



Criminal Justice Act 1982

1982 CHAPTER 48

PART III

FINES ETC.

Abolition of enhanced penalties

35 Abolition of enhanced penalties on subsequent conviction of summary offences under Acts of Parliament.

- (1) Subject to subsection (3) below, this section applies where under an Act a person convicted of a summary offence—
- (a) is 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; or
 - (b) is liable to imprisonment for a longer term in the case of a second or subsequent conviction; or
 - (c) is only liable to imprisonment in the case of a second or subsequent conviction.
- (2) Where this section applies, a person guilty of such an offence shall be liable on summary conviction—
- (a) to a fine or, as the case may be, a maximum fine of an amount not exceeding the greatest amount;
 - (b) to imprisonment for a term not exceeding the longest or only term, to which he would have been liable before this section came into force if his conviction had satisfied the conditions required for the imposition of a fine or maximum fine of that amount or imprisonment for that term.
- (3) This section does not apply to offences under—
- (a) section 33 to 36 of the ^{M1}Sexual Offences Act 1956 (brothel-keeping and prostitution); or
 - (b) section 1(2) of the ^{M2}Street Offences Act 1959 (loitering and soliciting for the purpose of prostitution).

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Marginal Citations

M1 1956 c. 69.

M2 1959 c. 57.

36 Abolition of enhanced penalties under subordinate instruments.

- (1) This section applies where an Act (however framed or worded) confers power by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction—
- (a) 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; or
 - (b) to imprisonment for a longer term in the case of a second or subsequent conviction; or
 - (c) to imprisonment only in the case of a second or subsequent conviction.
- (2) Any such Act shall have effect as if it conferred power by subordinate instrument to make a person liable—
- (a) to a fine or, as the case may be, a maximum fine of an amount not exceeding the greatest amount;
 - (b) to imprisonment for a term not exceeding the longest or only term, to which he would have been liable before this section came into force if his conviction had satisfied the conditions required for the imposition of a fine or maximum fine of that amount or imprisonment for that term.

Modifications etc. (not altering text)

C1 S. 36 amended by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 55(6), [Sch. 8 para. 16](#)

Introduction of standard scale of fines

^{F1}37 The standard scale of fines for summary offences.

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Textual Amendments

F1 S. 37 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 29](#) (with ss. 413(4), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Increase of fines

38 General increase of fines for summary offences under Acts of Parliament.

- (1) Subject to subsection (5) below and to section 39(1) below, this section applies to any enactment contained in an Act passed before this Act (however framed or worded) which, as regards any summary offence created not later than 29th July 1977 (the date

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- of the passing of the ^{M3}Criminal Law Act 1977), makes a person liable on conviction to a fine or maximum fine which—
- (a) is less than £1,000; and
 - (b) was not altered by section 30 or 31 of the Criminal Law Act 1977; and
 - (c) has not been altered since 29th July 1977 or has only been altered since that date by section 35 above.
- (2) Subject to subsection (7) below, where an enactment to which this section applies provides on conviction of a summary offence for a fine or maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine shall be treated for the purposes of this section as being the fine or maximum fine for the offence.
 - (3) Where an enactment to which this section applies provides for different fines or maximum fines in relation to different circumstances or persons of different descriptions, they are to be treated separately for the purposes of this section.
 - (4) An enactment in which section 31(6) and (7) of the Criminal Law Act 1977 (pre-1949 enactments) produced the same fine or maximum fine for different convictions shall be treated for the purposes of this section as if there were omitted from it so much of it as before 29th July 1977 had the effect that a person guilty of an offence under it was liable on summary conviction to a fine or maximum fine less than the highest fine or maximum fine to which he would have been liable if his conviction had satisfied the conditions required for the imposition of the highest fine or maximum fine.
 - (5) This section shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.
 - (6) The fine or maximum fine for an offence under an enactment to which this section applies shall be increased to the amount at the appropriate level on the standard scale unless it is an enactment in relation to which section 39(2) below provides for some other increase.
 - (7) Where an enactment to which this section applies provides on conviction of a summary offence for a fine or maximum fine in respect of a specified quantity or a specified number of things but also specifies an alternative fine or maximum fine, subsection (6) above shall have effect to increase—
 - (a) the alternative fine; and
 - (b) any amount that the enactment specifies as the maximum which a fine under it may not exceed,as well as the fine or maximum fine which it has effect to increase by virtue of subsection (2) above.
 - (8) Subject to subsection (9) below, the appropriate level on the standard scale for the purposes of subsection (6) and (7) above is the level on that scale next above the amount of the fine or maximum fine that falls to be increased.
 - (9) If the amount of the fine or maximum fine that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.
 - (10) Where section 35 above applies, the amount of the fine or maximum fine that falls to be increased is to be taken to be the fine or maximum fine to which a person is liable by virtue of that section.

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Modifications etc. (not altering text)

C2 S. 38 extended (N.I.) by Finance Act 1983 (c. 28), Sch. 9 para. 1(1)

Marginal Citations

M3 1977 c. 45.

39 Special cases.

- (1) Section 38 above does not apply—
- (a) to any enactment specified in Schedule 2 to this Act; or
 - (b) to the following enactments—
 - (i) ^{F2}
 - (ii) any enactment specified in the Schedule to the ^{M4}London Transport Act 1977 or in Schedule 1 to the ^{M5}British Railways Act 1977 to the extent that the enactment was amended by section 12(1) of the former Act or section 13(1) of the latter;
 - (iii) any enactment specified in Part I of Schedule 2 to the ^{M6}City of London (Various Powers) Act 1977.
- (2) The enactments specified in column 2 of Schedule 3 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 conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3.
- (3) The enactments specified in column 2 of Schedule 4 to this Act, which relate to certain maximum fines that may be imposed on a person otherwise than on conviction of an offence, their broad effect being described in column 1 of that Schedule, shall have effect as if the maximum fine that may be imposed were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine not exceeding the amount specified in column 3.

Textual Amendments

F2 S. 39(1)(b)(i) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3 5, Sch. 4 paras. 1, 2

Modifications etc. (not altering text)

C3 S. 39(1)(b)(ii) extended by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(a), Sch. 6 para. 27

Marginal Citations

M4 1977 c. xii.

M5 1977 c. xvii.

M6 1977 c. xv.

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40 General increase of fines under subordinate instruments.

- (1) Subject to subsection (4) below, this section applies to any enactment contained in an Act passed before this Act (however framed or worded) which confers a power, created not later than 29th July 1977, by subordinate instrument to make a person, as regards any summary offence (whether or not created by the instrument), liable on conviction to a fine or maximum fine which—
 - (a) is less than £1,000; and
 - (b) was not altered by section 31 of the ^{M7}Criminal Law Act 1977,if the fine or maximum fine to which a person may be made liable by virtue of the enactment has not been altered since 29th July 1977 or has only been altered since that date by section 36 above.
- (2) Subject to subsection (7) below, where an enactment to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine or maximum fine in respect of a specified quantity or a specified number of things, that fine or maximum fine shall be treated for the purposes of this section as being the fine or maximum fine to which a person may be made liable by virtue of the enactment.
- (3) Where an enactment to which this section applies confers a power to provide for different fines or maximum fines in relation to different circumstances or persons of different descriptions, the amounts specified as those fines or maximum fines are to be treated separately for the purposes of this section.
- (4) This section shall not affect so much of any enactment as (in whatever words) confers power by subordinate instrument to make a person liable on conviction to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.
- (5) Subject to subsection (6) below, the fine or maximum fine to which a person may be made liable by virtue of an enactment to which this section applies shall be increased to the amount at the appropriate level on the standard scale.
- (6) Subsection (5) above does not apply—
 - (a) to section 67(3) of the ^{M8}Transport Act 1962 (byelaws for railways and railway shipping services);
 - (b) to section 25(2) of the ^{M9}London Transport Act 1969 (byelaws for road transport premises);
 - (c) to the enactments specified in Part II of Schedule 2 to the ^{M10}City of London (Various Powers) Act 1977; or
 - (d) to the enactments specified in Schedule 2 to the ^{M11}British Railways Act 1977.
- (7) Where an enactment to which this section applies confers a power by subordinate instrument to make a person, as regards a summary offence, liable on conviction to a fine or maximum fine in respect of a specified quantity or a specified number of things but also confers a power by subordinate instrument to make a person, as regards such an offence, liable on conviction to an alternative fine or maximum fine, subsection (5) above shall have effect to increase—
 - (a) the alternative fine; and
 - (b) any amount that the enactment specifies as the maximum fine for which a subordinate instrument made in the exercise of the power conferred by it may provide,

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as well as the fine or maximum fine which it has effect to increase by virtue of subsection (2) above.

- (8) Subject to subsection (9) below, the appropriate level on the standard scale for the purposes of subsections (5) and (7) above is the level on that scale next above the amount that falls to be increased.
- (9) If the amount that falls to be increased is £400 or more but less than £500, the appropriate level is £1,000.
- (10) Where section 36 above applies, the amount that falls to be increased is the fine or maximum fine to which a person may be made liable by virtue of that section.

Marginal Citations

- M7** 1977 c. 45.
M8 1962 c. 46.
M9 1969 c. 1.
M10 1977 c. xv.
M11 1977 c. xvii.

^{F3}41 Emergency regulations.

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Textual Amendments

- F3** S. 41 repealed (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), s. 34(1), [Sch. 3](#); S.I. 2005/2040, art. 3(r)

42 Orders relating to spread of pests.

The following subsections shall be substituted for section 3(4) of the ^{M12}Plant Health Act 1967 (control of spread of pests in Great Britain)—

- “(4) An order made by a competent authority under this section may provide that a person guilty of an offence against the order shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or not exceeding a lesser amount.
- (4A) An order so made for preventing the spread in Great Britain of the Colorado beetle (*Leptinotarsa decemlineata* (Say)) may provide that a person guilty of an offence against the order relating to the keeping of living specimens of the beetle (in any stage of existence), or to the distribution in any manner of such specimens, shall be liable on summary conviction to imprisonment for not more than three months, as well as, or as an alternative to, a fine under subsection (4) above.”.

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Marginal Citations

M12 1967 c. 8.

F4 **43**

Textual Amendments

F4 S. 43 repealed (18.2.1993) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1)(2), Sch. 15 para. 21, Sch. 16 Pt. IX; S.I. 1993/274, art. 2(1).

44 **F5**

Textual Amendments

F5 S. 44 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. I

45 **F6**

Textual Amendments

F6 S. 45 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. II

Application of standard scale to existing enactments

46 Conversion of references to amounts to references to levels on scale.

- (1) Where—
- (a) either—
 - (i) a relevant enactment makes a person liable to a fine or maximum fine on conviction of a summary offence; or
 - (ii) a relevant enactment confers power by subordinate instrument to make a person liable to a fine or maximum fine on conviction of a summary offence (whether or not created by the instrument); and
 - (b) the amount of the fine or maximum fine for the offence is, whether by virtue of this Part of this Act or not, an amount shown in the second column of the standard scale,
- a reference to the level in the first column of the standard scale corresponding to that amount shall be substituted for the reference in the enactment to the amount of the fine or maximum fine.
- (2) Where a relevant enactment confers a power such as is mentioned in subsection (1)(a) (ii) above, the power shall be construed as a power to make a person liable to a fine or, as the case may be, a maximum fine not exceeding the amount corresponding to the

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level on the standard scale to which the enactment refers by virtue of subsection (1) above or not exceeding a lesser amount.

- (3) If [^{F7}regulations under paragraph 5 of Schedule 23 to the Sentencing Act 2020 alter the sums specified in section 122(1) of the Sentencing Code], the second reference to the standard scale in subsection (1) above is to be construed as a reference to that scale as it has effect by virtue of [^{F8}the regulations].
- (4) In this section “relevant enactment” means—
- (a) any enactment contained in an Act passed before this Act . . . ^{F9};
 - (b) any enactment contained in this Act;
 - (c) any enactment contained in an Act passed on the same day as this Act; and
 - (d) any enactment contained in an Act passed after this Act but in the same Session as this Act.
- (5) This section shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a maximum fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

Textual Amendments

- F7** Words in s. 46(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 71\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F8** Words in s. 46(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 71\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F9** Words repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), ss. 21, 23, 29, 31(8), [Sch. 1](#)

Modifications etc. (not altering text)

- C4** S. 46 extended (N.I.) by [Finance Act 1983 \(c. 28\)](#), s. 47, [Sch. 9 para. 1\(1\)](#)

47 Provisions supplementary to sections 35 to 46.

- (1) In sections 35 to 40 and 46 above “fine” includes a pecuniary penalty but does not include a pecuniary forfeiture or pecuniary compensation.
- (2) Nothing in any provision contained in sections 35 to 46 above shall affect the punishment for an offence committed before that provision comes into force.

Modifications etc. (not altering text)

- C5** S. 47 extended (N.I.) by [Finance Act 1983 \(c. 28\)](#), s. 47, [Sch. 9 para. 1\(1\)](#)

Power to alter maximum fines etc.

48 Power to alter sums.

- (1) In section 143 of the ^{M13}Magistrates’ Courts Act 1980 (power to alter sums specified in certain provisions)—
- (a) the following subsection shall be substituted for subsection (1)—

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“(1) If it appears to the Secretary of State that there has been a change in the value of money since the relevant date, he may by order substitute for the sum or sums for the time being specified in any provision mentioned in subsection (2) below such other sum or sums as appear to him justified by the change.”;

(b) in subsection (2)—

(i) the following paragraph shall be inserted after paragraph (a)—

“(aa) section 24(3) and (4) above;”;

(ii) the following paragraphs shall be inserted after paragraph (c)—

“(ca) section 34(3)(b) above;

(cb) section 36 above;”;

(iii) the following paragraphs shall be added after paragraph (e)—

“(f) any provision mentioned in Schedule 6A to this Act;

(g) paragraph 11(2) of Schedule 5A to the Army Act 1955 and to the Air Force Act 1955 (compensation orders);

(h) paragraph 14(1) of that Schedule and paragraph 14(1) of Schedule 4A to the Naval Discipline Act 1957 (recognizance from parents and guardians);

(i) section 2(13) of the Children and Young Persons Act 1969 (recognizance from parents and guardians);

(j) the Table in section 31(3A) of the Powers of Criminal Courts Act 1973;

(k) section 8(1)(b) of the Armed Forces Act 1976 (maximum fine awarded by Standing Civilian Courts);

(l) paragraph 22(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (various offences relating to sex establishments);

(m) paragraph 23(2) of that Schedule (permitting persons under 18 to enter sex establishments and employing persons known to be under that age in the business of sex establishments);

(n) section 7(4)(a) of the Cinematograph (Amendment) Act 1982 (using premises without licence);

(o) section 37(2) of the Criminal Justice Act 1982.”;

^{F10}(c)

; and

(d) in subsection (5), for the words “Criminal Law Act 1977” there shall be substituted the words “Criminal Justice Act 1982”.

^{F10}(2)

Textual Amendments

F10 S. 48(1)(c)(2) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), [Sch.13](#); [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)

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Marginal Citations

M13 1980 c. 43.

Shipping and oil pollution

F1149

Textual Amendments

F11 S. 49 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with s. 312(1), Sch. 14 para. 1)

F1250 **Fines for offences against regulations relating to wireless telegraphy apparatus on foreign ships and aircraft.**

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Textual Amendments

F12 S. 50 repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), s. 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

Fine enforcement

51 Variation of instalments and means inquiries.

(1) The following section shall be inserted after section 85 of the ^{M14}Magistrates' Courts Act 1980—

“85A Variation of instalments of sum adjudged to be paid by conviction.

Where under section 75 above a magistrates' court orders that a sum adjudged to be paid by a conviction shall be paid by instalments, the court, on an application made by the person liable to pay that sum, shall have power to vary that order by varying the number of instalments payable, the amount of any instalment payable, and the date on which any instalment becomes payable.”.

(2) In section 86 of that Act (power of magistrates' court to fix day for appearance of offender at means inquiry etc.)—

(a) the following subsections shall be substituted for subsection (1)—

“(1) A magistrates' court which has exercised in relation to a sum adjudged to be paid by a conviction either of the powers conferred by section 75(1) above shall have power, either then or later, to fix a day on which, if the relevant condition is satisfied, 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 82 above;

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(b) to enable a hearing required by subsection (5) of the said section 82 to be held.

(1A) Where the power which the court has exercised is the power to allow time for payment of a sum (“the adjudged sum”), the relevant condition is satisfied if any part of that sum remains unpaid on the day fixed by the court.

(1B) Where the power which the court has exercised is the power to order payment by instalments, the relevant condition is satisfied if an instalment which has fallen due remains unpaid on the day fixed by the court.”; and

(b) the following paragraph shall be substituted for subsection (4)(a)—
“(a) the relevant condition is satisfied; and”.

Marginal Citations

M14 1980 c. 43.

52 Reciprocal execution in England and Wales and Northern Ireland of warrants of commitment for non-payment of sum adjudged to be paid by conviction.

After section 38A of the ^{M15}Criminal Law Act 1977 there shall be inserted the following section—

“38B Further provision for execution of warrants of commitment for nonpayment of sum adjudged to be paid by conviction in England and Wales or Northern Ireland.

- (1) Subject to subsection (6) below, a person against whom there has been issued in England and Wales a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Northern Ireland by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in Northern Ireland; and Article 158(4) and (5) of the Magistrates’ Courts (Northern Ireland) Order 1981 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such warrant which has been issued in England and Wales as they apply in relation to the execution of a warrant for arrest.
- (2) Subject to subsection (6) below, a person against whom there has been issued in Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in England and Wales by any constable acting within his police area in like manner as if the warrant were a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction in England and Wales.
- (3) A person arrested by virtue of subsection (1) or (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested; and while so detained he shall be treated

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for all purposes as if he were detained under a warrant of commitment issued in that part of the United Kingdom.

(4) A warrant of commitment issued by a court in Northern Ireland may be executed in England and Wales by virtue of this section whether or not it has been endorsed under section 27 of the Petty Sessions (Ireland) Act 1851.

(5) In this section—

“part of the United Kingdom” means England and Wales or Northern Ireland;

“prison” means—

- (a) in the case of a person who is under the age of 21 years arrested in England and Wales, any place in which he could be detained under section 12(10) of the Criminal Justice Act 1982; and
- (b) in the case of a person under that age arrested in Northern Ireland, a young offenders centre; and

“sum adjudged to be paid by a conviction” has the meaning given by section 150(3) of the Magistrates’ Courts Act 1980 or, in Northern Ireland, Article 2(5) of the Magistrates’ Courts (Northern Ireland) Order 1981.

(6) This section shall not apply to the arrest of persons under the age of 17 years.”.

Marginal Citations

M15 1977 c. 45.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 32(1A)(ca) words inserted by [2021 c. 11 Sch. 13 para. 36](#)