)—
- (a) after " subsection (1)", wherever occurring, insert " or (1A) ";
 - (b) after " Minister " insert " (in the case of a person so transferred to any part of the United Kingdom) or the Secretary of State (in the case of a person so transferred to any of the Channel Islands or the Isle of Man) " ; and
 - (c) after " country ", wherever occurring, insert " or island ".
- 4 (1) Section 29 (removal of detained person in the interests of justice or for the purposes of a public inquiry) shall be amended as follows.
- (2) In subsection (1) (power of responsible Minister to direct removal from one place to another within the United Kingdom), after " other part of the United Kingdom " insert " or in any of the Channel Islands or the Isle of Man ".
- (3) After subsection (1) insert—
- “(1A) If the Secretary of State is satisfied, in the case of a person detained in any of the Channel Islands or the Isle of Man in a prison, remand centre or detention centre, that the attendance of that person at any place in the United Kingdom is desirable in the interests of justice or for the purposes of any public inquiry, the Secretary of State may direct that person to be taken to that place.”.
- (4) In subsection (2), for " responsible Minister" substitute " Minister by whom that direction is given ".
- 5 In section 39(1) (interpretation) in paragraph (b) of the definition of " responsible Minister" for " the Minister of Home Affairs for Northern Ireland " substitute " the Secretary of State ".

LICENSING ACT 1964 (c. 26)

- 1 In section 30(5), as inserted by paragraph 4 of Schedule 7 to the Finance Act 1967 (duty of clerk to licensing justices to send list to Collector of Customs and Excise within eight days of end of licensing sessions)—
- (a) for " eight days " substitute " fourteen days "; and
 - (b) omit the words from " and the clerk " onwards (under which the clerk gets a fee for delivering a list of more than 25 names and commits an offence if he fails to comply with the subsection).
- 2 In section 169 (serving or delivering intoxicating liquor to or for consumption by persons under 18)—
- (a) in subsection (1) (which prohibits, in licensed premises, the licence holder or his servant from knowingly selling intoxicating liquor to a person under 18 or allowing such a person to consume it in a bar, and the licence holder

Status: This is the original version (as it was originally enacted).

- from knowingly allowing any person to sell it to a person under 18), for " subsection (4)" substitute " subsections (4) and (10) "; and
- (b) after subsection (9) add—

“(10) Where, as regards any licensed premises, the holder of the licence is charged with an offence under subsection (1) of this section in a case in which it is proved or admitted that he did not personally have the knowledge required for the commission of the offence charged, he shall not be convicted of the offence on the basis of another's knowledge if he proves that he exercised all due diligence to avoid the commission of an offence under that subsection.”

HOUSING ACT 1964 (c. 56)

In section 65, after subsection (1) (penalty for failure to comply with notice requiring execution of works under Part II of Housing Act 1961) insert—

“(1A) In the case of an offence under subsection (1) above committed in respect of a notice served under section 16 of the Act of 1961, that subsection shall have effect with the substitution of the words ' £500' for the words ' one hundred pounds ' in paragraphs (a) and (b).”

HOUSING (SCOTLAND) ACT 1966 (c. 49)

In section 110, after subsection (1) (penalty for failure to comply with notice requiring execution of works) insert—

“(1A) In the case of an offence under subsection (1) above committed in respect of a notice served under section 107 of this Act, that subsection shall have effect with the substitution of the words ' £500' for the words ' one hundred pounds' in paragraphs (a) and (b).”

CRIMINAL LAW ACT 1967 (c. 58)

In section 2(1) (under which an offence carrying a sentence of five years imprisonment or more is an arrestable offence) after " five years" insert " (or might be so sentenced but for the restrictions imposed by section 29 of the Criminal Law Act 1977) " and at the end add—

“The said restrictions are those which apply where, in pursuance of subsection (2) of section 23 of the said Act of 1977 (certain offences to be tried summarily if value involved is small) a magistrates' court summarily convicts a person of a scheduled offence within the meaning of the said section 23.”

ROAD TRAFFIC REGULATION ACT 1967 (c. 76)

- 1 In section 43(2) (penalty for contravention of designation order having effect by virtue of section 39(1)(a)) the words from "in the case of" to " carriageway" (the consequential omission of which was inadvertently not provided for in column 5 of Part II of Schedule 5 to the Road Traffic Act 1974) shall be omitted.
- 2 In section 78A (exceeding a speed limit imposed by or under certain enactments), in subsection (3)—
- (a) in paragraph (a), after " Act" insert " , except section 13(4); "; and
- (b) in paragraph (c), after " 1960 " insert " (except section 13(4) of this Act).

Status: This is the original version (as it was originally enacted).

- 3 In subsection (5) of section 80 as amended by section 131(2) of the Transport Act 1968 (which provides for payment of a fixed penalty under section 80 to be made to such justices' clerk as may be prescribed)—
- (a) for " prescribed" substitute " specified in the notice under subsection (2) above relating to that penalty ";
 - (b) for " the prescribed justices' clerk " substitute " the justices' clerk so specified " ; and
 - (c) omit " by virtue of regulations made for the purposes of this subsection " .
- 4 In section 92, for " Summary Jurisdiction (Scotland) Act 1954 " substitute " Criminal Procedure (Scotland) Act 1975 " .

CRIMINAL JUSTICE ACT 1967 (c. 80)

- 1 Section 3 (restrictions on reports of committal proceedings) shall be amended as follows—
- (a) in subsection (1), for " subsections (2) and (3) " substitute " subsections (2), (3) and (8) " ;
 - (b) in subsection (3) (under which it is not unlawful to report, " as part of a report of a summary trial, so much of any committal proceedings as precedes a determination by the court to proceed to try the case summarily) for the words from " section 18 " to " 1969 " substitute " section 25(3) or (7) of the Criminal Law Act 1977 (power to change from committal proceedings to summary trial) " ;
 - (c) after subsection (7) add—
 - “(8) For the purposes of this section committal proceedings shall, in relation to an information charging an indictable offence, be deemed to include any proceedings in the magistrates' court before the court proceeds to inquire into the information as examining justices; but where a magistrates' court which has begun to try an information summarily discontinues the summary trial in pursuance of section 25(2) or (6) of the Criminal Law Act 1977 and proceeds to inquire into the information as examining justices, that circumstance shall not make it unlawful under this section for a report of any proceedings on the information which was published or broadcast before the court determined to proceed as aforesaid to have been so published or broadcast.”.
- 2 In section 22, as amended by paragraph 37 of Schedule 2 to the Bail Act 1976, (extension of power of High Court to grant, or vary conditions of, bail)—
- (a) in subsections (1) and (2) for " inferior court " substitute " magistrates' court " ; and
 - (b) in subsection (4) omit " ' inferior court' means a magistrates' court or a coroner and " .
- 3 In section 23(2) (requirements as to bringing before a justice of the peace or court a person arrested after admission to bail), after paragraph (b) insert—
- “In reckoning for the purposes of this subsection any period of twenty-four hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.”
- 4 (1) Section 24 (process for minor offences) shall be amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (3) (under which proceedings are void if the defendant makes a statutory declaration that he did not know of the proceedings until a date after the trial of the information was begun and that declaration is served on the clerk to the justices within fourteen days of that date) for " fourteen days " substitute " twenty-one days ".
- (3) After subsection (4) (service of statutory declaration) insert—
- “(4A) If, on the application of the defendant it appears to a magistrates' court (which for this purpose may be composed of a single justice) that it was not reasonable to expect the defendant to serve such a statutory declaration as is mentioned in subsection (3) above within the period allowed by that subsection, the court may accept service of such a declaration by the defendant after that period has expired ; and a statutory declaration accepted under this subsection shall be deemed to have been served as required by that subsection.”.
- (4) The preceding provisions of this paragraph shall not apply in relation to proceedings commenced before the coming into force of this paragraph.
- 5 In section 44(5) (restrictions on magistrates' court's power to issue a warrant of commitment for a default in paying a sum adjudged to be paid by a conviction), for paragraph (b) substitute—
- “(b) the court—
- (i) is satisfied that the default is due to the offender's wilful refusal or culpable neglect; and
- (ii) has considered or tried all other methods of enforcing payment of the sum and it appears to the court that they are inappropriate or unsuccessful. ”
- 6 After section 44 insert as section 44A—

“44A Power of magistrates' court to fix day for appearance of offender at means inquiry etc.

- (1) Where under section 63(1) of the Magistrates' Courts Act 1952 a magistrates' court allows time for payment of a sum adjudged to be paid by a conviction of the court (' the adjudged sum'), the court may on that or any subsequent occasion fix a day on which, if any part of that sum remains unpaid on that day, the offender must appear in person before the court for either or both of the following purposes, namely—
- (a) to enable an inquiry into his means to be made under section 44 of this Act;
- (b) to enable a hearing required by subsection (6) of the said section 44 to be held.
- (2) Except as provided in subsection (3) of this section, the power to fix a day under this section shall be exercisable only in the presence of the offender.
- (3) Where a day has been fixed under this section, the court may fix a later day in substitution for the day previously fixed, and may do so—
- (a) when composed of a single justice ; and
- (b) whether the offender is present or not.

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- (4) Subject to subsection (5) of this section, if on the day fixed under this section—
- (a) any part of the adjudged sum remains unpaid; and
 - (b) the offender fails to appear in person before the court,
- the court may issue a warrant to arrest him and bring him before the court; and subsections (4) and (5) of section 70 of the Magistrates' Courts Act 1952 (execution of warrant for securing appearance of offender at means inquiry) shall apply in relation to a warrant issued under this section.
- (5) Where under subsection (3) above a later day has in the absence of the offender been fixed in substitution for a day previously fixed under this section, the court shall not issue a warrant under this section unless it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that notice in writing of the substituted day was served on the offender not less than what appears to the court to be a reasonable time before that day.”.
- 7 (1) Section 60 (release on licence of persons serving determinate sentences) shall be amended as follows.
- (2) In subsection (3) (which by virtue of paragraph (b) provides for the release on licence of a person serving a sentence of imprisonment for a term of eighteen months or more who was under the age of twenty-one when the sentence was passed), at the end add—
- “Provided that in England and Wales a person within paragraph (b) of this subsection shall not be released on licence by virtue of this subsection after he has attained the age of twenty-two.”.
- (3) After subsection (5) insert—
- “(5A) A licence granted to any person under this section in England and Wales shall, unless previously revoked under section 62 of this Act, remain in force until a date specified in the licence, being—
- (a) in the case of a licence granted to a person in respect of whom an extended sentence certificate was issued when sentence was passed on him, the date of the expiration of the sentence ;
 - (b) in the case of a licence granted under subsection (1) of this section to a person who was under the age of twenty-one when sentence was passed on him and is released on licence before attaining the age of twenty-two—
 - (i) if the date on which he attains the age of twenty-two is earlier than the remission date, the remission date ;
 - (ii) if the date on which he attains the age of twenty-two is not earlier than the remission date, the date on which he attains the age of twenty-two or the date of the expiration of the sentence, whichever is the earlier ;
 - (c) in the case of a licence granted by virtue of subsection (3)(b) of this section to a person who was under the age of twenty-one when sentence was passed on him, the date on which he attains the age of twenty-two or the date of the expiration of the sentence, whichever is the earlier;

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- (d) in a case not within any of the preceding paragraphs, the remission date.

In this subsection 'the remission date', in relation to a person released on licence under this section, means the date on which he could have been discharged from prison on remission of part of his sentence under the prison rules, if, after the date of his release on licence, he had not forfeited remission of any part of the sentence under the rules."

- (4) In subsection (6) (duration of licence, after "this section" insert " in Scotland " and, in paragraph (a), omit the words from " to a person " where they first occur to " or " .
- (5) Omit subsection (8)(d).
- (6) The preceding provisions of this paragraph shall not apply in relation to a licence granted before the coming into force of this paragraph.
- 8 (1) Section 63 (supervision of young, short-term prisoners after release) shall be amended as follows.
- (2) In subsection (1), for " shall be subject after his release from prison " substitute " shall, if released from prison before he has attained the age of twenty-two, be subject after his release " .
- (3) After subsection (1) insert—
- “(1A) A person who is under supervision as aforesaid by virtue of subsection (1) above at the time when he attains the age of twenty-two shall cease to be under supervision at that time, and accordingly, in their application to a person by virtue of that subsection, the provisions of the said Schedule 1 shall apply with the further modification that references to the period of twelve months from the date of his release shall be read as references to that period or the period from the date of his release to the date on which he attains the age of twenty-two, whichever is the shorter.”.
- (4) In subsection (2), for " the foregoing subsection" substitute " subsection (1) of this section " .
- (5) The preceding provisions of this paragraph shall not apply in relation to a person whose period of supervision under Schedule 1 to the Criminal Justice Act 1961 began before the coming into force of this paragraph.
- 9 In section 91 (drunkenness in a public place) omit subsection (5).

COMPANIES ACT 1967 (c.81)

- 1 In section 49(1) (certain offences to be triable summarily), after " triable " insert " only " .
- 2 Paragraph 1 above shall be deemed to have had effect as from the passing of the Companies Act 1967.

FIREARMS ACT 1968 (c. 27)

For paragraph 3 of Part II of Schedule 6 (under which a person charged with an offence specified in Schedule 1 to the Magistrates' Courts Act 1952 and an offence under section 17(1) or (2) of the Firearms Act 1968 (using firearm to resist arrest, and possessing firearm while committing

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certain offences) may not be tried summarily for the former if he is sent for trial for the latter) substitute the following paragraph—

- “3 (1) Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates' court with an offence triable either way listed in Schedule 3 to the Criminal Law Act 1977 (' the listed offence') and is also charged before that court with an offence under section 17(1) or (2) of this Act, the following provisions of this paragraph shall apply.
- (2) Subject to the following sub-paragraph the court shall proceed as if the listed offence were triable only on indictment and sections 19 to 24 of the said Act of 1977 (procedure for determining mode of trial of offences triable either way) shall not apply in relation to that offence.
- (3) If the court determines not to commit the accused for trial in respect of the offence under section 17(1) or (2), or if proceedings before the court for that offence are otherwise discontinued, the preceding sub-paragraph shall cease to apply as from the time when this occurs and—
- (a) if at that time the court has not yet begun to inquire into the listed offence as examining justices, the court shall, in the case of the listed offence, proceed in the ordinary way in accordance with the said sections 19 to 24 ; but
- (b) if at that time the court has begun so to inquire into the listed offence, those sections shall continue not to apply and the court shall proceed with its inquiry into that offence as examining justices, but shall have power in accordance with section 25(3) and (4) of the said Act of 1977 to change to summary trial with the accused's consent.”.

THEFT ACT 1968 (c. 60)

In section 28(1) (orders for the restitution of stolen goods), after " on the conviction " insert " (whether or not the passing of sentence is in other respects deferred) ".

GAMING ACT 1968 (c.65)

In section 8(7) (offences) for " section 67" substitute " section 68 ".

CHILDREN AND YOUNG PERSONS ACT 1969 (c. 54)

- 1 (1) Section 12 (power to include requirements in supervision orders) shall be amended as follows.
- (2) In subsection (2) (directions which order may empower supervisor to give), omit paragraph (a) (directions to live for a single period at a place specified by the supervisor) and for " paragraph (a) or (b) or paragraph (a) and (b) " substitute " paragraph (b) ".
- (3) In subsection (3) (restrictions as to periods specified in supervisor's directions)—
- (a) for paragraph (a) substitute—
- “(a) the aggregate of the periods specified in directions given by virtue of that subsection shall not exceed ninety days or such shorter period, if any, as the order may specify for the purposes of this paragraph ;”;

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- (b) omit paragraphs (b), (c) and (d) and, in paragraph (e), the words from " and if " onwards.
- 2 In section 13(3) (selection of supervisor for person placed under supervision of probation officer), omit the words from " or if " to " place" (which provide for the selected officer to be changed at the instance of the case committee).
- 3 In section 15(1) (variation and discharge of supervision order where supervised person is under the age of eighteen) for the words from "twelve months" to "with that date" substitute " three months beginning with the date when the order was originally made ",
and omit " in either case ".
- 4 In section 16(10) (meaning of "attendance centre order" etc. for purposes of section 15(4)(a))—
- (a) after " In ", where it first occurs, insert " paragraph (b) of subsection (2A) and ";
- (b) for " that paragraph" substitute " each of those paragraphs ";
- (c) for " section 15(4) " substitute " section 15(2A) or (4) ".
- 5 In paragraph 6 of Schedule 4 (restriction on power to make attendance centre order), at the end add " other than one consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction ".
- 6 Paragraphs 1 and 3 above, and any related repeal provided for in Schedule 13 to this Act, shall not apply in relation to supervision orders made before the coming into force of those paragraphs.

ROAD TRAFFIC ACT 1972 (c. 20)

- 1 In section 179 (restrictions on prosecutions for certain offences), in subsection (1) (offences to which section applies), after paragraph (a) insert—
- “(aa) any offence under subsection (4) of section 13 of the Road Traffic Regulation Act 1967 (traffic regulation on special roads) consisting of failure to observe a speed limit imposed by regulations under that section ; and”.
- 2 In Part I of Schedule 4 (prosecution and punishment of offences), in column 7 (additional provisions)—
- (a) in the entry relating to section 3, for " 4 " substitute " 3A, 4, 5 " ;
- (b) in the entry relating to section 18, after " paragraphs " insert " 3A ".
- 3 (1) Part IV of Schedule 4 (supplementary provisions as to prosecution, trial and punishment of offences) shall be amended as follows.
- (2) After paragraph 3 insert the following paragraph—
- “3A (1) Where on a person's trial on indictment in England or Wales for an offence under section 1, 2, or 17 the jury find him not guilty of the offence specifically charged in the indictment, they may (without prejudice to section 6(3) of the Criminal Law Act 1967) find him guilty—
- (a) if the offence so charged is an offence under section 1 or 2, of an offence under section 3 ; or

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- (b) if the offence so charged is an offence under section 17, of an offence under section 18.
- (2) The Crown Court shall have the like powers and duties in the case of a person who is by virtue of this paragraph convicted before it of an offence under section 3 or 18 as a magistrates' court would have had on convicting him of that offence.
- (3) In paragraph 5 (by virtue of which, on a prosecution on indictment for an offence to which section 179 does not apply, subsection (2) of that section does not prejudice any power of the jury to find him guilty of an offence under section 2)—
 - (a) (a) after " apply ", insert " or (if that section does not apply) as regards which the requirement of section 179(2) has been satisfied, or does not apply, ";
 - (b) after " section 2 ", add " or 3 ".

FINANCE ACT 1972 (c. 41)

Paragraph 9 of Schedule 6 (right of members of value added tax tribunals to refuse to serve on juries) shall cease to have effect as regards juries in England and Wales.

CRIMINAL JUSTICE ACT 1972 (c. 71)

- 1 In section 34(1) (power of constable to take drunken offender to a place approved by the Secretary of State as a medical treatment centre for alcoholics), omit " medical ".
- 2 In section 41(4) (time-limit of fourteen days for the exercise of power of magistrates' court to re-open a case to rectify mistakes etc.) for " fourteen days " substitute " twenty-eight days ".
- 3 Paragraph 2 above shall not apply in relation to sentences or other orders imposed or made, or findings of guilt pronounced, before the coming into force of this paragraph.

ADMINISTRATION OF JUSTICE ACT 1973 (c. 15)

- 1 In section 9(4) (abatement of salaries of holders of certain judicial offices, including the stipendiary magistrates mentioned in subsection (1)(e) and (f), by reference to pensions payable in respect of any public office in the United Kingdom or elsewhere), after " United Kingdom or " insert " , except as respects any holder of judicial office mentioned in subsection (1)(e) or (f) above, ".
- 2 Paragraph 1 above shall be deemed to have had effect as from the passing of the Administration of Justice Act 1973.

POWERS OF CRIMINAL COURTS ACT 1973 (c. 62)

- 1 (1) Section 1 (deferment of sentence) shall be amended as follows.
 - (2) In subsection (2) (under which passing sentence may not be deferred for more than six months after the date of the conviction), for " of the conviction " substitute " on which the deferment is announced by the court ".

Status: This is the original version (as it was originally enacted).

- (3) After subsection (4) (power of deferring court to pass sentence on offender during period of deferment if he is convicted in Great Britain of another offence) insert—

“(4A) If an offender on whom a court has under this section deferred passing sentence in respect of one or more offences is during the period of deferment convicted in England or Wales of any offence ('the subsequent offence'), then, without prejudice to subsection (4) above, the court which (whether during that period or not) passes sentence on him for the subsequent offence may also, if this has not already been done, pass sentence on him for the first-mentioned offence or offences:

Provided that—

- (a) the power conferred by this subsection shall not be exercised by a magistrates' court if the court which deferred passing sentence was the Crown Court; and
- (b) the Crown Court, in exercising that power in a case in which the court which deferred passing sentence was a magistrates' court, shall not pass any sentence which could not have been passed by a magistrates' court in exercising it.”.

- (4) In subsection (5) (summons to, or warrant for arrest of, offender where the passing of sentence has been deferred) for "it" substitute "or where the offender does not appear on the date so specified, the court".

- (5) For subsection (6) (which, where the trial of an information is adjourned by way of deferment under the section, excludes the obligation to remand the offender which would in certain circumstances be imposed by section 14(4) of the Magistrates' Courts Act 1952) substitute—

“(6) It is hereby declared that in deferring the passing of sentence under this section a magistrates' court is to be regarded as exercising the power of adjourning the trial which is conferred by section 14(1) of the Magistrates' Courts Act 1952, and that accordingly section 15 of that Act (non-appearance of the accused) applies (without prejudice to subsection (5) above) if the offender does not appear on the date specified in pursuance of subsection (2) above.

(6A) Notwithstanding any enactment, a court which under this section defers passing sentence on an offender shall not on the same occasion remand him.”.

- (6) After subsection (7) add—

“(8) The power of a court under this section to pass sentence on an offender in a case where the passing of sentence has been deferred thereunder does not extend to committing him to another court for sentence but, subject to that, includes power to deal with him in any way in which the court which deferred passing sentence could have dealt with him.”.

- 2 For section 2(5)(b) (which requires a probation order requiring residence in an institution to specify the name of the institution as well as the required period of residence, and imposes a limit of twelve months on that period) substitute—

“(b) where the order requires the offender to reside in an approved probation hostel or any other institution, the period for which he is so required to reside shall be specified in the order.”.

Status: This is the original version (as it was originally enacted).

- 3 In section 9(1) (breach of conditional discharge by young offenders)—
- (a) for the words from " not being" to " 1952" substitute " triable only on indictment in the case of an adult, " ;
 - (b) for the words from " such an offence " onwards substitute " an offence triable either way and had been tried summarily. " .
- 4 In section 15(2) (period within which work under a community service order is to be performed), at the end add " ; but, unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified in it. " .
- 5 In section 17(3) (power of Crown Court to revoke or vary community service orders), for the words from the beginning to "and it appears to the Crown Court" substitute—
- “(3) Where an offender in respect of whom such an order is in force—
- (a) is convicted of an offence before the Crown Court; or
 - (b) is committed by a magistrates' court to the Crown Court for sentence and is brought or appears before the Crown Court; or
 - (c) by virtue of subsection (2)(b) above is brought or appears before the Crown Court,
- and it appears to the Crown Court”.
- 6 In section 49—
- (a) in subsection (1), for "probation hostels and probation homes " substitute " and probation hostels " ;
 - (b) in subsection (2), for " approved probation hostels and approved probation homes" substitute " and approved probation hostels " .
- 7 Section 50 (inspection of approved bail hostels and of non-approved institutions for residence of probationers) shall be amended as follows—
- (a) in subsection (1) omit the words " Any approved bail hostel and " , and after " patient" insert " or in which a person is required to reside as a condition of bail granted to him " ;
 - (b) in subsection (2), after " apply to " insert " an approved bail hostel or " .
- 8 Section 51 (expenses and grants) shall be amended as follows—
- (a) in subsections (1)(a), (3)(e) and (4)(c), after " servants serving in " insert " approved bail hostels or " ;
 - (b) in subsection (3)(b), for "probation hostels and probation homes " substitute " and probation hostels " .
- 9 In section 57(1) (interpretation)—
- (a) in the paragraph beginning with the words " ' approved probation hostel ' ", for the words from the first " and " to "home approved" substitute " means a probation hostel approved " ; and
 - (b) in the paragraph beginning with the words "' probation hostel'", omit the words from " being persons who " onwards.
- 10 Paragraph 3(2)(b) of Schedule 1 (which precludes a supervising court from amending a probation order so as to require residence in an institution for more than twelve months in all) shall be omitted.
- 11 (1) Schedule 3 (the probation and after-care service and its functions) shall be amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In paragraph 3(1)(b) (remuneration, allowances and expenses of probation officers), for " prescribed " substitute " determined by the Secretary of State under paragraph 18A below ".
- (3) In paragraph 9 (selection of probation officer for probationer), omit the words from " or if " to "place" (which provide for the selected officer to be changed at the instance of the case committee).
- (4) In paragraph 18(1)(b) (power to make rules prescribing conditions of service etc. of probation officers and others) omit " conditions of service ".
- (5) At the end of paragraph 18 insert—

“Conditions of service of probation officers

18A The conditions of service of probation officers and staff appointed under paragraph 10 above shall be such as the Secretary of State may from time to time determine.”.

- (6) Any provision as to the conditions of service of probation officers or staff appointed under paragraph 10 of Schedule 3 which is made by any rules in force under paragraph 18(1) of that Schedule at the coming into force of sub-paragraphs (4) and (5) above shall have effect as if made by a determination of the Secretary of State under paragraph 18A of that Schedule, and shall accordingly be liable to alteration or cancellation by him by subsequent determination under the said paragraph 18A.

LEGAL AID ACT 1974 (c. 4)

- 1 (1) Section 29 (circumstances in which legal aid may be ordered to be given) shall be amended as follows.
 - (2) In subsection (4) (which provides that before making a legal aid order for the giving of aid to any person, a court must require him to furnish a written statement of his means), at the end add " unless it appears to the court that he is by reason of his physical or mental condition incapable of doing so ".
 - (3) In subsection (5) (which modifies subsections (3) and (4) in their application to persons under the age of sixteen) for " for the word ' shall' in subsection (4) there were substituted the word ' may' " substitute " in subsection (4) for the word ' shall' there were substituted the word ' may' and the words from ' unless ' onwards were omitted ".
 - (4) After subsection (5) insert—

“(5A) Where a court makes a legal aid order for the giving of aid to a person who has attained the age of sixteen and does so without first requiring him to furnish such a statement as is mentioned in subsection (4) above because it appears to the court that he is by reason of his physical or mental condition incapable of doing so, then, if it subsequently appears to any court having power to make a legal aid contribution order under section 32 below in connection with that legal aid order that he has become capable of furnishing such a statement, that court may require him to furnish such a statement.”.
- 2 In section 32 (power to order payment of contributions), after subsection (1) insert—

Status: This is the original version (as it was originally enacted).

“(1A) If a person to whom legal aid has been ordered to be given by a legal aid order made in the circumstances mentioned in subsection (5A) of section 29 above has failed to furnish a statement which he was subsequently required to furnish in pursuance of that subsection in connection with the legal aid order, he may for the purposes of any order proposed to be made under this section in connection with the legal aid order be treated as having resources and commitments which are such that he may reasonably be ordered to pay the whole amount of the relevant costs.”.

JURIES ACT 1974 (c. 23)

In Schedule 1, in Group B (which disqualifies from jury service persons concerned with the administration of justice) for " Civilians employed for police purposes by a police authority" substitute " Civilians employed for police purposes under section 10 of the Police Act 1964 ".

HEALTH AND SAFETY AT WORK ETC. ACT 1974 (c. 37)

In section 15(6)(d) (power to restrict punishments which can be imposed in respect of certain offences) after " punishments" insert " (other than the maximum fine on conviction on indictment) ".

REHABILITATION OF OFFENDERS ACT 1974 (c. 53)

In section 6(6)(a) (convictions in England and Wales which are to be disregarded for purposes of the provisions of section 6(4)(a) as to the extension of rehabilitation periods), for " an offence which is not triable on indictment" substitute " a summary offence or of a scheduled offence (within the meaning of section 23 of the Criminal Law Act 1977) tried summarily in pursuance of subsection (2) of that section (summary trial where value involved is small); ".

ADOPTION ACT 1976 (c. 36)

1 In section 28(8), for " subsection (6)" substitute " subsection (7) ".

2 In section 57 (prohibition of certain payments), after subsection (3) insert—

“(3A) This section does not apply to—

- (a) any payment made by an adoption agency to a person who has applied or proposes to apply to a court for an adoption order or an order under section 55 (adoption of children abroad), being a payment of or towards any legal or medical expenses incurred or to be incurred by that person in connection with the application; or
- (b) any payment made by an adoption agency to another adoption agency in consideration of the placing of a child in the actual custody of any person with a view to the child's adoption ; or
- (c) any payment made by an adoption agency to a voluntary organisation for the time being approved for the purposes of this paragraph by the Secretary of State as a fee for the services of that organisation in putting that adoption agency into contact with another adoption agency with a view to the making of arrangements between the adoption agencies for the adoption of a child.”

Status: This is the original version (as it was originally enacted).

In paragraph (c) 'voluntary organisation' means a body, other than a public or local authority, the activities of which are not carried on for profit.

BAIL ACT 1976 (c. 63)

- 1 In section 2(2), in the definition of "court", for "a justice of the peace or a coroner " substitute " or a justice of the peace " .
- 2 In section 3(8) (power of court granting bail to vary conditions of bail or impose conditions in respect of bail granted unconditionally)—
 - (a) for " it may " substitute " that court or, where that court has committed a person on bail to the Crown Court for trial or to be sentenced or otherwise dealt with, that court or the Crown Court may ";
 - (b) for " it was " substitute " bail was ";
 - (c) for " it has " substitute " has been ".
- 3 (1) Section 5 (supplementary provisions about bail) shall be amended as follows.
 - (2) After subsection (8) insert—
 - “(8A) An order under subsection (7) above shall, unless previously revoked, take effect at the end of twenty-one days beginning with the day on which it is made.
 - (8B) A court which has ordered the forfeiture of a security under subsection (7) above may, if satisfied on an application made by or on behalf of the person who gave it that he did after all have reasonable cause for his failure to surrender to custody, by order remit the forfeiture or declare that it extends to such amount less than the full value of the security as it dunks fit to order.
 - (8C) An application under subsection (8B) above may be made before or after the order for forfeiture has taken effect, but shall not be entertained unless the court is satisfied that the prosecution was given reasonable notice of the applicant's intention to make it.”
 - (3) After subsection (9) insert—
 - “(9A) Where an order is made under subsection (8B) above after the order for forfeiture of the security in question has taken effect, any money which would have fallen to be repaid or paid over to the person who gave the security if the order under subsection (8B) had been made before the order for forfeiture took effect shall be repaid or paid over to him.”
- 4 In section 7(4) (requirements as to bringing before a justice of the peace or court a person arrested after release on bail), after paragraph (b) insert—

“In reckoning for the purposes of this subsection any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.”

Status: This is the original version (as it was originally enacted).

SCHEDULE 13

Section 65.

REPEALS

Chapter	Short Title	Extent of Repeal
5 Ric. 2. Stat. 1. c. 7.	Forcible Entry Act 1381.	The whole Chapter.
15 Ric. 2. c. 2. (1391).	Statutes concerning forcible entries and riots confirmed.	The whole Chapter.
8 Hen. 6. c. 9.	Forcible Entry Act 1429.	The whole Chapter.
31 Eliz. 1.c. 11.	Forcible Entry Act 1588.	The whole Act.
21 Jac. 1. c. 15.	Forcible Entry Act 1623.	The whole Act.
9 Geo. 4. c. 69.	Night Poaching Act 1828.	Sections 4 and 11.
1 & 2 Will. 4. c. 37.	Truck Act 1831.	Section 10.
2 & 3 Vict. c. 71.	Metropolitan Police Courts Act 1839.	Section 24.
24 & 25 Vict. c. 100.	Offences Against the Person Act 1861.	In section 4, the words preceding " whosoever ".
38 & 39 Vict. c. 25.	Public Stores Act 1875.	Sections 7, 9 and 10.
38 & 39 Vict. c. 86.	Conspiracy and Protection of Property Act 1875.	Section 3. In sections 5 and 7, the words " or on indictment as hereinafter mentioned " . Section 9. Section 19(1) and (2).
39 & 40 Vict. c. 77.	Cruelty to Animals Act 1876.	Section 15. In section 17, the words from "or if" to "Justiciary".
42 & 43 Vict. c. 22.	Prosecution of Offences Act 1879.	In section 5, the words " or coroner" (wherever occurring) and the words " and coroner " and " inquisition " and the word " coroner" where it occurs before the words " or officer " .
44 & 45 Vict. c. 60.	Newspaper Libel and Registration Act 1881.	Section 5.
50 & 51 Vict. c. 46.	Truck Amendment Act 1887.	Section 13(1) and (3).
50 & 51 Vict. c. 71.	Coroners Act 1887.	In section 4, subsection (2) and, in subsection (3), the words from " and if " onwards.

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Chapter	Short Title	Extent of Repeal
		Section 5. Sections 9,10,16 and 20. In section 18, paragraphs (4) and (5).
51 & 52 Vict. c. xxxviii.	City of London Fire Inquests Act 1888.	The whole Act.
52 & 53 Vict. c. 63.	Interpretation Act 1889.	In section 27, the word "coroner".
55 & 56 Vict. c. 64.	Witnesses (Public Inquiries) Protection Act 1892.	In section 3, the words from "provided that" onwards. In section 6, paragraph (2).
5 & 6 Geo. 5. c. 90.	Indictments Act 1915.	In section 8(3), the words "inquisitions, and also to".
15 & 16 Geo. 5. c. 86.	Criminal Justice Act 1925.	Section 28(3).
16 & 17 Geo. 5. c. 59.	Coroners (Amendment) Act 1926.	Section 13(2)(a) and (d). Section 25.
8 & 9 Geo. 6. c. 42.	Water Act 1945.	In section 71(1) of Schedule 3, the second paragraph (b) and the word "or" preceding it.
10 & 11 Geo. 6. c. 14.	Exchange Control Act 1947.	In Part II of Schedule 5, paragraphs 2(3) and 3(1).
11 & 12 Geo. 6. c.43.	Children Act 1948.	In section 29(5), the words from "and to a further fine" onwards.
11 & 12 Geo. 6. c. 58.	Criminal Justice Act 1948.	In section 19(3), the words "or justice".
12, 13 & 14 Geo. 6. c. 101.	Justices of the Peace Act 1949.	Section 43(3).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	Customs and Excise Act 1952.	In section 283(2)(a), the words "or more". Section 285(1).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	Magistrates' Courts Act 1952.	Sections 18 and 19. Sections 24 and 25. Section 32. Section 102(3). In section 104, the proviso. Section 125. Section 127(2).

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 40.	Protection of Animals (Amendment) Act 1954.	Schedule 1. In paragraph 8 of Schedule 2, the words " and the trial by jury of certain summary offences ". In Schedule 3, paragraph 3. In section 3, the words from " subsection (1) of section one of the Protection of Animals Act 1911 " to " 1912" and the words from " respectively enactments" to 'animals and'.
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	In Part II of Schedule 2, the words in the fourth column of the entries relating to sections 30 to 32 and in the second column of the entries relating to sections 33 to 36 the words from " but subject " onwards in each entry. In Schedule 3, the entry relating to the Magistrates' Courts Act 1952.
5 & 6 Eliz. 2. c. 1.	Police, Fire and Probation Officers Remuneration Act 1956.	The whole Act, so far as unrepealed.
5 & 6 Eliz. 2. c. 29.	Magistrates' Courts Act 1957.	In section 1(1), paragraph (a).
6 & 7 Eliz. 2. c. 45.	Prevention of Fraud (Investments) Act 1958.	Section 13(2).
7 & 8 Eliz. 2. c. 66.	Obscene Publications Act 1959.	In the proviso to section 1(3), the words from " a cinematograph exhibition " to " in the course of ". In section 2, subsection (2) and, in subsection (3), the words " on indictment".
8 & 9 Eliz. 2. c. 57.	Films Act 1960.	Section 45(3).
9 & 10 Eliz. 2. c. 39.	Criminal Justice Act 1961.	Section 8(1). Section 11(2). In section 26(6), the proviso. In section 28(2), the words " subsection (1) of ".

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 60.	Suicide Act 1961.	In Schedule 1, the entry relating to the Coroners (Amendment) Act 1926.
10 & 11 Eliz. 2. c. 15.	Criminal Justice Administration Act 1962,	Sections 12(3) and 13. Schedule 3. In Part II of Schedule 4, the entry relating to the Magistrates' Courts Act 1952.
10 & 11 Eliz. 2. c. 52.	Penalties for Drunkenness Act 1962.	In section 1(2)(a) the words from " the first paragraph of section twelve " to " 1894 ". In section 1(2)(b) the words " section two of the Licensing Act 1902 ".
1963 c. 39.	Criminal Justice (Scotland) Act 1963.	Section 26. In section 53(1), the entries relating to section 26 and Schedule 3. In Schedule 3, Part II.
1963 c. 52.	Public Order Act 1963.	Section 1(1).
1964 c. 26.	Licensing Act 1964.	In section 30(5), the words from " and the clerk " onwards.
1966 c. 27.	Building Control Act 1966.	Section 1(8).
1966 c. 34.	Industrial Development Act 1966.	Section 8(10).
1966 c. 36.	Veterinary Surgeons Act 1966.	Section 19(2). Section 20(6).
1967 c. 1.	Land Commission Act 1967.	Section 82(5).
1967 c. 54.	Finance Act 1967.	In paragraph 4 of Schedule 7, the words from " and the clerk " onwards.
1967 c. 58.	Criminal Law Act 1967.	Section 4(5). Section 5(4).
1967 c. 60.	Sexual Offences Act 1967.	Section 4(2). Section 5(2). Section 7(2)(b). Section 9.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1967 c. 76.	Road Traffic Regulation Act 1967.	<p>In section 43(2), the words from " in the case of" to " carriageway ".</p> <p>In section 80, in subsection (5), the words " by virtue of regulations made for the purposes of this subsection", and, in subsection (11), the words from "and the" to "payable".</p> <p>Section 91.</p>
1967 c. 80.	Criminal Justice Act 1967.	<p>In section 22(4), the words " ' inferior court' means a magistrates' court or a coroner and".</p> <p>Section 27.</p> <p>Section 35.</p> <p>Section 43.</p> <p>In section 60, in subsection (6)(a), the words from " to a person " where they first occur to " or ", and subsection (8)(d).</p> <p>Section 91(5).</p> <p>Section 92(8).</p> <p>Section 93.</p> <p>In section 106(2)(f), the words " the Summary Jurisdiction (Scotland) Act 1954,".</p> <p>In Part I of Schedule 3, the entries relating to section 54 of the Metropolitan Police Act 1839, the Offences against the Person Act 1861, the Nursing Homes Registration (Scotland) Act 1938, the Fire Services Act 1947, the National Assistance Act 1948, section 8 of the Midwives Act 1951, section 9 of the Midwives (Scotland) Act 1951, the Dogs (Protection of Livestock)</p>

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Chapter	Short Title	Extent of Repeal
1968 c. 27.	Firearms Act 1968.	Act 1953, section 55 of the Food and Drugs Act 1955, section 119(4)(b) of the Highways Act 1959, section 20(2) of the Mental Health Act 1959 and section 43(1) of the Education (Scotland) Act 1962. In Part II of Schedule 3, the entry relating to the Public Health Act 1875. In Schedule 6, paragraphs 14 to 16 and 21. In section 57(4), the definition of " indictable offence ".
1968 c. 60.	Theft Act 1968.	Section 29(2). In Part III of Schedule 2, the entry relating to the Magistrates' Courts Act 1952.
1968 c. 73.	Transport Act 1968.	In section 131(2), the words "by virtue of regulations made for the purposes of this subsection ".
1969 c. 19.	Decimal Currency Act 1969.	In Schedule 8, paragraph 8.
1969 c. 51.	Development of Tourism Act 1969.	Paragraph 21 of Schedule 2. In paragraph 3 of Schedule 2, sub-paragraph (2) and, in sub-paragraph (4), the words " 2 and ", " the Director of Public Prosecutions or " and " as the case may be ".
1969 c. 54.	Children and Young Persons Act 1969.	In section 3, in subsection (1) (b) and in subsection (6), the words " within the meaning of the Magistrates' Courts Act 1952 ".
		In section 6, in subsection (1), the words " within the meaning of the Magistrates' Courts Act 1952 " and subsection (2). In section 12, subsection (2) (a) and, in subsection (3),

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Chapter	Short Title	Extent of Repeal
1969 c. 56.	Auctions (Bidding Agreements) Act 1969.	paragraphs (b) to (d) and, in paragraph (e), the words from " and if" onwards.
1970 c. 31.	Administration of Justice Act 1970.	In section 13(3), the words from " or if " to " place ".
		In section 15(1), the words " in either case ".
		Section 34(5).
		In Schedule 5, paragraph 56.
		In section 1, subsections (2) and (4).
		In section 41(6)(a), the words from " and in " to " Scotland) " and the words " in each case ".
		In section 51(1), the words from "In sections 2(4)" to " to the said section 6 ".
		In paragraph 4 of Part I of Schedule 9, the words " or inquisition ".
1971 c. 23.	Courts Act 1971.	Section 57(2).
		In section 59(5)(e), the words from " and " in the first place where it occurs to the end.
		In Schedule 8, paragraphs 15(1), 16 and 20, in paragraph 34(1) the words " 19(4), 25(5) ", paragraph 34(3) and in paragraph 48(a) the words " 14, 16, 21(c)".
1971 c. 38.	Misuse of Drugs Act 1971.	Section 26(4).
1972 c. 20.	Road Traffic Act 1972.	In Part I of Schedule 4, in the entry relating to section 1, in column 2, the words " or dangerous "; in the entry relating to section 2, in column 2, the words " and dangerous " and " generally "; in the entry relating to section 17, in column 2, the words " and dangerous ".

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1972 c. 60.	Gas Act 1972.	In Part IV of Schedule 4, in paragraph 3, the words " 5, 6 or 9 ". Section 43(2)(b) and the word " or " preceding it.
1972 c. 63.	Industry Act 1972.	In paragraph 4 of Schedule 1, sub-paragraph (2) and, in sub-paragraph (5), the words " the Director of Public Prosecutions" where first occurring.
1972 c. 71.	Criminal Justice Act 1972.	In section 34(1), the word " medical". Section 47.
1973 c. 14.	Costs in Criminal Cases Act 1973.	Section 20(3).
1973 c. 43.	Hallmarking Act 1973.	In paragraph 2 of Schedule 3, sub-paragraph (2) and, in sub-paragraph (5), the words " (2) and ".
1973 c. 62.	Powers of Criminal Courts Act 1973.	In section 2(8)(a), the words " or approved probation home ". In section 30, in subsection (1), the words "limiting the amount of the fine that may be imposed or " and subsection (2) . Section 33. In section 49, in subsection (1), the words "and homes", " respectively " and " and approved probation homes ", and, in subsections (2) and (3), the words " or home ". In section 50, in subsection (1), the words "Any approved bail hostel and", in subsection (2), the words or home", and, in subsection (3) , the words " any approved bail hostel or " and " hostel or".

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		<p>In section 51, the words "or homes" and "or home" wherever occurring.</p> <p>In section 57(1), in the paragraph beginning with the words "' probation hostel'", the words from " being persons who " onwards.</p> <p>In section 58(a), the word " 33 ".</p> <p>In Schedule 1, paragraph 3(2) (b).</p> <p>In Schedule 3:— in paragraph 9, the words from "or if" to "place"; in paragraphs 11 and 12, the words "probation homes"; in paragraph 18(1)(b), the words "conditions of service".</p> <p>In Schedule 5, paragraphs 6 and 8.</p>
1974 c. 40.	Control of Pollution Act 1974.	In section 87(3), the words from " section 3(2)" to " 18(2) of this Act or under ".
1974 c. 44.	Housing Act 1974.	In Schedule 13, paragraph 2.
1974 c. 50.	Road Traffic Act 1974.	<p>In Part II of Schedule 5, the entry relating to section 13(4).</p> <p>In Part III of Schedule 5, the entry relating to section 3 and, in the entry relating to section 17, in the second column, the words " and dangerous ".</p> <p>In Part IV of Schedule 5, paragraph 4(1) to (3) and (4) (a).</p>
1974 c. 52.	Trade Union and Labour Relations Act 1974.	Section 29(7).
1975 c. 20.	District Courts (Scotland) Act 1975.	Section 3(3).

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Chapter	Short Title	Extent of Repeal
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	In section 27(1), the words " to the Magistrates' Courts Act 1952 and " In Schedule 1, paragraph 26. Section 17. Section 325. In section 403(1), the words from " if " to " of payment of the fine " In section 403(4), the words from " or that Table " to the end. Section 403(5). In section 463(1), in paragraph (a) the word " 17 ", in paragraph (b) the words " 325 " and in paragraph (d) sub-paragraphs (i) and (iii). In Schedule 9, paragraphs 15 and 35.
1976 c. 42.	Protection of Birds (Amendment) Act 1976.	The whole Act.
1976 c. 63.	Bail Act 1976.	In section 2(2), the definition of " coroner's rules " Section 10. In Schedule 2, paragraph 4, in paragraph 37(4) the word " and " where it first occurs, and in paragraph 38 the words " in paragraph (a)".

SCHEDULE 14

Section 65.

TRANSITIONAL PROVISIONS

- 1 A provision contained in any of sections 14 to 26, 34 and 35 above or in Schedule 11 to this Act, and any related amendment or repeal provided for in Schedule 12 or 13 to this Act, shall not apply in relation to proceedings commenced before the coming into force of that provision.
- 2 In its application to an offence committed before the coming into force of section 23 above, section 29 above shall have effect as if, in paragraph (a), for " £500" there were substituted " £400 ".

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- 3 (1) This paragraph applies to any provision of this Act which relates to the punishment by way of fine or imprisonment which may be imposed on summary conviction of offences mentioned in section 30(3) above, in Schedule 1 or 2 to this Act or in Schedule 7A to the Criminal Procedure (Scotland) Act 1975.
- (2) A provision to which this paragraph applies shall have effect in relation to an offence for which proceedings are commenced after the material time even if that offence was committed before that time; but in the case of an offence committed before the material time, such a provision shall not render a person liable on summary conviction to any punishment greater than that to which he would have been liable on conviction on indictment if at the time of his conviction that provision had not yet come into force.
- (3) In relation to a provision to which this paragraph applies " the material time" means the time when that provision comes into force.
- 4 Section 59 above and any related repeal provided for in Schedule 13 to this Act, shall not apply to a term of imprisonment to be served by a defaulter which has been fixed or imposed before the commencement of that section.
- 5 Except as provided in paragraph 3 above a provision of this Act (other than section 29 or any provision mentioned in paragraph 4 above) which relates to the punishment by way of fine or imprisonment for any offence shall not affect the punishment for an offence committed before that provision comes into force.